



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

21 March 2017

7.32pm

Present

Cr Mary Delahunty (Mayor)
Cr Tony Athanasopoulos
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

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

12. CONSIDERATION OF IN CAMERA ITEMS**Recommendation**

That the meeting be now closed to members of the public under Section 89(2)(d) of the *Local Government Act 1989* in order to consider:

12.1 which relates to the awarding of the contract for GESAC Wellness Centre Construction
Tender number 2017.013

Number of tenders received	3)
Number of evaluation criteria tenders assessed against	Three (3)
Proposed contract value	\$499,273

13. CLOSURE OF MEETING



ORDINARY MEETING OF COUNCIL
Held in the Council Chamber, Glen Eira Council Offices,
Corner Hawthorn Road and Glen Eira Road, Caulfield
on Tuesday 21 March at 7.32pm

The Mayor, Cr Delahunty provided an explanation to the gallery that the meeting has commenced in the auditorium to consider the first item on the agenda as it was expected that there may be a large number of the community wishing to attend. The Mayor advised at the conclusion of this item the meeting would be adjourned to then resume in the Council Chamber.

1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement

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

2. APOLOGIES

There were no apologies submitted to the meeting.

3. OATH OF OFFICE AND DISCLOSURE OF INTEREST

Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our 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 us under the Local Government Act or any other Act to the best of our skill and judgement.

Councillors are also reminded of the requirements 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.

Disclosures of Interest

- It is recorded that Cr Athanasopoulos declared an indirect conflict of interest in item 9.14 – Re-introduction of Special Rate Scheme: Carnegie Shopping Centre
- It is recorded that Cr Athanasopoulos declared an indirect conflict of interest in item 9.15 – Re-introduction of Special Rate Scheme: Elsternwick Shopping Centre
- It is recorded that Cr Esakoff declared an indirect conflict of interest in item 9.15 – Re-introduction of Special Rate Scheme: Elsternwick Shopping Centre

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS

4.1 Confirmation of the Minutes

Moved: Cr Silver

Seconded: Cr Sztrajt

That the minutes of the Ordinary Meeting of Glen Eira City Council held on Tuesday 28 February 2017 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITION AND JOINT LETTERS

There were no petitions submitted to the meeting.

6. DOCUMENTS FOR SEALING

There were no documents for sealing submitted to the meeting.

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

There were no reports by Delegates submitted to the meeting.

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

- i. Audit Committee Minutes – 17 February 2017

Recommendation**Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That the minutes from the following Advisory Committee meetings be received and noted and the recommendations be adopted.

- Audit Committee – 17 February 2017

CARRIED UNANIMOUSLY

b. Records of Assembly

- i. 21 February 2017

Recommendation**Moved: Cr Magee****Seconded: Cr Silver**

That the Record of the Assemblies as shown below be received and noted.

- i. 21 February 2017

CARRIED UNANIMOUSLY

AUDIT COMMITTEE

Minutes of Meeting held on 17 February 2017

Committee Attendees:

Committee Members:

- David Gibbs, Chairman
- Lisa Woolmer, Independent Member
- Dr Craig Nisbet, Independent Member
- Cr Jim Magee

Council Officers:

- Rebecca McKenzie, Chief Executive Officer
- Peter Swabey, Director Corporate Services
- John Vastianos, Chief Financial Officer
- Roger Dunn, Works Depot Manager (Item 5)
- Tammy Gelley, Manager Public Health (Items 6)
- Aidan Mullen, Manager City Futures (Item 6)

Internal Auditors (Oakton):

- Linda Lim, Oakton (Item 5)
- Megan McCullagh, Internal Audit Senior Manager (Item 5)

External Auditors (Victorian-Auditor General's Office):

- Andrew Greaves, Victorian Auditor-General (Item 4)
- Tim Loughnan, Sector Director – Local Government, VAGO
- Sanchu Chummar, Senior Manager – Local Government, VAGO

Apologies:

- Cr Tony Athanasopoulos
- Lisa Tripodi, Partner, Oakton

Minutes:

- John Vastianos, Chief Financial Officer
-

The Committee met at 8am in-camera in discussion of broad issues facing Council and the risk elements thereof. The Mayor Cr Delahunty attended this part of the meeting only.

1. Matters for Agenda

The Chairman welcomed Andrew Greaves (Victorian Auditor-General) to the meeting and noted apologies from Cr Tony Athanasopoulos and Lisa Tripodi (Oakton).

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 breaches were reported.

2. Confirmation of Committee Minutes

The minutes of the previous Audit Committee meeting held on 24 November 2016 were confirmed.

3. Confirmation of Action Items

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

Mr Swabey indicated the IT and Digital Strategies will be considered at the May Audit Committee, as the reports are currently being reviewed and finalised.

Ms McKenzie discussed the action item regarding the Ombudsman's report relating to the transparency of local government decision making and referred to Information Paper No. 1. The Ombudsman's report was published on 15 December 2016. The report, and advice to Officers, found that while most of Council's processes were consistent with legislative requirements and sector best practice, a weakness had been found with Council's Delegated Planning Committee. The issue has now been resolved.

4. Briefing from the Victorian-Auditor General's Office (VAGO)

Mr Greaves gave an overview of the Victorian-Auditor General's Office. Mr Greaves spoke about his leadership role in the State and Local Government sector and the main area of focus being parliamentary reporting on Local Government. Mr Greaves is seeking advice from audit committees and Council officers on what information would be useful for reporting purposes.

Mr Greaves commented on the administrative burden placed on the sector with various reporting and stated that VAGO would be reviewing the efficiency and effectiveness of current indicators, including financial sustainability indicators.

Mr Greaves also commented on the current level of detail with year-end reporting and confirmed that VAGO will be supporting further review of the year-end model accounts to ensure simplification, materiality, relevance and a review of note disclosures. In addition, Mr Greaves said that VAGO would be requesting Councils to set early timeframes for key deliverables such as valuations of infrastructure assets.

Valuations could be completed in March to streamline the year-end process and create the possibility of June accounts completed by end July.

Mr Greaves requested the template for the 2016-17 end-of-year accounts be tabled at the next Audit Committee meeting in preparation for the year end process.

In addition Mr Greaves mentioned upcoming changes with the new accounting standard related to Related Party Disclosures.

Mr Greaves also spoke about his interest for continuous improvement and innovation and will lobby with other government bodies to drive change.

Mr Greaves left the meeting at 9:05am.

5. Internal Audit Reviews (Oakton)

a) Internal Audit Activity Report

Ms McCullagh presented the Internal Audit Activity Report. It was noted that the Infringement Management Review had been replaced by the Claims Management Review. The CFO tabled the scope for the Claims Management Review. The Audit Committee noted the change made to the Internal Audit Plan based on management advice as to priorities.

Audit works have commenced for the Contract and Claims Management Reviews and the reports will be tabled at the Audit Committee meeting in May 2017.

Ms McCullagh presented the emerging themes identified in other Victorian Local Councils including inadequacies in: segregation of duties, reporting of key issues to management and visibility of approval process. Other themes and insights included: migration of system controls and lack of IT architecture expertise as part of cloud migration.

b) Works Depot Review

The Chairman welcomed Mr Dunn to the meeting at 9:05am.

Ms McCullagh presented the Works Depot Report. The overall objective of this review was to provide assurance to the adequacy and effectiveness of processes and controls in place for the management of Council's Depot.

Ms McCullagh said that the review highlighted a number of positives at the works depot, with no major concerns.

Overall, Oakton found areas for improvement including access to the Depot and general administrative policies and procedures. The Audit Committee noted the report, Internal Audit recommendations and management action plans to address these.

Mr Dunn left the meeting at 9:30am.

c) Rates and Revenue Review

Ms McCullagh presented the Rates and Revenue Report. The review was to provide assurance that controls surrounding the rates management processes and calculation of rates were operating effectively.

Ms McCullagh stated there were a number of positive findings found as part of the Rates Review.

Overall, Oakton found that Council had established adequate procedures and controls to manage rates revenue, which were operating effectively and being consistently applied as evidenced by audit sample testing. The Audit Committee noted the report and management responses.

Mr Nisbet requested an overview of the process by which Council Officers review the policies in a timely manner.

6. Risk Management Rolling Progress Reports

a) Public Health – Risk Review

The Chairman welcomed Ms Gelley and Mr Mullen to the meeting at 9:50am.

Ms Gelley presented the Public Health risk management review covering: incorrect dosages and medication for vaccinations, failure to maintain quality/integrity of vaccines, food safety and the impact of new technologies, safe and hygienic prescribed accommodation, safe and hygienic operation of public health businesses, safe and suitable water at public swimming pools.

Ms Gelley left the meeting at 10:05am.

b) Strategic Planning – Risk Review

Mr Mullen presented the Strategic Planning risk management review which included an overview of the newly formed City Futures department, which combines the Strategic Planning, Economic Development and Strategic Transport units. Mr Mullen stated that the Strategic Planning unit's main role is to review and update the Glen Eira Planning Scheme to best manage the City's current and future needs.

The review of Council's Planning Scheme will include: improve the performance of the Planning Scheme and strengthen its strategic objectives; address key issues faced by the municipality; and ensure consistency with state policies and strategies.

The key risks identified included: the Strategic work plan not completed in adopted timeframe, the Planning scheme not adequately updated or not updated at all, lack of community ownership of process and outcome and planning Scheme amendment-failure in process (not meeting State Government expectations).

Mr Mullen left the meeting at 10:25am.

The Chairman requested a report from the Manager, City Futures to provide an update on structural plans and activity centres.

7. Audit Committee Charter Review

The CFO presented the Audit Committee Charter which was tabled for review.

The charter incorporates: objectives of the audit committee, charter and terms of reference, composition, term of membership, remuneration of independent members, records of meetings, duties and responsibilities.

The Audit Charter was approved as tabled subject to some minor amendments for consideration by Council.

8. Information Items (Action & Follow-up Items)

The Committee noted information items that were tabled including: actions items from previous meetings, VAGO sustainability indicators for 2015-16, current review of Councillor expenses, update on rate capping and organisational strategic risks.

Ms McKenzie discussed Council's GETT Program which is the key flagship project that will deliver organisational transformation. The program is the basis for Council to be successful and sustainable for the long term. It is focused on the continuous improvement of Council services and assets, the elimination of wasted effort, and the delivery of a work environment where everyone can achieve their best in line with our values.

The Chairman requested a list of projects that will be covered in the Continuous Improvement Program and associated quick wins that were conducted at the launch of the program.

In addition, the Chairman requested a risk business review covering the GETT program.

Mr Loughnan noted that he would be an apology at the May Audit Committee and a representative from VAGO will be at the meeting to discuss the 2016-17 Interim Management Letter.

9. Closure of Meeting

The meeting concluded at 10:45am.

10. Next Meeting

The next Audit Committee meeting is scheduled for Friday, 26 May 2017.

11. Audit Committee Action Items

Item No.	Meeting Date Requested	Item	Responsible Officer	Proposed Completion Date
1	27 May 2016	Internal Audit Reports to be provided to the Executive Management Team going forward.	Chief Financial Officer	Ongoing
2	17 February 2017	Invite the Auditor-General to the August Audit Committee.	Chief Financial Officer	18 August 2017
3	24 November 2016	Reports on IT and Digital Strategies.	Manager Information Services & Director Corporate Services	26 May 2017
4	17 February 2017	Template for the 2016-17 Annual Accounts.	Chief Financial Officer	26 May 2017
5	17 February 2017	Overview of the process of how Council is reviewing its current policies.	Corporate Counsel	26 May 2017
6	17 February 2017	Report by Manager, City Futures on updated structural plans and activity centres.	Manager City Futures	24 November 2017
7	17 February 2017	List of projects identified in the Continuous Improvement and Innovation Program and quick wins to date.	Chief Executive Officer	26 May 2017
8	17 February 2017	Risk review of the GETT program.	Risk Management Coordinator	26 May 2017

12. Schedule of Meeting Dates

The Audit Committee is scheduled to meet on the following dates during 2017:

- 26 May 2017
- 18 August 2017
- 24 November 2017

Assembly of Councillors

21 February 2017

Record under S 80 A (2)

Meeting commenced at 6.45PM.

A. Present

Cr Mary Delahunty (Mayor)
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

Council Officers

Rebecca McKenzie, CEO
Peter Jones
Samantha Krull
Peter Swabey
Ron Torres
Rocky Camera
Aidan Mullen
Rachel Olivier
Janice Pouw

B. Matters considered.

- (i) Apologies – Cr Tony Athanasopoulos
- (ii) Presentation: David Wolfe Chief Municipal Inspector, Local Government Investigations
- (iii) Presentation: Community Plan 2017-2021 Theme Summaries

7.47pm Cr Taylor left the briefing room
7.49pm Cr Taylor entered the briefing room
7.57pm Cr Magee left the briefing room
7.59pm Cr Magee entered the briefing room

9.17pm Briefing adjourned
9.17pm Cr Taylor left the briefing and did not return
9.30pm Briefing Resumed

Present:

Cr Mary Delahunty
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee

Cr Joel Silver
Cr Dan Sztrajt

- (iv) Activity Centre – Draft Vision, Objectives & Projects
- (v) Council Papers for the 28 February 2017 Council Meeting comprising sixteen officer reports together with standing items on the agenda.
 - 4 Confirmation of the Minutes of the previous meeting
 - 8(a) Advisory Committees – NIL
 - 8(b) Records of Assembly
 - 9.1 472 & 476 -482 Kooyong Road & 11 Saturn Street, Caulfield South

Cr Esakoff declared a conflict of interest and left the briefing at 10.35pm

10.50pm Cr Silver left the briefing

10.52pm Cr Silver entered the briefing

Cr Esakoff entered the briefing at 10.52pm

- 9.2 670-672 Centre Road & 51 Browns Road, Bentleigh East
 - 9.3 813-815 Glen Huntly Road, Caulfield
 - 9.4 27-29 Bent Street, Bentleigh
 - 9.5 360 Neerim Road, Carnegie
 - 9.6 VCAT Watch
 - 9.7 Parking review of streets around Hawthorn Road, Glen Eira Road and Kooyong Road, Caulfield
 - 9.8 EE Gunn Reserve Landscape Masterplan
 - 9.9 Victoria's 30-year Infrastructure Strategy
 - 9.10 January Financial Management Report
 - 9.11 Quarterly Services Report
 - 11 Ordinary Business
 - 11.1(a) Cr Taylor – Community Gardens
 - 11.1(b) Cr Magee – Parking review
 - 11.1(c) Cr Hyams – 40kmh signs McKinnon Primary School
 - 11.2 Right of Reply
 - 11.3 Councillor questions
- (vi) General Business
MAV Board election
Basketball update

Assembly finished at 11.56 PM

9. PRESENTATION OF OFFICERS REPORTS

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ITEM 9.1 88-100 MCKINNON ROAD, MCKINNON - PLANNING SCHEME AMENDMENT C143

Author: *Jacqui Brasher, Principal Strategic Planner*

File No: *Amendment C143*

Attachments: *1. Table summarising submissions received for AmC143*
 2. Revised Design and Development Overlay Schedule 6

PURPOSE AND SUMMARY

To consider submissions received in relation to a planning scheme amendment to rezone the land and introduce building envelope controls.

Proposal	<p>The amendment proposes to:</p> <ul style="list-style-type: none"> • Rezone the land from Industrial 3 Zone to a Mixed Use Zone; • Apply an Environmental Audit Overlay. • Apply a Design and Development Overlay to the land and insert a new Schedule to the Design and Development Overlay.
Proponent	Dash Urban Planning on behalf of Gil and Ofira Bareket.
Planning Scheme Controls	<ul style="list-style-type: none"> • Industrial 3 Zone • Special Building Overlay (SBO) • McKinnon Neighbourhood Centre (Housing Diversity Area)
Municipal Strategic Statement	<ul style="list-style-type: none"> • <i>“To identify preferred use and development options for industrial sites nearing the end of their economic life”; and</i> • <i>“Encourage a mix of housing types, increased residential densities and mixed use developments within urban villages and neighbourhood centres”.</i>

RECOMMENDATION

That Council:

- notes the submissions received;
- endorses the revisions to the Design and Development Overlay (Schedule 6) in accordance with tracked changes at Attachment 2;
- refers submissions and the revised Schedule 6 to an independent panel in accordance with Section 23 of the *Planning and Environment Act 1987*.

BACKGROUND



The land is currently zoned Industrial 3 and is 3,671sqm in area. The proposed rezoning will provide for future redevelopment of the land with uses that are more appropriate to the site's context than those currently allowed under the Industrial 3 Zone.

As the sites have a history of industrial uses, it is proposed to introduce a control which ensures the site is decontaminated before development (Environmental Audit Overlay). A Certificate or Statement of Environmental Audit will be required before any future development of a sensitive use (such as residential).

Ultimately if this amendment is approved, a detailed planning application will still need to be submitted at a later stage. The application will be subject to the usual public notification and Council approval process.

ISSUES AND DISCUSSION

The amendment has been sought to allow increased development opportunities to this redundant industrially zoned area.

A total of 186 submissions have been received in relation to this amendment (180 objecting submissions and 6 supporting submissions). **Attachment 1** is a table containing a summary of each submission.

The submissions can be broadly summarised in the following categories:

Objecting submissions:

1. Inappropriateness of the Mixed Use Zone:

Submitter Summary:

Many submissions state that the Mixed Use Zone is not appropriate as this area of McKinnon Road is not a major retail centre and future development will not respond to the existing preferred neighbourhood character. They believe the only appropriate zoning is a residential one. The Mixed Use zone allows uses that are considered inappropriate for this area.

Officer Response:

The amendment site is located on McKinnon Road, within the McKinnon Neighbourhood Centre and within 450m of the McKinnon train station. Though not located within or directly adjacent to the McKinnon shopping centre, it is located in an area containing a mix of commercial and retail uses including a florist and medical centres on all remaining corners of McKinnon and Wheatley Roads. This large redevelopment site is ideally located for a higher density mixed use development. The Mixed Use Zone falls within the suite of residential zones in the planning scheme. Any proposal that requires a planning permit will most likely be advertised to neighbouring residents.

It is Council Policy to 'identify preferred use and development options for industrial sites nearing the end of their economic life'.

Strategies include:

- 'Encourage the conversion of isolated pockets of industrially zoned land to residential where residential land use surrounds such sites.*
- Encourage conversion of derelict industrial sites to residential or mixed use activity where appropriate'.*

The proponent is arguing that the subject site is appropriate for a mixed use development and therefore complies with Council Policy. The application of the General Residential Zone could also comply with this.

Recommendation:

Refer this submission to Panel.

2. Rezoning will result in an overdevelopment of the site:

Submitter Summary:

Submitters are concerned about the proposed height of the building (4 storeys). Some submitters are also concerned with the proposed built form setbacks, including presentation to the street frontage and restriction of landscaping opportunities due to the potential loss of front and side setbacks. Submitters are concerned that the 'look and feel' of McKinnon Village will be lost if this amendment and future development goes ahead.

The majority of development in the surrounding area is 1 to 3 storeys. There is a concern that the proposed height is inconsistent with the concept of scaling down of building heights from the village centre. The height will not respond to the local context and will result in an overdevelopment of the site. The future development will dominate the streetscape, restrict views and landscaping opportunities, and create visual bulk and mass.

Officer Response:

The amendment proposes the application of the Design and Development Overlay to introduce restrictions to the built form envelope in terms of heights and setbacks. The proposed control proposes a mandatory maximum height of 4 storeys. There are generous rear setback requirements within the DDO, with the fourth storey recessed 18 metres from the southern (residential) boundary.

However there are no requirements in the DDO for front and side upper floor setbacks to provide articulation to the street to ensure that the upper floors are recessive when viewed from the two street frontages. It is considered appropriate to revise the DDO to include further built form guidance. The following setbacks are proposed:

- Third storey: McKinnon Road and Wheatley Road setback – at least 2.0 metres from the relevant street frontage.*
- Fourth Storey: McKinnon Road and Wheatley Road setback – at least 5.0 metres from the relevant street frontage.*

A further requirement for a verandah along both the McKinnon and Wheatley Road frontages to provide both weather protection for pedestrians and also to create articulation to the front façade is also considered appropriate. A corner splay of at least 3 x 3 metres should also be noted in the DDO for the north-west corner of the site to provide greater sight lines for both pedestrians and cars.

The eastern boundary of the site borders land located within the General Residential Zone (Schedule 2), which allows development of up to 3 storeys with generous rear setbacks. With the exception of the 4th floor, which has a proposed rear setback of 18 metres, the rear setbacks proposed for the subject development match the rear setbacks required for levels 1-3 within the General Residential Zone (Schedule 2). The Mixed Use Zone requires any building constructed adjacent to no. 102 McKinnon Road to comply with the ResCode setback requirements. It is important to note that there are no height controls in the existing Industrial 3 Zone. During the planning application stage (should this amendment be approved), Council will require the proponent to provide shadow diagrams to ensure that adequate sunlight is available to the private open space of adjacent dwelling.

With the setback changes proposed for the northern and western boundaries and the ResCode requirements for the eastern façade of the building, it is considered that the proposed height of any future development will sit well within McKinnon Road/Wheatley Road skyline and not result in visual bulk.

It is not considered that the proposed DDO (with changes suggested in this report) will result in an overdevelopment of the site. A planning application will be required to be submitted at a later date and property owners/occupiers will have the ability to view the plans and become involved in the application process, should they have concerns about the development of this site.

Recommendation:

- *Revise the DDO to include changes relating to articulation of the McKinnon Road and Wheatley Road street frontages in accordance with changes noted above.*
- *Refer this submission to Panel.*

3. Increasing traffic and parking issues in an area that is already under pressure.

Submitter Summary:

Almost every objecting submitter commented on the existing traffic and parking issues in the local area, stating that parking in the area is already difficult and that the intersection of Wheatley and McKinnon Roads is often congested. Submissions state the new development will only make the current situation worse.

Officer Response:

It is difficult to understand at this stage of the process the full impact of a development until a planning application is submitted containing information such as the proposed uses, car parking to be provided and how that parking is to be accessed.

The proposed DDO contains information requirements that would need to be submitted with any future planning application, including the submission of a Traffic Impact Assessment. This document would be referred to Council's Traffic Engineer for comment and will also form part of the documentation made available to the public for comment. At the planning application stage, the applicant will need to demonstrate that appropriate parking and safe access to and from the site is provided for all uses. Public or visitor parking for any new uses will need to be provided. It is also important to note that a new development could result in additional on-street parking becoming available on McKinnon Road if some or all of the existing vehicular crossings are removed and the naturestrip in front of the site is reinstated.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) have made a submission to this amendment and have suggested the following wording be added to the DDO:

"The Traffic Impact Assessment and Management Plan should also take into consideration:

- Existing and proposed public transport routes and stops and infrastructure near the site;*
- The expected demand for travel by people who live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents;*
- Green Travel Plan initiatives, including new resident awareness and education program".*

The revisions proposed by DEDJTR are considered reasonable.

Recommendation:

- Amend Schedule 6 to the DDO to include the revisions proposed by DEDJTR.*
- Refer this submission to Panel.*

4. Residential Amenity Impacts

Submitter Summary:

Loss of amenity from overshadowing, overlooking, pedestrian safety and noise (from intensification of uses on the site and possible late night trading), waste management, odours emanating from the property, all leading to a potential decreased quality of life.

The Mixed Use Zone does not require a planning permit for a number of different uses that have the ability for extended trading hours.

McKinnon High School is already at capacity. Where will any further children go to school?

Increased population = increased crime rate.

Large developments bring a transient population that don't have the same sort of respect for their environment.

Officer Response:

The amendment proposes generous rear setbacks of any new building on the site. This will greatly assist with both overlooking and overshadowing concerns. The Mixed Use Zone includes a requirement that:

"Any building or works constructed on a lot that abuts land which is in a General Residential Zone....Neighbourhood Residential Zone....must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-4, 55.04-5 and 55.05-6".

Therefore the development will be required to comply with these objectives in relation to eastern setbacks, overlooking, overshadowing of open space and adequate daylight to north facing windows on adjoining properties, as they would for any residential development.

Though overlooking will also be assessed at the planning application stage and is required to be compliant with the ResCode provisions, it is preferred that overlooking be alleviated through the use of horizontal planter boxes to balconies (rather than highlight windows, obscure glass or external screens) so that overlooking is restricted whilst also providing a 'greener' view of the proposed development from neighbouring properties. This preference should be detailed in the DDO.

A requirement for a Construction Management Plan could be added to the DDO as an application requirement to ensure that noise and dust and other facets of the construction process are managed appropriately and detriment to neighbours is minimised.

It is also considered appropriate to require an acoustic report from a suitably qualified sound engineer with any planning application submitted for future development. The report will provide details of the level of noise likely to occur from the proposed uses and works required to ensure noise emitted from the property is at appropriate level for the neighbourhood. Any noise emanating from the property, once constructed will have to comply with EPA and Council local law requirements. Anybody concerned with excessive noise in the future have rights to put in a complaint that will be assessed by Council or the EPA.

A Waste Management Plan is an application requirement noted in the DDO.

It is understood that McKinnon Secondary College is nearing capacity, however provision of school facilities for a growing population is a State Government issue and cannot be a reason to prevent this amendment being decided upon. The State Government encourages higher density development in locations such as the McKinnon Neighbourhood Centre.

There is no evidence that approval of this amendment will lead to a development that will result in increased crime in the local area.

Pedestrian safety will be reviewed with any future development plan. Council will insist on sight triangles at the vehicle entry/exit points to ensure that both pedestrians and drivers can see when cars are entering or exiting the site.

Recommendation:

- *Refer this submission to Panel.*
- *Amend the DDO to include the following point: "Overlooking from balconies be treated through the use of horizontal measures including deep garden beds at the edge of the balcony that prevent downward overlooking of private open space and habitable room windows within 9 metres of the edge of the balcony. The use of highlight windows, external louvres or obscure glass as screening treatments from habitable rooms or spaces are discouraged".*
- *Include a requirement within Section 3.0 of the DDO for a Construction Management Plan and Acoustic Report to be provided with any future planning application.*

5. Potential for flooding due to proposed development:Submitter Summary:

Submitters were concerned that such a large development and basement car parking could result in increased overland flows and result in flooding.

Officer Response:

The subject site is covered by a flood overlay (Special Building Overlay), therefore any future application will be required to be submitted to Melbourne Water for their approval of drainage considerations and floor and flood levels. Melbourne Water responded to this amendment stating they had no objection but noting that they own an asset at 94 McKinnon Road (Main Drain). Any new development providing a basement car park would be required to provide a storm water retention system to ensure that water runoff from the subject site is not allowed to flow out of the property uncontrolled.

Recommendation:

Refer this submission to Panel.

6. Viability of new retail businesses in the area:Submitter Summary:

Some submitters are concerned that McKinnon Village is not a major retail strip and has struggled to remain viable. The location of new retail premises some distance from the train station and main retail area leads to further questions about the potential viability of any new retail premises.

Officer Response:

The existing land uses are commercial in nature and while there are a variety of different uses that could be allowed under the Mixed Use Zone including residential, office, retail, medical centre, café, restaurant the rezoning is not considered to be significantly altering the centre's retail balance or viability.

Recommendation:

Refer this submission to Panel.

7. No way of telling what the impact of this development will be:Submitter Summary:

A number of submitters object to the amendment due to the lack of detail provided in this amendment process....*"Unless we are given more details about what exactly is the potential future development, we can only position ourselves against the amendment"*.

Officer Response:

Council is able to consider a request for rezoning only (with no built form controls in the form of a Design and Development Overlay). In this instance, Council officers insisted on built form controls to provide more certainty to neighbouring residents of the general form that any future building may take. While it is understood that residents are concerned about what may be constructed, this detail will form part of the future planning permit application. Residents will have the chance to be involved in this process and any future appeal to VCAT.

At present, Council can only assess whether the proposed zone is acceptable in this area based on Council's planning policy and whether the proposed built form controls will result in a general building form that is acceptable in this location.

Recommendation:

Refer this submission to Panel.

8. Setting a precedent:

Submitter Summary:

Submitters were concerned that allowing the rezoning and four storey building in this location would 'open the floodgates' to similar proposals along Wheatley Road and other nearby streets.

Officer Response:

This property is an unusual site in that it is a very large and underutilised piece of industrial land within an area that is earmarked for increased development due to its location within the McKinnon Neighbourhood Centre. It is considered that this amendment is consistent with State and Local Planning Policy as set out in the Explanatory Report for the amendment and also noted below (see Policy and Legislative Implications).

Council is required to consider every amendment proposal that is submitted on its merits and Council has the ability to refuse to proceed with an amendment if it is deemed inconsistent with Council's planning policy.

Recommendation:

Refer this submission to Panel.

9. Decreasing property values:

Submitter Summary:

A number of submitters were concerned with potential loss of property values if the development goes ahead.

Officer Response:

Council has not been provided with any evidence to suggest that the development will affect housing prices and this is not a relevant town planning consideration for planning scheme amendment decision making.

Recommendation:

Refer this submission to Panel

Supporting Submissions:

10. The site is currently an unattractive use of a valuable piece of urban village land:

Submitter summary:

"I would like my children to have the opportunity to live in an urban village, not be nudged to the outer suburbs by a concerted NIMBY movement...Please be respectful of impacted residents regarding overshadowing".

Officer Response:

Any future planning application will need to provide shadow diagrams and will be required to generally comply with setback requirements which will ensure that residents to the south and east are not detrimentally impacted by the development.

Recommendation

Refer this Submission to Panel.

11. Suggested amendments to the DDO by Department of Economic Development, Jobs, Transport and Resources (DEDJTR):

Submitter Summary:

DEDJTR have no objections to the amendment however they suggest changes to the Traffic Impact Assessment section of the DDO, as follows:

- "Existing and proposed public transport routes and stops and infrastructure near the site;
- The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents.
- Green Travel Plan initiatives, including a new resident awareness and education program".

Officer response:

Council officers agree with this proposed amendment to the DDO.

Recommendation:

Refer submission to Panel with Council endorsement of proposed DDO revisions.

Additional comments from the Planning Office:

It is considered appropriate to provide some guidance on future building form and materials in the DDO. The following dot points are built into the DDO and provide general guidance to any future developer in relation to weather protection, screening of plant and equipment, facade articulation, roof material, provision of passive surveillance of the street, safe building entries and front fencing.

- Weather protection for pedestrians should be provided along McKinnon and Wheatley Roads.
- Plant and equipment, including lifts shafts and ventilation mechanisms, must be designed so as not to distract from the overall appearance of the building and be appropriately screened or integrated into the architectural design of the building.
- Front façade: Upper levels to be well articulated though variations in setback or architectural treatment.
- Roof materials: Tile, powder coated steel or similar alternative where the roof is visible from public areas and roads.
- Windows and balconies should be included in levels 2 and 3 that provide for passive surveillance over the adjoining streets.
- Building entry locations should be designed to provide a safe environment for building visitors through the provision of passive surveillance across building entrances, and the incorporation of Crime Prevention Through Environmental Design (CPTED) principles.
- Fences to habitable areas and ground floor private open space should not exceed 1.2m in height.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

State Government Policy Objectives

Residential Development - "To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport".

Commercial - "To encourage development which meet the communities needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities".

Local Policy Objectives

"To ensure a greater diversity of housing to meet future housing needs".

"To stimulate and improve the vitality of Glen Eira's commercial centres".

"To maintain a mix of commercial centres that cater for the needs of the Glen Eira community".

"To enhance and further develop urban villages and neighbourhood centres as the focus for community life".

“To identify preferred use and development options for industrial sites nearing the end of their economic life”.

Planning Scheme Amendment Process

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

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
2. If there are no submissions Council can ‘adopt’ 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 input from interested parties. With regard to the current proposal, Council is at Step 3.

COMMUNICATION AND ENGAGEMENT

The amendment has undergone a public exhibition process as followings:

- 109 notices posted notifying owners and occupiers of neighbouring and nearby properties of the amendment and referral authorities.
- 4 signs on site
- 1 notice in local newspaper (Moorabbin Leader)
- 1 notice in Government Gazette
- Amendment documentation available on Council’s website

The exhibition period was open from 17 November – 23 December 2016.

182 submissions were received.

Planning Conference was held on 23 February 2017. More than 30 people attended the conference, including the proponent, submitters, chaired by Councillor Jamie Hyams, and

Council staff. The responses from both submitters and the proponent appearing at the Planning Conference helped inform this report. The main concerns raised at the conference were the height of any future building being totally out of character with the existing residential area, traffic and parking issues, potential flooding (and existing flooding issues) and loss of amenity through noise, overshadowing and overlooking.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

It is considered appropriate to refer all submissions to an independent panel. All submitters will be invited to be heard and elaborate on their submission at the Panel Hearing. If submitters are unable to attend this hearing, their written submission will still be taken in to account.

Moved: Cr Hyams

Seconded: Cr Magee

That Council:

- notes the submissions received;
- abandons the proposed Mixed use Zone and Design and Development Overlay.
- endorses a General Residential Zone (Schedule 2) and an Environmental Audit Overlay; and
- refers submissions and the General Residential Zone (Schedule 2) and an Environmental Audit Overlay to an independent panel in accordance with Section 23 of the Planning and Environment Act 1987.

CARRIED

ITEM 9.1 - ATTACHMENT 1

Table summarising submission received: C143

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 45, 47, 48, 49, 53, 56, 58, 59, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 1551, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180	<ul style="list-style-type: none"> Abandon Amendment C143. Enable residents to input into decisions related to appropriate rezoning and appropriate height and setback provisions. The DDO6 proposes a 4 storey development in the middle of clearly defined RGZ and NRZ. The size and character will create an anomaly building and dominate the landscape, creating visual bulk and physical mass. Mixed Use Zone is inappropriate for the site. McKinnon Road is not a major retail centre. The only appropriate zoning is residential. The MUZ does not require a planning permit for businesses with extended trading hours – compromising residents’ right to quiet enjoyment of their premises. The industrial buildings currently on site have very set hours and have minimum impact. Overlooking/loss of privacy and overshadowing/decrease of natural sunlight. Increased traffic and parking issues. Delivery issues. Waste management. Increased noise. Water run off. Safety concerns (increased number of people loitering). Ultimately this will destroy the overall character of McKinnon and set a dangerous precedent. 	1, 2, 3, 4, 5, 8 Refer submissions to Panel.

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
3	<ul style="list-style-type: none"> • We require clarification regarding the setback from the southern boundary. Is it referring to our northern boundary, given there is a laneway in between? • Overshadowing (proposed building will be on northern side of our property). • Loss of privacy. • We strongly oppose future uses such as bars or restaurants. • Noise and accumulation of rubbish/odour around the neighbourhood. • It looks significantly out of proportion in terms of density on the new site compared to the neighbourhood. • Unless we are given more details about what exactly is the potential future development, we can only position ourselves against the amendment. 	2, 4, 7 Refer submission to Panel
8	<ul style="list-style-type: none"> • We voted Councillors in on the platform of NO inappropriate development – what happened? • McKinnon School is full and can't take any more students. Where will they go? • Traffic and parking already an issue. • Devaluation of property. • Safety of community must come first. 	3, 4, 9 Refer submission to Panel
16	<ul style="list-style-type: none"> • McKinnon School is already at capacity and can't cope with increased demand. • Infrastructure at McKinnon Village is already not coping with increased traffic. • Parking. 	3, 4 Refer submission to Panel
18	<ul style="list-style-type: none"> • Object to Amendment C143. Stop the rezoning from Industrial 3 to Mixed Use. 	Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
23	<ul style="list-style-type: none"> Traffic and Parking Four storey apartment will fill the skyline. Two storeys is more in keeping with the area. Would like to know how many new apartments are envisaged. 	2, 3 Refer submission to Panel Nb. Council is not currently aware of the future uses of the site and therefore cannot comment on how many apartments (if any) are proposed.
29	<ul style="list-style-type: none"> Reduction in storm water absorption due to large floor coverage. Concerned with increased stormwater runoff and flooding. This will have an impact on nearby properties – there is an open drain across some of our properties. Mixed Use Zone is inappropriate for the site given the surrounding residential sites. The site is an isolated pocket, clearly the only appropriate zone is residential. DDO height limit for 14.5m is inappropriate to the surrounding residential zones. This will create a building anomaly that will dominate the streetscape, creating visual bulk and physical mass. Overlooking and overshadowing. Increased traffic and parking issues. Nearby Bent street has intolerable traffic congestion and developments in that street are continuing unabated. Dangerous precedent. 	1, 2, 4, 5, 8 Refer submission to Panel
37	<ul style="list-style-type: none"> I am not against development however the height proposed will restrict my enjoyment of sunlight and not blend in with the surrounding area. Restricted views. 	4 Refer submission to Panel
40	<ul style="list-style-type: none"> Inappropriate development in a 'village environment'. Excessive pressure on current infrastructure – traffic and parking. Safety issues for drivers, pedestrians and residents. Further increases in population in confined area will increase our crime rate. 	2, 3, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
46, 57, 63	<ul style="list-style-type: none"> • Object to Amendment C143. • Allowing a 4 storey building would set a precedent along Wheatley Road. Opening the floodgates. Where does it end? • Increase traffic and parking. • McKinnon Village is local and quiet. Large 4 storey building would detract from this feel in every way. • Overshadowing. • Overlooking. • Devaluation of properties. • This will cause undue detriment to the peaceful and permissible amenity that we residents currently enjoy. • Noise pollution from ground floor businesses and noisy patrons late at night. • Object to rezoning because there is no way of telling what the true impact to residents will be. • The MUZ is not an appropriate zone for McKinnon Village because of the types of business it allows. 	1, 2, 4, 7, 8, 9 Refer submission to Panel
50	<ul style="list-style-type: none"> • Abandon Amendment C143. • The proposed MUZ and 4 storey DDO are inappropriate for this location. And will have significant adverse impact on residential amenity – noise, road safety, increased traffic congestion/volumes, increased demand for parking, excessive height and detrimental impact on neighbourhood character and streetscape. • MUZ is inappropriate due to increased uses and extended trading hours which generate significant noise, traffic and parking. It is located away from the centre's commercial areas. It lacks facilities (parking, train station) and complementary businesses, commercial zones 'buffering' impact on noise levels impacting residential zones. It is not readily accessible by the majority of centre residents. • Contrary to the designation of McKinnon Village as a neighbourhood centre (3 storeys). • Inconsistent with the concept of scaling down building heights from 	1, 2, 3, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
	<p>the Village Centre towards the NRZ.</p> <ul style="list-style-type: none"> Site is within the SBO. It is not and should not be a justification for an additional storey. Will result in visual bulk, dominance and overshadowing. Absence of front and site setbacks. Restricts landscaping opportunities. 	
51	<ul style="list-style-type: none"> Concerned with height and question as to whether there would be commercial premises at street level. This is the edge of a quiet suburban environment – extra traffic, noise and parking issues are very worrying. Ambience of McKinnon Village would be severely diminished. The Village has the potential to become our own “Maling Road”. The thought of this lost is quite distressing. Huge increase in population and impact on local schools as well as crowding of park amenities. This change in zoning will ‘open the floodgates’ for more development. Possibility of this large apartment development bringing a transient population. These residents do not have the same sort of respect for their environment. 	2, 3, 4, 8 Refer submission to Panel
53	<ul style="list-style-type: none"> Object to Amendment C143. Loss of quality of life and privacy. Reduced light. Noise due to the quantity of apartments. 	4 Refer submission to Panel
54	<ul style="list-style-type: none"> Object to Amendment C143 (attachment to email was not provided – just the name and address of objector). 	Refer submission to Panel
55	<ul style="list-style-type: none"> Too many apartments of three storeys or more are being built here. Trees and gardens are being destroyed to the detriment of our suburb. Traffic and parking. 	3, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
61	<ul style="list-style-type: none"> • Overshadowing and overlooking in Jean Street. • Precedent for allowing 4 storey development in Wheatley Road. • Change to feel of McKinnon Village. • Reduced amenity. • Traffic and Parking. 	3, 4, 8 Refer submission to Panel
76	<ul style="list-style-type: none"> • Strongly object. • Greedy owners/developers have no regard for the quiet amenity of McKinnon. • Increased traffic. • Set precedent. 	3, 8 Refer submission to Panel
77,78	<ul style="list-style-type: none"> • Object to 4 storey units being built. Inappropriate to have such high density in that area. • Increased traffic. • Irresponsible of Council to approve. • Council have already ruined Bent Street – don't ruin the whole suburb. 	2, 3 Refer submission to Panel
115	<ul style="list-style-type: none"> • Object to Amendment C143. • It does not respond to the existing preferred neighbourhood character of the area and will lead to significant detriment in the amenity and character of the adjacent GRZ and NRZ. • There are inadequate parking facilities for the proposed street level retail that will lead to further traffic and parking congestion on McKinnon and Wheatley Roads. • Whilst we support the rezoning of land from Industrial 3 Zone, this would be on the basis that it is in line with the general planning strategy and rezoned to GRZ2. • There could be up to 12 retail shops proposed. McKinnon Road is not a major retail strip and has struggled to remain viable. The location of further retail premises some distance from the train station and main retail strip leads to further questions about their viability. • Parking, traffic congestion and safety. 	1, 3, 6, 7, 8 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
	<ul style="list-style-type: none"> Height of development – four storeys will not make this a 'gateway' building – it's size and character will dominate the landscape, creating visual bulk and physical mass. Setting a precedent in the area. 	
146	<ul style="list-style-type: none"> Agree that a rezoning of this site to another use would be beneficial to the community. Disappointed that Mixed Use Zoning is proposed with a height of 14.5m without any setbacks from the north and west street frontages. The Mixed Use Zone and DDO will have an adverse impact on neighbourhood character and on adjoining properties. The site is not suitable for the sort of development implied in the rezoning. Suggest a reduction in height in the schedule to 10.5m and a minimum setback of 4.5m from the north and west street frontages. 	1, 2, 4 Refer submission to Panel
<u>Submissions in favour of amendment:</u>		
1 South East Water	<ul style="list-style-type: none"> No objection 	-
2	<ul style="list-style-type: none"> 88-100 McKinnon Road is an aesthetically unattractive use of valuable urban village land. I would like my children to have the opportunity to live in an urban village, not be nudged to the outer suburbs by a concerted NIMBY movement. Please be respectful of impacted residents in Lee Street regarding overshadowing. 	10 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
3 Melbourne Water	<ul style="list-style-type: none"> No objection Melbourne Water provided information regarding the Special Building Overlay (SBO) and that 94 McKinnon Road contains a Melbourne Water Main Drain – any future proposal must comply with Melbourne Water's asset protection requirements. 	-
4 EPA Victoria	<ul style="list-style-type: none"> EPA provided advice in relation to removal of underground petroleum storage tanks and requirements to comply with State Environment Protection Policies N-1 and N-2 depending on future uses. 	-
5 Department of Economic Development, Jobs, Transport and Resources	<ul style="list-style-type: none"> The DEDJTR does not oppose the proposed rezoning but does, however make the following suggestions for inclusion in the Design and Development Overlay: <i>The Traffic Impact Assessment and Management Plan should include and take into consideration:</i> <ul style="list-style-type: none"> Existign and proposed public transport routes and stops and infrastructure near the site; The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents; Green Travel Plan initiatives, including a new resident awareness and education program. 	11 Refer submission to Panel
6 Proponent	<ul style="list-style-type: none"> We are planning on occupying the 4th floor, which will not be visible from the street and our children will have a small office/shop at ground floor to start their careers. We only own one third of the land but were told by Council that the whole of the Industrial Zone would need to be rezoned at the same time. Rainwater: Regarding flooding, 85% of our land is concrete. This does not help much in absorbing heavy rain at present. Traffic: Currently there are 4 business on the subject site attracting 250-300 vehicles per day. That number will be reduced 	The proponent will put forward their case should this amendment proceed to Panel.

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within Council Report
	<p>substantially when the development is completed. Also the short distance to McKinnon Station will cut the use of private cars.</p> <ul style="list-style-type: none"> • Environment: The current uses result in ground and air pollution – This is bad for the environment and will disappear with the completion of this project. • Character: We respect the neighbours' request for a sensible structure façade that suits the residential surroundings and we will make sure that the construction will be eco-friendly and built with the highest quality materials. 	

DD/MM/YYYY
Proposed
C143**SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO6**.**88 – 100 MCKINNON ROAD, MCKINNON****1.0**DD/MM/YYYY
Proposed
C143**Design objectives**

- To facilitate the design and scale of a mixed use development.
- To provide for built form that scales down in height from the McKinnon Road frontage to the rear boundaries of the sites to respect the amenity and character of adjoining residential areas.
- To ensure that the design of new buildings is sympathetic to the existing character of surrounding residential areas.
- To ensure that future development on the site features high quality, innovative architectural design that creates an attractive, safe and liveable environment for future residents.
- To protect surrounding residential areas and abutting residential properties from adverse amenity impacts.
- To ensure that the traffic generated by the development does not detrimentally affect the safety, efficiency or amenity of existing residential streets or main roads.
- To encourage activation of the street frontage through appropriate ground storey uses, and increased pedestrian movement.
- To encourage a safe environment through providing passive surveillance over adjoining streets and laneways.
- To provide pedestrian comfort through shade and shelter and minimisation of conflict with vehicles.

2.0DD/MM/YYYY
Proposed
C143**Buildings and works****Permit required**

An application to construct a building or carry out works must meet the general requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

General requirements

The following requirements apply as appropriate, to all buildings and works:

Setbacks:

- First storey (ground level or basement) rear setback at least 4 metres from the southern boundary.
- Second storey ~~rear-southern (rear)~~ setback – at least 5.5 metres from the southern boundary.
- Third storey ~~southern (rear)~~ setback – at least 11.5 metres from the southern boundary.
- Third storey McKinnon Road street frontage setback – at least 2.0 metres from the relevant boundary.
- Third storey Wheatley Road street frontage setback – at least 2.0 metres from the relevant boundary.
- Fourth storey ~~southern (rear)~~ setback – at least 18 metres from the southern boundary.
- Fourth storey McKinnon Road street frontage setback – at least 5.0 metres from the relevant boundary.

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- Fourth storey Wheatley Road street frontage setback – at least 5.0m from the relevant boundary.
- Provide a minimum 3 x 3 metre corner splay at ground floor at the McKinnon Road / Wheatley Road intersection.

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Mandatory requirements

The following requirements apply as appropriate, to all buildings and works:

Maximum building height:

- A building must not exceed a height of 14.5 metres.
- A lift overrun, may exceed the abovementioned mandatory height requirements by no more than 1.5 metres.

The mandatory requirements for building heights cannot be varied with a permit.

Building Form and Materials

- Weather protection for pedestrians ~~should~~to be provided along all built form edges fronting McKinnon and Wheatley Roads.
- It is preferred that ~~o~~Overlooking from balconies be alleviatedtreated through the use of horizontal measures including deep garden beds at the edge of the balcony that prevent downward overlooking of private open space and habitable room windows to within 9 metres of the balcony edge. in lieu ofThe use of -highlight windows, external louvres or obscure glass as screening treatments from habitable rooms or spaces are discouraged.
- Provide a minimum 3 x 3 metre corner splay at ground floor at the McKinnon Road / Wheatley Road intersection.
- Plant and equipment, including lifts shafts and ventilation mechanisms, ~~must~~ be designed so as not to distract from the overall appearance of the building and be appropriately screened or integrated into the architectural design of the building.
- Front façade: Upper levels to be well articulated though variations in setback or architectural treatment.
- Windows and balconies should be included in levels 2 and 3 that provide for passive surveillance over the adjoining streets (not including southern laneway).
- Building entry locations should be designed to provide a safe environment for building visitors through the provision of passive surveillance across building entrances, and the incorporation of Crime Prevention Through —Environmental Design (CPTED) principles.
- Fences to habitable areas and ground floor private open space should not exceed 1.2m in height.

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Mandatory requirements

The following requirements apply as appropriate, to all buildings and works:

Maximum building height:

- A building must not exceed a height of 14.5 metres.
- A lift overrun, may exceed the abovementioned mandatory height requirements by no more than 1.5 metres.

The mandatory requirements for building heights cannot be varied with a permit.

3.0
DD/MM/YYYY
Proposed
C143

Application requirements

An application must be accompanied by the following documents, reports, guidelines and plans, prepared to the satisfaction of the responsible authority:

Development Summary

- Neighbourhood and site description.
- Design Response.
- Site Plan.
- Floor Plan showing building locations, proposed uses, setbacks and private open space areas.
- Elevations.
- Development summary showing proposed number, size and type of dwellings, and overall size of private open space areas.
- Fencing height and design.
- A series of shadowing analyses (at the equinox) that illustrates the impact of the proposed built form on the public realm and adjoining residences.
- Schedule of construction materials, external finishes and colours.
- The layout and location of internal accessways, pedestrian paths, car parking, visitor parking, bicycle parking, garages and carports.
- Treatment for key interface areas (e.g. between non – residential land uses and proposed development) which may include noise attenuation.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Traffic Impact Assessment

A Traffic Management Plan must provide the following details, as appropriate:

- The likely traffic impacts of the proposed development on the land and the broader road network.
- Internal road layout, road widths, sight triangles and reserves and access points.
- Number of car spaces per dwelling and visitor car parking.
- Bicycle parking provision.
- Details of connections from any accessways to existing roads and means of vehicular ingress and egress from the site.
- Details of loading facilities for commercial uses.
- Existing and proposed public transport routes and stops and infrastructure near the site.
- The expected demand for travel by people who live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents.
- Green Travel Plan initiatives, including new resident awareness and education program.

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[The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.](#)

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Landscape Concept Plan

A Landscape Concept Plan must include:

- Proposed landscaping across the site that complements any proposed future development.
- 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.
- The location and type of any vegetation to be retained.
- A management plan of all open space/landscaping areas, incorporating water sensitive urban design treatments.

[The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.](#)

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Waste Management Plan

A Waste Management Plan must detail as appropriate:

- The location of waste storage facilities on site and on collection days, including bulk waste collection bins or approved alternative and recycling bins. Waste Storage areas must be screened.
- The proposed method of waste collection (either private contractor or Council). 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.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

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Construction Management Plan

[A Construction Management Plan must detail as appropriate:](#)

- [Delivery and unloading points and expected frequency.](#)
- [Truck haulage routes, circulation spaces and queuing lanes.](#)
- [Details of how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner.](#)
- [A liaison officer for contact by owners/residents and the Responsible Authority in the event of relevant queries or problems experienced.](#)
- [An outline of requests to occupy footpaths or roads, or anticipated disruptions to local services.](#)
- [Any requirements of relevant referral authorities.](#)
- [Hours for construction activity.](#)
- [Measures to control noise, dust, water and sediment laden runoff.](#)

- Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
- Any construction lighting to be baffled to minimise intrusion on adjoining lots.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Acoustic Report

An Acoustic Report should be provided by a suitably qualified sound engineer. This should ensure that acceptable noise levels in accordance with EPA requirements and the Australian Standards for both internal amenity of future occupants and amenity of neighbouring residents, based on the uses proposed in any future planning application, as appropriate.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

4.0

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C143

Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.04, in addition to those specified in clause 32.04 and elsewhere in the scheme:

- The neighbourhood and site description.
- The design response.
- Whether the development provides for an appropriate visual transition to the Neighbourhood Residential Zone.
- The amenity impacts on the neighbourhood character and on the adjoining properties.
- The internal amenity of the proposed development.
- The traffic and car parking impacts on the surrounding road network.
- Whether opportunities exist to avoid a building being visually obtrusive through the use of alternative building designs.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.

ITEM 9.2 PLANNING SCHEME AMENDMENT C146

**333-335, 337, 339, 341, 345 AND 355 HAWTHORN ROAD,
CAULFIELD, 2 AND 4 BRIGGS STREET, CAULFIELD**

Author: Jacqui Brasher, Principal Strategic Planner

File No: Amendment C146

Attachments: 1. Table summarising submissions received for AmC146
2. Revised Design and Development Overlay Schedule 7

PURPOSE AND SUMMARY

To consider submissions received in relation to a planning scheme amendment to rezone the land and introduce building envelope controls.

Proposal	The amendment proposes to: <ul style="list-style-type: none"> • Rezone the land from part General Residential Zone (GRZ Schedule 1) and part General Residential Zone (GRZ Schedule 2) to the Commercial 1 Zone. • Apply an Environmental Audit Overlay (EAO). • Apply a Design and Development Overlay to the land and insert a new Schedule to the Design and Development Overlay (DDO Schedule 7).
Proponent	Tract Consultants
Planning Scheme Controls	<ul style="list-style-type: none"> • General Residential Zone Schedules 1 & 2 • Caulfield South Neighbourhood Centre (Housing Diversity Area). • Parking Overlay
Municipal Strategic Statement	<i>"Encourage a mix of housing types, increased residential densities and mixed use developments within urban villages and neighbourhood centres".</i>

RECOMMENDATION

That Council :

- notes the submissions received;
- endorses the revisions to the Design and Development Overlay (Schedule 7) in accordance with tracked changes at Attachment 2; and
- refers submissions and the revised Schedule to an independent panel in accordance with Section 23 of the Planning and Environment Act 1987.
- request the Panel to consider the possibility of replacing the proposed Commercial 1 Zone with the Mixed Use Zone.
- request Council's Traffic Engineers to carry out a parking and traffic review for the area surrounding the subject site as a priority.

BACKGROUND

The land proposed to be rezoned is located on the eastern side of Hawthorn Road and is comprised of retail sales, plant nursery and building/hardware supplies (these are non-conforming uses operating in a residential zone).

A 7-Eleven shop and service station occupies number 355 Hawthorn Road. Numbers 2 and 4 Briggs Street comprise of single storey dwellings.

On 3 February 2015, Council considered and refused to seek authorisation from the Minister of Planning to prepare and exhibit Amendment C132. This amendment applied to the same properties now under consideration and also included Council's car park at 353 Hawthorn Road. The proposal included a Design and Development Overlay with a mandatory maximum height on 22 metres (7 storeys). Council abandoned the amendment prior to exhibition as it was considered that the proposed scale was inappropriate and would result in detrimental impacts on the amenity of the surrounding, long established residential area. Additionally it was recommended that the Council car park should not form part of any amendment process.

The current amendment - C146 comprises a revised amendment with a lower mandatory height limit (5 storeys) within the DDO and with the Council car park removed from the proposal.

Map showing subject site



ISSUES AND DISCUSSION

The amendment has been sought to allow increased development opportunities and a greater variety of land uses than the current General Residential Zone allows. The rezoning request seeks to apply the Commercial 1 Zone to multiple properties along Hawthorn Road further north of the existing commercially zoned land at Glen Huntly Road, extending to Briggs Street and including two residential properties in Briggs Street.

A total of 135 submissions were received in relation to this amendment (109 objecting submissions and 26 supporting submissions). **Attachment 1** to this report contains a table of concerns for each submitter.

The submitters' issues can be broadly summarised in to the following categories:

Objecting submissions:

1. Inappropriateness of the Commercial 1 Zone:

Submitter Summary:

Many submissions state that the residential zoning of the properties as existing (ie residential) is appropriate. While some submitters agree that properties fronting Hawthorn Road could be rezoned to Commercial 1, a high number of submitters are concerned about the rezoning of the dwellings at 2 and 4 Briggs Street as these properties face a minor residential street.

Officer Response:

The sites are located within the Caulfield South Neighbourhood Centre (Housing Diversity Area) and adjoin residentially zoned land to the east and north. Opposite the sites to the west, properties are zoned Commercial 1.

With the exception of 2 and 4 Briggs Street which are currently used as residential dwellings, the remainder of the subject site has been used for various commercial purposes for many years. The extent of the rezoning along the Hawthorn Road frontage generally mirrors the extent of the Commercial 1 Zone on the western side of Hawthorn Road. Rezoning land to Commercial 1 opens up the types of uses allowed in this location. Of particular importance is the types of uses that become 'as-of-right' which means a planning permit is not required for a particular use. A 'shop' (which includes a supermarket) would become an as-of-right use if this amendment was approved. While a planning permit would still be required for buildings and works for the supermarket, Council would not be allowed to refuse a proposal to use the site as a supermarket if such an application was submitted and general compliance with car parking and loading requirements and the like were met.

Officers have been considering other zones that may still allow a wider variety of uses for the site while maintaining more control over uses. The Mixed Use Zone (MUZ) could be used. This zone allows non residential uses including office medical centre, education centre, convenience restaurant, food and drink premises and shop. Most of these uses would require a planning permit (as opposed to a permit only being required for construction of the building) depending upon the floor area of the proposal and therefore Council would retain more control over the uses of the land and hours of operation. A large supermarket would require planning permission for the use. It is considered beneficial that Council notes the concerns about the uses allowed under the Commercial 1 Zone and requests the panel to explore this issue.

The inclusion of 2 and 4 Briggs Street in the Commercial 1 Zone could result in a potential intrusion of commercial uses along a significant length of this street, which is a concern to residents of the area. The Council officer would prefer to see an appropriate design response that reflects the streetscape character, and land uses appropriate to the residential context fronting Briggs Street, to retain the residential nature of this street.

Recommendation:

Refer this submission to Panel noting Council's concern regarding the Commercial 1 Zone and potential uses of 2 and 4 Briggs Street.

2. *Rezoning will result in an overdevelopment of the site:*

Submitter Summary:

Submitters are concerned about the proposed height of the building (5 storeys). Some submitters are also concerned with the proposed built form setbacks. The majority of development in the surrounding area is 1 to 3 storeys. There is a concern that the proposed height does not respond to the local context and will result in an overdevelopment of the site, visual bulk and 'pollution' of the landscape and skyline. Many submitters would prefer the mandatory maximum height within the DDO for this site be lowered to 3 storeys.

Officer Response:

The amendment proposes the application of the Design and Development Overlay to introduce restrictions to the built form envelope in terms of heights and setbacks. The new schedule proposes a mandatory maximum of five storeys for the northern and southern 'precincts' with setbacks varying from zero to nine metres depending on the sensitivity of the interface. No setbacks are proposed for the Hawthorn Road and Pyne Street interfaces and standard ResCode setbacks are proposed for residential interfaces. The 4th and 5th levels are further recessed compared to levels 1-3.

It is policy to 'recognise Neighbourhood Activity Centre as locations which provide significant opportunities for housing diversity, but at a lesser scale and density than developments in urban villages and the Phoenix Precinct'. The proposed mandatory height of 5 storeys is considered an acceptable outcome. The 4th and 5th storeys are setback from all sides and will be visually recessive. Five storeys is considered to comply to the above policy as the proposal will potentially allow for significant housing diversity opportunities at a scale that is lower than many of the developments now occurring with Glen Eira's urban villages.

It is considered that the proposed height will sit well within the Hawthorn Road skyline.

It is not considered that the proposed DDO will result in an overdevelopment of the site. The DDO includes a requirement that the proposal should comply with the ResCode site setback provisions, whether or not the proposed development includes residential uses. A planning application will be required to be submitted at a later date and property owners will have the ability to view the plans and become involved in the application process, should they have concerns about the development of this site.

Recommendation:

Refer this submission to Panel.

3. *Increasing traffic and parking issues in an area that is already under pressure and the use of Pyne and Briggs Street for all vehicular access for the development:*

Submitter Summary:

Almost every objecting submitter commented on the existing traffic and parking issues in the local area but most particularly on the nearby minor roads of Briggs, Pyne and Masters Street. The general consensus was that these roads are already completely 'parked out' and are becoming dangerous. Submitters state that any new development will further exacerbate the problems in these streets. Many submitters were concerned that the requirement for all vehicular access from either Briggs or Pyne Street would create major traffic issues.

Officer Response:

It is understood that many streets close to activity centres suffer from parking issues. Some drivers use minor streets in order to avoid congestion at major intersections such as the one at Hawthorn and Glen Huntly Roads. It is, however, difficult to understand the full impact on traffic and parking until a development application is submitted containing information such as the proposed uses, car parking to be provided and how parking is to be accessed. Concerns relating to truck and car access for a large supermarket (for example) are valid and would require careful consideration. Other potential uses suggested by the applicant, including a day hospital and aged care accommodation would require far less on-site parking and contribute less traffic in the local area. These uses are also allowable under the Mixed Use Zone.

The proposed DDO contains information requirements that would need to be submitted with any future planning application, including the submission of a Traffic and Car Parking Assessment. This document would be referred to Council's Traffic Engineer and both VicRoads and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) for comment. VicRoads provided a submission to this amendment stating:

"VicRoads acknowledges the intention of the DDO to direct vehicular access to the subject site from the arterial road (Hawthorn Road) and to the local road network (Pyne and Briggs Street) and is supportive of the use of the local road network in this manner.VicRoads considers it appropriate that the impacts upon the two intersections (Briggs/Hawthorn and Pyne/Hawthorn) be considered as part of any subsequent planning application".

VicRoads has proposed revised wording for the DDO under the heading "Pedestrian, Vehicular Access and Car Parking" as follows:

"Analysis of the impact of the proposed development on the arterial road network, including the intersections of Hawthorn Road/Briggs Street and Hawthorn Road/Pyne Street, together with any appropriate mitigation measures to the satisfaction of VicRoads".

DEDJTR has also proposed changes to the same section of the DDO as follows:

"The Traffic Impact Assessment and Management Plan should also take into consideration:

- Existing and proposed public transport routes and stops and infrastructure near the site;*
- The expected demand for travel by people who live, work or visit the site and the target transport mode split to encourage walking, cycling and use of public transport by future residents;*
- Mitigation measures required to address any traffic impacts and alleviate unreasonable delays to public transport generated by the proposed development;*

- *Green Travel Plan initiatives, including new resident awareness and education program”.*

The revisions proposed by VicRoads and DEDJTR are considered reasonable.

It is also considered appropriate that Council’s Traffic Engineer review the traffic and parking situation in the streets surrounding the development site as a matter of urgency. The results of this report can feed into discussions at Panel.

Recommendation:

- *Amend Schedule 7 to the DDO to include the comments from VicRoads and DEDJTR.*
- *Refer this submission to Panel.*
- *Traffic Engineers to carry out parking and traffic review for the area surrounding the subject site as a priority.*

4. Residential Amenity Impacts

Submitter Summary:

Loss of amenity from overshadowing, overlooking, pedestrian safety and noise (both during construction and from intensification of uses on the site), leading to a decreased quality of life.

Officer Response:

The amendment proposes standard ResCode setbacks to abutting residential properties to the east and south. As ResCode does not apply to development beyond four storeys, the schedule to the Design and Development Overlay proposes that ‘Any height above this will be adequately setback to minimise amenity impacts on surrounding properties.’ It is considered appropriate that any future development should also be required to comply with the “Walls on Boundaries” requirement to ensure that neighbouring residential properties are not subject to unacceptable lengths of walls on their property boundaries. Shadow diagrams will be required to be provided at the application stage for Council to assess overshadowing to adjoining properties. It is proposed that the DDO be amended to include a requirement to comply with ResCode requirements for overshadowing as well as compliance with the ResCode requirements for “Daylight to existing windows”.

Together with the above proposed inclusions in to the DDO, the proposed setbacks are considered generally acceptable and should result in a development that has variable setbacks and is sensitive to the surrounding residential area.

Overlooking is an issue that is assessed at the planning application stage. It is considered appropriate to include built form controls which prevent overlooking to a 9 metre arc as in the ResCode requirements. It is preferred that overlooking be alleviated through the use of horizontal planter boxes to balconies (rather than highlight windows, obscure glass or external screens) so that overlooking is restricted whilst also providing a ‘greener’ view of the proposed development for neighbouring residents.

During the planning application process, the Council officer will be assessing a more detailed proposal and will ensure that overlooking and overshadowing are minimised. A Construction Management Plan will be required to ensure that noise and dust, etc are kept to a minimum

during the construction phase. The requirement for a Construction Management Plan should be included in the DDO.

It is also considered appropriate to require a report from a suitably qualified sound engineer with any planning application submitted for future use and development. The report will provide details of the level of noise likely to occur from the proposed uses and works required to ensure noise emitted from the property is at an appropriate level for the neighbourhood. Any noise emanating from the property, once constructed will have to comply with EPA and Council local law requirements. Anybody concerned with excessive noise in the future have rights to put in a complaint that will be assessed by Council or the EPA.

Recommendation:

- *Refer this submission to Panel.*
- *Amend the DDO Schedule to include compliance with ResCode Clauses 55.04-2 (Walls on boundaries), 55.03-4 (Daylight to existing windows), 55.04-5 (Overshadowing of open space) and 55.04-6 (Overlooking).*
- *Amend the DDO to include the following point: "Overlooking from balconies be treated through the use of horizontal measures including deep garden beds at the edge of the balcony that prevent downward overlooking of private open space and habitable room windows within 9 metres of the balcony edge. The use of highlight windows, external louvres or obscure glass as screening treatments from habitable rooms or spaces are discouraged".*
- *The requirement for a Construction Management Plan and Acoustic Report be included in Clause 3.0 Application Requirements.*

5. The need for an additional supermarket in the area/local businesses will suffer:

Submitter Summary:

A number of submitters questioned the need for an additional supermarket in the area. Some submitters were concerned that increasing commercial activity along Hawthorn Road may affect other local business.

Officer Response:

This amendment relates to the rezoning and provision of development guidelines for the land and that is all Council can consider at the moment. While Council has not been provided with a planning proposal for the use and development of the site (and therefore cannot comment on the potential uses of the site), there is concern that a full line supermarket in this location has the potential to undermine the centre. The Council officer will be seeking further advice from an economic consultant should this amendment proceed to Panel.

In general, it is considered that the rezoning of this land to facilitate more commercial uses in the area is beneficial to the Caulfield South Neighbourhood Centre, though whether the zone should be Commercial 1 or Mixed Use is an issue that should be further explored. The Mixed Use Zone will give Council more control in terms of uses and economic, traffic and other impacts can be explored as part of the planning application process.

Recommendation:

Refer this submission to Panel.

6. Potential for flooding due to proposed development:

Submitter Summary:

Submitters were concerned that such a large development and basement car parking could result in increased overland flows and result in flooding.

Officer Response:

The subject site is not covered by a flood overlay (Special Building Overlay or SBO), though there is a SBO area located in the near vicinity. Drainage considerations will be made at the building permit stage of development to ensure the basement is not subject to flooding and the development does not increase flooding within the area.

Recommendation:

Refer this submission to Panel.

7. Amendment is inconsistent with State and Local Planning Policies and orderly and proper planning:

Submitter Summary:

The amendment is considered by some to be inconsistent with State and Local Planning Policies and orderly and proper planning for the area.

Officer Response:

The proposed amendment is generally supported by State and Local planning policy. The amendment responds to "Plan Melbourne" by increasing the opportunity for housing near services and local transport and by strengthening the existing neighbourhood activity centre. In terms of local policy, the amendment reinforces the importance of the centre and supports its long term economic viability. The future redevelopment of this site for a commercial development, aged care or high density housing supports the objectives of urban consolidation, housing diversity and strengthening the neighbourhood activity centre. The issue of the choice of zone and whether there is another, more appropriate zone that will still allow a wider variety of uses while restricting potentially detrimental as-of-right uses will be explored should this amendment be referred to Panel.

Recommendation:

Refer submission to Panel.

8. Decreasing property values:

Submitter Summary:

A number of submitters were concerned with potential loss of property values if the development goes ahead.

Officer Response:

Council has not been provided with any evidence to suggest that the development will affect housing prices and it is not a relevant town planning consideration for planning scheme amendment decision making.

Recommendation:

Refer this submission to Panel

Supporting Submissions:9. Support rezoning. Do not support mandatory height controls:Submitter summary:

A number of positive submissions voiced support for the rezoning to Commercial 1 but object to the mandatory nature of the height controls within the DDO. They assert that the mandatory controls do not comply with Planning Practice Note 59 and 60.

Officer Response:

The use of mandatory controls are consistent with practice note 59 as utilising mandatory provisions aids in resolving divergent opinions within the community as to a preferred outcome. This is particularly pertinent considering the amendment seeks to effectively increase the existing maximum building height of 3 storeys up to 5 storeys. Removing the certainty when there is such an increase in height allowable is not considered a satisfactory outcome for the community.

Recommendation:

Refer submission to Panel.

10. The proposed amendment will support the long term prosperity of the centre:

A number of submissions assert that this is an important consolidated site, providing a large area that could accommodate an 'anchor' business – "it's an opportunity to develop something worthwhile". The major impediments to development in Caulfield South include the lack of car parking and the plethora of small sites, which has led to a number of repetitive three level apartment buildings with little or no attention given to retail or other commercial space.

Officer response:

Council officers agree with this assertion. This is a key development site, presenting an opportunity to create a mixed use development that potentially improves the retail and commercial offer at the Caulfield South Shopping Centre, potentially provides accommodation in an area well serviced by public transport and is large enough in area to accommodate generous on-site parking.

Recommendation:

Council officers agree with this submission.

11. Suggested amendments to the DDO by referral authorities:Submitter Summary:

VicRoads and DEDJTR have no objections to the amendment however they suggest changes to the Pedestrian, Vehicular Access and Car Parking section of the DDO.

Officer response:

The proposed changes have been discussed above.

Recommendation:

Refer submission to Panel with Council endorsement of proposed DDO amendments.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

State Government Policy Objectives

Residential Development - "To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport".

Commercial - "To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities".

Local Policy Objectives

"To ensure a greater diversity of housing to meet future housing needs".

"To stimulate and improve the vitality of Glen Eira's commercial centres".

"To maintain a mix of commercial centres that cater for the needs of the Glen Eira community".

"To enhance and further develop urban villages and neighbourhood centres as the focus for community life".

Planning Scheme Amendment Process

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

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
2. If there are no submissions Council can 'adopt' 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 input from interested parties. With regard to the current proposal, Council is at Step 3.

COMMUNICATION AND ENGAGEMENT

The amendment has undergone a public exhibition process as followings:

- 297 notices posted notifying owners and occupiers of neighbouring and nearby properties of the amendment
- 6 signs on site
- 1 notice in local newspaper (Caulfield/Port Phillip Leader)
- 1 notice in Government Gazette
- Amendment documentation available on Council's website

The exhibition period was open from 17 November – 23 December 2016.

135 submissions were received.

A planning conference was held on 16 February 2017. More than 70 people attended the conference, including the applicants, submitters, Councillors and Council staff. The responses from both submitters and the applicant appearing at the Planning Conference helped inform this report. The main concerns raised at the conference were car parking, traffic (particularly in relation to any future supermarket), building height and bulk, loss of amenity and potential for flooding. While no agreement or consensus was reached between parties on the night, Council and Council officers greatly appreciated input from the community and the applicant.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

It is considered appropriate to refer all submissions to an independent panel. All submitters will be invited to be heard and extend upon their submission at the Panel Hearing. If submitters are unable to attend this hearing, their written submission will still be taken in to account by the Panel.

Moved: Cr Silver**Seconded: Cr Hyams**

That Council:

- notes the submissions received;
- endorses the revisions to the Design and Development Overlay (Schedule 7) generally in accordance with tracked changes at Attachment 2; but with the following increased setbacks;
 - The Setback for levels 4 and 5 increased from 6.5metres to 15 metres from Briggs Street.
 - The setback from the rear property boundary:
 - 4m for Level 1 (ground level)
 - 5.5m for Level 2
 - 11.5m for Level 3
 - 15m for Level 4
 - Level 5 (the topmost floor) set back 5 metres from the Hawthorn Road property boundary and extending no more than 36 metres from Hawthorn Road.
- requests Council's Traffic Engineers to carry out a parking and traffic review for the area surrounding the subject site as a priority.
- abandons the proposed Commercial 1 Zone
- endorses a Mixed Use Zone, a revised Design and Development Overlay, and an Environmental Audit Overlay.
- refers submissions and a Mixed Use Zone, a revised Design and Development Overlay, and an Environmental Audit Overlay to an independent panel in accordance with Section 23 of the Planning and Environment Act 1987.

LOST**Moved: Cr Delahunty****Seconded: Cr Silver**

That Council grants Cr Magee a 2 minute extension to speaking time.

CARRIED

Moved: Cr Magee

That Council:

- notes the submissions received;
- endorses the revisions to the Design and Development Overlay (Schedule 7) in accordance with tracked changes at Attachment 2; and
- refers submissions and the revised Schedule to an independent panel in accordance with Section 23 of the Planning and Environment Act 1987;
- requests the Panel to consider the possibility of replacing the proposed Commercial 1 Zone with the Mixed Use Zone; and
- requests Council's Traffic Engineers to carry out a parking and traffic review for the area surrounding the subject site as a priority.

The motion **LAPSED** for want of a Seconder.

Moved: Cr Athanasopoulos**Seconded: Cr Esakoff**

That Council abandons Planning Scheme Amendment C146.

CARRIED

The Mayor advised that at this stage of the meeting, Council will suspend standing orders for a period of 15 minutes to provide an opportunity for members of the gallery to ask a question of officers or Councillors or to make a statement.

Moved: Cr Delahunty**Seconded: Cr Davey**

That Standing Orders be suspended at 8.45pm.

CARRIED UNANIMOUSLY

Moved: Cr Delahunty**Seconded: Cr Silver**

That Standing Orders be resumed at 9.05pm.

CARRIED UNANIMOUSLY

ITEM 9.2 - ATTACHMENT 1

Table summarizing submission received: C146

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
1	<ul style="list-style-type: none"> Oppose rezoning of 2 and 4 Briggs Street. Traffic and parking issues already present will worsen Potential flooding issues. 	1, 2, 6 Refer submission to Panel
2, 3, 4, 6, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 40, 41, 43, 44, 45, 46, 47, 48, 50, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 87, 89, 90, 91, 92, 93, 94, 96, 98, 102, 107, 109	<ul style="list-style-type: none"> Oppose rezoning – abandon Amendment C146. It is not appropriate to push commercial traffic into residential streets. Minor streets in the area are not suitable for high levels of traffic and commercial delivery trucks. Increased traffic will have a terrible effect on surrounding neighbours. Roadways are narrow. Pedestrian safety due to increased traffic. The sites are already appropriately zoned. 2 and 4 Briggs are suburban houses. The nursery blends in to the residential area. Five stories is too high for a residential area. Visual pollution of streetscape. Loss of privacy for surrounding residents. 	1, 2, 3, 4 Refer submissions to Panel Nb. a large number of submitters signed separate pro-form submission letter and mailed to Council individually.
5	<ul style="list-style-type: none"> Inconsistency with orderly and proper planning principles. Inconsistency with State and Local planning policies. DDO7 represents an overdevelopment of the site. The proposal does not respond to the existing local context. Adverse impact on the amenity of neighbouring residential community. <p>Suggested modifications to amendment:</p> <ul style="list-style-type: none"> Remove 2 and 4 Briggs St from the Commercial Zone. Reduce the number of levels from 5 to 3 to be more compatible with the bulk and scale of the area. Increase setback for Briggs St from 2.5m to 4.5m at 3 storeys. Restrict commercial access off Briggs Street 	7, 2, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
10	<ul style="list-style-type: none"> • Oppose rezoning. • Loss of privacy – overlooking my backyard. • Parking and traffic are already at nuisance levels and will worsen. • Negative impacts of construction – concern with structural integrity of nearby homes, drainage issues. • Increased commercial activity will reduce the quiet suburban charm of this area. • Devaluation of nearby properties. 	1, 3, 4, 8 Refer submission to Panel
12	<ul style="list-style-type: none"> • Object to proposed amendment and future development. • Traffic and parking issues already present will worsen. 	1, 2, 3 Refer submission to Panel
16	<ul style="list-style-type: none"> • Concerned with rezoning. • Is the amendment consistent with the intent of the area? • The submitter raises a number of questions about future development (Consistent with area? How will it affect interfaces with adjoining properties? Hours of operation? Effect on property values? Impact of development on drainage?) 	1, 4, 6, 8 Refer submission to Panel
20	<ul style="list-style-type: none"> • Increased traffic and parking over the years. Fear future congestion if the proposed amendment goes forward. 	3 Refer submission to Panel
25	<ul style="list-style-type: none"> • Opposed to rezoning and future development that will allow. • In support of development in general and continued improvement of our community and available facilities. • Concerned that proposal allows for a 'major retailer' – A further supermarket in the area is completely unnecessary. • Increased traffic congestion. • Car parking issues – on-street parking is already at a premium. • Proposed height will conflict with surrounding area which 1-3 storeys. A 5 storey building will be an eyesore. • Demolition and construction will cause major disruptions. • The proposed rezoning will not lead to an improvement to the area's parking, traffic, aesthetics or retailing needs. 	1, 2, 3, 5 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
32	<ul style="list-style-type: none"> • Opposed to Amendment C146. • Rezoning will lead to adverse effects on traffic flow, noise levels and safety of the local population – A serious decline in quality of life. • Traffic concerns for Pyne, Briggs, Masters Streets and Snowdon Avenue. • Change to the nature of traffic in local streets (large trucks). 	1, 3, 5 Refer submission to Panel
38	<ul style="list-style-type: none"> • Oppose C146. • Already enough supermarkets in the area. • Residents enjoy a local shopping experience in Caulfield South. • Would prefer the hardware store to be retained. • Increased traffic. • Five storeys is too high for the area. 	2, 3, 5 Refer submission to Panel
39, 51, 53	<ul style="list-style-type: none"> • It is noted that much of the subject area is currently used for commercial purposes and the proposed amendment seeks to correct an anomaly of the current zoning provisions. • Proposed amendment needs to be revised to prevent severe amenity impacts on the surrounding residential area. • The issues of height, setbacks, bulk, intensive uses and traffic impacts need to be addressed before the amendment advances to the next stage. <p>SUGGESTED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Reduce the maximum height to 10.5m • Increase setback requirements to west and south. Setbacks should further stipulate that no overshadowing to private open space must be proposed. • Focus redevelopment to existing recognized land zoned for commercial purposes. • Reducing maximum height and limited setbacks will help counter any proposed intensive use. 	2, 3, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
42	<ul style="list-style-type: none"> Object to Penhalluriacks being taken away and another supermarket moving to the property. Traffic issues. 	3, 5 Refer submission to Panel
49 EPA	<ul style="list-style-type: none"> No objection Provided advice regarding removal of underground petroleum storage systems (UPSS) and compliance with State Environment Protection Policies. 	-
52	<ul style="list-style-type: none"> Oppose the amendment. Traffic has increased significantly over the years. It will get worse with this amendment. The rezoning will bring trucks to these minor, busy roads. Safety for elderly and young residents. Decrease property values. 	1, 3, 4, 8 Refer submission to Panel
54	<ul style="list-style-type: none"> Object to amendment. The amenity of Caulfield has undergone invasive change with the encouragement of residential and commercial development. Parking issues and traffic congestion. Loss of amenity. Five storey building out of character. 	1, 2, 3, 4 Refer submission to Panel
58	<ul style="list-style-type: none"> We are not opposed to this corner being further developed and welcome progress in the area, however we hope Council will approve a modified proposal which does not disadvantage current residents. Traffic in Briggs St is already excessive. How will residents and emergency services be able to access and exit properties in an acceptable time? Parking in Briggs St is already at capacity. The proposed development would put more pressure on limited parking in the street. Allowing a supermarket without any changes to Briggs Street would result in traffic jams and excessive noise and present peak hour chaos. 	3 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<ul style="list-style-type: none"> No Traffic and Impact Assessment Report has been provided by Council or VicRoads. 	
70	<ul style="list-style-type: none"> Objecting to proposed amendment. Increase in traffic on main and minor roads. Pedestrian safety. Impact of timeliness of tram services due to increased traffic and turning vehicle movements. Don't want existing residents disadvantaged if right hand turn blocks (onto Hawthorn Road) are required if a supermarket is built. Increased presence of large delivery trucks and unsociable hours of deliveries. Increase parking pressures. Loss of trade for existing, established supermarket would conflict with Council's position on supporting local shops and strip shopping. Loss of privacy. 	3, 4, 5 Refer submission to Panel
71	<ul style="list-style-type: none"> Abandon Amendment C146 Traffic needs to be considered now – there is no analysis of traffic impact. Inappropriate to push commercial traffic into residential streets. 18m high development is too tall for a residential area – pollute the skyline and damage privacy for residents. Sites are already appropriately rezoned. Council rejected a similar rezoning in 2014 – nothing has changed. Non-residential use currently at 333-337 Hawthorn Road has always been conditional upon vehicle access being via Hawthorn Road only (S173 agreement) – this should be preserved. 2 and 4 Briggs Street are ordinary suburban houses. Any future use of properties facing Briggs Street should be residential or continue to be conditional on all access being via Hawthorn Road. 	1, 3, 4 Refer submission to Panel Nb. Council refused to commence Amendment C132 in 2015. This amendment included a 7 storey mandatory height limit and inclusion of the Council car park in the rezoning sites. The removal of the Council car park from the rezoning area and a reduction in the mandatory height limit are two reasons for Council re-considering a rezoning of this area. The Section 173 Agreement for 333-337 Hawthorn Road relates to the use of the site as a plant nursery being conditional upon vehicle access to the site being from Hawthorn Road.

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<ul style="list-style-type: none"> The owner agreed in the S173 agreement that the site must be returned to a residential use if access to Hawthorn Road becomes unavailable. 	Amendment C146 is a new proposal and the existing S173 agreement will not apply to the assessment.
73	<ul style="list-style-type: none"> On surface, rezoning of most of site seems clear cut as sites have been used for commercial purposes for a number of years. 2 and 4 Briggs St is not so clear cut. Height – Hawthorn Road between Glen Huntly and Dandenong Road has a height limit of 3 storeys – there is no valid reason why this block of land should be treated differently. Construction of a supermarket is welcome though I will sorely miss a hardware store in the area. There has been an increase in population and the shopping strip shows signs of revitalization. Traffic issues – streets are barely coping now. Adding supermarket delivery trucks will be a recipe for regular gridlock. Increasing traffic in local roads should not be recommended. Woolworths and Council should be giving due consideration to improving traffic flow. 	1, 2, 3 Refer submission to Panel
81	<ul style="list-style-type: none"> Object to Amendment C146. Traffic congestion. Vehicles use nearby streets as thoroughfares as the traffic along main roads is already congested. Adding a new business zone will profoundly add to this heavy traffic which currently does not flow efficiently. Parking – residents already experience difficulties finding parking near their homes. Driving out of driveways is difficult. This would only increase with the rezoning. Privacy and high density living – residents on adjoining land already have minimal privacy and noise from current businesses. Changing this to high density living will deprive residents of their current view, light and privacy in their backyards and homes. Each resident has a right to these as they purchased their dwellings with the understanding of the existing laws regarding the zoning. 	2, 3, 4 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<ul style="list-style-type: none"> Changing the zoning will not improve the area with parklands but merely result in more traffic nuisance, parking and increased road accidents. 	
82, 88	<ul style="list-style-type: none"> Object to amendment. We take issue with 5 storey development (loss of privacy and increased noise). Object to entry and exist points to new development being from Briggs Street – this street is already congested. 	2, 3, 4 Refer submission to Panel
86	<ul style="list-style-type: none"> Increased traffic and parking problems (particularly in Pyne Street). Overshadowing from 16metre building. Loss of view, sunlight and consequential overlooking/loss of privacy. Loss of character and increased noise. Overdevelopment of site. 	2, 3, 4 Refer submission to Panel
95	<ul style="list-style-type: none"> Object to Amendment C146 Traffic in Pyne and Briggs Street as well as traffic at intersection of Hawthorn and Glen Huntly. A traffic audit must be done before any changes to zoning by an independent firm. Members of Council and the Victoria Government should say no to this development. 	3 Refer submission to Panel
97	<ul style="list-style-type: none"> Object to proposed Amendment C146 Increased traffic. Increased noise due to increased traffic and increased housing density. Reduced privacy. Significant change to the character of the neighbourhood. The scale of the proposed DDO is totally out of character for this neighbourhood. Potential devaluation of properties. 	2, 3, 4, 8 Refer submission to Panel
99	<ul style="list-style-type: none"> Abandon Amendment C146. Not appropriate to push commercial traffic in to residential streets that are already struggling with a garbage truck. 	3 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
100	<ul style="list-style-type: none"> Object to Amendment C146 Amendment will lead to a significant drop in residential amenity caused by overshadowing, traffic (volume and types of vehicles), height and bulk, noise (from greater density and variety of uses), loss of privacy. 	4 Refer submission to Panel
101	<ul style="list-style-type: none"> Traffic congestion in Briggs and Pyne Street (these streets are used to avoid the signaled intersection of Hawthorn and Glen Huntly). Increased pressure on storm water system (there is periodic flooding in Pyne Street that causes damage to cars and property). The amendment will reshape the historic and architectural view of Caulfield. 	2, 3, 6 Refer submission to Panel
103	<ul style="list-style-type: none"> Out of character with neighbourhood. The proposed size of the development is totally inappropriate for the area. Huge impact on privacy. Overshadowing from height of building. Increased parking problems in area. Increased traffic. Devaluation of property. Increased visual bulk. 	1, 2, 3, 4, 8 Refer submission to Panel
104	<ul style="list-style-type: none"> Amendment is inconsistent with the intent for the area. Destroying a once picturesque suburb. How will the development address the street and interfaces with adjoining properties. Is the scale and design of proposed development compatible with surrounding development. Potential traffic and parking issues associated with future development. Hours of operation (unknown). How the development may impact upon drainage patterns in area. 	1, 2, 3, 4, 6, 8 Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<ul style="list-style-type: none"> How does the development fit with any objective to protect and enhance the natural environment? Devaluation of properties. 	
105	<ul style="list-style-type: none"> Height – overshadowing and loss of privacy. Traffic and parking 	3, 4 Refer submission to Panel
106	<ul style="list-style-type: none"> Existing parking issues. Suggest any proposed residential development provide adequate car spaces and that Pyne Street becomes “Resident Only” parking on the northern side of the street. 	2, 3, 4 Refer submission to Panel
108	<ul style="list-style-type: none"> Increased traffic (including trucks) on minor roads. Pedestrian safety. 	3, 4 Refer submission to Panel
<u>Submissions in favour of amendment:</u>		
1 Dept of Economic Development, Jobs, Transport & Resources	<ul style="list-style-type: none"> The site is well serviced by public transport. DEDJTR does not oppose the proposed rezoning by does make the following suggestions to be included in the Design and Development Overlay: <p><i>The Traffic Impact Assessment and Management Plan should also take into consideration:</i></p> <ul style="list-style-type: none"> <i>Existing and proposed public transport routes and stops and infrastructure near the site;</i> <i>The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling, and use of public transport by future residents.</i> <i>Mitigation measures required to address any traffic impacts and alleviate unreasonable delays to public transport</i> 	11 Agree with revisions to DDO7 suggested by DEDJTR Refer submission to Panel

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<p><i>generated by proposed development.</i></p> <ul style="list-style-type: none"> - <i>Green Travel Plan initiatives, including new resident awareness and education program.</i> 	
<p>2 VicRoads</p>	<ul style="list-style-type: none"> • As with any development, the volume and nature of traffic reasonably expected from intensification of use would need to be considered and appropriately mitigated, if so required. • VicRoads acknowledges the intention of the DDO to direct vehicular access to the subject site from the arterial road (Hawthorn Road) and to the local road network (Pyne Street and Briggs Street) and is supportive of the use of the local road network in this manner. • The intensification of the use on the land will have direct implications for the two unsignalised intersections of Hawthorn Rd/Pyne St and Hawthorn Rd/Briggs St. Considering the safe and efficient function of the arterial road, VicRoads considers it appropriate that the impacts upon the two intersections be considered as part of any subsequent planning permit application. • VicRoads suggest the following amendment to Clause 3.0 of Schedule 7 (of the DDO): <p><i>Traffic Management Plan:</i></p> <p><i>Analysis of the impact of the proposed development on the arterial road network, including intersections of Hawthorn Road / Briggs Street and Hawthorn Road / Pyne Street, together with any appropriate mitigation measures, to the satisfaction of VicRoads.</i></p>	<p>11 Agree with revisions to DDO7 suggested by VicRoads Refer submission to Panel</p>
<p>3 Woolworths Group (Fabcot Pty Ltd, owner of 2 Briggs Street)</p>	<ul style="list-style-type: none"> • Supports the proposed rezoning. Commercial 1 Zoning reflects the existing conditions and provides a legitimate basis for a future development concept. • We note the local area is underserved by conveniently located supermarket facilities. • Supports objectives to ensure development achieves appropriate and contextual design outcomes as set out in DDO7 	<p>9, 10 The use of mandatory controls are consistent with practice note 59 as utilizing mandatory provisions aids in resolving divergent opinions within the community as to a preferred outcome. This is particularly pertinent considering the amendment seeks to effectively increase the existing</p>

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
	<ul style="list-style-type: none"> Does NOT SUPPORT mandatory height provisions in the DDO. The amendment does not sufficiently establish cause to introduce mandatory height limitations in accordance with Planning Practice Note 60 – <i>Height and Setback Controls for Activity Centres, June 2015</i>. The Glen Eira Planning Scheme, together with other clauses of proposed DDO7 (exclusive of height limitations) contain appropriate provisions to guide decision making and to ensure high quality built form outcomes are achieved, through the permit approvals process. It is incumbent upon Council to: <ul style="list-style-type: none"> Create flexibility in any built form controls so that the optimum development outcome for the land can be achieved. Provide a strong, comprehensive and robust basis for any development controls that restrict the height and scale of development. Amendment DDO7 to ensure controls are discretionary in relation to building height. 	<p>maximum building height of three storeys up to 5 storeys. Removing the certainty when there is such an increase in height allowable is not considered a satisfactory outcome for the community.</p> <p>Refer submission to Panel</p>
<p>4 Japara Healthcare</p>	<ul style="list-style-type: none"> Closely working with the amendment proponent to create a mixed use development incorporating car parking, supermarket, medical facilities, pharmacy and aged care and independent living units on the upper floors. The rezoning of land to Commercial 1 is supported. Opposes the mandatory nature of the built form restrictions as currently drafted in the DDO7. 	<p>9, 10 See notes above (Woolworths Group)</p> <p>Refer submission to Panel</p>
<p>5 The Applicant K.I. Penhalluriack Nominees Pty Ltd (Tract Consultants)</p>	<ul style="list-style-type: none"> Support the amendment in principle. It will allow a broader range of uses to be established and support the long term prosperity of the Centre. Query mandatory nature of the controls proposed under the DDO. 	<p>9, 10 See notes above (Woolworths Group)</p> <p>Refer submission to Panel</p>
<p>6 South East Water</p>	<ul style="list-style-type: none"> No objection to the amendment. 	<p>-</p>

Submission No.	Summary of Submission	Officer Comment The numbers below correspond to the summarised submission outlines within the Council Report.
<p>7 Hemax Nominees P/L Owner of 355 Hawthorn Road</p>	<ul style="list-style-type: none"> Rezoning to Commercial 1 is supported – it will support a broader range of uses and will address inappropriate land use and development limitations that currently apply. Whilst the broader intention of the DDO is understood, the level of detail contained in the schedule is questioned. In particular, the mandatory controls contained in the schedule should be reconsidered. We submit that any development proposal should be considered on its merits and architectural response. The level of detail in the DDO is anomalous in comparison to other commercial sites within the Caulfield South Shopping Precinct. Any built form controls should be discretionary. 	<p>9, 10 See notes above (Woolworths Group)</p> <p>Refer submission to Panel</p>
<p>8-26</p>	<ul style="list-style-type: none"> Support Amendment C146. Frustrated by lack of choice in South Caulfield Precinct Shopping Centre. This application represents a unique opportunity for site consolidation and to develop something really worthwhile. Major impediments to development in South Caulfield Shopping Precinct are the lack of car parking and the plethora of small sites which has led to a number of repetitive three level apartment buildings with little or no attention given to retail or other commercial space. 	<p>10 Refer this submission to Panel</p>

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SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

HAWTHORN ROAD, CAULFIELD

The Overlay applies to the land known as 333, 335, 337, 339, 341, 345 & 355 Hawthorn Road and 2 & 4 Briggs Street, Caulfield and the right of way (R1 on LP8244).

1.0

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Design Objectives

- To recognise the site as an important gateway to the Caulfield South Neighbourhood Centre.
- To encourage development on the site that complements the established built form scale of the Caulfield South Neighbourhood Centre.
- To ensure that future development on the site features high quality, innovative architectural design that creates an attractive, safe and liveable environment for future residents.
- To provide for commercial uses at ground level that contribute to the offering within the Caulfield South Shopping Centre in a manner that activates the pedestrian realm.
- To facilitate development of a higher density than typically found in the surrounding residential area.
- To protect surrounding residential areas and abutting residential properties from adverse amenity impacts associated with any future development of the site.
- To ensure that the design of new buildings is sympathetic to the existing character of surrounding residential areas.
- To achieve a consistent street wall height of approximately three storeys which responds to the emerging built form along Hawthorn and Glen Huntly Roads.
- To encourage a safe environment through passive surveillance over adjoining streets and laneways.
- To encourage activation of the street frontage through appropriate ground storey uses, and increased pedestrian movement.
- To provide pedestrian comfort through shade and shelter and minimisation of conflict with vehicles.

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Buildings and Works

Requirements

An application for a planning permit must be in accordance with the following requirements:

Building height

- Overall building height must not exceed a maximum of 16 metres (as shown in Figure 1 – Building Height Envelope), except:
 - To accommodate lift overruns, plant and services, which may exceed this height by up to 2 metres and must be screened and setback from building edges.
- New buildings adjoining residential properties must provide transitional height and setbacks to limit amenity impacts and reduce visual bulk of upper levels.

A permit cannot be granted for buildings and works which exceed the maximum building height requirements.

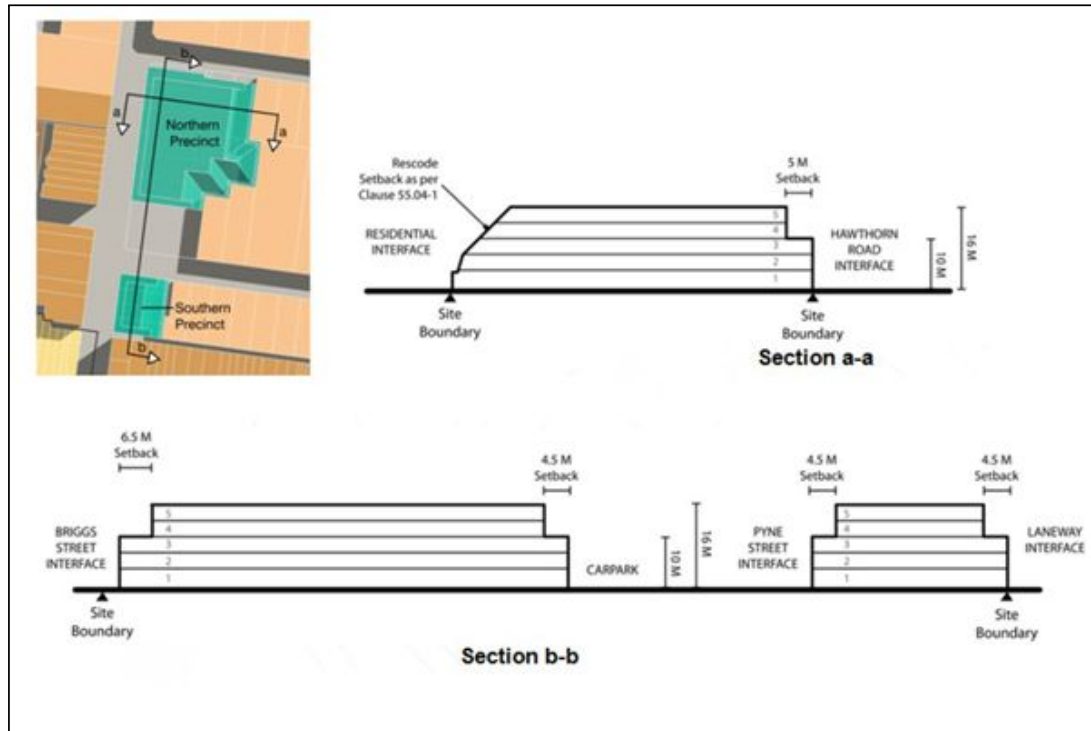


Figure 1- Building Height Envelope

Building setbacks

(Refer Figure 2 – Minimum Building Setbacks)

Northern Precinct

- Setbacks to Hawthorn Road
 - Ground Level - Level 3: no minimum setback
 - Upper levels: A minimum of 5.0 metres
- Setback to Briggs Street:
 - Within 36m from Hawthorn Road: Minimum of 2.5m for Ground Level to Level 3, then 9m for upper levels.
 - Beyond 36m from Hawthorn Rd: Minimum of 4.5m for Ground Level to Level 3, then 9m for upper levels.
- Setback to residential interfaces:
 - Buildings along the residential interface should comply with the side setback provisions of Clause 55.04-1 (Standard B17). Any height above this will be adequately setback to minimise amenity impacts on surrounding properties.
- Side setback from 353 Hawthorn Road, Caulfield:
 - Ground Level – Level 3: no minimum setback
 - Upper levels of northern precinct: setback a minimum of 4.5m

Southern Precinct

- Setbacks to Hawthorn Road:

- Ground Level - Level 3: no minimum setback
- Upper levels: A minimum of 5.0 metres
- Setback to Pyne Street:
 - Ground Level – Level 3: no minimum setback
 - Upper Levels: A minimum of 4.5 metres
- Setback to laneway:
 - Ground Level - Level 3: no minimum setback
 - Upper Levels: A minimum of 4.5 metres
- Setback to residential interfaces:
 - Buildings along the residential interface should comply with the side setback provisions of Clause 55.04-1 (Standard B17). Any height above this must be adequately setback to minimise amenity impacts on surrounding properties.



Figure 2 – Minimum Building Setbacks

Pedestrian, Vehicular Access & Car Parking

- The development should provide adequate off-street car parking for commercial and residential tenants of future buildings.
- Any application to provide less off-street car parking than that required by Clause 52.06 must be accompanied by a supporting Traffic and Car Parking assessment undertaken by a qualified traffic engineer.
- Pedestrian and bicycle access points should be provided at Hawthorn Road, Pyne Street, Briggs Street and directly off the adjoining car park.

- Provide adequate off-street secure bicycle parking for residents, tenants and visitors, directly accessed off the surrounding streets with associated change facilities for commercial uses.
- The residential car parking areas should provide dedicated car parking spaces for 'shared car' vehicles and electric vehicles (with associated charging facilities).

Building Forms and Materials

- Design forms must respect the building's interfaces, in particular residential interfaces to the east and should comply with Clauses 55.04-2 (Walls on Boundaries), 55.04-3 (Daylight to Existing Windows), 55.04-5 (Overshadowing of Open Space) and Clause 55.04-6 (Overlooking).
- Overlooking from balconies be treated through the use of horizontal measures including deep garden beds at the edge of the balcony that prevent downward overlooking of private open space and habitable room windows within 9 metres of the balcony edge. The use of highlight windows, external louvres or obscure glass as screening treatments from habitable rooms or spaces are discouraged.
- Plant and equipment, including lifts shafts and ventilation mechanisms, must be designed so as not to distract from the overall appearance of the building and be appropriately screened or integrated into the architectural design of the building.
- Front façade: Upper levels to be well articulated though variations in setback or architectural treatment.
- Roof materials: Tile, powder coated steel or similar alternative where the roof is visible from public areas and roads.
- Windows and balconies should be included in levels 2 and 3 that provide for passive surveillance over the adjoining streets.
- Building entry locations should be designed to provide a safe environment for building visitors through the provision of passive surveillance across building entrances, and the incorporation of Crime Prevention Through- Environmental Design (CPTED) principles.
- Fences to habitable areas and ground floor private open space should not exceed 1.2m in height.

Street Activation

- Any development fronting Hawthorn Road should provide street activation, including clear glazing and clearly defined pedestrian entry points directly off the adjoining street.
- Weather protection for pedestrians should be provided along all built form edges fronting Hawthorn Road, and at all pedestrian and bicycle access points.
- There should be no change in level greater than 150mm between ground floor level and the adjoining finished footpath level, subject to drainage advice.
- Ground floor uses should extend at least 60% along the Pyne Street and Briggs Street frontages
- Any above ground parking areas should be appropriately sleeved with built form with building uses that contribute to the activation of the street edge.
- Commercial ground floor frontages must front Hawthorn Road and may only present sideages to Briggs and Pyne Streets.

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Application Requirements

An application must be accompanied by the following documents, reports, guidelines and plans, prepared to the satisfaction of the responsible authority:

Architectural Plans

Architectural plans that include the following information, as appropriate.

- The proposed use and development of each part of the land.
- Building locations, heights and setbacks.
- Fencing height and form.
- The layout and location of internal accessways, pedestrian paths, car parking, visitor parking, bicycle parking garages, carports and garage doors.
- Building materials and architectural styles.
- A development schedule showing proposed number, size and type of dwellings (if applicable), and areas of private open space.
- Treatments for key interface areas (e.g. between non-residential land uses and proposed development).
- A series of shadowing analyses (at the equinox) that illustrates the impact of the proposed built form on the public realm and adjoining residences.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Traffic and Car Parking Assessment

A ~~Traffic Management Plan~~ Traffic and Car Parking Assessment must provide the following details, as appropriate:

- The likely traffic generation of the proposed development.
- The likely traffic impacts of the proposed development on the land and the broader road network.
- Internal road layout, road widths, sight triangles and reserves and access points.
- Number of car spaces per dwelling and visitor car parking (if applicable).
- Bicycle parking provision.
- Details of connections from any internal roads/accessways to existing roads and means of vehicular ingress and egress from the site.
- Provide 3 x 3 metre corner splays at ground floor for all buildings on street corners and appropriate splays at vehicular access points.
- Analysis of the impact of the proposed development on the arterial road network, including the intersections of Hawthorn Road/Briggs Street and Hawthorn Road/Pyne Street, together with any appropriate mitigation measures to the satisfaction of VicRoads and the Responsible Authority.
- The existing and proposed public transport routes and stops and infrastructure near the site.
- The expected demand for travel by people who live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents.
- Mitigation measures required to address any traffic impacts and alleviate unreasonable delays to public transport generated by the proposed development; and
- Green Travel Plan initiatives, including new resident awareness and education program.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Landscape Concept Plan

A Landscape Concept Plan must include:

- Landscaping design including plant selection should respond to and contribute to the character of the precinct and the South Caulfield Neighbourhood Centre.
- 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.
- The landscape design should respond to climate change. This response may include private internal courtyard spaces, productive landscape areas, green roofs and green walls.
- The location and type of any vegetation to be retained.
- A management plan of all open space/landscaping areas, incorporating water sensitive urban design treatments.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Waste Management Plan

A Waste Management Plan must detail as appropriate:

- The location of waste storage facilities on site and on collection days, including bulk waste collection bins or approved alternative and recycling bins. Waste Storage areas must be screened.
- The proposed method of waste collection (either private contractor or Council). 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.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Construction Management Plan

A Construction Management Plan must detail as appropriate:

- Delivery and unloading points and expected frequency.
- Truck haulage routes, circulation spaces and queuing lanes.
- Details of how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner.
- A liaison officer for contact by owners/residents and the Responsible Authority in the event of relevant queries or problems experienced.
- An outline of requests to occupy footpaths or roads, or anticipated disruptions to local services.
- Any requirements of relevant referral authorities.
- Hours for construction activity.
- Measures to control noise, dust, water and sediment laden runoff.
- Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
- Any construction lighting to be baffled to minimise intrusion on adjoining lots.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

Acoustic Report

An Acoustic Report should be provided by a suitably qualified sound engineer. This will ensure that acceptable noise levels in accordance with EPA requirements and the Australian Standards for both internal amenity of future occupants and amenity of neighbouring residents based on the uses proposed in any future planning application, as appropriate.

The responsible authority may waive these application requirements if it is satisfied that sufficient information is provided or that the buildings and works are minor in nature not to warrant the information.

4.0

DD/MM/YYYY
Proposed
C146

Decision Guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The neighbourhood and site description.
- The design response.
- The potential effect of building setbacks and heights on the adjoining existing and future land uses.
- The traffic and car parking impacts on the surrounding area.
- The internal amenity of the proposed development.
- Any amenity impacts on adjoining properties and the neighbourhood character.

ITEM 9.3 83 TUCKER ROAD, BENTLEIGH**Author:** Rocky Camera, Manager Town Planning**File No:** GE/PP-29963/2016**Attachments:** Advertised plans**PURPOSE AND SUMMARY**

To consider a Planning Permit application.



PROPOSAL	Café and Burger bar
MUNICIPAL STRATEGIC STATEMENT	Business
APPLICANT	Toby Ewert
PLANNING SCHEME CONTROLS	Commercial 1 Zone
OBJECTIONS	44 objections

RECOMMENDATION

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-29963/2016 for construction of buildings and works and reduction of the car parking and bicycle requirements associated with the Food and Drink premises at 83 Tucker Road, Bentleigh in accordance with the following grounds:

1. The proposal does not satisfy the requirements of Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme with regards to the provision of on-site car parking. The

proposal will have an adverse impact on the supply of street car parking within the surrounding residential area.

2. The proposal fails to satisfy the design standards of Clause 52.06-8 (Car Parking) of the Glen Eira Planning Scheme as it:
 - Fails to ensure that vehicles can safely enter and exit the site; and
 - Fails to address pedestrian safety (through lack of pedestrian sightlines)
3. The proposal does not satisfy the requirements of Clause 52.34 (Bicycle Facilities) of the Glen Eira Planning Scheme with regard to the provision of bicycle facilities and design of bicycle spaces.

BACKGROUND

A planning permit was issued for a shop on the subject land in July 1960.

ISSUES AND DISCUSSION

- Zoning and policy context
- Car parking and traffic
- Objectors' concerns

Proposal

- Café and burger bar (food and drink premises).
- Maximum number of seats is 147 (79 seats indoor and 68 seats outdoor)
- The proposed trading hours are:

Café:	Monday to Friday: 7am- 4pm; Saturday to Sunday: 8am -4pm; and
Burger Bar:	Thursday to Sunday: 3pm- 9pm

- Two car parking spaces and five bicycle parking spaces will be provided on site

Objectors' concerns

- Car parking
- Traffic congestion and road safety
- Noise
- Smell
- Location of site services (rubbish bins)
- Hours of operation are excessive
- Potential liquor license application in the future
- Non-compliance with the Building Code

Referrals

Transport Planning

- Food and Drink premises with 147 seats will generate significantly higher parking demands. Inadequate car parking spaces provided and overflow parking will occur in surrounding residential areas.

- Transport Planning Department will support the proposal if the maximum seat on site is reduced to maximum of 40 seats.
- The design of the car parking layout and access fails to address a number of key concerns such as pedestrian safety, and safe access and egress into property.
- Inadequate provision and design of bicycle parking spaces.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

Zoning and policy context

The Municipal Strategic Statement identifies Glen Eira's strip shopping centres as areas which create a focus for the local community, especially if combined with other community services, entertainment and cultural facilities.

The key objectives for 'Business' outlined by the MSS are:

- *To maintain a mix of commercial centres that caters for the needs of the Glen Eira community.*
- *To encourage competitive retail outlets in viable, lively and interesting strip shopping centres.*
- *To encourage more local employment and attract more local spending in partnership with business.*

Whilst the use of the land as a café and burger bar generally accords with the objectives above, the lack of on-site car parking will result in unreasonable car parking impacts onto the surrounding area.

Height, scale and massing

The proposed buildings and works are minor in nature and located internally and within the courtyard to the rear of the existing building. The single storey built form will not be highly visible from both road frontages and is considered acceptable.

Amenity impacts

There will be limited amenity impacts to adjoining properties given the minor scale of the buildings and works proposed. The site is located on a corner and has a laneway to the rear which acts as a buffer to the adjoining residential property in Patterson Road. The only other adjoining property is to the south and it is also located in the Commercial zone and is used as a shop.

Car Parking and Traffic

The State Government car parking guidelines require a total of 58 on site car spaces based on a rate of 0.4 spaces to each patron (rounded down to the nearest whole number). Two car spaces are proposed to be provided on site to the rear. Therefore the overall car parking reduction that is sought under this application is 56 car spaces.

Council's Transport Planning Department have indicated that the proposed use will generate significantly higher parking demands and there is insufficient provision for on-site car parking.

The lack of adequate on-site car parking will raise undue potential for additional pressure upon existing on-street parking within the surrounding residential area.

There are also a number of concerns with respect to the design of the car parking layout, the access way, traffic safety, pedestrian safety and design of the bicycle facilities.

A complete re-design would be required to address concerns with car parking. Decreasing patron numbers to 40 would result in a significant transformation of the proposal. Further, numerous design changes would be required to the car parking layout, access way and bicycle parking facilities to ensure compliance with the State Government car parking guidelines.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

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

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Taylor, 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:

- Car parking
- Traffic congestion and road safety
- Noise and smell
- Hours of operation

Undertakings by the Applicant

- The applicant indicated that they are open to options in terms of reducing the seat numbers and shortening the trading hours.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That a Notice of Refusal to Grant a Planning Permit be issued.

Moved: Cr Magee**Seconded: Cr Taylor**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-29963/2016 for the construction of buildings and works and the reduction of the car parking requirement associated with a food and drink premise at 83 Tucker Road, Bentleigh 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 *Project no: 1621, drawing number TP-100, TP-101, TP-400, TP-401, and TP402, dated December 2016 and drawn by Ewert Leaf*) but modified to show:
 - a) The number of seats not to exceed 79.
 - b) On-site car parking spaces provided for staff use only.
 - c) Electronic swept path diagrams provided to demonstrate convenient access to and from the on-site car spaces using a B85 design car.
 - d) A corner splay provided along the eastern side of the vehicle accessway (Patterson Rd) that is at least 50% clear of obstructions extending at least 2 metres along the frontage, to the satisfaction of the Responsible Authority.
 - e) Deletion of the seating on the roof and notations that roof top access is not provided to customers.

When approved, the plans will be endorsed and will then form part of this Permit.
 2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
 3. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.
 4. Not more than seven (7) staff members/employees must be present on the site at any one time.
 5. Not more than eighty (79) patrons may be present on the site at any one time.
 6. Seating for patrons on the premises must not exceed eighty (79).
 7. Loading and deliveries are to occur only after 2:00pm and before 6:00pm.
 8. 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.
- in any other way, to the satisfaction of the Responsible Authority.
9. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
 10. 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.
 11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
 12. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
 13. No amplified music is permitted on the premises.
 14. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
 15. During the construction of the buildings and works allowed by this permit, the laneway 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.
 16. Before the building 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.
 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. 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.

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.

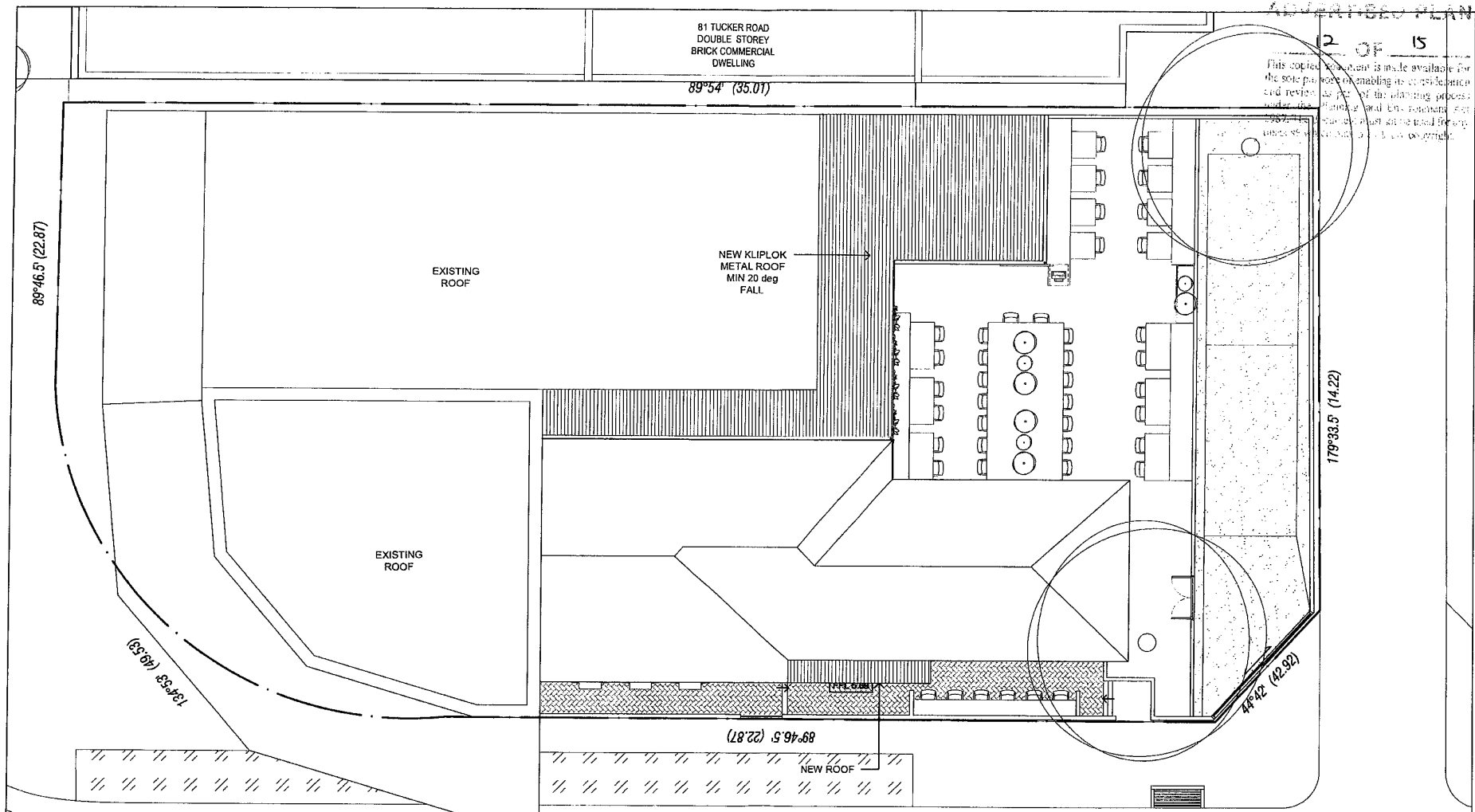
NOTES:

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

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

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

CARRIED



PROPOSED ROOF PLAN
1:100 SCALE

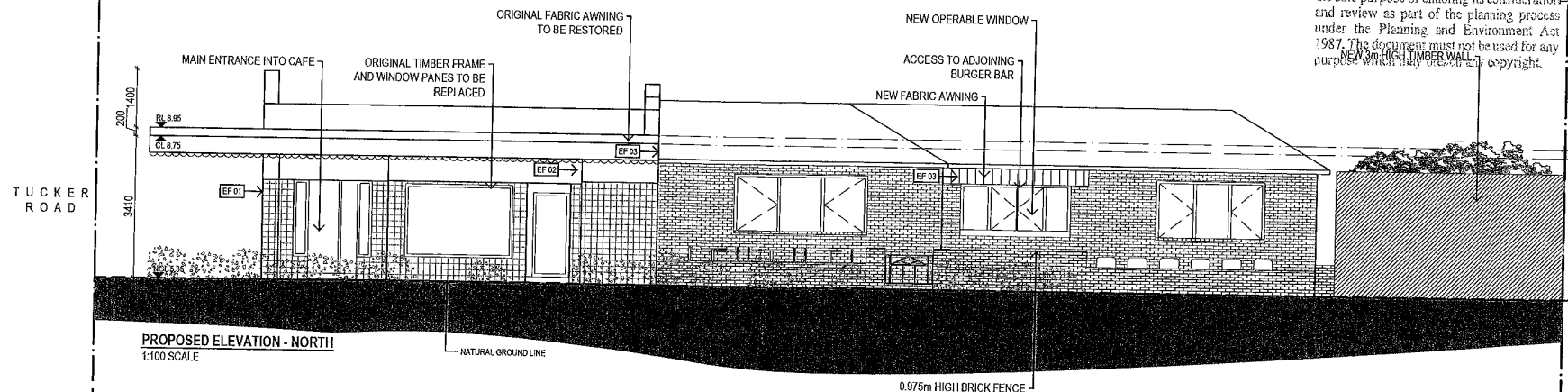
PATTERSON ROAD

E W E R T LEAF	LEVEL 1 87.91 PALMERSTON CRES SOUTH MELBOURNE 3205 VICTORIA AUSTRALIA T: +61(3) 9686 2100 E: architects@ewertleaf.com.au A.C.N: 141027241	REV	DATE	DESCRIPTION	PROJECT TUCKER ROAD CAFE 83 TUCKER ROAD BENTLEIGH 3204	TOWN PLANNING DRAWINGS	
		A	05.10.16	ISSUE FOR TOWN PLANNING		DRAWING TITLE PROPOSED ROOF PLAN SCALE: 1:100 DRAWN: KA DRAWING ISSUE B	PAGE: A3 DATE: DEC 2016 PROJECT NO: 1621 DRAWING No TP-101
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ADVERTISED PLAN

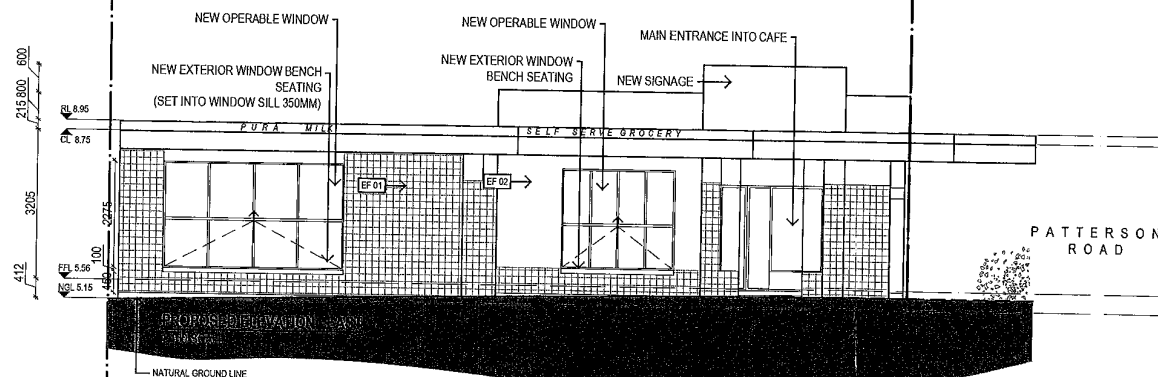
13 OF 15

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EXTERNAL FINISHES LEGEND

- EF 01 140mm X 140mm BLACK EXTERIOR TILE
- EF 02 WHITE RENDER
- EF 03 FABRIC AWNING



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A	05.10.16	ISSUE FOR TOWN PLANNING
B	08.12.16	ISSUE FOR TOWN PLANNING

PROJECT

TOWN PLANNING DRAWINGS

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE: 1:100

PAGE: A3

DATE: DEC 2016

DRAWN: KA

PROJECT NO: 1621

DRAWING ISSUE

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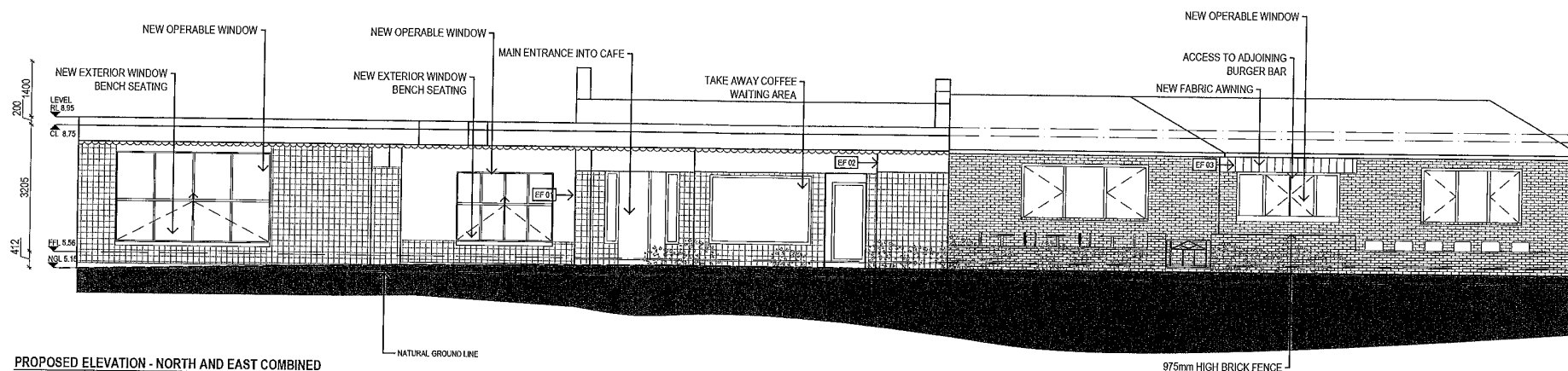
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PROPOSED ELEVATION - NORTH AND EAST COMBINED
1:100 SCALE

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PROJECT

TOWN PLANNING DRAWINGS

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE: 1:100

PAGE: A3

DATE: DEC 2016

DRAWN: KA

PROJECT NO: 1621

DRAWING ISSUE

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DRAWING No REV

TP-401

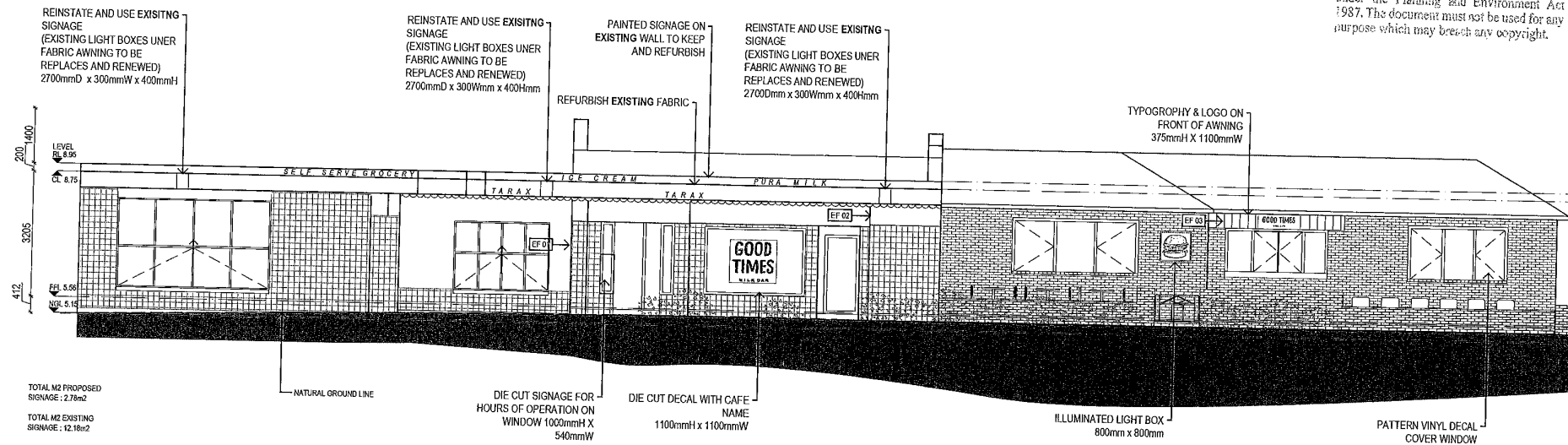
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PROPOSED SIGNAGE - NORTH AND EAST COMBINED
1:100 SCALE

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		A	05.10.16	ISSUE FOR TOWN PLANNING		DRAWING TITLE	PROPOSED ELEVATIONS
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						DRAWN: KA	DATE: DEC 2016
							PROJECT NO: 1621
						DRAWING ISSUE	DRAWING No REV
						B	TP-402

ITEM 9.4 277-279 CENTRE ROAD, BENTLEIGH**Author:** Rocky Camera, Manager Town Planning**File No:** GE/PP-30084/2016**Attachments:** Advertised plans**PURPOSE AND SUMMARY**

To consider a Planning Permit application



PROPOSAL	Nine storey building comprising ground floor shops and 72 dwellings above a basement car park
MUNICIPAL STRATEGIC STATEMENT	Bentleigh Urban Village
APPLICANT	Tempfield Pty Ltd
PLANNING SCHEME CONTROLS	Commercial 1 Zone
OBJECTIONS	208 (at time of print)

RECOMMENDATION

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30084/2016 at 277 Centre Road, Bentleigh for the Construction of a nine (9) storey building comprising ground floor retail and seventy-two (72) dwellings above basement car parking on land adjacent to a Road Zone Category 1, use of the land for accommodation (dwellings) and reduction of associated car parking requirements in accordance with the following grounds:

1. The proposed nine storey height of the development does not reflect the built form characteristics of the area and fails to enhance neighbourhood character.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the north.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to provide for a residential uses at a density complementary to the role and scale of the commercial centre.
5. The development fails to provide adequate on-site car parking in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
6. 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

BACKGROUND

N/A

ISSUES AND DISCUSSION

- Design response to zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts (particularly visual bulk to residential properties)
- Transition in height and scale to residential properties
- Internal amenity
- Car parking and traffic
- Objectors concerns

Proposal

- A nine storey building comprising 72 dwelling (10 x one bedroom, 58 x two bedrooms and 4 x three bedrooms)
- The building has a maximum height of 28.8 metres (excluding roof plant and lift overrun)
- Two retail tenancies facing Centre Road (total area of 697m²)
- Communal open space in the form of a rooftop terrace
- Vehicle access to the basement is proposed via the rear laneway which connects to Oak St to the north east.
- A total of 91 car parking spaces are proposed within basement car parking (40 of which are proposed in car stackers). Of the 91 car spaces, 76 are proposed to be for the residential component, 9 visitor car parking spaces and 6 for the retail component.
- A loading bay, bicycle parking and waste storage area (residential and commercial) is accommodated at ground floor also accessed via Oak Street.

Objectors' concerns

- The commercial zone must have a structure plan that considers sustainable development.
- The cumulative impact of recent development approvals has not been assessed.
- The commercial zone must have height restrictions.
- Height and scale of building is excessive for Bentleigh.
- Development in Bentleigh is increasing too rapidly.
- Infrastructure, e.g. open space, drainage, off-street Council carparks is inadequate.
- Loss of neighbourhood character.
- Poor transition in height and setbacks to residential area.
- Overlooking and overshadowing.
- Visual bulk and dominance of building within streetscape.
- Development will detract from nearby heritage dwellings.
- Flooding impacts.
- Inadequate car parking provided on site.
- Traffic congestion on main and local streets.
- Traffic surveys provided by applicant are outdated.
- On-street parking (on main and local streets) is already inadequate.
- Poor internal amenity and design is not sustainable.
- Strain on infrastructure.
- Inadequate open space to accommodate additional population.

Referrals*Transport Planning*

- The development has a car parking requirement of 117 spaces under State Government Guidelines (76 residential spaces, 14 visitor spaces and 27 retail / shop spaces).
- A total of 91 car parking spaces are proposed within basement car parking (76 resident spaces, 9 visitor car parking spaces and 6 for the retail component).
- Vehicle access to the basement car park is proposed via the 3 metre wide carriageway easement off Oak Street.
- The reduction of car parking for visitors and the retail shop to the extent proposed is not supported as it would have an adverse impact onto existing on-street car parking within the surrounding area.
- The design is not fully compliant with State Government design standards therefore created issues of vehicle movements through the site.

- Useable platform widths for the car stackers do not meet State Government guidelines and are therefore inadequate to allow for safe or practical vehicle movements.
- Adequate provision for loading and unloading vehicles has been provided through a designated loading bay at the rear of the site.
- The development has provided the required number of bicycle parking spaces for employee / resident and visitors / customers.
- There is adequate capacity within the existing road network to accommodate the proposed vehicles trips generated by the development.
- The development would not have an adverse impact on the operation and function of the Oak Street and Centre Road intersection.

Landscape Officer

- There are no trees on site.
- Size of basement to all boundaries means no capacity for tree plantings at ground level.
- Proposed planting at upper floors can be achieved provided planter boxes are of sufficient size.
- Tree protection zones/tree protection fencing to be delineated and shown on the plans for the existing trees at 1 Oak Street to the North.

Asset Engineering

- No net increase in peak stormwater runoff in Council drainage network.
- All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- The proposed pedestrian access must be compliant with the Disability Discrimination Act (DDA).
- All relevant Engineering Permits must be obtained prior to commencement of any works.

Building Department

- Construction Management Plan (CMP) required
- All other matters to be assessed by relevant Building Surveyor

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

Zoning and policy context

The subject site is located within the Commercial 1 Zone, within the Bentleigh Urban Village. State and Local Planning Policies broadly support intensification of development in this location, including mixed-use development (residential, commercial and offices). While 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 lower order General Residential Zone to the north).

The properties immediately to the east and west have the same zoning. The immediately adjoining properties to the north are located in the General Residential Zone and the area to the north-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).

The proposed ground floor commercial uses are considered of an appropriate size to encourage employment generation and enhance the vibrancy of the Bentleigh Activity Centre.

Height, scale and massing

There are no mandatory height limits set in the State Government's Commercial 1 Zone. The site is located at the outer edge of the core retail area identified by the Residential Growth Zone area which surrounds Centre Road, Bentleigh Train station and the rail corridor.

A three storey podium / street wall is considered broadly appropriate and consistent with the built form rhythm along Centre Road. It is noted that the existing Aldi development on the opposite side of Oak Street takes a similar approach however the key concern is the disparate height of the tower which sits above the podium.

Despite the policy direction for high densities in this location, the proposed 9 storey building is likely to present as a jarring and imposing built form when read in the context of surrounding lower scale forms, in particular due to the poor transition in scale and height to the lower scale residential dwellings located within Oak Street and Wheatley Road to the north.

The proposal will significantly interrupt the rhythm and pattern of building heights in the area and will present an unacceptable degree of bulk and mass to Centre Road, the residential streets to the rear and the wider public realm.

The design therefore fails to appropriately respond or contribute positively to its natural and built context or provide an appropriate scale in terms of the bulk and height relative to the scale of the street and surrounding buildings (in keeping with existing or preferred neighbourhood character). It is considered inappropriate for this context and is compounded by the sheer elevations and lack of transition provided across each elevation. As such, the proposal fails to satisfy the State Government's Guidelines for Higher Density Residential Development.

Amenity impacts

The site has a high level of visibility from adjoining properties and the wider area. Having regard to this, it is considered that the proposed development is too tall and will be unduly visually dominant when viewed from adjoining properties and the wider area (including those properties along Centre Road).

The subject site has a rear (north) interface with residential properties and secluded private open space areas, including single dwellings at 1 Oak Street and 2A Wheatley Road. The development will be highly visible when viewed from the private open space areas of these residential properties to the north.

Policy encourages buildings to step down at the rear to achieve a better transition to residential areas (in this case the residential properties to the North in Oak Street and Wheatley Road). While the building adopts a built form envelope to the rear that meets minimum State Government ResCode requirements (up to the third floor), it is considered that the setbacks for the floors above combined with the 9 storey overall height (and noting the existing dwelling at 1 Oak Street and 2A Wheatley Road are single storey) would not achieve the transition sought by policy.

It is considered that 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.

Due to the north-south orientation of the development will not result in overshadowing to any residential properties as the majority of shadows are cast across the adjoining commercial properties and Centre Road to the South. Policy seeks to ensure that buildings on the north side of Centre Road are articulated (i.e. setback) so shadow is not cast onto the footpath on the south side of Centre Road. The submitted shadow diagrams highlight that this issue has not been appropriately managed as the building will cast shadows partly across the footpath on the South side of Centre Road at various times throughout the day.

Overlooking from rear (north) facing balconies at first, second and third floor has been appropriately managed through the provision of 1.7 metre privacy screens (at first and second floor) and one metre high wide planter boxes (at third floor) to prevent downward views. The floors above are adequately setback from the rear boundary to prevent unreasonable overlooking.

Internal amenity

The development incorporates 72 dwellings which include a combination of one, two and three bedroom dwellings with varying layouts and well-proportioned balconies. The diversity of dwelling types within the development will contribute to housing choice in Bently and is consistent with policy.

As the height of the building increases the setbacks of the central sections on the east and west elevations also increase. This results in large light courts providing natural light and ventilation for east and west orientated dwellings.

The internal layout ensures that no dwellings rely on borrowed light and all habitable rooms (living areas and bedrooms) have direct access to natural light. Due to the orientation of the site it is considered reasonable for dwellings to have a direct north or south orientation to provide an outlook towards Centre Road or the residential area to the north.

The development provides internal waste chutes and communal open space for the convenience and amenity of future residents.

Car Parking and Traffic

The development has a car parking requirement of 117 spaces under State Government Guidelines (76 residential spaces, 14 visitor spaces and 27 retail / shop spaces). The development incorporates a total of 91 car parking spaces over two levels of basement car parking (40 of which are to be provided in car stackers).

The car parking requirement for the dwellings has been met however the above results in a total shortfall of 26 spaces (5 visitor spaces and 21 retail shop spaces). The reduction of car parking for visitors of the dwellings and the retail shops to the extent proposed is not supported as it would have an adverse impact onto existing on-street car parking within the surrounding area.

There are a number of shortcomings in the design of the basement which fails to ensure that vehicles can safely manoeuvre within the site and egress from the site. Numerous design changes would be required to ensure compliance with the State Government guidelines. In particular the proposed useable platform widths for the car stackers do not meet State Government guidelines and are therefore inadequate to allow for safe or practical vehicle movements.

It is considered that the development has made adequate provision for loading and unloading vehicles through a designated loading bay at the rear of the site. It is also noted that delivery vehicles are likely to be smaller in size which is expectable for retail premises of this size. The width of the accessway is considered sufficient for delivery vehicles of this type noting loading can also occur on-street directly from Centre Road.

The development has provided the required number of bicycle parking spaces for employee / resident and visitors / customers however the location of bicycle parking for visitors within the secured parking area at the rear of the site is not supported.

In terms of traffic generation, the proposed development would generate 376 vehicle trips for an average day and 38 trips during peak periods. The Transport Planning Department has advised that recent planning approvals on the south side of Centre Road are unlikely to have any impact onto Oak Street. A road such as Oak Street has a daily threshold volume of 2,000 to 3,000 vehicles per day. Council's Transport Planning Department has advised that Oak Street has adequate capacity to accommodate the additional traffic generated by the proposed development.

Social impacts

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 buildings in the Bentleigh Urban Village, poor transition and amenity impacts to neighbouring residential areas, traffic congestion and reduction of car parking. Under the legislation, the fact that a high number of objections (203 at time of print) 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.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

- 27 properties notified
- 117 notices sent (owners and occupiers)
- 3 x signs erected on site
- 208 objections received (at time of print)

Planning Conference (Non Statutory)

The Conference, chaired by Cr Taylor, 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 timeline for implementation of the Bentleigh Structure Plan.
- The proposed interim height controls should be mandatory as opposed to discretionary.
- The interim height controls should be “fast-tracked” to avoid developments of the height and scale proposed.
- Traffic Surveys are outdated (conducted 2015) and did not appear to consider recent development approvals along Centre Road and surrounding residential streets.
- Vehicle access via the small laneway from Oak Street will lead to queuing and congestion.
- Any reduction of car parking should not be allowed.
- The submitted traffic surveys downplay the impacts of increased density.
- Car stackers are not a practical approach to car parking.
- 9 storey height is in contrast to existing context.
- The development fails to respect the preferred character for Bentleigh.
- The development fails to appropriately transition to surrounding residential areas.
- Traffic congestion is already a problem in Oak Street due to the Aldi building and Council car park.
- Visual bulk and dominance of the nine storey tower.
- Cumulative impacts of car parking reductions for other developments.
- Loss of outlook and natural light.
- Overlooking and overshadowing.
- Loss of residential amenity and privacy.
- Infrastructure cannot cope with rapid increased in density.
- Flooding risk and stormwater runoff.
- Local services such as schools cannot cope with increased density.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

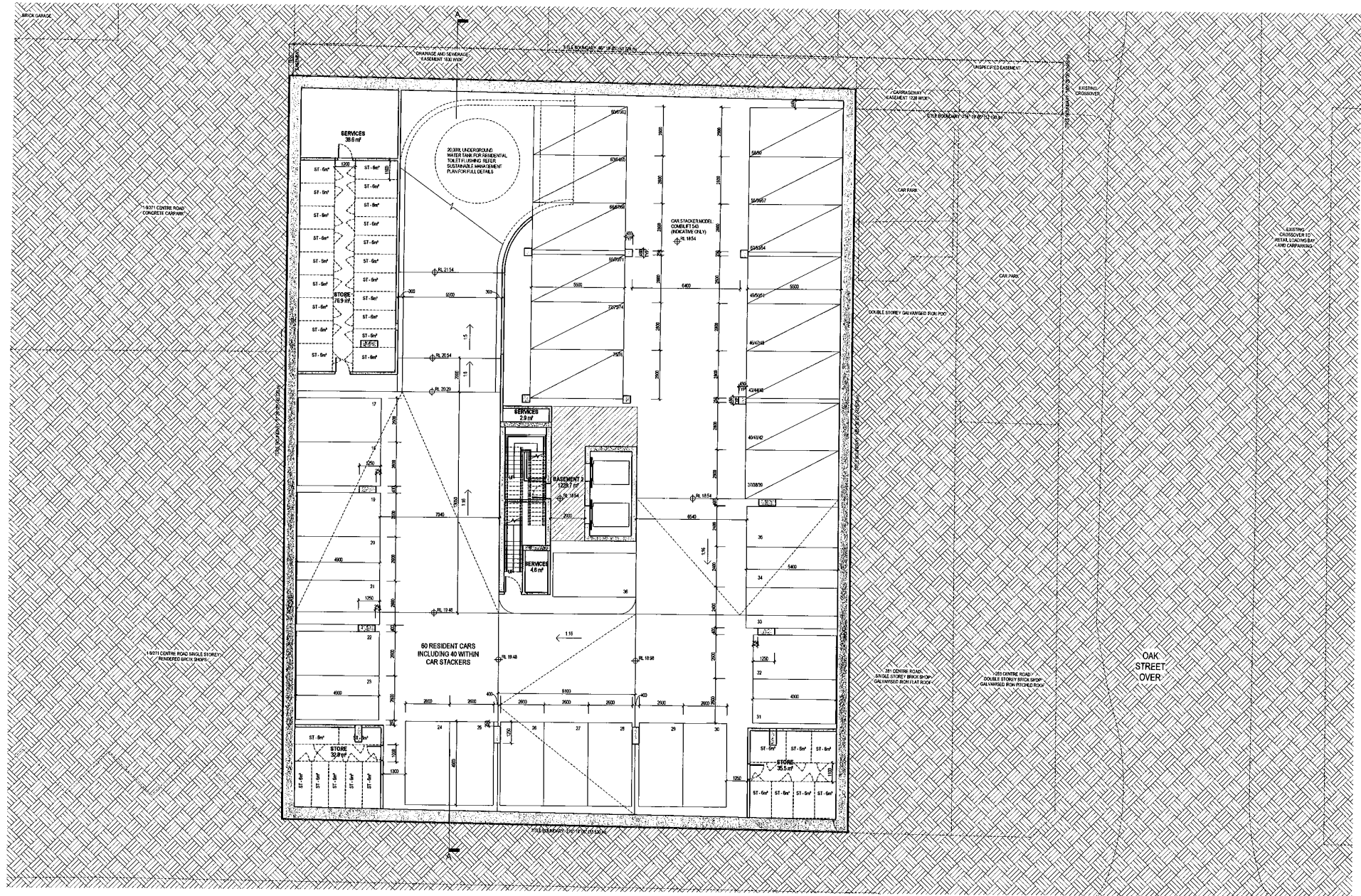
That a Notice of Refusal to Grant a Planning Permit be issued.

Moved Cr Taylor**Seconded Cr Hyams**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30084/2016 at 277 Centre Road, Bentleigh for the Construction of a nine (9) storey building comprising ground floor retail and seventy-two (72) dwellings above basement car parking on land adjacent to a Road Zone Category 1, use of the land for accommodation (dwellings) and reduction of associated car parking requirements in accordance with the following grounds:

1. The proposed nine storey height of the development does not reflect the built form characteristics of the area and fails to enhance neighbourhood character.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the north.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to provide for a residential uses at a density complementary to the role and scale of the commercial centre.
5. The development fails to provide adequate on-site car parking in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
6. 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

CARRIED UNANIMOUSLY



Revisions / 18.11.16 Town Planning Issue

08

Project / Mixed - Use Development
27.02.20 CENTRE ROAD
SUNSHINE

Drawing / Basement 2

Project No / 216156

Date / 09/15/16

Author / MT

Scale @ A3 / 1 : 100

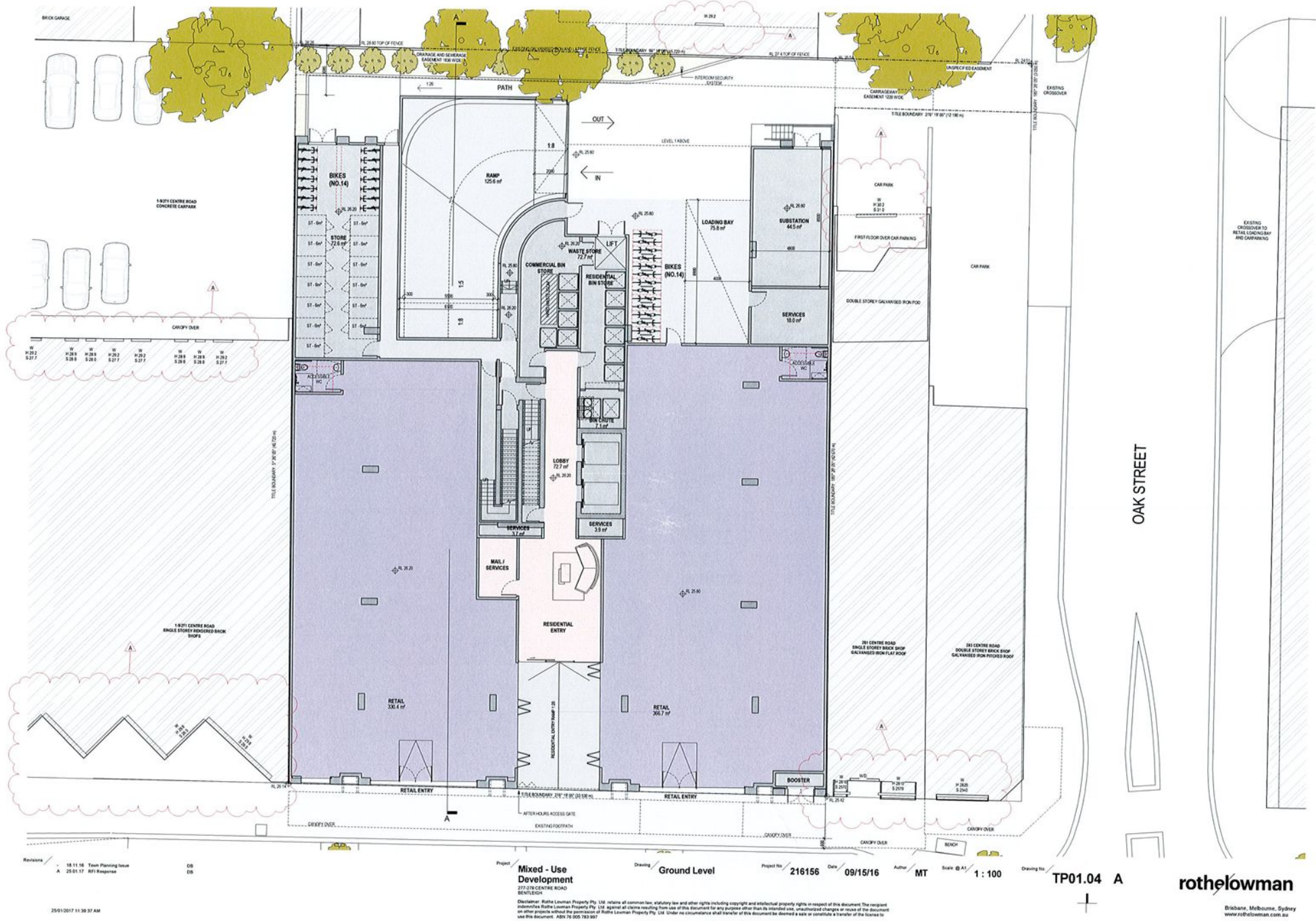
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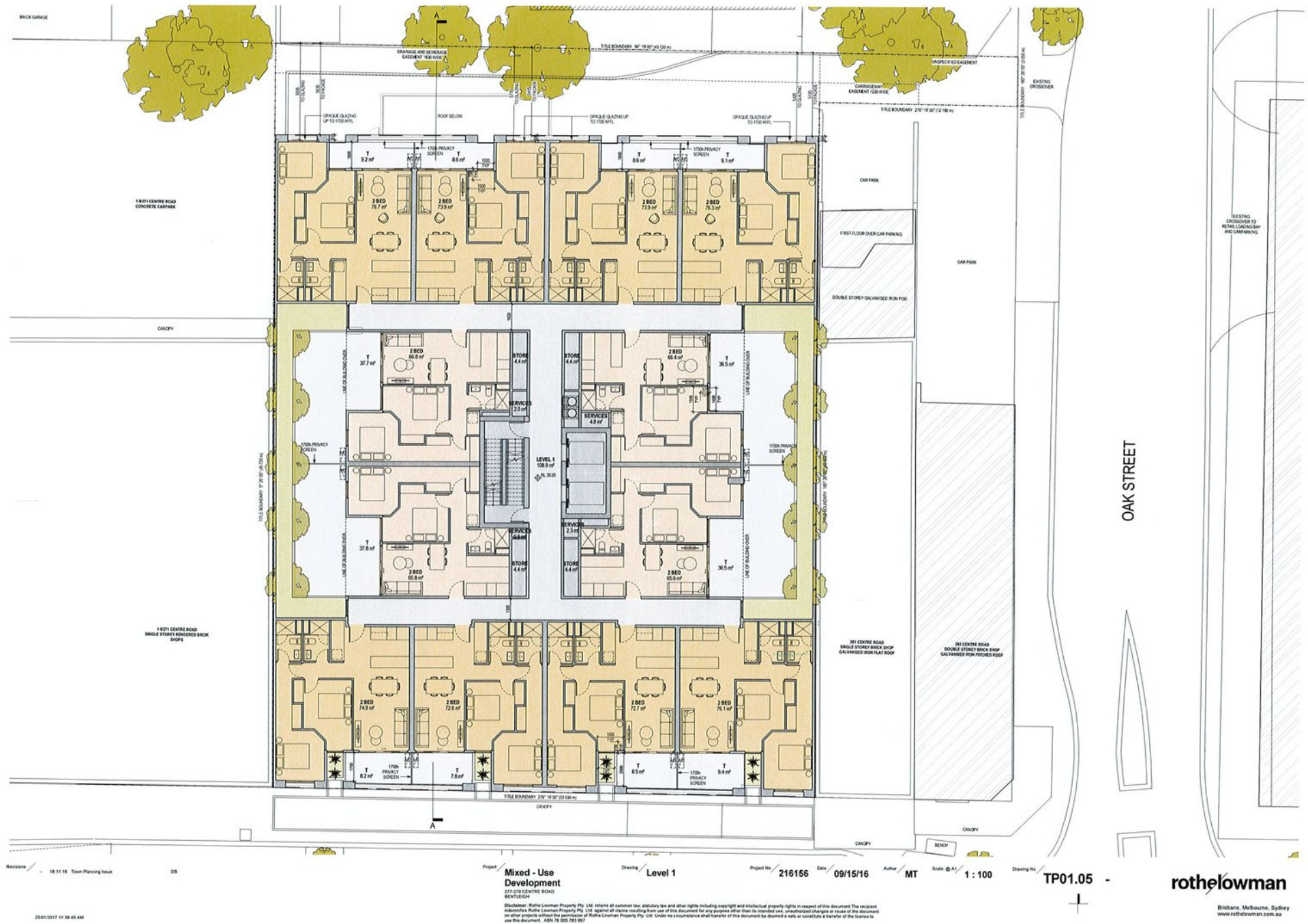
rothelowman

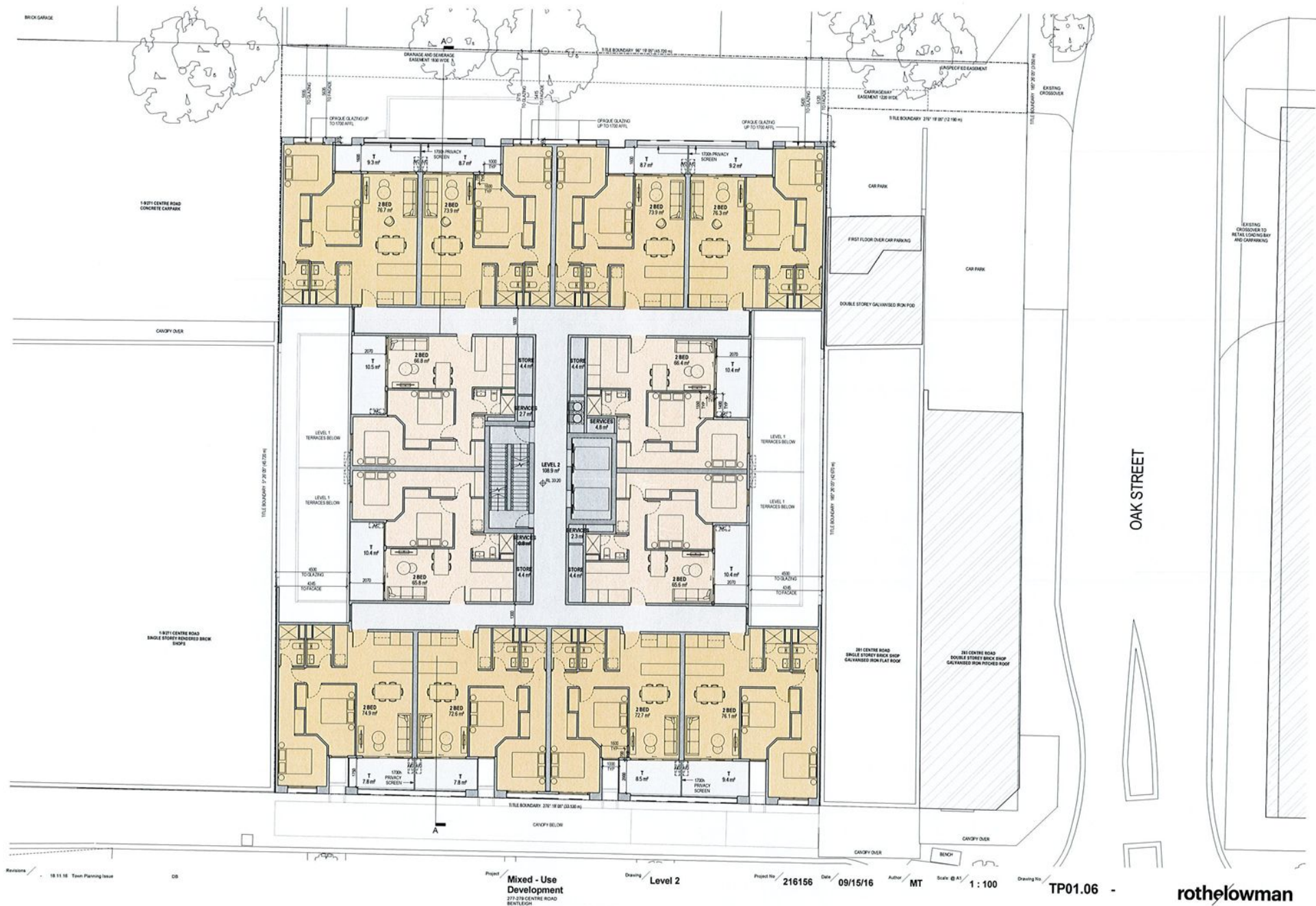
Brisbane, Melbourne, Sydney
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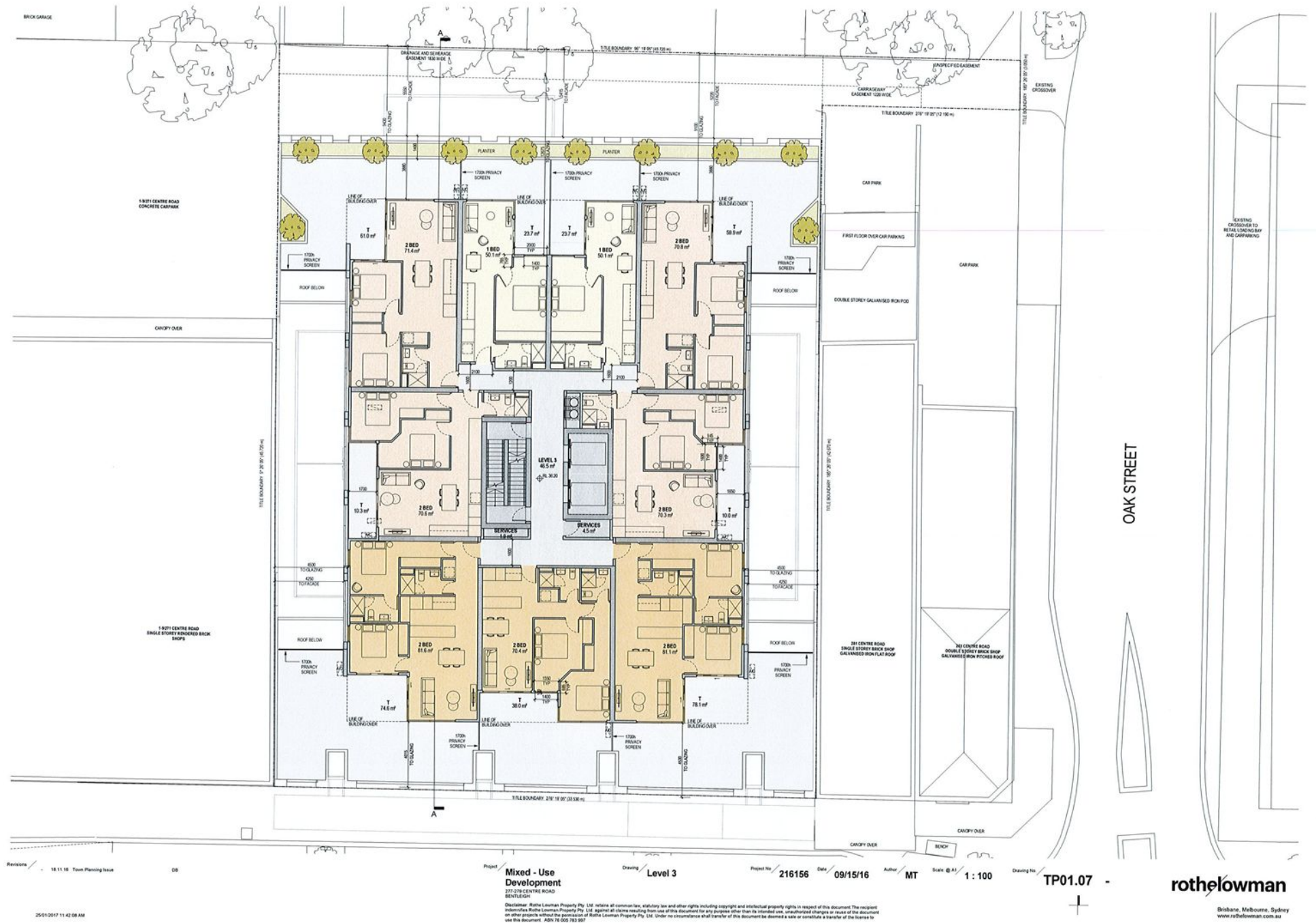
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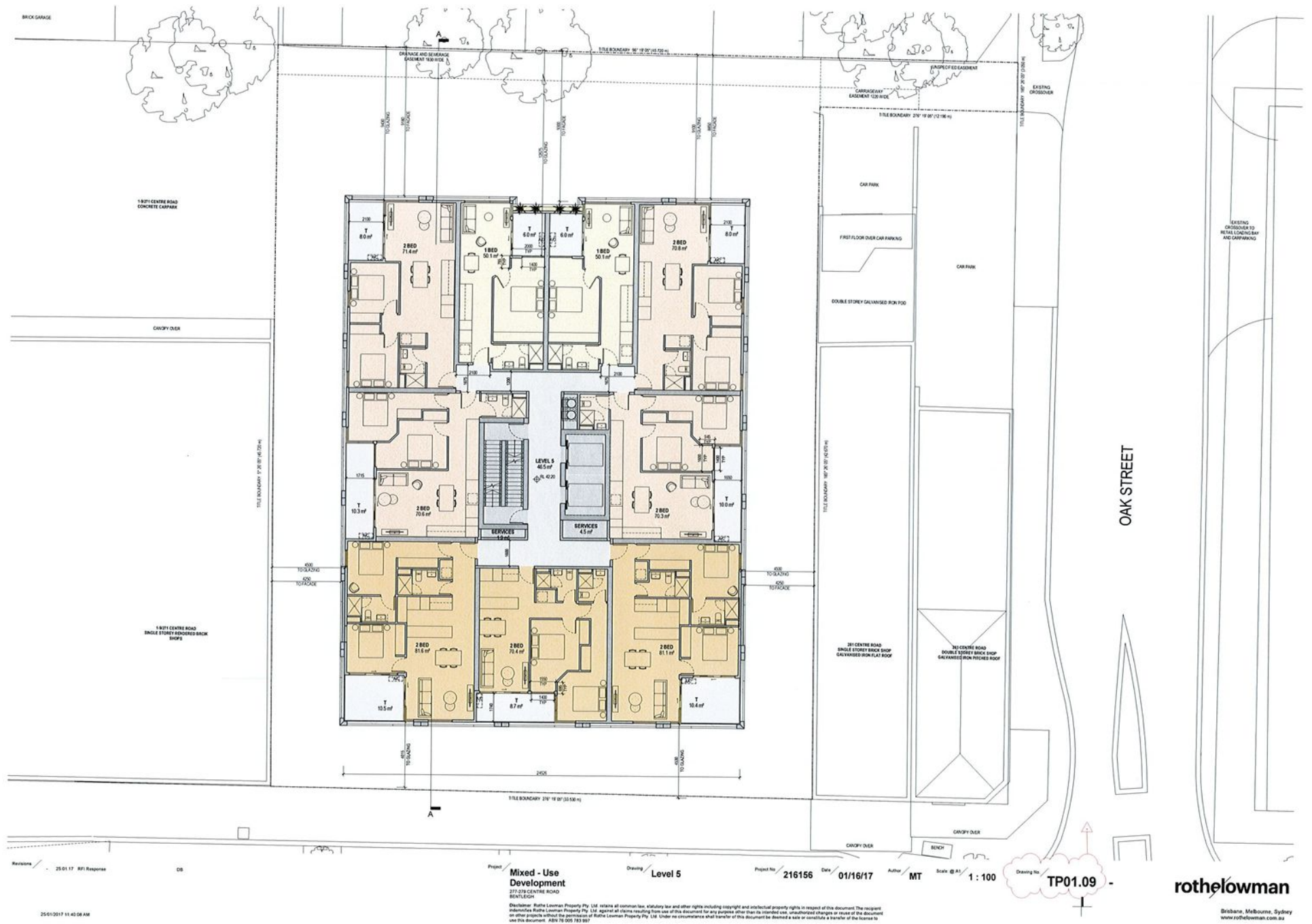


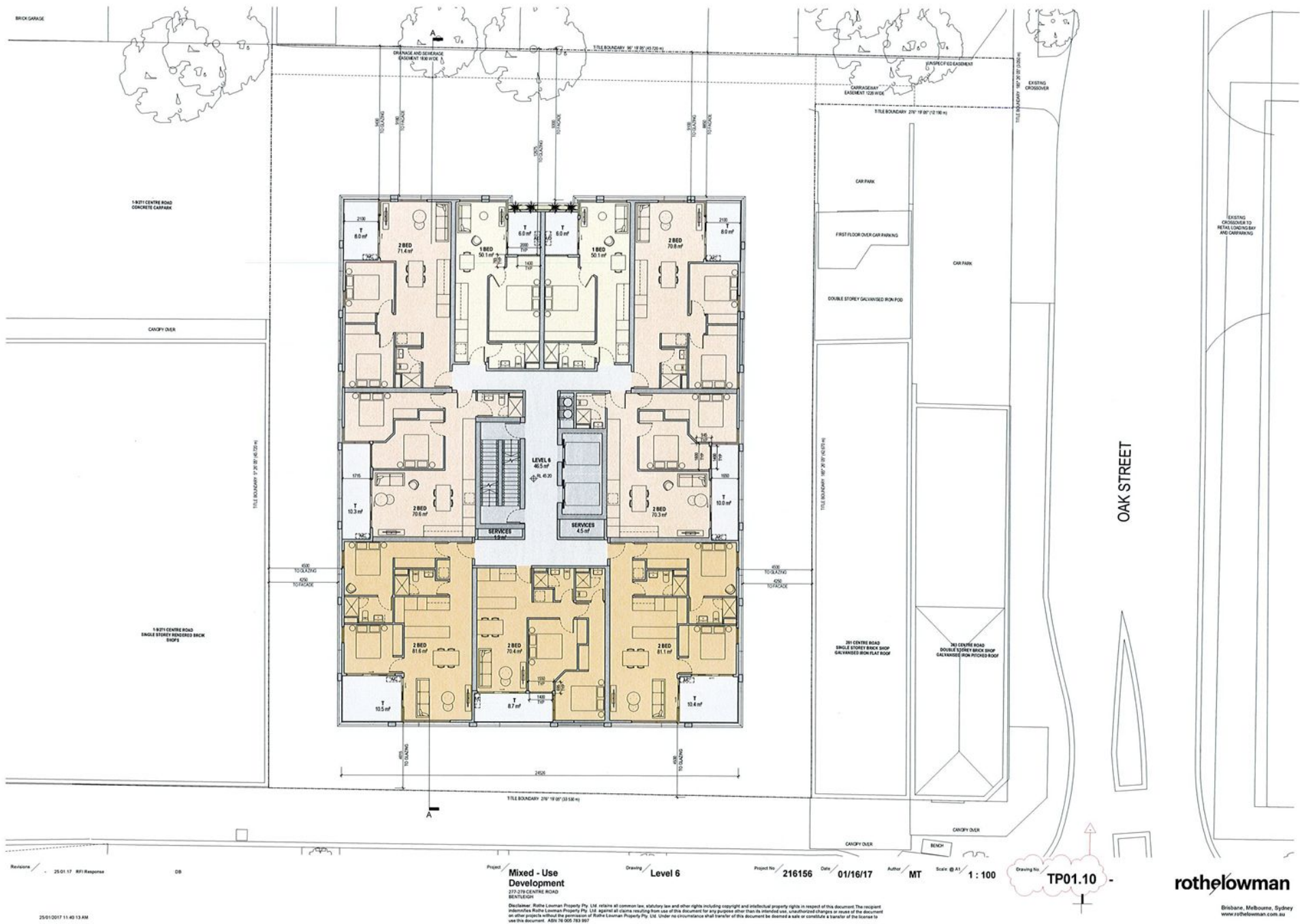


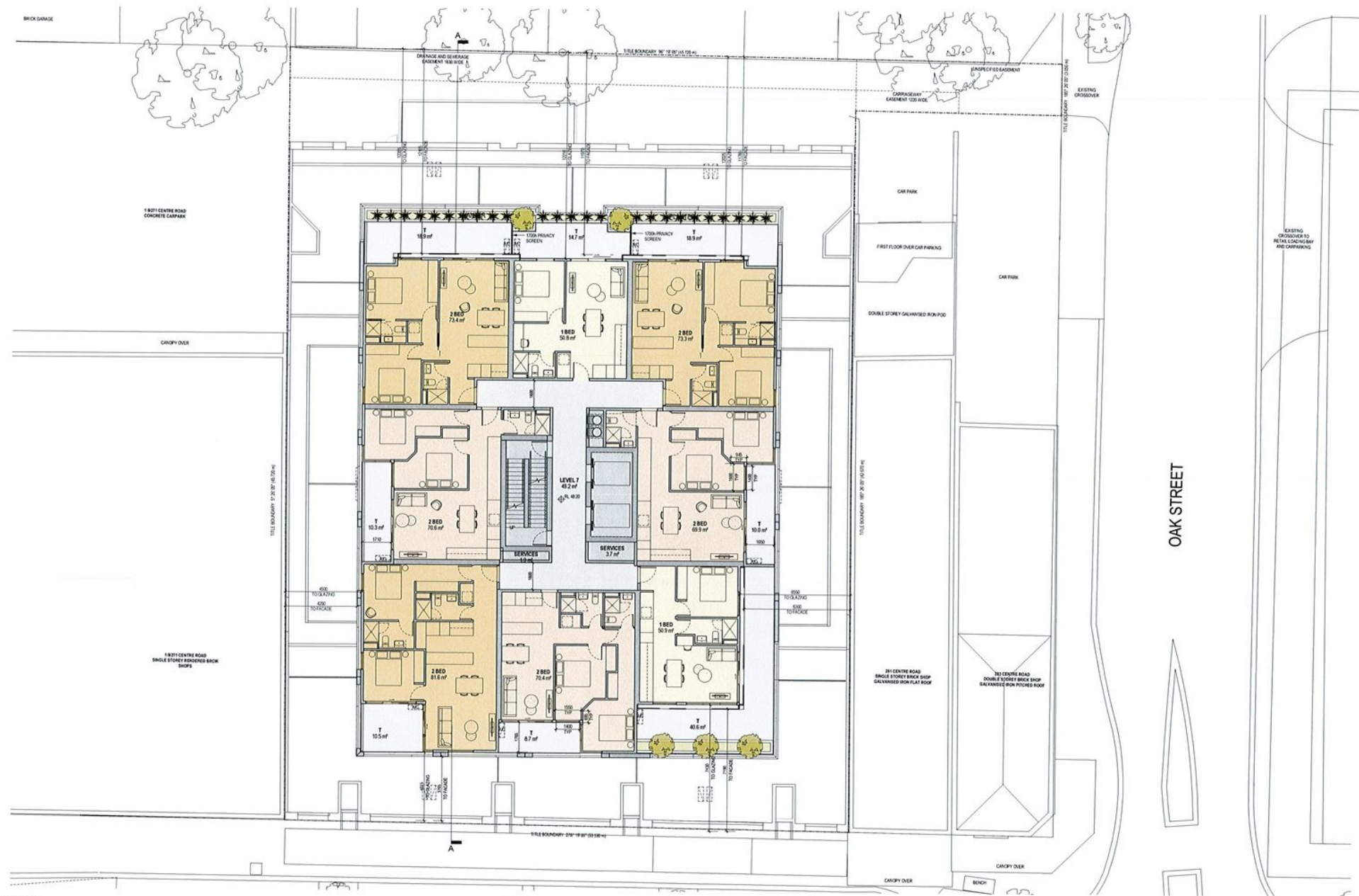












Revisions / 18.11.15 Town Planning Issue

CB

Project / Mixed - Use Development
277-279 CENTRE ROAD
SYDNEY

Drawing / Level 7

Project No / 216156

Date / 10/03/16

Author / MT

Scale @ A1 / 1 : 100

Drawing No / TP01.11 -

rothelowman

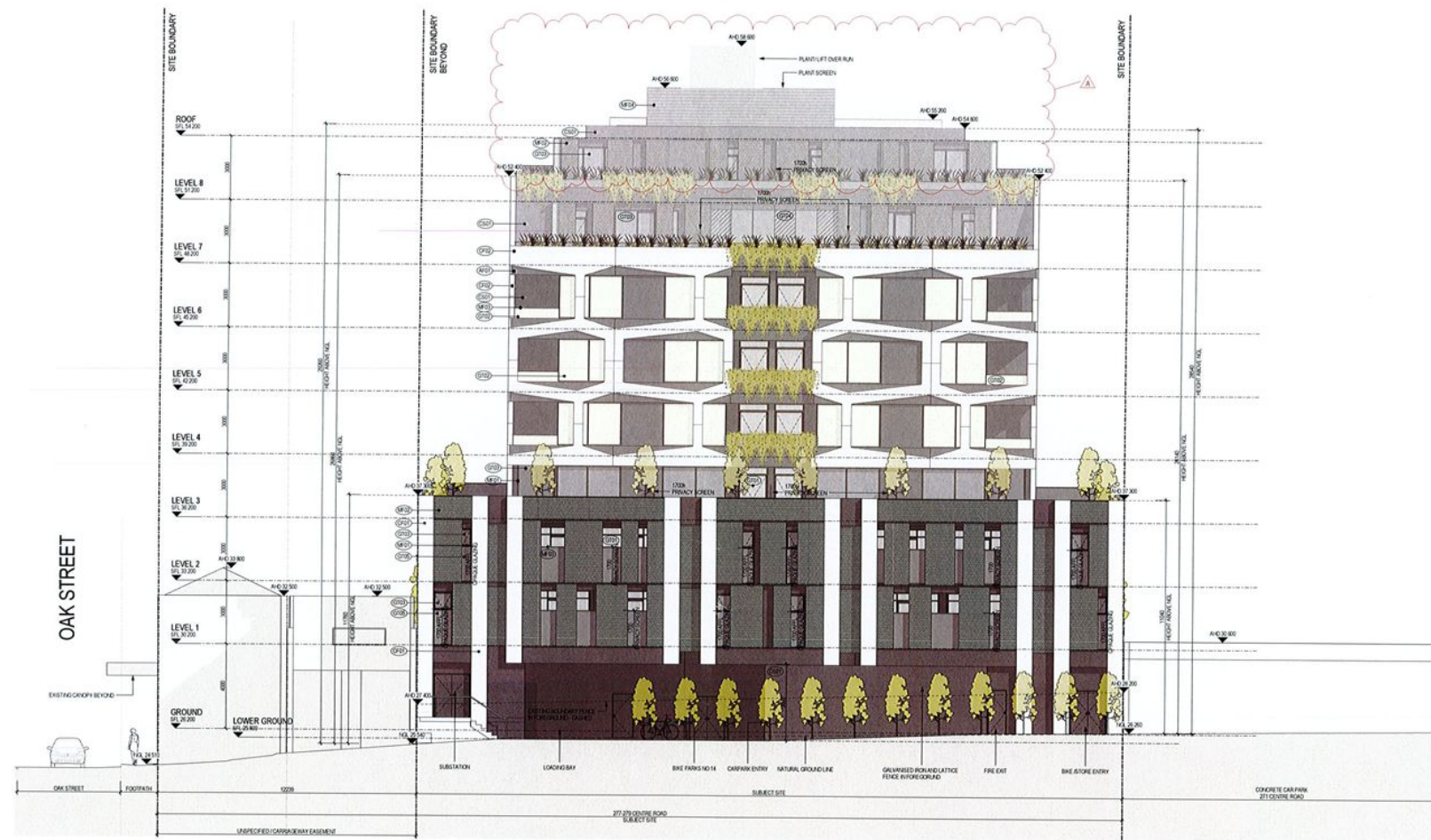
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Revisions /
 18.11.16 Town Planning Issue
 A 25.01.17 RFI Response

DB
 DB

29/01/2017 11:40:50 AM

MATERIALS LEGEND			
AP01	APPLIED FRESH - DARK	MF01	METAL CLADDING - LIGHT
CF01	CONCRETE FRESH - NATURAL	MF02	METAL FRESH - CHARCOAL
CF02	CONCRETE FRESH - OFF WHITE	MF03	METAL FRESH - METAL SCREEN
MF01	METAL FRESH - LIGHT GREY	MF04	METAL FRESH - CHARCOAL LOUNES
CF01	CLADDING SYSTEM - DARK GREY		
GL01	GLAZING - CLEAR	TL01	TILE - NAVY
GL02	GLAZING - GREEN		
GL03	GLAZING - DARK GREY		
GL04	GLAZING - DARK GREY (SPHERICAL)		
GL05	GLAZING - OFF WHITE GREY		

Project /
**Mixed - Use
 Development**
 277-279 CENTRE ROAD
 BENTLEIGH

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Drawing /
North Elevation

Project No /
216156 Date /
11/07/16

Author /
TD

Scale @ A1 /
1:100

Drawing No /
TP02.01 A

rothelowman

Brisbane, Melbourne, Sydney
 www.rothelowman.com.au



Revisions
 1. 18.11.16 Town Planning Issue
 A. 25.01.17 RPI Response

DB
 DB

MATERIALS LEGEND			
AF01	APPLIED FRESH-GAIN	MS01	METAL CLADDING-LIGHT
CF01	CONCRETE FRESH-NATURAL	MS02	METAL FRESH-CHARCOAL
CF02	CONCRETE FRESH-OFF-WHITE	MS03	METAL FRESH-METAL SCREEN
CS01	CLADDING EXTERIOR-DARK GREY	MS04	METAL FRESH-LIGHT GREY
		MS05	METAL FRESH-CHARCOAL (VARIABLE)
GL01	GLAZING-CLAR	TL01	TILE-NAVY
GL02	GLAZING-GREEN		
GL03	GLAZING-DARK GREY		
GL04	GLAZING-DARK GREY (FRAMED)		
GL05	GLAZING-SPARKLE GREY		

Project
Mixed - Use Development

Drawing
East Elevation

Project No
216156

Date
11/07/16

Author
TD

Scale
@ A1 / 1:100

Drawing No
TP02.02 A

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Revisions /
A 18.11.16 Town Planning Issue
A 25.01.17 RFL Response

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MATERIALS LEGEND			
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Q01	CONCRETE FASHION NATURAL	M02	METAL FASHION CHARCOAL
Q02	CONCRETE FASHION OFF WHITE	M03	METAL FASHION METAL SCREEN
Q03	CONCRETE FASHION DARK GREY	M04	METAL FASHION LIGHT GREY
Q04	CONCRETE FASHION DARK GREY	M05	METAL FASHION CHARCOAL LOUVER
Q05	CONCRETE FASHION DARK GREY	T01	TILE NAVY
Q06	CONCRETE FASHION DARK GREY		
Q07	CONCRETE FASHION DARK GREY		
Q08	CONCRETE FASHION DARK GREY		
Q09	CONCRETE FASHION DARK GREY		
Q10	CONCRETE FASHION DARK GREY		

Project /
Mixed - Use
Development
277-279 CENTRE ROAD
BENTLEIGH

Drawing /
West Elevation

Project No /
216156

Date /
11/07/16

Author /
TD

Scale @ A1 /
1 : 100

Drawing No /
TP02.04 A

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ITEM 9.5 348-352 CENTRE ROAD, BENTLEIGH**Author:** Rocky Camera, Manager Town Planning**File No:** GE/PP-30044/2017**Attachments:** Advertised plans**PURPOSE AND SUMMARY**

To form a position on the proposed development for the upcoming VCAT hearing



PROPOSAL	VCAT Appeal: Eight storey building comprising ground floor shop and thirty (30) dwellings above basement car park
MUNICIPAL STRATEGIC STATEMENT	Bentleigh Urban Village
APPLICANT	Interest Property Group
PLANNING SCHEME CONTROLS	Commercial 1 Zone Special Building Overlay
OBJECTIONS	1 Objector party to the VCAT proceedings

RECOMMENDATION

That Council adopts a position to oppose the proposed development for the construction of an eight storey building comprising ground floor retail and thirty (30) dwellings above basement car parking on land adjacent to a Road Zone Category 1 and affected by the Special Building Overlay, use of the land for accommodation (dwellings), reduction of car parking requirements and waiver of loading bay requirements at 348-352 Centre Road, Bentleigh in accordance with the following grounds:

1. The proposed eight storey height of the development does not reflect the built form characteristics of the area and fails to enhance neighbourhood character.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
 - Element 5 – Building Layout and Design; and
 - Element 6 – Open Space and Landscape Design.
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the south.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to strike an appropriate balance between residential density and commercial uses.
5. The development fails to deliver a high quality urban design outcome.
6. The development fails to provide an adequate level of housing diversity and choice.
7. The total area of the ground floor retail use is inadequate and will undermine the vibrancy of the activity centre.
8. The proposal does not provide for fair and equitable development by compromising the future development potential of the adjoining smaller sites.
9. The development fails to provide adequate on-site car parking 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 has the potential to flood given the finished floor levels are not in accordance with Melbourne Water's requirements.

BACKGROUND

The permit applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) on Monday 9 January 2017. The appeal was for "the failure of the responsible authority to grant the permit within the prescribed time".

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.

ISSUES AND DISCUSSION

- Zoning and policy context
- Height, scale and massing

- Amenity impacts
- Internal amenity
- Car parking and traffic
- Equitable Development
- Flooding risk
- Objector concerns

Proposal

- An eight storey building comprising 30 dwellings (11 x one bedroom, 19 x two bedroom).
- A 161 square metre retail tenancy fronting Centre Road.
- One basement providing a total of 32 car parking spaces in a stacker system. One disabled car parking space is provided at ground floor.

Objector concerns

- Overdevelopment of the land.
- Insufficient car parking.
- Adverse amenity issues caused by the scale of the development.
- The development will be overbearing on adjoining properties

Referrals

Transport Planning

- The State Government Guidelines require that the proposed development provides 42 car spaces (30 resident spaces, 6 residential visitor spaces and 6 retail shop spaces).
- Reduction of visitor parking (to the extent proposed) is not supported. Additional visitor parking should be provided noting the proximity to public transport and on-street parking outside peak periods.
- The proposed two shop / retail spaces are appropriate to cater for staff. Customers will continue to use on street and public car parks.
- Vehicle access is via the laneway at the rear of the site
- A loading bay is provided at the rear of the site for delivery vehicles which are likely to be smaller in size relative to the size of the retail premises (as proposed).
- The locating of bicycle parking for visitors within the basement is not supported and should be provided at the ground level near the main entrance and/or foyer of the building.
- Changes to the car parking design and layout are required to ensure safe and practical vehicle access for future residents.
- Sightlines and passing opportunities between motorists exiting the site and motorists traveling along the laneway would be poor.

Asset Engineering

- The vehicle access ramp must be designed to avoid flooding of the proposed basement. This will require the apex to the ramp to be above the nominated flood levels provided by Melbourne Water.
- The proposed pedestrian access must comply with the Disability Discrimination Act (DDA).
- All relevant Engineering Permits must be obtained prior to commencement of any works.

Melbourne Water

- Finished floor levels of the ground floor need to increase to satisfy the minimum applicable flood level. This would require the finished floor levels of the ground floor retail and lobby/lift area to be raised by 460mm to 24.96m to Australian Height Datum (AHD).

VicRoads

- No objections to the proposed development.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Council has engaged legal representation for the upcoming VCAT proceedings. An expert witness will also be sought to support Council's position.

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

The subject site is located within the Commercial 1 Zone. The properties immediately to the east and west along the Bentleigh shopping strip have the same zoning. The immediate abuttal to the south at 40 Mavho Street is located in the Residential Growth Zone and has planning approval for a 4 storey residential apartment building.

The area to the south-west is located in the General Residential Zone where a lower intensity of residential development is directed by policy and mandatory height limits apply (10.5 metres).

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 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).

The Commercial 1 Zone and Council's 'Urban Villages Policy' seek to create vibrant mixed use commercial centres and employment generation whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. Policy also seeks to strengthen the retail focus along Centre Road by promoting retail as the principal ground floor use.

The development would be inconsistent with this purpose due the small proportion of the ground floor dedicated to retail uses (approx. 24% of the site area) with the majority of this area occupied by storage, services, car parking and the basement ramp. This has potential to undermine the vibrancy of the activity centre and does not strike the appropriate balance between residential density and commercial uses sought by the zone.

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 buildings in the Bentleigh Urban Village.

The predominant building 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 8 storeys above. While 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 8 storeys) is considered disproportionate to the podium base and excessive for this location.

The relative height and scale of the development compared with surrounding buildings will exacerbate its visual dominance within Centre Road and views from surrounding residential streets and at a greater distance.

Amenity impacts

Policy recognises the importance for development to respect the amenity of the surrounding area and providing a transition to surrounding residential uses. The subject site has a rear (south) interface with residential properties and secluded private open space areas, including a single dwelling at 40 Mavho Street and three storey apartment building at 39 Mavho Street.

The development is considered to be excessive and will be highly visible and imposing when viewed from these residential properties to the south. It is noted that 40 Mavho Street has planning approval for a four storey apartment building which incorporates a number of north facing dwellings with an outlook towards the proposed development. Similarly, the development would appear highly prominent when viewed from north and east facing dwellings at 39 Mavho Street (notwithstanding the separation provided by the road).

While the building adopts a built form envelope to the rear that meets minimum State Government ResCode requirements for rear setbacks, it however presents significant bulk and mass to residential properties within Mavho Street and Loranne Street.

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 cast shadows over residential properties to the south at various times throughout the day. Whilst there is some increase in shadows (compared to that which currently exists) the extent of impact is considered to be within acceptable limits when assessed against State Government Guidelines.

Overlooking from rear (south) facing balconies at first, second and third floor has been minimised through the provision of one metre high planter boxes with 700mm high privacy screens constructed of angled louvres to prevent outward and downward views. The floors above are adequately setback from the rear boundary to prevent unreasonable overlooking.

Internal amenity

The development incorporates generously proportioned light courts on east and west side of the building to provide natural light and ventilation to main living areas and bedrooms. The internal layout provides dual or 'wrap around' balconies for a number of dwellings which ensures that no dwellings rely on borrowed light.

It is considered that the area of the ground floor dedicated to bin / waste storage is excessive for the modest retail component and number of dwellings. This has a negative consequence on the amount of ground floor area which can be dedicated to commercial uses and is indicative of a poor response to the zoning and policy.

It is considered that a development of this scale and density should provide for internal waste chutes and communal open space for the convenience of future residents.

Car Parking and Traffic

The State Government Guidelines require that the proposed development provides 42 car spaces (30 resident spaces, 6 residential visitor spaces and 6 retail shop spaces).

The proposal incorporates a total of 33 car parking on-site (32 within a basement car park, provided within car stackers and 1 disabled space on the ground floor). Out of the 33 car parking spaces proposed in the basement, 31 spaces are allocated to residents which exceeds the State Government requirement (one two-bedroom dwelling has been allocated an extra parking space), 1 space is allocated to the retail premises with 1 disabled car space on the ground floor.

Vehicle access to the disabled car space and basement car park is proposed via the 3 metre wide laneway at the rear of the site accessed via Mavho Street and Loranne Street.

The car parking requirement for the dwellings has been met however the above results in a total shortfall of 10 spaces (all 6 visitor spaces for the dwellings and 4 retail shop spaces).

In terms of the shop use, two long term car spaces will be provided within the land. It is considered that these two car spaces would cater for the car parking demand for staff. In terms of customer parking, it is considered that the 4 car spaces for the retail component could be accommodated along Centre Road and the Oak Street car park given they would be of a short term nature (i.e. customers visiting the shop use).

A reduction of visitor car parking for the dwellings (to the extent proposed) is not supported by Council's Transport Planning Department. It is considered that the visitor car parking should be provided for the dwellings within the development land. Given the reduction of car parking sought for the retail component, a waiver of 6 visitor car spaces for the dwellings would have an adverse impact onto the surrounding area.

The proposed shops generate a requirement for loading facilities. A loading bay is provided at the rear of the site for delivery vehicles. It is unclear whether the loading bay has been designed in accordance with the dimensions specified in the Planning Scheme.

The proposal has provided the required number of bicycle parking spaces for employee / resident and visitors / customers within the basement car park (6 and 3 required respectively). The locating of bicycle parking for visitors within the basement is not supported and should be provided at the ground level near the main entrance and/or foyer of the building.

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.

Concern has been raised with the poor sightlines between motorists exiting the site and motorists traveling along the laneway and lack of passing opportunities given the traffic increase that will result from the proposed development.

Flooding Risk

The application has been referred to Melbourne Water who has no objections subject to conditions including raising the height of the basement and ground floor (by 460mm) to avoid flooding of the basement. This would potentially increase the overall height of the building.

Development Equity

The building envelope seeks to respond to the seven storey development at 342-346 Centre Road (approved by VCAT) in terms of locating of a light court centrally along the west boundary. The building adopts a similar approach at its eastern interface in terms of generously proportioned light court however locates the remainder of the building hard against the east boundary.

It is noted that the application material (Urban Context Report) makes certain assumptions regarding the potential for the sites to the east to achieve a building of similar height and scale to the proposed development. Achieving this outcome would be highly reliant on the consolidation of a number of lots which are individually much smaller than the subject site.

Due to this uncertainty it cannot be assumed that a future development would be able to match the same light court and setback as proposed. As such it is considered that the proposed development has failed to provide a fair and equitable share of building separation in order to not compromise the future development potential of the adjoining smaller sites.

COMMUNICATION AND ENGAGEMENT

Public Notice was carried out by the permit applicant at the direction of VCAT. Council did not undertake the advertising process. VCAT has advised that one objection to the application has been received. The objector raised the following concerns:

- Overdevelopment of the land.
- Insufficient car parking.
- Adverse amenity issues caused by the scale of the development.
- The development will be overbearing on adjoining properties

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That Council adopts a position to oppose the development at the Victorian Civil and Administrative Tribunal.

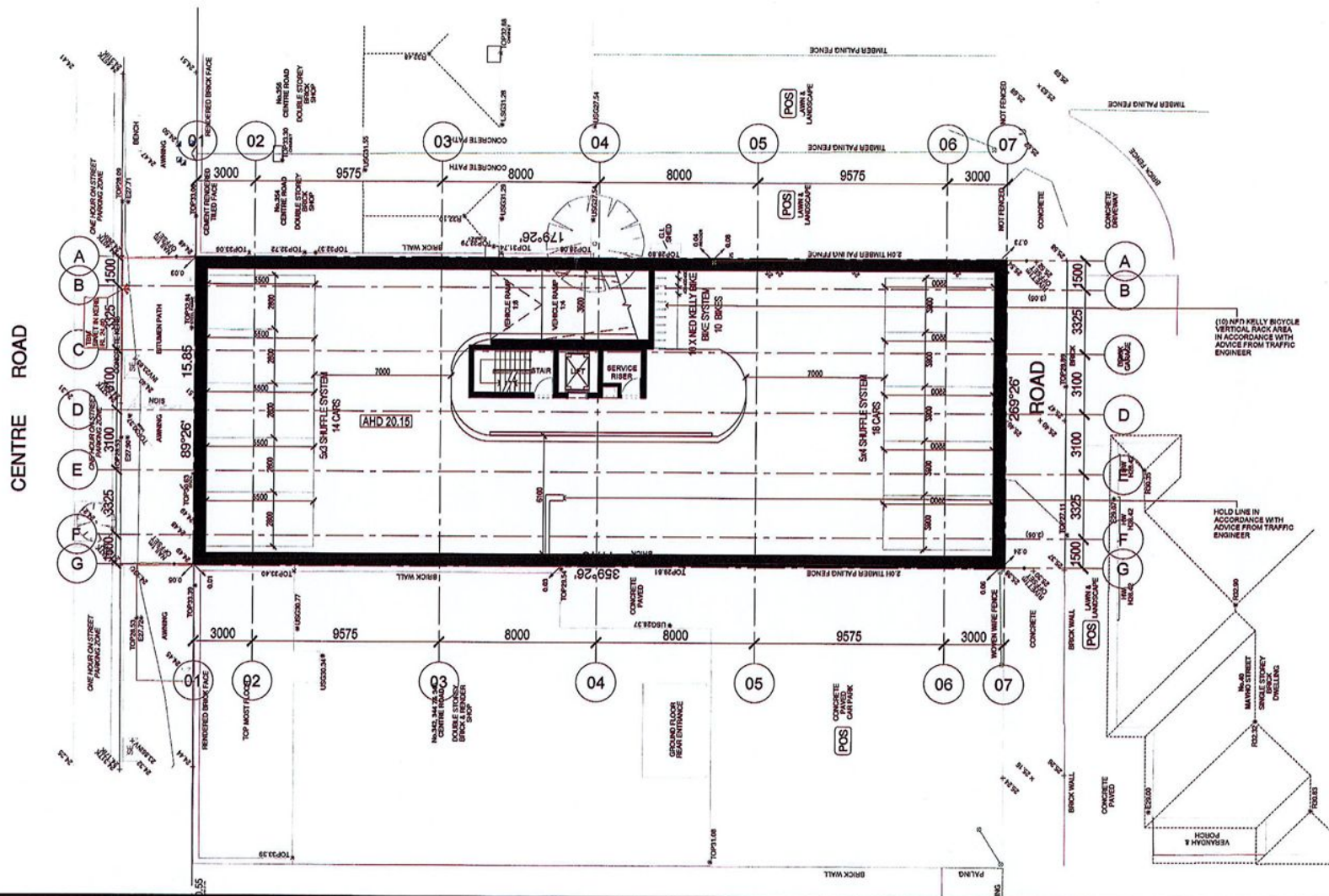
Moved: Cr Hyams**Seconded: Cr Silver**

That Council adopts a position to oppose the proposed development for the construction of an eight storey building comprising ground floor retail and thirty (30) dwellings above basement car parking on land adjacent to a Road Zone Category 1 and affected by the Special Building Overlay, use of the land for accommodation (dwellings), reduction of car parking requirements and waiver of loading bay requirements at 348-352 Centre Road, Bentleigh in accordance with the following grounds:

1. The proposed eight storey height of the development does not reflect the built form characteristics of the area and fails to enhance neighbourhood character.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
 - Element 5 – Building Layout and Design; and
 - Element 6 – Open Space and Landscape Design.
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the south.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to strike an appropriate balance between residential density and commercial uses.
5. The development fails to deliver a high quality urban design outcome.
6. The development fails to provide an adequate level of housing diversity and choice.
7. The total area of the ground floor retail use is inadequate and will undermine the vibrancy of the activity centre.
8. The proposal does not provide for fair and equitable development by compromising the future development potential of the adjoining smaller sites.
9. The development fails to provide adequate on-site car parking 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 has the potential to flood given the finished floor levels are not in accordance with Melbourne Water's requirements.

It is recorded that Cr Davey vacated the Chamber at 9.30pm.

CARRIED UNANIMOUSLY



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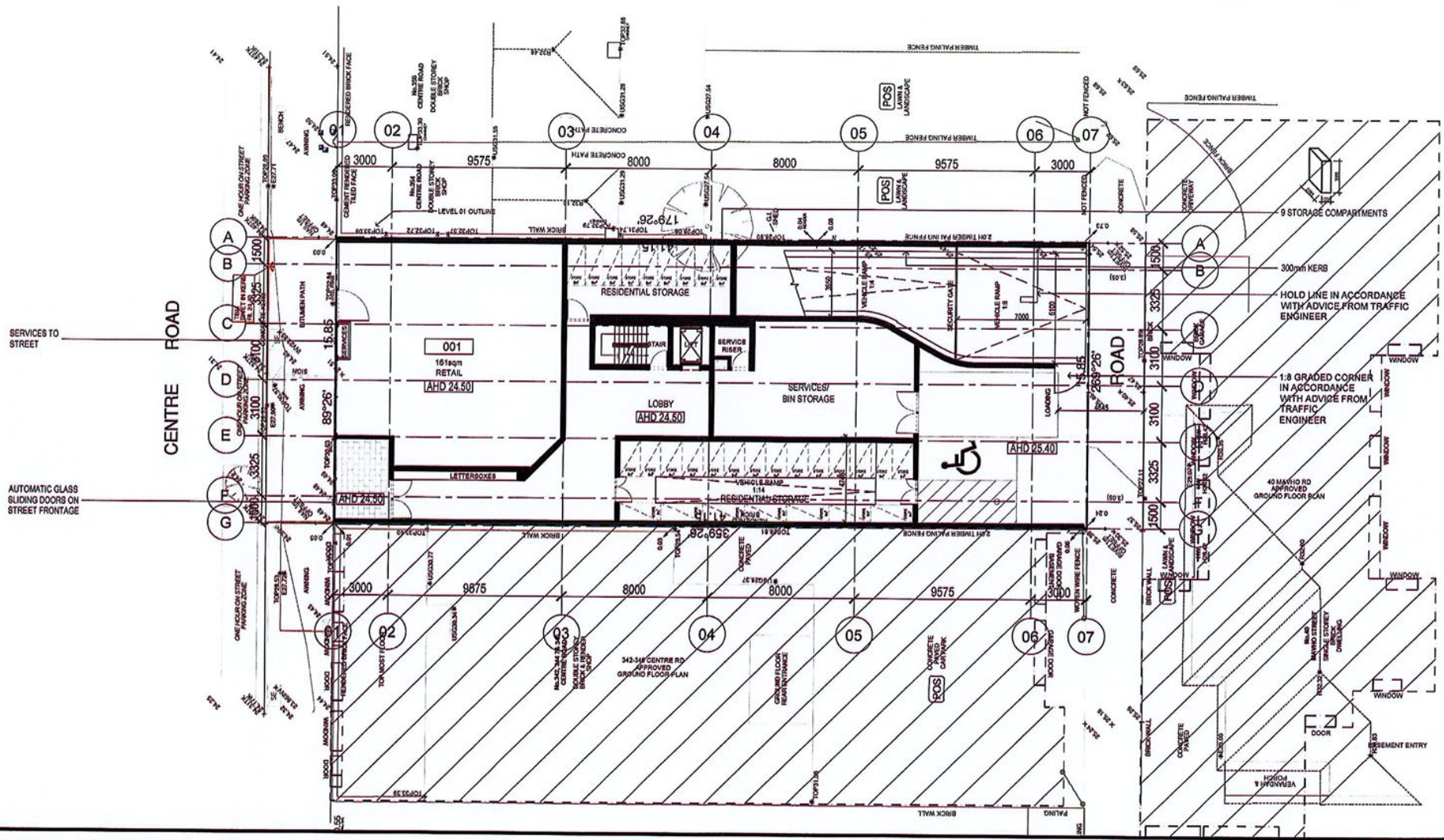
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DRAWING STATUS: PRELIMINARY TP200

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
BASEMENT PLAN





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DRAWING STATUS: PRELIMINARY
TP201

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
GROUND FLOOR PLAN



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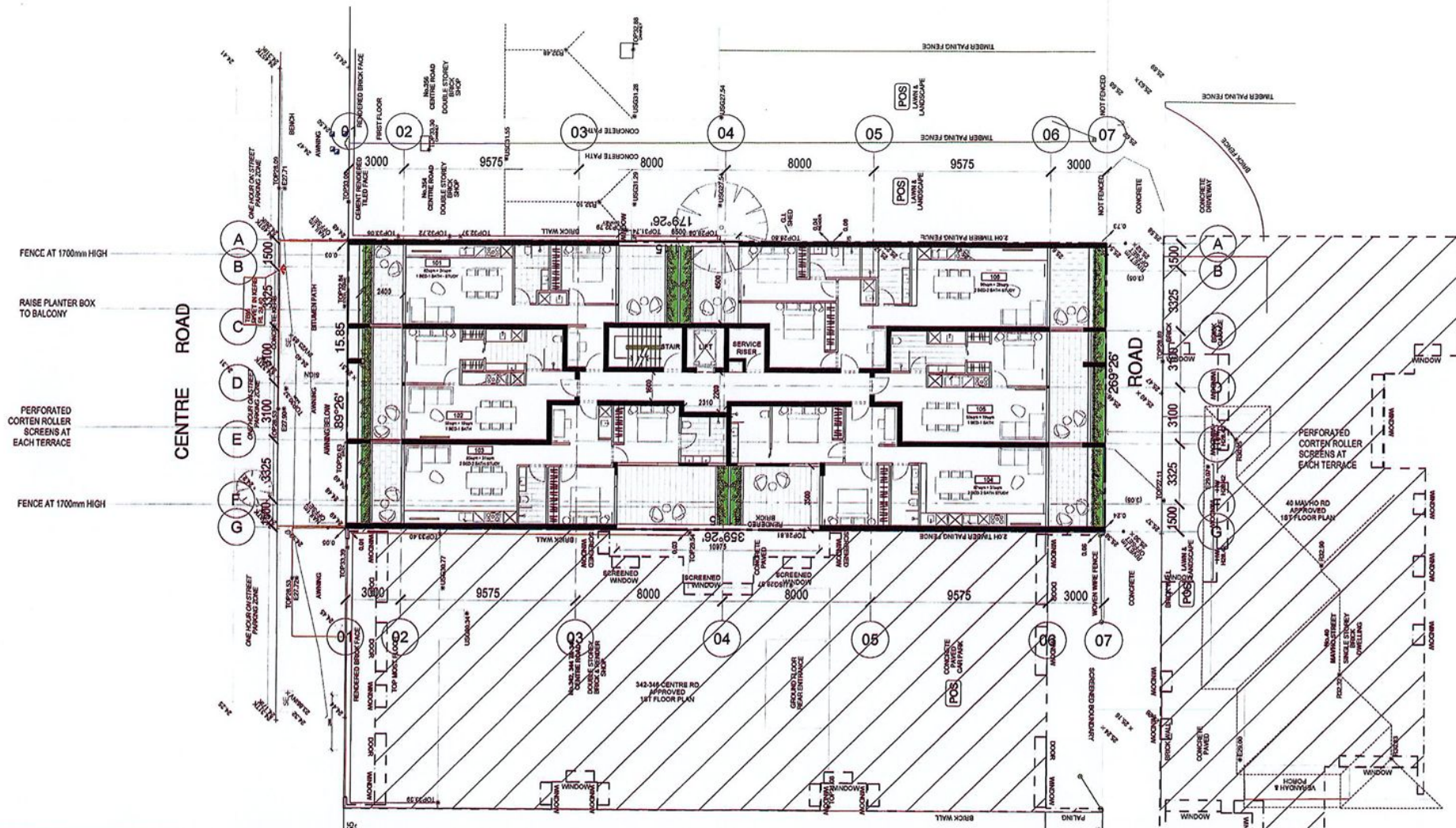
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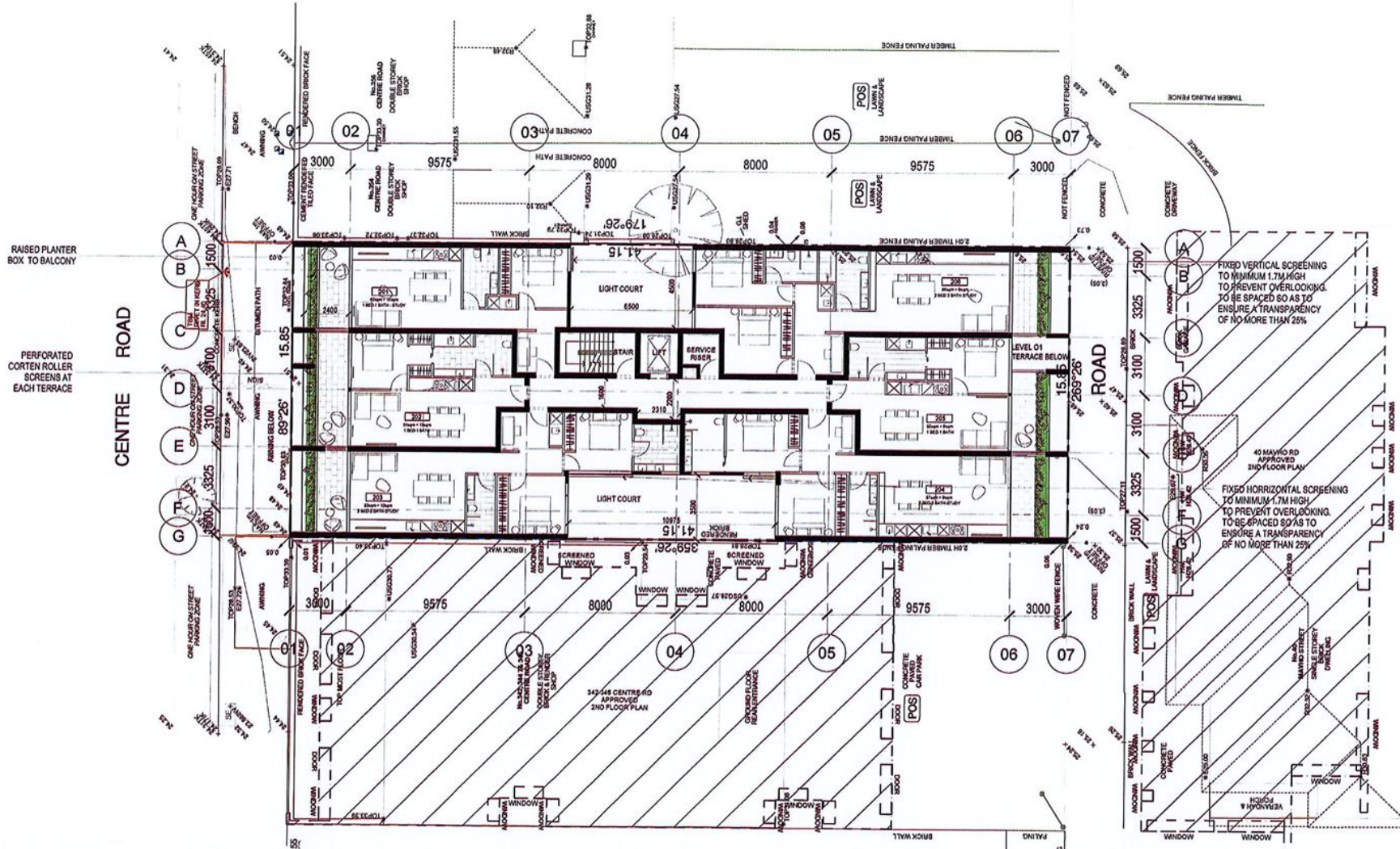
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JOB N°: 16062
REVISION N°: A
DRAWING N°:
TP202

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 01 PLAN





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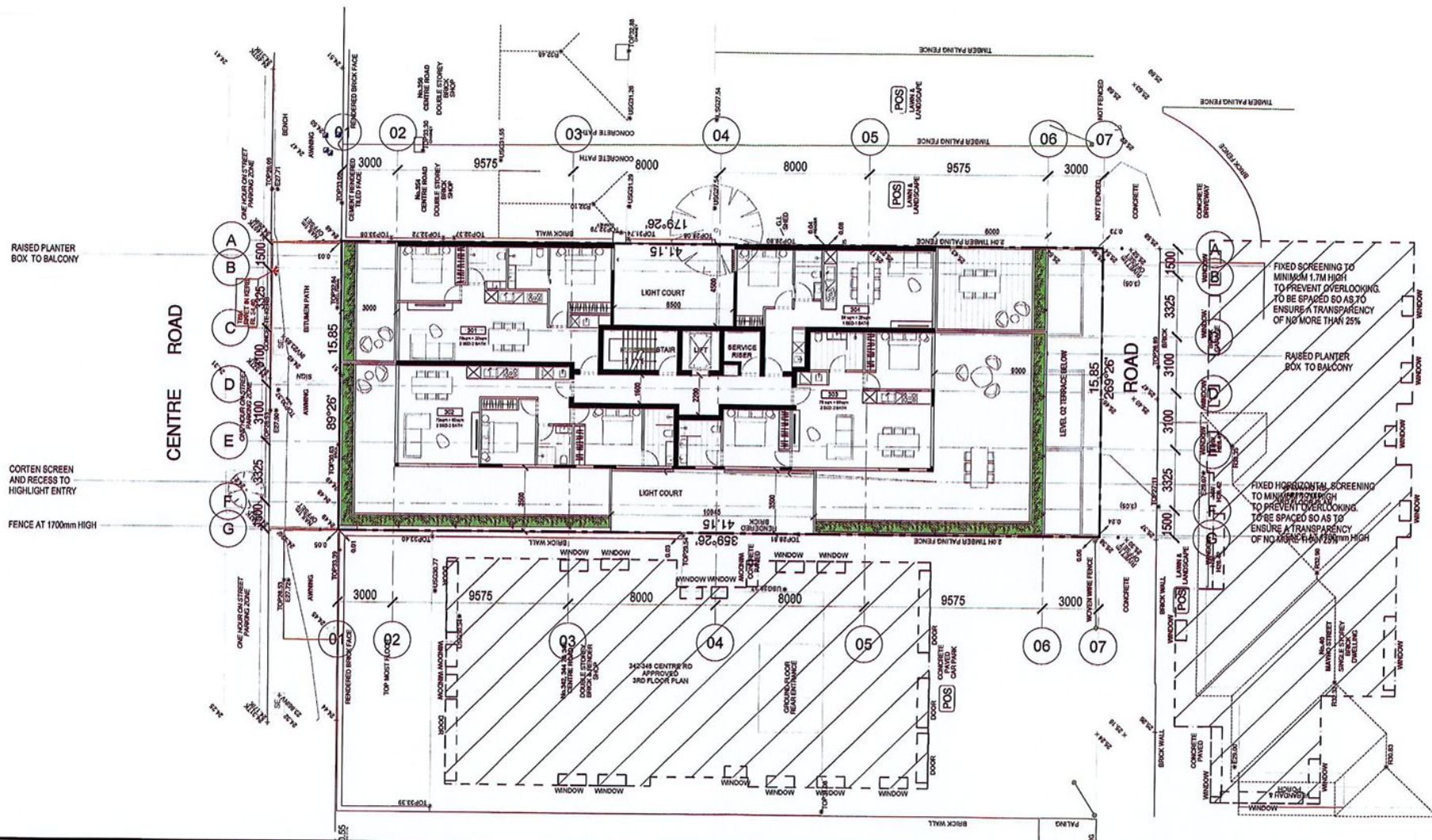
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DRAWING STATUS: TP203
PRELIMINARY

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 02 PLAN





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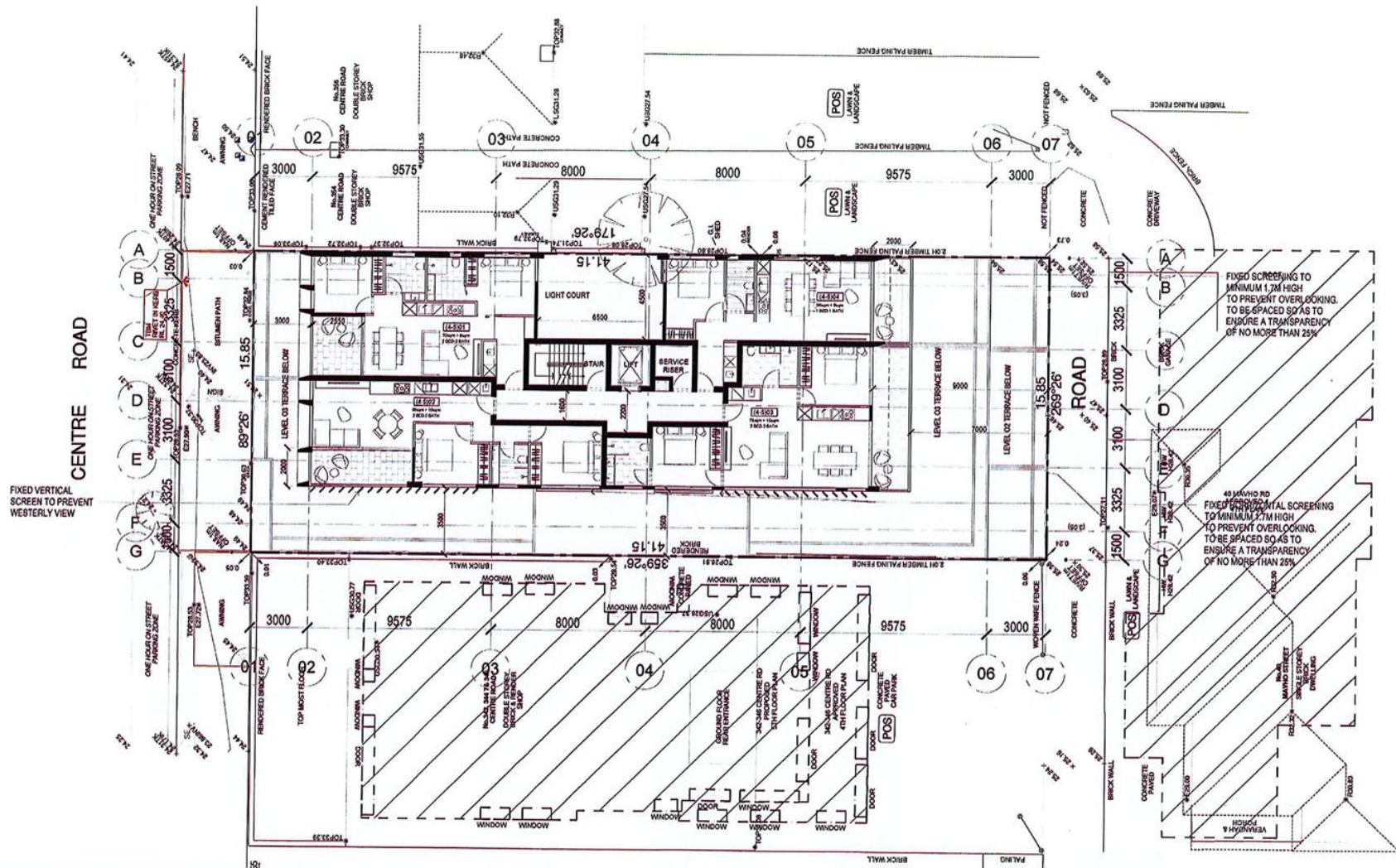
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DRAWING STATUS:
PRELIMINARY TP204

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 03 PLAN





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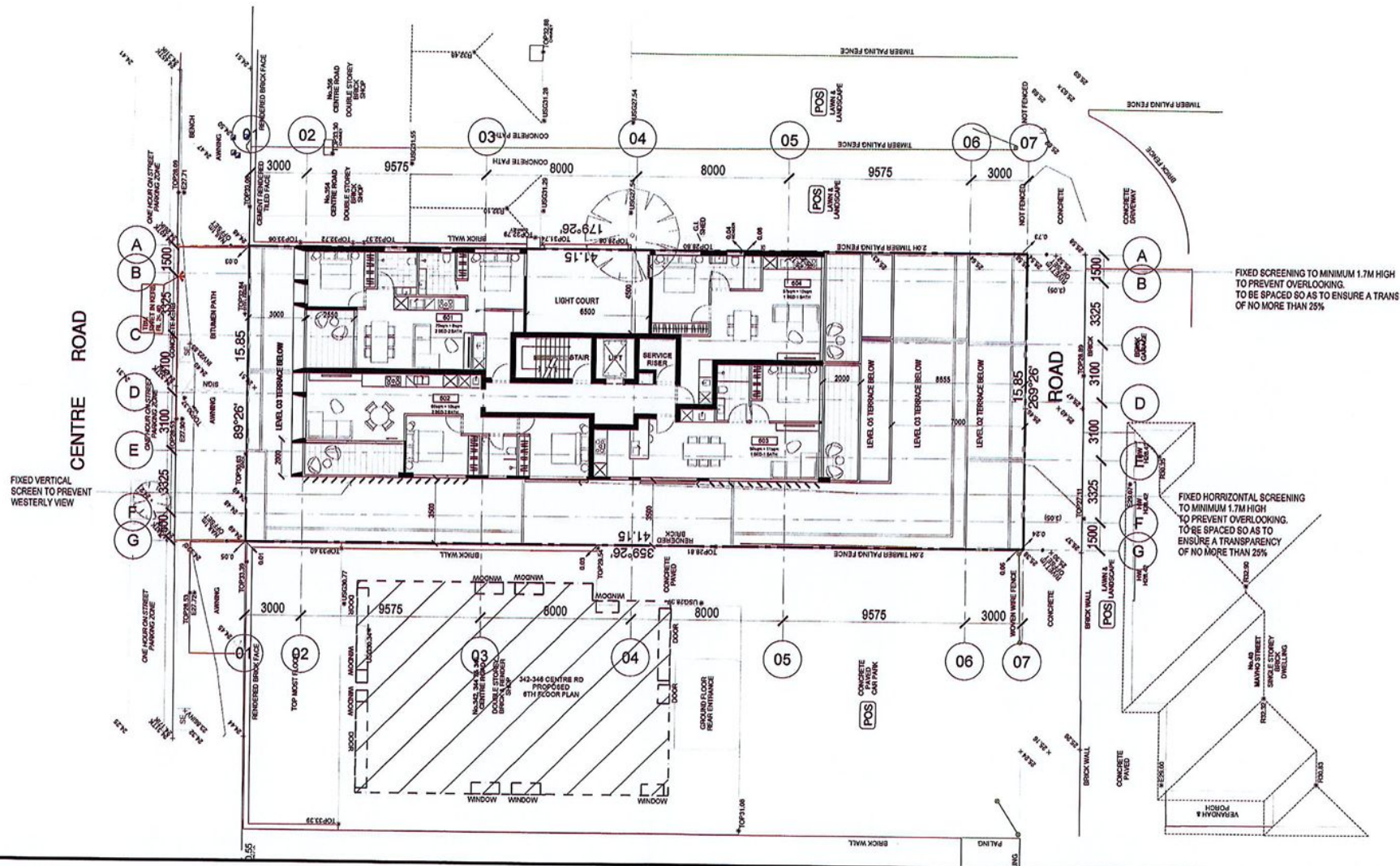
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DRAWING STATUS: PRELIMINARY
TP205

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 04-05 PLAN





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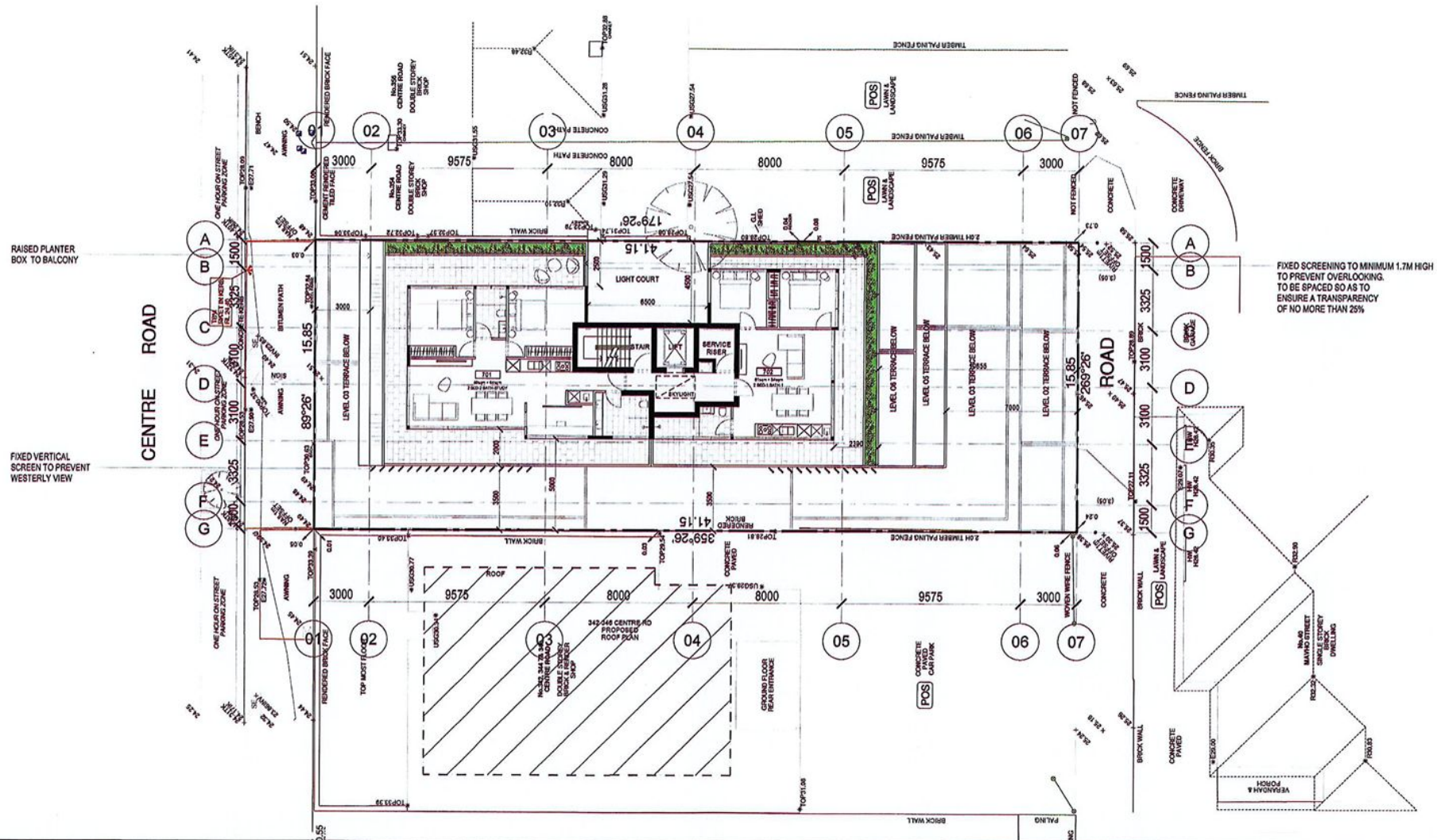
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DRAWING STATUS: TP206
PRELIMINARY

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 06 PLAN





FIXED SCREENING TO MINIMUM 1.7M HIGH TO PREVENT OVERLOOKING. TO BE SPACED SO AS TO ENSURE A TRANSPARENCY OF NO MORE THAN 25%

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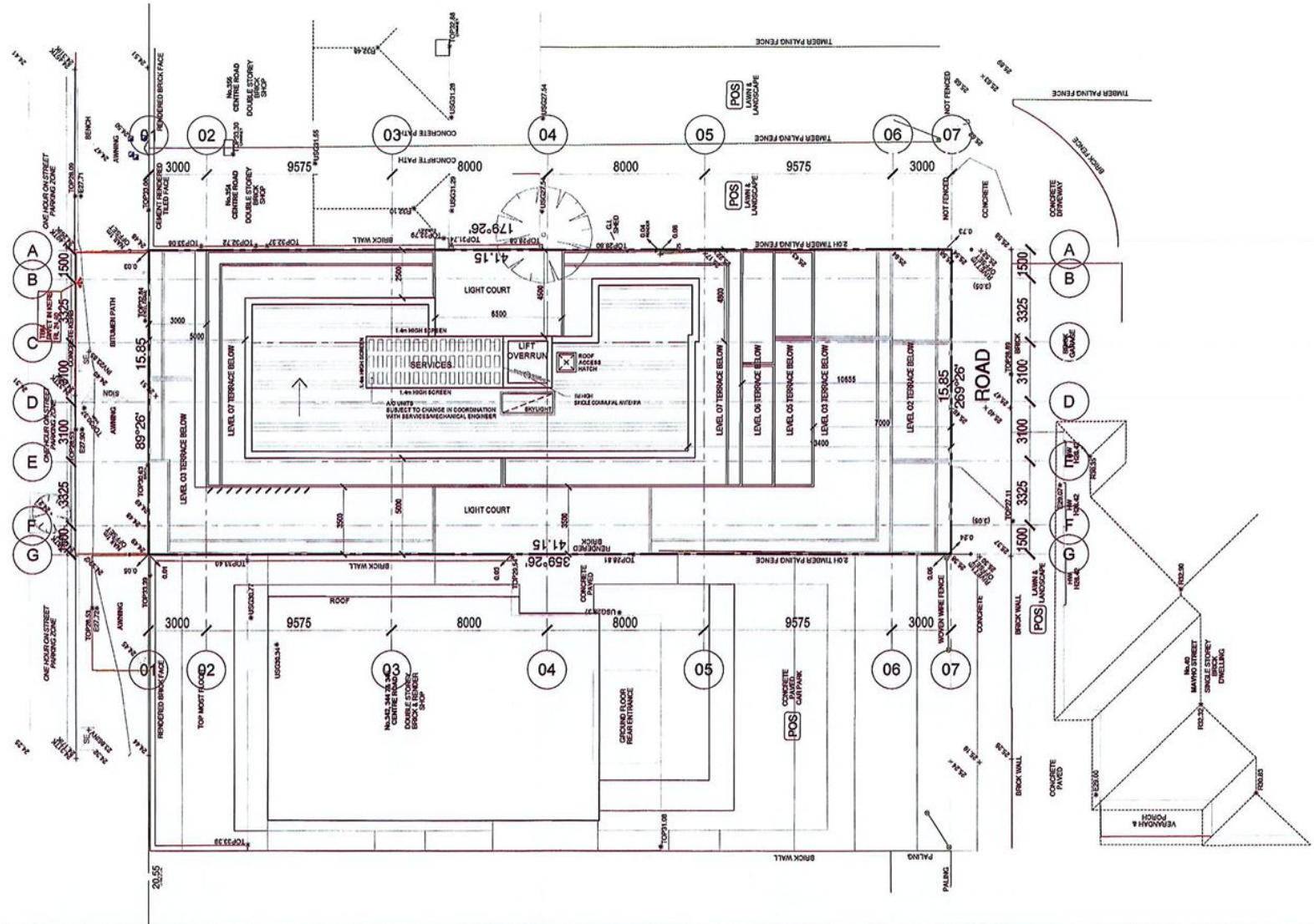
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JOB N°: 16082
REVISION N°: A
DRAWING N°:
TP207

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
LEVEL 07 PLAN



CENTRE ROAD



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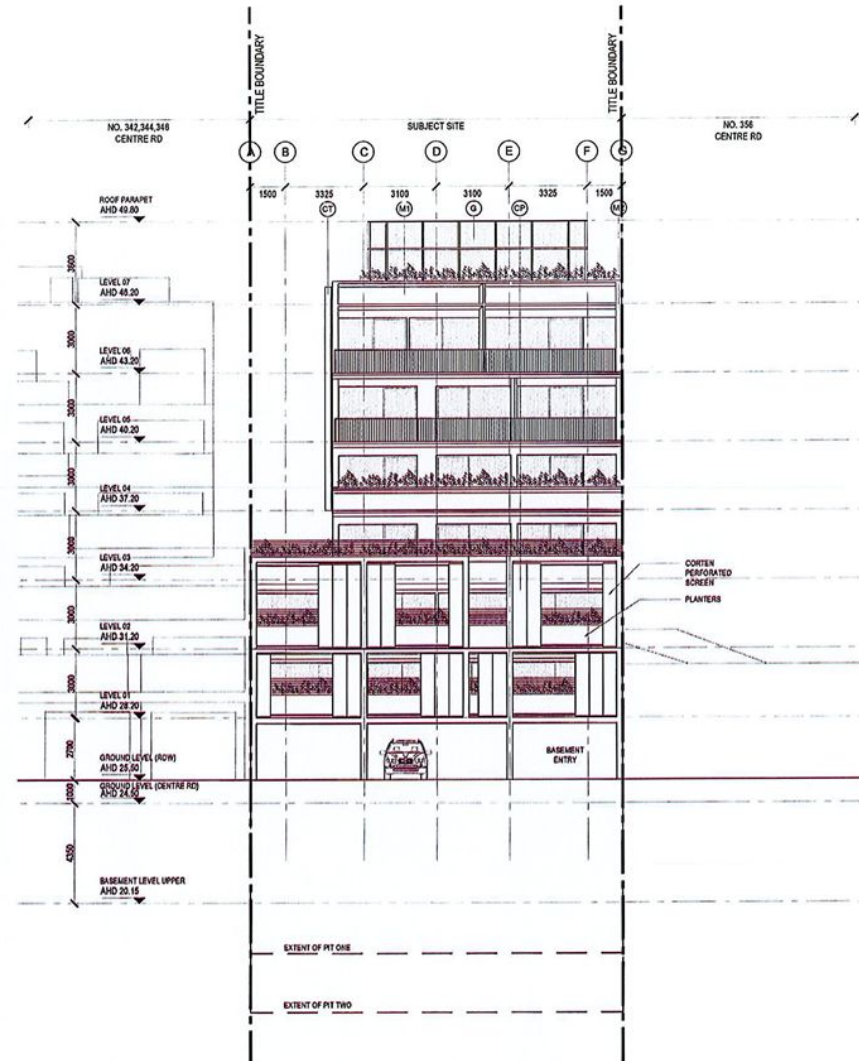
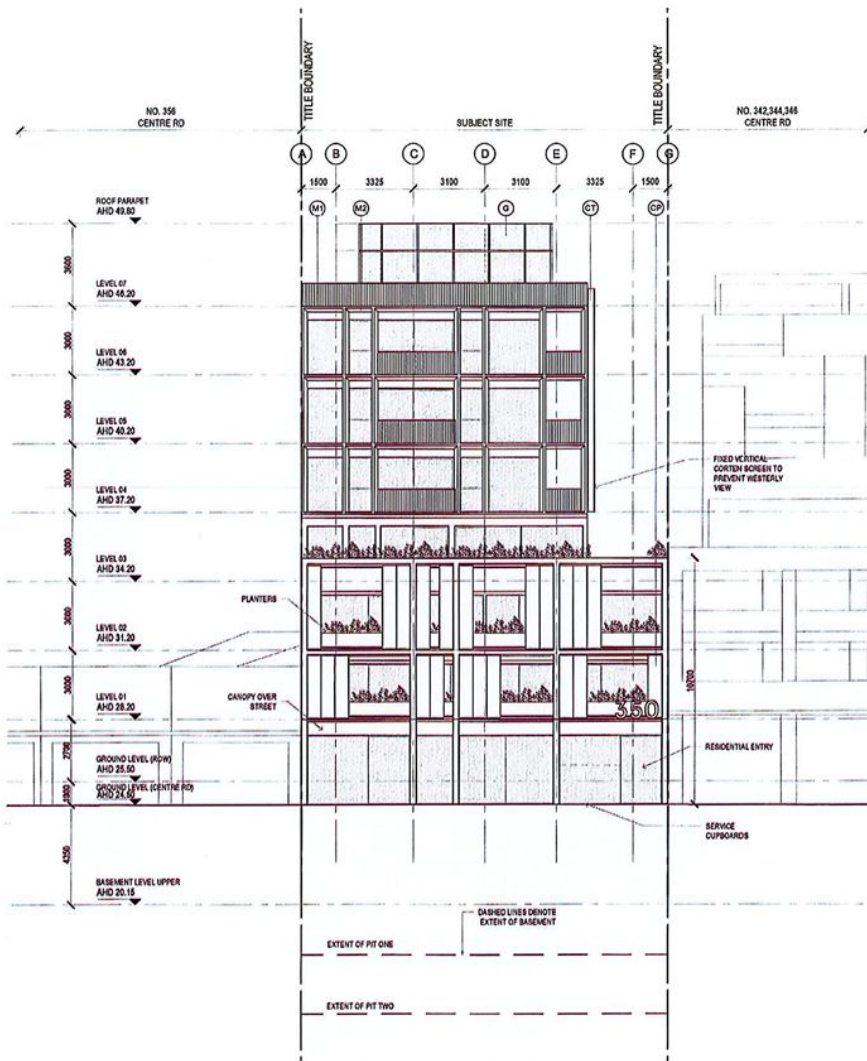
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DRAWING STATUS: TP208
PRELIMINARY

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
ROOF PLAN





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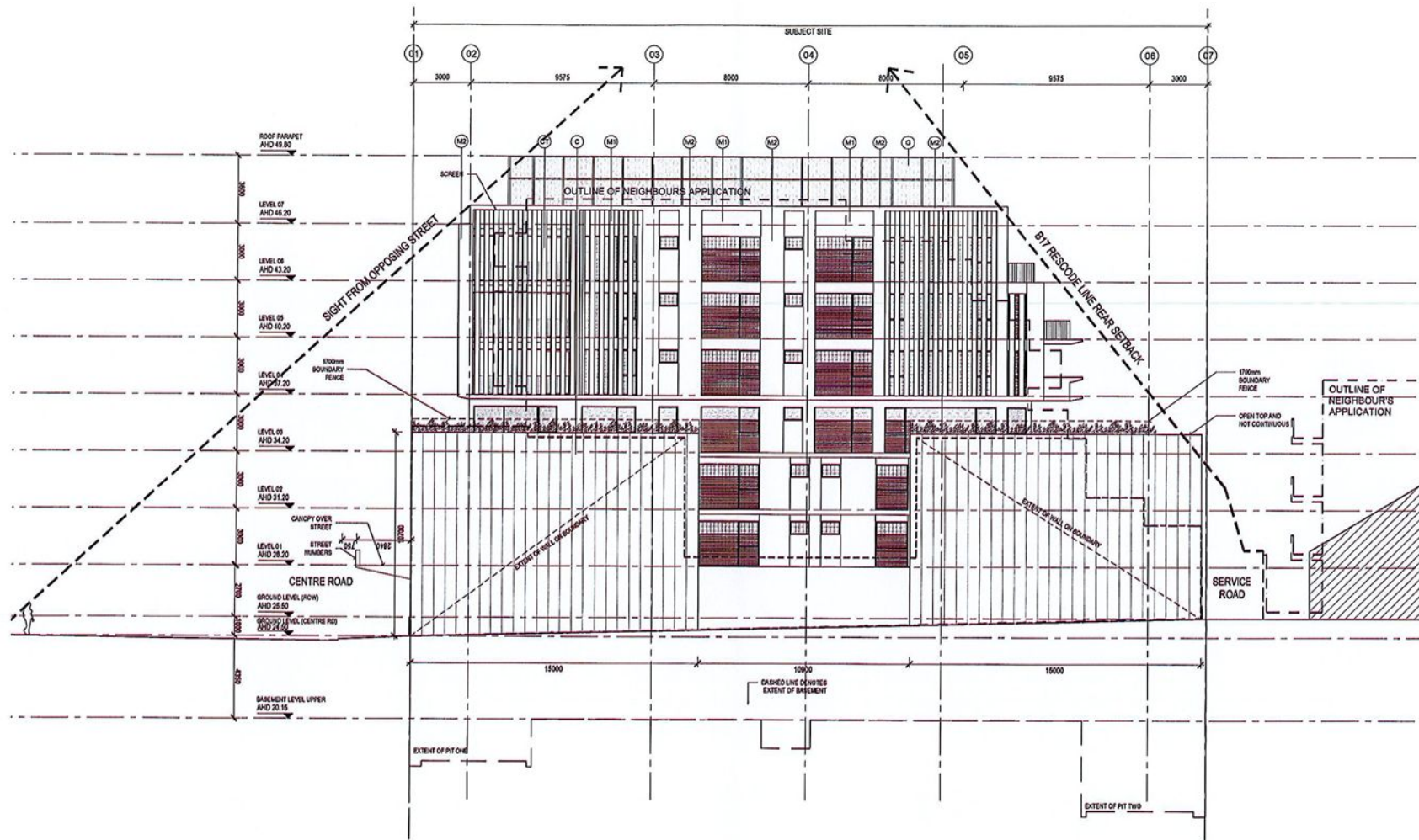
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DRAWING STATUS: PRELIMINARY TP301

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
NORTH & SOUTH ELEVATION





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DRAWING STATUS: PRELIMINARY
TP302

PROJECT:
348 CENTRE ROAD
348 CENTRE ROAD, BENTLEIGH
MIXED USE DEVELOPMENT
DRAWING TITLE:
WEST ELEVATION



ITEM 9.6 294 KOOYONG ROAD, CAULFIELD

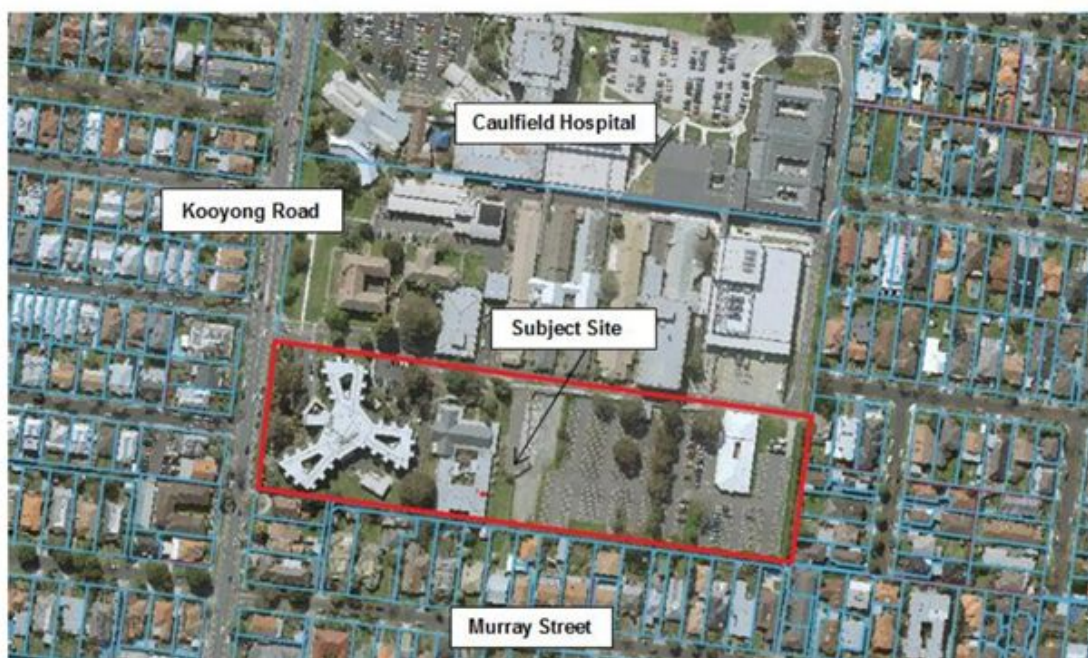
Author: Rocky Camera, Manager Town Planning

File No: GE/PP-28748/2016/A

Attachments: Advertised plans

PURPOSE AND SUMMARY

To consider a Planning Permit application.



PROPOSAL	Retention of the Montgomery Rest Home (Amended Application)
MUNICIPAL STRATEGIC STATEMENT	Aged Persons Housing Policy
APPLICANT	Hammondcare
PLANNING SCHEME CONTROLS	Public Use Zone
OBJECTIONS	4

RECOMMENDATION

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-28748/2016/A for the use and development of land within a Public Use Zone for an aged care facility for the land at 294 Kooyong Road, Caulfield in accordance with the following conditions:

Conditions, as amended: (*Replacement of Condition 1(a), Replacement of Condition 1(b), alterations to 1(g), 1(i), and Tree Protection Conditions*)

1. Before the commencement of the development and use, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as A1-SP01, A1-SP02, A1-SP03, A1-SP04, A1-SP05, A1-SP07, A1-SP08, A1-SP09, A1-SP10, A1-SP11, A1-SP12, A1-SP13 dated June 2016 prepared by Hammondcare, and Tree Report submitted by Treemap dated March 2015), but modified to show:

General

- a) ~~Full retention of the Montgomery Rest Home building on the land. Any consequential changes must be to the satisfaction of the Responsible Authority.~~

Replaced with

- a) All buildings and works, including accessways, crossovers stairwells, buildings and fencing and the like setback a minimum of 5 metres from the eastern most wall of Montgomery House. Any consequential changes must be to the satisfaction of the Responsible Authority.
- b) ~~The proposed generator and substation are to be relocated within the site to the satisfaction of the Responsible Authority.~~ All plans to be drawn to a scale of 1:100, and clearly dimensioned. Plans must show the development within the context of the site boundaries, with all setbacks clearly dimensioned. Elevations are to be drawn to a scale of 1:100, with heights and floor levels clearly dimensioned from natural ground level.

Landscaping

- c) A Landscape Plan in accordance with Condition 2
- d) The following trees nominated on the plans as to be retained:

- Within development area of site:

Tree 69 – 14.3m	Tree 79 – 6.0m	Tree 55 – 10.1m
Trees 76 – 7.8m	Tree 81 – 7.8m	Tree 60 – 4.1m
Tree 77 – 6.8m	Tree 8 – 6.5m	

- Within car-park West of development area of site

Trees 61 – 7.8m	Tree 64 – 4.8m	Tree 67 – 2.0m
Tree 62 – 2.1m	Tree 65 – 2.0m	Tree 68 2.0m
Tree 63 – 4.6m	Tree 66 – 2.0m	

- Within Kooyong Road site frontage

Tree 83 – 10.6m	Tree 85 – 2.0m
Tree 84 – 2.0m	Tree 86 – 7.1m

- Neighbouring tree East

Tree 1 – 6.6m

- Neighbouring trees South

Tree 45 – 3.5m	Tree 46 – 3.5m	Tree 49 – 8.4m
----------------	----------------	----------------

- e) Delineation of Tree Protection Zones/Tree Protection fencing on the development plans, in accordance with the Arboricultural Assessment submitted by Treemap, dated March 2015 for the following trees at prescribed radial distances from tree base to define their tree protection zones (TPZ):

Tree 1 – 6.6m	Tree 63 – 4.6m	Tree 79 – 6.0m
Tree 8 – 6.5m	Tree 64 – 4.8m	Tree 81 – 7.8m
Tree 45 – 3.5m	Tree 65 – 2.0m	Tree 83 – 10.6m
Tree 46 – 3.5m	Tree 66 – 2.0m	Tree 84 – 2.0m
Tree 49 – 8.4m	Tree 67 – 2.0m	Tree 85 – 2.0m
Tree 55 – 10.1m	Tree 68 – 2.0m	Tree 86 – 7.1m
Tree 60 – 4.1m	Tree 69 – 14.3m	
Tree 61 – 7.8m	Tree 76 – 7.8m	
Tree 62 – 2.1m	Tree 77 – 6.8m	

- f) The delineation of root sensitive footings and permeable paving where any part of the development within the following radial tree protection zones

Tree 1 – 4.4m	Tree 60 – 2.7m	Tree 79 – 4.0m
Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 81 – 5.2m
Tree 49 – 5.5m	Trees 76 – 5.1m	The reduced radial TPZ of any other retained tree.
Tree 55 – 7.6m	Tree 77 – 4.5m	

Car parking and access

- g) All accessways, ramp grades, aisles, column widths, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme. *Where structural columns exist within the basement, these are to be clearly shown and dimensioned in accordance with Clause 52.06.*
- h) The solid wall along the basement access ramp cutback, or the wall to be no greater than 900mm in height for the first 2.5 metres from the bottom of the basement floor, to the satisfaction of the Responsible Authority.
- i) The provision of pedestrian sight triangles, measuring 2.5 metres along the driveway edge by 2 metres along the property line provided on the western side of the basement accessway ramp and both sides of the exit accessway of the drop-off and pick-up area. Pedestrian sight triangles are to be clearly dimensioned and annotated to indicate that they are to be clear of any vegetation or objects greater than 600mm in height. *The ground floor plan for*

the site is to clearly indicate the design of the accessway ramp at that level, dimensioned in accordance with Clause 52.06

- j) A blind aisle extension of at least 0.8 metres should be provided at the end of parking spaces within the basement car park, in accordance with Australian Standard AS2890.
- k) Bollards are to be displayed within the shared areas between the disabled carparking spaces in accordance with Australian Standard AS2890.
- l) A minimum of 5 of the staff bicycle spaces within the basement designed using a horizontal bicycle parking device, in accordance with Australian Standard AS2890.3
- m) The required 3 visitor bicycle spaces to be located at ground level near the main entrance and/or foyer buildings. The design and layout of the bicycle parking spaces should accord with Clause 52.34, Australian Standard AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and be clearly dimensioned and annotated on the plans.
- n) A minimum height clearance of 4.0 metres provided at the entrance to the car park and above the proposed loading bay space. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of Australian Standard AS2890.1.2004 and this needs to be shown on the longitudinal cross section plan.
- o) A sign along the Newstead Street entrance which states that "All delivery vehicles for the HammondCare Aged Care Facility must enter from Kooyong Road". The size and location of the sign must be to the satisfaction of the Responsible Authority.

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

2. 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.
 - (e) Multiple medium, medium-small, and small sized canopy trees proportionate to the surrounding landscape/available growing areas throughout the site and along property boundaries. Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

3. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following trees at prescribed radial distances from tree base to define their tree protection zones (TPZ):

Within development area of site:

Tree 8 – 6.5m	Tree 69 – 14.3m	Tree 79 – 6.0m
Tree 55 – 10.1m	Trees 76 – 7.8m	Tree 81 – 7.8m
Tree 60 – 4.1m	Tree 77 – 6.8m	

Within car-park West of development area of site

Trees 61 – 7.8m	Tree 64 – 4.8m	Tree 67 – 2.0m
Tree 62 – 2.1m	Tree 65 – 2.0m	Tree 68 – 2.0m
Tree 63 – 4.6m	Tree 66 – 2.0m	

Within Kooyong Road site frontage

Tree 83 – 10.6m	Tree 85 – 2.0m
Tree 84 – 2.0m	Tree 86 – 7.1m

Neighbouring tree East

Tree 1 – 6.6m

Neighbouring trees South

Tree 45 – 3.5m	Tree 46 – 3.5m	Tree 49 – 8.4m
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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.

4. Any pruning that is required to be done to the canopy of any retained site tree or to the overhanging canopy from any neighbouring tree is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373 – 2007 Standards Australia.
5. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.

6. Root sensitive footings such as pier and beam or screw pile footings (or similar) are to be used where any part of development comes within the following radial tree protection zones (TPZ). If used, the beam should be designed to be positioned above soil grade to minimise soil excavation and root severance.

Within development area of site:

Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 79 – 4.0m
Tree 55 – 7.6m	Trees 76 – 5.1m	Tree 81 – 5.2m
Tree 60 – 2.7m	Tree 77 – 4.5m	The reduced radial TPZ of any other retained tree

Within TPZs for neighbouring trees:

Tree 1 – 4.4m	Tree 49 – 5.5m
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7. Root sensitive permeable paving such as ‘on-ground’ or no-dig’ paving (or similar) are to be used where any part of any proposed paving comes within the following radial tree protection zones (TPZ)

Within development area of site:

Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 79 – 4.0m
Tree 55 – 7.6m	Trees 76 – 5.1m	Tree 81 – 5.2m
Tree 60 – 2.7m	Tree 77 – 4.5m	The reduced radial TPZ of any other retained tree

For neighbouring trees:

Tree 1 – 4.4m	Tree 49 – 5.5m
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8. An amended Parking Management Plan is to be submitted to the Responsible Authority. This plan shall include information on the management of the tandem spaces for staff and must be to the satisfaction of the Responsible Authority.
9. 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).
10. 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 (prior to the construction of the levels above being commenced).
11. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

12. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
13. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.
14. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
15. Collection of industrial waste must not cause any disturbance to nearby residential properties and must only occur between the following hours
 - Monday to Saturday (inclusive): 6:30am – 8:00pm
 - Sundays and Public Holidays: 9:00am – 8:00pm
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; Note: All delivery and unloading must occur from Kooyong Road;
 - (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.
17. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;

- (f) clearly marked to show the direction of traffic along the access lanes and driveways;
- to the satisfaction of the Responsible Authority.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose
19. 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.
20. 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.
21. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
22. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
23. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must comply with AS/NZS 2107:2000.
24. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority an Operation Management Plan (OMP) for the site. The OMP must provide for the following:
- a) Details of the operation;
 - b) Management of the facilities including car parking;
 - c) The nature of emergency alarm systems (building and personal); &
 - d) The services provided to residents on site (medical, personal care etc);
25. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
26. This Permit will expire if:
- The development and use does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

27. All delivery vehicles for the HammondCare Aged Care Facility must enter from Kooyong Road.
28. The areas set aside for car parking, shown on the endorsed plans, must be made available for use free of charge to employees, patients and visitors at all times.

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.

BACKGROUND

A planning permit was issued in July 2016 for an aged care facility with a total of 93 beds. Town planning permission was required for the use of the land as an aged care facility.

The original application proposed the demolition of the Montgomery Rest Home, construction of eight accommodation cottages as well as ancillary buildings such as a chapel, workshop, and administration building. A basement car park was also proposed.

Council’s previous approval imposed a number of conditions, notably a requirement for the full retention of the Montgomery Rest Home.



The current amended application seeks permission for a revised layout to enable the retention of the Montgomery Rest Home. In order to achieve this all of the proposed buildings are to be relocated to the eastern end of the property.

HERITAGE VICTORIA

The amended application was required as a result of the Montgomery Rest Home being nominated for inclusion on the Victorian Heritage Register.

A hearing was held on the 25th of November 2016. At this hearing the Executive Director of Heritage Victoria recommended that Montgomery Rest Home be included in the Victorian Heritage Register.

Heritage Victoria has determined that Montgomery Rest Home has State Heritage Significance and should be protected by State Heritage controls.

The recommended changes to the permit conditions ensure that they align with the Heritage Victoria decision, particularly in terms of setbacks from the Rest Home.

ISSUES AND DISCUSSION

- Zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts
- Landscaping
- Internal amenity
- Car parking and traffic

Proposal

- The amended proposal seeks permission for 10 single storey buildings including 6 “cottages” for residential care, one administration building, one chapel building, one workshop for residents, and one studio/gallery building.
- A basement car park located in the north western corner of the site.

Objectors’ concerns

- Loss of amenity (noise and outlook)
- Loss of trees/associated privacy impacts
- Proximity of buildings to residential properties
- Visual bulk
- Litter from staff

Referrals

Transport Planning

- No objection to the reduction in the number of parking spaces (noting still exceeding the State Government requirements).
- Conditions required in relation to design of basement and access
- No objection to reduction in bicycle parking numbers (one)

Landscape Officer

- No objection, subject to retention of conditions from prior permit in relation to tree protection.

Heritage Advisor

- No objections, noting retention of Montgomery Rest Home.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

Zoning and policy context

The Public Use Zone enables the consideration of proposals for a range of uses serving the local community. The current zoning of the subject site is designated for ‘Health and Community’ uses.

Council’s *Aged Persons Housing Policy* seeks to guide the development of appropriately designed and located aged persons housing that meets the needs of the future older residents of the City of Glen Eira. The proposed development will provide for those residents.

The above policy has criteria for preferred locations for aged care such as main roads. Whilst the site is not located on a main road, it is located adjacent to Kooyong Road which is a “secondary” road and carries relatively high traffic volumes. In addition the site abuts Caulfield Hospital and is located within close proximity to the Glen Huntly Road shops.

The land currently contains an existing aged facility (located to the west). The proposal will involve partial retention of the existing facility and continue to propose an extension to the development within the rear (eastern portion) of the land.

As such the proposed location is considered to be appropriate and meets the objectives of the policy.

Neighbourhood character

The site is located wholly within the existing hospital grounds, and will occupy an area which was formerly a car park. The surrounding built environment (outside the hospital grounds) is of a residential nature, and it is considered that whilst there will be no direct visibility of the site from the neighbouring streets, other than that from rear garden areas, the style and scale of the buildings proposed will respond successfully to the outlying residential properties.

Height, scale and massing

The amended proposal results in the creation of a series of single storey buildings, comprising the residential care components, recreational facilities, and administration facilities. The buildings are fully compliant with all applicable State Government setback requirements, and will have limited impact outside the subject site.

Amenity impacts

As a result of the single storey form of the development, and the full provision of car parking (as detailed below), it is not considered that there will be any unreasonable detrimental impacts upon amenity to adjoining and nearby properties. All new car parking spaces and plant equipment continue to be provided within the basement, as per the original approved development.

There will be no adverse impacts as a result of overlooking or overshadowing as a result of the height of the buildings proposed.

Landscaping

The development will continue to allow significant opportunities for good landscaping throughout the site. It is noted that the revised plan will result in the loss of some planting indicated within the original application, however it is considered that sufficient opportunities remain within the redesigned layout to ensure a substantial amount of tree planting. In addition this proposal also seeks to retain a number of trees within the land.

The conditions in relation to landscaping and planting from the original proposal remain appropriate, subject to minor changes to remove reference to those trees which are no longer retained.

Internal amenity

The revised layout of the proposed aged care facility will continue to provide for a high level of internal amenity for future occupants. The cottages are designed around a series of

communal areas and facilities, and the layout of the site will ensure that the buildings will receive excellent access to sunlight and daylight.

The development provides for a good range of indoor and outdoor recreation facilities to meet the needs of all future residents. This includes the provision of workshop, a chapel, and a studio/gallery.

Each of the cottages are single storey and allow for safe and convenient access for all future occupants, including those with limited mobility.

Car Parking and Traffic

The redesign of the site has resulted in a reduction in the original number of car parking spaces proposed by three (the original application provided 78 car spaces whereas the amended design proposes 75 car spaces). It is noted that the development still provides a number of car spaces significantly in excess of that required by the State Government guidelines (54 car spaces required). Council's Transport Planning Department has raised no objections subject to conditions relating to the design of the basement.

The existing car park which forms a large part of the development site has been used solely by staff of the existing HammondCare aged care uses. These car spaces have been accessed via a boom gate arrangement for Hammondcare staff only with no access for staff or visitors for the Caulfield Hospital uses to the north. Separate car parking is provided for staff and visitors within the Caulfield hospital site.

Management Plan Requirements

It is considered that the condition requirements from the original application, requiring a Construction Management Plan, Car Park Management Plan, and an Operational Management Plan remain appropriate, with those conditions to be retained on any subsequent amended planning permit.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

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

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Silver, 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:

- Loss of trees along boundary of site
- Disruption as a result of construction
- Potential for amenity harm as a result of litter
- Potential for amenity harm as a result of noise from the proposed workshop

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That a Notice of Decision to Grant an Amended Planning Permit be issued.

Moved: Cr Silver

Seconded: Cr Athanasopoulos

It is recorded that Cr Davey entered the Chamber at 9.32pm.

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-28748/2016/A for the use and development of land within a Public Use Zone for an aged care facility for the land at 294 Kooyong Road, Caulfield in accordance with the following conditions:

Conditions, as amended: (*Replacement of Condition 1(a), Replacement of Condition 1(b), alterations to 1(g), 1(i), and Tree Protection Conditions*)

1. Before the commencement of the development and use, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as A1-SP01, A1-SP02, A1-SP03, A1-SP04, A1-SP05, A1-SP07, A1-SP08, A1-SP09, A1-SP10, A1-SP11, A1-SP12, A1-SP13 dated June 2016 prepared by Hammondcare, and Tree Report submitted by Treemap dated March 2015), but modified to show:

General

- a) ~~Full retention of the Montgomery Rest Home building on the land. Any consequential changes must be to the satisfaction of the Responsible Authority.~~

Replaced with

- a) All buildings and works, including accessways, crossovers stairwells, buildings and fencing and the like setback a minimum of 5 metres from the eastern most wall of Montgomery House. Any consequential changes must be to the satisfaction of the Responsible Authority.
- b) ~~The proposed generator and substation are to be relocated within the site to the satisfaction of the Responsible Authority.~~ All plans to be drawn to a scale of 1:100, and clearly dimensioned. Plans must show the development within the context of the site boundaries, with all setbacks clearly dimensioned. Elevations are to be

drawn to a scale of 1:100, with heights and floor levels clearly dimensioned from natural ground level.

Landscaping

c) A Landscape Plan in accordance with Condition 2

d) The following trees nominated on the plans as to be retained:

- Within development area of site:

Tree 69 – 14.3m	Tree 79 – 6.0m	Tree 55 – 10.1m
Trees 76 – 7.8m	Tree 81 – 7.8m	Tree 60 – 4.1m
Tree 77 – 6.8m	Tree 8 – 6.5m	

- Within car-park West of development area of site

Trees 61 – 7.8m	Tree 64 – 4.8m	Tree 67 – 2.0m
Tree 62 – 2.1m	Tree 65 – 2.0m	Tree 68 2.0m
Tree 63 – 4.6m	Tree 66 – 2.0m	

- Within Kooyong Road site frontage

Tree 83 – 10.6m	Tree 85 – 2.0m
Tree 84 – 2.0m	Tree 86 – 7.1m

- Neighbouring tree East

Tree 1 – 6.6m

- Neighbouring trees South

Tree 45 – 3.5m	Tree 46 - 3.5m	Tree 49 – 8.4m
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e) Delineation of Tree Protection Zones/Tree Protection fencing on the development plans, in accordance with the Arboricultural Assessment submitted by Treemap, dated March 2015 for the following trees at prescribed radial distances from tree base to define their tree protection zones (TPZ):

Tree 1 – 6.6m	Tree 63 – 4.6m	Tree 79 – 6.0m
Tree 8 – 6.5m	Tree 64 – 4.8m	Tree 81 – 7.8m
Tree 45 – 3.5m	Tree 65 – 2.0m	Tree 83 – 10.6m
Tree 46 – 3.5m	Tree 66 – 2.0m	Tree 84 – 2.0m
Tree 49 – 8.4m	Tree 67 – 2.0m	Tree 85 – 2.0m
Tree 55 – 10.1m	Tree 68 – 2.0m	Tree 86 – 7.1m
Tree 60 – 4.1m	Tree 69 – 14.3m	
Tree 61 – 7.8m	Tree 76 – 7.8m	

Tree 62 – 2.1m	Tree 77 – 6.8m	
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- f) The delineation of root sensitive footings and permeable paving where any part of the development within the following radial tree protection zones

Tree 1 – 4.4m	Tree 60 – 2.7m	Tree 79 – 4.0m
Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 81 – 5.2m
Tree 49 – 5.5m	Trees 76 – 5.1m	The reduced radial TPZ of any other retained tree.
Tree 55 – 7.6m	Tree 77 – 4.5m	

Car parking and access

- g) All accessways, ramp grades, aisles, column widths, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme. *Where structural columns exist within the basement, these are to be clearly shown and dimensioned in accordance with Clause 52.06.*
- h) The solid wall along the basement access ramp cutback, or the wall to be no greater than 900mm in height for the first 2.5 metres from the bottom of the basement floor, to the satisfaction of the Responsible Authority.
- i) The provision of pedestrian sight triangles, measuring 2.5 metres along the driveway edge by 2 metres along the property line provided on the western side of the basement accessway ramp and both sides of the exit accessway of the drop-off and pick-up area. Pedestrian sight triangles are to be clearly dimensioned and annotated to indicate that they are to be clear of any vegetation or objects greater than 600mm in height. *The ground floor plan for the site is to clearly indicate the design of the accessway ramp at that level, dimensioned in accordance with Clause 52.06*
- j) A blind aisle extension of at least 0.8 metres should be provided at the end of parking spaces within the basement car park, in accordance with Australian Standard AS2890.
- k) Bollards are to be displayed within the shared areas between the disabled carparking spaces in accordance with Australian Standard AS2890.
- l) A minimum of 5 of the staff bicycle spaces within the basement designed using a horizontal bicycle parking device, in accordance with Australian Standard AS2890.3
- m) The required 3 visitor bicycle spaces to be located at ground level near the main entrance and/or foyer buildings. The design and layout of the bicycle parking spaces should accord with Clause 52.34, Australian Standard AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and be clearly dimensioned and annotated on the plans.
- n) A minimum height clearance of 4.0 metres provided at the entrance to the car park and above the proposed loading bay space. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of Australian Standard

AS2890.1.2004 and this needs to be shown on the longitudinal cross section plan.

- o) A sign along the Newstead Street entrance which states that "All delivery vehicles for the HammondCare Aged Care Facility must enter from Kooyong Road". The size and location of the sign must be to the satisfaction of the Responsible Authority.

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

2. 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.
- (e) Multiple medium, medium-small, and small sized canopy trees proportionate to the surrounding landscape/available growing areas throughout the site and along property boundaries. Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

3. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following trees at prescribed radial distances from tree base to define their tree protection zones (TPZ):

Within development area of site:

Tree 8 – 6.5m	Tree 69 – 14.3m	Tree 79 – 6.0m
Tree 55 – 10.1m	Trees 76 – 7.8m	Tree 81 – 7.8m
Tree 60 – 4.1m	Tree 77 – 6.8m	

Within car-park West of development area of site

Trees 61 – 7.8m	Tree 64 – 4.8m	Tree 67 – 2.0m
Tree 62 – 2.1m	Tree 65 – 2.0m	Tree 68 – 2.0m
Tree 63 – 4.6m	Tree 66 – 2.0m	

Within Kooyong Road site frontage

Tree 83 – 10.6m	Tree 85 – 2.0m
Tree 84 – 2.0m	Tree 86 – 7.1m

Neighbouring tree East

Tree 1 – 6.6m

Neighbouring trees South

Tree 45 – 3.5m	Tree 46 – 3.5m	Tree 49 – 8.4m
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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.

4. Any pruning that is required to be done to the canopy of any retained site tree or to the overhanging canopy from any neighbouring tree is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373 – 2007 Standards Australia.
5. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
6. Root sensitive footings such as pier and beam or screw pile footings (or similar) are to be used where any part of development comes within the following radial tree protection zones (TPZ). If used, the beam should be designed to be positioned above soil grade to minimise soil excavation and root severance.

Within development area of site:

Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 79 – 4.0m
Tree 55 – 7.6m	Trees 76 – 5.1m	Tree 81 – 5.2m
Tree 60 – 2.7m	Tree 77 – 4.5m	The reduced radial TPZ of any other retained tree

Within TPZs for neighbouring trees:

Tree 1 – 4.4m	Tree 49 – 5.5m
---------------	----------------

7. Root sensitive permeable paving such as 'on-ground' or no-dig' paving (or similar) are to be used where any part of any proposed paving comes within the following radial tree protection zones (TPZ)

Within development area of site:

Tree 8 – 4.3m	Tree 69 – 9.4m	Tree 79 – 4.0m
Tree 55 – 7.6m	Trees 76 – 5.1m	Tree 81 – 5.2m
Tree 60 – 2.7m	Tree 77 – 4.5m	The reduced radial TPZ of any other retained tree

For neighbouring trees:

Tree 1 – 4.4m	Tree 49 – 5.5m
---------------	----------------

8. An amended Parking Management Plan is to be submitted to the Responsible Authority. This plan shall include information on the management of the tandem spaces for staff and must be to the satisfaction of the Responsible Authority.
9. 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).
10. 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 (prior to the construction of the levels above being commenced).
11. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
12. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
13. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.
14. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
15. Collection of industrial waste must not cause any disturbance to nearby residential properties and must only occur between the following hours
 - Monday to Saturday (inclusive): 6:30am – 8:00pm
 - Sundays and Public Holidays: 9:00am – 8:00pm
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; Note: All delivery and unloading must occur from Kooyong Road;

- (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.
17. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways;
- to the satisfaction of the Responsible Authority.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose
19. 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.
20. 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.
21. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
22. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
23. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must comply with AS/NZS 2107:2000.

24. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority an Operation Management Plan (OMP) for the site. The OMP must provide for the following:
- a) Details of the operation;
 - b) Management of the facilities including car parking;
 - c) The nature of emergency alarm systems (building and personal); &
 - d) The services provided to residents on site (medical, personal care etc);
25. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
26. This Permit will expire if:
- The development and use does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.
- The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.
- If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date
27. All delivery vehicles for the HammondCare Aged Care Facility must enter from Kooyong Road.
28. The areas set aside for car parking, shown on the endorsed plans, must be made available for use free of charge to employees, patients and visitors at all times.

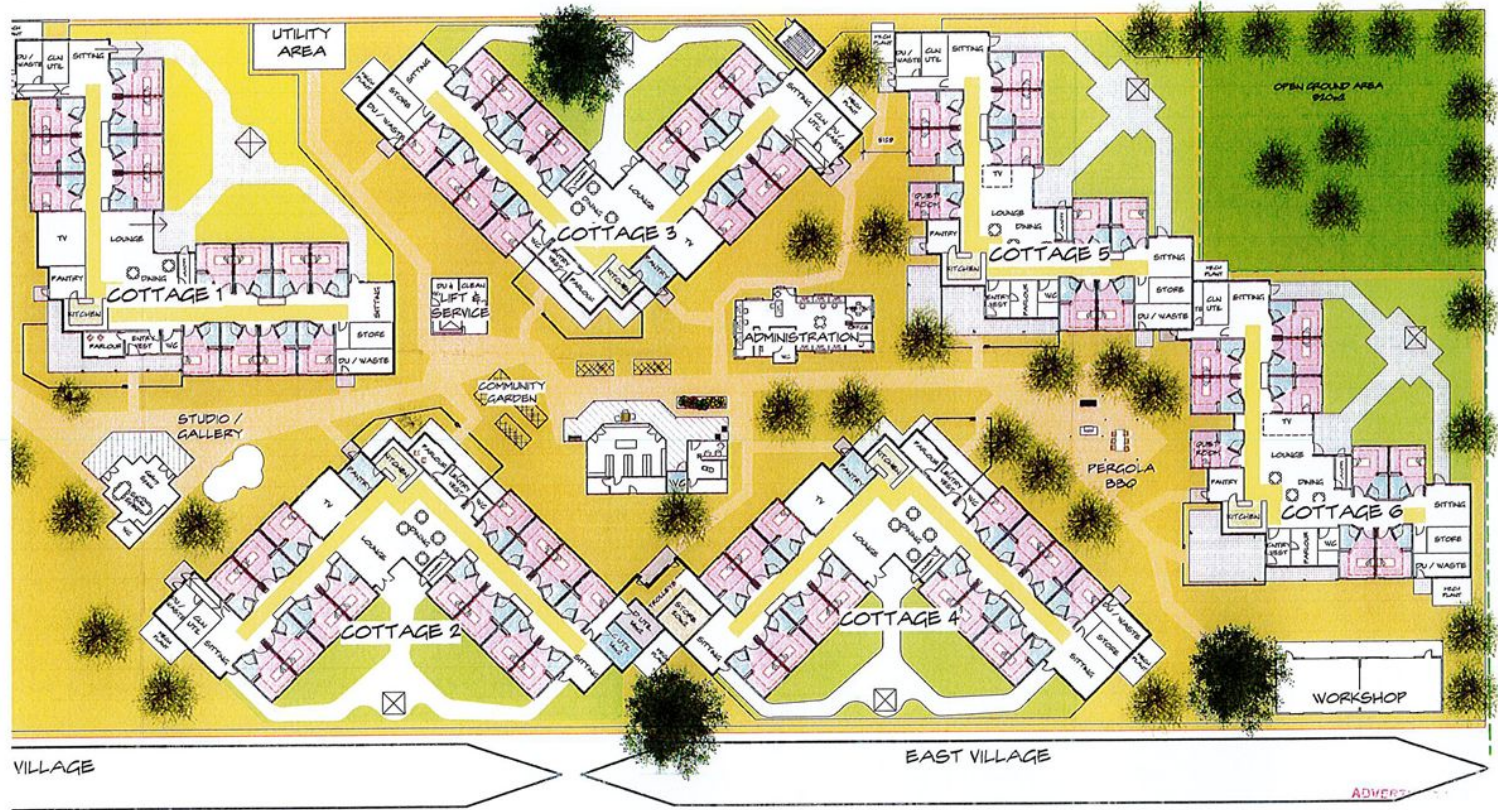
NOTES:

- 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.

CARRIED UNANIMOUSLY

STAGE ONE -
COTTAGES 1-6
BASEMENT PARKING
VILLAGE ANCILLARY BUILDINGS

PARKING DURING STAGE ONE
CONSTRUCTION
LANDSCAPING ON COMPLETION OF
STAGE ONE



Planning Permit - 20/9/16

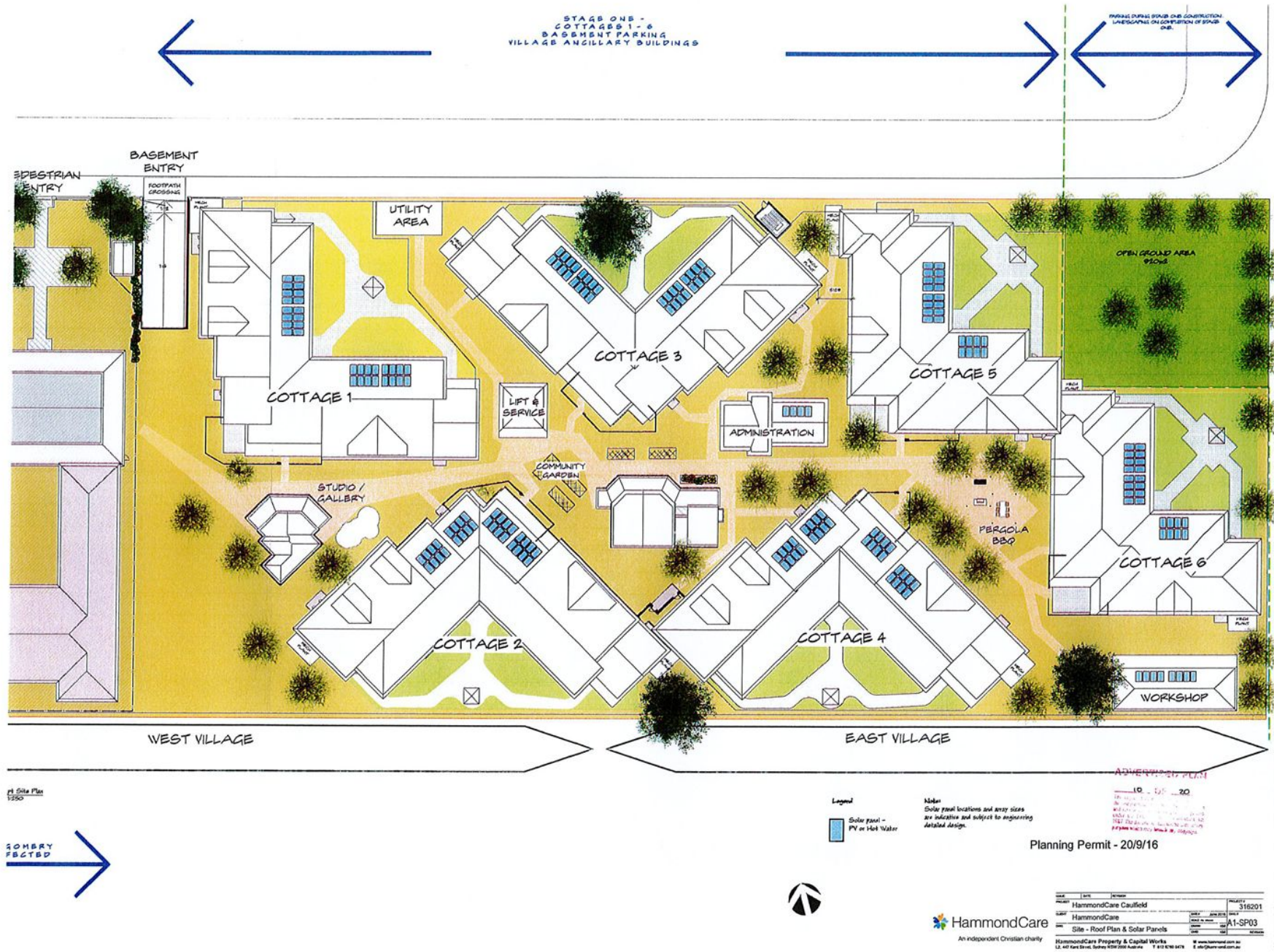
ADVERT
9 20
In accordance with the provisions of the Planning and Environment Act 1987, the following information is provided:
The proposed development is a residential care facility for the elderly.
The proposed development is a residential care facility for the elderly.
The proposed development is a residential care facility for the elderly.

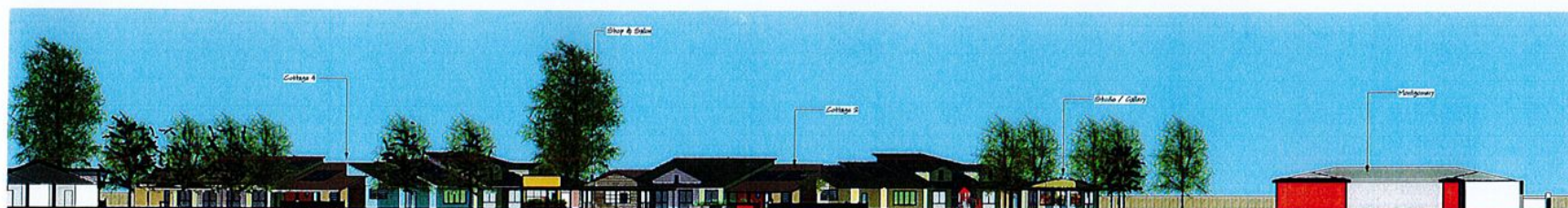
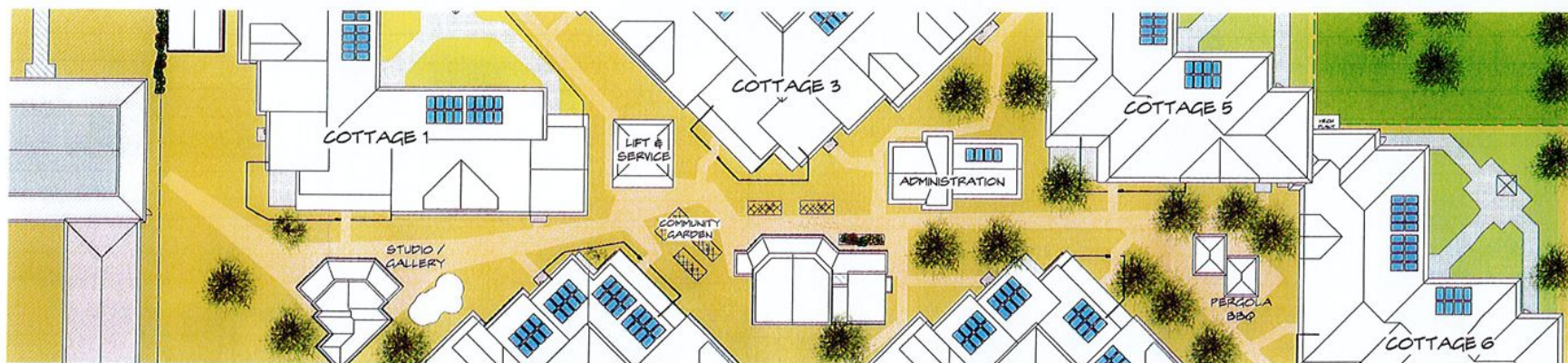


HammondCare
An independent Christian charity

PROJECT	HammondCare Caulfield	316201
CLIENT	HammondCare	
DATE	Site Plan - Main	A1-SP02
DESIGNED BY	HammondCare Property & Capital Works	
1/1 1st Floor Level, 1st Floor Level	1/1 1st Floor Level	

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ADVERTISED PLAN

Planning Permit - 20/9/16



ISSUE	DATE	PERMISSION	PROJECT	PROPERTY
			HammondCare Caulfield	316
CLIENT	HammondCare		DATE	DATE
DATE	Site Elevations		DATE	A1-SP

HammondCare Property & Capital Works



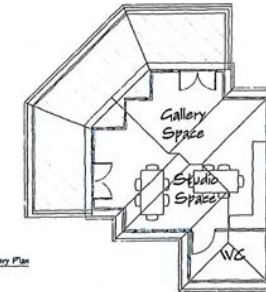
East Elevation
Scale 1:100



West Elevation
Scale 1:100



North Elevation
Scale 1:100



Studio / Gallery Plan
Scale 1:100



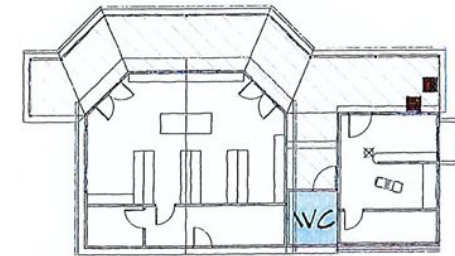
East Elevation
Scale 1:100



West Elevation
Scale 1:100



North Elevation
Scale 1:100



Shop & Store
Scale 1:100



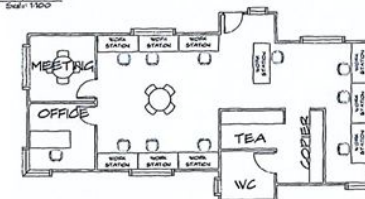
East Elevation
Scale 1:100



West Elevation
Scale 1:100



North Elevation
Scale 1:100



Administration Plan
Scale 1:100



East Elevation
Scale 1:100



West Elevation
Scale 1:100



South Elevation
Scale 1:100



Lift & Service Hub
Scale 1:100

ADVERTISED PLAN
15 OF 20

Planning Permit - 20/9/16

HammondCare
An independent Christian charity

Project	HammondCare Caulfield	316201
Client	HammondCare	
Design	Village Buildings-1	A1-SP08
HammondCare Property & Capital Works	12 401 Glen Street, Box Hill VIC 3086 Australia	www.hammondcare.org.au

HammondCare Caulfield MACB0000100001-Caulfield-Burroughs-Permit-2016



ADVERTISED PLAN

16 SEP 20

IN ...

ON ...

BY ...

THE ...

A ...

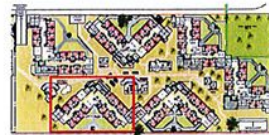
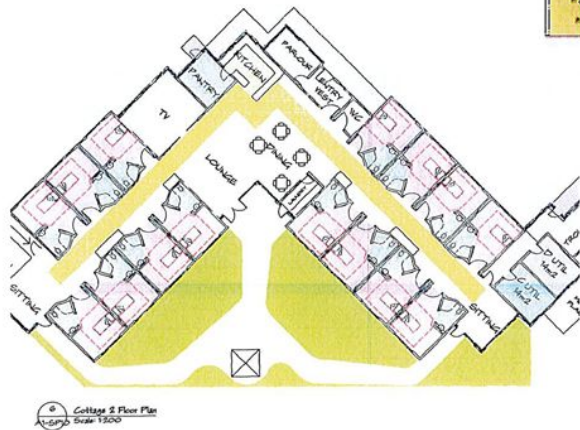
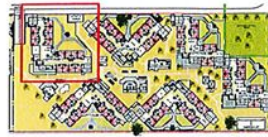
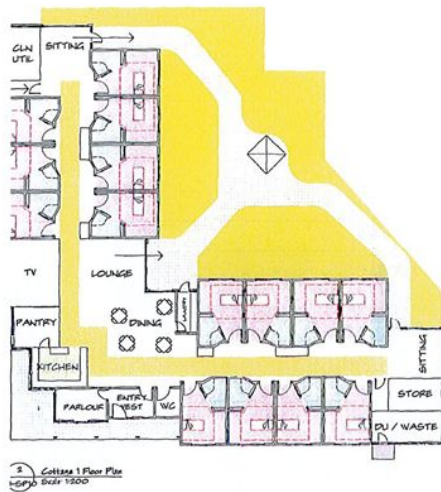
Planning Permit - 20/9/16



DATE	DATE	NAME	PROJECT	316201
			HammondCare Caulfield	
CLIENT			HammondCare	DATE
				DATE
END			Village Buildings-2	AP-SPO9

HammondCare Property & Capital Works
 12, 447 Kent Street, Sydney NSW 2000 Australia
 W www.hammondcare.com.au
 E info@hammondcare.com.au

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ADVERTISING PLATES

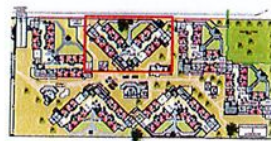
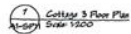
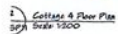


Planning Permit - 20/9/16

HammondCare
An independent Christian charity

NAME	HammondCare Caulfield	PROJECT	316201
DATE	20/09/16	CLIENT	HammondCare
PROJECT	Cottages 1 & 2 Plans & Elevations	SCALE	A1-SP10
HammondCare Property & Capital Works 11 111 New Street, Sydney NSW 2000 Australia T 02 9339 8412 E info@hammondcare.com.au			

HammondCare Caulfield 10004-Caulfield-HammondCare-Permit-1609

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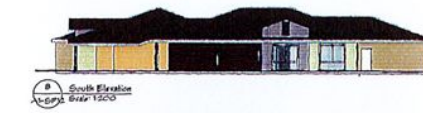
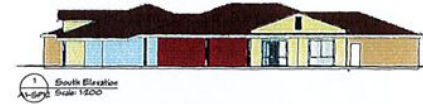
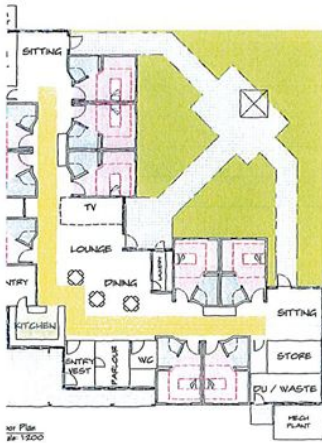
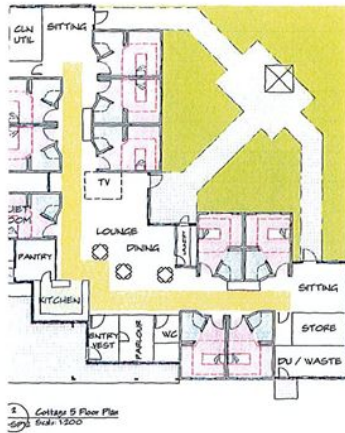
Planning Permit - 20/9/16



NAME	DATE	PERSON	
PROJECT	HammondCare Caulfield		PROJECT# 316201
CADSET	HammondCare		DATE 12/01/2014
DWG	Cottages 3 & 4 Plans & Elevations		SCALE A1-SP11

HammondCare Property & Capital Works
 12, 147 East Street, Sydney NSW 2058 Australia P 612 8390 8478 F www.hammondcare.com.au
 E info@hammondcare.com.au

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ADVISED PLAN
1:200 GP 20
This plan is for the purpose of planning only and is not to be used for construction purposes. It is subject to change without notice.



Planning Permit - 20/9/16

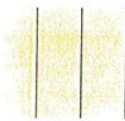


Project	HammondCare Caulfield	Project No.	316201
Client	HammondCare	Drawn by	A1-SP12
Cottages 5 & 6 Plans & Elevations			
HammondCare Property & Capital Works			
12 Hill Street, Lyons Aged Care Australia T 010 830 8478 E info@hammondcare.au			

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Face Brick
Austral Symmetry 'Red'



Hardie Sygne Anon
Dulux Camille Cream



Hardie Sygne Lime
Dulux Stone Cove



Hardie Sygne Stone
Dulux Stone Cove



Face Brick
Austral Harvest 'Natural'



Hardie Sygne Stone
Dulux Sky Blue 2095



Hardie Sygne Lime
Dulux White



Hardie Sygne Stone
Dulux Stone Cove

EXTERNAL WALL FINISHES



DUNE



GULLY



PALS EUCALYPT

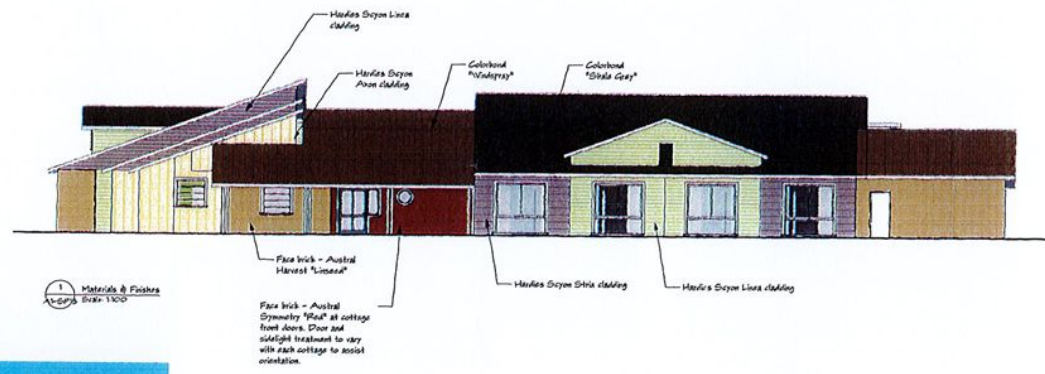


SHALE GREY



WINDSPRAY

COLORBOND STEEL ROOFING



ADVERTISED PLAN

20 OF 20
 This plan is for the purpose of advertising only and is not to be used for any other purpose. It is not a contract and does not constitute an offer. The plan is subject to change without notice. The plan is not to be used for any other purpose. It is not a contract and does not constitute an offer. The plan is subject to change without notice.

Planning Permit - 20/9/16



NAME	HammondCare Caulfield	PROJECT NO.	316201
NAME	HammondCare	DATE	20/09/16
NAME	Typical Materials & Finishes	DATE	20/09/16
NAME	HammondCare Property & Capital Works	DATE	20/09/16

ITEM 9.7 1254-1258 GLEN HUNTLY ROAD, CARNEGIE**Author:** Rocky Camera, Manager Town Planning**File No:** GE/PP-29724/2016**Attachments:** Advertised plans**PURPOSE AND SUMMARY**

To consider a Planning Permit application.



PROPOSAL	A 6 storey building comprising a shop, cafe and 79 dwellings above a basement car park
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area Policy (Glen Huntly Neighbourhood Centre)
APPLICANT	Conrock Australia Pty Ltd
PLANNING SCHEME CONTROLS	Commercial 1 Zone Special Building Overlay
OBJECTIONS	8

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-29724/2016 at 1254-1258 Glen Huntly Road, Carnegie for the Construction of a five storey building comprising shops and up to 66 dwellings above a basement car park, use of the land for accommodation (dwellings), reduction of associated shop car parking requirements and waiver of loading bay requirements on land affected by the Special Building Overlay 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 be generally in accordance with the plans submitted with the application (identified as TP04d – TP18d dated 18/01/2017 prepared by Clarke Hopkins Clarke Architects) but modified to show:
 - (a) Deletion of Level 4.
 - (b) The ground floor commercial uses increased in area by deleting Apartments G01 and G02 at ground floor. Any consequential changes must be to the satisfaction of the Responsible Authority.
 - (c) The setback of Apartments 504 and 505 from the east boundary increased to align with the balcony of Apartment 503. Any consequential changes must be absorbed within the approved building envelope.
 - (d) The bathrooms, toilets and ensuites associated with all dwellings on the uppermost floor to have provisions for a skylight (or similar) where no windows or direct access to daylight is provided.
 - (e) All east, south and west facing habitable windows, ground floor terraces and balconies to include appropriate screening treatments to limit views into existing secluded private open space and habitable room windows.
 - (f) A minimum height clearance of 2.1 metres provided at the entrance to the basement car parks and also within the basement car park levels. Headroom clearance must be shown as per Figure 5.3 of AS2890.1:2004 on the longitudinal cross-section plan.
 - (g) The pedestrian sight triangle shown on the western side of the accessway ramp clearly dimensioned. This area must be clear of any objects or vegetation greater than 600mm in height.
 - (h) The existing easternmost crossover on Glen Huntly Road removed and the nature strip / kerb reinstated.
 - (i) The proposed crossover measuring 6.6 metres in width aligned with the 6.6 metre accessway (between the 300mm kerbs).
 - (j) The intercom setback 3 metres from the frontage to ensure vehicles are not blocking the footpath.
 - (k) Car spaces adjacent to walls and storage areas provided a minimum 300mm clearance in accordance with AS2890.1: 2004.
 - (l) Dimensions of all car spaces in accordance with Clause 52.06-8.
 - (m) The over bonnet storage cages extending not more than 900mm into the parking space with a minimum height clearance of 1.35m.
 - (n) The columns within the basement car park located no less than 250mm and extend no more than 1.25 metres from the car park aisle. The columns should be clearly dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.
 - (o) All car spaces allocated to each dwelling/use.
 - (p) Three bollards provided 300mm east of the two car spaces opposite the lift door openings on both basement levels to prohibit motorists parking within the walkway to the lifts. These areas should also be line marked similar to the shared area of the disabled parking space.
 - (q) The solid wall along the bottom of the ramps, adjacent to car space 1 and the disabled space reduced by 2.5 metres or the wall be no greater than 900mm in

height for the first 2.5 metres from the bottom of the basement floor to improve sightlines between motorists exiting the car spaces and those traveling down the accessway ramp.

- (r) A blind aisle extension of at least 0.8 metres provided in accordance with AS2890.1:2004 at the end of parking spaces within the basement 2 car park.
- (s) The basement 1 plan to show the 1:8 grade at the bottom of the accessway ramp (as shown on the section plan). The remainder of the grades of the accessway ramps to be clearly shown on the plans.
- (t) The widths of the accessway ramps clearly dimensioned, including the 300mm kerbs.
- (u) The outside radii curved sections of the accessway ramps at the bottom within the car parks dimensioned in accordance with AS2890.1.
- (v) The 1:16 grade shown at the bottom of the accessway ramp within the basement 1 car park must include the northern most shop car space. The 1:16 grade must be extended within the space and be clearly shown.
- (w) Pedestrian paths through car parking areas, building entries and other destination points clearly marked and dimensioned.
- (x) Visitor car parking provided in accordance with Clause 52.06 of the Glen Eira Planning Scheme (1 space for every 5 dwellings)
- (y) The 7 required visitor bicycle spaces provided at bicycle hoops (or towel rails) within the frontage of the building i.e. within the lobby and not within a lockable compound i.e. the basement.
- (z) Any modifications required to achieve compliance with Melbourne Water's conditions.
- (aa) The power pole located at the front of the site setback a minimum of 1.0 metre from the crossover or removed and relocated to the satisfaction of the relevant Authority.
- (bb) A landscape plan in accordance with Condition 2.

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

2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- (a) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- (b) Landscaping and planting within all open space areas of the site.
- (c) Advanced canopy trees (minimum 3.0m tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the areas adjacent to the southern boundary.

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. Note: This does not obviate the need for a permit where one is required.
4. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
5. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
6. The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each of the one / two-bedroom dwellings;
 - Two (2) car spaces be allocated to each of the three-bedroom dwellings;
 - One (1) visitor car space to every five (5) dwellings.
 - A minimum of three (3) car spaces be provided for the retail shop.
 - A minimum of two (2) car spaces be provided for the food and drink premises.
7. The vehicular crossing(s) must be constructed to the road to suit the proposed accessway 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.
8. 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.

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.

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

10. Prior to the commencement of the development, a Waste Management Plan (generally in accordance with the plan prepared by Leigh Design) must be approved by the Responsible Authority and must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - (a) details of all garbage collection being undertaken by a private contractor;
 - (b) location of all waste collection points including recycling for the residential and shop uses;
 - (c) details of recycling services;
 - (d) frequency of collection; and
 - (e) location of collection points (must be from within the building) and details of collection.

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

11. 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.
12. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
13. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
14. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
15. 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.
16. Prior to the completion of the basement floor constructions, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that

the car park floor levels have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced); and

17. Prior to the completion of the ramps within the basement car parks, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramps have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced);
18. 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.
19. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note C' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
20. 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.

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.

Melbourne Water conditions

21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
22. Finished floor levels of the Tenancy area, Cafe, Lift lobbies and Residential apartments and all Service rooms (if any) on the ground floor must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
23. Entry apex to the proposed basement must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
24. All openings, vents or other entry and exit points that may allow for entry of floodwaters to the basement must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
25. Setback of 8.0 metres must be provided from the eastern boundary to allow for overland flow. This setback must be unobstructed and remain at natural surface level (no built up plant beds or retaining walls).
26. No fill is permitted outside of the proposed dwelling envelope with the exception of achieving minimal ramping at basement entry point.
27. If any, proposed fence(s) and gate(s) need to be open style with at least 50% opening up to the applicable flood level.
28. Prior to the commencement of works a separate application, direct to Melbourne Water's Asset Services team, must be made for any new or modified stormwater connection to a Melbourne Water asset.
29. The depth of the footings must be adequate to satisfy the angle of repose relative to Melbourne Water's underground drain and as per Melbourne Water's specification. Refer to Melbourne Water's Standard Drawing: 'Angle of Repose - Footing Design' for details.
30. Details of paving proposed within the easement must be submitted to Melbourne Water for approval. Prior to undertaking any works on or near Melbourne Water's asset, the contractor must request detailed terms and conditions from Melbourne Water for works and appropriate permits, fees and bonds will be applicable.
31. Proposed development plans referenced Drawing No.s: 15079/TP01d - 15d, 15079/TP016b - 18b & 15079/TP019d - 25d, Dated: 18.01.2017; and Drawn by: Clarke Hopkins Clarke architects must not be altered without the prior written consent of Melbourne Water.
32. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

End Melbourne Water conditions

33. 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

Conditions End

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 to that adopted for the approval of this Planning Permit.
- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. The exact design detail of the fences on the eastern, southern and western boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the Fences Act 1968.
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to

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

Asset Engineering Advice:

- H. There is an existing Council pit located within the proposed vehicle crossing. A minimum 1.0m horizontal clearance should be maintained between the edge of the proposed vehicle crossing and the edge of the existing pit.
- I. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- J. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- K. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- L. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- M. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- N. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- O. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- P. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Melbourne Water Footnote(s):

- Q. The applicable flood level for the property is 41.88 metres to Australian Height Datum (AHD) based on a flood event which has a probability of 1% occurrence in any one year.
- R. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 210797.

BACKGROUND

The adjoining property to the west at 1240-1248 Glen Huntly Road has planning approval for construction of a six storey building containing up to 117 dwellings and shops above a basement car park.

ISSUES AND DISCUSSION

- Zoning and policy context
- Height, scale and massing
- Amenity impacts
- Internal amenity
- Car parking and traffic
- Flood risk
- Site contamination
- Objectors concerns

Proposal

- Construction of a six storey building comprising 79 dwellings.
- A retail tenancy and café at ground floor.
- Two levels of basement car parking comprising 86 resident spaces, 10 visitor spaces and 3 spaces for the retail / café.

Objectors' concerns

- Height and scale is excessive for this location
- Increased traffic congestion
- Pedestrian safety
- On street parking is inadequate
- Flooding risk
- Loss of residential amenity
- Noise pollution
- Density is increasing too rapidly
- Development is inconsistent with character

Referrals*Transport Planning*

- The provision for resident car spaces complies with the State Government car parking guidelines.
- The reduction of car parking for visitors and the retail component is acceptable. It is understood that there will be approximately 5 on-street parking spaces along the frontage of the site. This area is appropriate for visitors to park, especially after hours when visitor parking demands are higher and on-street parking demands are lower.
- The site has good access to public transport (tram route runs along Glen Huntly Road and Glen Huntly station is a short walking distance from the subject site).
- There is adequate capacity within the existing road network to accommodate the proposed vehicle trips generated by the development
- Some modifications to the design and layout of the basement car parks are required to ensure compliance with regulations.
- Loading for the small commercial tenancies can occur on street.

Landscape Officer

- No vegetation on site or neighbouring properties that would be impacted by the development.
- A landscape plan should be provided showing planting throughout the site (where practical).

Asset Engineering

- The development should be designed to avoid flooding of the basement.
- All relevant Engineering Permits must be obtained prior to commencement of any buildings and works.

Building Department

- Construction Management Plan (CMP) required.

Waste Services

- Large development which Council is unable to service
- Chutes for garbage and recycling streams are provided on each floor

Melbourne Water

- No objections subject to conditions.

Public Transport Victoria (PTV)

- No comments received to date.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

State and local planning policy broadly supports development in this location, which increases housing supply in an existing urban area with good access to public transport and services. The subject site is located within the Commercial 1 Zone with interfaces to the General Residential Zone to the east and south. No height limit applies within the zoning of the subject site.

The Commercial 1 Zone seeks to create vibrant activity centres by providing commercial uses supported by residential development at a density appropriate to the role and scale of the Centre.

It is considered that the small area of the proposed ground floor retail tenancies (including the proposed café) would be inconsistent with the purpose of the zone. The area of the commercial uses are inadequate having regard to the scale of the development, the overall site area and the zoning of the land for commercial uses. As the ground floor is largely comprised of dwellings, there is scope to increase the retail component of the development to achieve a more appropriate balance between commercial and residential uses. This is a recommended condition of approval.

The Housing Diversity Area Policy which applies to the subject land encourages residential uses (such as shop top housing and apartment style developments) at first floor (and above) in conjunction with commercial uses which would be achieved by the development.

The development provides for an active retail function at ground floor whilst providing a recognisable and accessible pedestrian access point.

Height, scale and massing

The proposed development takes guidance from the approved 6 storey building at 1240-1248 Glen Huntly Road to the west. The form and massing is broadly comparable in the sense that the development adopts a three storey podium with a zero metre setback and a stepping back of the upper floors from the respective boundaries.

In relation to building height, the Housing Diversity Area Policy seeks to:

- *Ensure that where the new building is greater in height than the prevailing building height or where significant changes in building height are proposed for residential buildings:*
 - *There is a graduated transition in building height between the proposed building and adjoining buildings.*
 - *The resulting height, mass and scale of the building does not dominate or visually intrude on the streetscape and takes account of views from the wider neighbourhood and at a distance.*
 - *The upper storeys are recessive so that the visibility of upper storeys is reduced when viewed from the footpath opposite or residential properties to the rear.*

It is clear that the development will be greater in height than the prevailing building heights in the surrounding area which are generally no more than 3 storeys. It is considered reasonable for a building of greater height in this location given the large area of the site relative to surrounding lots. The site is in an area where increased densities and change in residential character are anticipated however development must still respond to its context and provide a transition to lower height buildings located in adjoining residential zones.

In order to achieve the balance sought by policy it is recommended that Level 4 be deleted. This will ensure that the remaining upper floors are recessive and the visibility is reduced when viewed from within Glen Huntly Road. Notwithstanding the building separation created by the overland flow path along the east boundary (as required by Melbourne Water), it is not considered that the development would achieve the graduated transition in building height sought by policy. The transition in building height from 6 storeys down to 3 storeys (the height of the adjoining building at 1260 Glen Huntly Road) is considered inappropriate.

Furthermore, increased setbacks of the remaining uppermost floor are recommended such that the resulting height, mass and scale of the building does not dominate or visually intrude on the streetscape and takes account of views from the wider neighbourhood and at a distance (as sought by policy). Reducing the visibility of the remaining top floor from Glen Huntly Road and the adjoining building to the east (1260 Glen Huntly Road) will ensure that the development sits comfortably within its context.

Amenity impacts

Policy encourages buildings to step down at the rear to achieve a graduated transition to adjoining buildings and residential areas.

The proposed ground, first and second floor are setback a minimum of 4.5m from the south boundary. The upper floor setbacks increase significantly as the height of the building increases with 7.7m at third floor, 12.7m at fourth floor and 15.1m at fifth floor. The proposed setbacks from the south (rear) boundary meet State Government Guidelines and are considered to achieve a good transition between the commercial and residential areas that is encouraged under policy (as distinct from the proposed east boundary setbacks).

Overlooking complies with the State Government guidelines. The proposed east and west facing apartments are designed with a minimum separation of 9 metres from existing habitable windows of the apartment building at 1260 Glen Huntly Road and the approved 6 storey building at 1240-1248 Glen Huntly Road. Rear facing terraces at ground, first and second floor are provided with screening and planter boxes. Views from third floor balconies would be obscured by the parapet on the floor below.

The submitted shadow diagrams show that the development will result in an increase in overshadowing, however the extent of shadow impacts are compliant with the State Government Guidelines.

The rear boundary of the development will incorporate a landscape buffer to soften the building from the rear. The extent of landscaping that is provided at the rear of the site is considered reasonable in a commercial setting. The basement is setback 3 metres from the south (rear) boundary which will ensure mature canopy tree planting can be carried out along this boundary.

Internal amenity

Ground floor dwellings are provided with raised terraces with stairs leading to additional private open space at natural ground level (minimum of 25m²). Upper floors are provided with balconies relative in size to each individual dwelling.

The habitable rooms of the dwellings will have good access to daylight. The number of apartments with south facing balconies has been minimised and is considered acceptable for this commercial setting.

Car Parking and Traffic

The State Government parking guidelines require 86 on site resident car spaces based on 1 car space for each 1 or 2 bedroom dwelling and 2 car spaces for each 3 or more bedroom dwelling. The required 86 car spaces are provided within the two basement levels.

The State Government guidelines require 15 on site visitor car spaces based on 1 car space for every 5 dwellings. A total of 10 visitor car spaces are provided in the basement, representing a shortfall of 5 car spaces.

Approximately 5 on-street car parking spaces will be provided along the frontage of the site. This area is appropriate for visitors to park, especially after hours when visitor parking demands are higher and on-street parking demands are lower.

It is also noted that the site has good access to public transport. A tram route runs along Glen Huntly Road which operates between Melbourne University and Carnegie. The nearest tram stop is approximate 50 metres to the east. Glen Huntly station is also a short walking distance from the subject site (approximately 400 to the west).

Whilst Transport Planning considered a waiver of 5 spaces (out of 15) appropriate, due to the surplus car spaces that will result from the deletion of Level 4 it is considered that compliance with State Government parking guidelines for visitors can and should be achieved. A

Condition is recommended requiring full compliance with the requirement for visitor car parking (1 space per 5 dwellings).

The recommended increase in the floor area of the commercial uses at ground floor also necessitates an increase in allocation of car parking for these uses. Council's Transport Planning Department have advised that the replacement of Apartments G01 and G02 with commercial space (total increase of 100m²) requires two additional spaces (5 shops space total).

A note will be included on the permit making future residents ineligible to obtain resident and visitor parking permits.

The basement ramp and car park layout is generally satisfactory but some changes, as suggested by Council's Transport Planning Department, are required to ensure safe and convenient vehicle movements.

The proposed shops generate a requirement for loading facilities. The provision of a loading bay for the small retail areas can be waived on this occasion as delivery vehicles are likely to be smaller in size and can be accommodated on-street.

Flooding Risk

The application has been referred to Melbourne Water who has consented to the application subject to conditions / notes which will be included in any approval.

Melbourne Water requires an 8 metre wide setback along the entire eastern boundary. The design utilises this setback area towards the front of the site for outdoor café seating which is a positive outcome (subject to an increase in useable commercial space as detailed above).

As a consequence of Melbourne Water requirements to raise the floor levels, stairs have been incorporated at the entrance to each retail tenancy, as well as the entry to the residential lobby. Disabled access is provided through provision of a wheelchair lift at each of these entries.

Potential site contamination

The applicant has submitted a preliminary site investigation for site contamination. The report found there is potential for site contamination from both on-site and off-site resources based on historical site use. As such, a requirement for an Environmental Audit will be required by condition of the recommendation.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

- 19 properties notified
- 77 notices sent (owners and occupiers)
- 3 signs erected on site
- 8 objections received

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Esakoff, 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 development is significantly greater in height and scale than surrounding buildings
- The development does not achieve the transition sought by policy
- Visual bulk due to zero metre setbacks
- Inconsistent with neighbourhood character
- Traffic surveys don't consider morning peak or recent development approvals
- Loss of residential amenity
- Reduction of car parking should not be allowed
- Overlooking and overshadowing of adjoining properties
- Flooding risk
- Infrastructure cannot cope with increased density
- Recent developments have been required to raise floor levels
- Rapid increase in density
- Traffic congestion
- On street car parking is already at capacity
- The area already has adequate shopping facilities
- The site is not located centrally within an activity centre

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

Moved: Cr Esakoff**Seconded: Cr Athanasopoulos**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-29724/2016 at 1254-1258 Glen Huntly Road, Carnegie for the Construction of a five storey building comprising shops and up to ~~66~~ **62** dwellings above a basement car park, use of the land for accommodation (dwellings), reduction of associated shop car parking requirements and waiver of loading bay requirements on land affected by the Special Building Overlay 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 be generally in accordance with the plans submitted with the application (identified as TP04d – TP18d dated 18/01/2017 prepared by Clarke Hopkins Clarke Architects) but modified to show:
 - (a) Deletion of ~~Level 4~~ **Level 2**.
 - (b) The ground floor commercial uses increased in area by deleting Apartments G01 and G02 at ground floor. Any consequential changes must be to the satisfaction of the Responsible Authority.
 - (c) The setback of Apartments 504 and 505 from the east boundary increased to align with the balcony of Apartment 503. Any consequential changes must be absorbed within the approved building envelope.
 - (d) The bathrooms, toilets and ensuites associated with all dwellings on the uppermost floor to have provisions for a skylight (or similar) where no windows or direct access to daylight is provided.
 - (e) All east, south and west facing habitable windows, ground floor terraces and balconies to include appropriate screening treatments to limit views into existing secluded private open space and habitable room windows.
 - (f) A minimum height clearance of 2.1 metres provided at the entrance to the basement car parks and also within the basement car park levels. Headroom clearance must be shown as per Figure 5.3 of AS2890.1:2004 on the longitudinal cross-section plan.
 - (g) The pedestrian sight triangle shown on the western side of the accessway ramp clearly dimensioned. This area must be clear of any objects or vegetation greater than 600mm in height.
 - (h) The existing easternmost crossover on Glen Huntly Road removed and the nature strip / kerb reinstated.
 - (i) The proposed crossover measuring 6.6 metres in width aligned with the 6.6 metre accessway (between the 300mm kerbs).
 - (j) The intercom setback 3 metres from the frontage to ensure vehicles are not blocking the footpath.
 - (k) Car spaces adjacent to walls and storage areas provided a minimum 300mm clearance in accordance with AS2890.1: 2004.
 - (l) Dimensions of all car spaces in accordance with Clause 52.06-8.
 - (m) The over bonnet storage cages extending not more than 900mm into the parking space with a minimum height clearance of 1.35m.
 - (n) The columns within the basement car park located no less than 250mm and extend no more than 1.25 metres from the car park aisle. The columns should be clearly dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.

- (o) All car spaces allocated to each dwelling/use.
- (p) Three bollards provided 300mm east of the two car spaces opposite the lift door openings on both basement levels to prohibit motorists parking within the walkway to the lifts. These areas should also be line marked similar to the shared area of the disabled parking space.
- (q) The solid wall along the bottom of the ramps, adjacent to car space 1 and the disabled space reduced by 2.5 metres or the wall be no greater than 900mm in height for the first 2.5 metres from the bottom of the basement floor to improve sightlines between motorists exiting the car spaces and those traveling down the accessway ramp.
- (r) A blind aisle extension of at least 0.8 metres provided in accordance with AS2890.1:2004 at the end of parking spaces within the basement 2 car park.
- (s) The basement 1 plan to show the 1:8 grade at the bottom of the accessway ramp (as shown on the section plan). The remainder of the grades of the accessway ramps to be clearly shown on the plans.
- (t) The widths of the accessway ramps clearly dimensioned, including the 300mm kerbs.
- (u) The outside radii curved sections of the accessway ramps at the bottom within the car parks dimensioned in accordance with AS2890.1.
- (v) The 1:16 grade shown at the bottom of the accessway ramp within the basement 1 car park must include the northern most shop car space. The 1:16 grade must be extended within the space and be clearly shown.
- (w) Pedestrian paths through car parking areas, building entries and other destination points clearly marked and dimensioned.
- (x) Visitor car parking provided in accordance with Clause 52.06 of the Glen Eira Planning Scheme (1 space for every 5 dwellings)
- (y) The 7 required visitor bicycle spaces provided at bicycle hoops (or towel rails) within the frontage of the building i.e. within the lobby and not within a lockable compound i.e. the basement.
- (z) Any modifications required to achieve compliance with Melbourne Water's conditions.
- (aa) The power pole located at the front of the site setback a minimum of 1.0 metre from the crossover or removed and relocated to the satisfaction of the relevant Authority.
- (bb) A landscape plan in accordance with Condition 2.

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

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

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. Note: This does not obviate the need for a permit where one is required.
4. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
5. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
6. The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each of the one / two-bedroom dwellings;
 - Two (2) car spaces be allocated to each of the three-bedroom dwellings;
 - One (1) visitor car space to every five (5) dwellings.
 - A minimum of three (3) car spaces be provided for the retail shop.
 - A minimum of two (2) car spaces be provided for the food and drink premises.
7. The vehicular crossing(s) must be constructed to the road to suit the proposed accessway 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.
8. 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.

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.

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

10. Prior to the commencement of the development, a Waste Management Plan (generally in accordance with the plan prepared by Leigh Design) must be approved by the Responsible Authority and must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
- (a) details of all garbage collection being undertaken by a private contractor;
 - (b) location of all waste collection points including recycling for the residential and shop uses;
 - (c) details of recycling services;
 - (d) frequency of collection; and

- (e) location of collection points (must be from within the building) and details of collection.

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

11. 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.
12. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
13. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
14. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
15. 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.
16. Prior to the completion of the basement floor constructions, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the car park floor levels have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced); and
17. Prior to the completion of the ramps within the basement car parks, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramps have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced);
18. 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.
19. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note C' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
20. 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.

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.

Melbourne Water conditions

21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
22. Finished floor levels of the Tenancy area, Cafe, Lift lobbies and Residential apartments and all Service rooms (if any) on the ground floor must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
23. Entry apex to the proposed basement must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
24. All openings, vents or other entry and exit points that may allow for entry of floodwaters to the basement must be set no lower than 42.18 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 41.88 metres to AHD.
25. Setback of 8.0 metres must be provided from the eastern boundary to allow for overland flow. This setback must be unobstructed and remain at natural surface level (no built up plant beds or retaining walls).
26. No fill is permitted outside of the proposed dwelling envelope with the exception of achieving minimal ramping at basement entry point.
27. If any, proposed fence(s) and gate(s) need to be open style with at least 50% opening up to the applicable flood level.

28. Prior to the commencement of works a separate application, direct to Melbourne Water's Asset Services team, must be made for any new or modified stormwater connection to a Melbourne Water asset.
29. The depth of the footings must be adequate to satisfy the angle of repose relative to Melbourne Water's underground drain and as per Melbourne Water's specification. Refer to Melbourne Water's Standard Drawing: 'Angle of Repose - Footing Design' for details.
30. Details of paving proposed within the easement must be submitted to Melbourne Water for approval. Prior to undertaking any works on or near Melbourne Water's asset, the contractor must request detailed terms and conditions from Melbourne Water for works and appropriate permits, fees and bonds will be applicable.
31. Proposed development plans referenced Drawing No.s: 15079/TP01d - 15d, 15079/TP016b - 18b & 15079/TP019d - 25d, Dated: 18.01.2017; and Drawn by: Clarke Hopkins Clarke architects must not be altered without the prior written consent of Melbourne Water.
32. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

End Melbourne Water conditions

33. 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

Conditions End

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 to that adopted for the approval of this Planning Permit.

- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. The exact design detail of the fences on the eastern, southern and western boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the Fences Act 1968.
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit

Asset Engineering Advice:

- H. There is an existing Council pit located within the proposed vehicle crossing. A minimum 1.0m horizontal clearance should be maintained between the edge of the proposed vehicle crossing and the edge of the existing pit.
- I. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- J. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.

-
- K. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
 - L. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
 - M. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
 - N. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
 - O. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
 - P. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Melbourne Water Footnote(s):

- Q. The applicable flood level for the property is 41.88 metres to Australian Height Datum (AHD) based on a flood event which has a probability of 1% occurrence in any one year.
- R. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 210797.

CARRIED UNANIMOUSLY



ClarkeHopkinsClarke
115 Sackville Street
Collingwood Victoria 3066
Telephone (03) 9419 4340
Facsimile (03) 9419 4345
Email studio@chc.com.au
www.chc.com.au

Notes

ALL BALCONY AREA CALCULATIONS RELATE TO AREA WITH A MINIMUM DIMENSION OF 1.6M WIDTH

Legend

HDR SCR	FULL HEIGHT-HORIZONTAL, TIMBER SCREEN
VER SCR	FULL HEIGHT-ALUMINUM VERTICAL SCREEN
1500 SCR	1500 HIGH PRIBACY SCREEN
1500 SCR-A	1500 HIGH PRIBACY SCREEN, TOPPED 60% = 900
	HORIZONTAL-HORIZONTAL, TRASSI LOCK PRIBACY SCR
1100 SCR	1100 HIGH PRIBACY SCREEN
DX	DOOR
SH	SHOWER
HBM	HABITABLE WINDOW
HBL	HABITABLE HIGHLIGHT WINDOW
HWN	PROPPOSED HIGHLIGHT WINDOW
	MIN. 1000 SILL HEIGHT
AN-W	NON-HABITABLE WINDOW
P.O.B	PRIVATE OPEN SPACE
SEP	SEPARATES
ST	STORAGE
AN	WINDOW

 OVERLAP FLOW PATH

18.01.2017
15079/TP06d





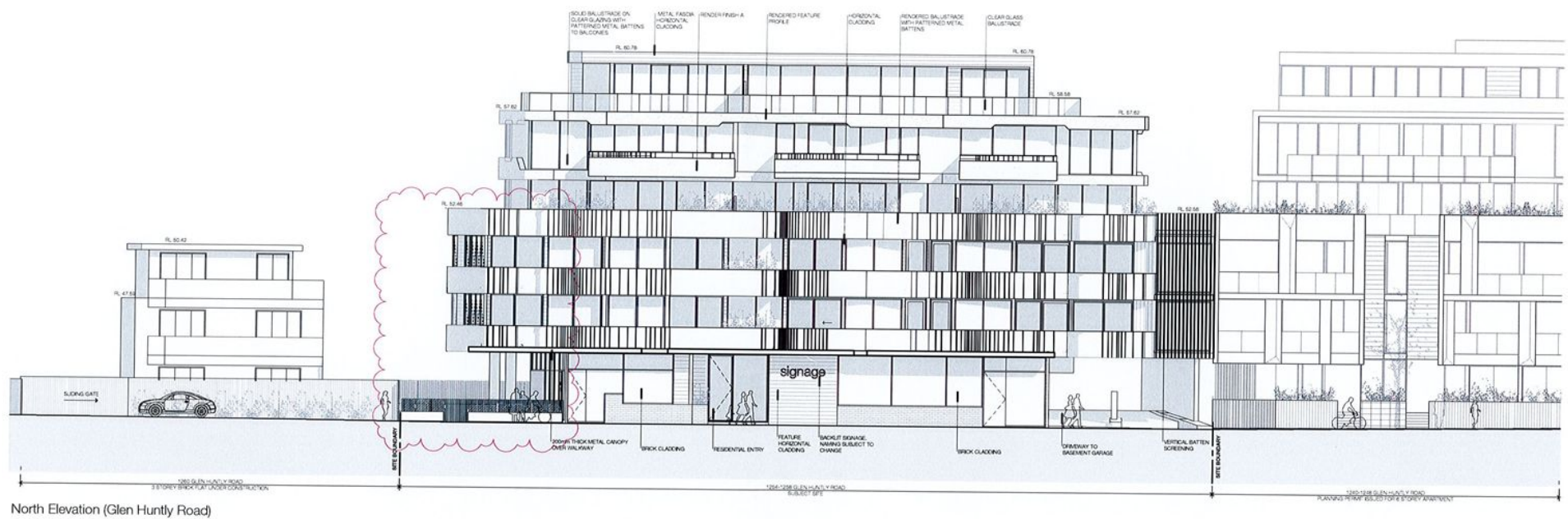


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Level 4 Floor Plan
 1254-1258 Glen Huntly Rd, Carnegie- Mixed Use Development

Scale
 1:125 @ A1
 1:250 @ A3

18.01.2017
 15079/TP10d



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Elevations - North
1254-1258 Glen Huntly Rd, Carnegie- Mixed Use Development

Scale 1:100 @ A1
1:200 @ A3
0 5 10

18.01.2017
15079/TP13d

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It is recorded that Cr Magee vacated the Chamber at 9.41pm.

ITEM 9.8 82 TRUGANINI ROAD, CARNEGIE

Author: *Rocky Camera, Manager Town Planning*

File No: *GE/PP-30070/2016*

Attachments: *Advertised plans*

PURPOSE AND SUMMARY

To consider a Planning Permit application.



PROPOSAL	Six double storey dwellings above a basement car park
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area Policy
APPLICANT	Morea Architects
PLANNING SCHEME CONTROLS	General Residential Zone, Schedule 2 Special Building Overlay
OBJECTIONS	18

RECOMMENDATION

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30070/2016 at 82 Truganini Road, Carnegie for the construction of a double storey building comprising 6 dwellings above a basement car park on land affected the Special Building Overlay in accordance with the following grounds:

1. The proposed development is inconsistent with the Local Planning Policy for Housing and Residential Development pursuant to Clause 21.04 of the Glen Eira Planning Scheme as it fails to adequately protect the amenity of the area by providing sole vehicle access via the right of way to the rear of the property.
2. The design and location of the access to the basement via the right of way at the rear is not satisfactory as it does not create a safe environment for users of the adjoining properties to the west.
3. The proposal fails to meet the purpose of Clause 32.08 (General Residential Zone) and the decision guidelines of Schedule 2 to Clause 32.08 as the proposal does not:
 - Provide an acceptable level of amenity and transition to the adjoining residential properties within the Neighbourhood Residential Zone due to the inadequate first floor rear setbacks.
4. The proposed development fails to meet the following objectives of Clause 55 (ResCode) of the Glen Eira Planning Scheme:
 - Clause 55.03-8 – Landscaping
 - Clause 55.04-1 – Side and rear setbacks
 - Clause 55.04-6 – Overlooking
 - Clause 55.05-4 – Private open space (Units 1 & 5)

ISSUES AND DISCUSSION

- Zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts
- Landscaping
- Internal amenity
- Car parking and traffic
- Objectors' concerns

Proposal

- The application proposes construction of a two storey building comprising 6 dwellings each with three bedrooms.
- Car parking is proposed within a basement with 15 car spaces provided (13 car spaces for residents and 2 visitor car spaces).
- Sole vehicle access is proposed via a laneway at the rear of the property, which connects directly to Railway Road.

Objectors' concerns

- Safety associated with vehicular access via the laneway
- Vehicular access from a Neighbourhood Residential Zone
- Traffic and car parking
- Noise from vehicular access, air-conditioning and construction
- Overlooking
- Overshadowing and loss of natural daylight
- Neighbourhood character
- Overdevelopment of Carnegie area
- Inadequate space for tree planting along southern boundary
- Location of basement and impacts on foundations of adjoining dwellings

Referrals

Transport Planning

- The proposal exceeds the State Government car parking guidelines for resident parking (12 spaces are required; 13 spaces are proposed).
- The proposal exceeds the guidelines for visitor parking (1 space is required; 2 spaces are proposed).
- Vehicular access via the rear laneway is not supported due the following reasons:
 - The overall length combined with the narrow width of the laneway;
 - The potential for conflict with other vehicles currently reliant on the laneway to access their properties; and
 - The laneway is not suitable for visitors to access on-site parking.

Landscape Officer

- There are no trees of high value on site.
- There are neighbouring trees to the south which would require protection measures during construction.
- The extent of the basement and paved areas limit opportunities for planting of canopy trees.

Melbourne Water

- Melbourne Water does not object to the proposal and does not require any changes to the plans.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

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

The site is located on a tram route (Housing Diversity Area). While the proposed scale of development is envisaged by local policy, the proposed vehicle access arrangement will result in unreasonable amenity impacts onto the adjoining properties to the west.

Neighbourhood character

Truganini Road contains a mixture of single dwellings, unit developments and apartment buildings. The site is bordered by unit developments to the north, west and south. Further south of the subject land at number 86 Truganini Road approval has been granted for a three storey apartment building. Other similar developments have also been approved in Truganini Road.

The architectural style of the proposal is generally considered acceptable, with the facade incorporating a reasonable level of visual interest, articulation, various construction materials and a contemporary form, yet still incorporating a pitched, tiled roof which is characteristic of the area. It is considered that this style will successfully respond to the neighbourhood character.

Height, scale and massing

The proposal has been designed in a way where its height, massing and appearance at the front would be suitable for this strategic location where increased densities and changes in residential character are supported by the relevant State and Local Planning Policies and by the Residential Growth Zone.

The front setbacks to Truganini Road comply with the State Government guidelines as do the proposed side and rear setbacks. However the upper floor is not recessed and there is no break between the units to provide relief from the vertical built form.

The General Residential Zone allows for the consideration of a building up to a height of 10.5 metres. The proposed height at 9.1 metres complies with the mandatory maximum height limit.

Proposed site coverage is 60% and therefore complies with State Government requirements.

Amenity impacts

Policy seeks to ensure development respects the amenity of the surrounding area and provides a transition to surrounding residential uses in terms of height, scale and setbacks. The subject land has a sensitive interface with areas of secluded private open space to the north, south and west.

The proposed rear setbacks of 4 metres at ground floor and 5.5 metres at first floor comply with Council's variation to State Government guidelines for properties adjacent to a Neighbourhood Residential Zone at the rear. However the first floor balcony of Unit 6 encroaches into this setback.

The side setbacks of the development comply with State Government guidelines and are adequate to maintain daylight to north facing windows of the adjacent dwellings to the south.

Not all first floor habitable room windows have been adequately screened in accordance with State Government guidelines and offer the potential for unreasonable overlooking of adjacent properties.

Landscaping

There is adequate space within the frontage for appropriate landscaping. There are limited opportunities for further landscaping to be provided around the site to soften the appearance of the development from the adjoining properties, due to the extent of the basement and

paved areas. This is not considered to be an appropriate design outcome as it limits the ability to provide for any meaningful canopy trees.

Internal amenity

The internal layout and amenity of dwellings within the development is generally appropriate to meet the living needs of future occupants. All dwellings are provided with north-facing ground level courtyards. However the 20 square metre courtyards for units 1 to 5 do not comply with State Government guidelines which seek a minimum of 25 square metres.

Car Parking and Traffic

The proposal exceeds the State Government car parking requirements for both residents and visitors. However, the fundamental issue with this development relates to the proposed utilisation of the rear laneway for sole vehicular access to the site.

The laneway is currently used by two properties at the rear of 38 and 40 Railway Road which are dependent on the laneway for both pedestrian and vehicular access. The laneway is over 50 metres long and 3 metres wide and is bordered by high paling fences on both sides. The laneway is only capable of one-way traffic and the fences limit the visibility for cars exiting adjacent properties. This is a significant safety concern.

Council's 'Use of Rights of Way' policy indicates that the use of laneways for vehicle access will only be encouraged within urban villages or neighbourhood centres (Housing Diversity Areas).

The laneway originates at Railway Road which is in a Neighbourhood Residential Zone. Given the laneway is located at the rear of the site, with access via another road, use of it for access to medium density development should not be relied upon as it directly increases the traffic within the low-density area to the rear (located within the Minimal Change Area). It is therefore considered that the use of the laneway is not consistent with the objectives of policy and should not be supported.

Council's Transport Planning Department have indicated that they object to the vehicle access arrangements due to safety concerns and the inappropriateness of visitors accessing the site from the rear which is unlikely to occur.

It is considered this matter cannot be addressed by conditions as it would result in a development that is different to what is proposed.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

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

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Davey, 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:

- Access from the rear right-of-way and associated safety issues
- Safety concerns at the intersection of the right-of-way and Railway Road
- Noise from traffic along the right-of-way and access ramp
- On street parking demand for visitors
- Overlooking, overshadowing and visual impacts

Undertakings by the Applicant

N/A

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

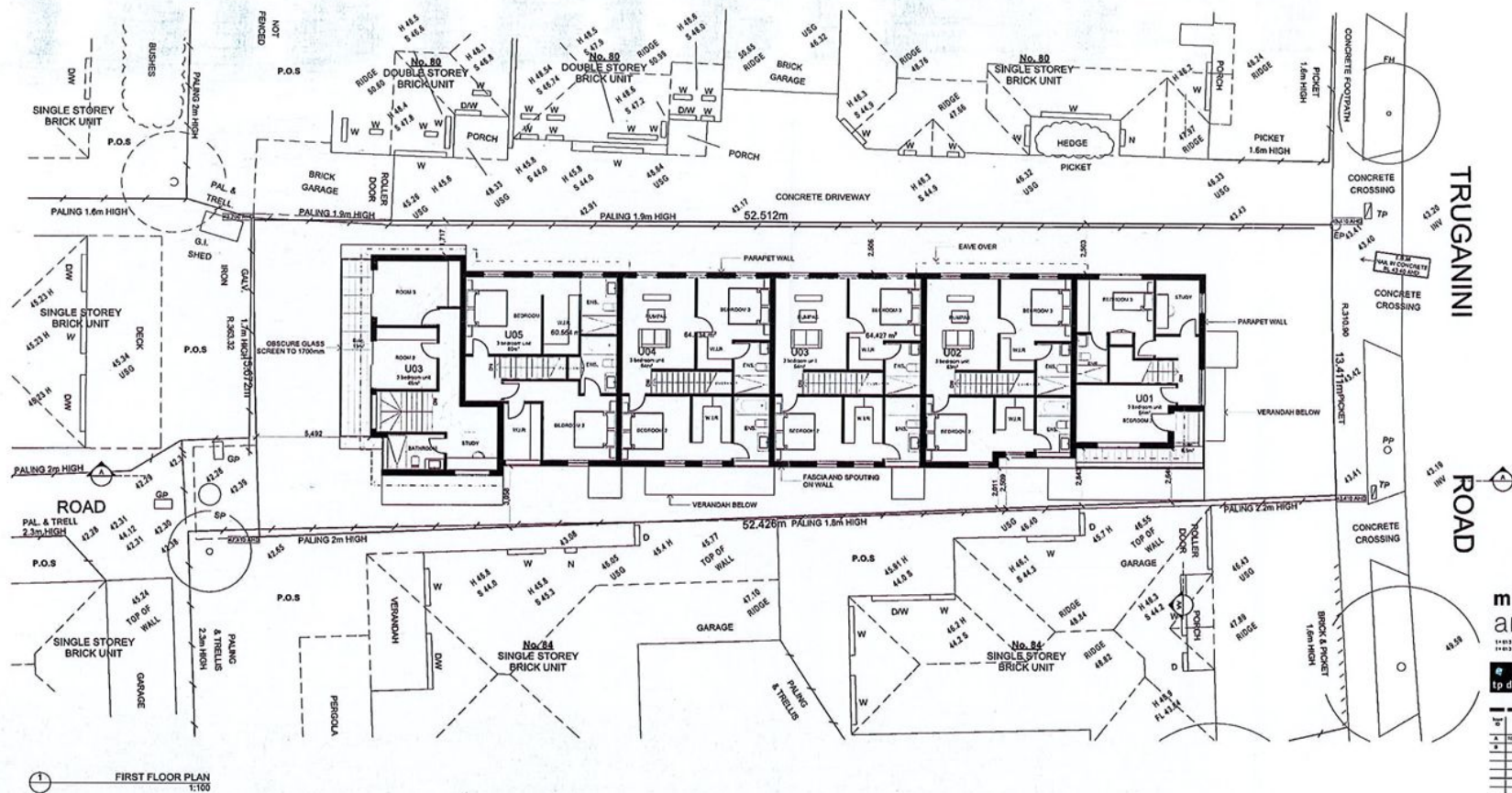
That a Notice of Refusal to Grant a Planning Permit should be issued.

Moved: Cr Davey**Seconded: Cr Esakoff**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30070/2016 at 82 Truganini Road, Carnegie for the construction of a double storey building comprising 6 dwellings above a basement car park on land affected the Special Building Overlay in accordance with the following grounds:

1. The proposed development is inconsistent with the Local Planning Policy for Housing and Residential Development pursuant to Clause 21.04 of the Glen Eira Planning Scheme as it fails to adequately protect the amenity of the area by providing sole vehicle access via the right of way to the rear of the property.
2. The design and location of the access to the basement via the right of way at the rear is not satisfactory as it does not create a safe environment for users of the adjoining properties to the west.
3. The proposal fails to meet the purpose of Clause 32.08 (General Residential Zone) and the decision guidelines of Schedule 2 to Clause 32.08 as the proposal does not:
 - Provide an acceptable level of amenity and transition to the adjoining residential properties within the Neighbourhood Residential Zone due to the inadequate first floor rear setbacks.
4. The proposed development fails to meet the following objectives of Clause 55 (ResCode) of the Glen Eira Planning Scheme:
 - Clause 55.03-8 – Landscaping
 - Clause 55.04-1 – Side and rear setbacks
 - Clause 55.04-6 – Overlooking
 - Clause 55.05-4 – Private open space (Units 1 & 5)

CARRIED UNANIMOUSLY



morea
architects

11-013 000 000
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tp dwgs

Rev	Description	Date	By	App
1	Issue for construction	11/01/2018	MA	MA
2	Issue for construction	11/01/2018	MA	MA

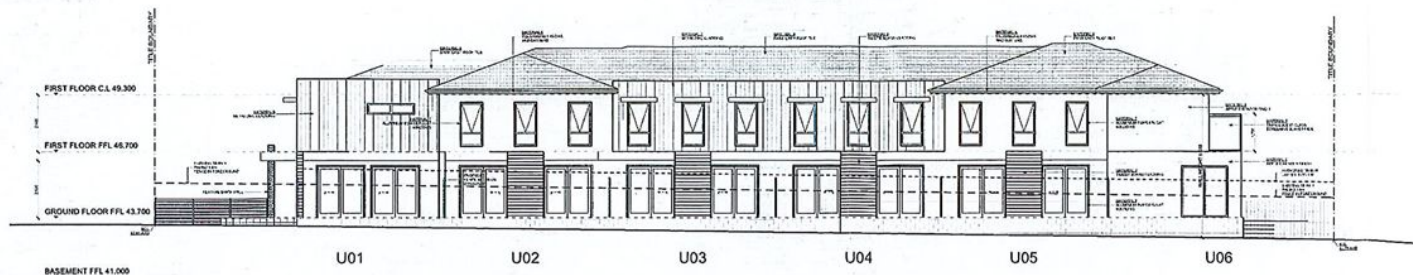
TOWNHOUSE
DEVELOPMENT
82 Truganini Road Carnegie
VIC

FIRST FLOOR
PLAN

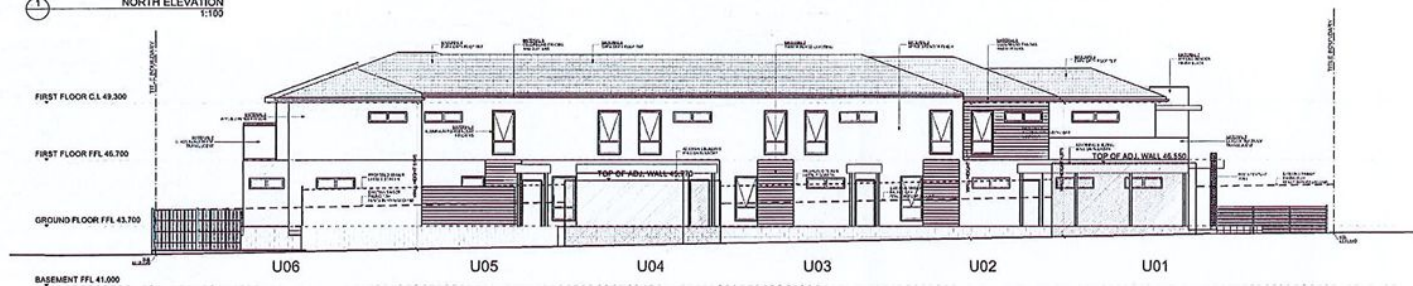
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TP06 REV. B
Job: m_A_1514

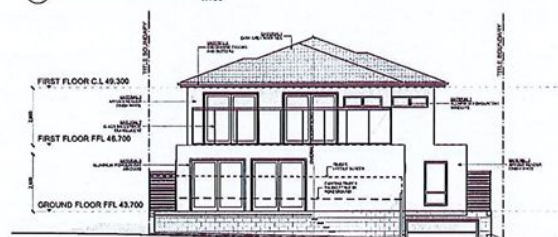
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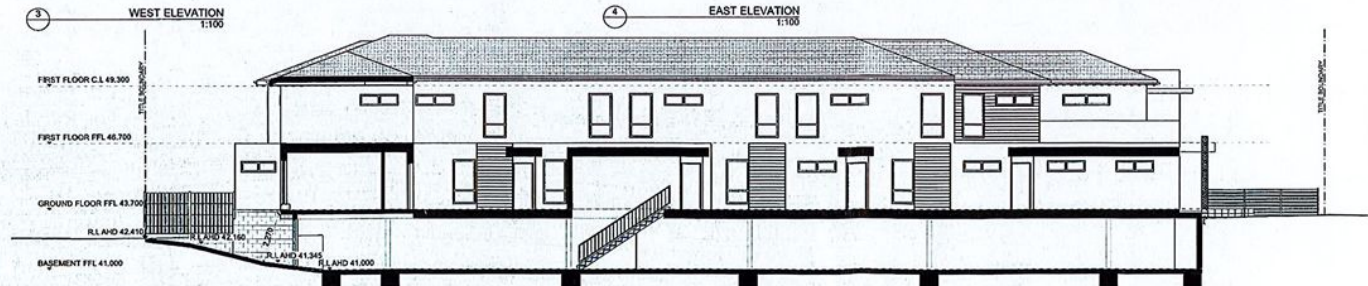
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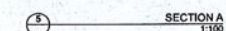
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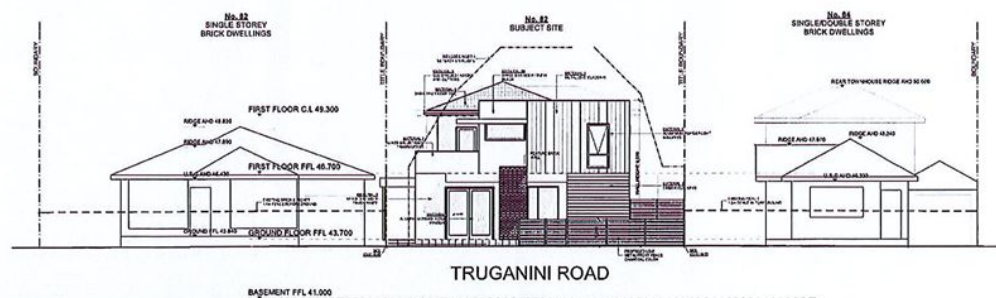
3 WEST ELEVATION
1:100



4 EAST ELEVATION
1:100



5 SECTION A
1:100



NOTE:
REFER TO MATERIALS & FINISHES SCHEDULE
FOR DETAILS

more a
architects

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ITEM 9.9 23 KOORNANG ROAD, CARNEGIE**Author:** *Rocky Camera, Manager Town Planning***File No:** *GE/PP-30103/2016***Attachments:** *Advertised plans***PURPOSE AND SUMMARY**

To consider a Planning Permit application.



PROPOSAL	15 storey building comprising ground floor shops and 86 dwellings
MUNICIPAL STRATEGIC STATEMENT	Carnegie Urban Village
APPLICANT	Kramer Property Pty Ltd
PLANNING SCHEME CONTROLS	Commercial 1 Zone
OBJECTIONS	11 objections (at time of printing)

RECOMMENDATION

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30103/2016 at 23 Koornang Road, Carnegie for the construction of a 15 storey building comprising ground floor retail and 86 dwellings above basement car parking, reduction in car parking and bicycle requirements and waiver of loading bay requirements in accordance with the following grounds:

1. The proposed fifteen storey height of the development does not reflect the built form characteristics of the area and is excessive for its location.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the south.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to strike an appropriate balance between residential density and commercial uses.
5. The development fails to provide adequate on-site car parking in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
6. 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
7. The design and location of bicycle parking does not meet the requirements of Clause 52.34 of the Glen Eira Planning Scheme.
8. The development fails to adequately protect the Rosstown Hotel (as the established live music entertainment venue in close proximity to the site) from the encroachment of the proposed residential use. It has not been demonstrated that the proposed development will be designed and constructed to include acoustic attenuation measures in accordance with Clause 52.43 of the Glen Eira Planning Scheme.

BACKGROUND

N/A

ISSUES AND DISCUSSION

- Zoning and policy context
- Height, scale and massing
- Amenity impacts
- Internal amenity
- Car parking and traffic
- Impacts of existing live music venue
- Development equity
- Objectors' concerns

Proposal

- Construction of a fifteen (15) storey building comprising eighty-six (86) dwellings (23 x one bedroom, 56 x two bedroom, 7 x three bedroom)
- Four shops (total of 431m²)
- Residential entry from Egan Street
- Vehicle access to the basement levels and the ground floor retail parking (3 spaces) from the rear laneway
- Four levels of basement car parking comprising of 71 car spaces (68 residential spaces and 3 retail spaces)
- The development seeks a reduction to the statutory car parking requirement of 56 spaces (25 residential, 17 residential visitors and 14 retail spaces)
- Maximum building height of 48m

Objectors' concerns

- Excessive height is not in keeping with surrounding neighbourhood
- Overshadowing of future public open space
- Inadequate car parking
- Noise impacts
- Visual bulk
- Traffic congestion and pressures on street parking
- Infrastructure and services cannot cope with increased density
- Poor internal amenity
- Loading facilities are not provided
- No provision for office space
- Development will dominate Koornang Road and wider area
- Inappropriate transition to surrounding properties and residential area
- Conflicts with Rosstown Hotel being a live music venue

Referrals*Transport Planning*

- The development has a State Government car parking requirement of 127 spaces (93 car spaces for residents, 17 car spaces for visitors and 17 car spaces for the shop).
- The development provides 71 car spaces (a total shortfall of 56 car parking spaces which is not supported as it will cause unreasonable reliance on on-street parking).

- Recent development approvals provide for the majority of required car spaces therefore it is reasonable for the development to provide the same.
- The large shortfall of car parking suggests an overdevelopment.
- A designated loading area should be provided.
- The location of bicycle parking within Basement Level 2 is not convenient due to the distance of travel which would be required. The proposed lifts are not wide enough to accommodate bicycles.
- The current layout of the Egan Street/Koornang Road intersection results in significant delays for vehicles turning right out of Egan Street during peak periods.
- The proposed single width ramps will not allow for adequate sight lines between drivers.

Asset Engineering

- All stormwater runoff must be connected to Council's drainage network.

Waste Services

- Large development not suitable for Council collection (Private collection should be provided)
- Multiple collections would occur per week with collections from the laneway

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

Zoning and policy context

The subject site is located within the Commercial 1 Zone in the policy area identified as the 'Carnegie Urban Village'. State and Local Planning Policies broadly support intensification and the highest residential densities in this location, including mixed-use development such as shop-top housing.

Height, scale and massing

The planning scheme requires public amenity benefits and a positive contribution to the activity centre 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 Carnegie Urban Village due to its excessive height and scale.

Whilst the site has the benefit of a corner location with no direct sensitive interfaces. The fifteen storey height of the tower is considered disproportionate to the size of the site. The proposed development is significantly greater in height and scale than any existing buildings within the retail hub of Carnegie. The relative height and scale of the development compared with surrounding buildings will exacerbate its visual dominance and high visibility from nearby residential streets.

Amenity impacts

Policy recognises the importance for development to respect the amenity of the surrounding area and providing a transition to surrounding residential uses. The subject site has the benefit of a corner location with commercial uses on the surrounding properties.

The proposed fifteen storey building would be highly visible within its surrounding context. Whilst the closest residential zoned properties are over 50 metres away to the south-west along Rosstown Road, there are existing apartments located directly opposite the site at 40 Arawatta Street.

A number of these apartments face the subject site and currently have an outlook of a two storey building. This would be replaced with an imposing fifteen storey building which is considered too drastic a change even in a commercial context and would cause unreasonable visual impacts to these existing apartments. Council's Local Policy seeks to ensure residential development respects the amenity of the surrounding area and provides a transition to surrounding residential uses.

The proposed development would require significant design changes to provide an appropriate transition to the residential properties within Rosstown Road as encouraged by policy. A transition in height from fifteen storeys (as proposed) to single storey (the closest existing dwelling at 55 Rosstown Road) is not considered to achieve the transition sought by policy (irrespective of the existing rail corridor).

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 cast long shadows across the rail corridor. Due to the distance between the site and the closest residential properties within Rosstown Road to the south-west (over 50m) it is considered that the extent of impact is well within acceptable limits when assessed against State Government Guidelines.

Due to the separation distance between the proposed development and existing residential properties to the south along Rosstown Road, it is not considered that balconies at the upper floors will cause unreasonable overlooking. Any direct views across Koornang Road to existing apartments are considered reasonable in a commercial context.

Internal amenity

The development incorporates 86 dwellings which include a combination of one, two and three bedroom dwellings with varying layouts and well-proportioned balconies. The diversity of dwelling types within the development will contribute to housing choice in Carnegie and is consistent with policy.

The site has the benefit of a corner location with a laneway to the west. To ensure that the development is not prejudiced by future development in properties to the north, dwellings are provided with either an east, south or westerly outlook. The number of dwellings with a solely southern orientation have been minimised to the extent practical given the site context.

The internal layout ensures that no dwellings rely on borrowed light and all habitable rooms (living areas and bedrooms) have direct access to natural light.

Car Parking and Traffic

The development has a State Government car parking requirement of 127 spaces (93 car spaces for residents, 17 car spaces for visitors and 17 car spaces for the shop).

The development provides 71 car spaces (68 car spaces for residents and 3 car spaces for the shop). This results in a total shortfall of 56 car parking spaces (25 for residents, all 17 spaces required for visitors and 14 for the shop).

Council's Transport Planning department does not support the proposed car parking provision, particularly highlighting that every dwelling should be provided with at least one car space (notwithstanding the proposed three bedroom dwellings should be allocated two spaces each).

Based on the above, Transport Planning considers that the proposed development should provide each dwelling with at least one parking space and provide for the majority of residential visitor car parking spaces on-site. However, given that the development already includes four levels of basement car parking, it is unlikely that additional car parking can be accommodated on-site. This suggests that the proposal is an overdevelopment of the site, based on the reduced number of parking spaces that can be accommodated. The development would need to be significantly reduced in height to address the shortfall of car parking.

Given that there is a commercial component to the development, loading facilities are required. Whilst the shop uses may not require a dedicated loading area, the residential component of the development is likely to require loading facilities especially when residents move in or out of the site. In addition, a loading area could be used for waste collection. As such, Transport Planning recommends that a designated loading area be provided.

The development has a State Government requirement of 26 bicycle parking spaces (17 spaces for employees / residents and 9 spaces for visitors / shopper / students). The development provides 20 bicycle parking spaces within Basement Level 2. The proposed location is not supported by Transport Planning due to the distance of travel required to access the bicycle parking area. The proposed lifts are too small to conveniently accommodate bicycles and the proposed single width ramps and ramp grades are not suitable for cyclists. Given that the development seeks to waive a significant number of parking spaces, it is considered unreasonable that greater provision and prominence has not been given to bicycle parking.

In terms of traffic generation, the development is expected to generate 440 vehicle trips on an average day and 44 trips during the peak periods. The current layout of the Egan Street/Koornang Road intersection results in significant delays for vehicles turning right out of Egan Street during peak periods. This is exacerbated with the proximity of the railway level crossing. The proposed additional 44 trips during the peak periods is likely to further impact on the delays and vehicle queuing in the area.

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. In particular, there is concern that the proposed single width ramps will not allow for adequate sight lines between drivers. This may result in drivers having to reverse up ramps to give way to on-coming vehicles. Given the scale of the development, with four levels of basement car parking this is unacceptable. The cumulative impacts of these changes suggest that the development has not been properly thought out.

Impacts of existing live music entertainment venue

The Planning Scheme recognises that live music is an important part of the State's culture and economy and therefore live music entertainment venues should be protected from the encroachment of noise sensitive residential uses. The primary responsibility for noise attenuation rests with the agent of change (the developer).

The subject site is located within close proximity of the Rosstown Hotel (25 metres away) which has an existing outdoor entertainment area used for live music with a capacity of approximately 300 patrons.

It is a requirement that a noise sensitive residential use (as proposed) be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any indoor or outdoor live music entertainment venue.

It is considered that the development has failed to adequately protect the Rosstown Hotel (as the established live music entertainment venue in close proximity to the site) from the encroachment of the proposed residential use.

Development Equity

At its northern interface, the building directly abuts the north boundary for the majority of its height before stepping in at the upper floors. This design response is premised on the potential for a consolidated site development of similar scale to the north which would severely overshadow and dominate any proposed north facing dwellings and balconies on the subject site.

This is considered a reasonable expectation in this context and accordingly it is considered that equitable development opportunities with the adjoining properties to the north would be achieved. To the west, the tower component is setback a minimum of 4.5 metres from the centre line of the laneway. This would allow for any future development on the nearest property to the west to be setback a similar distance creating a minimum separation of 9 metres between buildings which is generally accepted as providing development equity.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

- 37 properties notified
- 144 notices sent (owners and occupiers)
- 3 signs erected on site
- 11 objections (at time of printing)

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Athanasopoulos 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 proposed height is excessive for this location.
- Failure to provide an appropriate transition to nearby residential areas
- The development fails to demonstrate that noise attenuation measures have been incorporated to protect future residents from noise emanating from a live music venue (Rosstown Hotel).
- Cumulative impacts of reduction of car parking for recent developments.
- The high reduction of car parking sought by the development is indicative of an overdevelopment.
- Traffic congestion and difficulty exiting the site onto Koornang Road.
- The development will overshadow future public open space proposed by the Level Crossing Removal Authority.

- No communal open space provided within the development.
- Office uses should be incorporated into the development as encouraged by policy.
- Loss of neighbourhood character and residential amenity.
- Impacts to existing infrastructure, services and drainage.

Undertakings by the Applicant

- Investigate acoustic measures to protect the existing live music entertainment venue (Rosstown Hotel) from the encroachment of noise sensitive residential uses that would be created by the development.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That a Notice of Refusal to Grant a Planning Permit be issued.

Moved: Cr Athanasopoulos**Seconded: Cr Esakoff**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30103/2016 at 23 Koornang Road, Carnegie for the construction of a 15 storey building comprising ground floor retail and 86 dwellings above basement car parking, reduction in car parking and bicycle requirements and waiver of loading bay requirements in accordance with the following grounds:

1. The proposed fifteen storey height of the development does not reflect the built form characteristics of the area and is excessive for its location.
2. The design and built form of the development does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 4 – Circulation and Services;
3. The development does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) by failing to provide an appropriate transition to the low scale character of the surrounding residential area to the south.
4. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to strike an appropriate balance between residential density and commercial uses.
5. The development fails to provide adequate on-site car parking in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
6. 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
7. The design and location of bicycle parking does not meet the requirements of Clause 52.34 of the Glen Eira Planning Scheme.
8. The development fails to adequately protect the Rosstown Hotel (as the established live music entertainment venue in close proximity to the site) from the encroachment of the proposed residential use. It has not been demonstrated that the proposed development will be designed and constructed to include acoustic attenuation measures in accordance with Clause 52.43 of the Glen Eira Planning Scheme.

It is recorded that Cr Magee entered the Chamber at 9.47pm.

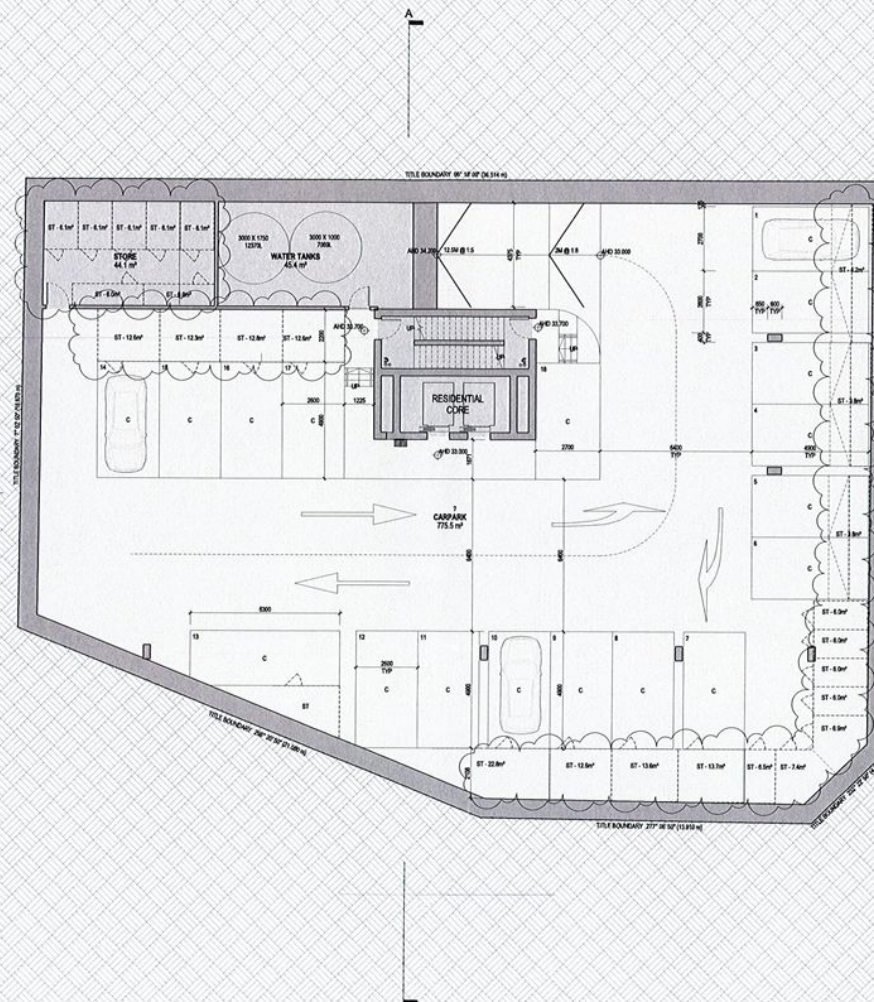
Procedural motion**Moved: Cr Hyams****Seconded: Cr Magee**

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY



LEGEND	
	RETAIL / COMMERCIAL
	RESIDENTIAL LOBBY
	CARPARK
	SERVICES/STORES
	1 BEDROOM APARTMENT
	2 BEDROOM APARTMENT
	3 BEDROOM APARTMENT
	RESIDENT AMENITY
	TERRACE
ABBREVIATIONS	
XO	CROSSOVER
FP	FOOTPATH
ST	STORE



Level	CARPARKS		Bicycle Parks	Stores
	Residential	Total		
BASEMENT 4	18	18	0	26
	18	18	0	26

NOTE: PROVISION FOR STORES ARE PROVIDED AS COMBINATION OF ALLOCATED STORES AND ABOVE BONNET STORES

PRELIMINARY

Revisions
 18.11.16 TOWN PLANNING SUBMISSION
 A 25.01.17 TOWN PLANNING REF

RD
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Project
 23 KOORNANG ROAD, CARNEGIE 3163

Drawing
 BASEMENT 4

Project No
 216026

Date
 18/11/16

Author
 RD/AF

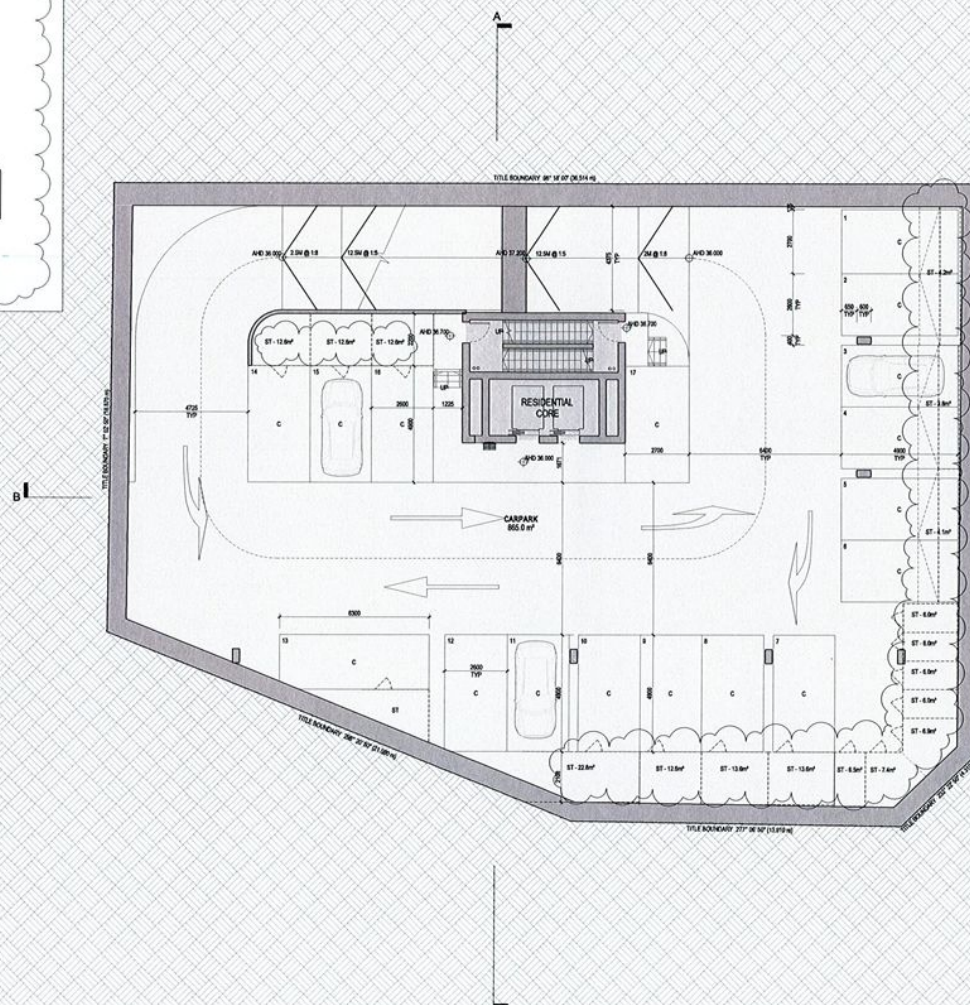
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Level	CARPARKS		Bicycle Parks	Stores
	Residential	Total		
BASEMENT 3	17	17	0	18
	17	17	0	18

NOTE: PROVISION FOR STORES ARE PROVIDED AS COMBINATION OF ALLOCATED STORES AND ABOVE BONNET STORES

LEGEND

- RETAIL / COMMERCIAL
- RESIDENTIAL LOBBY
- CARPARK
- SERVICES/STORES
- 1 BEDROOM APARTMENT
- 2 BEDROOM APARTMENT
- 3 BEDROOM APARTMENT
- RESIDENT AMENITY
- TERRACE

ABBREVIATIONS

- XO CROSSOVER
- FP FOOTPATH
- ST STORE

PRELIMINARY

Revisions
 A 18/11/16 TOWN PLANNING SUBMISSION
 A 25/01/17 TOWN PLANNING SUB

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Project No
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NOTE: PROVISION FOR STORES ARE PROVIDED AS COMBINATION OF ALLOCATED STORES AND ABOVE BONNET STORES



- ### ABBREVIATIONS

XO	CROSSOVER
FP	FOOTPATH
ST	STORE

Revisions

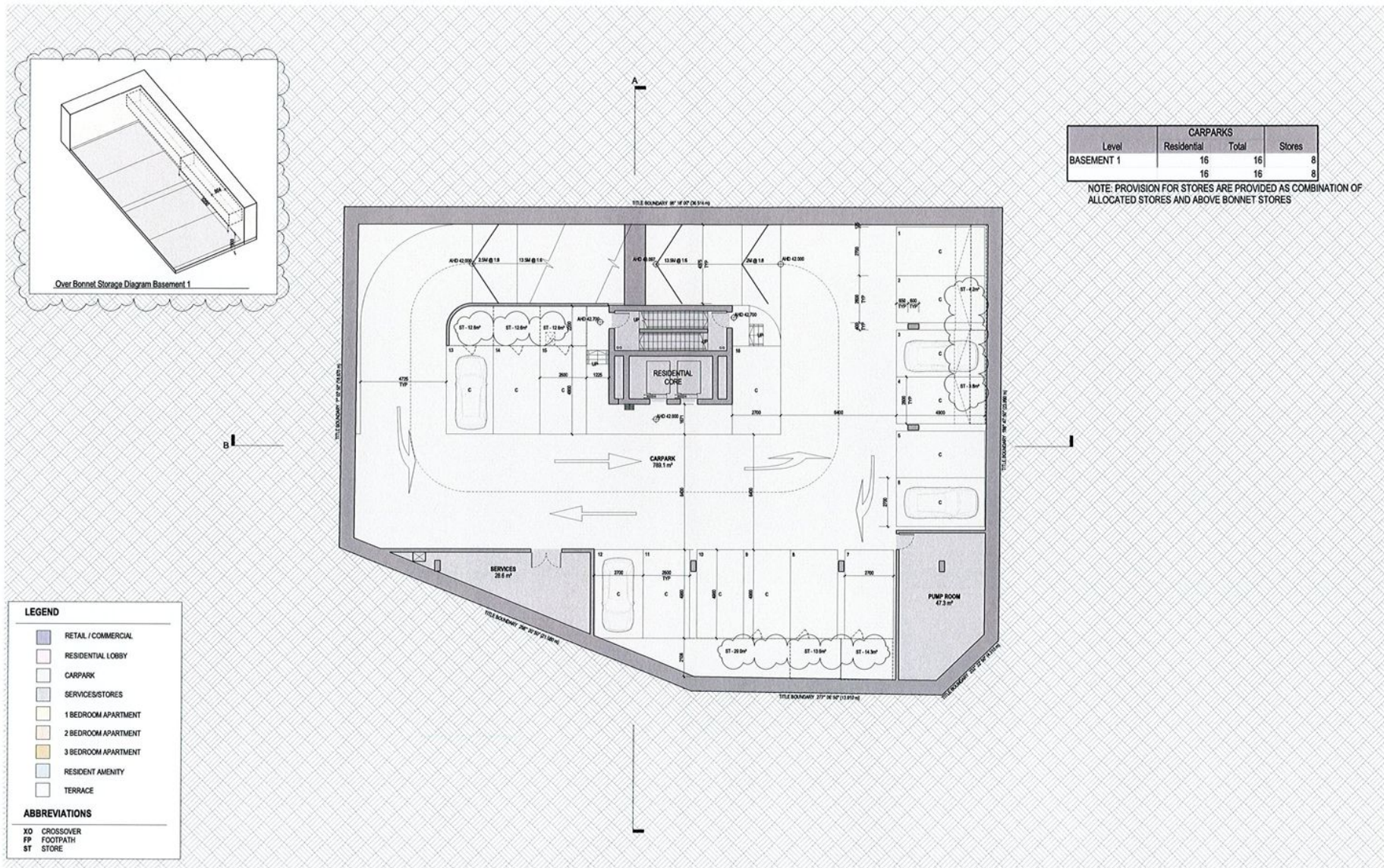
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 A 20.01.17 TOWN PLANNING 101

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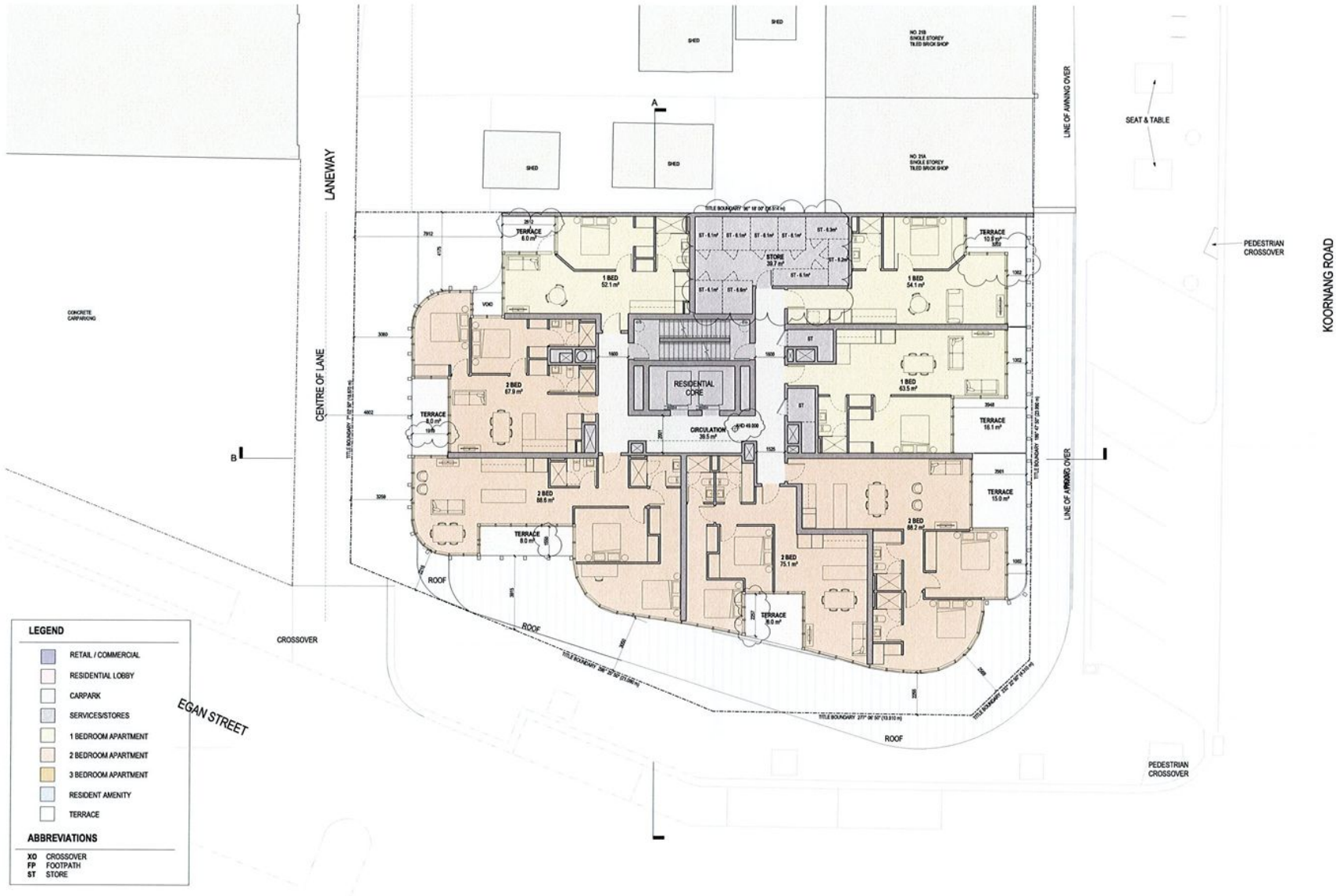
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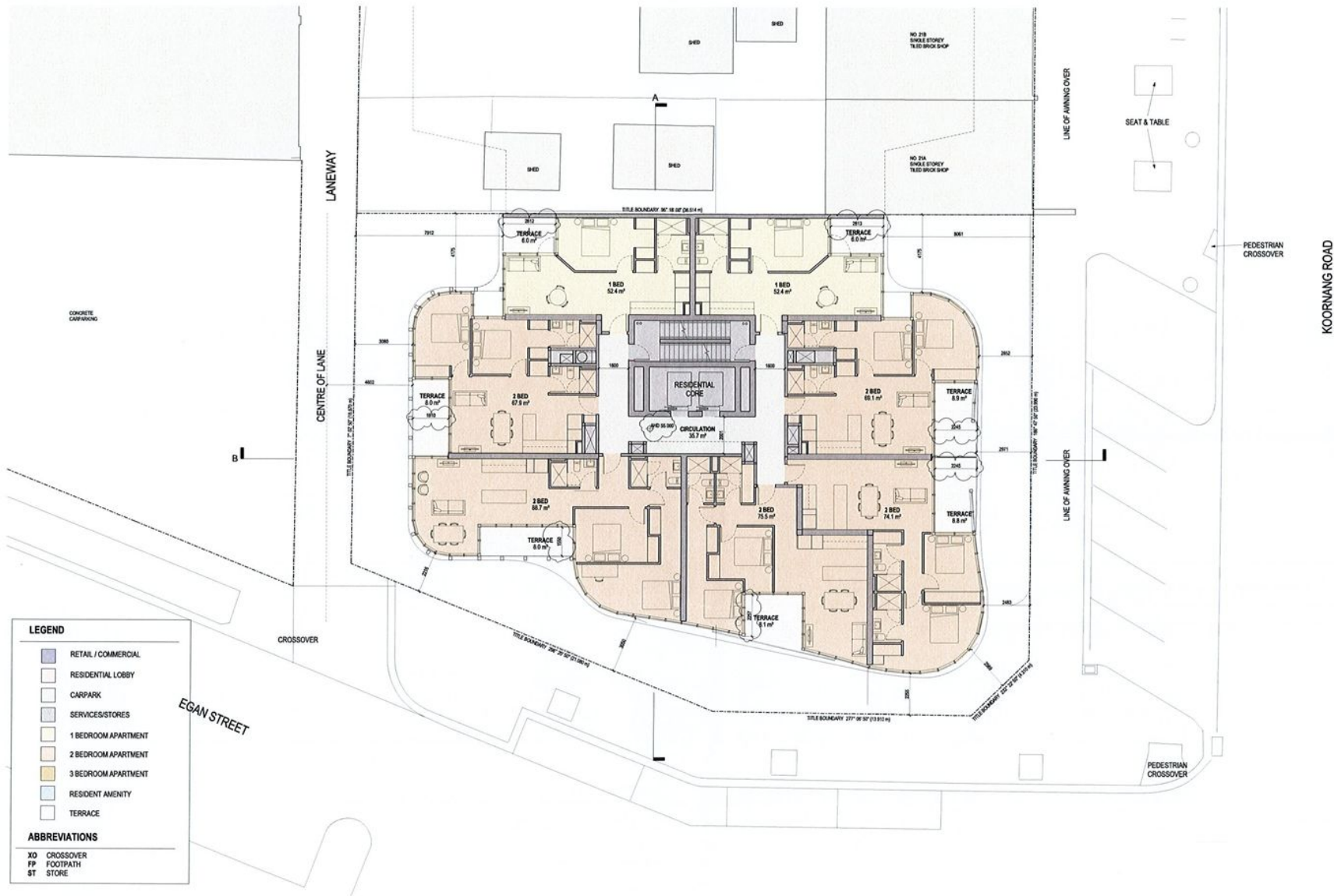
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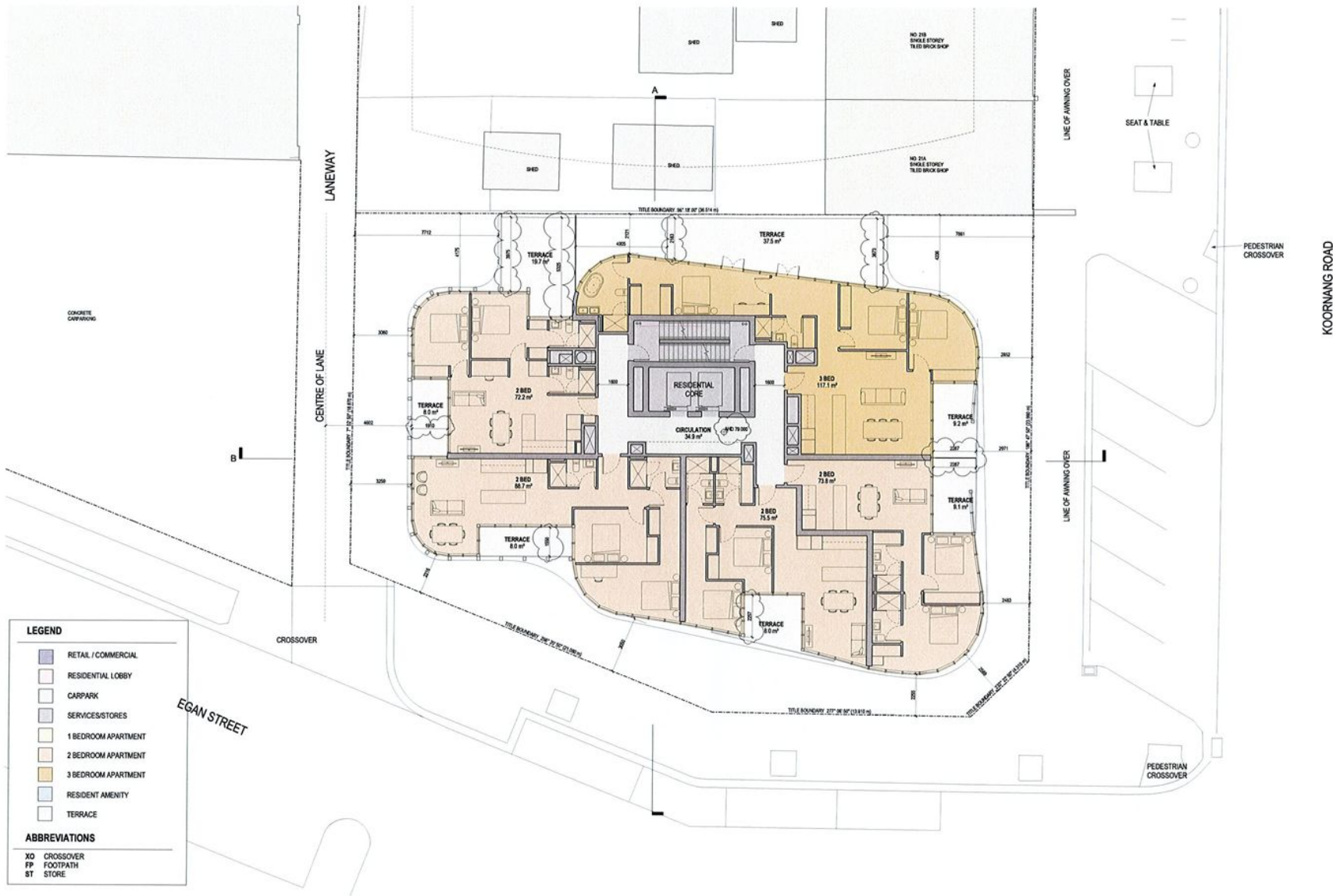
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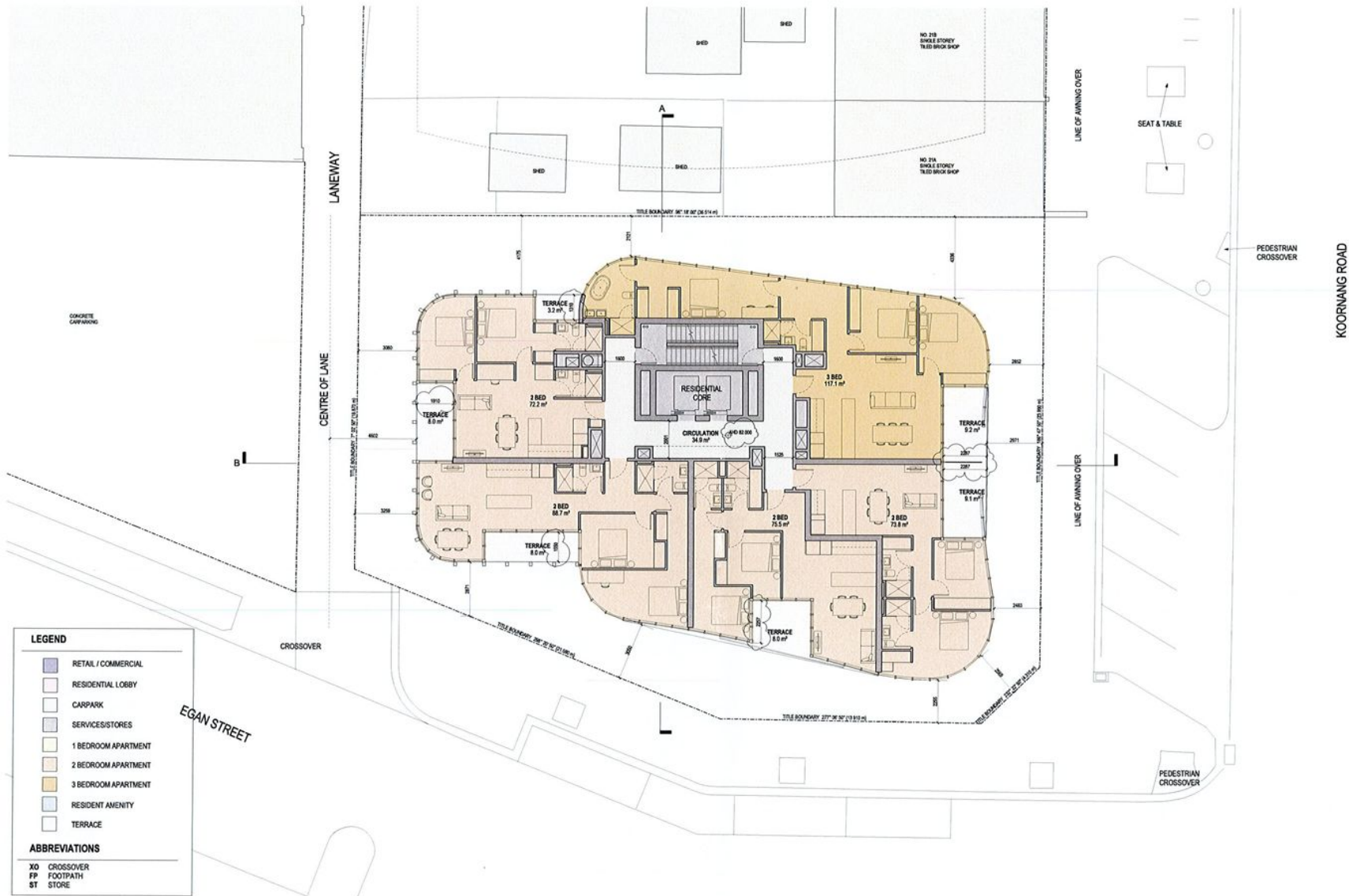
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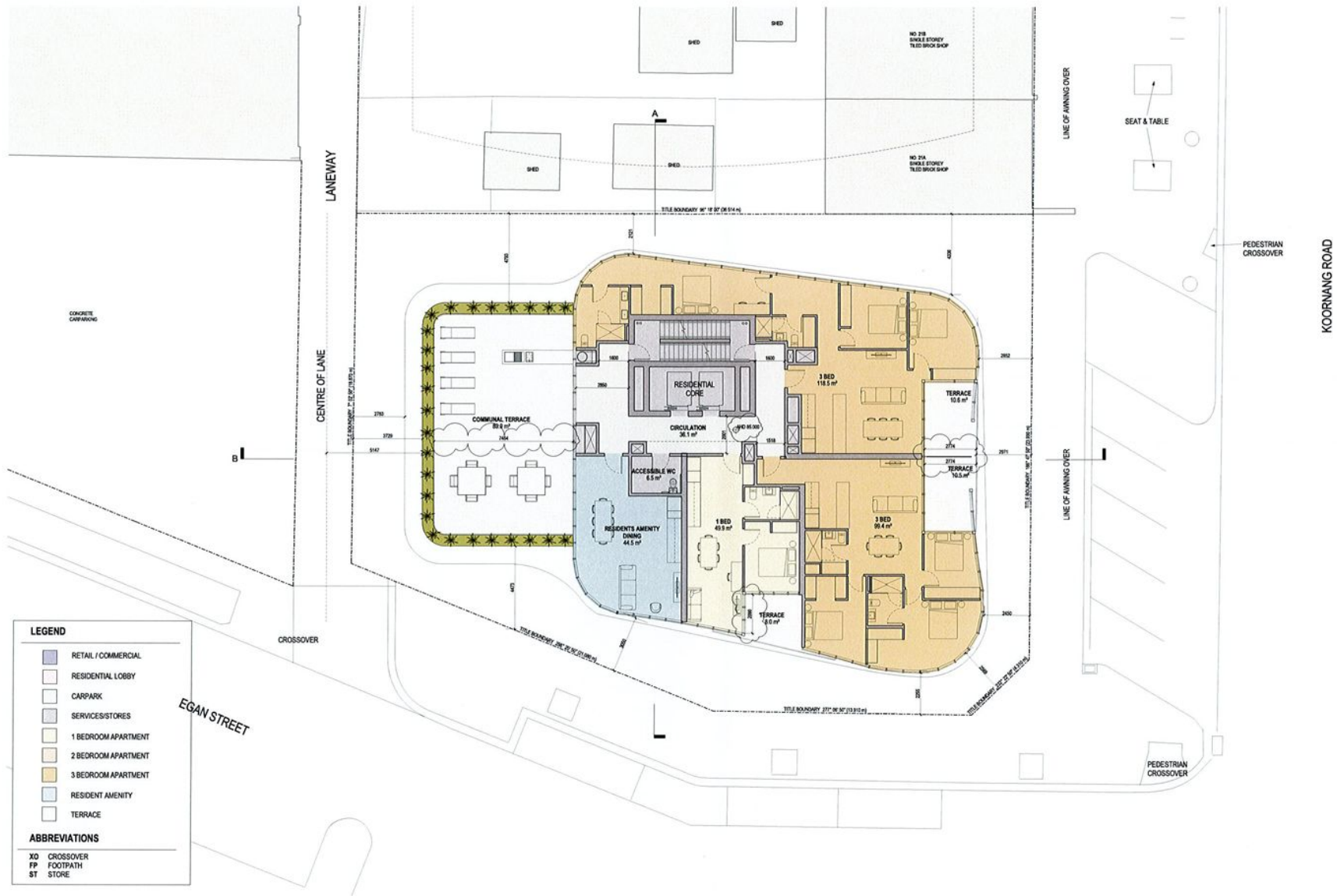
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A 18/11/16 TOWN PLANNING SUBMISSION
A 23/01/17 TOWN PLANNING SET

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Date
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Author
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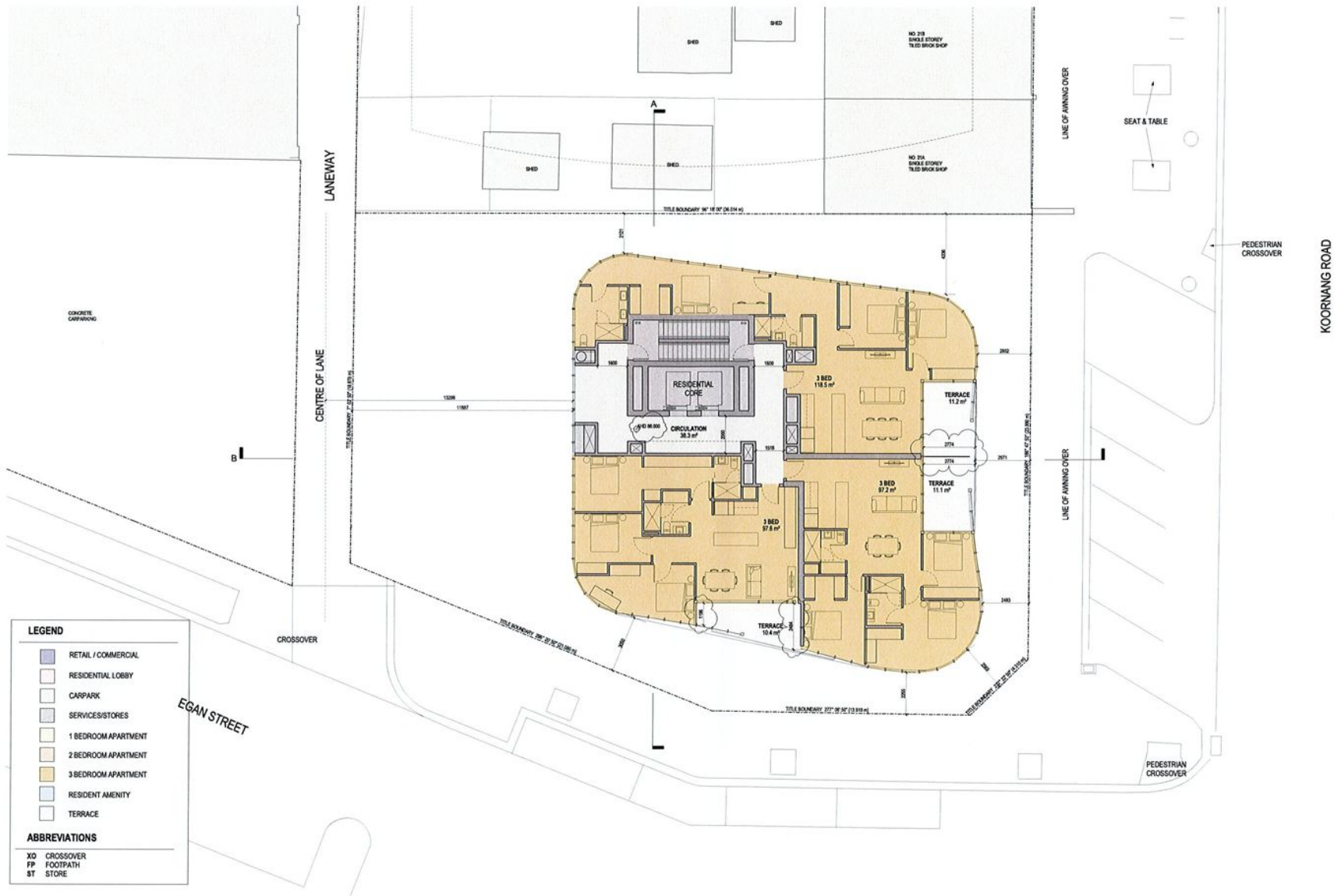
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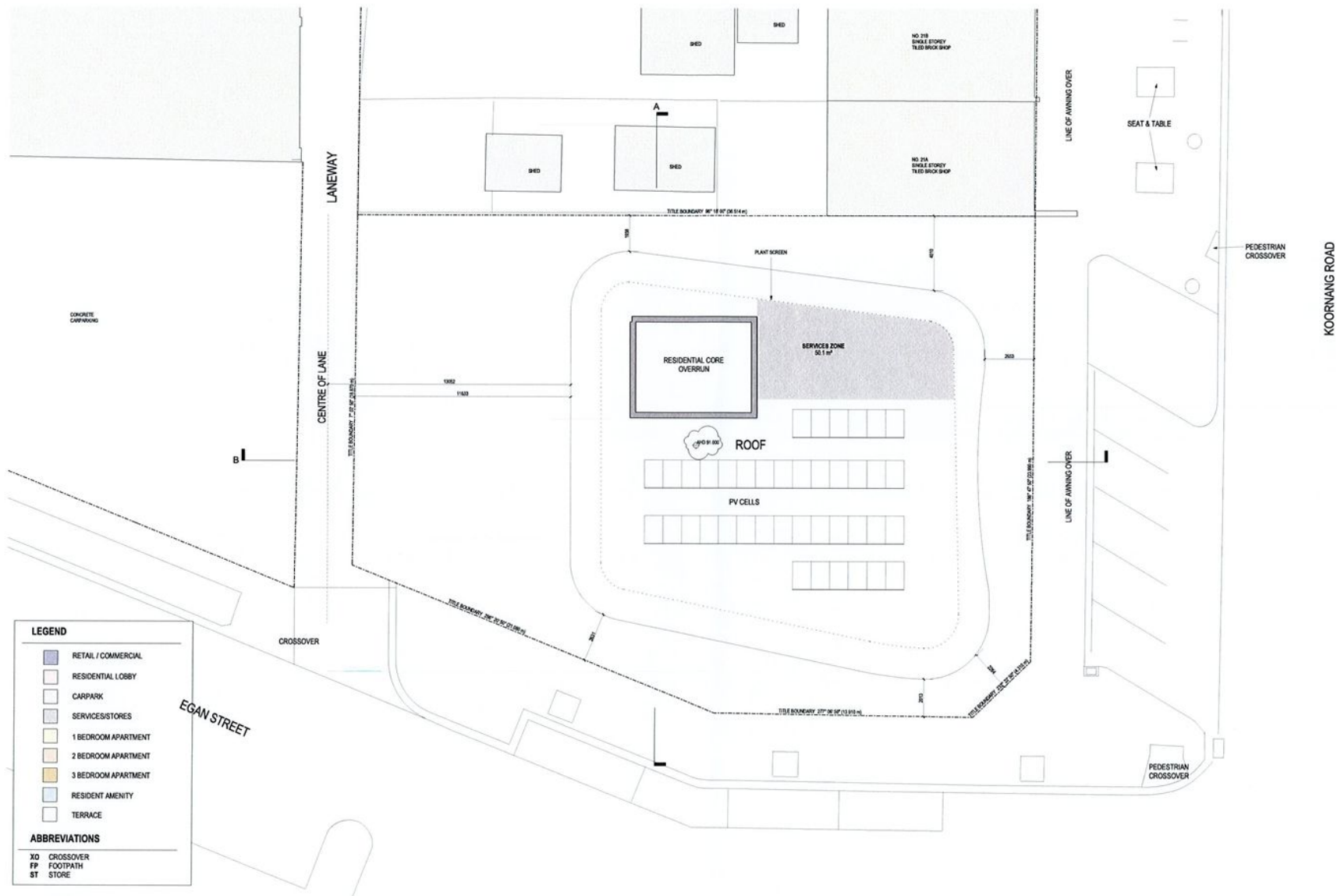
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- (G2) GLASS FINISH 2
- (M1) METAL FINISH
- (T1) TIMBER FINISH

PRELIMINARY

Revisions
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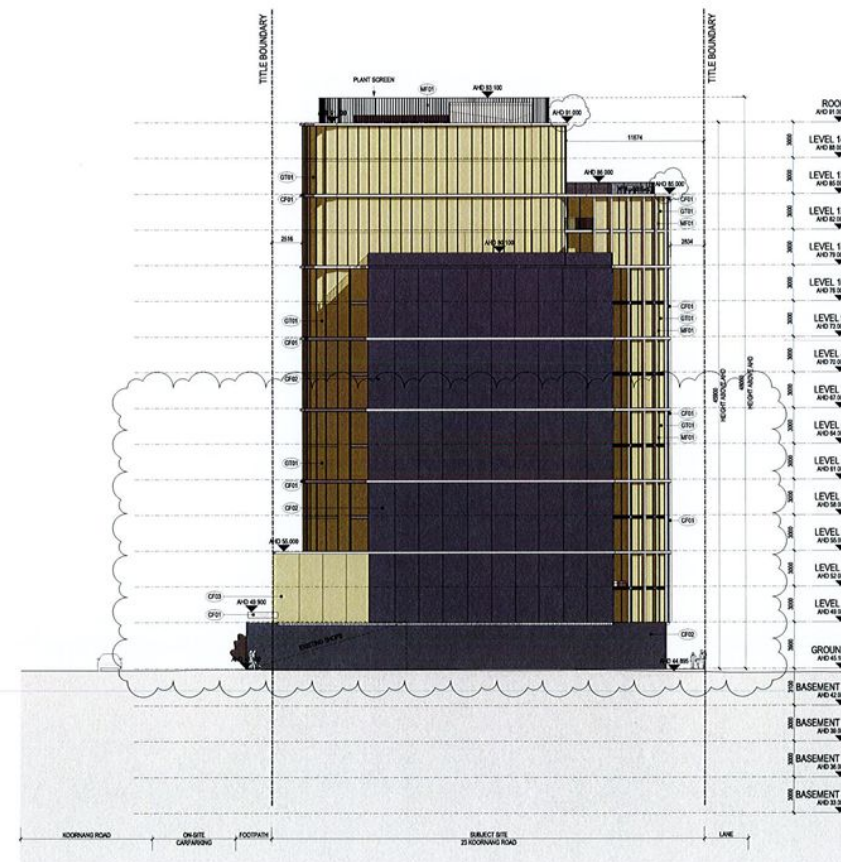
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- MF1 METAL FINISH
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PRELIMINARY

Revisions
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ITEM 9.10 CAULFIELD VILLAGE PLANNING CONTROLS

Author: Rocky Camera, Manager Town Planning

File No: N/A

Attachments: N/A

PURPOSE AND SUMMARY

This report responds to a Council resolution requesting a report from officers.



At the Ordinary Council Meeting held on the 7 February 2017, Council resolved that it:

“requests officers to undertake a review of the current town planning controls applying to the Caulfield Village Development given that planning scheme controls have evolved since the approval of Amendment C60. The review is to identify any potential gaps in the controls including the loss of on-street car parking around the Caulfield Village development site. Should any gaps be identified officers are to commence a planning scheme amendment process to address these gaps.”

RECOMMENDATION

That Council:

1. notes this report.
2. notes potential gaps identified in the current controls relating to social/affordable housing, and the precinct boundaries.
3. commences a planning scheme amendment process to address these gaps in the controls, and seeks authorisation from the Minister for Planning to prepare and exhibit the amendment.

BACKGROUND

Current Controls Applying to the Caulfield Village Development

Caulfield Mixed Use Area Incorporated Plan

The key controlling document for the future development of Caulfield Village is the '*Caulfield Mixed Use Area Incorporated Plan*' ("Incorporated Plan"). The Incorporated Plan forms the basis for future development of Caulfield Village. It sets out approved building footprints, setbacks and heights. This document helps to provide some certainty over heights and setbacks for each of the buildings that make up the overall development.

Under this approved process, submitters ("objectors") to a development plan have no rights of appeal to VCAT if key elements such as heights and setbacks are met. If the developer wishes to go outside the prescribed heights and setbacks set out in the Incorporated Plan, a different process is involved, namely they would need to lodge a Planning Application which would then be subject to the appeal process at VCAT. This process provides a significant incentive to the developer to comply with the heights and setbacks set out in the Incorporated Plan.

Priority Development Zone - Schedule 2

A Priority Development Zone Schedule 2 applies to the Caulfield Village Development. Like any zone, the Priority Development zone outlines uses which don't require town planning permission, uses which do require town planning and uses which are prohibited. This zone also sets out the requirements for matters such as open space contributions and the amount of advertising signage allowed.

Car Parking Overlay - Schedule 1

This parking overlay applies solely to the Caulfield Village development. This overlay specifies the following car parking rates:

Table: Car parking spaces

Use	Rate	Measure
Dwelling (other than student housing)	1	to each one and two bedroom dwelling, plus
	2	to each three or more bedroom dwelling
Retail premises (not including Supermarket)	2.18	to each 100 sq m of leasable floor area
Office	2.0	to each 100 sq m of net floor area
Supermarket	5.5	to each 100 sq m of leasable floor area

In approving the new controls and car parking rates, the then Minister for Planning decided not to impose a visitor car parking rate.

ISSUES AND DISCUSSION

A review of the current town planning controls against the recent VCAT decision for the Caulfield Village development has been undertaken.

This review has identified two areas which could be strengthened.

Building Setbacks and Heights

- Building setbacks and heights for the entire development is set out in the Caulfield Mixed Use Area Incorporated Plan. If a proposal is within these envelopes, there are no third party objection or VCAT appeal rights. However any proposal wishing to depart from these envelopes is subject to the 'regular' town planning process involving third party rights. This process provides a significant incentive to the developer to comply with the heights and setbacks set out in the Incorporated Plan. Historically, this has been shown to be the case. It is considered that the current controls for building setbacks and heights provide an appropriate level of protection and is in line with other recently introduced planning controls in Metropolitan Melbourne such as the Moonee Valley Racecourse redevelopment.

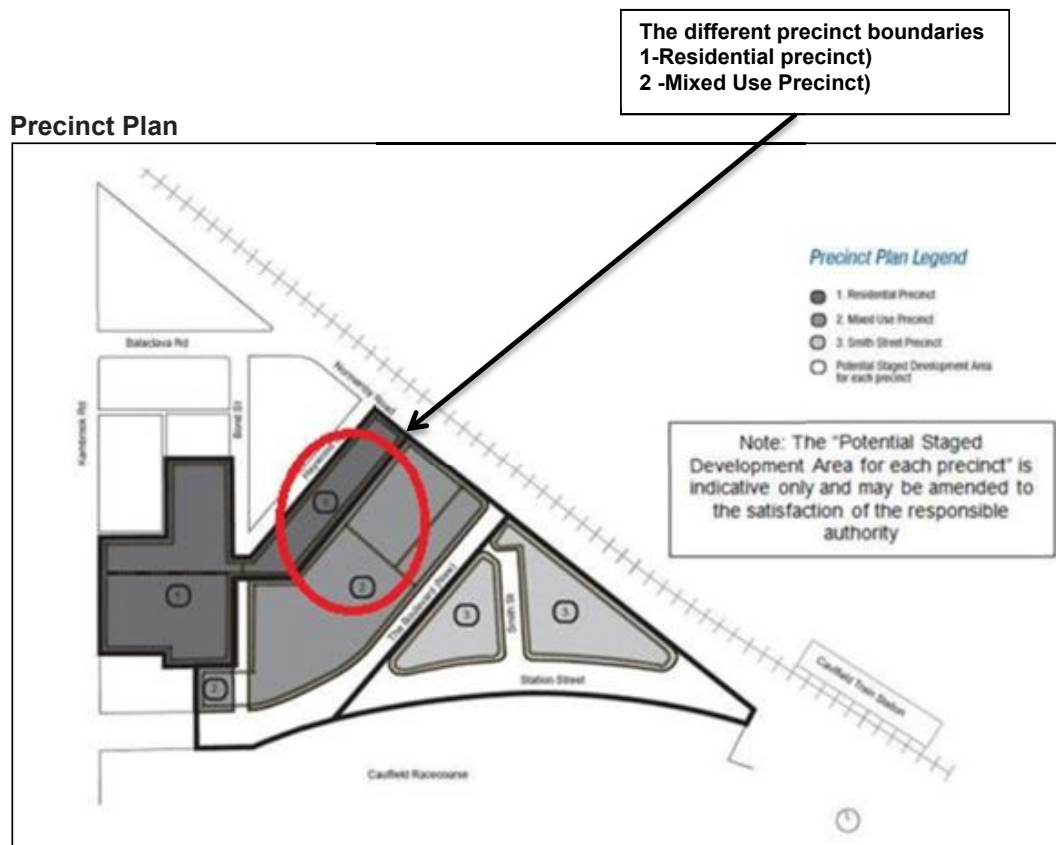
On Street Car Parking

- In order to accommodate the Caulfield Village development, a number of infrastructure projects will need to be completed; fully funded by the developer. These projects included an upgraded Station Street and a new more direct road to the railway underpass. There are also major intersection upgrades such as the railway underpass and the full signalisation of the Kambrook Road – Station Street intersection (which is currently a roundabout).
- As a result of these projects, approximately 65 on-street car parking spaces will be lost. Council required through the most recent planning permit application to have these spaces provided as public car parking spaces within the development. This was challenged at VCAT by the developer. VCAT directed that the loss of 65 spaces was acceptable and did not need to be provided within the development as public car spaces.
- In effect, the recent VCAT decision sets out the on-street parking arrangements for the remainder of the development.

Precinct Boundaries

- Caulfield Village is broken up into three precincts; the Residential precinct to the west, a central Mixed Use precinct and the Smith Street precinct to the east. Heights vary in each of the three precincts from 3-6 storeys in the Residential Precinct, 5-9 storeys in the Mixed Use precinct and between 12- 20 storeys in the Smith Street Precinct.
- An issue which was identified by Council officers during the assessment of the most recent development plan application for Caulfield Village was in relation to the ability for the developer to 'alter' the precinct boundaries. For example the developer had previously sought to extend the mixed use precinct into the area designated as the residential precinct (see image below). This allows for a potential development advantage by allowing for taller buildings than what would typically be allowed. Whilst the developer chose not to proceed with this request it is considered that the Caulfield

Mixed Use Area Incorporated Plan should be updated so that no changes can be made to the precinct boundaries.



Social/Affordable Housing

As detailed in the recent Council Agenda report on Social/Affordable Housing, officers recommend the preparation of an amendment to add the following social/affordable housing requirement to the Priority Development Zone control:

- *By completion of the development of all the land in the Smith Street precinct provision of social/affordable housing representing five per cent of the total number of dwellings to be developed, to the satisfaction of the responsible authority. The dwellings must be offered by a registered Housing Provider or Housing Association in partnership with the developer as defined under the "Victorian Housing Register". Future tenants are to be chosen by the registered Housing Provider or Housing Association in cooperation with the developer. The management of the dwellings and tenants must be via the selected Housing Association.*

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Any proposed amendment will be prepared and managed internally.

POLICY AND LEGISLATIVE IMPLICATIONS

N/A

COMMUNICATION AND ENGAGEMENT

N/A

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That a planning scheme amendment process is commenced to update the existing planning controls applying to the Caulfield Village development with respect to social/affordable housing and the precinct boundaries.

Moved: Cr Delahunty

Seconded: Cr Silver

That Council:

1. notes this report;
2. notes potential gaps identified in the current controls relating to social/affordable housing, and the precinct boundaries;
3. commences a planning scheme amendment process to address these gaps in the controls, and seeks authorisation from the Minister for Planning to prepare and exhibit the amendment; and
4. seeks a further report from officers on the options available to provide more rigorous height provisions for the Smith Street precinct.

Procedural Motion

Moved: Cr Delahunty

Seconded: Cr Magee

That Council grants Cr Silver a two minute extension of speaking time.

CARRIED UNANIMOUSLY

The Motion moved by Cr Delahunty and Seconded by Cr Silver was PUT and
CARRIED UNANIMOUSLY

ITEM 9.11 4 BUTE STREET MURRUMBEENA**Author:** Rocky Camera, Manager Town Planning**File No:** GE/PP-30196/2016**Attachments:** Advertised plans**PURPOSE AND SUMMARY**

To consider a Planning Permit application.



PROPOSAL	Tennis court lighting
MUNICIPAL STRATEGIC STATEMENT	Non Residential Uses in Residential Zones Policy
APPLICANT	Murrumbena Tennis Club
PLANNING SCHEME CONTROLS	Neighbourhood Residential Zone
OBJECTIONS	2

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30196/2016 for installation of lighting to the existing tennis courts at 4 Bute Street, Murrumbena in accordance with the following conditions:

1. The layout of the site and size, design and location of works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Lighting on the southern side of the tennis courts are to be designed so that illumination into the adjoining dwellings at 6 Bute Street, Murrumbena does not exceed the Performance Requirement E5.3.1 of the *Code of Practice – Private Tennis Court Development (Revision 1 March 1999)* to the satisfaction of the Responsible Authority.
3. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.
4. The illumination of the tennis courts must only operate on:
 - Monday to Friday 7am to 10pm; and
 - Saturday and Sunday 8am to 8pm
5. The court lighting must be constructed and maintained to the satisfaction of the Responsible Authority.
6. All court lighting must be baffled to only illuminate the tennis court and minimise light spillage onto surfaces other than the tennis court to the satisfaction of the Responsible Authority.

NOTES:

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

BACKGROUND

N/A

ISSUES AND DISCUSSION

- Zoning and policy context
- Amenity impacts
- Objectors' concerns

Proposal

- Installation of lighting to the existing tennis courts which will consist of 12 tennis court lights mounted on 9 poles, approximately 7.5m above ground level.
- Proposed hours and days of illumination:
 - Monday to Friday 7am to 10pm; and
 - Saturday and Sunday 8am to 8pm

Objectors' concerns

- Need to ensure that residents are not disturbed by light pollution in the evening.
- Hours of illumination should be reduced to 8am to 8pm during weekdays and be prohibited during weekends.
- Lighting into the property will significantly increase.

Referrals

Buildings and Properties

- Landlord consent granted
- The lights should not operate after 10:30pm

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

The Non Residential Uses in Residential Zones Policy applies to the subject site. The policy seeks to minimise the effect of non-residential uses on the residential amenity by controlling hours of operation, size and intensity of the use.

It is considered that the proposal generally accords with the intent and objectives of the policy. The hours of operation and intensity of the use are considered appropriate and will have limited amenity impacts on the surrounding residential areas

Amenity impacts

- The proposal is generally considered acceptable as the tennis court lighting is appropriate in location in terms of relationship to surrounding properties.

- However the lights on the southern side of the tennis courts are located relatively close to the habitable room windows of adjoining dwellings at 6 Bute Street. This has the potential to impact detrimentally on the amenity of these neighbouring properties.
- Conditions are recommended to limit the hours of illumination for the tennis courts and the light spill onto the adjoining residential properties.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

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

2. Planning Conference (Non Statutory)

The Conference, chaired by Cr Davey provided a forum where all interested parties could elaborate on their respective views. No objectors attended the Conference. The permit applicant did attend the Conference.

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

This matter is brought to Council as:

- Council is the landowner

Planning Permit applications involving Council land are decided by resolution to ensure separation between Council as a Responsible Authority and Council as a land owner.

CONCLUSION

That a Notice of Decision to Grant a Planning Permit should be issued.

Moved: Cr Davey

Seconded: Cr Esakoff

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30196/2016 for installation of lighting to the existing tennis courts at 4 Bute Street, Murrumbeena in accordance with the following conditions:

1. The layout of the site and size, design and location of works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Lighting on the southern side of the tennis courts are to be designed so that illumination into the adjoining dwellings at 6 Bute Street, Murrumbeena does not exceed the Performance Requirement E5.3.1 of the *Code of Practice – Private Tennis Court Development (Revision 1 March 1999)* to the satisfaction of the Responsible Authority.
3. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

4. The illumination of the tennis courts must only operate on:
 - Monday to Friday 7am to 10pm; and
 - Saturday and Sunday 8am to 8pm
5. The court lighting must be constructed and maintained to the satisfaction of the Responsible Authority.
6. All court lighting must be baffled to only illuminate the tennis court and minimise light spillage onto surfaces other than the tennis court to the satisfaction of the Responsible Authority.

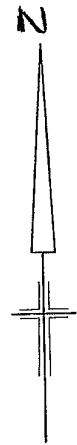
NOTES:

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

CARRIED UNANIMOUSLY

LIGHTING PLAN – MURRUMBEENA TENNIS CLUB

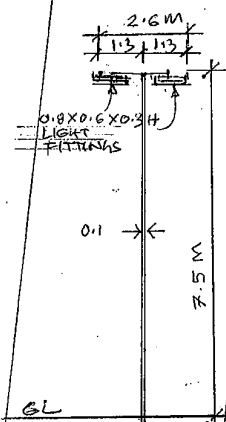
AREA SHOWN HATCHED IS 1742.6m² WHICH INCLUDES AREA OF CLUBHOUSE BUILDING
 AREA OF CLUBHOUSE EXTERNAL FOOTPRINT IS 82.0m²



LEGEND

- = SINGLE LIGHT POLE
- = DOUBLE LIGHT POLE 1/1 TYPE
- = DOUBLE LIGHT POLE 1/2 TYPE

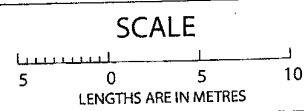
NOTE: ALL AT MAX. 7.5 M. ABOVE GROUND
 1 BLACK PAINT FINISH



TYPICAL LIGHT POLE
 ELEVATION 1:100

Records Management
 19 JAN 2017
 Received

VERSION 1.0
 UPDATED: 12/10/2016



ORIGINAL
 SCALE 1:250
 SHEET SIZE A3

MURRUMBEENA TENNIS CLUB
 2-4 BUTE STREET, MURRUMBEENA
 3163 VICTORIA

SHEET 1 OF 1 SHEETS
 FILE - MTC LIGHTING PLAN.PDF
 LAST SURVEY DATE: 28/10/2004

ITEM 9.12 VCAT WATCH**Author:** Rocky Camera - Manager Town Planning**File No:** N/A**Attachments:** Table of new appeals lodged**PURPOSE AND SUMMARY**

To report to Council recent VCAT decisions.

RECOMMENDATION

That Council notes:

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

BACKGROUND

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.

ISSUES AND DISCUSSION

ADDRESS	60-64 ROSSTOWN ROAD, CARNEGIE
PROPOSAL	TO USE THE LAND FOR A RETIREMENT VILLAGE AND THE ASSOCIATED DEVELOPMENT OF AN 8 STOREY BUILDING COMPRISING 40 RETIRED LIVING APARTMENTS AND A PLACE OF ASSEMBLY (DUTCH CLUB)
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	<p>THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL.</p> <p>THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS:</p> <ul style="list-style-type: none"> • ALTERATIONS TO LAYOUT TO IMPROVE THE STREETScape INTERFACE • INCREASED BOUNDARY SETBACKS AND REDUCTION OF BALCONY AREAS • INCLUSION OF LIGHT WELLS TO THE WEST AND EAST TO ALLOW EQUITABLE DEVELOPMENT RIGHTS TO NEIGHBOURS <p>THE CHANGES WERE CONSIDERED AN IMPROVEMENT</p>

	HOWEVER DID NOT ADDRESS THE OFFICER'S ORIGINAL CONCERNS WITH THE PROPOSAL
VCAT DECISION	PERMIT
APPELLANT	DUTHCARE LTD



“... The extent to which the proposed development of the review site will be highly visible and prominent in its context is not an indication of a failing of design, nor an indication that the development should be reduced in height. Rather it identifies that the architectural outcome for this proposed building should be of a high quality, with a good level of articulation, so that when it is viewed in this context it promotes good architectural and urban design outcomes.” – VCAT Member: Michael Deidun

- The subject site is located within the Mixed Use Zone and Carnegie Urban Village.
- The application was refused on grounds relating to the building's excessive scale and bulk, poor presentation to the street and poor internal amenity. Other refusal grounds related to overshadowing and inadequate provision of residential visitor car spaces.
- The Tribunal held that there was significant policy support within the Planning Scheme for the development of an eight storey building on the site.
- The Tribunal held that the emerging character of the area (in terms of building height) was not yet established. The Tribunal held the tallest building to the south of the railway line to date (at six storeys) did not set a benchmark for future development.

- The Tribunal accepted Council's argument that the proposal would be highly visible from surrounding land, but stated that this is a reasonable expectation for a higher density development in a part of the activity centre where there has been little development to date.
- The Tribunal held that although the height was appropriate, the architectural outcome of the building should be of high quality. To this end the Tribunal imposed a condition that requires a minimum 2 metre setback from the western boundary for all floors above the first four levels of the building.
- The Tribunal held that the proposal would create overshadowing to the private open spaces at 58 Rosstown Road. The Tribunal considered overshadowing diagrams that showed that a reduction in height from eight storeys to six storeys would not substantially improve this overshadowing. Rather, the Tribunal held that an increased boundary setback to 58 Rosstown Road would create a substantial improvement and that such a change would be required by permit condition.
- The Tribunal held that the internal amenity afforded to future residents was acceptable. Further, the Tribunal held that the reduction to the loading bay requirement was acceptable.
- On that basis, the Tribunal directed Council to issue a Planning Permit.

ADDRESS	6-8 BEVIS STREET, BENTLEIGH EAST
PROPOSAL	CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING 35 DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	<p>THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL.</p> <p>THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS:</p> <ul style="list-style-type: none"> • DELETION OF FOURTH FLOOR. • REDUCTION IN PROPOSED DWELLING NUMBERS FROM 35 TO 30 • INCREASED BOUNDARY SETBACKS • INTERNAL RECONFIGURATION <p>THE CHANGES WERE CONSIDERED AN IMPROVEMENT HOWEVER DID NOT ADDRESS THE OFFICER'S ORIGINAL CONCERNS WITH THE PROPOSAL</p>
VCAT DECISION	REFUSAL
APPELLANT	YUE QI GROUP PTY LTD



"I note that clause 22.07 and clause 65 both remind applicants that a permit may not be granted just because it can be granted. The development of this relatively prominent site, with two street frontages, needs a considerably more sophisticated and high quality design response that has been shown by this proposal."

"I conclude that the development tries to maximise the number of dwellings at the expense of the amenity of its future residents. The shortcomings cannot be corrected through permit conditions because many changes are required, and these will have consequential effects through the building." – VCAT Member Geoffrey Rundell

- The subject site is located within the General Residential Zone and the Bentleigh East Neighbourhood Centre.
- The application was refused on grounds relating to the building's excessive scale and bulk, poor presentation to the street, poor internal amenity and negative amenity impacts on adjoining land. The application was also refused due to a high level of non-compliance with the State Government Guidelines and the inability of vehicles entering and exiting the site in a safe manner.
- The Tribunal held that relevant planning policy did identify the site as being suitable for redevelopment and that a three storey building could be acceptable on the site, subject to an appropriate design.
- However, the Tribunal held that this was not an appropriate design and listed what it saw as the fundamental flaws with the building. This included:

- The flat roof form is not in keeping with the pitched roof forms of surrounding buildings;
 - The imposing nature of the building due to building height, minimal setbacks and excessive use of screening; and
 - The lack of meaningful articulation in the built form.
- The Tribunal held that the proposal constituted an unacceptable level of visual bulk to adjoining land and that the sheer three storey form of the building was imposing and out of place.
- The Tribunal held that the amenity provided to future residents of the building was unacceptable. Specifically, the small size of rooms was an indicator of a quest for yield rather than good design. Also, the daylight provided to bedrooms was not acceptable and balconies were too small.
- The Tribunal held that additional traffic generated by the development was not a reason for refusal.
- For these reasons, the Tribunal affirmed Council's decision to refuse the application.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

N/A

COMMUNICATION AND ENGAGEMENT

N/A

LINK TO COUNCIL 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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

N/A

Moved: Cr Athanasopoulos

Seconded: Cr Hyams

That Council notes:

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

CARRIED UNANIMOUSLY

ATTACHMENT: TABLE OF NEW APPEALS LODGED

COMPULSORY CONFERENCE (MEDIATION)	FULL HEARING	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
	12 May 2017	10 Blamey Street, Bentleigh East	Construction a double storey building comprising two dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	3 May 2017	14 Downshire Road, Elsternwick	Construction of two double storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	9 March 2017	1-9 Adelaide Street, McKinnon	Construction of 34 three storey dwellings	General Residential Zone	Permit (Resolution)	Conditions (Applicant)
	19 May 2017	29 Beauville Avenue, Murrumbeena	Partial demolition and alterations and additions to an existing dwelling	Neighbourhood Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	11 April 2017	7 Gilmour Road, Bentleigh	Construction of three double storey dwellings	General Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	24 April 2017	15 Waratah Street, Bentleigh East	Construction of two double storey dwellings	Neighbourhood Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	9 March 2017	5 Sherlowe Court, Bentleigh East	Construction of two double storey dwellings	Neighbourhood Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	11 April 2017	25 Stanley Street, Elsternwick	Construction of front fence	Residential Growth Zone	Planning Permit (Officer)	Conditions (Applicant)

	12 April 2017	4 Scotts Street, Bentleigh	Construction of two double storey dwellings	Neighbourhood Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	21 April 2017	17 Steele Street, Caulfield South	Construction of two double storey dwellings	Neighbourhood Residential Zone	Planning Permit (Manager)	Conditions (Applicant)
	4 May 2017	48 Lahona Avenue, Bentleigh East	Construction of two double storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	5 May 2017	21 Waratah Street, Bentleigh East	Construction of two double storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	25 July 2017	23A Goodrich Street, Bentleigh East	Construction of two single storey dwellings	Neighbourhood Residential Zone	Refusal (DPF)	Refusal (Applicant)
	31 July 2017	Unit 3 40 Queens Avenue, Caulfield East	Construction of alterations and additions to an existing dwelling	Neighbourhood Residential Zone	Notice of Decision (DPF)	Approval (Objector)
	3 August 2017	Unit 3 6 Wilson Street, Murrumbeena	Construction of buildings and works to the existing dwelling	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)

ITEM 9.13 JOYCE PARK - OPEN SPACE CONVERSION AND CONSULTATION

Author: Mark Collins, Group Manager Recreation and Leisure

File No:

Attachments: Attachment 1: Original Concept Plan - Initial Community Consultation in 2015

Attachment 2: Concept Plan - Passive Gardens

Attachment 3: Concept Plan - Informal Active

Attachment 4: Current Conditions Aerial Map

PURPOSE AND SUMMARY

To provide Council with proposed concept options for the new open space being created in Joyce Park after the return of one bowling green by the Glen Eira McKinnon Bowls Club back to Council, and seek endorsement to commence the community engagement process.

RECOMMENDATION

THAT Council :

- a) Authorises officers to prepare the two proposed Joyce Park Concept Masterplan options for presentation to the community, and commence consultation as outlined in this report; and
- b) At the conclusion of the consultation period, receives a report outlining community feedback received, to consider a preferred option to proceed to detailed design development.

BACKGROUND

The Glen Eira McKinnon Bowls Club (Club) located at Joyce Park, has been successful in obtaining Sport and Recreation Victoria funding to assist the Club to convert one of their existing natural turf greens to a synthetic grass alternative.

This will result in two synthetic greens which will assist in the future viability of the Club, as they have indicated that converting an existing natural turf green to synthetic would enable bowls development activities and events, as well as require significantly less maintenance.

In late 2015, the Club proposed to convert the western green to a small sided soccer facility and run structured competitions. At its Ordinary Meeting on 16 December 2015 (Item 9.11), Council refused the Club's proposal based on:

- increased traffic through Joyce Park,
- potential amenity impact of noise,
- commercialisation of public land,
- any public land no longer needed for bowls would be better used for additional public open space in Joyce Park, and
- small sided soccer could be better provided for, either by Council directly or by commercial operators using their own land and facilities.

Consequently the Club agreed that if funding could be secured for this project, the Club would relinquish the eastern green back to Council which could then be returned to public open space and incorporated into Joyce Park.

Council engaged Land Design, a landscape architecture firm to prepare an initial landscape concept plan for the returned space (attachment 1).

Consultation was undertaken with the bowls club and local residents, including a public meeting.

There was strong support for any underutilised land to be returned as additional public open space with unstructured active play opportunities. The presented concept plan was positively received.

At its 19 May 2015 Ordinary Meeting (Item 9.8), Council resolved:

That Council:

- (a) Notes this report:
- (b) Notes that the draft budget for 2015-16 proposes to establish two Council provided small sided soccer facilities.
- (c) Supports the in-principle return of the easternmost green to public open space and call for a further report on timing and cost once funding has been secured to convert the westernmost green to a synthetic surface, thus ensuring the ongoing viability of the Glen Eira McKinnon Bowls Club.

This report responds to part (c) of the resolution.

ISSUES AND DISCUSSION

Landscape Concept Plans

To further develop the 2015 Concept Plan, two options have been prepared for further discussion and consultation with the community (see attachments 2 and 3). The plans are consistent with the direction endorsed by the community in the previous consultation.

- **Passive Gardens** – A focus on plantings and softly mounded grassed areas, anchored by a social seating area, with curved timber seating, informal seating walls and a central shelter. The plantings would have a focus on creating colour and interest.
- **Informal Active** – A multi-purpose half court space with a range of sporting activities, such as soccer goals, half-court basketball, netball, hit up wall, etc for unstructured casual play. This is envisaged to be similar to the type of installations at Packer Park and King George Reserve. Surrounding seating, shelter, pathways and plantings will support and enhance the area. Planting around the bowls club fence to provide screening and separation.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The Club has successfully obtained funding through Sport & Recreation Victoria – Community Facilities Funding Program to convert their western grass green to a synthetic surface. Under the grant arrangements, these funds are for works in 2017/18. The Club has advised that they plan to commence these works soon after 1 July 2017.

When the new surface is installed and all accompanying works are finished, the Club will then hand back, as agreed, their eastern green to Council.

A business case has been prepared for Council's 2017-2018 Budget (Open Space Strategy Implementation) and includes the conversion of this bowls green into open space.

Detailed costings and timing will be informed by detailed designs and completion of works by the bowls club.

POLICY AND LEGISLATIVE IMPLICATIONS

Community Plan

- Implement an annual capital works program in relation to open space and sporting facility upgrade.
- Ensure the availability of a diverse range of passive recreational opportunities in local parks that meet the needs of the community.

On completion of the above works by the Club, a new lease will be finalised with the Glen Eira McKinnon Bowls Club, taking into account the revised leased area.

COMMUNICATION AND ENGAGEMENT

Officers propose a five week community consultation period from the 13 March to 17 April 2017 (this concludes after the Easter holidays and timed to be included in the GE News April).

The consultation will be promoted in the following ways:

Advertising

- Distribution of information flyer to nearby residents in the area bounded by North Road, Jasper Road, Lewis Street and Bewdley Street – as per previous consultation;
- Advertising in Caulfield and Moorabbin Leader Newspapers;
- Article in Council's April Glen Eira News;
- Signage boards at key entrances.

Online

- Plans, interactive mapping and feedback sections on Council's 'Have Your Say' online forum;
- Promoted on Council's homepage and Open Space page with a link to the plans and further information;
- Emails to registered users of 'Have Your Say' and subscribers of Council's Consultation E-Newsletter.

Reserve User Groups

- Direct letter to the Glen Eira McKinnon Bowls Club;

On-site

- On-site walk through at Joyce Park with Council staff and the landscape architect. This will include a presentation of the plans and a site walk through of the key initiatives at their actual location with proposed images, to enable the community to envisage the proposed changes.

Comments and feedback can be submitted by email, the online forum, direct mail, feedback forms or in person at the on-site walk through.

Comments and feedback will be able to be made by email, the online forum, direct mail, feedback forms or in person at the walk.

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

The return of a bowling green by the Club is an excellent outcome for all key stakeholders. The Club will have a new synthetic green that will reduce maintenance and operating costs whilst the community will be able to enjoy valuable new open space.

This next phase is to engage with the community and seek feedback on the proposed concepts so this new space can be finalised.

Moved: Cr Magee

Seconded: Cr Silver

That Council:

- a) authorises officers to prepare the two proposed Joyce Park Concept Masterplan options for presentation to the community, and commence consultation as outlined in this report; and
- b) at the conclusion of the consultation period, receives a report outlining community feedback received, to consider a preferred option to proceed to detailed design development.

CARRIED UNANIMOUSLY

Attachment 1 – Original concept plan for community consultation



JOYCE PARK: New Open Space Concept
Scale 1:500 @ A2



25/03/2015



Attachment 2: Concept – Passive Gardens



SYNTHETIC LAWN WITH NETBALL GOAL AND SCORING ZONE

PERIMETER PLANTING TO SCREEN AND BUFFER BOWLING GREEN FENCE

MULTI-PURPOSE HALF-COURT WITH NETBALL MARKINGS AND GOAL, FUTSAL GOAL AND TENNIS MARKINGS

MULTI-PURPOSE HALF-COURT WITH BASKETBALL MARKINGS AND GOAL, FUTSAL GOAL AND TENNIS MARKINGS

SHED WITH THREE PLATFORM BENCHES

REBOUND WALL WITH TENNIS NET MARKING

BASKETBALL 3 POINT AND KEY AREA ON SYNTHETIC LAWN

SHED WITH THREE PLATFORM BENCHES

GATE TO CAR PARK (MANAGED BY BOWLING CLUB)

EXISTING CAR PARK

JOKE PARK
BOWLING GREEN CONVERSION
CONCEPT 2C
1:200 @ A1 17029

Attachment 4: Current Conditions Aerial Map



JOYCE PARK: Existing Open Space Conditions
Scale 1:500 @ A2



25/03/2015



It is recorded that Cr Athanasopoulos declared an indirect conflict of interest on items 9.14 and 9.15 and vacated the Chamber at 10.22pm prior to discussion on these items.

**ITEM 9.14 RE-INTRODUCTION OF SPECIAL RATE SCHEME:
CARNEGIE SHOPPING CENTRE**

Author: Alex Francis (Place Making Officer)
Wendy Mason (Legal and Governance Coordinator)
John Enticott (Manager Rates and Valuations)

File No:

Attachments: 1. Notice of Intention to Declare New Special Rate
2. Special Rate area map: Carnegie
3. Association Business Plan
4. Association request for renewal of special rate

PURPOSE AND SUMMARY

To consider giving notice of Council's intention to declare a new Special Rate for the marketing and promotion of the Carnegie Shopping Centre ('Centre') from 1 July 2017.

RECOMMENDATION

That Council:

1. gives notice of its intention to declare a new Special Rate on properties in the Carnegie Shopping Centre (in the form of the declaration contained in Attachment 1);
2. authorises the Chief Executive Officer (CEO) to give public notice in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers and Council's website of its intention to declare a new Special Rate;
3. authorises the CEO to send a copy of the public notice to each person who will be liable to pay the Special Rate;
4. specifies the following for the purpose of sections 163(2), 163(2A) and 163(2B) of the Act:
 - (a) The total amount of the Special Rate proposed to be levied in accordance with section 163(2) of the Act is:
 - (i) for the first year of the Scheme \$200,000; and
 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (b) The total amount of the Special Rate which may be levied is not to exceed the following which is calculated in accordance with section 163(2A) of the Act:
 - (i) for the first year of the Scheme \$200,000; and
 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (c) For the purposes of section 163(2B) above:

- (i) The 'benefit ratio' (R) to be levied on liable persons is 100%.
 - (ii) There are no commercial properties receiving a special benefit from the Special Rate which are not to be levied the rate. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
 - (iii) The 'community benefit' from the Special Rate is zero.
 - (d) The criteria to be used in accordance with section 163(2) as the basis for levying the Special Rate would be:

For each year of the Special Rate, each rateable property included in the Special Rate is to pay the applicable rate of cents in the dollar (as determined by Council on 1 July in every year) of the respective property's Net Annual Value.
5. notes that if the special rate is to proceed, an agreement between Council and the Traders Association will be established, with a particular focus on aligning efforts with the new community vision for Carnegie, set out in the upcoming Structure Plan.

BACKGROUND

The Carnegie Main Street Incorporated ('Association') has requested that Council declares a new Special Rate for the Centre, in effect to continue on from the current Special Rate which ceases on 30 June 2017.

The revitalisation of Glen Eira's strip shopping centres is a priority in the City Futures and Place Making Strategy adopted by Council in December 2016. Carnegie is one of the key Major Activity Centres in the municipality.

The final year of the current scheme is expected to raise approximately \$193,126.36.

It has been Council's practice with all of its Special Rate schemes for 100% of the money raised by the relevant scheme to be paid directly to the relevant traders' association over four quarterly instalments throughout the year. The relevant traders' association spends the funds as is specified in the Special Rate declaration, and, in accordance with a traders' agreement with Council, which requires the submission of annual budgets, regular financial reporting and audited annual financial statements.

The funds raised by the Carnegie Special Rate have been used over the last six years to promote and market the Centre as a destination shopping centre.

Funds have been expended to:

- Employ a Centre Coordinator to foster stakeholder relationships; organise and deliver the Association's economic and business programs; and to coordinate and administer the Association's business, including its online presence.
- Provide special community events and competitions.
- Provide regular advertising and promotion to promote awareness of the Association's community marketing strengths through local newspaper features, including, the promotion of special events e.g. Christmas and Halloween festivals and the Spring Racing Carnival.
- Management and regular updating of website and social media
- Develop the Association brand.
- Manage graffiti in the Centre.
- Produce a business directory.

As a result of these achievements, the Association has requested that Council declare the Special Rate Scheme for a further period of seven years from 1 July 2017 to 30 June 2024.

ISSUES AND DISCUSSION

The Association proposes that the new Special Rate be set at \$200,000 per year over the seven years of the scheme (exclusive of Council's costs). The Association seeks an increase to the current Special Rate amount or an annual increase after the first year to reflect CPI.

The Association believes that the fixed amount will provide sufficient funds to allow delivery of a comprehensive and effective marketing plan without placing any increased costs on business operations or commercial landlords.

The Association's continued key objectives are to implement the Centre's business and marketing plan (Attachment 3) and to regularly monitor and report progress to its members.

The viability of the Centre as one of Glen Eira's Major Activity Centres with a mixed use of retail and professional services is dependent on its ability to have a strong sense of place and a cohesive group of traders who are linked with their community. Council is currently undertaking a future planning process for Carnegie, which includes establishing a new community future vision for the centre. The Special Rate process provides an opportunity to align Council and the Traders Association to help deliver this community vision once established through the upcoming Structure Plan process.

The Association wishes to remain self-sufficient and to have the ability to continue its annual marketing program and provide a cohesive, holistic approach to marketing and promotion, and to provide services to the Centre over and above Council's standard services.

The Association has employed and worked with Peter McNabb and Associates to visit businesses throughout the Centre to explain the proposal for a new Special Rate, to answer questions and elicit support for the continuation of the scheme.

There are 238 rateable properties in in the proposed new scheme. The map in Attachment 2 shows the extent of the proposed rateable area and the properties included.

Visits to all of those properties by Peter McNabb revealed that it was not possible to obtain a business response from 49 of the properties for the following reasons:

- 17 properties were vacant or always closed
- Three properties are being redeveloped for new uses
- Two properties were occupied by short term sales offices for new residential developments nearby
- One property in Carnegie Central was used as an ATM
- Nine properties had occupants that were retiring, moving or selling or had sold their businesses and did not want to comment on the special rate proposal
- Two properties had very new businesses that were not able as yet to offer an informed comment about the proposal
- Four properties had business owners that were overseas or other places and, as result, it was not possible to obtain their opinions about the proposal
- 11 properties had business operators that did not understand the proposal at all because of language barriers

The net effect of this is that it was possible to gauge the extent of business support from 189 of the 238 properties.

Business support for the proposal was indicated from 146 properties or 77% of the

189 properties which responded (61% of the total properties).

During the consultation, businesses provided the following reasons for supporting the special rate:

- The Christmas Fair and Lunar New Year were part of a successful program of community-oriented promotional events
- The Carnegie Mainstreet website and social media campaigns were effective
- There is good communication between the Association Committee/coordinator and businesses in the centre
- The marketing program lifted the image and profile of the Carnegie centre, as customers were pleased to shop and do business in an increasingly vibrant centre
- The program provided good business networking opportunities particularly for non-retail businesses
- The graffiti cleaning activities provided a clean and welcoming environment
- The acquisition of funding for CCTV cameras in the centre was a good initiative
- The Carnegie centre would be disadvantaged if the marketing and business development activities funded by the special rate did not continue

15 businesses (8% of the 189 properties which responded) indicated their opposition to the renewal of the special rate. The reasons for their opposition were:

- The program is not working
- Not enough happening and mediocre presentation of events in the centre for the amount that particular businesses are paying
- Lack of support for the Christmas Fair as it does nothing for particular businesses
- The program of events focus only on that part of the centre south of the railway line
- Not enough attention in the program is paid to Neerim Road
- One of the highest paying contributors to the program thinks that the funds should be used to improve car parking in the centre rather than marketing
- There is no point in having the marketing program because Carnegie is a poorly performing centre

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Council's administrative costs include: preparation of Council reports; declaring and levying the rate; collecting contributions and forwarding relevant amounts to the Association; entering into an agreement with the Association to administer the scheme; and assisting the Association.

Estimated annual Council costs: **\$30,000.**

The total cost of the scheme for the first year is: **\$230,000.**

It has been practice in previous schemes for Council not to recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the new scheme. It is emphasised that Council's contribution in providing its own resources towards the benefit of the Centre (which could otherwise be recouped from benefiting properties) is not inconsiderable and is highlighted for the record.

POLICY AND LEGISLATIVE IMPLICATIONS

The *Local Government Act 1989* ('Act') requires that Council must determine a number of matters when considering declaring a new Special Rate. These include:

- (a) **The total cost of the Special Rate**

The total cost of the Special Rate is the annual amount which the Association has budgeted to spend on various marketing, promotional and other activities.

The Association has budgeted to spend \$200,000 in each year of the scheme on its programs.

(b) The total amount of the Special Rate to be levied

In addition to the total cost of the scheme, Council must decide the maximum amount that is able to be levied on liable property owners/occupiers. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$R \times C = S$$

R is the total 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which are not to be levied (such as non-commercial community facilities).

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be charged to the businesses and must be attributed to, and paid for, by Council.

C is the total cost of the scheme.

S is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the properties within the area of the municipal district of Glen Eira shown edged in black on the plan attached to the declaration at Attachment 1 will receive a special benefit through increased economic activity. There are no commercial properties identified within this area which should not be levied the rate. However, properties that are deemed to be non-rateable under the Act will not be levied the rate. It is also considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the Centre will accrue to the businesses themselves.

Therefore, the total **maximum** amount that can be levied on liable property owners would be 100% of the total cost of the scheme.

(c) The criteria to be used as the basis for declaring the Special Rate

Council must specify the methodology it will use in determining how the payment of the rate is to be apportioned amongst the benefiting properties. It is proposed that all properties will pay a specific rate in the dollar of their Net Annual Value, in order to raise the total amount to be levied for each year.

COMMUNICATION AND ENGAGEMENT

The Act requires Council to give public notice of the proposed declaration of the Special Rate and to contact all owners/occupiers who will be liable to contribute. The proposed declaration for this scheme is attached at Attachment 1, which has been prepared in

accordance with the Act and with Ministerial Guidelines on how to determine the maximum charge to levy.

Owners (or occupiers who would be liable to pay the rate pursuant to their lease) may object to the proposal within 28 days of the publication of the public notice. The Act stipulates that if objections are received from more than 50% of persons liable, Council is prevented from making the declaration and the scheme cannot proceed.

LINK TO COUNCIL PLAN

Community building and engagement: to build a strong connected community that actively participates and engages with Council to improve outcomes for the community.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Given that the submissions received have delivered a majority level of support from the identified business area, it is recommended that Council gives notice of its intention to declare a new Special Rate of \$200,000.

Moved: Cr Davey

Seconded: Cr Esakoff

That Council:

1. gives notice of its intention to declare a new Special Rate on properties in the Carnegie Shopping Centre (in the form of the declaration contained in Attachment 1);
2. authorises the Chief Executive Officer (CEO) to give public notice in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers and Council's website of its intention to declare a new Special Rate;
3. authorises the CEO to send a copy of the public notice to each person who will be liable to pay the Special Rate;
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- (b) The total amount of the Special Rate which may be levied is not to exceed the following which is calculated in accordance with section 163(2A) of the Act:
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 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (c) For the purposes of section 163(2B) above:
 - (i) The 'benefit ratio' (R) to be levied on liable persons is 100%.
 - (ii) There are no commercial properties receiving a special benefit from the Special Rate which are not to be levied the rate. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
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5. notes that if the special rate is to proceed, an agreement between Council and the Traders Association will be established, with a particular focus on aligning efforts with the new community vision for Carnegie, set out in the upcoming Structure Plan.

CARRIED UNANIMOUSLY

**GLEN EIRA CITY COUNCIL ('Council')
PUBLIC NOTICE**

**Notice of Intention to Declare a Special Rate
Carnegie Shopping Centre ('Centre')**

In accordance with sections 163(1A) and 163(1B) of the *Local Government Act 1989* ('Act'), Council hereby gives public notice of its intention to declare a Special Rate for the Centre.

At its ordinary meeting on **21 March 2017**, Council resolved to give notice of its proposed declaration. This was in response to a request from the Carnegie Main Street Incorporated to introduce a new Special Rate for the Centre when the current Special Rate expires on 30 June 2017.

The purpose of the Special Rate is to defray the costs of advertising, management, decoration, security, promotion and other incidental expenses associated with encouraging commerce in the Centre, that Council considers will be of special benefit to those persons required to pay the Special Rate and such persons being the owners of the properties in the area within the municipal district of Council as are shown edged in black on the plan attached to the proposed declaration.

The Special Rate is proposed to remain in force for seven years from **1 July 2017** until **30 June 2024**. The Special Rate is proposed to be assessed annually at an amount in the dollar (as is determined by Council on 1 July in every year) of each property's Net Annual Value.

Copies of the proposed declaration are available for inspection at Council's Service Centre at the address stated below or on Council's website at gleneira.vic.gov.au until **5pm on 26 April 2017** being a minimum of 28 days after the publication of this public notice.

Copies of this public notice will be sent to each person who is liable to pay the Special Rate in accordance with section 163(1C) of the Act.

Any person may make a submission under section 223 of the Act in relation to the proposed declaration and written submissions must be made not later than **5pm on 26 April 2017** being not less than 28 days after the date of publication of this public notice. Any person who wishes to make a submission is entitled to request in their submission that they wish to appear in person or to be represented by a person specified in their submission at a meeting to be heard in support of their submission.

Any person who will be required to pay the Special Rate to be imposed by the proposed declaration is entitled to exercise a right of objection in accordance with section 163B of the Act. Objections must be made not later than **5pm on 26 April 2017** being within 28 days of the date of publication of this public notice. Pursuant to section 163B(5) of the Act, a person who is an occupier is entitled to exercise a right of objection if that person submits documentary evidence with their objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the Special Rate. This right of objection is in addition to the right to make a submission.

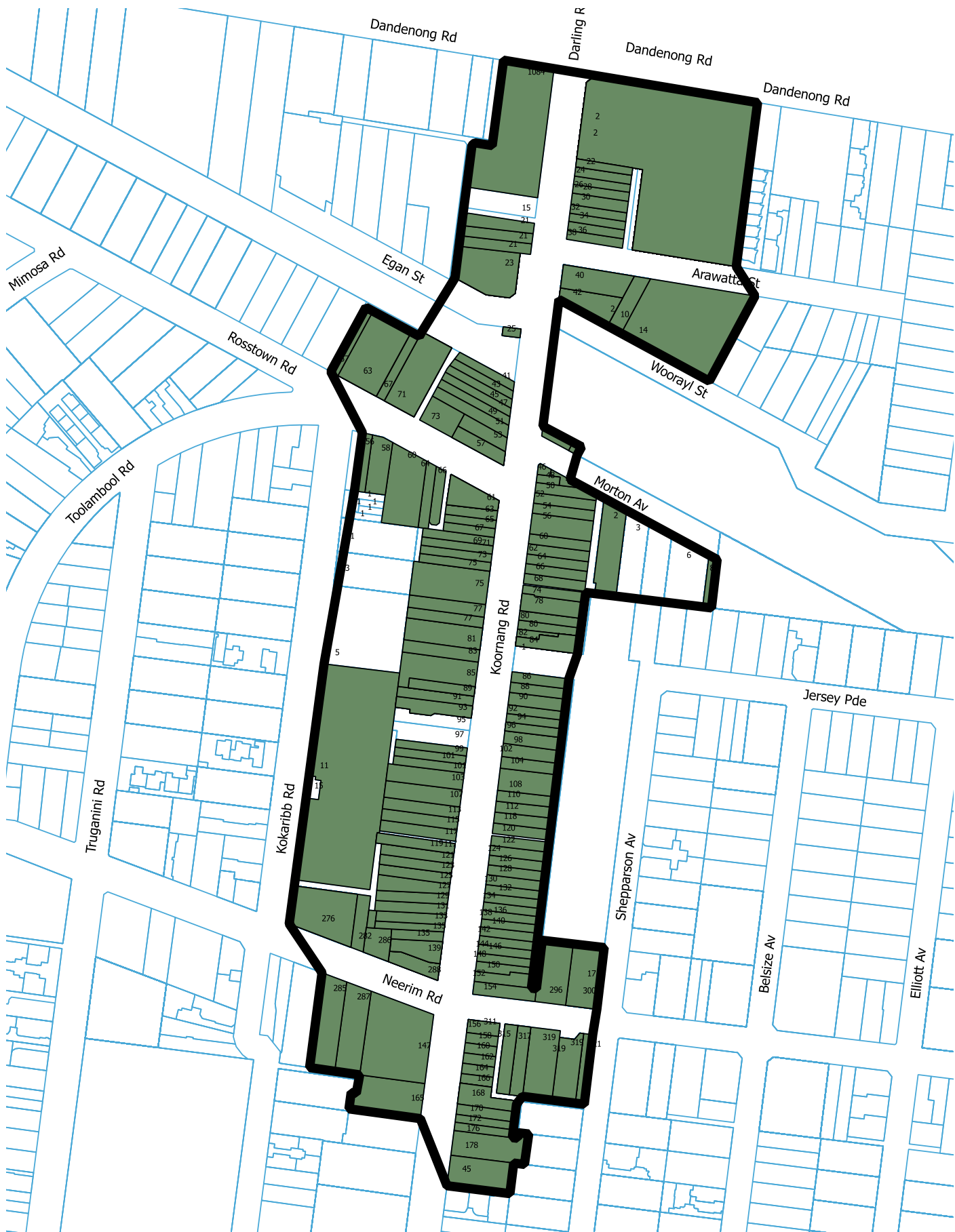
Council proposes to declare the Special Rate, subject to due consideration of any submissions and objections, at its ordinary meeting to be held at **7.30pm on Tuesday, 2 May 2017** in the Council Chamber, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

Submitters who have requested in their submission that they wish to be heard in support of their submission, or who have nominated a representative in their submission, will be notified of the date, time and location of the Council meeting in writing.

Submissions are not confidential and will be incorporated in full (including all personal information) into the agenda and minutes of the Council meeting at which they are considered; will be available on Council's website as part of the relevant agenda and minutes of meeting; and will be made available for public inspection in accordance with all applicable statutory requirements, including, those prescribed by the Act.

Submissions and objections should be marked for the attention of the Place Making Officer, City Futures, and can either be lodged at Council's Service Centre, Corner Glen Eira and Hawthorn Roads, Caulfield or mailed to Council at PO Box 42, Caulfield South 3162.

Rebecca McKenzie
Chief Executive Officer



Carnegie Special Rate Area



2017 - 2022

Business & Marketing Plan



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Executive Summary

Introduction

The marketing and business development program has been in place in Carnegie for over 20 years including over 200 properties in this program. Each contributes to the program through the Special Marketing Rate Program.

The program is driven by Carnegie Mainstreet for the benefit of all local business and property owners.

The program has been very successful over time. It has resulted in a better profile for Carnegie Shopping Centre, creation of more customer loyalty, more opportunities for local businesses and a voice for all local business owners, operators and property owners.

Continuation of this rate is very important to the ongoing marketing of your street, especially over the next 2 years through the level crossing removal works.

Main Achievements

- Organisation of a variety of successful promotional events such as Mother's Day, Easter, Christmas and Lunar New Year
- New Christmas Decorations and Branding Banners
- Creation and maintenance of the website, Facebook and Instagram pages
- Graffiti removal from all affected and visible areas
- Strong contacts with all levels of government, including the Level Crossing Removal Authority
- Strong relationships with the community and community groups
- A successful application for a Federal Government Grant for CCTV cameras and additional lighting

Continuation of the Program

- Ongoing marketing, branding and promotion of the Centre
- Effective communication with all businesses
- Graffiti removal from all affected and visible areas
- A strong voice to the Glen Eira City Council to address issues such as car parking, safety and lighting
- A strong voice to the State and Federal Governments to advocate issues of importance to retailers

Marketing Strategies

Marketing Strategies will focus on the following areas:

- Carnegie Railway Station development
- Retail highlights including Christmas, Easter, Mother's Day, Father's Day and Lunar New Year
- Presentation of the street with Christmas Decorations, Carnegie Branded Bin Wraps & Banners and Art projects
- Ongoing Digital Marketing
- A community focus
- Ongoing communication with local businesses
- Business Development & Support

Conclusion

The Special Marketing Rate Program has allowed Carnegie to prosper as never before. This business plan sets out the path for the future which relies on the continuation of this program.

Background

Introduction

The marketing and business development program has been in place in Carnegie for over 20 years: it is a longstanding initiative. There are over 200 properties in this program. Each contributes to the program through the Special Marketing Rate Program. This program is organised by Council and can be found on the rate notices for each property. The amount contributed by each business varies in line with the value of each property thus reflecting its size and location within the centre.

The program is driven by Carnegie Mainstreet (the Association). The Association administers the Special Marketing Rate Program under Council guidelines and with Council support.

The key objectives of the program are:

- To implement the Carnegie Main Street's Business Plan
- To monitor and report progress on a regular basis
- To initiate physical improvements to the Centre
- To foster effective relations between businesses, Glen Eira City Council, State and Federal Government.

Vision

The 2017 and onwards marketing vision for the Carnegie Shopping area is:

*"to sustain and develop our vibrant shopping centre, give businesses support,
attract new attract investments and develop strong partnerships"*

The Association

Carnegie Mainstreet is an incorporated body representing all business and property owners in the Carnegie Koornang Road Shopping Centre (the Centre). Carnegie Mainstreet is managed by a Committee consisting of Carnegie business operators and property owners. The members are elected annually to the committee. These committee members give their time voluntarily. They aim to develop a better place for Carnegie's businesses, property owners and the local community.

The Association is restricted to a geographical area. The map on the left outlines the boundaries of the properties included in the Association.

The Association is managed by the Carnegie Mainstreet Committee (the Committee). This Committee is assisted by a professional marketing and management company (the Marketing Team).

Over the past couple of years Carnegie has attracted new investors and developments to improve Carnegie. There has been a steady increase in many category groups.

The Association adapts and changes as Carnegie grows. This is reflected in the way funds are allocated.

The Committee works closely with their partners to create an even safer, more attractive and fun place to visit. The partners include Carnegie Central, Glen Eira Council, State and Federal Governments, Police, Local community groups and Schools and the LCA (Level Crossing Authority) during the construction of the new railway station.

What has the Program achieved?

Some outcomes from having a Special Marketing Rate Program and an active committee representing the Centre and your street would include:

- The ability to engage the services of the YMP Mainstreet team to develop, organize and oversee the promotional activity, website and social media as per Marketing Plan
- Organisation of a variety of successful promotional events such as Valentine's Day, Easter, Mother's Day, Christmas and Lunar New Year
- Advertising in local papers and Radio where necessary
- Regular informative hardcopy newsletters combined with frequent email updates on matters of importance to all local businesses
- Management and updating of the website, Facebook and Instagram pages
- Boosting Facebook pages for events and trader features
- Maintaining an online directory of all businesses in the Centre, easily accessible on mobile devices
- Participation in the City of Glen Eira's "Think Local First" campaign
- Participation in State Government initiatives such as "Support Small Business Day"
- Creating and nurturing strong contacts with all levels of government; this provided useful communication and dialogue.
- Provision of a convenient conduit for businesses and property owners through which to channel any concerns or needs
- Stronger relationships with the community and community groups
- Investment into promotional activity to attract consumers during the level crossing construction period
- Involvement of community groups with promotional activity throughout the level crossing construction period and beyond
- Sponsoring the cost of business training events
- A successful application for a Federal Government Grant for CCTV cameras and additional lighting to be installed in the Centre
- A representation working with the Level Crossing Removal Authority. With this we have input into what will be achieved under and around the finished railway and station
- Successful lobbying for additional funding from different levels of government
- Lobbying and supporting the upgrade of the Library forecourt

The Committee has deformed as much of the committee functions as legally allowed and incorporated several less formal activities during the year such as Business breakfasts with special guests.

What will the continuation of the Program achieve?

Important issues facing Carnegie Koornang Road Shopping Centre require a united voice as well as an opportunity for comment and communication to all business operators and property owners in Carnegie. Continuation of the Special Marketing Rate Program would include the following:

- Ongoing marketing and promotion of the Centre
- Ongoing branding and positioning of the Centre
- Effective communication with all businesses
- Graffiti removal from all affected and visible areas including individual properties, **free of charge**.
- A strong voice to the Glen Eira City Council to address issues such as car parking, safety and lighting
- A strong voice to the State and Federal Governments to advocate issues of importance to retailers
- Continuation of the presence in local residents' minds of Carnegie as a preferred place to shop with an aim to lessen the impact of other nearby centres
- Continuation of networking and special information events for businesses to meet and greet.

Overview

Profile

Carnegie is a suburb in Melbourne, Victoria, Australia, 12 km south-east from Melbourne's central business district. Its local government area is the City of Glen Eira. Its postcode is 3163.

At the 2011 Census, Carnegie had a population of 16,299. The 2015 Estimated Resident Population for Carnegie is 17,787 which is a growth of 9% over 4 years.

Originally called Rosstown a name change came about due to Ross' failed speculative developments. In 1909 it was renamed Carnegie after the philanthropist Andrew Carnegie.

The suburb's main shopping precinct is on Koornang Road, between Dandenong Road and Neerim Road. On Koornang Road are restaurants and grocers offering Malaysian, Korean, Chinese, Thai, Japanese, Italian, Greek, French and Russian foods, as well as the Rosstown Hotel.

Major features of the area include Carnegie Shopping Centre, Carnegie Swim Centre, Koornang Park, Lord Reserve, Packer Park and several schools.

Over the years, Carnegie has evolved into a hub, a scene and an experience for all to enjoy.

Marketing and Business Development

The Association uses the funds of the Special Marketing Rate Program for marketing of the Centre as a preferred shopping destination. Numerous events and promotions are being organised. These are marketed separately using a variety of media appropriate to each event.

The Association offers individual businesses a variety of opportunities to improve their business. These range from targeted advice for individual businesses to subsidising training in cooperation with Council.

Survey Results

A survey was conducted among all businesses in the second half of 2016. This survey focused on several key areas relevant to the marketing and management of the Centre. These results are available separately. Some of the salient findings include:

- Respondents liked the atmosphere and community feel, promotions, diversity and café culture in the Centre
- 100% of respondents said the image of the Centre has improved over the last three years
- Several retail categories were suggested to supplement the current retail offer
- More than 90% of respondents regarded Christmas decorations and activities, Easter activities, branding banners, networking events, the website, advocacy and graffiti cleaning as important.
- 75% of respondents reported that the continuation of the Special Marketing Rate Program was important or very important for the ongoing development and success of the Centre.

Council and Government Policies

The Special Marketing Rate Program is regulated in the Local Government Act 1989, sections 163-166 and 185. Council implements this Act through the declaration of a Special Marketing Rate Program Scheme for the Carnegie Koornang Road Shopping Area. The proceeds of these funds are administered by the Association. The activities and actions of the Association are vetted by Council through a contract drawn up between Council and the Association.

SWOT Analysis

Strengths

- The access to the centre is excellent due to a railway station in the middle of the centre and the proximity of the Nepean Highway passing right next to the Centre.
- The Centre has a vibrant café and restaurant culture which is a drawcard for the local community.
- The Centre has a communal library in the middle of the Centre. With the current streetscaping between the Library and Koornang road, this forms the heart of the Centre.
- The Centre has several strong anchors in Woolworths, Spotlight and the Rosstown Hotel.
- There is an active Committee dedicated to the positive development of the Centre through the Special Marketing Rate Program.

Weaknesses

- In several areas, there is insufficient lighting.
- In some places the street and buildings look old and tired.
- The railway crossing is a physical and emotional barrier between the Northern and Southern parts of the Centre.
- Car parking is often difficult to get for both customers and local business owners and staff.

Opportunities

- Once finished, the removal of the level crossing will provide an opportunity to re-unite the strip.
- The Association is to work with Council to create a new Structure Plan for the Centre.
- Installation of security cameras and additional lighting through a Government Grant can improve the perception of safety of the Centre.
- Changing demographics provide opportunities to extend the retail offer and hence the image of the centre through wider Melbourne.

Threats

- The reduction in the variety in the retail offer can be a threat to the overall attractiveness of the Centre.
- The main competition to Carnegie Mainstreet is the major regional shopping centre Chadstone and other local strip centres. It is very difficult to compete with major regional centres but Carnegie is well positioned to compete with other strip centres. If the Association continues to market and present Carnegie as the place to meet, shop local and dine this will further enhance the customers experience.
- The current development of a railway overpass by the Level Crossing Removal Authority may cause disruptions to trade.

Marketing Strategies

Overview

The Marketing Strategies of the Centre have been focusing on the following main areas:

- Creation of specific events and promotions to stimulate and raise awareness of Carnegie Shopping Centre
- Raising the profile of all businesses through innovative and effective marketing activities
- Creative of a pleasant ambiance and attractive shopping destination
- Facilitation of a clean and attractive environment.

Carnegie Railway Station development

Skyrail and the new Carnegie Station are currently being built. They are due for completion in 2018. When completed this new railway crossing and station will have a positive effect on the Centre. The Committee and the Marketing Team are working with the Level Crossing Project group (LCP) to support the businesses during this development.

Objective

The objective is to assist traders with the expected disruptions and road and station closures during this time.

Strategy

Apart from the other promotions in this plan funds are to be allocated to support a digital advertising strategy for businesses. It will also encourage people to "Think Local First" and shop at Carnegie to create loyalty with our customers.

Father's Day

Objective

To encourage people to come to Carnegie Main Street to celebrate Father's Day and to make Dad feel special.

Strategy

A special website/digital marketing campaign to encourage people to use Carnegie website and join/follow Carnegie on Social Media. This will then allow the customer database to be developed further for the Committee to use to promote events and their businesses.

Christmas Decorations

Objective

To create a colourful, stylish and welcoming atmosphere during this major merchandising period for businesses and customers

Strategy

To develop Christmas decorations further to create more Christmas sparkle in the centre

Christmas Fun Day

Objective

The objective of the Christmas promotions is to create an active and fun atmosphere to attract families to join in the spirit of Christmas at Carnegie. It is also to encourage customers to stay, to shop and eat while they soak up the entertainment and atmosphere of the centre. This is an important event during the construction of the new railway station to retain customers and attract new ones for people to “Think Local First”.

Strategy

- Continue to develop the current Christmas Fun Day with activities for the whole centre for the community to enjoy
- Develop a website/digital marketing campaign to encourage people to use the Carnegie website and join/follow Carnegie on Social Media. This will then allow the customer database to be developed further for Carnegie MainStreet Committee to use to promote events and their businesses.

Lunar New Year

Objective

To create an active and fun atmosphere to celebrate the Asian restaurants and culture of the local community.

Strategy

- The traditional Asian red and gold colour theme of 2017 will be continued with various displays, banners throughout the centre and staging area
- Create a traditional Lunar New Year event for the whole family to attract people to Carnegie businesses.

Easter

Objective

To create a family orientated Easter promotion in the centre for customers purchasing their Easter supplies.

Strategy

- The very popular Easter Bunny and Alice' n 'Wonderland will be in the street the Thursday before Easter to have fun with customers and give away Easter eggs
- To develop further an Easter website/digital marketing campaign to encourage people to use the Carnegie website and join/follow Carnegie on Social Media. This will then allow the customer database to be developed further for Carnegie MainStreet Committee to use to promote events and their businesses.

Carnegie Branded Bin Wraps & Banners

Objective

To create a very welcome addition to the centre that further develops the Carnegie brand at eye level as people move through the centre.

Strategy

- To develop corflute bin wraps that are colourful and attractive as people walk and drive throughout Carnegie
- To continue to install Branding banners in Carnegie

Mother's Day

Objectives

The objectives of the Mother's Day promotions are:

- To create a promotion to encourage people to "Think Local First" for their Mother's Day gifts and dining
- To create an exciting atmosphere in the street that will attract people to stay a while and enjoy Carnegie businesses
- To further develop the customer database

Strategy

- Create a promotion for businesses during normal trading hours to attract customers
- Create a welcoming and colourful atmosphere for Mother's Day
- Develop a website/digital marketing campaign for Mother's Day. This will not only encourage customers to join our e-news database and follow Carnegie on social media but also give Mums a chance to win a great prize in the Mother's Day competition.

Digital Marketing/Website

“We don’t go on line now - we live on line.”

Latest statistics indicate:

- 16 million+ people spend 23hours per week over 3 hours a day on their mobile or tablet
- 9 out of 10 use Internet to assist them purchase decisions
- Over 50% of Australians engage with the brands/businesses on social media

Because of this, there is no question that shopping centres must compete in the digital world as well. For Carnegie to be able to compete in the digital world it must extend its branding into that space. For shopping centres, both hardtops and strip centres, Facebook and Instagram, supported by a well-designed and informative website, are currently widely seen as the most important channels for marketing. The reason is that the main target market is using those channels and can be reached that way effectively. Both channels provide a large variety of online marketing tools that help targeting specific groups. When the campaign is over, they allow evaluation of the effectiveness of the campaign

Objective

A digital marketing strategy will be further developed to improve visits, awareness and reach of the website, social media and digital tools. This has become one of the most important tools for marketing the centre and its businesses.

Strategy

- The Carnegie website, Facebook and Instagram will continue to be developed to support businesses with their events and special offers
- To develop a Digital Marketing Plan each year to be in line with our marketing plan to link to assist Carnegie businesses in other areas that are still evolving
- Competition from online and other retail formats will continue to grow. It is important that Carnegie Mainstreet continue to support their businesses in developing their own digital strategies

Community

Objective

To continue to support local community groups, schools etc. to further develop their loyalty to Carnegie.

Strategy

To develop further communication with the local community groups and schools to support their organisation.

Art Projects

Objective

To continue to create a welcoming statement as people continue the art journey created in Carnegie over the past few years.

Strategy

To develop art projects that are collaborating and building relationships with others. Projects like this improve local community participation, cohesion and contribute to community vibrancy and viability.

Other Projects

If funds are available proposed projects to add to the Business and Marketing Plan include:

- A Food Festival
- A film Festival
This could have a youth focus and be partnered with a University
- Light up Carnegie
- Market Nights

Communication

Newsletters and flyers

Regular hard copy and e-newsletters will be continued to be given to traders to keep them updated on what is happening in their centre. Regular face to face communication with businesses by the Marketing Team and the committee has proved successful in businesses being aware of what is happening and vice versa. Likewise, businesses are comfortable contacting the Marketing Team and Committee if they have issues they wish to discuss.

As our customer database develops, regular eNews to market the centre and its businesses will be sent.

Carnegie Mainstreet and their Marketing team will continually look for new ways to communicate with their customers to market their centre. Currently they use local newspapers, radio and digital marketing.

Presentation

Carnegie is now attracting new residential developments and it is very important to create a "Pride of Place" for residents, customers and businesses.

Objective

- To have a graffiti free shopping and business centre that creates a clean and welcoming environment. This also assists in controlling vandalism.
- To develop with Council a vibrant and viable shopping strip that considers economic needs, private development, transport and parking, open space and place making opportunities.

Strategy

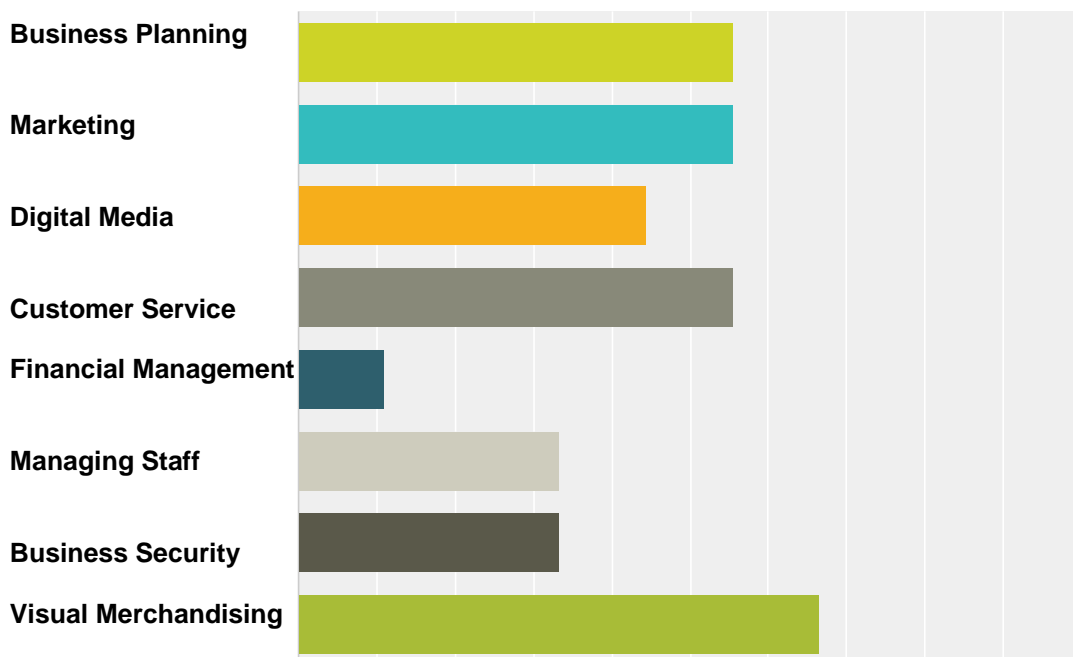
- To continue to contract a cleaning company to clean off graffiti and paint areas that are visual to customers
- To continue to lobby Council and other parties to develop achieve our objectives
- To further investigate grants to support future planning

Business Development & Support

Carnegie Mainstreet Committee constantly look at new ways to support and develop their businesses.

- **Trader meetings**
Funds are allocated each year for Carnegie businesses to network at functions. Examples include the Annual General Meetings, planning events and committee meetings.
- **Seminars/Training**
The Carnegie Mainstreet Committee supports business training workshops, seminars and events run by Glen Eira Council and Mainstreet Australia by paying for traders to attend.
- **Membership**
A yearly membership fee is paid to Mainstreet Australia. They are a highly-respected association, providing valuable networking, education, support and strategic direction for all stakeholders, to promote and ensure that Community Business Centres remain the beating heart of our communities.

The below shows the results of the survey with regards to the training required.



Answer Choices	
Business Planning	56%
Marketing	56%
Digital Media	45%
Customer Service	56%
Financial Management	11%
Managing Staff	35%
Business Security	35%
Visual Merchandising	67%

Issues facing Carnegie

Overview

People like to feel safe and have a “Pride of Place” at their local shopping and business centre. Carnegie Mainstreet has continually lobbied Council to have clean and safe footpaths, good streetscapes, extra car parking, gardens and effective lighting to create an environment that is welcoming for customers to visit.

Carnegie Mainstreet will continue to lobby Council, State Government and other government bodies where appropriate to develop Carnegie into a more attractive centre for the community and businesses.

Lighting/Security

Objective

To create a safer and more friendly environment for our community and businesses.

Strategy

The Committee was successful in 2016 in obtaining a substantial grant from the Federal Government towards installation of security features. These include lighting and cameras. Installation and maintenance of this infrastructure is a longer-term project and will be incorporated into Carnegie’s core activities.

Car Parking

Objective

To provide sufficient car parking as Carnegie grows with the new residents and customers

Strategy

- To continue to lobby Council to provide further car parking areas
- To regular evaluate the various times for car parking to see if it continues to suit the needs of that area

Level Crossing Removal

The Level Crossing Removals throughout Melbourne have indicated that the disruption to the local trade and the local businesses can be significant.

Council will provide support through this period with a vision to help make the most of the opportunity to create a better shopping centre long-term. Council is expected to run community forums in early 2017 to explore options and hear views about issues and opportunities.

The Association is working with Council and the Level Crossing Removal Authority to mitigate the consequences as much as possible.

Structure Plan

Over the past few years the Carnegie Mainstreet Committee has been concerned about several issues relating to the presentation of their shopping centre. They have lobbied Glen Eira Council to develop a structure plan to further enhance their centre. This structure plan consultation process by the City of Glen Eira commenced in December 2016.

Administration

Implementation

Administration and implementation of the Carnegie Mainstreet Marketing and Business Plan requires experienced and passionate people. YMP Mainstreet are currently contracted to carry out this role and they report to the Carnegie Mainstreet Committee.

Their fee covers the cost of their management/marketing team to carry out the actions of Carnegie annual Marketing Plan, developments of the future budgets, accounting requirements for the Committee and Council, and many other activities. It also includes office rental and running costs, stationery and postage for monthly mail outs excluding major mail outs, all necessary insurance cover required under the contract.

Other administration costs include accountancy for GST returns and audits, bank charges, other fees, insurance, bulk postage such as for AGM and post box rental.

Financial Strategies

Special Marketing Rate Program

The Special Marketing Rate Program is a necessary requirement for the Association to be able to reach its goals for the benefit of the Carnegie businesses and the local community. As the benefit of the Special Marketing Rate Program are well-recognised by the local business community, the Association will continue to support, administer and extend the Special Marketing Rate Program for the Centre.

Government Grants

From time to time Local, State and Federal Governments make available grants for activities or infrastructure that would benefit the Centre. When a suitable opportunity has been identified, the Association will seek to apply for such grants. When successful the Association will implement them.

Measurement and Review

It is important that the outcomes of the plan are measured and that there are processes in place to gather information and data.

Below is a list of key indicators that will be used to measure the outcomes:

- event attendances
- meeting attendances
- business responses/involvement to marketing campaigns
- website traffic and metrics
- social media engagement
- foot traffic increases



30th September 2016

Rebecca McKenzie
Chief Executive Officer
City of Glen Eira Council
P.O. Box 42
South Caulfield Vic 3162

Dear Ms McKenzie

As Chairman of the Carnegie Main Street Traders Association I wish to advise that we would like to renew the Special Marketing Rate which expires on 30th June 2017. We would like to request that the Glen Eira Council continue to collect these important funds on our behalf.

Carnegie Mainstreet is very proud of what has been achieved in the past five years with these funds. Through our marketing and business plan objectives and strategies we have been able to support our property owners and businesses to grow.

In the past few years Carnegie has been able to attract new investors, developments and places to complement and support current businesses. With the current Level Crossing development works, it is imperative that these funds are continued for the next five years to support our businesses.

We are currently carrying out a survey as to how our property owners and businesses wish to see the funds spent in the new special marketing rate period from 2017. Once our new marketing and business plan has been finalised we will then be able to advise how much funds we wish to raise in the new period.

Yours faithfully

A handwritten signature in black ink, appearing to read "Anthony Athanasopoulos".

Anthony Athanasopoulos
Chairman
Carnegie Main Street Traders Association

Carnegie Mainstreet Inc. P.O. Box 487. Carnegie, 3163.
Phone 0403502348 website: www.carnegiemainstreet.com.au
ABN Number: 73 905 096 621

It is recorded that Cr Esakoff declared an indirect conflict of interest in item 9.15 - Re-introduction of Special Rate Scheme: Elsternwick Shopping Centre.

Cr Esakoff vacated the Chamber at 10.26pm and was not present when the matter was discussed.

**ITEM 9.15 RE-INTRODUCTION OF SPECIAL RATE SCHEME:
ELSTERNWICK SHOPPING CENTRE**

Author: Alex Francis (Place Making Officer)
Wendy Mason (Legal and Governance Co-ordinator)
John Enticott (Manager Rates and Valuations)

File No: n/a

Attachments: 1. Notice of Intention to Declare New Special Rate
2. Special Rate area map: Elsternwick
3. Association Business Plan
4. Association request for renewal of special rate

PURPOSE AND SUMMARY

To consider giving notice of Council's intention to declare a new Special Rate for the marketing and promotion of the Elsternwick Shopping Centre ('Centre') from 1 July 2017.

RECOMMENDATION

That Council:

1. gives notice of its intention to declare a new Special Rate on properties in the Elsternwick Shopping Centre (in the form of the declaration contained in Attachment 1).
2. authorises the Chief Executive Officer (CEO) to give public notice in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader' newspapers and Council's website of its intention to declare a new Special Rate
3. authorises the CEO to send a copy of the public notice to each person who will be liable to pay the Special Rate.
4. specify the following for the purpose of sections 163(2), 163(2A) and 163(2B) of the Act:
 - (a) The total amount of the Special Rate proposed to be levied in accordance with section 163(2) of the Act is:
 - (i) for the first year of the Scheme \$205,000; and
 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (b) The total amount of the Special Rate which may be levied is not to exceed the following which is calculated in accordance with section 163(2A) of the Act:
 - (i) for the first year of the Scheme \$205,000; and

- (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
- (c) For the purposes of section 163(2B) above:
 - (i) The 'benefit ratio' (R) to be levied on liable persons is 100%.
 - (ii) There are no commercial properties receiving a special benefit from the Special Rate which are not to be levied the rate. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
 - (iii) The 'community benefit' from the Special Rate is zero.
- (d) The criteria to be used in accordance with section 163(2) as the basis for levying the Special Rate would be:

For each year of the Special Rate, each rateable property included in the Special Rate is to pay the applicable rate of cents in the dollar (as determined by Council on 1 July in every year) of the respective property's Net Annual Value.
- 5. notes that if the special rate is to proceed, an agreement between Council and the Traders Association will be established, with a particular focus on aligning efforts with the new community vision for Elsternwick, set out in the upcoming Structure Plan.

BACKGROUND

The Elsternwick traders' association (registered as the Elsternwick Main Street Committee Incorporated and referred to in this report as 'Association') has requested that Council declare a new Special Rate for the Centre, in effect to continue on from the current Special Rate which ceases on 30 June 2017.

The revitalisation of Glen Eira's strip shopping centres is a priority in the Business Development Strategy adopted by Council in 1998. Elsternwick is one of the key shopping centres in the municipality.

The final year of the current scheme is expected to raise approximately \$193,141.52 (GST inclusive).

It has been Council's practice with all of its Special Rate schemes for 100% of the money raised by the relevant scheme to be paid directly to the relevant traders' association over four quarterly instalments throughout the year. The relevant traders' association spends the funds as is specified in the Special Rate declaration, and, in accordance with a traders' agreement with Council, which requires the submission of annual budgets, regular financial reporting and audited annual financial statements.

The funds raised by the Elsternwick Special Rate have been used over the last six years to promote and market the Centre as a destination shopping centre.

Funds have been expended to:

- Employ a Centre Coordinator to foster stakeholder relationships; organise and deliver the Association's economic and business programs; and to coordinate and administer the Association's business, including its online presence.
- Provide special community events and competitions.
- Provide regular advertising and promotion to promote awareness of the Association's community marketing strengths through local newspaper features, including, the

promotion of special events e.g. Christmas and Halloween festivals and the Spring Racing Carnival.

- Management and regular updating of website and social media marketing and database.
- Develop the Association's brand.
- Manage graffiti in the Centre.
- Produce a business directory.
- Produce 20,000 Carnegie Shopping bags.

As a result of these achievements, the Association has requested that Council declare the Special Rate Scheme for a further period of seven years from 1 July 2017 to 30 June 2024.

ISSUES AND DISCUSSION

The Association proposes that the new Special Rate be set at \$205,000.00 per year over the seven years of the scheme (exclusive of Council's costs). The Association seeks an increase to the current Special Rate amount or an annual increase after the first year to reflect CPI.

The Association believes that the fixed amount will provide sufficient funds to allow delivery of a comprehensive and effective marketing plan without placing any increased costs on business operations or commercial landlords.

The Association's continued key objectives are to implement the Centre's business and marketing plan (Attachment 3) and to regularly monitor and report progress to its members.

The viability of the Centre as one of Glen Eira's Major Activity Centres with a mixed use of retail and professional services is dependent on its ability to have a strong sense of place and a cohesive group of traders who are linked with their community. Council is currently undertaking a future planning process for Elsternwick, which includes establishing a new community future vision for the centre. The Special Rate process provides an opportunity to align Council and the Traders Association to help deliver this community vision once established through the upcoming Structure Plan process.

The Association wishes to remain self-sufficient and to have the ability to continue its annual marketing program and provide a cohesive, holistic approach to marketing and promotion, and to provide services to the Centre over and above Council's standard services.

The Association has employed and worked with Peter McNabb and Associates to visit businesses throughout the Centre to explain the proposal for a new Special Rate, to answer questions and elicit support for the continuation of the scheme.

There are 297 rateable properties in the proposed new scheme. This includes 51 properties in the proposed extended area between Gordon Street and the Nepean Highway. The map in Attachment 2 shows the extent of the proposed rateable area and the properties included.

Visits to all of those properties by Peter McNabb revealed that it was not possible to obtain a business response from 51 of the properties for the following reasons:

- 35 properties were vacant, including some undertaking redevelopment
- One property was occupied by a business that was always closed
- One property was occupied by a short term pop-up business
- Five properties had occupants that were selling or had sold their businesses and did not want to comment on the special rate proposal
- Four properties had very new businesses that were not able as yet to offer an informed comment about the proposal

- Four properties had landlords that paid the special rate and the businesses were not prepared to offer a comment or commitment about the proposal as a result of this arrangement
- One property had business owners that were overseas or other places and were not able to offer an opinion on the proposal

The net effect of this is that it was possible to gauge the extent of business support from 246 of the 297 properties.

Business support for the proposal was indicated from 179 properties or 73% of the 246 properties which responded (60% of the total properties).

During the consultation, businesses provided the following reasons for supporting the special rate:

- The Christmas promotion with the fairy lights and special event in Elsternwick Plaza was very successful. The community-oriented event attracted a large number of people to the centre
- The new branding of the centre as Elsternwick Village was exciting
- Social media campaigns have been effective
- The ongoing marketing had continued to lift the image and profile of Elsternwick Village, as customers were pleased to shop and do business in an increasingly vibrant centre
- The cardboard collection program was beneficial to the operation of their business
- The centre coordinator provided good ongoing communication to businesses through personal contact and emails
- The Elsternwick centre would be disadvantaged if the marketing activities funded by the special rate did not continue

Twenty-five businesses (10% of the 246 properties) indicated their opposition to the renewal of the special rate. The reasons for their opposition were:

- There is not enough happening in the centre compared to other places (e.g. Elwood, Ashburton)
- Businesses are not receiving value for the money they are paying into the scheme
- The program is not attracting more customers to particular businesses
- The centre is getting quieter
- The special rate is too expensive for a few businesses in the proposed new area
- There is little concrete evidence to businesses in the proposed new area of the benefits of the program

Council officers tasked with overseeing the expenditure of special rate funds, ensuring compliance with Council's funding agreement and liaising with the Association, have observed that the association has had challenges maintaining its governance structures – in particular its ability to attract active executive members - and officers are of the view that this has negatively affected its ability to engage with local traders and deliver a substantial, consistent and diverse range of marketing and promotional activities and opportunities.

Delivery of a robust marketing and promotion program appears to be hindered in part due to the employed part-time marketing coordinator for the centre being tasked with duties that would normally be undertaken by the Association's committee and members.

If the special rate proceeds, Council will address these challenges in the agreement which Council will be entering into with the Association. Additionally, the agreement will allow for review and termination of the arrangement if the Association is not able to manage its governance, the funds or its obligations effectively.

At a recent meeting of the Association, more active participation by committee members was observed and an alternative marketing approach was proposed – the replacement of the part-time marketing coordinator with a marketing consultancy firm with staff capable of managing all the administrative and marketing requirements of the Association's business plan. This proposal is summarised in Attachment 3.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Council's administrative costs include: preparation of Council reports; declaring and levying the rate; collecting contributions and forwarding relevant amounts to the Association; entering into an agreement with the Association to administer the scheme; and assisting the Association.

Estimated annual Council costs: **\$30,000**.

The total cost of the scheme for the first year is: **\$235,000**.

It has been practice in previous schemes for Council not to recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the new scheme. It is emphasised that Council's contribution in providing its own resources towards the benefit of the Centre (which could otherwise be recouped from benefiting properties) is not inconsiderable and is highlighted for the record.

POLICY AND LEGISLATIVE IMPLICATIONS

The *Local Government Act 1989* ('Act') requires that Council must determine a number of matters when considering declaring a new Special Rate. These include:

(a) The total cost of the Special Rate

The total cost of the Special Rate is the annual amount which the Association has budgeted to spend on various marketing, promotional and other activities.

The Association has budgeted to spend \$205,000 in each year of the scheme on its programs.

(b) The total amount of the Special Rate to be levied

In addition to the total cost of the scheme, Council must decide the maximum amount that is able to be levied on liable property owners/occupiers. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$R \times C = S$$

R is the total 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which are not to be levied (such as non-commercial community facilities).

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be charged to the businesses and must be attributed to, and paid for, by Council.

C is the total cost of the scheme.

S is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the properties within the area of the municipal district of Glen Eira shown edged in black on the plan attached to the declaration at Attachment 1 will receive a special benefit through increased economic activity. There are no commercial properties identified within this area which should not be levied the rate. However, properties that are deemed to be non-rateable under the Act will not be levied the rate. It is also considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the Centre will accrue to the businesses themselves.

Therefore, the total **maximum** amount that can be levied on liable property owners would be 100% of the total cost of the scheme.

(c) The criteria to be used as the basis for declaring the Special Rate

Council must specify the methodology it will use in determining how the payment of the rate is to be apportioned amongst the benefiting properties. It is proposed that all properties will pay a specific rate in the dollar of their Net Annual Value, in order to raise the total amount to be levied for each year.

COMMUNICATION AND ENGAGEMENT

The Act requires Council to give public notice of the proposed declaration of the Special Rate and to contact all owners/occupiers who will be liable to contribute. The proposed declaration for this scheme is attached at Attachment 1, and has been prepared in accordance with the Act and with Ministerial Guidelines on how to determine the maximum charge to levy.

Owners (or occupiers who would be liable to pay the rate pursuant to their lease) may object to the proposal within 28 days of the publication of the public notice. The Act stipulates that if objections are received from more than 50% of persons liable, Council is prevented from making the declaration and the scheme cannot proceed.

LINK TO COUNCIL PLAN

Community building and engagement: to build a strong connected community that actively participates and engages with Council to improve outcomes for the community.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Given that the submissions received overall have delivered a majority level of support from the identified business area, it is recommended that Council gives notice of its intention to declare a new Special Rate of \$205,000.

Moved: Cr Silver**Seconded: Cr Magee**

That Council:

1. gives notice of its intention to declare a new Special Rate on properties in the Elsternwick Shopping Centre (in the form of the declaration contained in Attachment 1).
2. authorises the Chief Executive Officer (CEO) to give public notice in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader' newspapers and Council's website of its intention to declare a new Special Rate
3. authorises the CEO to send a copy of the public notice to each person who will be liable to pay the Special Rate.
4. specify the following for the purpose of sections 163(2), 163(2A) and 163(2B) of the Act:
 - (a) The total amount of the Special Rate proposed to be levied in accordance with section 163(2) of the Act is:
 - (i) for the first year of the Scheme \$205,000; and
 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (b) The total amount of the Special Rate which may be levied is not to exceed the following which is calculated in accordance with section 163(2A) of the Act:
 - (i) for the first year of the Scheme \$205,000; and
 - (ii) for each subsequent year the Scheme remains in force – the previous year's amount to be levied increased by the Consumer Price Index (CPI) rate provided by the Australian Bureau of Statistics.
 - (c) For the purposes of section 163(2B) above:
 - (i) The 'benefit ratio' (R) to be levied on liable persons is 100%.
 - (ii) There are no commercial properties receiving a special benefit from the Special Rate which are not to be levied the rate. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
 - (iii) The 'community benefit' from the Special Rate is zero.
 - (d) The criteria to be used in accordance with section 163(2) as the basis for levying the Special Rate would be:

For each year of the Special Rate, each rateable property included in the Special Rate is to pay the applicable rate of cents in the dollar (as determined by Council on 1 July in every year) of the respective property's Net Annual Value.
5. notes that if the special rate is to proceed, an agreement between Council and the Traders Association will be established, with a particular focus on aligning efforts with the new community vision for Elsternwick, set out in the upcoming Structure Plan.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos and Cr Esakoff re-entered the Chamber at 10.28pm after consideration of this matter.

**GLEN EIRA CITY COUNCIL ('Council')
PUBLIC NOTICE**

**Notice of Intention to Declare a Special Rate
Elsternwick Shopping Centre ('Centre')**

In accordance with sections 163(1A) and 163(1B) of the *Local Government Act 1989* ('Act'), Council hereby gives public notice of its intention to declare a Special Rate for the Centre.

At its ordinary meeting on **21 March 2017**, Council resolved to give notice of its proposed declaration. This was in response to a request from the Elsternwick Main Street Committee Incorporated to introduce a new Special Rate for the Centre when the current Special Rate expires on 30 June 2017.

The purpose of the Special Rate is to defray the costs of advertising, management, decoration, security, promotion and other incidental expenses associated with encouraging commerce in the Centre, that Council considers will be of special benefit to those persons required to pay the Special Rate and such persons being the owners of the properties in the area within the municipal district of Council as are shown edged in black on the plan attached to the proposed declaration.

The Special Rate is proposed to remain in force for seven years from **1 July 2017** until **30 June 2024**. The Special Rate is proposed to be assessed annually at an amount in the dollar (as is determined by Council on 1 July in every year) of each property's Net Annual Value.

Copies of the proposed declaration are available for inspection at Council's Service Centre at the address stated below or on Council's website at gleneira.vic.gov.au until **5pm on 26 April 2017** being a minimum of 28 days after the publication of this public notice.

Copies of this public notice will be sent to each person who is liable to pay the Special Rate in accordance with section 163(1C) of the Act.

Any person may make a submission under section 223 of the Act in relation to the proposed declaration and written submissions must be made not later than **5pm on 26 April 2017** being not less than 28 days after the date of publication of this public notice. Any person who wishes to make a submission is entitled to request in their submission that they wish to appear in person or to be represented by a person specified in their submission at a meeting to be heard in support of their submission.

Any person who will be required to pay the Special Rate to be imposed by the proposed declaration is entitled to exercise a right of objection in accordance with section 163B of the Act. Objections must be made not later than **5pm on 26 April 2017** being within 28 days of the date of publication of this public notice. Pursuant to section 163B(5) of the Act, a person who is an occupier is entitled to exercise a right of objection if that person submits documentary evidence with their objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the Special Rate. This right of objection is in addition to the right to make a submission.

Council proposes to declare the Special Rate, subject to due consideration of any submissions and objections, at its ordinary meeting to be held at **7.30pm on Tuesday, 2 May 2017** in the Council Chamber, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

Submitters who have requested in their submission that they wish to be heard in support of their submission, or who have nominated a representative in their submission, will be notified of the date, time and location of the Council meeting in writing.

Submissions are not confidential and will be incorporated in full (including all personal information) into the agenda and minutes of the Council meeting at which they are considered; will be available on Council's website as part of the relevant agenda and minutes of meeting; and will be made available for public inspection in accordance with all applicable statutory requirements, including, those prescribed by the Act.

Submissions and objections should be marked for the attention of the Place Making Officer, City Futures, and can either be lodged at Council's Service Centre, Corner Glen Eira and Hawthorn Roads, Caulfield or mailed to Council at PO Box 42, Caulfield South 3162.

Rebecca McKenzie
Chief Executive Officer



Elsternwick Special Rate Area

Marketing activity outline

Elsternwick Village is a unique and diverse shopping strip, featuring well-established traders alongside newer arrivals in a beautiful, historic setting.

The Elsternwick Mainstreet Committee's (EMC) purpose is "to promote, market and manage Elsternwick Mainstreet on behalf of the businesses therein".

An annual levy is charged to Elsternwick Traders to assist the EMC in this purpose.

With new property developments, Elsternwick is attracting a young, mobile and socially engaged audience and our activity needs to adapt if we're going to attract these people to our precinct.

This document outlines the importance of undertaking marketing activities to promote the precinct, raise awareness to new audiences and, ultimately, bring people to the precinct and keep them coming back. It includes activities completed so far and plans for future marketing activities towards this goal.

What we've done so far

The EMC has carried out a range of marketing activities to promote the area and encourage people to visit the shopping precinct.

Included in this regular marketing activity has been content creation for and management of Elsternwick Village's social media, keeping customers informed and tapping into their networks, regular committee meetings, and working with Elsternwick's Mainstreet Coordinator Andrea Turner to plan and deliver core marketing and compliance activity.

To better position Elsternwick Village as a modern, progressive shopping precinct engaged with the local community, a major rebrand was undertaken. This incorporates the vibrant green colour for which Elsternwick Village has become renowned, and has contributed to forging a memorable brand for the shopping precinct. The new brand is used across letterheads, business cards, promotional documents, bin and pole surrounds, and street decorations.

Additionally, the Elsternwick Village website has undergone a rebuild, which incorporates the new branding, a comprehensive trader directory, and improved functions to help the shopping precinct perform better in search engines and SEO. This will dramatically increase our ability to reach new customers searching for both Elsternwick Village, and the products and services offered by our traders, bringing more traffic to the precinct and benefiting the traders. By sharing local stories about the area and our traders, we will encourage people to explore Elsternwick Village and share their own stories.

The new website design will be fully responsive for mobile and tablet devices, meaning it is easy for customers to use on the street and find traders' details on the go. The new website will be rolled out in the coming weeks.

The EMC ran two new major events in 2016, including a Family Fun Day in November and a Christmas Twilight Festival and street activations in the week leading up to Christmas. Thousands of people attended these events and festivities on offer. Consequently, shoppers spent time in Elsternwick Village to complete their Christmas shopping and visit cafes and restaurants in the area. During these events, thousands of branded Elsternwick Village balloons were handed out to shoppers, which brought colour to the streets and acted as "walking advertisements" that promoted the precinct.

The EMC has carried out additional activities throughout the year, including:

- Email marketing to the public – keeping customers up to date about what's happening, trader offers and specials, and keeping Elsternwick Village front of mind
- Communicating updates to traders via regular email newsletters. An email marketing program has been set up to create and distribute these newsletters. This makes it easier for traders to get involved with our campaigns and events to bring more customers into their stores
- Creating a branded template for a printed traders newsletter to communicate updates, in addition to digital communications
- Annual General Meetings, which are well attended by businesses, providing traders with an avenue to engage with the actions and plans of the committee to make sure we're best supporting their needs
- Cardboard collection service every Tuesday for businesses
- A Mother's Day competition with prizes supplied by local businesses was successful in bringing new and returning customers to stores for their Mother's Day shopping
- The unveiling of our new branding – an evening event for traders to get everyone involved and invested in the new direction and help Elsternwick Village grow
- Running an online competition for Christmas to encourage people to consider Elsternwick Village as a destination for Christmas shopping
- Street activations for Easter and Christmas celebrations, with roving musicians and street performers, attracted thousands of people to the precinct who enjoyed the festivities while carrying out their shopping and enjoying our rich food offering
- Building successful social media platforms, including Facebook and Instagram, to showcase local businesses, reach a new audience and attract them to the precinct
- Installation of fairy lights above shop awnings to create ambience at night, making the space more attractive and encouraging shoppers to spend more time in the precinct
- Design and development of collateral including promotional t-shirts, caps, water bottles, balloons and shopping bags. The great take up of these materials brings colour and life to the precinct and helps promote the Elsternwick Village brand beyond our advertising reach
- Installation of new Christmas decorations across the precinct to make the area look more attractive as a shopping destination over this busy retail period
- EMC funded seminars for traders to attend at the Glen Eira City Council to build their skills and improve their effectiveness, ultimately bringing more people to their stores and benefitting all retailers in the strip.

Plans for 2017 and beyond

Building on our initial successes, the EMC plans to continue the marketing activities throughout 2017 and into the future to ensure the shopping precinct is adequately promoted and to attract more shoppers to the area.

Since engaging the services of marketing agency Assemblo, Elsternwick Village has benefitted in numerous ways, including offering traders and the public more informed and professional communication, having access to a team of marketing experts, and assisting to draw record crowds to Elsternwick's Family Fun Day and Christmas events.

As such, we see the value of continuing to employ Assemblo's expertise in 2017 and beyond to further benefit Elsternwick Village.

Assemblo is a full-service marketing agency based in Melbourne. The agency incorporates a team of marketing experts that offers web development, design, copywriting, event management, strategy, social media management, print services and more. Additionally, they have access to a broad network of suppliers including printers, event hire businesses, performers and entertainers, promotional staff, accounting and business advisory services, balloon traders and more. Assemblo has worked cooperatively and closely with the committee to meet business goals and marketing objectives.

Upcoming activities

Planned activities for the immediate future include:

- Developing a detailed marketing calendar to capture key events and seasonal dates to match marketing activities. Stronger planning will allow us to take advantage of retail seasons and create more opportunities for working closely with retailers
- Allocating budgets to key calendar periods and setting targets for activities
- Updating a complete database of traders in Elsternwick Village. This involves visiting each store, capturing updated information and handing out a printed newsletter
- Launching the new Elsternwick Village website. Aside from being a marketing hub, the site will provide traders with a strong online presence through the trader directory, especially if they don't have an existing website, and make it easy for customers to find their details and contact them
- Identifying gaps in the services offered by existing traders and using this information to approach new traders with a strong business case for coming to the area. In turn, this will improve the overall offering of Elsternwick Village and lead to more feet on the street.

Marketing maintenance

It's important to keep customers engaged through regular marketing activities and to keep Elsternwick Village's digital presence up to date and relevant. This will ensure that customers frequent these platforms, and make it easier for customers to find traders and access our village.

General marketing maintenance work includes:

- Regularly updating information on the website to ensure the site is accurate and useful to customers. E.g. adding new businesses as they move into the precinct, publishing news and announcements related to the area etc.
- Monitoring and managing social media platforms, keeping them up to date and responding to customer enquiries through these channels. Timely responses and frequent content will encourage shoppers to engage with the brand, increasing the frequency in which they see posts and generate a positive sentiment between customers and Elsternwick Village
- Keeping trader listings detailed and up to date to ensure the website is always the best source of trader details for our customers
- Creating original content for the Elsternwick Village website, social media and email newsletters, and amplifying the content via social media advertising. This will encourage shoppers to return to the site and follow our social media and email channels to stay abreast of what's happening in Elsternwick Village, ultimately bringing them back to the street again and again. This content will also help new potential customers find out about Elsternwick Village and what's on offer in the precinct
- Additional digital marketing and brand advertising to build awareness and boost online databases, making it easy to reach connected shoppers and keep them coming back to the street through regular updates
- Promoting trader offers and promotions on the website and trader pages to bring shoppers into their stores and Elsternwick Village
- Creating and distributing monthly email newsletters to the customer email database to keep them abreast of the latest news, events and compelling promotions in the precinct
- Monitoring mentions of Elsternwick Village in the press and online to identify opportunities to engage directly with customers, gather direct feedback and raise the profile of the area.

Seasonal campaign activity

Seasonal campaigns incorporate activities to meet the targets and objectives set in the marketing calendar/plan to bring new people to the street and make it easier to engage with existing customers. This includes:

- Designing and printing marketing collateral to promote our offering and what's happening in the Elsternwick Village
- Brand advertising across print, press, digital and PR to reach a broader audience
- Running competitions to build the customer database and attract new shoppers
- Creating content based on seasonality to support other campaigns and tap into what our shoppers are actively looking for and interested in reading about
- Planning, promoting and running key events during major retail periods to bring new and existing customers to the precinct
- Facilitating and running the Christmas campaign to capitalise on this key retail period
- Marketing to support major retail categories represented in Elsternwick Village, bringing people to the village who are looking for products and services in these categories
- Leveraging networks and opportunities from other parties to increase the overall reach and effectiveness of marketing activity means that our advertising dollars will go further.

Keeping traders up to date

It is important to keep traders in Elsternwick Village informed about promotional and seasonal activities taking place in the precinct on a regular basis. This will be done in a number of ways, including:

- Creating a quarterly newsletter
- Providing an online mechanism for traders to notify the EMC about changes to their listings, specials and news
- Sending out monthly email newsletters to the traders database
- Holding an Annual General Meeting.

Strategy and reporting

Employing a strategy will ensure all marketing activities undertaken will meet business objectives, while regular reporting will show transparency and improve visibility of the results of all activity. Specifically, reporting will cover:

- Monthly committee meetings to discuss marketing and evaluate campaigns against proposed ROI targets
- Identifying opportunities for marketing and topical news (e.g. PR, distress advertising opportunities, tracking Elsternwick Village in the press)
- Securing sponsorships and other collaborations
- Identifying categories of business in which Elsternwick Village is lacking, and working to attract these businesses to the precinct.
- Website analytics to improve usability and inform future content creation to help attract people to the precinct
- Search tracking to review what people are searching on the website and ensure appropriate traders come up in these searches

In summary

With the mix of our existing audiences and the introduction of a new, younger and socially engaged audience we're aiming to marry digital and traditional marketing to bring more people to Elsternwick Village. By keeping traders updated and involved, we can ensure we're bringing value to our members and provide the best support we can for the entire precinct.

ELSTERNWICK MAINSTREET

MARKETING PROPOSAL

Assemblo  THE
CREATIVE
AGENCY

Elsternwick
Village

ELSTERNWICK: IN BRIEF

Elsternwick Village is a unique and diverse shopping precinct, featuring well-established traders alongside newer arrivals in a historic setting.

PURPOSE OF THE EMC

'...to promote, market and manage Elsternwick Mainstreet on behalf of the businesses therein...'

An annual levy is charged to Elsternwick Traders to assist the EMC in this purpose.

THE CHALLENGE

- ▣ Increasing competition from online retailers
- ▣ Increasing competition from large shopping centres
- ▣ The retail and marketing landscape is becoming increasingly complex with the onset of new technologies and consumer behaviour
- ▣ New property developments are attracting a young, mobile and socially engaged audience that require a different kind of engagement

RISING TO THE CHALLENGE

A silhouette of two people climbing a dark, jagged rock formation against a bright blue sky with scattered white clouds. One person is higher up, reaching down to assist the other who is lower on the rock.

RISING TO THE CHALLENGE

A silhouette of two people climbing a dark, jagged rock formation against a bright blue sky with scattered white clouds. One person is higher up, reaching down to assist the other who is lower on the rock.

- Drive improved sales and increase activity for the traders
- Engage across a wide range of platforms to attract and reach new customers
- Ultimately, raise awareness of Elsternwick Village and bring customers to the shopping precinct

HOW TO SUCCEED?

- Strategy and planning
- Concept and design
- Project management
- People skills
- Traditional advertising
- Targeted digital advertising
- Detailed reporting
- Event management
- Compliance
- Creativity
- A passion for street retail
- Copywriting

However...

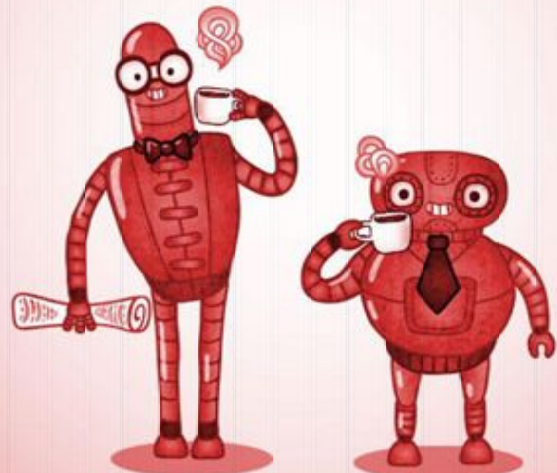
ONE PERSON CAN'T DO IT ALL

Not only do you require a person with these skills, but also someone who has the experience, is accountable and can hit the ground running.

In reality, one person can't do it all...

INTRODUCING...

ASSEMBLO



A FULL-SERVICE AGENCY

**Passionate about retail with a
wealth of experience.**

We've helped drive sales, attract new customers and promote
retailers in precincts including:

- Church Street, Brighton
- Oakleigh
- Ivanhoe
- Camberwell shopping precinct



EVERYTHING YOU NEED TO MARKET YOUR RETAIL STRIP.

And more importantly, attract new customers to the precinct.

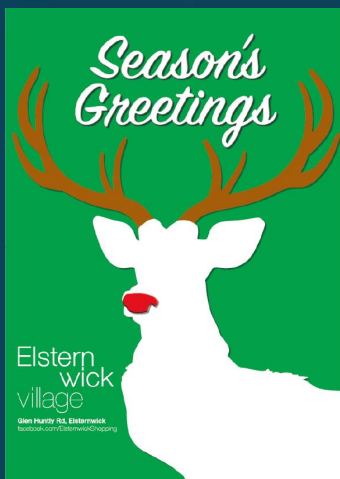
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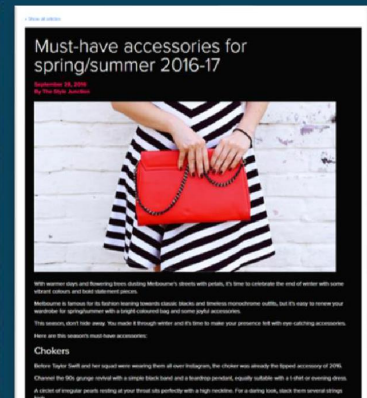
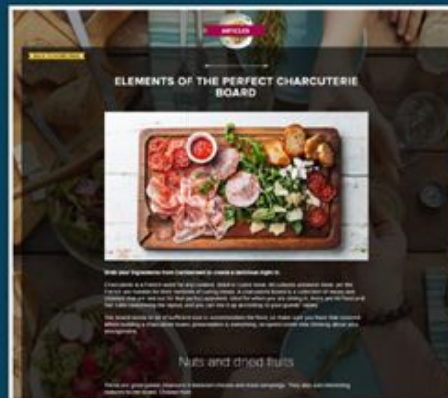
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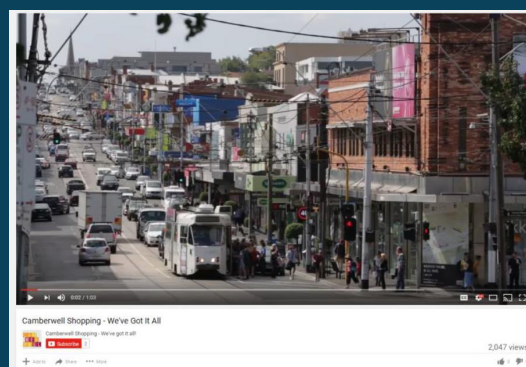
PRINT & DESIGN



CONTENT CREATION & JOURNALISM



SOCIAL MEDIA MANAGEMENT



DIGITAL & WEB



DIGITAL & WEB

Open Air Christmas Shopping - Lots of great offers
www.oakleighshops.com.au/
 Find what the perfect gift while enjoying the excitement of Eaton Mall. Find out more!

marie claire

Follow us on Facebook, Twitter, Instagram, and YouTube.

billboard GREAT MUSIC AWARDS

CHOOSE YOUR FAVOURITE LOOK YOU COULD WIN A \$1000 SHOPPING SPREE

CHOOSE YOUR LOOK

2 FREE T-shirts

Taylor Swift Has Conquered Instagram
 The best out there and the best of the best.

WEDNESDAY OCTOBER 13
BUY TICKETS NOW

Shop at Camberwell this Christmas.

CAMBERWELL

FIND OUT MORE

IVANHOE EASTER CONTEST

GUESS THE NUMBER OF EGGS IN THIS JAR

CLUE #4
 There are more than 200 eggs in the jar.

WIN AN IPAD MINI

CLICK HERE FOR MORE INFO

discover

oakleigh

5 ways to enjoy summer in Oakleigh

Summer is a great time of year to spend in Oakleigh, a suburb brimming with life.

There's lots of things to do over the summer with family and friends, whether it's discovering a new hobby, finding a favourite summer treat or enjoying some time alone.

Here are our top five recommendations for things to do in Oakleigh this summer.

Music Festival brings life to Werribee Park

\$20 million upgrade for Oakleigh Recreation Centre

TRADER LIAISON

Keeping traders updated through
print, digital and face-to-face.



TRADER LIAISON

Keeping traders updated through
print, digital and face-to-face.



EVENT MANAGEMENT

♪ Takin' it to the streets ♪



EVENT MANAGEMENT



EVENT MANAGEMENT



SUPPLIER NETWORK

Leveraging powerful experience

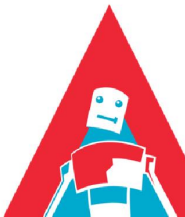


Working as One



REPORTING & STRATEGY

Monthly Report



GLOSSARY

- **Awareness:** The factor by which people know about and are familiar with your brand and business. Marketing activity aimed at raising awareness makes sure where potential customers have a need for your product or service, they think of you first.
- **Brand:** Your brand is every touch point your business has with its customers. Your logo, your website, your staff, your product, your service. These are all part of your brand. Your brand is how a business makes themselves be long people. Helping people more quickly assess and compare products based on your past record and brand.
- **Bounce Rate:** The percentage of visitors to your website who leave shortly after landing on a page. Having a low bounce rate indicates that people find the page useful, and relevant to their needs.
- **Click Through Rate:** The number of people that click on your ad divided by the total reach (expressed as a percentage). This metric shows how effective your ad was, and how well it inclined people to click on it.
- **Comments:** When someone comments on a social media post.
- **Consideration:** The stage in the buying process where people have a need for a product or service, and are researching it to determine what they specifically need.
- **Conversions:** The goal or outcome that we want site/page visitors to accomplish, such as filling out a form or calling your business. This is a key performance indicator that conveys how successful the campaign is currently performing.
- **Cost Per Click (CPC):** The price you pay for each click in a paid online advertising campaign.
- **Cost Per Impression (CPM):** The price you pay each time your ad is served to 1,000 people in a paid online advertising campaign.
- **Cost Per View (CPV):** The price you pay per view of a video ad (such as a YouTube ad) in an online advertising campaign.
- **Cost Per Lead/Conversion:** The number of leads/conversions divided by the total amount spent on advertising. This metric shows how much it costs to



WHAT CAN WE DO FOR EMC?

More than just a marketing coordinator

1. Creation of a 12 month marketing calendar
2. Marketing maintenance
3. Rolling out campaigns
4. Keeping traders updated
5. Compliance and reporting

MARKETING CALENDAR

- Working closely with the committee, we will develop a detailed marketing plan covering key retail seasons and campaigns
- It will cover the fundamentals you've come to know and expect, and introduce activities that were previously unavailable to you.

MARKETING MAINTENANCE

- It's important to ensure the basics are taken care of to ensure a strong marketing platform
- Site and digital content updates
- Social media management and monitoring
- Monthly email newsletters
- Regular content creation
- And more...

IDENTIFYING GAPS

- The website will allow the EMC to identify gaps in the services offered by traders
- With this information we can approach new traders in key categories and make a business case for coming to the area
- In turn, this will improve the overall offering of Elsternwick Village and lead to more feet on the street

REGULAR CAMPAIGNS

- Following the marketing calendar, campaigns will roll out around key retail periods
- Campaigns may include a mix of digital, press, traditional, events and other activity based on their goals, significance and budget

KEEPING THE TRADERS UPDATED

- Keeping the traders updated is critical to ensure the success of any retail association
- Regular digital updates paired with quarterly print updates
- Face-to-face meetings with traders in the street
- Monthly committee meetings

COMPLIANCE & REPORTING

You need to know what *is* working and, just as importantly, what *is not* working.

- Assemblo provides detailed monthly reporting and meetings, so the EMC can focus on the big picture and make informed decisions
- Reports and outcomes are reviewed at monthly meetings and the AGM

IN BRIEF

A comprehensive marketing solution aimed at increasing traffic in Elsternwick Village, while still providing the flexibility and accountability you need.

HELLO!

WE'RE BAD AT GOODBYES.

So grab us for a coffee, tea, or milkshake and you'll see that we're just a bunch of good people with great ideas.

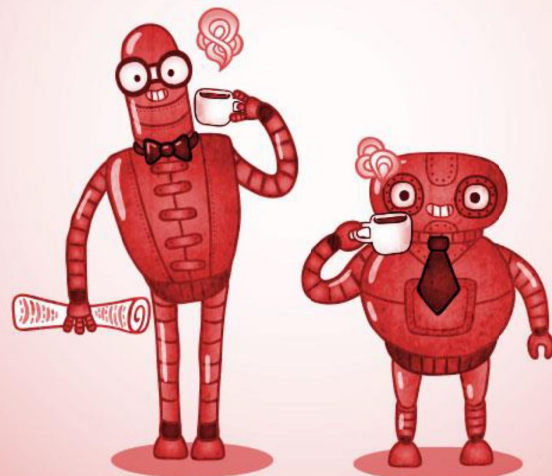
james@assemblo.com

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Monday 6th February, 2017

Ms Rebecca McKenzie
Chief Executive officer
Glen Eira City Council
PO Box 42
CAULFIELD SOUTH 3162

Dear Rebecca,

Elsternwick Mainstreet Marketing and Business Development Special Rate

Further to my recent letter, I am writing on behalf of Elsternwick Mainstreet to request Council to commence the statutory process as soon as possible to put in place a new special rate to continue the marketing and business development program for the Elsternwick Village retail and commercial centre.

We recommend that the new special rate:

- Covers all commercially rated properties in the whole of Elsternwick Village consisting of 207-493 Glenhuntly Road (odd numbered properties), 214-486 Glenhuntly Road (even numbered properties), 1 and 1A Nepean Highway, 1-6 Horne Street, 1-19 Gordon Street, 2 and 2A St Georges Road, 1 Standiland Grove, 1-3 Carre Street, 1A and 1B Riddell Parade, and 6-28 Riddell Parade (even numbered properties)
- Is put in place for a period of seven years commencing 1 July 2017
- Raises a total of \$205,000 in 2017-18 and that each property contributes a portion of that total depending on the net annual value (NAV) of the property
- Is increased each year after 2017-18 by the Consumer Price Index (CPI) as determined by the March quarter CPI of each preceding year

In our proposal, the new special rate area has been extended to cover all properties in Glenhuntly Road west of the Gordon Street corner to the Nepean Highway, two properties on the Nepean Highway at the Glenhuntly Road corner (occupied by the Caltex service station and McDonalds), and 1 to 6 Horne Street.

The new area will enable us to better present and market Elsternwick Village as a whole, and break down the barriers that exist between the western and eastern parts of the centre.

The proposed amount to be raised in 2017-18 does not involve any increase on the amount paid by property owners or business operators in 2016-17.

We have consulted extensively about this proposal with all businesses and property owners in both the existing and proposed expanded area of the centre. Letters have been sent to both business and property owners. Peter McNabb, a specialist consultant who has worked in the centre since the original special rate was established in 1994, has made follow-up visits to explain the new proposal further and establish the extent of support for it.

Over 70% of currently occupied properties that understand what the program is about and are not moving or selling or being redeveloped have signed a form indicating their support for the proposal. Peter will provide a separate report to you detailing the results of his consultation.

I look forward to the statutory process proceeding in the near future. Thank you very much for the extensive support from Council staff in organising this.

Yours sincerely

Juanita Kelly
Chair
Elsternwick Mainstreet Committee

ITEM 9.16 LEASE CAMELOT TRAFFIC SCHOOL

Author: *Amanda Mills, Building and Properties Coordinator*

File No: *RIM293670-02*

Attachments: *1. Request for a new lease
2. Location plan
3. Activities conducted by tenant at the site*

PURPOSE AND SUMMARY

This report seeks Council's approval to execute a new lease agreement with Camelot Traffic School Pty Ltd for its continued occupation of Council owned property at 70F East Boundary Road, Bentleigh East as a children's traffic school.

Since 2007 Council has leased the land to Camelot Traffic School, initially for a 5 year term and then on short term leases, the latest of which expires in April 2017.

Camelot Traffic School would like to enter in to a new lease (see Attachment 1).

The site is part of King George VI Memorial Reserve (see Attachment 2). Our Open Space Strategy has identified the need in the longer term to undertake a Landscape Master Plan for this Reserve including the traffic school site. However until the outcome of future master planning is known, officers recommend continuing the lease arrangement.

To balance the need to give the traffic school certainty and retain flexibility for future use of this Reserve, Officers propose offering Camelot Traffic School Pty Ltd a new, 3 year lease term for the property on the same terms and conditions as the previous lease agreement.

RECOMMENDATION

That Council:

- i) authorises officers to finalise the terms of a new two (2) year lease with Camelot Traffic School Pty Ltd (with a further one year option at the mutual agreement of both parties); and
- ii) executes the above lease in an appropriate manner by affixing the Council Seal.

BACKGROUND

In 1967, the RACV set up the children's traffic school in East Boundary Road, Bentleigh East operating it with the Victoria Police as the "Moorabbin Traffic School". In 2007, the Police ceased operating at the site, citing a different approach to provide more effective road safety education.

Since 2007 Camelot Traffic School (Camelot) has leased the site and run educational programs for kindergarten and primary school children and children with special needs. It also holds monthly open days and provides a venue for children's parties. More detail on these activities is shown in Attachment 3.

The lease requires Camelot to provide the services at the traffic school on a not-for-profit basis.

ISSUES AND DISCUSSION

During its ten years of tenure Camelot Traffic School has fulfilled all obligations under the conditions and terms of its leases, including maintenance and has generally improved facilities at the site.

Recommendation 6.3C-3 of Council's Open Space Strategy states:

"King George VI Memorial Reserve

Continue to maintain. In the longer term, undertake a Landscape Master plan for this reserve, including review of the two restricted uses in the reserve including Moorabbin Children's Traffic School and the childcare facility".

The Strategy has higher priority recommendations for master plans and it may be some time before Council completes a master plan for the Reserve.

Until the outcome of the master planning is known, it is recommended that a short term lease is offered over the site. Consequently it is proposed to offer Camelot Traffic School Pty Ltd a new 3 year lease term for the property on the same terms and conditions as the previous lease agreement.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There is no financial cost to Council during the term of the lease other than the preparation of a new lease.

Camelot Traffic School is responsible for all outgoings including applicable Rates, Taxes and Utility charges associated with their tenancy. In addition the tenant is responsible for all repairs, maintenance and capital costs for the leased premises.

The rental payment will remain at the community level of \$104.00 per annum plus GST. The tenant will also be required to hold public liability insurance for the amount of \$20million.

POLICY AND LEGISLATIVE IMPLICATIONS

The new lease complies with Section 190 of the Local Government Act 1989.

The new lease is in line with Council's Community Leasing Policy 2006.

COMMUNICATION AND ENGAGEMENT

No other community engagement or public notice requirements are required by entering in to a new lease.

Officers have spoken with Camelot Traffic School and advised that a 3 year lease will be recommended to Council, given the intention to prepare a master plan for the reserve in the future, as outlined in Council's Open Space Strategy.

LINK TO COUNCIL PLAN

Theme 1 Services that support the community: to maintain high service standards and deliver universal community services that support the needs of families, youth and the aged.

Theme 7 Council's Community Plan: enhance and develop sustainable community assets and infrastructure to meet the needs of the current and future generations.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

During their existing tenure Camelot Traffic School has fulfilled all obligations under the terms of their current lease including community use and access, as well as investment in infrastructure and services.

Moved: Cr Hyams

Seconded: Cr Taylor

That Council:

1. authorises officers to finalise the terms of a new two (2) year lease with Camelot Traffic School Pty Ltd (with a further one year option at the mutual agreement of both parties); and
2. executes the above lease in an appropriate manner by affixing the Council seal.

CARRIED UNANIMOUSLY

ATTACHMENT 1

Letter



Camelot Traffic School

70F East Boundary Road
East Bentleigh Vic 3165

1300 736 621

ABN 88 128 379 555



30th January 2017

Glen Eira Council
PO Box 42
Caulfield South Vic 3162

The Camelot Traffic School have serviced the Community with our Open Days, Birthday Parties, Educational Programs for Kindergarten Groups, Primary Schools and Autistic Children with special needs.

We would like to renew and enter into a new lease with the Glen Eira Council from April 2017, when the lease expires.

We look forward to Council's response.

Mark Brodie
Director

ATTACHMENT 2

Location plan



ATTACHMENT 3

Camelot Traffic School Activities 2013 to date

Activity	2013	2014	2015	2016
Kindergarten and School visits	71	85	46	53
Monthly Open Days (total visitors)	108	79	99	70
Birthday Parties (number of parties)	149	129	136	127

ITEM 9.17 CAR SHARE POLICY

Author: *Mat Bonomi Coordinator City Transport and Place Design*

File No:

Attachments: *Community Feedback Summary*

Car Share Policy 2017-2020

Car Share Provider Guidelines

PURPOSE AND SUMMARY

To report the outcomes of the exhibition of the draft Car Share Policy 2016-2019 and to present an updated policy document for adoption.

RECOMMENDATION

That Council:

- i. Notes the feedback received from the community and the stakeholders
- ii. Adopts the Car Share Policy 2017-2020

BACKGROUND

Since 2014, Council has supported the trial of a car share scheme with two providers. Cars have been available at 12 sites across the City of Glen Eira.

The locations of the car share vehicles in Elsternwick are:

- Horne Street
- Glen Huntly Road near Ripon Grove
- Gordon Street
- Glen Huntly Road near Orrong Road

The locations of the car share vehicles in Caulfield are:

- Normanby Road near the Caulfield Railway Station
- Sir John Monash Drive opposite the Caulfield Railway Station
- Sir John Monash Drive, just south of Derby Road
- Derby Road, just north of Sir John Monash Drive

In September 2016 a draft Car Share Policy was developed for Council review and subsequently approved for community consultation.

Additionally the updated Glen Eira Transport Strategy Action Plan, adopted by Council on 26th April 2016, listed the development of a Car Share Policy as a key action.

ISSUES AND DISCUSSION

Car sharing is an innovative form of transport that fulfills an important role in an integrated and sustainable transport system. It fills a mobility gap for people who do not need a car every day, do not have access to their own parking or do not want to retain additional vehicles.

The policy provides an approval process for Car Share providers to expand into the Glen Eira municipality. The policy document details the requirements for:

- Roles and Responsibilities
- Fees and charges
- Location Criteria

Feedback from the community and stakeholder engagement was primarily supportive; as such there has been no substantive change to the policy document.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

It is expected the Planning and Place Division will administer the policy.

Car Share charges and fees are intended to cover much of the additional resource needs associated with expanding number of dedicated car share spaces.

POLICY AND LEGISLATIVE IMPLICATIONS

The Car Share Policy 2016-2019 would be a new policy.

COMMUNICATION AND ENGAGEMENT

Community and stakeholder consultation for the draft Car Share Policy 2016-2019 was undertaken from 7 November 2016 to 14 December 2016. The draft version of the policy was exhibited on the Council's "Have Your Say" page; comments and input were sought from the community, car share operators and key stakeholders.

Feedback was provided from 11 people, 58 people visited the page and 31 people downloaded the policy.

The majority of the submissions received supported the idea of car share within the municipality. The potential of operators utilising high demand parking spaces in busy retail strips was a concern raised in the community feedback.

LINK TO COUNCIL PLAN

Theme 2 – Traffic Parking and Transport: to promote a safe movement of pedestrian, bicycle and vehicle traffic in a way that minimises the impact of traffic and parking on the local amenity and physical environment.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

The development of a comprehensive network of car share spaces throughout the municipality should be supported by Council as outcomes include tangible economic, social and environmental benefits.

- Economic

Cheaper transport, typically for people who drive less than 15,000km per year, car share is often cheaper than owning a car.

- Social

Car sharing provides greater mobility for that who cannot afford to own their own private vehicle. Studies have also shown that car sharing can reduce the need for private vehicle ownership in turn resulting in reduced car parking.

- Environmental

With a reduction in total car trips we would see a continued decrease in greenhouse gases and energy consumption.

Community Feedback Results

1	Great idea! Ormond station is about to become very congested given the decision of this government to allow extensive building over the station. Streets are already congested. This should assist in alleviating the problem
2	I think the scheme is a great idea and should be continued. I have not used the scheme, as I do own a car. However, it would be useful in some situations, and I know similar schemes work very well in cities like London, where there is good public transport , but people sometimes need a car for special shopping and visiting.
3	The draft policy appears to cover most foreseeable aspects and I applaud the car share concept. My only concern is with section 5.7 'Floating' Car Share vehicles. Rather than using the vague term "Whilst car share is in its infancy...", I would prefer to see that the section be reworded such that it is abundantly clear that "floating" car spaces only be permitted where the CSP is approved by Council to operate and specifically agreed spaces have not yet been properly identified (painted) by council. A period of six to twelve months is excessive and a period of 2-3 months should be adequate. Local streets are already under considerable pressure by on-street parking by residents and visitors to the area and allowing relatively unfettered access to local streets by CSP's would add to the congestion.
4	Hi CoGE, Thanks for putting out this draft policy. It reads very clearly. Here's my feedback: 1) While there is direction but also flexibility about the location of proposed car share spaces, this seems constrained by the maximum of 5 per postcode. Some postcodes (e.g. 3161, and 3163) are large and have many shopping precincts, railway stations and attractors. And car share seems to be slowly spreading from higher density suburbs to lower density. Is this limit necessary? Maybe a total cap for the policy duration is more flexible. 2) I wonder about the 2 year maximum for a CSP to have a car space. Don't they need a confirmed minimum time also to have confidence the car will be around, or is this covered by the the "floating" car trial period of 6 months? 3) I can't think of an example where car share spaces could be put in a private development that was still publicly accessible, except maybe the apartments next to Elsternwick Station, with a shared resident/station car park. I think the policy should encourage and allow for developers to install car share spaces in large private developments close to public transport, like Caulfield Village. This will provide car availability for those who don't need to own one, providing a choice not to own a car and increase congestion around transport hubs. It may also free up space (for e.g. bike parking) in private developments. That's my two cents.
5	Seems a good policy. I am keen to see more car sharing in Glen Eira. If there were one close to me (Murrumbeena) I would consider selling my car. Pleased

	that Council is encouraging them as part of new developments and that they will be publicly available. I am concerned that the policy talks about (at Clause 5.7) Car Share Providers using up to one on-street parking space per residential street, up to a total of five spaces per suburb (postcode). Carnegie, Murrumbeena and Glen Huntly share the 3163 postcode - that's not many car share spaces for three suburbs.
6	I think it is a good initiative of Glen Eira Council and I support it. I am currently considering my transport options and having this available will enable me to give up owning my own car which I do not use very often.
7	Although I think carsharing is fantastic, reviews of your 2 providers put me off. They both receive very bad reviews so bad I decided to go with a normal car rental agency
8	Thank you for the opportunity to comment on your draft car share policy. I have no opposition to car share schemes but I do note that they are commercial schemes and not cooperative or community owned. This means that council is supporting commercial ventures, and although this may not be a bad thing they must not interfere or reduce community and ratepayer amenity. I have a major concern about the current location of the parking bays. The current placement of parking bays in the busiest parts of Glen Huntly Rd and in Horne St are inappropriate in such busy areas, disadvantaging users of businesses in that area, most of whom I imagine are ratepayers. I strongly oppose them being located in restricted parking areas in busy streets. For example, in Glen Huntly Rd there is a parking bay outside the Commonwealth bank, reducing the amount of parking available to shoppers. There is a large turnover of parking in this strip and this takes away a valuable parking space, especially for those with limited mobility. I recommend that car share spaces be located in areas which do not have time restricted parking. I recommend that the current car share spaces be located in the all day parking area of the parking area behind the library in Staniland grove. Most of these spaces seem to be taken early by people who walk to the station. I recommend that the policy be accompanied by an evaluation plan and that a report of this evaluation be published in the Glen Eira News no later than 12 months from approval. I recommend this car share bay outside the Commonwealth bank become a designated disabled park. I base this on my experience of driving my disabled mother to the bank – the closest disabled park is behind the library, too far for her to walk.
9	Great policy draft. Looks really comprehensive and well thought out. As a cyclist could I add a suggestion re location of car share bays. Where possible locate them near high-security bike parking specifically the Parkiteer cages at railway stations (https://www.bicyclenetwork.com.au/general/programs/370/). That way I could cycle to the Parkiteer cage, lock up my bike, take my stuff and transfer to the car share vehicle. The CSPs could also look at an arrangement encouraging current Parkiteer users to register with their service as well. Thank you for the opportunity to provide this feedback.
10	Hi, I've seen the go get & other car share parking spaces in Elsternwick, though I've never used them I do have intention to do so. I think it's a great idea
11	14 December, 2016 To whom it may concern: GoGet Carshare's response to Glen Eira City Council's Draft Car Share Policy GoGet Carshare would like to thank Glen Eira City Council for the opportunity to provide a response to the Draft Car Share Policy currently on public exhibition. GoGet welcomes the formalisation of a car share policy, following a successful trial of the service

	<p>and is keen to ensure that it delivers the best possible outcome for the community and all those who live and work in the City. We have provided our feedback based on the numbered points within the Draft Policy. 5.1 Agreed – However we note that data collected by GoGet, and analysed by Phillip Boyle and Associates (The Impact of Carshare Services in Australia, 2016) also found that Carshare members drive 50% less after having signed up for the service, engage in active transport more regularly and use public transport up to 30% more than the average population. These figures may also assist council in educating the public, and councillors as to the benefit of carsharing. 5.2 GoGet recommends setting a member target of at least 5% of households as members by 2019, in line with targets set by other inner city councils. This provides a goal for both council and Operators to work towards as well as a benchmark to judge the success of the policy by. 5.3 While GoGet believes the installation of carshare should be cost neutral for Council and recognises the need for operators to pay a one off installation or establishment fee per bay. We have concerns regarding renewal fees, especially those that are not indexed to anything. Arbitrary annual or renewal fees discourage the expansion of the service (outlined in Objective 2.4) by significantly reducing the certainty for operators as to future operating conditions. We also feel that the outline within this policy fails to achieve objective 2.2, primarily due to the vague nature of ‘The value of car spaces to residents’. This metric in particular should be removed as it is particularly subjective and raises significant concerns relating to the potential for significant and largely unwarranted increases to any future renewal fees. We do not believe that a service which is utilised almost exclusively by local residents who have chosen to ‘do the right thing’ by getting rid of a private car should be seen as a revenue source for council. This also sets the unfortunate precedent of treating residents who continue to own and operate private cars preferentially to those who use carshare. 5.4 As above, GoGet has no concerns relating to the establishment fee outlined. 5.5 As above. 5.6 GoGet’s supports Councils outlined siting and locations criteria but note that some underdeveloped and lower density areas may not initially be suitable, which may impact councils desire to achieve coverage across the City of Glen Eira. However we are open to working with council’s strategic planners to bring carshare to new areas as they are redeveloped and densified. 5.7 Noted. GoGet would like to propose an optional extension of 6 months above the listed 12 month period if the usage trend is upward (but not enough to warrant a dedicated bay). Our experience has shown that new bays typically take 18 months to establish themselves. 5.8 GoGet encourages a commitment that councils Strategic, statutory and assessment planners will work with operators to develop supporting documents, policies and approaches to growing the offstreet carshare network. 8.2 Support councils review of the City of Port Phillip/Phillip Boyle & Associates report. Attachments 1 Agreed 2 Agreed and note that GoGet would like to work collaboratively with Council to promote carshare, and provide examples of innovative and cost efficient methods used in other jurisdictions. 3 Agreed 4 GoGet believes that the current enforcement procedure is contrary to the objectives of the policy, particularly objective 2.4. The draft enforcement procedure will likely provide a poor user experience for future members who cannot return the carshare vehicles to its bay, and is forced to find unrestricted parking nearby. In some cases this may be a significant distance from the pod. This then inconveniences both the member driving and</p>
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	<p>the next member who will have to travel further to reach the car. We understand this is a difficult issue for all councils to manage but propose that Glen Eira investigate one of the various alternatives used in other jurisdictions. These include a permit to park in timed parking nearby that is resident permit excluded as is done in the City of Sydney, other alternatives include permitting legal parking in another parking spot within the same stretch of road, as well as permitting parking nearby so long as the location is reported to council immediately and the operator returns the car to pod as soon as possible. Regardless of the option chosen we strongly encourage flexibility from Council regarding this requirement to ensure alignment with stated objectives and a positive user experience. 5 Agreed 6 GoGet supports councils right to request a bay in a particular location but note that it must be the decision of the operator as to whether the location is feasible. Further that if the decision is made not to adopt a particular location, this decision should not impact decisions relating to any other proposed locations. Once again, we would like to thank Glen Eira City Council for the opportunity to comment on the proposed draft carshare policy. We look forward to continue working closely with Council.</p>
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Moved: Cr Davey

Seconded: Cr Silver

That Council:

1. notes the feedback received from the community and the stakeholders;
2. revises the Car Share Policy to state that once a Car Share provider abandons an allocated car share location, that location will not be guaranteed to be re-allocated to the same provider at any point into the future; and
3. adopts the Car Share Policy 2017-2020.

CARRIED UNANIMOUSLY

Policy ID Number:[]

CAR SHARE POLICY 2017-2020

Date first adopted: []	Version: [2.0] Next review date: []	Status: Under Review
Amended and adopted []		
Position Title of Responsible Business Unit Manager/or other:	Manager of City Futures	

Policy Title

Glen Eira City Council

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1. TITLE

Car Share Policy

2. PURPOSE

The purpose of this policy is to set the operational guidelines for car share operators within the Glen Eira municipality.

3. OBJECTIVE

The objective of this Policy is to:

- 3.1 Define the operation of car share on the road network within Glen Eira;
- 3.2 Outline the rationale for car share fees and charges;
- 3.3 Articulate the criteria for the preferred location for on-street car share bays.
- 3.4 Set out the operational requirements for car share providers.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Car share providers (CSP)	Commercial car share operators approved by Council to apply for car share bays and provide vehicles for their members to use.
On-street car share bays (CSB)	Dedicated parking spaces located on local and arterial roads, which are occupied by a vehicle provided and managed by a CSP.
Off-street car share bays	Parking spaces in off-street car parks, residential or commercial buildings or other properties.

5. POLICY

5.1 Operation of Car Share

5.1.1 Roles and Responsibilities

The following roles and responsibilities will apply to this Car Share Policy:

Car Share Providers (CSP's) are required to comply with all requirements set out in the Car Share Provider Guidelines.

Policy Title

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Glen Eira City Council

Council is responsible for approving car share providers to operate in the municipality, consulting adjacent property owners, installation of car share bays and promoting the benefits of car share.,

Council will manage the application process for CSPs to apply for the on-street car share bays outlined in Car Share Provider Guidelines. Approved CSPs will be required to enter into a licence agreement with Council as set out in Car Share Provider Guidelines.

5.2 Application and Licencing Process

The CSP must complete an application form for each bay they wish to apply for and submit it to Council for approval. The application will be referred to relevant Council business units for review and for consideration with respect to licencing arrangements

Council reserves the right to determine the number of available on street car share bays within the municipality.

Car share parking spaces will be approved for a maximum of two (2) years and the licencing agreement for exclusive use of these spaces will expire on the anniversary of the two year period.

CSP applicants should refer to the Car Share Provider Guidelines for further information regarding the application and licencing process.

5.3 Fees

Council seeks cost neutrality in providing on-street car share bays, managing the implementation of the policy, establishing licencing agreements and monitoring performance and reporting. Council may charge two fees for each approved bay: an Establishment Fee, and a Renewal Fee. In determining the fees, Council will take into consideration the following factors:

- Administration and management costs and implementing the car share scheme
- Officer time dedicated to the expansion of the network of car share bays;
- The value of car parking spaces to the community;
- Demand for on-street car share bays; and
- The direct community benefits of car share.

Fees will be subject to annual review and adjustment at the delegation of the Director of Planning and Place.

5.3.1 Establishment Fee

Council will require payment of an Establishment Fee for each newly approved car share bay location.

5.3.2 Renewal Fee

Car share providers who entered into a agreement with Council for the provision of bays prior to the adoption of this policy may continue to use existing bays for a maximum period of two years from the date of commencement of the agreement, after which they must apply through the process set out in this policy.

The renewal fee is paid for each approved bay which is renewed for use for a 2 year period.

Location Criteria for On Street Car Share

5.3.3 Siting and Location Criteria for On-street Car Share Bays

Council intends for the expansion of the network of car share vehicles to grow outward from the existing vehicle locations in Elsternwick and Caulfield, into other parts of the municipality to achieve coverage across the City of Glen Eira. In the future, expansion of car share may be considered through an area approach. Council discretion, through consultation and Officer Judgement, will be used to determine where car share bays will be located within the street network. More information is provided at Car Share Provider Guidelines. Council will take into consideration the following factors:

- Convenience for car share users; including siting cars within close proximity (in the order of 300m) of each other, to provide network coverage for users.
- Favourable context, in order to raise the profile of the car share scheme and promote sustainable transport options; in high activity areas, major attractors, community hubs, high employment areas, areas with high student populations, high pedestrian numbers and areas with high residential density.
- Opportunity for transport integration, near bus, tram and train services, and in areas of high walkability, safety and accessibility.
- Efficiency in using spaces those are no longer required and can be repurposed, such as loading zones or taxi zones, or where new spaces might have been created due to crossover removal or streetscape works.
- Safety, to ensure that the cars do not obstruct sight lines and provide clearances to driveways and services.

5.3.4 Floating Car Share vehicles

Council allows Car Share Providers to use up to one on-street parking space per residential street and, up to a total of five spaces per suburb (postcode). City of Glen Eira residential parking permits are not permitted to be used for Car Share vehicles in local residential streets.

Where there is a demonstrated demand for car share vehicles, Car Share Providers may apply to Council for designated car share bays. Floating cars may be used for a period of six to twelve months to demonstrate the demand for a bay in an area.

5.3.5 Supporting the Provision of Car Share vehicles within new Developments

Council supports the provision of car share vehicles within new developments to not only reduce the need for car ownership for the specific development, and lessen the impact of this on the locality, but also to supplement the on-street network of car share in the locality of the new development. Developers may work with Council to identify appropriate locations for car share bays in off-street locations.

6. HUMAN RIGHTS CHARTER COMPATIBILITY

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

7. ASSOCIATED DOCUMENTS

Car Share Provider Guidelines.

8. REFERENCES/RESOURCES

Council Policies/Documents

Environmental Sustainability Strategy 2016
Transport Strategy (Towards Sustainable Transport) 2016

Referenced External Document:

Phillip Boyle & Associates, 2015 "Research for On Street Car Share Policy Review" for City of Port Phillip, Melbourne, Sep 15

Car Share provider guidelines

March 2017

Car Share provider guidelines

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I. CAR SHARE PROVIDERS (CSP) QUALIFICATION CRITERIA

Only CSPs that are considered suitable can apply for car share bays within the City of Glen Eira. To determine whether a CSP is suitable they must demonstrate their compliance to the criteria detailed below. Council reserves the right to determine whether a CSP is qualified and compliant.

INSURANCE

The CSP will need to hold a current Public Liability Policy of Insurance for the sum of \$20 million. The CSP must provide the Council with a certificate of currency in respect of the insurance/s.

CAR SHARE VEHICLE REQUIREMENTS

In the case of vans or utility vehicles, the operator must demonstrate that the vehicle is a high environmental performer for its class.

The vehicle must not be a caravan, box trailer and must not exceed 4.5 tonnes gross weight.

CAR SHARE MEMBERSHIP REQUIREMENTS

There are to be no restrictions to membership based on the age of car share members.

As defined in VicRoads' Traffic Management Note No. 28:

- A car share vehicle is for the exclusive use of car share members
- A member of a car share scheme is a person who has fulfilled membership requirements with a CSP
- Vehicles are available to car share members only. There are to be no casual memberships made available as is the case with hire car companies.

There is to be no third party advertising placed on car share vehicles unless by written agreement for a specific purpose such as to offset the costs of wheelchair accessible vehicles. The CSP's branding must be readily distinguishable for enforcement purposes.

MINIMUM LEVEL OF SERVICE

CSPs must ensure that no on-street space remains empty for a period greater than five consecutive days.

The CSP must be capable of demonstrating they comply with the obligations set out in **Section 2** of this policy.

2. OBLIGATIONS OF CAR SHARE PROVIDERS

LICENCE AGREEMENT

Car Share providers will be informed in writing of their obligations through the application process and the establishment of their licence agreement with Council.

PROMOTION

Each Car Share Provider is solely responsible for the promotion of their service to prospective and existing members. Council will promote the concept of car sharing as a travel choice that complements walking, bike riding and public transport travel and an alternative to a privately owned vehicle.

Council may consider the provision of information panels if requested by the CSP (at their expense).

REPORTING

Council requires CSPs to collect usage information on their individual car share vehicles and bay locations as well as general membership characteristics for reporting purposes.

CSPs will agree to report annually in a standardised spread sheet on the following characteristics, at a minimum, for each on-street and off-street vehicle:

- Total number of hours booked per month
- Total number of trips per month
- Utilisation rate per month (number of hours the vehicle is booked per month/time vehicle is available per month)
- Total distance travelled per month
- Average trip distance per month
- Number of trips over 50km per month
- Number of trips undertaken on weekdays per month
- Number of trips undertaken on weekends per month.

CSPs will also agree to report annually on the following characteristics, at a minimum, with respect to their membership:

- Membership numbers per month
- Percentage growth in membership by month
- Breakdown of members by private or corporate membership (if applicable) by month
- Geographical location of members within the City of Glen Eira by postcode.

In addition to submitting annual reports, CSPs will agree Council can request a report at any time on the usage characteristics of any one bay if required.

MAINTAINING CAR SHARE LOCATIONS

The CSP must supply a vehicle to the approved bay within ten working days of installation (or by prior written agreement) as per the terms of the Agreement.

Council is responsible for maintaining signage and line marking of the car share bay, however the CSP must ensure that:

- In the course of maintaining or cleaning car share vehicles, no refuse shall be disposed onto the street;
- No existing or approved structures, fixtures or fittings shall be altered or added to without written approval of the delegate, and
- Any approved fixtures, such as information panels, are kept in good condition and the information they contain is kept up to date by the CSP.

ENFORCEMENT PROCEDURE

Demand for on-street parking in the City of Glen Eira is high. CSPs need to adhere to, and inform their members of, the enforcement procedures set out in **Section 4** should a car share bay be illegally occupied by a non-car share vehicle.

ALLOWING ACCESS TO CAR SHARE BAYS

Council reserves the right to utilise CSP bays for special events or for the purpose of road works, including line-marking. Under such circumstances Council will aim to provide as much advanced notice to the operator as possible.

FAILURE TO MEET OBLIGATIONS

Ability to terminate an agreement is as per Council's Register of Delegations.

Council can suspend the CSP's right to use one or more of the allocated car share spaces if they fail to meet any of the obligations listed above and can choose to reallocate bays to another CSP.

3. APPLICATION PROCESS FOR NEW ON-STREET CAR SHARE BAYS

Council reserves its rights to determine the number of available car share bays prior to the application process.

Qualified CSP are encouraged to nominate at least one additional location and prioritise their applications so that if a proposed location is deemed unsuitable another can be considered.

An application form will be required to be submitted to Council for each bay.

STEP 1: SUBMITTING THE APPLICATION

- The CSP must complete an application form for each bay they wish to apply for and submit it to Council for approval.
- The application will be referred to relevant Council units for review and for consideration with respect to licencing arrangements.

STEP 2 ASSESSMENT OF APPLICATIONS

As part of their application, CSPs will have to demonstrate the demand for a car share bay at their chosen location. To demonstrate the demand for a bay CSPs can refer to:

- The number of existing car share members or potential new members living/working nearby
- Utilisation rates of existing car share vehicles located nearby
- Potential demand based on an assessment of relevant demographics e.g. household size, age of population etc.
- Number of requests from existing car share members or registrations of interest from potential new members.

Each application will be assessed on its own merits in conjunction with Council policy.

If required, Council Officers will undertake consultation with properties immediately adjacent to the proposed bay location and will inform Councillors of locations prior to consultation.

Where the proposed location is deemed unsuitable, effort will be made to find an alternative location for the bay nearby.

Council may also consider car share operators having access to shared spaces in some circumstances, subject to suitable contractual and establishment fee modifications.

STEP 3: PAYMENT OF ESTABLISHMENT FEE

Council will require payment of the establishment fee for each approved car share bay location. An invoice will be issued to the CSP following approval of each car share bay.

STEP 4: BAY INSTALLATION

Once payment has been received, Council will arrange the implementation of signage and line marking for the required number of bays.

Council will endeavour to implement signage and line marking of the car share bay within six to eight weeks of receiving payment, subject to the contractor's availability and weather conditions.

STEP 5: UPDATING COUNCIL RECORDS

Once the bays have been installed Council will update the list of locations on the Council website and the new locations will be added to the schedule of bays in the CSP's Contract of Agreement.

DURATION OF AGREEMENT:

The duration of the agreement will last for a period of two years after which time it will come under review by Council.

Council reserves the right to take back bays at any time if necessary and will give the CSP a minimum of one month's notice in writing should the situation arise. Council will attempt to remove or relocate the car share bay in question at no cost to the CSP.

The CSP may terminate the agreement upon giving the required amount of notice to Council as defined in the terms of the Agreement.

4. CITY OF GLEN EIRA CAR SHARE ENFORCEMENT PROCEDURE

Demand for on-street parking in the City of Glen Eira is high. Providers need to adhere to, and inform their members of, the following procedure should they find a car share bay to be illegally occupied by a non-car share vehicle:

STEP 1: CSP NOTIFICATION OF AN ILLEGALLY PARKED VEHICLE

- Members must immediately inform the CSP if a non-car share vehicle is parked in the car share bay and provide them with the offending vehicle's registration details.
- Members should then park the car share vehicle legally, as close as possible to its designated bay; observing clearways, disabled bays and timed restrictions, and inform the CSP of its whereabouts.
- CSP's should report illegal parking to Council for investigation and enforcement, if required.

STEP 2: ENFORCEMENT OF ILLEGALLY PARKED VEHICLE

- Council will respond to requests or concerns with respect to illegally parked vehicles, subject to standard response times.

STEP 3: RETURNING THE CAR SHARE VEHICLE TO THE CAR SHARE BAY

- The CSP must ensure that the car share vehicle is returned to the car share bay as soon as possible.

5. COUNCIL'S APPROACH TO EXPANDING CAR SHARE

Council may request that new car share bays be located in specific parts of the municipality.

Council may also request car share operators to share car parking spaces in some circumstances, subject to appropriate contractual and establishment fee modifications.

The capacity for expansion of the Car Share network in different areas will consider the following factors:

- population forecasts;
- journey to work data;
- current car ownership levels; and
- levels of parking demand across the municipality.

ITEM 9.18 COUNCIL POLICY – PAYMENT OF RATES

Author: John Vastianos (Chief Financial Officer)

File No: 17/117831

Attachments: Amended Payment of Rates Policy (Attachment 1)
Current Payment of Rates Policy (Attachment 2)

PURPOSE AND SUMMARY

To amend the Payment of Rates Policy.

RECOMMENDATION

That Council review and approve the amendments to the Payment of Rates Policy shown in Attachment 1.

BACKGROUND

The Payment of Rates Policy was adopted in 2009 and sets out Council's policy for the collection of rates and charges.

Council's Corporate Counsel is conducting a review of all Council adopted policies for legislative accuracy, consistency, conversion to the current policy template and for compatibility with the *Charter of Human Rights and Responsibilities Act 2006*.

Attachment 1 to this report is the revised Payment of Rates Policy which has been converted into the current template with minor changes to improve clarity and ensure compliance with legislation. Also attached is the current version of the Payment of Rates Policy (Attachment 2).

ISSUES AND DISCUSSION

Not Applicable.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Provides guidelines to ensure the timely and efficient collection of outstanding rates and charges revenue.

POLICY AND LEGISLATIVE IMPLICATIONS

In accordance with the:

1. *Local Government Act 1989*;
2. *Valuations of Land Act 1960*; and
3. *Fire Services Property Levy Act 2012*.

COMMUNICATION AND ENGAGEMENT

Not Applicable.

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Councillors are asked to consider the proposed changes to the Payment of Rates Policy and if changes are approved, they will take effect from the date of approval.

Moved: Cr Hyams

Seconded: Cr Silver

That Council reviews and approves the amendments to the Payment of Rates Policy shown in Attachment 1.

CARRIED UNANIMOUSLY

Policy ID Number: _____

Payment of Rates

Date first adopted: [4 November 2009] Amended: [20 May 2014]	Version: 3 Next review date: February 2022	Status: Reviewed
Position Title of Responsible Business Unit Manager:	Rates & Valuations Manager	

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1. TITLE

Payment of Rates

2. OBJECTIVE

To provide for the timely and efficient collection of rates, levies and charges payable on rateable land.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Rates	Rates, levies and charges payable on rateable land including general rates, municipal charges, service rates and charges, special rates and special charges payable under legislation or declared by Council

4. POLICY

- 4.1 Council levies Rates in accordance with the *Local Government Act 1989* ('Act'), the *Valuation of Land Act 1960* and the *Fire Services Property Levy Act 2012*. The levy of Rates represents a sharing among the community of the costs of providing municipal services and facilities.
- 4.2 Council requires that Rates are paid in accordance with the *Act* and by the due date.
- 4.3 It is the responsibility of those who are legally liable according to law to ensure that their Rates are paid.
- 4.4 Responsible financial management requires that Council receives money owing to it as it is due and while Council holds a charge over the land which provides a high degree of likelihood of payment at some future time this does not displace or alter Council's policy on payment of Rates in full, on time, as stated in this policy.
- 4.5 Council provides residents with clear information about the payment of Rates, including advance notice, options for payment and accurate and timely responses to enquiries.
- 4.6 Waste charges are calculated in accordance with the Waste Management Pricing Policy.
- 4.7 Council follows a graduated scale of Rates collection actions to ensure that Rates due are received.
- 4.8 Where there are genuine circumstances of financial difficulty, Council will negotiate changes to the timing of payments that will still achieve the objectives of this Policy while avoiding as far as possible undue financial stress on the ratepayer. Under no circumstances will the principal component of a Rates debt be waived.

4.9 Overdue Rates

- 4.9.1 Information on overdue Rates is regularly reported to Council.
- 4.9.2 Subject to any arrangement agreed by Council under clause 4.8 above, interest is payable on overdue Rates. The rate of interest is set under s.172(2) of the Act at the rate fixed under s.2 of the *Penalty Interest Rates Act 1983* as at 1 July in the year the interest is payable. Interest is payable on all unpaid Rates from the date that Rates became payable. Payment of interest on overdue Rates will only be waived in part or full under extreme circumstances.
- 4.9.3 Council's priority is to make contact with the ratepayer and ensure payment. If possible contact should be direct (e.g. in person or by phone). Formal letters/notices may also be required, including advice on options and actions available to Council to recover the debt.
- 4.9.4 Under s.177 of the Act, if the property is tenanted, Council can require the tenant to pay the rent directly to Council until the Rates debt has been discharged.
- 4.9.5 As Rates are a charge against property, Council may protect its interest by lodging a caveat on the relevant property. This would affect any dealings in the property by the owner including transfers and mortgages and may assist in achieving the payment of overdue Rates.
- 4.9.6 If any Rates remain unpaid for 12 months, Council will notify the ratepayer in writing that legal action will be taken and that the costs of the legal action (as per Magistrates Court scale of fees) will become an additional charge against the property. The Council will then initiate legal action through debt collection processes, including in the Magistrate's Court (s.180 of the Act).
- 4.9.7 As a last resort, where Rates have been unpaid for at least three years, Council will move to sell the land in order to recover unpaid Rates in accordance with s.181 of the Act.

5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

6. ASSOCIATED DOCUMENTS

Waste Management Pricing Policy

7. REFERENCES/RESOURCES

Local Government Act 1989
Valuation of Land Act 1960
Fire Services Property Levy Act 2012

❖	TITLE:	Payment of Rates
❖	ADOPTED BY:	Glen Eira City Council
❖	DATE ADOPTED:	4 November 2009

1. Objective

To allow for the timely and efficient collection of all outstanding rates and charges.

2. Policy

- 2.1 Council levies rates according to law. Rates represent a sharing among the community of the costs of providing municipal services and facilities.
- 2.2 Council requires that rates are paid according to law.
 - It is not fair to the vast majority who do pay, if others fail to pay.
- 2.3 It is the responsibility of those who are legally liable according to law to ensure that their rates are paid.
- 2.4 Rates must be paid by the due date.
 - Responsible financial management requires that Council receives money owing to it as it is due.
 - In particular, the fact that Council holds a charge over the land which provides a high degree of likelihood of payment at some future time does not displace or alter Council's policy on payment of rates in full, on time as stated here.
- 2.5 Council makes it easy for rates to be paid in the correct amount and on time (eg clear information, advance notice, options for payment, accurate and timely response to enquiries etc).
- 2.6 Council follows a graduated scale of actions (refer following page) in order to ensure that rates due are received. The emphasis is on simple, easy and cheap ways for any rate debts to be paid.
- 2.7 Information on overdue rates is reported regularly to the elected Council.

A *Rates Paid by the Due Date*

The vast majority of Glen Eira ratepayers fall into this category.

B *Financial Difficulty*

Where there are genuine circumstances of financial difficulty, Council will negotiate changes to the timing of payments that will still achieve the objectives of the Policy while avoiding as far as possible undue financial stress on the ratepayer. Under no circumstances will any of the Principal of the Rate debt be waived (waste charges are dealt with under the "Waste Management Pricing Policy").

C *Where Rates are Overdue and Do Not Qualify under B*

Payment of Interest on overdue rates will only be waived in part or full throughout this section under extreme circumstances. The rate of interest is set by the State Government. (At July 2012 it was 10.5% pa).

- C.1 Council's priority is to make contact with the ratepayer and ensure payment. If possible contact should be direct (eg. in person or by phone). Formal letters/notices may also be required, including advice of options and actions available to Council to recover the debt.
- C.2 If the property is tenanted, Council can require the tenant to pay the rent directly to Council until the rate debt has been discharged (S177).
- C.3 Since the rates are a charge against the property, Council may protect its interest by lodging a caveat on the property. This would affect any dealings in the property by the owner including transfers, mortgages etc and may assist in achieving the payment of overdue rates.
- C.4 If any rates remain unpaid for 12 months, Council will notify the ratepayer in writing that legal action will be taken and that the costs of the legal action (as per Magistrates Court scale of fees) will become an additional charge against the property. The Council will then initiate legal action through debt collection processes, including in the Magistrate's Court (S180).
- C.5 As a last resort, where rates have been unpaid for at least three years, Council will (under S181) move to sell the land in order to recover unpaid rates. This is subject to the processes set out in the Act.

❖ **Relevant Legislation:** *Local Government Act 1989, Valuation of Land Act*

❖ **Cross References to other Policies / Documents:**

❖ **Responsible Officer(s):** Chief Financial Officer,
Manager Rates and Valuations.

ITEM 9.19 HERITAGE POLICY UPDATE - PLANNING SCHEME AMENDMENT C149

Author: *Jacqui Brasher, Principal Strategic Planner*

File No: *Amendment C149*

Attachments: *1. Draft revised local Heritage Policy*
 2. Supporting Planning Scheme Amendment documentation

PURPOSE AND SUMMARY

To consider the proposed planning scheme amendment to update Council's Heritage Policy.

The 2016 Glen Eira Planning Scheme Review identified the need to update Council's Heritage Policies. The work plan set out a two-step process in doing so, an initial minor review to bring the current policy up to date and a subsequent major review to seek an expansion of Glen Eira's heritage policy.

This report and proposed amendment is the first-step of this process, and seeks to clarify long-running queries and anomalies that exist within the current policy, in a bid to make the current policy more user-friendly.

RECOMMENDATION

That Council:

1. seek authorisation for the Minister of Planning to prepare and exhibit planning scheme amendment C149;

BACKGROUND

In 2016, Glen Eira Council undertook a Planning Scheme Review. The Strategic Work Plan that flowed out of this process included a minor heritage review of the municipality's existing heritage areas and heritage planning policy. The purpose of this project is to update and refresh existing heritage policies and provide more detailed objectives, policies and performance measures that will benefit home owners, developers and planning staff in terms of providing a framework around decision making for heritage planning applications.

Only the existing heritage precincts are targeted in this review. A broader review of the entire municipality is proposed in the next 2 years to capture significant buildings not currently included in the Heritage Overlay.

ISSUES AND DISCUSSION

The scope of this heritage review undertaken in the preparation of the planning scheme amendment includes;

- *Creation of a consistent and correct list of ratings for properties in heritage precincts*
- *Creating digital maps of each heritage precinct*
- *Review of the Glen Eira Heritage Policy**
- *Inclusion of Council's guidelines for building in heritage areas in to the updated policy.*
- *Inclusion of the "Review of Existing Heritage Precincts 2017" as a reference document in the Glen Eira Planning Scheme*

* The policy review does not include review of heritage precinct boundaries or the statements of significance. This could be undertaken under the Major Heritage Review.

Creation of a consistent and correct list of ratings for properties in heritage precincts

The Heritage Management Plan (HMP) 1996 is now twenty years old. Since that time, a number of minor errors have been found in the significance rating of properties and in the last twenty years, some contributory buildings have been demolished for various reasons, which results in an incorrect rating of that property.

The current Heritage Management Plan requires greater consistency in the way properties are rated in heritage precincts. While some are clearly rated as 'significant', 'contributory', 'non-contributory', others are rated as 'contributory', 'building defaced' and 'non-contributory' (Council has always included 'building defaced' properties as 'contributory' properties as they are buildings of the relevant era that have been externally altered in some way, however still retains the form of a contributory building). Other precincts again have a list of 'contributory' buildings that are further broken up into eras (such as pre-1905, 1905-1920 and 1920-1940).

A review of the contributory/non-contributory rating of each property in the existing heritage precincts has been completed to create consistency for all heritage areas and ease of understanding for both planning staff and the general public. This review was undertaken by Council's Heritage Planner and Consultant Heritage Advisor by inspecting the precincts street by street. This survey was carried out between August 2016 and January 2017.

Changes to ratings can be made during the amendment process if any contributory building is demolished in the coming few months, however there are very limited circumstances where a contributory building is granted demolition by Council.

Creating digital maps of each heritage precinct

The Heritage Management Plan 1996 includes hand drawn sketches for each precinct. Part of this review has included inputting the revised ratings of each property on to Council's Geographic Information System (GIS) so that the ratings are readily available to everyone within the Planning Department and digital maps (that are more easily readable and understood) are available to the public.

Review of the Glen Eira Heritage Policy

Upon completion of the above process, the statements of significance and the list of contributory properties for each precinct have been included within the revised heritage policy (see attachment 1) so that property ratings are easily findable by planners, developers and the public.

The City of Glen Eira has, for many years, had a suite of draft Heritage Guidelines that applied to each individual Precinct. Both planning staff and the public valued the guidelines in that they provided detailed advice on how Council would exercise its discretion in terms development in heritage areas. These guidelines have been informative and helpful in terms of creating an understanding of each heritage precinct and have provided a list of guidelines to follow relating to demolition, alterations and additions. However, these guidelines while useful, stood outside of the planning scheme, and were treated with little weight in decision making by VCAT.

As part of this review, a revised heritage policy has been developed that includes built form guidance for new buildings and alterations and additions to existing buildings within a precinct – now proposed to be included within the planning scheme. This will provide further clarity and weight to Heritage decision making for the community, Council and VCAT.

Inclusion of the "Review of Existing Heritage Precincts 2017" as a reference document in the Glen Eira Planning Scheme

A new reference document has been developed and referred to in the updated Heritage policy. This document clearly outlines the rating of properties and explains where and why the new ratings may conflict with a previous rating.

There are various reasons why the new rating may conflict with the previous rating. These include (but are not limited to), demolitions over the last 20 years of buildings that were rated as contributory, in which case the replacement building will now be noted as 'non-contributory', or a mistake was made in the hand drawn maps contained within the Heritage Management Plan 1996.

Summarising the changes the Heritage Review will:

- Make heritage information up to date and more readily discoverable
- Provide clarity to property owners as to which properties are affected and what their rating is; within the local policy itself; and
- Include built form guidance for properties affected by Heritage within the local policy.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

State Government Policy Objectives

The review and planning scheme amendment meets the objective of State policy at clause 15.03-1 *Heritage conservation*.

Objective: To ensure the conservation of places of heritage significance.

Planning Scheme Amendment Process

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

1. Council must first resolve to seek authorisation from the Minister of Planning, in line with this report,
2. The Minister for Planning must then authorise the preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
3. 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.
4. 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.
5. 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

6. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again Council's options are to either abandon or adopt the amendment (with or without modifications).
7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.
8. The Minister for Planning can then approve, modify or refuse the amendment. For the amendment to be included as part of the Planning Scheme, the Minister for Planning must approve and formally gazette the update to the scheme.

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

COMMUNICATION AND ENGAGEMENT

If the Minister for Planning authorises the amendment Council will place the amendment on public exhibition.

LINK TO COUNCIL PLAN

Vision for Glen Eira includes the *preservation of neighbourhood character and heritage of the area*.

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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

It is considered appropriate seek authorisation of the amendment from the Minister for Planning and to exhibit the amendment following on from authorisation. This proposed amendment review forms part of the Glen Eira Planning Scheme review 2016 work plan.

Moved: Cr Hyams

Seconded: Cr Magee

That Council seeks authorisation from the Minister of Planning to prepare and exhibit planning scheme amendment C149.

CARRIED UNANIMOUSLY

22.01 HERITAGE POLICY--/--
C149

This policy applies to all land within the Heritage Overlay.

22.01-1 Policy basis--/--
C149

A key objective of Council's Municipal Strategic Statement is to identify, protect, enhance and promote understanding of Glen Eira's heritage.

Within the municipality a number of individual places and precincts comprehensively demonstrate important eras in the growth of Glen Eira and survive in a reasonably intact state. They include residential and commercial areas and places from the Victorian, Edwardian, Inter-war and Post-war periods.

The Glen Eira Heritage Management Plan 1996, the Addendum to the Glen Eira Heritage Management Plan 2014 and the Glen Eira Review of Existing Heritage Precincts 2017 identify these places and provide a framework for their protection and enhancement.

This Policy builds on the basis of Clause 15.03 (Heritage) and Clause 21.10 (Heritage), and sets out objectives and performance measures for all individual properties and heritage precincts in Glen Eira. The Statements of Significance for each Precinct and the contributory properties within each precinct are listed at Clause 22.01-4.

22.01-2 Objectives--/--
C149

- To identify the City's heritage assets and to give effect to the recommendations of the Glen Eira Heritage Management Plan 1996, the Addendum to the Glen Eira Heritage Management Plan 2014 and the Glen Eira Review of Existing Heritage Precincts 2017.
- To protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira's development.
- To encourage retention, preservation and restoration of all of significant and contributory heritage places within Glen Eira.
- To preserve the scale and pattern of streetscapes in heritage precincts.
- To ensure that additions and new buildings and works to a heritage place respect the significance of the place and/or precinct.
- To ensure the design of new development respects, complements and responds to the heritage significance of the precinct.
- To promote design excellence which supports the ongoing significance of heritage places.
- To ensure that non-contributory buildings in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the significance of the heritage precinct.

22.01-3 Policy--/--
C149

It is policy to consider the following statements when assessing an application under the Heritage Overlay.

Statements of Significance

It is policy to:

- Take into account the statement of significance for a heritage place when making decisions about proposed buildings and works associated with that place.
- Where an individually significant place is located within a heritage precinct, any proposal must have regard to both the statement of significance for the individual place and the statement of significance for the heritage precinct in which it is located.

Demolition

It is policy to:

- Retain significant and contributory buildings.
- Discourage demolition of significant and contributory buildings unless it can be demonstrated that:
 - The building is structurally unsound; and
 - The original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable; and
 - The replacement building displays design excellence; and
 - If located within a heritage precinct, the replacement building clearly and positively supports the ongoing significance of the heritage precinct.
- Allow the partial demolition of significant and contributory buildings where the fabric to be demolished is of no significance, or for the purpose of additions if the additions will not affect the heritage significance of the building and is sympathetic in its scale and form.
- Discourage demolition of heritage places where the poor condition of the place is, in itself, the reason for the demolition application.
- Where relevant, ensure an application for demolition is also accompanied by a replacement development proposal.
- To retain significant vegetation.

Subdivision

It is policy to:

- Ensure that the subdivision of a heritage place does not adversely affect the cultural heritage significance of the place or precinct.
- Ensure that the lot layout does not adversely affect the cultural heritage significance of the place or precinct.
- Ensure that the subdivision of heritage places results in development that retains the existing built form pattern where such pattern contributes to the significance of the heritage place.

New Buildings in Heritage Precincts (Residential)

It is policy to:

- Ensure proposals are respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings when viewed from the street.
- Encourage high quality, contemporary design or a simplified interpretation of the architecture of contributory buildings within the precinct to ensure new buildings are distinguishable from original buildings within the area. Discourage side by side development unless this is a dominant typology in the precinct.
- Ensure that new development does not overshadow or have any detrimental effect on public parks located within the Heritage Overlay (Greenmeadows Gardens and Caulfield Park).

Performance measures

It is policy to assess proposals against the following measures:

- Replica or mock heritage styles are not considered an acceptable design outcome in a heritage precinct. New buildings should always be distinguishable from old buildings.
- Buildings should adopt an understated character and should not visually dominate neighbouring significant or contributory buildings or the precinct in general.

- The proportions and spacing of door and window openings in new buildings should relate to contributory buildings within the precinct.
- The roof form should be similar to or respond to with the prevailing roof forms in the heritage precinct.
- The front and side setbacks of new development should reflect the prevailing rhythm of the street. Where a new building is proposed to be located between one contributory and one non-contributory building, the front and side setbacks of the contributory building should be applied.
- New buildings in heritage precincts should not be substantially taller than adjacent contributory buildings unless an additional storey is set well back on the site to reflect the prevailing scale of contributory buildings when viewed from the street.
- Materials, colours, textures and finishes should complement those found in the heritage precinct.
- New buildings should not obscure views to contributory buildings from the public realm.

Alterations or Additions to significant and contributory buildings in heritage precincts (Residential)

It is policy to:

- Encourage the conservation or restoration of significant and contributory external fabric (and internal fabric where applicable), particularly fabric that can be viewed from the street.
- Encourage the restoration or reconstruction of a known original or early appearance of the place if there is historical evidence (photos or plans) to support this.
- Ensure that restoration or reconstruction is undertaken using appropriate materials.
- Encourage the removal of later additions that detract from the significance of the heritage place.
- Discourage new openings in the principal façade or principal visible roof form.
- Ensure that, where possible, alterations and additions are concealed from view from the street frontage and do not overwhelm the significant or contributory building or wider precinct.
- Ensure that alterations and additions to existing buildings do not overshadow or have any detrimental effect on public parks located within the Heritage Overlay (Greenmeadows Gardens and Caulfield Park).

Performance measures

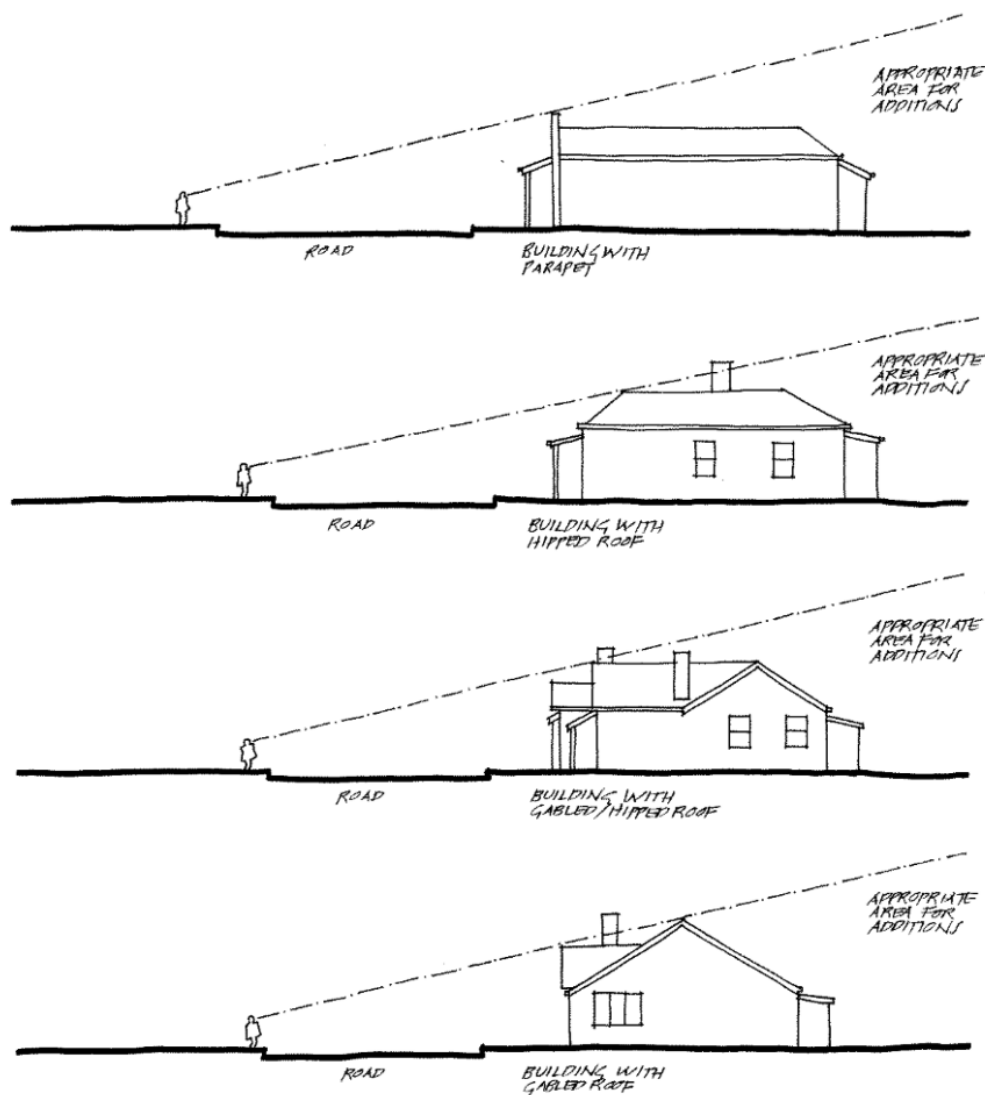
It is policy to assess proposals against the following measures:

- Ground floor extensions to the rear of significant and contributory buildings are encouraged in preference to first floor additions.
- Alterations and additions should be distinguishable from the original fabric of a heritage building.
- Additions should be visually recessive and read as a secondary element to the heritage place.
- Preserve existing rooflines, chimney(s) and contributory architectural features that are important components of the building.
- New building elements (dormer windows, verandahs, etc) should be avoided unless the proposal is part of a deliberate attempt to reinstate early features known to have existed on the building.
- Where side setbacks are an important feature of a heritage place, ground floor additions to the side boundary may only be allowed where the front wall of the addition is setback a minimum of 1.0 metre from the front wall of the dwelling (there may be

instances where a larger setback is required) and the addition is subservient to the significant or contributory building.

- First floor additions should be centrally sited and massed behind the principal façade and principal visible roof forms. Visibility of upper floor additions from the street should be minimised. Figure 1 indicates potential building envelopes created by projecting a sight line from 1.6 metres above ground level from the footpath across the street from the subject site. First floor additions can be accommodated within the area noted.
- Ensure that on corner sites, all additions visible from the secondary street should read as a recessive element to the heritage place.
- Alterations and additions should preserve principal view lines to significant and contributory buildings when viewed from the street.

Figure 1: Potential Building Envelopes for Various Roof Forms



NOTE: On corner sites, the site line is taken from the primary street frontage.

New Buildings, Alterations and Additions (Commercial Heritage Areas)

It is policy to:

- Encourage the conservation of setbacks that impart significance to those buildings that are surrounded by open space (including but not limited to churches and schools).
- Ensure any new upper level additions and works are respectful to the scale and form of the heritage place or contributory elements of the place and, where relevant, the heritage precinct as a whole.
- Encourage higher building additions to be well set back from the front wall of the building.
- Encourage the retention, restoration or reconstruction of original shopfronts and verandahs.
- Ensure commercial infill buildings adopt a contemporary architectural form or simplified interpretation of nearby contributory buildings.
- Discourage the introduction of architectural features, where it is known that these features were not originally present.
- Discourage signage above the verandah if it results in visual clutter in the streetscape and obscures views of the subject building and nearby contributory buildings.
- Ensure retention of signage deemed to have heritage value.
- Discourage sky signs, reflective signs, animated signs and electronic signs within heritage precincts.

Performance measures

It is policy to assess proposals against the following measures:

- Avoid erecting structures, including high fences in front of significant or contributory schools and churches.
- Respect the existing rhythm and grain of existing streetscapes including the visual repetition of parapet lines when constructing new buildings or additions to significant or contributory buildings.
- Identify the critical architectural forms that impart significance to the building or precinct and ensure that new works conserve and enhance this character.
- Ensure plant and equipment are concealed from view within the street.
- Conserve original elements on the front façade of the building. New openings may be introduced on secondary elevations to corner buildings provided they do not irreversibly alter valued architectural treatments.
- Avoid obscuring names and dates forming part of the architectural treatment of the building.
- Avoid use of materials and colour that conflict with significant and contributory buildings.
- Avoid visually intrusive design which confronts the established architecture of the centre and dominates the surroundings.
- Conserve and repair original elements of significant and contributory shopfronts.
- Discourage glass bricks, security roller doors and tinted or obscure glazing.
- Encourage new verandahs to be setback 750mm from the street pavement to avoid damage sustained by passing trucks.
- Verandahs are discouraged on (former) public buildings and banks unless evidence can be provided indicating an original verandah to the building.
- Discourage internally illuminated signs unless they are located below the verandah, hanging under the soffit.

- Discourage above verandah signage unless specific provision has been made in the original façade treatment for a sign in that location.
- The sign reading “Dairy Produce” at first floor level at 789 Glen Huntly Road should be conserved.
- The sign reading “The Argus” and “The Age” on the northern façade of 14 Derby Road should be conserved.

Front Fences and Gates

It is policy to:

- Retain original contributory fences.
- Ensure that new front fences are constructed in a manner that is sympathetic to and contributes positively to the significance of the heritage place and wider precinct.
- Ensure that new fences are designed to allow views to the heritage place from the street.
- Discourage front and side return fencing in the Crompton Court Heritage Area.

Performance measures

It is policy to assess proposals against the following measures:

- The materials and scale of new fences should be consistent with the architectural period of the significant or contributory building. In the case of non-contributory buildings, the materials and scale of the fence should be generally consistent with the precinct.
- Use technical references such as *Fences and Gates c. 1840-1925*, National Trust Bulletin 8.1 or obtain expert advice to guide in the selection of a suitable style of front fence.
- Avoid choosing a fence style that is too ornate to suit the style of the place.
- In most precincts, fencing should not exceed 1.2 metres and should only be constructed in solid materials if this is consistent with the architectural period of the building or precinct.
- Discourage front and side return fencing within the Crompton Court Heritage Area as the lack of fencing is a characteristic of this Precinct.
- Provide continuity to the front fence by providing or retaining gates at the front property alignment.
- Encourage the use of hedges, shrubs and trees to provide additional privacy to dwellings in all heritage areas except for Crompton Court, where a lack of front or side return fencing and an open garden are significant elements in this precinct.
- Discourage development within the front setback of buildings.

Car parking and outbuildings

It is policy to:

- Ensure that car parking facilities do not dominate heritage places.
- Encourage the retention and conservation of original garages of individually significant places and in heritage precincts where garages form a prominent element in the streetscape, especially in the Beauville and Hillcrest Estates.

Performance measures

The following performance standards apply in the application of the policy:

- Encourage new car ports, garages and outbuildings that are visible from the street that use wall openings, roof forms and materials that complement but not replicate the main building or the characteristics of the heritage precinct.

- In general, parking should be restricted to the side or rear of properties, setback not less than 1 metre from the front wall of the façade adjacent to the driveway. Parking directly in front of a building is generally discouraged.
- Garage doors should generally reflect contributory garage doors in the area, where this is a dominant element in the streetscape
- Discourage double garages unless they are well setback from the street and in the rear yard of the property.
- Driveways and vehicular crossovers should provide for single car access only.
- Discourage additional vehicular crossovers and circular driveways.
- Where parking within the property frontage is prevalent in the streetscape, new car parking should not be contained within a roofed structure and should be integrated into the landscape to minimise visual intrusion.

Ancillary Services:

It is policy to:

- Encourage services such as satellite dishes, shade sails, solar panels, water tanks, air conditioning units and the like to be concealed from view of the street unless it can be demonstrated that they will not detract from the heritage significance of the place.

Public Infrastructure:

It is policy to:

- Encourage the retention and conservation of early public streetscape elements, such as landscaping features, roadside furniture, fire hydrants, post boxes and the broad range of infrastructure materials which contribute to the character of the heritage place.

Information to be submitted with a planning application:

Together with standard information normally required for a planning application, the following additional information is also required for property located within a Heritage Overlay area, where relevant:

- A written explanation of how the proposal addresses the provisions of the Heritage Policy and justification of any variations to the policy.
- A photo montage of the streetscape.
- Axonometric elevations for proposals with upper floor additions showing oblique views from the streetscape.
- An application for demolition of a significant or contributory building be accompanied by a report from a suitably qualified structural engineer.

22.01-4 Levels of Significance and Statements of Significance for Heritage Precincts

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Every building of cultural heritage significance has been assessed and graded according to its heritage contribution. The levels of significance were revised for heritage precincts in 2017. The levels of significance are as follows:

- Individually significant: The place is a heritage place in its own right. All individually listed properties in the Heritage Overlay are individually significant. Where such properties are also located within a larger heritage Precinct, the individually significant property is considered to be a contributory place within the Heritage Precinct and the Statements of Significance for both the individual place and the precinct should be taken into account.
- Contributory: The place is a contributory element within a larger heritage precinct. A contributory element could include a building, or building parts such as rooflines,

chimneys, verandahs or other structures or works such as landscaping, front fences or paving.

- Noncontributory: The place is not individually significant and does not contribute to the Heritage Precinct.

The following statements of significance provide a description of the importance of each Heritage Precinct. The contributory sites within each precinct are listed.

HO68 Bailey Avenue and Myrtle Street environs, St Kilda East

Statement of Significance:

The Bailey Avenue/Myrtle Street Historic Area has historic and architectural significance. Its historic significance is founded on its ability to demonstrate developmental practices during the second decade of the Twentieth Century and the role of speculative builders in this process. Its architectural values rest on the distinctive character of the houses built by William Bailey, in the Federation style, and their high level of integrity.

Contributory Buildings:

Bailey Avenue:	2, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 29
Glen Eira Road:	159, 163
Myrtle Street:	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26

HO12 Beauville Avenue and environs, Murrumbena

Statement of Significance:

The Beauville Estate Historic Area is important at the State level as the first large housing estate undertaken by the A.V. Jennings Construction Co., later Jennings Group Limited, Victoria's largest home builder. It is also important as a very early estate development incorporating a range of features other than houses including made roads, shops and recreation facilities. In this respect it was the forerunner of the comprehensively planned housing estates of the Post-war era.

The estate is distinguished by its aesthetic values, as is the earlier and comparable Hillcrest Estate, which are formed by a combination of restrained diversity in house styles, with the exception of no. 30 in the emerging International style, and by a landscaped garden environment.

Contributory Buildings:

Beauville Avenue:	1-39
Dalny Road:	1 (part), 5-17R (St Patricks Tennis Courts), 5-5A, 7, 9, 11, 13, 15, 17, 19 21, 23, 25
Gloucester Court:	1, 2, 3, 4, 6
Lindsay Avenue:	40, 42 44
Murrumbena Road:	222, 224, 226, 228, 229, 229A, 231, 231A, 233, 230, 232

HO69 Bentleigh and environs

Statement of Significance:

The Bentleigh Area has historic and architectural significance. Its historic importance is derived from the manner in which surviving Inter-war housing stock forms a relatively discrete area within the modern City of Glen Eira, surrounded on all sides by Post-war development and demonstrating the impact of the electrified railway system on Melbourne's suburban expansion during the Inter-war period.

Its architectural significance is determined by the stylistic diversity and integrity of the middle class suburban bungalows and villas of the Inter-war years which collectively

demonstrate the role of the small scale investor/builders of the period and the ideals of the Garden Suburb movement.

Contributory Buildings:

Bendigo Avenue:	40, 45, 46, 48, 49-56, 58, 59, 60, 1/61, 62-69, 71, 72, 73, 75, 77, 79, 81, 83
Brewer Road:	31, 33, 35, 37, 39, 41, 43, 57, 59, 61, 63, 65, 69, 73, 101, 103, 105, 107, 109, 111, 113
Burgess Street:	3, 5, 7, 9, 11, 13, 1/15, 17, 19, 1/21, 1/23, 25, 27, 31, 33, 35, 37, 39, 1/41, 43
Cairnes Grove:	2, 3, 5, 6, 7, 8, 9-17, 19-35
Campbell Street:	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 21, 22, 23, 24, 25, 26, 1/27, 28, 30, 32, 34, 36, 39, 41
Centre Road:	202, 204, 208, 210, 212, 224
Daley Street:	49, 51, 54, 56, 57, 58, 59, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 1/82, 83, 85, 86, 88, 90
Eddys Grove:	1-9, 11, 12, 13, 14, 16, 18, 20, 22, 24, 27-40
Gilbert Grove:	2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 1/15, 1/16, 17, 18, 20, 21, 24-33, 35, 36, 38, 40, 41, 43
Sunnyside Grove:	1-22, 26, 27, 28, 1/29, 30, 31, 32, 33, 34, 37, 38, 39, 40

HO86 Bruce Court, Elsternwick

Statement of Significance:

The Bruce Court Estate of William White and Sons off Parkside Street, Elsternwick, was formed in 1927 and developed by them in 1928-29 with nos. 32-34 Parkside Street being undertaken by others in 1931-1933 and “Miranda” at No. 48 predating the subdivision but incorporated in it. It is historically and aesthetically significant. It is historically significant (Criterion A) as a very early subdivision demonstrating the planning principals of the Garden Suburb Movement in the highly sophisticated manner of the late 1920s. These principals include the treatment of the street and residential front gardens as a single garden landscape exemplified by the use of low front and side fences, coupled crossings, uniform street plantings, 45 degree corners splays at the entry to the court and a curved wall closing the vista at the far end. The historic importance of the subdivision rests also on the fact that the houses built by the Whites and which constitute the principal elements of the place post date the earliest comparable subdivision undertaken by the better known estate developers Dickson and Yorston Pty Ltd in St Kilda East by only a year. Bruce Court compares chronologically also with Linden Court, Windsor (1928) and Crompton Court, Caulfield South (1929) whilst others of similar urban character were to follow. The survival of “Miranda” is of historic interest as the house that preceded the development of the court but survives as evidence of this earlier time. The blocks on which the houses of the early ‘thirties facing Parkside Street are located formed part of the original estate and are of historic interest in this respect. No. 34 is of importance also as it marks the entry to the court, together with no. 48.

The subdivision is of aesthetic importance (Criterion E) not only for its Garden Suburb character but also for the manner in which the Whites’ houses, though stylistically diverse in the manner of the period, use common architectural vocabulary that impacts aesthetic unity to the court. In this respect the place epitomizes the qualities that distinguish the Garden Suburb Movement in metropolitan Melbourne in the late 1920s.

Contributory Buildings:

Bruce Court:	1-6
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Parkside Street: 32, 34, 46, 48

HO14 Caulfield North and environs, Caulfield North

Statement of Significance:

The Caulfield North Heritage Area is locally significant as a substantially intact and cohesive residential area during the late nineteenth century Land Boom and subsequently almost fully developed during the period leading up to the Great War. It is representative of speculative development in Melbourne's middle ring suburbs directed at the emerging middle class which was enabled by means of rail communication to live away from the workplace in a garden suburb environment.

Contributory Buildings:

Arthur Street: 3-3A, 5, 7, 9, 10, 11, 13, 14, 15, 17, 19, 21, 23, 25, 27, 29, 33
 Carnarvon Road: 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 13A, 14, 15, 16, 17, 17A, 18, 19, 20, 21, 22, 23, 24, 25, 25A, 26, 27, 28, 29, 30, 31
 Dandenong Road: 528-530
 Glenferrie Street: 1, 2, 3, 4 "Anslem", 5, 7, 9, 10, 11, 13
 Hawthorn Road: 17, 21-33, 39-51
 Inkerman Road: 704, 706, 710, 712, 718, 720, 726-746, 752-764
 Malakoff Street: 1, 2, 3, 4, 6-28
 Malvern Grove: 1-12, 14, 16, 17, 19, 21, 23, 26, 28, 29-36, 38, 40, 42
 Mayfield Grove: 1, 2, 3, 4, 4A, 5, 6, 9, 10, 11, 12, 13, 14, 16
 Normanby Avenue: 5-12, 12A, 13, 14, 14A, 15, 16, 17, 18, 19, 22, 24, 26, 28, 30
 Normanby Road: 107-135

HO17 Crompton Court, Caulfield South

Statement of Significance:

Crompton Court is locally important as an early garden estate, comparable with Lempriere Avenue (q.v.), 1926-27. Though smaller and lacking some features of Lempriere Avenue, the consistent design of the houses in the Spanish Mission Style, the treatment of no. 5 at the head of the court and the absence of front fences are distinguishing features at the local level. In these respects, Crompton Court is representative of the best garden estate design practice in Caulfield during the mid Inter-war period.

Contributory Buildings:

Booran Road: 197, 201
 Crompton Court: 1-5

HO71 Derby Road and environs, Caulfield North

Statement of Significance:

Derby Road is significant at the metropolitan level as a predominantly Edwardian shopping centre associated with the Caulfield Racecourse and having a distinct urban form determined by its short length and accentuated by a double line of electric tramway. Its architectural significance is established by the diversity of its street architecture and railway station and is enhanced by their substantially intact state.

Contributory Buildings:

Derby Road: 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20-24, 25, 26
 Sir John Monash Drive: 11-12, 12A, 13-14, 15-17
 Tram overhead wire poles: 16, 17, 51, 54, 54A, 54B, 55-59

HO72 Elsternwick Estate and environs, Elsternwick

Statement of Significance:

The Elsternwick Historic Area is locally significant for its nineteenth and early twentieth century building stock and to the extent that it demonstrates a past way of life. The fabric of the Area demonstrates the following historic themes which contribute to its significance:

- Mid nineteenth century formation of country residences for which Caulfield is noted;
- Late nineteenth century “Boom” development of residential subdivisions and shops;
- The collapse of the Land Boom and of its land development schemes and deals which became the subject of criminal charges;
- The provision of public services including pitched roads and electric trams;
- The Edwardian residential and commercial development associated with the economic revival of that period;
- The pattern of residential development over time leading to a diverse socio-economic profile expressed in the range of house sizes and types;
- The continuing economic strengths of the Elsternwick Shopping Centre during the Inter-war period; and
- The development of religious, recreational and social institutions throughout the history of the Area.

Contributory Buildings:

Acacia Street:	1, 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 18
Allison Road:	1, 1A, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20
Beavis Street:	9, 11, 15, 17, 19
Curral Road:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17
Curral Place:	14, 16
Elizabeth Street:	1, 1A, 3, 5, 7, 9, 10, 11, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, 52, 54, 56, 58
Glen Huntly Road:	(north side) 271-317, 323-351, 357-399, 405-415, 421-431, 459-467 (south side) Elsternwick Plaza, 296-298, 316-322, 332-348, 352-356, 360-374, 386-404, 410, 416, 420, 426-478 Tram overhead wire poles: 64-79, 81
Glen Eira Road:	182, 184, 186, 188, 190, 192, 194, 196, 202, 204, 206, 216
Gordon Street:	1, 9, 21, 23, 25, 27, 29, railway footbridge
Hotham Street:	178, 180, 182, 184, 186, 188, 190, 192 “Rippon Lea”
King Street:	3, 6
Liscard Street:	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 20, 21, 22, 23, 24
Long Street:	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24
Maysbury Ave:	1, 2, 3, 5, 6, 6A, 8, 10

Orrong Road:	39, 41, 43, 56, 57, 58, 60, 62, 63, 64, 65, 67, 70, 71, 73, 77, 1/78, 79, 81, 82, 83, 84-86, 85, 87, 88, 89, 91, 97, 101, 107, 113, 115, 117, 119, 121, 123, 125, 127, 129
Regent Street:	1-22, 24-33, 35, 37, 39, 41, 43, 45, 47, 48, 49, 50, 52, 54-66, 68-75, 77, 78, 80, 82, 84
St Georges Road:	1 “Glenmoore”, 2A, 3, 4, 7, 8, 9, 10, 10A, 11, 12, 15, 18, 21, 23, 27, 30, 32, 34, 36, 37, 38, 39, 42-61, 63-80, 82, 83, 84
Sandham Street:	1, 2, 5, 7, 16, 18, 19, 20, 21, 23, 28
Selwyn Street:	1, 2, 4 (former Fire Station), 13,
Sinclair Street:	1, 2, 4, 6, 10, 11, 12, 16-20, 22, 24
Staniland Grove:	1, 3, 5A, 7, 9, 11, 13, 15, 16, 17, 18, 20, 20A, 22
Villiers Street:	1-24

HO22 Gladstone Parade, Elsternwick

Statement of Significance:

Gladstone Parade is locally significant as the City’s most imposing Land Boom subdivision, confirmed by the number of substantial two storeyed nineteenth century residences. Its architectural significance is enhanced by the variety of styles including Italianate and Queen Anne with Elizabethan/Jacobean references. Its historical significance is formed in part by the presence of the former O’Neill College, which recalls the place of Henry O’Neill, an early settler in the district and by the examples of the work of architect Thomas B Jackson.

Contributory Buildings:

Gladstone Parade:	5, 7, 8, 9, 11, 12, 13, 15, 16, 19, 22, 23, 25, 28, 30, 32-34, 36
Nagle Avenue:	2 (former O’Neill College)

HO73 Glen Eira Road and environs

Statement of Significance:

This Area is architecturally important for the manner in which it brings together unusually fine examples of houses representing the major growth periods and styles for which Glen Eira is noted. They include the mid and late Victorian periods (“Nithsdale”), the post Federation years (“Burn Brae” at no. 419 Glen Eira Road), and a range of Inter-war styles of an especially high standard within the municipality. This latter group includes Californian Bungalows (especially nos. 427 and 429), Spanish Mission (especially nos. 433 and 435 Glen Eira Road), Old English Cottages (nos. 536 and 538 Glen Eira Road), and isolated French Provincial, Gothic Revival and Modernist houses (nos. 451, 457 and 455 Glen Eira Road respectively).

Contributory Buildings:

Bambra Road:	100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 114, 116, 120
Glen Eira Road:	419, 423, 425, 427, 429, 431, 433, 435, 437, 439, 443, 445, 451, 453, 455, 457, 494, 506, 512, 514, 522, 524, 526, 528, 530, 532, 534, 536, 538.
Kambrook Road:	133 (“Nithsdale”), 139, 141, 143

HO28 Glen Huntly Park Estate and environs

Statement of Significance:

This Area has architectural and potential heritage significance. Its architectural values are derived from the estate’s capacity to demonstrate the planning principles of the Garden Suburb movement, pioneered in Melbourne during the mid 1920s and seen at “Glen Huntly Park” in the landscape treatment of the public environment, characterised by low front and

side boundary fences, naturestrips and concrete pavements. These elements are reinforced by housing stock which is representative of its period and survives with a high level of integrity.

The potential historic significance of the estate arises from the extent to which Council intervened and therefore had responsibility for its design and construction. Although Council's decision to order its sale is known, its role in the planning and execution of the work remains the subject of further research.

Contributory Buildings:

Lyons Street:	6, 8, 10, 12, 14, 16, 18, 20, 22, 26, 28, 30, 32, 34, 38, 40, 42, 44, 48
Miller Street:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 1/11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44
Moirs Avenue:	2, 4, 20, 22, 24
Morgan Street:	1, 2, 3, 4, 5, 6, 7, 8, 9, 9A, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 44, 46
Neville Street:	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 33, 35, 37, 39, 41, 43, 47

HO70 Glen Huntly Tram Depot and Glen Huntly Road environs

Statement of Significance:

This Area has historic and architectural significance. Its historic significance is demonstrated by the close juxtaposition between the tram depot and suburban homes, built at the same time and expressing their interdependence: a relationship which made possible the subdivision and settlement of the whole of the remaining open land in the Old Caulfield Municipality during the Inter-war period and has all but passed in other Australian capital cities.

The Area's architectural values are derived from the intact state of the stylistically diverse 1920s housing stock, demonstrating a standard of living representative of the period.

Contributory Buildings:

Glen Huntly Road:	885, 887, 889, 891, 893-901, 905, 907, 909, 911, 913, 915, 917, 919, 921
Mcgrath Street:	2, 4, 6, 8

HO32 Hillcrest Estate and environs, Caulfield South

Statement of Significance:

The Hillcrest Estate Historic Area is noteworthy at the State level as the first housing estate undertaken by the A.V.Jennings Construction Co., later Jennings Group Limited, Victoria's largest home builder. It has historic value also as an early planned housing estate associated with the depression years and is distinguished by its aesthetic values formed by a combination of restrained diversity in housing styles and a landscaped garden house environment.

Contributory Buildings:

Hillcrest Avenue:	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Marara Road:	27, 28

HO74 Lempriere Avenue, Greenmeadows Gardens and environs

Statement of Significance:

The Lempriere Avenue estate of Dickson and Yorston Pty Ltd and "Greenmeadows Gardens" represents an early high point in the development of the garden suburb environment in the metropolitan area during the 1920s, demonstrated today by the attention

to the design of a landscaped street environment in Lempriere Avenue and by the planned relationship with now mature public gardens which survive in a substantially intact state to the immediate south. The survival of the majority of houses forming part of the development enhances this significance.

Contributory Buildings:

Alston Grove:	24
Balaclava Road:	37, 39
Lempriere Ave:	2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17
Green Street:	1 Greenmeadows Gardens

HO75 Ormond Precinct environs

Statement of Significance:

The Area has historic and architectural significance. The historic importance rests on the manner in which the street grid, perimeter parkland and building stock demonstrate the formative influences on the development of the district. These include the Rosstown Junction Railway, the relative failure of the nineteenth century Land Boom to generate building activity and the period of Inter-war expansion made possible by the Area's proximity with Ormond rail station.

The architectural values, though enriched by the survival of nineteenth century and post Federation development, especially on the higher south-west of the North Road/Wheatley Road intersection, are dominated by the stylistically diversity and integrity of middle class suburban bungalows and villas of the Inter-war years which collectively demonstrate the role of small scale investor/builders of the period and the ideals of the Garden Suburb movement.

Contributory Buildings:

Anthony Street:	1, 2, 3, 4, 5, 8, 10-31, 33-42, 44, 45, 46, 47
Beatty Crescent:	1, 2, 3, 4
Bethell Street:	1, 3, 5, 6, 7, 8, 12-21, 24, 25, 28-41, 44, 45
Booran Road:	194, 196, 202, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227
Coane Street:	2, 5, 6, 7
Dalmor Avenue:	1-11, 13-19, 21, 23, 24, 25, 27-41, 45, 47
Elm Grove:	2C, 15, 19
Eumeralla Road:	2A
Foch Street:	1, 2, 3, 4, 5, 6, 10, 12
Fraser Street:	2, 3, 4, 5, 6, 8, 9, 10, 12-20
Glen Orme Avenue:	2B, 2, 19, 21, 23, 25, 27, 29, 31, 35-49, 52, 53, 1/54, 56, 59, 60, 61, 63, 65, 67, 68, 1/69, 70, 72, 74-82 (St Kevins Primary School)
Hawthorn Grove:	3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 13A, 15, 17, 19
Malane Street:	1, 3, 4, 5, 7-17, 19-32, 1/33, 34-43, 45-52
Malua Street:	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 22
Maud Street:	2-8, 10-16, 18, 20, 21, 22, 23, 25
McKinnon Road:	129-167 (odd only)
Murry Road:	39, 43, 52, 54, 56, 58, 60, 62, 64, 66
Newham Grove:	3, 4, 5, 6, 6A, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 26A, 28, 30, 34, 36, 36A, 38, 40, 42
North Road:	369, 371, 373, 375, 379, 381, 383, 387, 1/392, 393, 1/394, 395, 396, 397, 399, 400, 401, 401A, 402, 404, 406, 407, 408, 409, 411, 413, 414, 415, 416, 418, 420, 428, 430, 432, 434, 436-440
Ocean Street:	2, 4, 7, 11, 15, 17, 19, 20, 22

O'Loughlin Street:	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 1/33, 35, 37, 39, 41, 43
Queen Street:	1, 4, 5, 6, 7, 8, 9, 11-23, 25-38, 40-46, 1/48
Ruby Street:	3, 6, 8, 10, 13, 15
Stewart Street:	2, 3, 7, 8, 9, 10, 1/11, 12, 13, 14, 15, 16, 21, 23, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 40, 42, 44, 45, 1/46, 1/47, 48
Wattle Grove:	14
Wheatley Road:	121 (Ormond Primary School), 123, 125, 126, 127, 129, 130, 132, 135, 136, 138, 140, 142, 143, 145, 146, 147, 147A, 148, 149, 150, 152, 154, 160, 162, 164, 166, 168, 170

HO55 Park Crescent and environs, Caulfield North

Statement of Significance:

The Area is locally important for its aesthetic value as a prominent row of late Inter-war houses skilfully demonstrating the use of Classical, Mediterranean and Spanish Mission styles in a landscaped setting, enhanced by the view across Caulfield Park.

Contributory Buildings:

Park Crescent: 54, 56, 58, 60, 62, 64, 66

HO66 Caulfield South Shopping Centre and environs, Caulfield South

Statement of Significance:

This Area has historic and architectural significance. Its historic values are derived in part from its links with Camden Town, the main service centre for Caulfield for a period, and now demonstrated by the surviving state school no. 773 and other more tenuous evidence. It is important also, as the municipality's pre-eminent Inter-war shopping centre, comparing with Glen Huntly, Carnegie and McKinnon.

The Area also has architectural importance as an Inter-war shopping centre, underpinned by some prominent buildings of the period including the Church of the Holy Cross, the former State Savings Bank, the ANZ bank and shops situated on corner sites at Hawthorn Road, Alder and Poplar Streets. Together with the less important though contributory intermediate shops, some of which retain their original shopfronts, the South Caulfield Centre retains the greater part of its Inter-war architectural character.

Contributory Buildings:

Glen Huntly Road: (north side) 705, 707, 713-717, 723-747, 755-793
(south side) 702A-708, 712-722, 724 (Caulfield Primary School), 758-772, 782-792

Glen Huntly Road overhead tram poles 105-121

HO76 Vadhure Avenue and Balaclava Road, St Kilda East

Statement of Significance:

The Vadhure Avenue Historic Area is locally important as a small group of substantial middle class houses of the Inter-war period including exceptional Spanish Mission and English Domestic influenced residences and front gardens.

Contributory Buildings:

Balaclava Road: 15, 17, 19, 21, 23
Vadhure Avenue: 2, 3, 6, 7

HO152 Normanby Road/Kambrook Road, Caulfield North

Statement of Significance:

The Precinct is historically significant for its capacity to demonstrate standards of design and building construction in this part of the municipality during the late Land Boom years and especially just prior to the bank collapse of 1891. The housing stock is representative of the standards of amenity expected by the middle classes of Melbourne society at the time, including artists, (horse) trainers, jockeys, managers, travellers, journalists and the like, also having a functional link with the activities of the Caulfield Racecourse which forms an important element in the history of the Municipality. The row of attached pairs at 5-11 Kambrook Road and 53-67 Kambrook Road is especially significant in this respect in that the narrow allotments are indicative of the owner/developer's determination to maximise profits at the height of the Land Boom in 1891. The names of the dwelling are significant as a group in that they recall the developer's homeland of Scotland and yet appear to unaccountably strange to the casual observer of today.

The Precinct is aesthetically significant on account of its development pattern made up primarily of groups of identical or very similar attached and detached villas, thus nos. 5-11 Kambrook Road and 53-67 Kambrook Road form one group, nos. 75, 77 and 79 Normanby Road a second group and nos. 87 and 89 Normanby Road a third. Together with other houses of the Land Boom years, they demonstrate most of the commonly employed aesthetic devices characteristic of the Italianate Style including patterned brickwork, patterned slate roofs, cast iron lace verandahs, ornamental stucco work and ashlar boards. This pattern of development is complemented by examples of late architectural styles representative of the Post Federation and Arts and Crafts modes adding diversity to an otherwise highly cohesive streetscape. Post War defacement to some of the significant places has compromised the values of the Precinct in a limited manner.

Contributory Buildings:

Kambrook Road: 1-3, 5, 7, 9, 11, 1/13, 15

Normanby Road: 53- 67, 71- 79, 83- 89

22.01-5 Definitions

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- Conservation: The process of looking after a place so as to retain its cultural significance.
- Cultural Significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: the physical material of the place, including components and fixtures, and can include building interiors.
- Heritage Place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric.

22.01-6 Policy Reference documents

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C149

Glen Eira Heritage Management Plan, 1996

Addendum to the Glen Eira Heritage Management Plan, Andrew Ward, 2014

Glen Eira Review of Existing Heritage Precincts, 2017

Fences & Gates c. 1840-1925, National Trust Bulletin 8.1

The Burra Charter: The Australian ICOMOS for Places of Cultural Significance, 2013

GLEN EIRA PLANNING SCHEME

Notice of the preparation of an amendment

Amendment C149

The Glen Eira City Council has prepared Amendment C149 to the Glen Eira Planning Scheme.

The Amendment applies to land affected by the Heritage Overlay.

The Amendment proposes to:

- Update Clause 21.10 of the Municipal Strategic Statement- Heritage.
- Update Clause 22.01 of the Glen Eira Planning Scheme -the Glen Eira Heritage Policy.
- Include the "Glen Eira Review of Existing Heritage Precincts 2017" as a reference document in the Glen Eira Planning Scheme.

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

- during office hours, at the office of the planning authority, Glen Eira City Council, corner Glen Eira and Hawthorn Roads, Caulfield.
- Glen Eira Council website at www.gleneira.vic.gov.au
- at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

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

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is **[insert closing date for submissions]**. A submission must be sent to:

City Futures Department
Glen Eira City Council
PO Box 42
Caulfield South Vic 3162

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

[Insert signature for the planning authority]

GLEN EIRA PLANNING SCHEME

AMENDMENT C149

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Glen Eira City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Glen Eira City Council.

Land affected by the Amendment

The Amendment applies to land affected by the Heritage Overlay.

What the amendment does

The Amendment

- Update Clause 21.10 of the Municipal Strategic Statement- Heritage.
- Update Clause 22.01 of the Glen Eira Planning Scheme -the Glen Eira Heritage Policy.
- Include the "Glen Eira Review of Existing Heritage Precincts 2017" as a reference document in the Glen Eira Planning Scheme.

Strategic assessment of the Amendment

Why is the Amendment required?

Background

In 2016, Glen Eira Council undertook a Planning Scheme Review. The Strategic Work Plan that flowed out of this process included an internal heritage review of the municipality's existing heritage areas and heritage planning policy. The purpose of this amendment is to update and refresh existing heritage policies and provide more detailed objectives, policies and performance measures that will benefit home owners, developers and planning staff in terms of providing a framework around decision making for heritage planning applications.

Creation of a consistent and correct list of ratings for properties in heritage precincts

Only the existing heritage precincts are reviewed as part of this amendment. A broader review of the entire municipality is proposed in the next 2-3 years to capture significant buildings not currently included in the Heritage Overlay.

The Heritage Management Plan (HMP) is now 20 years old. Since that time, a number of minor errors have been found in the significance rating of properties and in the last twenty years, some contributory buildings have been demolished for various reasons, which results in an incorrect rating of that property.

Additionally, the current Heritage Management Plan lacks consistency in the way properties are rated in heritage precincts. While some are clearly rated as 'significant', 'contributory', 'non contributory', others are rated as 'contributory', 'building defaced' and 'non contributory'

It is important to note that, as part of this first phase in Council's Heritage review:

- The boundaries of the heritage precincts are not proposed to be altered; and
- The statements of significance for these areas are not proposed to be reviewed.

Update the Glen Eira Heritage Policy

The revised Heritage Policy will be updated to include:

- Statements of significance and the list of contributory properties for each precinct, so that property ratings are discoverable by planners, developers and the public.
- Built form guidelines for new buildings and alterations and additions to existing buildings within a precinct. This will provide further

Glen Eira has, for many years, had a suite of draft Heritage Guidelines that applied to each individual Precinct. The guidelines provided detailed advice on how Council would exercise its discretion in terms development in heritage areas. These guidelines were informative and helpful in terms of creating an understanding of each heritage precinct and provided a list of guidelines to follow relating to demolition and alterations/additions. These guidelines while useful, stood outside of the planning scheme.

As part of this review Council's intention is to create a revised heritage policy that includes built form guidance for new buildings and alterations and additions to existing buildings within a precinct – within the planning scheme. This will provide further clarity and weight to Heritage decision making for the community, Council and VCAT.

Inclusion of the "Review of Existing Heritage Precincts 2017" as a reference document in the Glen Eira Planning Scheme

A new reference document will be referred to in the updated Heritage policy. The document will clearly outline ratings of properties and explain where and why the new ratings may conflict with a previous rating.

How does the Amendment implement the objectives of planning in Victoria?

The amendment assists in implementing the following objectives:

- To provide for the fair, orderly, economic and sustainable use, and the development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- To balance the present and future interests of all Victorians.

How does the Amendment address any environmental, social and economic effects?

Environmental Effects

The amendment is expected to have positive environmental effects by continuing to protect places /buildings identified as having heritage significance.

The revised Heritage Policy will ensure the conservation and enhancement of these heritage areas, as it will provide updated information, including built form controls that help guide future development in the heritage areas.

Social & Economic Effects

The amendment is expected to have positive social effects by ensuring development responds to the heritage area, so it can be appreciated by future generations.

The amendment will provide guidance to the community, planners and developers in terms of building or making modifications to buildings in these heritage areas

Does the Amendment address relevant bushfire risk?

The municipal area of Glen Eira does not have any designated bushfire prone areas.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment supports implementation of Ministerial Direction No. 9 – Metropolitan Strategy. The amendment supports the following directions:

- Policy 4.7 Respect our heritage as we build for the future.

Initiative 4.7.1 Value Heritage when managing growth and change.

- Policy 4.8 Achieve and promote design excellence

Initiative 4.8.1 Promote Urban Design Excellence

The amendment supports these directions as the purpose of the Heritage Overlay is:

- To conserve and enhance heritage places of natural or cultural significance.
- To ensure that development does not adversely affect the significance of heritage places.

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

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports the following aspects of the State Planning Policy Framework:

In Clause 11 – Settlement:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

In Clause 15 – Built Environment and Heritage

Clause 15.03-1 Heritage Conservation

Objective

- To ensure the conservation of places of heritage significance.

Strategies

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Clause 21.03-3 includes a key land use vision to “Maintain high quality residential image, with an emphasis on character of local areas and heritage areas.”

Clause 21.10 Heritage includes an objective to “To identify, protect, enhance and promote understanding of Glen Eira’s heritage”.

Strategies

- “Protect places identified as having architectural, cultural or historical significance.
- Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.
- Enhance knowledge and popular understanding of Glen Eira’s architectural, cultural and historic heritage”.

The amendment is considered to be consistent with all of the above clauses and further supports the strategic directions of the Glen Eira Municipal Strategic Statement.

Does the Amendment make proper use of the Victoria Planning Provisions?

The appropriate Victoria Planning provisions are utilised.

The Heritage Overlay together with the Heritage Policy are the most appropriate Victorian Planning Provisions to be applied, as they afford protection to places identified as having historical significance, and provide guidance in constructing or extending buildings of heritage significance.

These controls are deemed to be the most effective in protecting and enhancing heritage places and ensuring that development does not adversely affect the significance of heritage places.

How does the Amendment address the views of any relevant agency?

Views of relevant agencies will be addressed through the amendment process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The proposed amendment will not have a significant impact on the transport system and there are no applicable statements of policy principles under section 22 of the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not result in any significant impact on the resources and administrative costs of the Responsible Authority.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Glen Eira City Council
Corner Glen Eira and Hawthorn Roads
Caulfield.

The amendment can also be inspected free of charge at:

- The Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.
- Glen Eira Council web site at www.gleneira.vic.gov.au.

[Insert Council's details]

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [insert submissions due date].

A submission must be sent to: [insert Council's address]

City Futures Department
Glen Eira City Council
PO Box 42
Caulfield South Vic 3162

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [Week commencing hearing date]
- panel hearing: [Week commencing insert panel hearing date]]

Planning and Environment Act 1987

GLEN EIRA PLANNING SCHEME

AMENDMENT C149

INSTRUCTION SHEET

The planning authority for this amendment is the Glen Eira City Council.

The Glen Eira Planning Scheme is amended as follows:

Planning Scheme Ordinance

1. The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.10 with a new Clause 21.10 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 22.01 with a new Clause 22.01 in the form of the attached document.

End of document

21.10 HERITAGE

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C149

21.10-1 Overview

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C149

The City of Glen Eira is essentially an inter-war municipality founded upon the development of Melbourne's electric tramway system and the electrification of its suburban railways. Important examples of nineteenth and early twentieth century housing and commercial development add interest to the City. At the national level, it remains today as a rare, surviving, middle distance, middle class municipality of the inter-war era, retaining its system of street tramways. A number of areas and individual properties comprehensively demonstrate important eras in the growth of Glen Eira and survive in a reasonably intact state. These have been identified in the Glen Eira Heritage Management Plan 1996 and Addendum to the Glen Eira Heritage Management Plan 2014. Some have also been recognised by Heritage Victoria and the National Trust.

Glen Eira is currently experiencing a development boom, which means the pressure to demolish older buildings will increase. There is also pressure to adapt and develop heritage places to suit contemporary lifestyles. There is increasing concern that the City's heritage is under serious threat. There is a need for clear design guidelines for new development both within and adjacent to heritage precincts.

21.10-2 Objectives, strategies and implementation

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C149

Objectives

To identify, protect, enhance and promote understanding of Glen Eira's heritage.

Strategies

- Protect places identified as having architectural, cultural or historical significance.
- Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.
- Enhance knowledge and popular understanding of Glen Eira's architectural, cultural and historic heritage.

Implementation

These strategies will be implemented by:

Policy and the exercise of discretion

- Considering the heritage significance of all places listed in the Glen Eira Heritage Management Plan 1996 and Addendum to the Glen Eira Heritage Management Plan 2014 and the "Glen Eira Review of Existing Heritage Precincts, 2017" in the assessment of planning applications which may impact upon their heritage values.
- Assessing all town-planning applications for heritage properties having regard to the Heritage Policy at Clause 22.01.
- Requiring proponents seeking permission to demolish/alter buildings at a heritage place or in a heritage area to demonstrate that the replacement building/alteration has been designed to reflect and complement the heritage significance of the place or area.

- Allowing non conforming uses, which will not compromise the architectural/cultural/historic significance or amenity of the neighbourhood, as a means of guaranteeing, continued viable use of a heritage building.

Zones and overlays

- Applying the Heritage Overlay to areas and individual properties identified as having cultural significance.

Further strategic work

- Undertake the heritage actions of the Planning Scheme Review 2016 work plan.
- Collect and maintaining data sheets which specify significance of areas and individual properties.
- Digitally mapping significant heritage properties to ensure that information is widely available.

Other actions

- Promoting the benefits of heritage preservation.
- Providing a free Heritage Advisory Service to ensure residents, architects and developers can meet with a Council representative to discuss heritage issues prior to the submission of a planning application.

Reference documents

Glen Eira Heritage Management Plan, Andrew Ward & Associates, 1996

Addendum to the Glen Eira Heritage Management Plan, Andrew Ward, 2014

Glen Eira Review of Existing Heritage Precincts, 2017

ITEM 9.20 TUCKER ROAD SAFETY IN VICINITY OF MCKINNON PRIMARY SCHOOL

Author: *Terry Alexandrou, Traffic Engineering Team Leader*

Attachments: *Email request for change to speed limit
Photographs of Speed Limit Signs*

PURPOSE AND SUMMARY

This report responds to a Council resolution requesting a report from officers.

At the Ordinary Council Meeting of 28 February 2017, Council resolved:

“That officers prepare a report on how safety can be improved for McKinnon Primary School students who need to cross Tucker Road during school hours, including considering extended 40km/h times, and how any improvements could be implemented.”

RECOMMENDATION

That Council:

1. notes this report; and
2. provides additional pedestrian fencing on the western side of Tucker Road near the pedestrian operated signals and extends the distance of the 40km/hr zone.

BACKGROUND

The McKinnon Primary School is located towards the northern end on Tucker Road approximately 200 meters from North Road. The campus is split across both sides of Tucker Road (see Figure 1).



Figure 1
McKinnon Primary School split campus each side of Tucker Road

In the vicinity of the school, Tucker Road is classified as a 'Major Council road'. It carries about 8000 vehicles per day. Council is responsible for managing and maintaining the road. Tucker Road, along with its link to Koornang Road, provides one of the major north-south traffic routes through the municipality; extending from South Road to Dandenong Road. The purpose of such major roads is to provide access between and to/from the main roads such as South, Centre, North and Dandenong Roads to the local road network that connect to it.

Tucker Road has one traffic lane in each direction and a shared parking and traffic lane on each side of the road. The speed limit along Tucker Road is 60 km/h however a part time 40 km/h school speed limit (8-9:30am and 2:30-4pm on School Days) applies adjacent to the primary schools during the peak periods.

The school speed limits around the McKinnon Primary School's western campus were introduced in 2004 when the State Government rolled out the school speed limit program across the state. At that time:

- school speed limits were only allowed on roads to which the school had a pedestrian gate;
- permanent 40 km/h school speed limits were allowed on roads with a 50 km/h speed limit (e.g. Collins and Walnut Streets); and
- part-time 40 km/h school speed limits were allowed on roads with a 60 km/h speed (e.g. Tucker Road).

No speed limit was introduced at Moylan Street in 2004 as there were no school buildings on the eastern campus at that time. With the provision of school buildings and increased use of the eastern campus, Council successfully applied to VicRoads to reduce the speed limit along Moylan Street in the vicinity of the school from 50 to 40 km/h. Approval was obtained in August 2015.

Pedestrian operated signals (POS) are provided on Tucker Road to allow pedestrians to safely cross the road between the two halves of the McKinnon Primary School campus. A children's crossing supervisor is located at the POS during the school peak periods.

In February 2017 the School Principal made representations to the local State MP and Glen Eira Councillors requesting that the speed limit on Tucker Road be reduced to 40 km/h during all school hours and ideally, at all times. **Concerns have also been raised by parents of children attending the school (Attachment 1).**

ISSUES AND DISCUSSION

Traffic management treatments can be introduced to any road to make it safer. This could include traffic calming measures such as speed humps, chicanes, roundabouts, lower speed limits or even a road closure. However the need for additional traffic management treatments should be warranted and appropriate for the road environment.

The VicRoads online database of casualty crashes indicates that the road is not a blackspot and is relatively safe compared to other locations in the municipality.

Pedestrian Operated Signals

The pedestrian operated signals (POS) located on Tucker Road between the two campuses of the school were upgraded not long ago. The upgrades included:

- Replacing the signal lanterns with LED lanterns which increased their visibility; and
- Installing PUFFIN crossing detectors. These detectors sense when a pedestrian(s) is

on the crossing and either extend the crossing time for slow pedestrians or reduce the time if no pedestrian movement is detected on the road.

Direct observations by officers indicate that, during the day, school children cross between campuses at the POS and when doing so are supervised by a teacher.

The POS is appropriately located and provides a safe location for children to cross the road. The POS stop traffic almost immediately when a pedestrian pushes the button so waiting periods are negligible. Therefore pedestrians are unlikely to start crossing while waiting for the lights to change. Our experience with this POS also indicates that there is very good driver adherence to these traffic lights at all times of the day.

Fencing

The school has two gates on the western side of the road close to the POS. Fencing is provided in the footpath opposite the gate directly adjacent to the crossing to stop pedestrians walking out of the school and straight onto the road. The other gate is about 12 meters away from the crossing but there is no fencing in the nature strip opposite this gate (Figure 2). It is recommended that additional fencing be provided at the second gate, to guide pedestrians towards the crossing.



Figure 2 – Existing Pedestrian Fencing in Footpath on West Side of POS

There is adequate fencing provided within the nature strips on the eastern side of the road to guide pedestrians from the school gate to the POS (Figure 3).



Figure 3 – Existing Pedestrian Fencing on Nature Strip on East Side of POS

Speed Limit

The existing part time 40 km/h school speed limit signage that was installed around the school in 2004 has been inspected. Some signs are missing along Tucker Road and Walnut Street and it has been arranged for these to be replaced. The school speed limit zones are in accordance with the current Victorian *Speed Zoning Guidelines*. However, the length (distance) of the part time school speed zone on Tucker Road could be increased as it is currently at the absolute minimum length for the zone.

Research has proven that at lower vehicle speeds the severity of an injury to a pedestrian hit by a vehicle is reduced and the reaction time of drivers is improved. However speed limits should also be appropriate for the road environment. For example 40 km/h speed limits should be installed where pedestrian activity is high, such as along a shopping strip. Drivers have an expectation that the speeds would be low due to these conditions.

Tucker Road is a relatively wide road with no, to very little parking congestion and pedestrian activity for the most part of the day in the vicinity of the school. Therefore drivers would not be expecting to slow down outside of the school peaks throughout Melbourne.

VicRoads has indicated that based on their review of the school speed zones in 2012 they have concluded that the set time periods for all part time school speed zones will be the same at all locations. The reason for this is to ensure that there is good public acceptance and understanding of these times after 13 years of Victorian school speed zones being in place.

Council has recently challenged VicRoads on this position through an investigation of the speed zone at Glen Eira Secondary College, on Booran Road. In regards to Glen Eira Secondary College, VicRoads' position appears to be that they are willing to have a 40 km/h speed limit 8am to 4pm on school days if electronic (LED) speed limit signs are used.

Booran Road is a VicRoads road, whereas Tucker Road is a Council road.

Given that Tucker Road is managed by Council, VicRoads may approve a 40 km/h 8am to 4pm school days speed limit at this location if LED signs are provided. For this location the estimated cost for LED signs is \$100K to \$150K for supply and installation with ongoing costs of about \$10K per annum for operation and maintenance.

Alternatively the speed limit for all of Tucker Road could be reduced from 60 to 50 km/h (subject to VicRoads approval). While it is appreciated that this is not as safe as 40 km/h it is safer than 60 km/h. It is however recommended that the part time 40 km/h school zone be maintained even with a 50 km/h speed limit. The speed limit could be altered by simply replacing the static signs at an estimated cost of \$2,000 - \$3,000.

Traffic Calming Treatments

Traffic calming treatments to slow drivers include measures such as road humps, roundabouts, chicanes and landscaped kerb outstands. However based on the traffic volumes along Tucker Road road humps are not an appropriate treatment for such a major road.

Kerb outstands at regular intervals can be used to make the road feel narrower especially if they incorporate an avenue of closely spaced large canopy trees that makes the road environment feel closed in. Such treatments can range in cost from \$10,000 to \$30,000 per location.

How Treatments could be Implemented

Subject to the availability of funding affected residents would be notified of any traffic safety improvement works that are proposed and invited to provide feedback.

Some treatments, such as changes to speed limits (including those on Council roads) also require VicRoads approval.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Given that Tucker Road is a Council managed road, any treatments are the responsibility of Council. Conversely, VicRoads roads (such as Booran Road, North Road, and Dandenong Road etc) are the responsibility of the State Government and any treatments should be the responsibility of the State Government.

LINK TO COUNCIL PLAN

Transport Planning – To promote the safe movement of pedestrian, bicycle and vehicle traffic in a way that minimises the impact of traffic and parking on the local amenity and physical environment.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Various traffic management treatments could be implemented along Tucker Road adjacent to the McKinnon Primary School.

A review of the conditions in the vicinity of the school indicates that pedestrians, including school children are able to safely cross the road at the existing pedestrian operated signals.

With the exception of additional pedestrian fencing along the western side of Tucker Road near the signals, additional traffic management treatments are not considered warranted at this stage.

Moved: Cr Hyams

Seconded: Cr Esakoff

That Council:

1. notes this report;
2. provides additional pedestrian fencing on the western side of Tucker Road near the pedestrian operated signals and extends the distance of the 40km/hr zone; and
3. provides improved signage warning drivers on Tucker Road of the school crossing ahead.

CARRIED

Attachment 1

Good morning

I have read on the Glen Eira website that the council is committed to improving road safety <http://www.gleneira.vic.gov.au/Community-services/Community-health-and-safety/Road-safety#School-safety-2>

In addition to talking to the school about this, I am writing to you today about improving the road safety for McKinnon Primary School, which is a dual campus school, on both sides of Tucker Road and has a very large number of students enrolled. Tucker Road is also becoming busier during other times of the day, not just at school pickup/drop off times.

This year, the school has moved the entire Year 2 children to be based the "other" side of Tucker Road, that is they are in classrooms on the Tucker Road/Moylan St campus. There are six Year 2 classes this year, so this is a large number of students, who are quite young (7 years old), now having to cross the road more frequently, especially during Recess and Lunch. My daughter Ruby is one of those children so it is very important to me personally to ensure that the crossing is safe.

To support the school road safety procedures for supervising the crossing, we think that McKinnon Primary School should be updated from having only a time based 40 km/h zone, to a dedicated 40km/h speed zone. Just like how other schools nearby have been made, for example:

McKinnon secondary college has dedicated 40km/h speed zone and this is always, not just during school hours.

Valkstone has a dedicated 40 zone on Juliana St off of East Boundary Road and along Valkstone St itself.

Kilvington, which has a similar setup (dual campus with a road in between), has a permanent 40 zone on both boundaries (Leila and Lillimur Roads)

Is this something you can support us in achieving and also providing us with advice on how to have make this happen sooner than later?

Regards

Attachment 2



Static Part-Time 40km/h School Speed Limit Sign



Electronic Variable School Speed Limit Sign



**ITEM 9.21 INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER
THE PLANNING AND ENVIRONMENT ACT 1987**

Author: *Diana Vaynrib, Legal & Governance Officer*

File No:

Attachments: *A, B, C, D, E, F, G, H, I, J & K Instruments of Appointment and
Authorisation*

PURPOSE AND SUMMARY

To appoint Council officers by resolution as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987* ("Act") and to update Instruments of Appointment and Authorisation where officers' titles have changed.

RECOMMENDATION

THAT Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* resolves that:

- (1) the members of staff referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
- (2) the Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remain in force until Council determines to vary or revoke them;
- (3) that any existing Instruments of Appointment and Authorisation (under the *Planning and Environment Act 1987*) to the members of staff referred to in the attached Instruments be revoked effective immediately upon the Instruments referred to in paragraph numbered 1 above coming into effect; and
- (4) the Instruments be signed and sealed.

BACKGROUND

The Instruments provide for councils to appoint officers by resolution, pursuant to section 147(4) of the Act and may, where relevant, include the general appointment provision in section 232 of the *Local Government Act 1989* to commence proceedings in a council's name. For the officers being appointed in the relevant attachments, these are updates due to either change of titles, or for new authorisations as required.

Authorisations are required for members of staff whose duties require them to enforce the Act.

ISSUES AND DISCUSSION

Not applicable

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Not applicable

POLICY AND LEGISLATIVE IMPLICATIONS

Not applicable

COMMUNICATION AND ENGAGEMENT

Not applicable

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Not applicable

Moved: Cr Delahunty

Seconded: Cr Silver

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* resolves that:

1. the members of staff referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
2. the Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remain in force until Council determines to vary or revoke them;
3. that any existing Instruments of Appointment and Authorisation (under the *Planning and Environment Act 1987*) to the members of staff referred to in the attached Instruments be revoked effective immediately upon the Instruments referred to in paragraph numbered 1 above coming into effect; and
4. the Instruments be signed and sealed.

CARRIED UNANIMOUSLY

Attachment "A"**S11A Instrument of Appointment and Authorisation**
(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

John Bordignon, Planning and Building Compliance Manager

By this Instrument of Appointment and Authorisation Glen Eira City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "B"

S11A Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Martin Vella, Co-ordinator Planning and Building Compliance

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "C"

S11A Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)

In this Instrument "**officer**" means –

Douglas Taylor, Planning Compliance Officer

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "D"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Bruce Allen, Co-ordinator Civic Compliance

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "E"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Luke Fraser, Team Leader Civic Compliance

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "F"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Christopher Gaal, Civic Compliance Officer

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "G"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Matthew Aitken, Prosecutions Co-ordinator

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "H"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Nicholas Atkinson, Planning Enforcement Officer

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "I"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Geoffrey Ian Plumridge, Civic Compliance Officer

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "J"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Rocky Camera, Manager Town Planning

By this Instrument of Appointment and Authorisation Glen Eira City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings and represent Council in proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

Attachment "K"

S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this Instrument "**officer**" means -

Effie Tangelakis, Co-ordinator Town Planning

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under the Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 21 March 2017.

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

..... Councillor

..... Chief Executive Officer

ITEM 9.22 REVIEW OF AUDIT COMMITTEE CHARTER

Author: *John Vastianos (Chief Financial Officer)*

File No: *17/141664*

Attachments: *Audit Committee Charter*

PURPOSE AND SUMMARY

The Audit Committee recommends that Council adopts an updated Charter.

RECOMMENDATION

That the attached Charter for Council's Audit Committee be adopted.

BACKGROUND

The Audit Committee is a formally appointed Advisory Committee of the Council. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and is therefore independent of management.

The Audit Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

ISSUES AND DISCUSSION

A well written Charter, which clearly sets out objectives, duties and responsibilities, membership composition and meeting structure, is a pre-requisite for an effective Audit Committee. The last review was conducted in February 2016.

Council's Audit Committee has sought the Committee's Charter to be reviewed and, where necessary, updated. Upon review, any changes are to be made and the revised Charter (if amended) must be submitted to Council for adoption.

At the Audit Committee meeting on 17 February 2017, the Audit Committee made some minor style changes to the existing Charter; these changes are tracked in the attachment.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The Committee meets for approximately three to four hours on a quarterly basis.

POLICY AND LEGISLATIVE IMPLICATIONS

Section 139 of the *Local Government Act 1989*.

COMMUNICATION AND ENGAGEMENT

Not applicable

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That the attached Charter for Council's Audit Committee be adopted.

Moved: Cr Magee

Seconded: Cr Athanasopoulos

That the attached Charter for Council's Audit Committee be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT: AUDIT COMMITTEE CHARTER**GLEN EIRA AUDIT COMMITTEE CHARTER*****Executive Summary***

The Audit Committee ('Committee') is designed to play a key role in assisting Council to fulfil its governance and overseeing responsibilities, ethical practices and accountability requirements.

The main objectives, ~~functions~~ and potential benefits of the Committee will include the following:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines;
- The effectiveness of the internal audit function; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The Committee is a formally appointed Advisory Committee of the Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

The Committee comprises 5 members – 2 Councillors and 3 external, independent persons. All members shall have full voting rights. The Chairperson shall be an independent member.

The Chief Executive Officer, Chief Financial Officer and internal auditor (whether a member of staff or contractor) should attend all meetings, except when the Committee chooses to meet in camera. All Councillors may attend all meetings. Council staff and other relevant persons may be invited to attend at the discretion of the Committee to advise and provide information when required.

Council shall provide secretarial and administrative support to the Committee.

The Committee should meet at least quarterly.

The Committee shall after every meeting forward the minutes of that meeting to the next practicable ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

The Committee will review its performance annually.

Charter**1. Objectives of the Audit Committee**

The main objectives and the potential benefits of the Committee include the following:

- Improving the credibility and objectivity of the accountability process (including financial reporting in the annual financial statements).
- Assisting the Council to discharge its responsibility to exercise due care, diligence and skill in relation to the Council's:
 - Reporting of financial information to external users of financial reports;
 - Application of accounting policies;
 - Risk management including, but not limited to, fraud prevention, business continuity planning and disaster recovery;
 - Financial management;
 - Internal control system;
 - Policies and practices; and
 - Compliance with applicable laws, regulations and best practice guidelines.
- Providing a formal forum for communication between the Council and senior financial management.
- Improving the effectiveness of the internal and external audit functions and the communication between Council and the external and internal auditors.
- Improving the efficiency of the Council by delegating tasks to the Committee and thus facilitating the discussion of issues in sufficient depth.
- Providing a structured reporting line for internal audit and facilitating the maintenance of the objectivity of the internal auditor.
- Improving the quality of internal reporting.
- Adding to the credibility of Council and the organisation through adherence to ethical standards.
- Following the Code of Conduct of the Council and Best Practice Guidelines on Audit Committees as issued from time to time.

2. *Charter and Terms of Reference*

The Committee's charter is to assist the Council to fulfil its responsibilities in relation to accounting policies, external financial reporting practices, risk assessment, risk management, internal control, management and reporting policies and systems and any other matters referred to it by Council.

This will include:

- Recommending to Council the appointment of internal auditors and advising the Victorian Auditor-General's Office (VAGO) and/or their agent in relation to the appointment and performances of their agent;
- Overseeing and appraising the quality of the audits conducted by both the Council's internal auditors and VAGO and/or their agent~~the Auditor-General~~;
- Maintaining, by scheduling regular meetings, open lines of communications among the Council, the internal auditors, VAGO ~~the Auditor-General~~ and/or their agent to exchange views and information, as well as confirm their respective authority and responsibilities;
- Serving as an independent and objective party to review the financial information presented by management to Council, Government and the general public;
- Monitoring the action taken on matters raised in respect of the Council by the internal auditors, VAGO ~~the Auditor-General~~ and/or their agent;
- Reviewing drafts of the statutory accounts and recommending their adoption or rejection to Council;
- Reviewing the annual performance statement and recommending its adoption or rejection to Council;
- Reviewing fraud prevention mitigating controls (including corruption) and risk management.

3. *Composition*

The Committee is appointed by Council and is comprised of the following persons:

- Two (2) Councillors.
- Three (3) appropriately qualified and experienced independent persons.

An independent person shall be Chairperson of the Committee. Should the Chairperson be absent from a meeting of the Committee, the members of the Committee shall choose one of their number to be Chairperson for that particular meeting.

Council shall select independent persons for the Committee and nominate the Committee's Chairperson.

The Chief Executive Officer and Chief Financial Officer will be invited to each meeting. Representatives from VAGO the Auditor General and/or, their agent and internal auditors will be invited to meetings as required. Members must abide by the Code of Conduct as promulgated by the Council.

4. Term of Membership

Independent members of the Committee are not officers or employees of Council and have no executive powers. Independent members shall be appointed for an initial term of three (3) years after which time they will be eligible for reappointment. No independent member is to be appointed for more than two consecutive three year terms unless Council resolves otherwise. Terms will be scheduled to facilitate continuity of the Committee such that no more than one Councillor and one independent member's terms cease within the one year.

New members shall be given induction training (as required).

5. Remuneration of Independent Members

Remuneration will be paid to each independent member of the Committee. The amount paid will be a per annum amount as agreed by Council and will be paid half-yearly in two equal instalments.

6. Records of Meetings

An independent minute taker shall be responsible for keeping the minutes of meetings of the Committee and circulating them to Committee members, (after approval by the Chairperson) and others as required.

An appropriate officer shall act as independent minute taker to the Committee.

7. Meetings

The Committee will hold regular meetings, preferably quarterly and such additional meetings as the Chairperson shall decide are necessary in order to fulfil its duties. In addition, the Chairperson is required to call a meeting of the Committee if requested to do so by any Committee member, the Chief Executive, the CFO, VAGO the Auditor General, and/or their agent or the internal auditors.

The CFO, in conjunction with the Chairperson, shall be responsible for drawing up the agenda and circulating it, supported by explanatory documentation to Committee members. Such documentation shall be distributed at least four (4) working days prior to each meeting.

A quorum shall consist of three (3) members, including at least one Councillor member and one Independent member.

8. Access

The Committee shall be responsible for liaising with VAGO the Auditor General and/or their agent in relation to the audit of the financial statements. It shall have direct access to VAGO, the Auditor General, and/or their agent and the internal auditors all of whom shall also have direct access to the Committee. It shall have the

authority to seek any information it requires from any employee of Council through the CEO.

The Committee shall have the authority to consult independent experts where it considers it necessary to carry out its duties, and may request resources to do so through the CEO-

9. Reporting

The Committee, through its Chairperson, will report to Council after each Committee meeting and minutes of the Committee meetings will be incorporated in Council's agenda papers. The Chairperson shall submit an annual report to Council summarising the Committee's activities and principal findings during the year.

10. Performance

The Committee will perform an annual assessment of its performance against the Charter.

11. Duties and Responsibilities

The primary responsibility of the Committee is to assist Council to fulfill its responsibilities in relation to the Council's accounting policies, risk assessment, risk management, internal control systems and operational audit and financial and performance reporting practices.

The discharge of this responsibility will involve the following activities, inter alia:

i) Financial and Performance Reporting

The Committee will review all financial statements and performance reports required for external publication prior to recommending the approval or rejection by Council. It will consider the contents of the financial statements and performance reports and the adequacy of disclosure with the financial statements and performance reports themselves, prior to presentation to Council.

Specific matters the Committee may address include:

- Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- Determination as to whether accounting policies and disclosure meet the requirements of the Australian Accounting Standards and of the law. Where there have been significant changes in accounting principles or in the application from those of prior years, the reasons for the changes and the auditor's view of the changes;
- Material adjustments arising from audits and cases where management sought advice on specific accounting matters from any external source;
- Developments likely to affect financial reporting, proposed changes to the formats of financial statements and new accounting and legislative pronouncements and disclosure requirements, as they affect both current and future years;

- Review any abnormal transaction, including current or pending litigation claims or other contingencies which management or legal counsel believe is likely to have a material effect on the financial position or operating results of Council and the manner in which those matters have been disclosed in the financial statements;
- Reviewing any accruals, provisions or estimates which significantly affect the financial statements as well as other material financial matters.
- Monitoring related party transactions.
- Periodic reviews and updates on performance reporting.

ii) Internal Control

The Committee will be responsible for advising Council on the adequacy of internal control policies and procedures in relation to safeguarding Council's assets, maintenance of reliable and detailed financial records and compliance with legislation. The Committee ~~it~~ shall also monitor ~~ensure~~ compliance with such policies and procedures.

Specific matters the Committee may address include:

- Review of the Internal Auditor's reports to management on internal accounting controls and financial reporting systems, action taken or proposed resulting from those reports with particular emphasis on the control over computerised systems;
- Gaining assurance as to the effectiveness and appropriateness of the documented internal controls;
- Scrutiny of policies and procedures relating to compliance with laws and regulations, Council decisions and Ministerial directions and gaining assurance that there is adherence to such policies and procedures;
- Investigation of significant instances of employees or Council's conflict of interest, misconduct or fraud;
- Matters specifically referred by Council.

iii) Risk Assessment

- Monitor the risk exposure of Council by determining if Management has appropriate risk management processes and adequate risk management systems;
- Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to Council;
- Review the outputs and effectiveness of Council's risk management program; and

- Monitoring corporate risk assessment and the internal controls instituted.

iv) Activities of Internal Auditors and ~~VAGO Auditor-General~~

The Committee will be responsible for ensuring that activities are carried out in the most effective, efficient and comprehensive manner.

Specific matters the Committee may address include:

- Review the level of resources allocated to internal audit and the scope of its authority, including overseeing any tender process conducted for the provision of internal audit services and making a recommendation of preferred supplier to the Council;
- ~~Review~~ Review the scope of, and ~~recommend~~ approve, the internal audit plan ~~to the CEO~~;
- Annual assessment of the effectiveness of the internal audit activities by a review of the internal audit plan and scope of operations and a critical appraisal of internal audit activities including audit plans, progress plans, internal resources and reports produced;
- As part of the Committee's annual assessment of performance, determine level of satisfaction with internal audit function;
- The interaction between the Internal Auditors, ~~VAGO the Auditor-General~~ and/or their agent to ensure that the overall coverage is adequate and duplication of effort is avoided; and
- Consider reports and findings by ~~VAGO the Auditor-General~~ and/or their agent and ensure that appropriate responses are made and that appropriate action is taken in relation to such matters. ~~VAGO and/or their agent The Auditor-General~~ should be satisfied that management has provided all relevant information in response to any requests to Council.

ITEM 9.23 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2017

Author: *John Vastianos (Chief Financial Officer)*

File No: *17/149855*

Attachments: *Financial Management Report for the period ending 28 February 2017*

PURPOSE AND SUMMARY

To report Council's finances in the Financial Management Report for the period ending 28 February 2017.

RECOMMENDATION

That Council notes the Financial Management Report for the period ending 28 February 2017.

BACKGROUND

The report includes a comparison of year-to-date (YTD) actual income and expenditure with budgeted (YTD and forecast end-of-year) and other information for the current financial year.

This report also provides a review of the 2016-17 Capital Works Program, cash flow reports and investment reports.

ISSUES AND DISCUSSION

Council's forecast cash balance has improved but is still expected to remain at relatively low levels, sufficient to cover current liabilities.

One of the items which has placed additional pressure on Council's Liquidity Ratio is classification of leave entitlements. Notwithstanding a majority of leave entitlements are not expected to be settled within 12 months, almost all leave entitlements are classified as current liability provisions in Council's balance sheet, placing greater pressure on the liquidity ratio.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The key financial objectives for Council are:

- Manage finances appropriately within the constraints set by the State Government's Rate Capping regime.
- Generate funds to provide additional public open space and renew and upgrade our ageing assets and community facilities.
- Maintain essential services at not less than current levels.
- Set rates and fee increases that are manageable and sustainable.
- Focus on continuous improvement.
- Keep day-to-day costs and rates below our peers.

POLICY AND LEGISLATIVE IMPLICATIONS

Section 138 of the *Local Government Act* 1989 (the Act).

COMMUNICATION AND ENGAGEMENT

Council officers in preparing the Financial Management Report, take into account other plans and strategies in regard to services and initiatives which commit financial and non-financial resources for the current financial year.

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

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.

Moved: Cr Delahunty

Seconded: Cr Davey

That Council notes the Financial Management Report for the period ending 28 February 2017.

CARRIED UNANIMOUSLY

ATTACHMENT:
Financial Management Report for the period ending 28 February 2017

1. Contents

Executive Summary	4
Financial Strategy	8
Assurance Map	11
Income Statement	12
Balance Sheet	13
Performance Graphs	14
Capital Works Program Expenditure	20

Executive Summary***for the period ending 28 February 2017*****a) Current Month Budget Result**

At the end of February 2017, the performance against budget from ordinary activities showed a positive variance of \$9.44m due to higher than anticipated income of \$5.28m and favourable variance in operating expenditure of \$4.16m (refer to page 14 for details of the variances).

b) Current Month Forecast Result

The forecast result expected for the financial year is an operating surplus of \$26.18m compared with the original adopted 2016-17 Annual Budget of \$17.22m.

Any surplus from day-to-day operations is used to accelerate capital works projects. The current monthly forecast movement shows an increase in operating revenue of \$849k and a decrease in operating expenditure of \$1.03m.

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. Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves.

Council will continue to have a large investment in capital works projects. Council is required to hold sufficient cash to cover 'Restricted Assets' such as: Residential Aged Care Deposits, Public Open Space Reserve, Contract Deposits and *Fire Services Property Levy*.

d) Open Space Contributions

Contributions

All multi-unit developers now need to pay a uniform 5.7 per cent of the value of the land (or give Council 5.7 per cent 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 per cent 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 per cent 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 28 February 2017 is as follows:

Description	2016-17 Current Month Actual	2016-17 Year-to-Date
Open Space Contributions Received	\$877,287	\$5,429,885
Open Space Capital Expenditure *	(\$290,049)	(\$7,109,403)
Net Movement	\$587,238	(\$1,679,518)
Opening Balance as at 1 July 2016		\$4,093,307
Closing Balance – Open Space Reserve		\$2,413,789

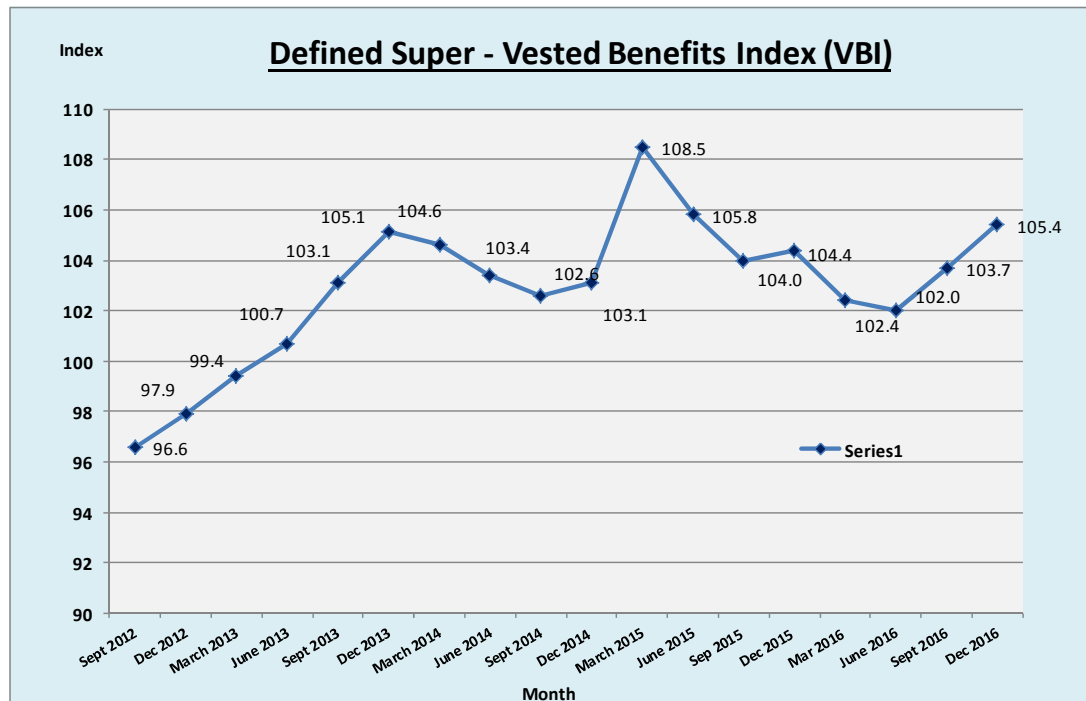
**Includes: Booran Reserve, 6 Aileen Ave, Caulfield South and 53 Magnolia Road, Gardenvale.*

e) Superannuation – Defined Benefits Scheme

Vested Benefits Index (VBI)

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day.

For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 September 2012:



f) Forecast adjustments for February 2017***Income from ordinary activities increase of \$849k***

The favourable income forecast movement is mainly due to:

- **Statutory Fees and Fines** – relate mainly to fees and fines levied in accordance with legislation and include animal registrations, health act registrations and parking fines.

The increase of \$224k is mainly due to higher than forecast parking infringements income across the municipality. This increase is due to the emphasis on safety around schools and balancing trader and patron parking due to increased building activity and the grade separation works.

- **Contributions (Monetary)** – relates to open space contributions received during the year. These contributions are transferred to the Open Space Reserve pursuant to section 18 of the *Subdivision Act 1988*.

The increase of \$473k is based on the timing of Council receiving open space contributions. These amounts are variable in nature and it is difficult to determine the exact timing of anticipated contributions.

Expenditure from ordinary activities decrease of \$1.03m

The favourable expenditure forecast movement is mainly due to:

- **Employee Costs** – includes all labour related expenditure and on-costs such as allowances, leave entitlements, employer superannuation and WorkSafe. The increase of \$696k is due to the timing of staff recruitment and periodic leave provision adjustments.

g) Capital Works Expenditure Program

As at the end of February 2017, total capital works expenditure in 2016-17 is expected to be \$39.38m, represented by:

- New capital works projects as per the 2016-17 Annual Budget \$31.36m
- Capital works funding \$1.94m
- Carry forward expenditure from the 2015-16 financial year \$2.05m
- Forecast increase year to date \$4.02m.

Below are the forecast adjustments for the month of February:

- Funds of \$130k being brought forward from 2017-18 to accommodate minor renovations for the Town Hall and Oak Tree House.
- Increase in funding of \$74k relating to electrical switchboard renewals that were identified as requiring upgrading through life cycle audits.
- Increase in funding of \$60k to reconfigure the Arts area of the Leila Road Centre to include a decking and ensure *Disability Discrimination Act* (DDA) compliance.

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 2015-16 the Auditor-General assessed the financial sustainability risk at an individual Council level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 9 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 grants or contributions.
Capital replacement (ratio)	Cash outflows for property, 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	Less than negative 10% Insufficient revenue is being generated to fund operations and asset renewal.	Less than 0.75 Immediate sustainability issues with insufficient current assets to cover liabilities.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 75% Limited cash generated from operations to fund new assets and asset renewal.	Less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10%–0% A risk of long-term run down to cash reserves and inability to fund asset renewals.	0.75–1.0 Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	40–60% Some concern over the ability to repay debt from own-source revenue.	75–100% May not be generating sufficient cash from operations to fund new assets.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
Low	More than 0% Generating surpluses consistently.	More than 1.0 No immediate issues with repaying short-term liabilities as they fall due.	40% or less No concern over the ability to repay debt from own-source revenue.	More than 100% Generating enough cash from operations to fund new assets.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

Financial Strategy (continued)Monthly Report Relative to Financial Strategy

Financial Sustainability Risk Indicators	Objective	2015-2016 Actuals	2016-2017 Annual Budget as at 30 June 2017	2016-2017 Annual Forecast as at 30 June 2017	2016-2017 Risk based on Annual Forecast as at 30 June 2017	Comment
(1) Net Result	Generating surpluses consistently of greater than 0%.	7.73%	10.41%	15.31%	Low	Council is generating positive surpluses.
(2) Liquidity	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	1.04	1.17	Low	Council's forecast to 30 June 2017 indicates a Liquidity Ratio of around 1.0.
(3) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	19.48%	16.91%	15.90%	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	Generating enough cash from operations to fund new assets. The indicator is to be greater than 100%.	121.00%	116.94%	126.17%	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.	1.72	1.57	1.79	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.	1.42	1.22	1.22	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.	\$1,532	\$1,594	\$1,597	Average rates and charges are well below the average of inner metropolitan Councils. In 2015-16 Glen Eira is the second lowest of the 21 Inner Melbourne Councils (2014-15: also second lowest) and is \$269 per assessment (\$17.02m) below the average outcome. This means that Council charges \$17.02m p.a. less than inner metropolitan municipalities and has \$17.02m p.a. less for upgrading or providing facilities and services.	
<ul style="list-style-type: none"> Average Rates and Charges Pensioner Rate Rebate 		\$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.	\$1,996	\$2,340	\$2,284	In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$48 less per assessment (\$3.04m) than the average for the Inner Melbourne Councils grouping.	

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 and proposed IA activity 2016/17-2017/18-2018/19, and/or other independent reviews/checks
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. State Government decisions impacting our community	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Terrorist Attack – Lone Wolf	H							Security Protocol Review (2014) Disaster Recovery Planning and Business Continuity Planning (2017/18)
3. Vulnerability to cyber attack	H							Cyber Security Review including mobile devices website management and penetration testing (2016) Development of Information Management Strategy (2017/18)
4. Contracts – contracting process by Council	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
5. Vulnerability to litigious action	H							Risk Management Framework(2015-16) Fraud Management Review (2016-17)
6. Failure to keep pace with emerging technologies and digital environment	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14) Regular penetration testing on the internal and external network infrastructure and external websites Development of Information Management Strategy (2017/18)
7. Vulnerability to significant fraud	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing) Risk Management Framework(2015-16) Fraud Management Review (2016-17) Procurement and Contracts (2017/18)
8. Not sufficiently agile to respond to change	H							Change Management Framework Promapp
9. Failure to effectively plan for the changing demographic of our workforce	M							SafetyMAP recertification (2013/14) OH&S Review (2015/16) People and Culture Audit (2018/19)
10. Transformation program fails to deliver anticipated benefits for the organisation and community.	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.

Level of coverage: Entire Partial None

Please note that the External Audit process is designed to enable the AG 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 & processes.

Income Statement

for the period ending 28 February 2017

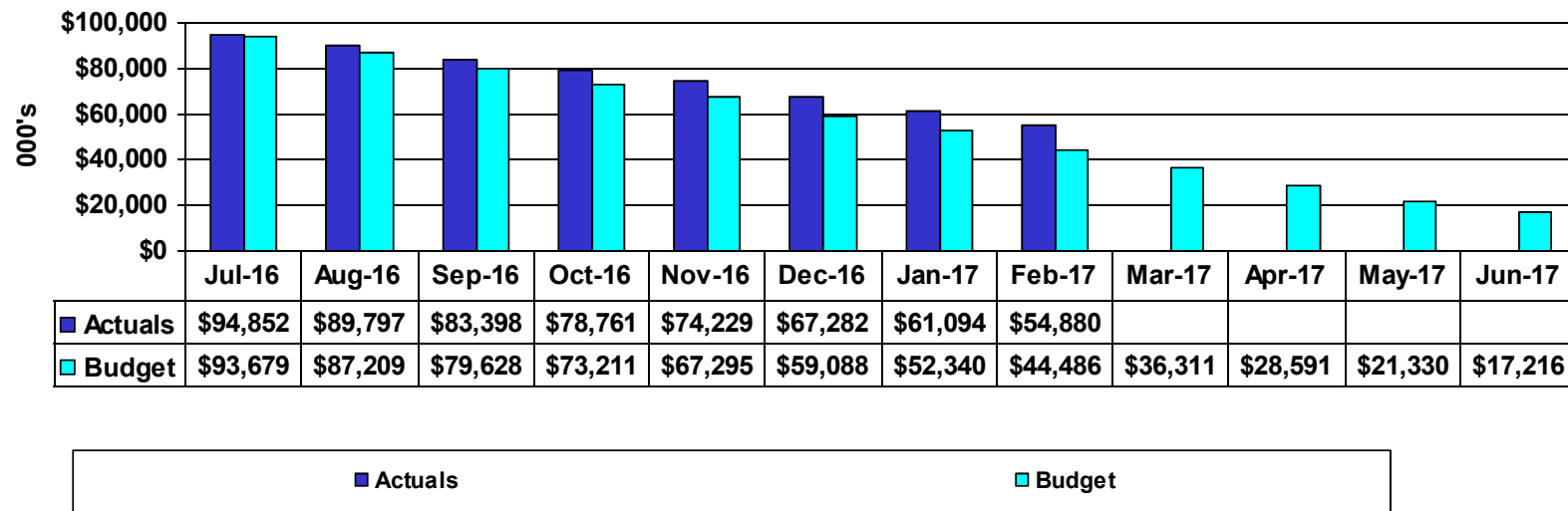
	2016-17 Year to Date Actual	2016-17 Year to Date Budget	2016-17 Year to Date Variance	2016-17 Year to Date Variance	2016-17 Last Month Forecast	2016-17 Current Month Forecast	2016-17 Current Month Forecast Movement	2016-17 Annual Budget	2016-17 Budget Forecast Variance	2016-17 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
Income										
<i>Income from Ordinary Activities</i>										
General Rates	85,235	85,051	184	0.2%	85,184	85,235	52	85,051	184	0.2%
Supplementary Rates	795	800	(5)	(0.6%)	792	845	53	800	45	5.6%
Waste and Recycling Charges	14,450	14,513	(63)	(0.4%)	14,745	14,758	13	14,821	(63)	(0.4%)
Grants (Operating and Capital)	17,040	16,405	635	3.9%	25,114	25,217	103	24,443	774	3.2%
Interest Received	882	600	282	47.1%	1,135	1,182	48	900	282	31.4%
User Fees	17,274	16,967	307	1.8%	26,036	25,887	(149)	25,500	387	1.5%
Statutory Fees and Fines	5,772	3,686	2,087	56.6%	7,473	7,697	224	5,610	2,087	37.2%
Contributions (Monetary)	5,430	3,882	1,548	39.9%	6,471	6,944	473	5,500	1,444	26.2%
Other Income	1,485	1,181	304	25.7%	2,592	2,625	33	2,321	304	13.1%
Total Income from Ordinary Activities	148,364	143,084	5,279	3.69%	169,541	170,389	849	164,947	5,442	3.3%
Expenses										
<i>Expenses from Ordinary Activities</i>										
Employee Costs	46,065	47,453	1,388	2.9%	69,953	69,257	696	70,660	1,403	2.0%
Materials and Consumables	3,311	4,048	738	18.2%	5,745	5,604	142	6,040	437	7.2%
Contractor Payments	18,423	19,332	910	4.7%	29,426	29,438	(11)	29,729	291	1.0%
Maintenance	3,695	4,233	538	12.7%	6,077	6,057	19	6,323	265	4.2%
Utility Services	2,600	2,865	265	9.2%	4,205	4,183	22	4,218	35	0.8%
Insurances	709	863	154	17.8%	1,036	960	76	1,075	115	10.7%
Other Expenses	2,881	2,911	30	1.0%	4,533	4,480	53	4,438	(42)	(0.9%)
Grants and Subsidies	565	705	140	19.9%	812	782	31	922	140	15.2%
Borrowing Costs	523	519	(4)	(0.8%)	765	766	(1)	762	(4)	(0.6%)
Total Expenses from Ordinary Activities	78,771	82,929	4,158	5.0%	122,553	121,525	1,028	124,166	2,641	2.1%
Surplus before non operational activities	69,593	60,155	9,436	15.7%	46,987	48,864	1,877	40,781	8,083	19.8%
<i>Non-operational Activities</i>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	491	360	131	36.3%	692	651	(41)	481	171	35.5%
Written Down Value of Assets Sold/Disposed	859	1,020	161	15.8%	1,199	1,369	(170)	1,531	161	10.5%
Depreciation and Amortisation	14,344	15,009	665	4.4%	22,135	21,966	169	22,514	548	2.4%
Surplus for the period	54,880	44,486	10,393	23.4%	24,345	26,180	1,835	17,216	8,964	52.1%
<i>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.</i>										

Balance Sheet*for the period ending 28 February 2017*

	Actuals 2015-16	Annual Budget 2016-17	Annual Forecast 2016-17	Year to Date Actual 2016-17	Previous Month's Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
Assets					
Current Assets					
Cash and Cash Equivalents	45,930	45,582	54,441	65,228	54,101
Trade and Other Receivables	10,408	8,984	10,408	45,067	58,939
Other Assets	1,297	1,309	1,297	97	172
Total Current Assets	57,635	55,875	66,146	110,391	113,213
Non-Current Assets					
Property, Infrastructure, Plant and Equipment	2,047,138	1,727,370	2,063,833	2,050,747	2,050,785
Intangible Assets	1,042	750	1,042	809	828
Investments in Joint Operations	2,125	2,595	2,125	2,125	2,125
Other Financial Assets	5	5	5	5	5
Total Non-Current Assets	2,050,310	1,730,720	2,067,005	2,053,686	2,053,743
TOTAL ASSETS	2,107,945	1,786,595	2,133,151	2,164,077	2,166,956
Liabilities					
Current Liabilities					
Trade and Other Payables	16,494	11,832	14,994	10,103	7,312
Trust Funds and Deposits	25,501	24,670	25,501	35,548	34,476
Provisions	12,891	13,692	12,891	12,329	12,320
Interest-Bearing Liabilities	3,149	3,349	3,349	3,307	3,013
Total Current Liabilities	58,035	53,543	56,735	61,288	57,121
Non-Current Liabilities					
Provisions	1,186	1,187	1,186	1,393	1,393
Interest-Bearing Liabilities	21,734	18,113	18,113	19,538	20,108
Other Liabilities - Joint Operations	2,568	3,352	2,568	2,568	2,568
Total Non-Current Liabilities	25,488	22,652	21,867	23,500	24,069
Total Liabilities	83,523	76,195	78,602	84,787	81,190
Net Assets	2,024,422	1,710,400	2,054,549	2,079,290	2,085,765
Equity					
Accumulated Surplus	890,150	908,144	920,277	946,710	953,511
Asset Revaluation Reserve	1,130,179	797,983	1,130,179	1,130,166	1,130,428
Public Open Space Reserve	4,093	4,273	4,093	2,414	1,827
Total Equity	2,024,422	1,710,400	2,054,549	2,079,290	2,085,765

Performance Graphs

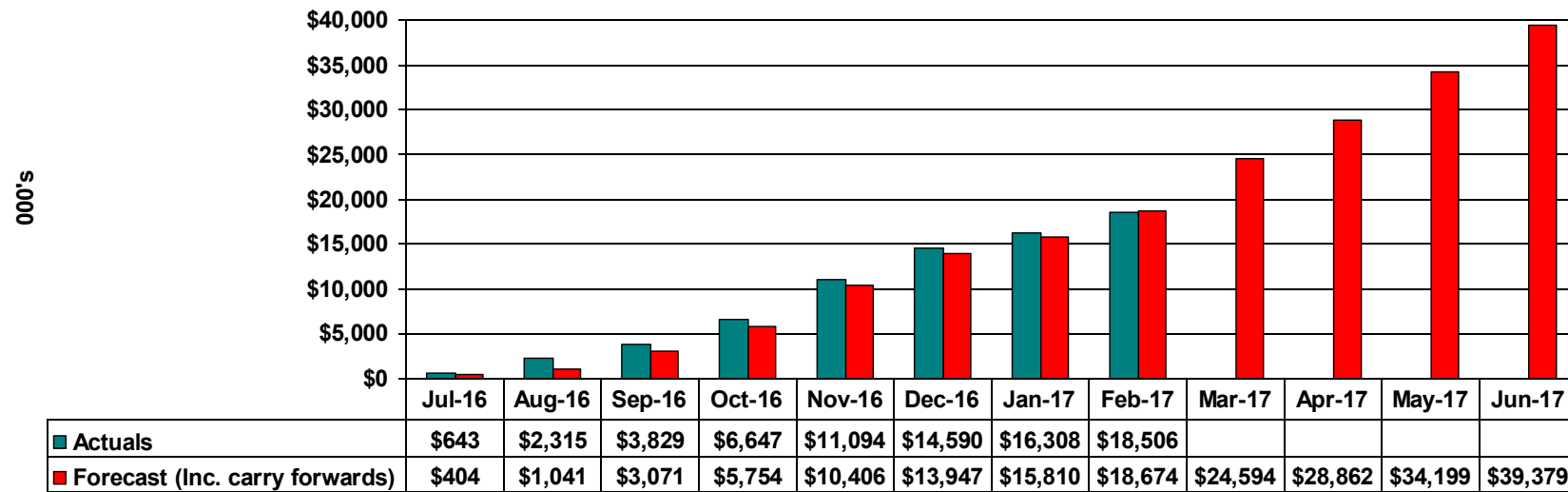
Financial Performance
for the period ending 28 February 2017



The February 2017 year to date financial performance was \$10.39m better than the year to date budget mainly due to:

- Better than anticipated income received for statutory fees and fines \$2.09m, open space contributions \$1.55m, government grants \$635k, user fees \$307k, other income \$304k, interest received \$282k and general rates and charges \$116k.
- Favourable variances in expenditure items including: employee costs \$1.39m, contractors \$910k, materials and consumables \$738k, maintenance \$538k, utility services \$265k, insurances \$154k and grants and subsidies \$140k.

Capital Works Expenditure
for the period ending 28 February 2017

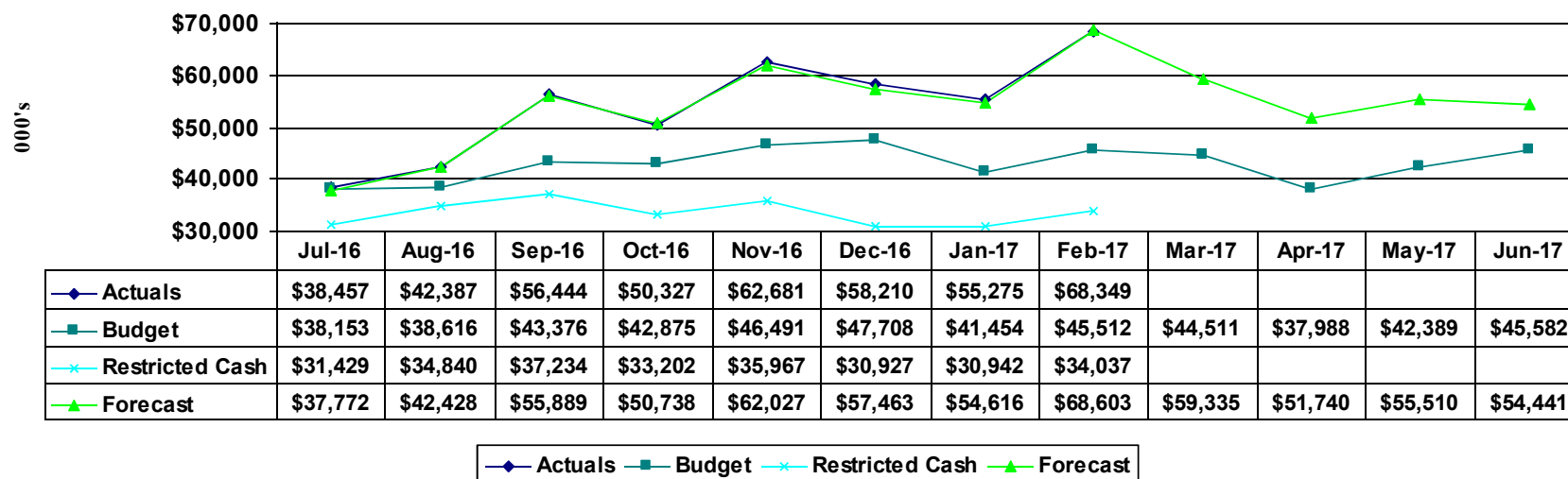


Actuals

Forecast (Inc. carry forwards)

Council's capital expenditure is behind forecast by \$168k mainly due to Open Space Strategy initiatives \$568k. Offsetting this is capital expenditure ahead of forecast for the following: Library Smart Sorter Machine \$182k, Information Systems \$160k and Warm Season Grass \$55k.

Cash and Investments Balances
for the period ending 28 February 2017



Council's year to date cash balance of \$68.35m is higher than budget for the current month. Council's forecast position to June 2017 of \$54.44m has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 28 February 2017 include: residential aged care deposits of \$25.22m, trust funds and deposits \$4.23m (including asset protection permits), open space reserve \$2.41m and fire services property levy \$2.18m.

Rates Income and Debtors
for the period ending 28 February 2017

Rate Income – is an important source of revenue, accounting for approximately 54 per cent of the total revenue received by Council annually. Glen Eira continues to have the second-lowest average rates and charges in metro Melbourne.

Rate Capping - The Victorian Government's Fair Go Rates System (FGRS) limits the maximum increase in Councils' average rates. The amount is calculated by dividing total revenue from general rates by the total number of rateable properties in the municipality.

Each year the Minister for Local Government sets the average rate cap increase for Councils.

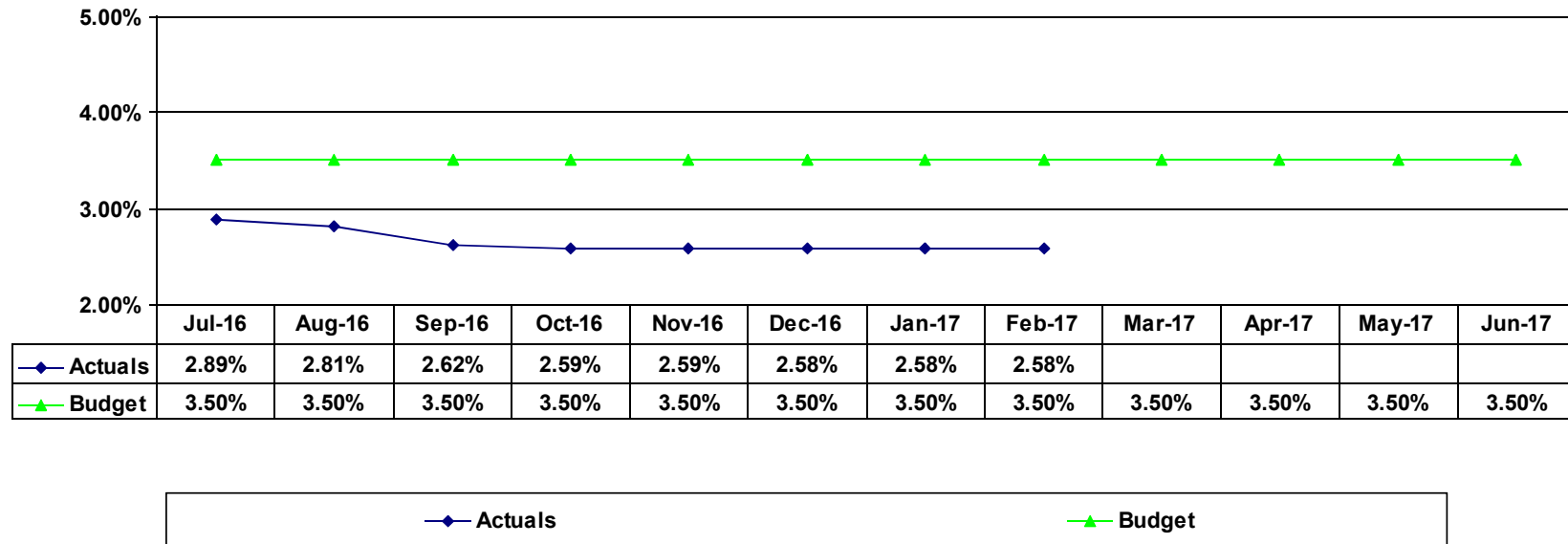
The cap for 2016-17 was set at forecast CPI last year (at 2.5%) - the first year Victorian Councils operated under a rate cap.

Rate Payments - Rates are paid in four instalments during the year: February, May, September and November. Council's cash flow is impacted by the timing of rate payments. The following table reflects the rate debtors balance as at 28 February 2017.

Rate Debtors	2016-2017 Year to date
	\$'000
Arrears Brought Forward	5,104
2016-17 Rates & Garbage Generated	99,459
2016-17 Fire Services Property Levy	12,232
Total Rates & Charges	116,795
Payments/Adjustments:	
Glen Eira Pension Rebate	(411)
State Government Rebate	(1,733)
Fire Services Property Levy Rebate	(397)
Receipts	(75,960)
Interest	237
Supplementary Valuations	1,007
Adjustments	58
Total Payments/Adjustments	(77,198)
Rates & Charges Balance at Month End	39,597

Actual Interest Rate vs Budget Interest Rate

for the period ending 28 February 2017



Council achieved a lower return of 2.58% against the budget of 3.50%.

Capital Works Program Expenditure

for period ending 28 February 2017

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<u>CAPITAL WORKS: PRIORITY ITEMS</u>									
Information Systems	-	837,500	-	837,500	282,015	122,000	(160,015)	837,500	-
Vehicle Replacements	-	1,706,112	-	1,706,112	1,009,229	1,030,700	21,471	1,706,112	-
Footpath Replacement	-	1,725,000	-	1,725,000	1,033,125	1,150,000	116,875	1,725,000	-
Kerb and Channel Replacement	-	160,000	-	160,000	39,916	112,000	72,084	160,000	-
Road Rehabilitation	-	3,082,409	-	3,082,409	1,080,534	799,000	(281,534)	3,082,409	-
Drainage Improvement	-	3,482,000	-	3,482,000	2,010,581	1,259,000	(751,581)	3,482,000	-
Local Road Resurfacing	-	1,500,000	-	1,500,000	746,081	166,000	(580,081)	1,500,000	-
Right of Way Renewal	-	330,000	-	330,000	287,220	312,000	24,780	330,000	-
Traffic Signal Renewal	-	100,000	-	100,000	-	-	-	100,000	-
Local Area Traffic Management (LATM) Replacement	-	500,000	-	500,000	38,680	60,000	21,320	500,000	-
Car Park Rehabilitation	-	775,000	-	775,000	95,890	225,000	129,110	775,000	-
Roads to Recovery	-	714,999	665,001	1,380,000	114,956	150,000	35,044	1,380,000	-
TOTAL PRIORITY ITEMS	-	14,913,020	665,001	15,578,021	6,738,227	5,385,700	(1,352,527)	15,578,021	-
<u>CAPITAL WORKS: ROLLING ANNUAL</u>									
<u>CAPITAL WORKS: ROLLING ANNUAL- ENVIRONMENTAL INITIATIVES</u>									
Bicycle Strategy Implementation	101,000	250,000	-	351,000	41,912	220,000	178,088	351,000	-
Warm season grass Program	-	600,000	700,000	1,300,000	55,483	-	(55,483)	1,300,000	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL- ENVIRONMENTAL INITIATIVES	101,000	850,000	700,000	1,651,000	97,395	220,000	122,605	1,651,000	-
<u>CAPITAL WORKS: ROLLING ANNUAL-LIBRARIES</u>									
Library and Information Services	-	793,467	62,811	856,278	555,877	649,530	93,653	856,278	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL- LIBRARIES	-	793,467	62,811	856,278	555,877	649,530	93,653	856,278	-
<u>CAPITAL WORKS: ROLLING ANNUAL-TRAFFIC MANAGEMENT</u>									
Blackspot Treatment	-	18,000	-	18,000	-	-	-	18,000	-
Traffic Engineering	412,955	1,075,000	-	1,487,955	574,318	676,955	102,637	1,487,955	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL- TRAFFIC MANAGEMENT	412,955	1,093,000	-	1,505,955	574,318	676,955	102,637	1,505,955	-
<u>CAPITAL WORKS: ROLLING ANNUAL-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</u>									
Playground Minor Equipment/Art Rolling Program	-	345,000	-	345,000	317,570	320,000	2,430	365,000	20,000
Carnegie Swim Centre Capital Maintenance	-	50,000	-	50,000	-	30,000	30,000	50,000	-
Minor Park Improvements	-	899,050	-	899,050	386,284	559,050	172,766	899,050	-
Sports Ground Lighting	-	80,000	-	80,000	72,532	80,000	7,468	80,000	-
Public Hall Furniture	-	4,000	-	4,000	4,900	4,000	(900)	4,000	-
Shade Sails Rolling Program	-	105,000	-	105,000	48,668	105,000	56,332	105,000	-
Plinth Curbing	-	85,000	-	85,000	57,309	45,000	(12,309)	85,000	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL- PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES	-	1,568,050	-	1,568,050	887,263	1,143,050	255,787	1,588,050	20,000

Capital Works Program Expenditure

for period ending 28 February 2017 (continued)

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<u>CAPITAL WORKS: ROLLING ANNUAL-BUILDING WORKS</u>									
Building Improvements	-	550,500	-	550,500	308,038	375,900	67,862	624,500	74,000
Kitchen/ Joinery Renewal	-	30,000	-	30,000	21,800	30,000	8,200	30,000	-
Roof Renewal	-	113,700	-	113,700	73,884	68,220	(5,664)	113,700	-
Painting Program	-	111,650	-	111,650	19,922	69,900	49,978	111,650	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL-BUILDING WORKS	-	805,850	-	805,850	423,644	544,020	120,376	879,850	74,000
<u>CAPITAL WORKS: ROLLING ANNUAL-SHOPPING CENTRES</u>									
Annual Shopping Streetscape Program	-	567,000	-	567,000	49,918	75,000	25,082	567,000	-
TOTAL CAPITAL WORKS: ROLLING ANNUAL-SHOPPING CENTRES	-	567,000	-	567,000	49,918	75,000	25,082	567,000	-
TOTAL ROLLING ANNUAL	513,955	5,677,367	762,811	6,954,133	2,588,415	3,308,555	720,140	7,048,133	94,000
<u>CAPITAL WORKS: MAJOR PROJECTS</u>									
Lord Hex Pavilion, Carnegie	-	220,000	-	220,000	-	44,000	44,000	220,000	-
Duncan Mackinnon Pavilion	-	-	-	-	13,828	-	(13,828)	-	-
Marlborough Pavilion, Bentleigh East	-	25,000	-	25,000	-	-	-	25,000	-
Carnegie Swim Centre	-	280,000	-	280,000	380	100,000	99,620	280,000	-
TOTAL MAJOR PROJECTS	-	525,000	-	525,000	14,208	144,000	129,792	525,000	-
<u>CAPITAL WORKS: OPEN SPACE STRATEGY IMPLEMENTATION</u>									
Open Space Strategy Initiatives	-	900,000	-	900,000	281,509	850,000	568,491	900,000	-
Booran Reserve	-	3,962,495	97,000	4,059,495	3,610,607	3,159,495	(451,112)	4,059,495	-
TOTAL OPEN SPACE STRATEGY IMPLEMENTATION	-	4,862,495	97,000	4,959,495	3,892,116	4,009,495	117,379	4,959,495	-
<u>SHORT TERM PROJECTS</u>									
<u>CAPITAL WORKS: SHORT TERM-ENVIRONMENTAL INITIATIVES</u>									
Building Improvements	-	716,676	-	716,676	252,898	426,294	173,396	716,676	-
Park Lighting Energy Efficiency Upgrade	-	218,337	-	218,337	-	-	-	218,337	-
TOTAL CAPITAL WORKS: SHORT TERM-ENVIRONMENTAL INITIATIVES	-	935,013	-	935,013	252,898	426,294	173,396	935,013	-
<u>CAPITAL WORKS: SHORT TERM-AGED CARE</u>									
Building Improvements	-	83,000	-	83,000	4,399	83,000	78,601	83,000	-
ILU Refurbishment	-	120,000	-	120,000	-	72,000	72,000	120,000	-
Residential Services Minor Improvements	-	220,000	-	220,000	116,737	140,000	23,263	220,000	-
TOTAL CAPITAL WORKS: SHORT TERM-AGED CARE	-	423,000	-	423,000	121,136	295,000	173,864	423,000	-
<u>CAPITAL WORKS: SHORT TERM-FAMILY & CHILDREN'S SERVICES</u>									
Replacement FDC of Equipment	-	10,000	-	10,000	9,658	10,000	342	10,000	-
TOTAL CAPITAL WORKS: SHORT TERM-FAMILY & CHILDREN'S SERVICES	-	10,000	-	10,000	9,658	10,000	342	10,000	-

Capital Works Program Expenditure

for period ending 28 February 2017 (continued)

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<u>CAPITAL WORKS: SHORT TERM-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</u>									
ILU Refurbishment	-	50,000	-	50,000	2,311	30,000	27,689	50,000	-
Multi-purpose Sports Court redevelopment	99,880	165,000	-	264,880	93,729	95,000	1,271	264,880	-
Recreation	130,000	875,000	195,000	1,200,000	272,865	280,000	7,135	1,200,000	-
Parks & Gardens	-	158,000	-	158,000	86,967	18,000	(68,967)	308,000	150,000
Outdoor Fitness Stations and Instructional Signage	-	70,000	-	70,000	17,160	35,000	17,840	70,000	-
Bin Enclosures	-	37,500	-	37,500	34,006	37,500	3,494	37,500	-
TOTAL CAPITAL WORKS: SHORT TERM-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES	229,880	1,355,500	195,000	1,780,380	507,038	495,500	(11,538)	1,930,380	150,000
<u>CAPITAL WORKS: SHORT TERM-TRAFFIC MANAGEMENT</u>									
Parking Ticket Machines	-	150,000	-	150,000	-	150,000	150,000	150,000	-
TOTAL CAPITAL WORKS: SHORT TERM-TRAFFIC MANAGEMENT	-	150,000	-	150,000	-	150,000	150,000	150,000	-
<u>CAPITAL WORKS: SHORT TERM-BUILDING WORKS</u>									
Renewal of Heating Ventilation Air Conditioning	-	972,000	-	972,000	22,808	-	(22,808)	972,000	-
Land Acquisition- 6, Aileen Avenue, Caulfield South	-	-	-	-	2,106,281	2,100,000	(6,281)	2,100,000	2,100,000
Land Acquisition- 53, Magnolia Road, Gardenvale	-	-	-	-	1,391,715	1,400,000	8,285	1,490,000	1,490,000
Building Improvements	-	538,635	219,000	757,635	296,701	487,000	190,299	947,635	190,000
Disability Access Upgrade	-	65,000	-	65,000	32,646	65,000	32,354	65,000	-
GESAC	1,311,128	250,000	-	1,561,128	319,630	240,000	(79,630)	1,561,128	-
Public Toilet Exeloo	-	180,000	-	180,000	-	-	-	180,000	-
TOTAL CAPITAL WORKS: SHORT TERM-BUILDING WORKS	1,311,128	2,005,635	219,000	3,535,763	4,169,781	4,292,000	122,219	7,315,763	3,780,000
<u>CAPITAL WORKS: SHORT TERM-LIBRARIES</u>									
Smart Sorter Machine	-	250,000	-	250,000	182,124	-	(182,124)	250,000	-
TOTAL CAPITAL WORKS: SHORT TERM-LIBRARIES	-	250,000	-	250,000	182,124	-	(182,124)	250,000	-
<u>CAPITAL WORKS: SHORT TERM-OTHER</u>									
Furniture & Fittings	-	50,000	-	50,000	-	50,000	50,000	50,000	-
Refurbishment of outdoor play space	-	45,000	-	45,000	7,408	45,000	37,592	45,000	-
Drainage Asset Management Decision tool	-	28,000	-	28,000	-	2,000	2,000	28,000	-
Annual Plant and Equipment Replacement	-	131,000	-	131,000	23,152	60,000	36,848	131,000	-
TOTAL CAPITAL WORKS: SHORT TERM-OTHER	-	254,000	-	254,000	30,560	157,000	126,440	254,000	-
TOTAL SHORT TERM PROJECTS	1,541,008	5,383,148	414,000	7,338,156	5,273,195	5,825,794	552,599	11,268,156	3,930,000
TOTAL CAPITAL WORKS EXPENDITURE	2,054,963	31,361,030	1,938,812	35,354,805	18,506,161	18,673,544	167,383	39,378,805	4,024,000

10. URGENT BUSINESS

There were no items of urgent business submitted to the meeting.

11. ORDINARY BUSINESS**11.1 Requests for reports from Officers**

(i) Agenda Item 11.1(a) – Request for Report – Cr Esakoff

Moved: Cr Esakoff

Seconded: Cr Silver

That officers prepare a report on how Council can further preserve the 'Outer Circle Railway Linear Park' (Boyd Park, Springthorpe Gardens & Riley Reserve) to protect its integrity and significance to both Council and community by way of planning controls such as Heritage or Character Overlays, and broadening the scope of Council's major Heritage Review to include this unique part of Glen Eira.

CARRIED UNANIMOUSLY

11.2 Right of reply - NIL**11.3 Councillor questions**

Cr Magee – Did the Victorian Government approach Council in 2016 to discuss the educational requirements and the possibility of a secondary college at Virginia Park (East Village) and were there any discussions with anyone at Glen Eira City Council?

CEO – The Department of Education held preliminary exploratory discussions with Council in relation to that site, however no resolution was reached.

11.4 Public questions to Council

There were 13 questions received for the 21 March 2017 Council Meeting.

Ms Vera Gillard, Mr Nick Varvodic and Mr Geoff Healy's questions were not read at the meeting as they were not present in the Chamber. Letters will be sent to each of the submitters including their questions and responses in accordance with the Local Law.

1. Marcus Oswald - Carnegie

The recently conducted traffic study for the link road proposed for east of Murrumbeena station, initially proposed the Skyrail construction consortium, was paid for by Council, LXRA or another party? What was its cost?

Response:

Council is currently seeking community feedback on a number of concepts for potential inclusion in our activity centre structure planning and/or for consideration as part of the State Government's Level Crossing Removal program.

The idea of a proposed link road at Murrumbeena is one concept that has been included, due to the opportunity it unlocks to make the Neerim Road shops more pedestrian friendly and to strengthen the village character.

To best inform the community of the benefits and issues to overcome for each concept, Council sought an independent traffic engineering and urban design review. The Traffic review component was funded by Council and cost approximately \$20,000. This covers the 16 concepts across the 5 centres of Murrumbeena, Hughesdale, Carnegie, Bentleigh and Elsternwick, not just that for the link road proposal.

2. Marcus Oswald – Carnegie

Is Council aware that many residents abutting the Dandenong rail corridor have been advised in writing by LXRA that the skyrail viaduct will be 60-80cm, and the shortest known distance being 20cm, from property boundaries between Cosy Gum Road and Egan Street, and east of Carnegie station and Murrumbeena Road? Does expect Council anticipate trees planting between the viaduct and property boundaries in these areas?

Response:

Council is advocating for tall trees to be returned to a number of sections along this rail corridor, where space allows.

There are some areas in the corridor that are very narrow. The State Government's Project Team will not be able to plant tall trees in these locations and will consider planting different types of vegetation. We encourage residents to speak to the Level Crossing Removal Project Team about these issues, as we understand they are still working on the detailed landscape design and may be able to directly assist adjacent residents.

3. Rosetta Manaszewicz – McKinnon

Council has granted a permit for the ground floor within the Caulfield Village, Precinct 2 to be utilised "for the purpose of Accommodation". Does this mean that the number of dwellings have increased and, if so, by how many and what is their configuration in terms of single bedroom, two bedroom, or three bedroom apartments?

Response:

The number of dwellings has not increased. The application for Caulfield Village to use the ground floor for 'dwellings' does not change the layout, numbers of dwellings or dwelling types as approved by VCAT. In other words, the use application simply gives effect to the layout which has already been approved by VCAT.

4. Paul Caine - Glen Huntly

My question is in relation to the EE Gunn masterplan; there are six mature eucalyptus trees (eucalyptus leucoxylon) along the Foch St or southern boundary of the reserve. Can council tell us if these trees are going to be removed in the redevelopment of the car parking spaces along this boundary?

Response:

The intention is to retain the significant eucalyptus trees along the proposed Foch Street car park. By formalising the carpark, those significant trees would have greater protection and clearance zones.

5. Jim Walker - Caulfield North

The public consultation for changes to Joyce Park includes 3 options. Why were no options presented for E. E. Gunn Reserve or any indication why a new pavillion and more car parks are required.

Response:

Joyce Park proposal includes two options, one an active sports area and one with a focus on gardens and plantings. Both these proposed concepts are consistent with the community feedback on the previous concept. The two proposals are intended to explore and obtain feedback on the community's preference towards more active or passive recreation in this location.

The EE Gunn Masterplan presents a potential long term vision based on existing use, future needs and potential opportunities for co-location. It is a longer term Masterplan. This vision is intended to stimulate discussion and feedback. We look forward to the community response for further consideration.

6. Ray Brown – Carnegie

Given the recent extremely short notice between residents being told of a development and the holding of a public planning conference, (example being 23 Koornang Road), the failure of the Planning Department to realise the design requirements of that building due to its proximity to a Live Music Venue, is the Planning Department under resourced? Will Council ask for a urgent report to establish if the Planning Department needs more money and staff to cope with the amount of Planning Applications and to prepare more accurate and effective objections where developments do not meet Councils Planning Rules?

Response:

Earlier this evening at Item 9.9, Council resolved to refuse the application for a 15 storey apartment building. It is important that applications such as these which could have a significant impact on the Glen Eira community are brought to the elected Council for a decision.

We agree that it is always preferable for as much notice as possible to be given to residents. Planning Conferences are usually held as soon as possible after the Notice period (advertising) of the application has been completed. The Planning and Environment Act is specific in specifying only 60 days for a planning permit application to be decided. If an application takes longer than 60 days to be decided, the permit applicant has the ability to lodge an appeal at VCAT against Council's failure to decide on the application in the required time frame. This would then allow VCAT to be the decision maker rather than Council.

It is the 60 day requirement, the need to satisfy public notice (advertising) obligations and Council's desire to hold a public meeting prior to an Ordinary Council Meeting that sometimes leads to shorter notice for Planning Conferences.

7. Ray Brown – Carnegie

Will Council consider printing all significant planning applications in "Glen Eira News" so that all residents of Glen Eira can be aware of all planning applications happening in Glen Eira

Response:

The disadvantage of publishing such information in Glen Eira News is that by the time the publication is received by residents, the information will likely be out of date. This is due to the dynamic nature of the planning process, the monthly cycle of Glen Eira News and the long lead times for printing and production.

A better way of keeping track of significant development applications or strategic planning projects is through Council's website. The website also contains a valuable search tool for planning permit applications which can be filtered by suburb or street.

We would be happy to raise awareness of this on-line database through Glen Eira News.

8. Mrs Mary Healy

I wish to ask a question regarding 96 Eskdale Road Caulfield North

- a) Could you please explain how one home has a licence for 16 residents to live in this HomeStay residence?
- b) How does it come about that the garage which is on the boundary is currently being used as a bedroom for three persons?

Response:

The building was registered in accordance with the State Government's Public Health and Wellbeing Act 2008 in January 2016. Furthermore, Council's Health Department conduct inspections prior to renewing the annual registration. I can confirm that an inspection was conducted on 27 February 2017 which confirmed compliance with the Act.

In December 2015 a Private Building Surveyor issued the building permit to convert the original dwelling and garage into shared accommodation. No planning permit was required as it was exempt from State planning laws.

It is recorded that Cr Magee left the Chamber at 10.54pm.

Moved: Cr Hyams

Seconded: Cr Delahunty

That the meeting be now closed to members of the public under Section 89(2)(d) of the Local Government Act 1989 in order to consider Item 12.1 which relates to the awarding of the contract for GESAC Wellness Centre Construction Tender number 2017.013.

CARRIED UNANIMOUSLY

It is recorded that Cr Magee re-entered the Chamber at 10.55pm.

12. CONSIDERATION OF ITEMS IN CAMERA

Recommendation

That the meeting be now closed to members of the public under Section 89(2)(d) of the *Local Government Act 1989* in order to consider:

12.1 which relates to the awarding of the contract for **gesac Wellness Centre Construction Tender Number 2017.013**

Number of tenders received	3)
Number of evaluation criteria tenders assessed against	Three (3)
Proposed contract value	\$499,273

Moved: Cr Hyams

Seconded: Cr Delahunty

That the meeting be opened to the public.

CARRIED UNANIMOUSLY

Moved: Cr Hyams

Seconded: Cr Athanasopoulos

That Council:

1. appoints Ducon Maintenance Pty Ltd, ACN 150 941 174 as the contractor under Tender number 2017.013 for an amount of \$499,273.00 exclusive of GST.
2. authorises officers to prepare the contract in accordance with the Conditions of Contract included in the tender.
3. executes the contract in an appropriate manner by affixing of the Council Seal.
4. endorses that this resolution be incorporated in the public minutes of this Meeting

CARRIED UNANIMOUSLY

13. CLOSURE OF MEETING

The Mayor closed the meeting at 10.56pm.

Confirmed this 12 Day of April 2017

Chairperson: