



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**TUESDAY 24 JULY 2018**

**AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
At 7.30 pm**

*"The primary object of a Council  
is to endeavour to achieve  
the best outcomes for the local community  
having regard to the  
long term and cumulative effects of decisions."*

- s3c(1) Local Government Act

**Councillors:** The Mayor, Councillor Tony Athanasopoulos  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Margaret Esakoff  
Councillor Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt  
Councillor Nina Taylor

**Chief Executive Officer:** Rebecca McKenzie

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Nil

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**AGENDA for the ORDINARY MEETING OF THE  
GLEN EIRA CITY COUNCIL to be held on TUESDAY 24<sup>th</sup> July 2018**

**1. ACKNOWLEDGEMENT**

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

**2. APOLOGIES**

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

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

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

Copies of Minutes previously circulated.

**Recommendation**

That the minutes of the Ordinary Council Meeting held on 3 July 2018 be confirmed.



**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 Petition: 774-776 Glen Huntly Road, Caulfield South**

A petition containing 29 signatures was submitted to the Council Meeting.

The petition read as follows:

'We, the undersigned strongly opposed the application for a gymnasium in the former video shop at 774-776, Glen Huntly Road, Caulfield South for the following reasons:

1. Lack of parking on site; only 1 or 2 car spaces on sizeable premises;
2. Detrimental impact on-street parking by operators and users of the proposed gymnasium (potential for 25+ users at any time); and
3. Any reduced of parking detrimentally impacts on businesses in the area.'

**Recommendation**

That:

1. Council receives and notes the petition; and
2. the petition is considered in conjunction with the application process.

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

That Council receives and notes the National General Assembly of Local Government Conference Canberra 2018 report.

**7.1 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT  
CONFERENCE CANBERRA 2018**

**Author:** Tony Athanasopoulos, Mayor

**Trim No:** 18/1173965

**Attachments:** Nil

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**PURPOSE AND SUMMARY**

This report provides a briefing to Council on my recent attendance as Mayor of Glen Eira at the National Assembly of Local Government Conference in Canberra from Sunday 17 June to Wednesday 20 June 2018.

**RECOMMENDATION**

That Council receives and notes the National General Assembly of Local Government Conference Canberra 2018 report.

**BACKGROUND**

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities.

From Sunday 17 June until Wednesday 20 June 2018, I attended the National General Assembly of Local Government (NGA) Conference in Canberra representing Glen Eira City Council and was joined by CEO Rebecca McKenzie for advocacy meetings at Parliament House and some key events.

The theme for this year's NGA was Australia's Future, Make it Local, reflecting not just the wide scope and importance of Local Government, but its ability to influence and affect fundamental change and improvement at the community level.

**ISSUES AND DISCUSSION****Sunday 17 June 2018**

Travelled to Canberra to attend the NGA where David O'Loughlin the president of the ALGA welcomed the representatives and gave an overview of what ALGA was hoping to achieve leading up to the next election.

Joined delegate representatives, Mayors and Councillors from across Victoria for dinner to discuss matters of shared interest.

**Monday 18 June 2018**

The first speaker of the Assembly was The Hon Dr John McVeigh, Minister for Regional Development, Territories and Local Government who discussed the Federal Government's focus for our sector.

David Speers, Political Editor from SKY News then addressed the assembly and gave his vision of the political landscape in Australia and what local governments should be doing to get the support needed.

Virginia Haussegger, Australian Journalist, Media Commentator and Television Presenter presented on The Case of Gender Diversity and Local Government. Much of the address was focused on the work that wasn't yet done and how we as Local Governments needed to continue to break through the glass ceiling. The discussion also centred on how gender diverse organisations make better and more inclusive decisions.

In the afternoon of Day 2 there was a panel discussion focusing on Balancing Innovation and the Public Interest. We had a panel that included representatives from BMW, the Australian Research Council and Professor Ron Bartsch, President, Asia Pacific Remotely Piloted Aircraft Systems Consortium to discuss how we major organisations and consortiums are planning for the disruption of future technologies such as electric smart cars and airborne logistics.

In the early afternoon I was joined by the CEO and we attended Parliament House and Question Time as guests of the Member for Goldstein, Mr Tim Wilson MP.

The afternoon closed with debate on Motions before the Assembly. The primary topic of debate on the first afternoon of discussion involved National Recognition of Australia's First Peoples and calling of the Federal Government to proceed with a referendum and implement the recommendation from the Uluru Statement from the Heart.

As there were multiple Motions and Amendments progress was slow.

At the end of the first full day of the Assembly, I attended the Delegates' Dinner at the National Convention Centre and had the opportunity to mix with Mayors, Councillors and Officers from Councils across Australia. The CEO attended a separate dinner for CEO conference delegates.

**Tuesday, 19 June 2018**

The day commenced with an address from Bernard Salt, Author and Columnist, discussing population growth in Australia. The information that was shared focussed on the economic benefit and potential social cohesion issues that we need to deal with. Following a panel discussion there was more debate on Motions.

As this was likely to be the last National Assembly before the next Federal Election, it was also an opportunity to meet with key government representatives to highlight some of the community's local advocacy priorities.

In the afternoon members of the Jewish Culture and Arts Precinct (JCAP) Committee, the CEO and I attended meetings with Senator Scott Ryan, President of the Senate and Senator for Victoria, Senator James Paterson, Senator for Victoria and a representative of Minister Mitch Fifield, Minister for Communications and the Arts, to discuss Glen Eira's plans for the development of a Jewish Culture and Arts precinct in Elsternwick as part of the realisation of the vision of the Elsternwick Structure Plan.

On Tuesday evening delegates attended the General Assembly Dinner at the National Tennis Centre, Australian Institute of Sport, which included the announcement of the National Awards for Excellence.

**Wednesday, 20 June 2018**

The NGA heard from a Panel of Mayors discussing local government issues and the impending Federal election. Dave Cull, President, Local Government New Zealand also addressed the conference providing an insight into how Local Governments in New Zealand deal with major disasters, resilience and economic challenges before David O'Loughlin the president of the ALGA closed the conference.

Late afternoon I returned to Melbourne while the CEO travelled by train to Sydney to attend to other business commitments and attend the Australasian Reporting Awards, receiving 3 separate Awards on behalf of Glen Eira City Council.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The cost for the trip was covered in the 2017/18 budget and was consistent with the provisions contained in the Councillor Civic Support and Expenses Policy and the 20 March 2018 resolution of the Council.

**POLICY AND LEGISLATIVE IMPLICATIONS**

Not applicable

**COMMUNICATION AND ENGAGEMENT**

Not applicable

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**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 event was attended by over 800 representatives from Local Governments across Australia and New Zealand. Some interesting policy platforms were discussed with representatives of various Government departments and their respective Ministers.

The Mayor and CEO welcomed the opportunity to promote the profile of the City of Glen Eira and advocate on behalf of the interests of our local community.

**8. REPORTS FROM COMMITTEES**

**8.1 Advisory Committees**

Nil

**8.2 Records of Assembly**

- a) 19 June 2018
- b) 26 June 2018
- c) 3 July 2018 (pre-meeting)

**Recommendation**

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

- a) 19 June 2018
- b) 26 June 2018
- c) 3 July 2018 (pre-meeting)

**Assembly of Councillors**

**19 June 2018**

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

**Meeting commenced at 6.45PM.**

**A. Present**

Cr Clare Davey  
Cr Mary Delahunty  
Cr Jamie Hyams  
Cr Jim Magee  
Cr Joel Silver  
Cr Dan Sztrajt

**Council Officers**

Peter Jones  
Samantha Krull  
Peter Swabey  
Ron Torres  
Alexandra Fry  
Ana Tsaganos

**B. Matters considered.**

- (i) Apologies – Cr Athanasopoulos and Cr Esakoff
- (ii) Update on RAP and Aboriginal and Torres Strait Islander Flags
- (iii) General Business
  - a) Director Infrastructure, Environment and Leisure
    - a. Retired Trams
    - b. Parking at King George Reserve
  - b) Cr Delahunty – Street sweeping

7.35pm Cr Taylor entered the Assembly

- c) Cr Magee
  - a. Temporary fencing
  - b. Garden waste littering
- d) Cr Davey
  - a. Status Resolution Support Service
  - b. Contractor conduct
  - c. Raised zebra crossing near Marara and Narrawong Rd
- e) Cr Taylor – Amsterdam Study Tour
- f) Director Planning and Place – Obikes
- g) Councillor Business Officer – Upcoming Citizenship Ceremony
- h) Cr Hyams
  - a. Every Bit Counts campaign
  - b. Significant Tree Register
  - c. Minutes of 12 June 2018 Ordinary Council Meeting

(iv) Draft Special Council Meeting Agenda – 26 June 2018

- 4.1 Adoption of the Council and Community Plan and Strategic Resource Plan
- 4.2 Adoption of 2018-19 Draft Annual Budget
- 4.3 Declaration of Rates & Charges 1 July 2018 to 30 June 2019
- 4.4 2018 General Revaluation Return
- 4.5 Supplementary Valuations 1 July 2016 - 30 June 2018

**Assembly finished at 8.02pm**



**Assembly of Councillors**

**26 June 2018**

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

**Meeting commenced at 6.56PM.**

**A. Present**

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

**Council Officers**

Rebecca McKenzie  
Peter Jones  
Samantha Krull  
Peter Swabey  
Ron Torres  
Andrew Barden  
Janice Pouw  
Paul Wood  
Paige Buse  
Aidan Mullen  
Ana Tsaganos

**B. Matters considered.**

- (i) Apologies – Cr Esakoff and Cr Taylor
- (ii) Carnegie Swim Centre Redevelopment Concept – (Cr Esakoff via telephone link for this item)
- (iii) Elsternwick Structure Plan
- (iv) Glen Eira City Council Family Violence Policy and Annual Action Plan 2018-2019

9.06pm Assembly was adjourned

9.21pm Assembly was resumed

**Present**

Cr Tony Athanasopoulos  
Cr Clare Davey  
Cr Mary Delahunty  
Cr Jim Magee  
Cr Jamie Hyams  
Cr Joel Silver  
Cr Dan Sztrajt

- (v) Dandenong Integrated Water Management – Strategic Directions Paper
  - (vi) General Business
    - a) Director Community Wellbeing – Correspondence from ASU
    - b) Cr Strajt and Cr Silver – Apology for 3 July 18 Council meeting
    - c) Cr Hyams – VPA document
    - d) Chief Executive Officer
      - Australasian Reporting Awards
      - Social and Affordable Housing funding proposal
    - e) Cr Athanasopoulos
      - Refugee Welcome Zone
      - Elsternwick Park
      - Planning delegation decision
      - Tree Removal
    - f) Chief Executive Officer - Councillor Development Weekend
  - (vii) Draft Council Meeting Agenda – 3 July 2018
    - 5.2 Petition – Request for 2 Storey Height Limit in Caulfield South
    - 8.1 Advisory Committees
      - Minutes for Memorial Structure for Holocaust Survivors
    - 9.1 14-22 Woorayl Street, Carnegie
- 10.01pm Cr Athanasopoulos declared an indirect conflict of interest in item 9.2 and left the Assembly
- Cr Hyams chaired the Assembly for this item
- 9.2 43-45 Kokaribb Road, Carnegie
- 10.06pm Cr Athanasopoulos entered the Assembly
- 9.3 VCAT Watch
  - 9.4 Clayton Regional Landfill Budget 2018/19
  - 9.5 Bus Services in Glen Eira
- 10.16pm Cr Delahunty left Assembly and re-entered at 10.18pm
- 9.6 Planning Scheme Review 2016 – Progress Update
  - 9.7 MAV Councillor Development Weekend 2018
  - 9.8 Financial Management Report for the Period Ending 31 May 2018
  - Section 11 Requests for reports from Officers
    - Cr Magee - re Graffiti
    - Cr Delahunty – Street Sweeping
  - 12.1 Tender 2019.3 Wallace Avenue Reconstruction
  - 12.2 Tender 2019.2 Buckingham Avenue, Drainage Works Stage 1 & 1A

**Assembly finished at 10.22pm**

**Council Pre-Meeting**

**3 July 2018**

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

**Meeting Commenced at 6.47pm**

**A. Present**

Cr Tony Athanasopoulos, Mayor  
Cr Clare Davey  
Cr Margaret Esakoff  
Cr Jamie Hyams  
Cr Jim Magee

**Apologies**

Cr Mary Delahunty  
Cr Joel Silver  
Cr Dan Sztrajt  
Cr Nina Taylor

**Officers**

Rebecca McKenzie, CEO  
Ron Torres  
Peter Jones  
Peter Swabey  
Mark Judge  
Janice Pouw

**B. Matters considered**

6.48pm Cr Athanasopoulos declared an indirect conflict of interest and left the pre-meeting.

1. Item 9.2 – 43-45 Kokaribb Road, Carnegie

6.53pm Cr Athanasopoulos entered the pre-meeting

1. Item 11.1 – Requests for Reports from Officers
  - 11.1(a) Cr Magee – Anti graffiti measures
  - 11.1(b) Cr Magee – Traffic conditions in Bentleigh East
  - 11.1(c) Cr Delahunty – Street Sweeping
2. Item 11.4 – Public Questions
3. Elsternwick Structure Plan
4. Art on Signal Boxes

**Pre-meeting finished at 7.04pm**

**9. PRESENTATION OF OFFICERS REPORTS**

9.1	VCAT Watch
9.2	Caulfield Village - Planning Scheme Amendment C151: Social and Affordable Housing
9.3	Shelford Girls' Grammar School Combined Planning Scheme Amendment and Planning Permit Application
9.4	Bus services in Glen Eira
9.5	Gambling, Alcohol and Drug Use in Glen Eira
9.6	Glen Eira Family Violence Prevention Action Plan 2018-2019 and Policy
9.7	Elster Creek Catchment 2018 Action Plan Quarter Two Update
9.8	Proposal to enter into a Lease between Glen Eira City Council & Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) Premises: Part of the land known as The Wedge, Corner Booran Road and Glen Eira Road, Caulfield
9.9	Instruments of Appointment and Authorisation

**9.1 VCAT WATCH**

**Author:** Kristian Cook, VCAT Coordinator

**Trim No:** 18/1160399

**Attachments:** 1. VCAT Watch - 24 July 2018 - Attachment

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**PURPOSE AND SUMMARY**

To report to Council applications currently before, and recent decisions of, the Victorian Civil and Administrative Tribunal (VCAT).

**RECOMMENDATION**

That Council notes:

1. The applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.
2. The recent decisions of VCAT, including the commentary provided in relation to matters of notable interest.

**BACKGROUND**

The VCAT process is an integral part of the planning permit process and provides opportunity for independent review of planning decisions. VCAT is required to take into consideration any relevant planning policy.

**ISSUES AND DISCUSSION**

This report includes an attachment that provides an overview of all applications currently before, or that have recently been decided by the VCAT. The attachment table is broken down into 'New appeals lodged with the VCAT', 'Current matters before the VCAT' (including upcoming hearings or where Council is waiting for a decision after the hearing has taken place), and 'Recent decisions of the VCAT'.

There were seven decisions since the previous report. Two of the decisions were reached following the consent of all parties. Of the remaining decisions, the following are considered to be of interest and are summarised below.

<b>Address</b>	9 Royal Avenue, Glen Huntly
<b>Proposal</b>	The construction of a five storey building comprising up to 16 dwellings and a reduction in the visitor car parking requirement.
<b>Council decision</b>	Permit subject to conditions
<b>VCAT decision</b>	Conditions deleted and varied
<b>Appellant</b>	Highland Investments (Vic) Pty Ltd



Council determined to approve this application, subject to conditions, which of relevance included the following changes:

- Building height reduced from 5 storeys to 4 storeys; and
- Full compliance with the visitor car parking requirements.
- 

VCAT did not agree that the deletion of the top level was necessary and in forming its decision the Tribunal provided the following comments:

- *I also have regard to the responsible authority's submission that the review site is at the interface of the Commercial Zone and the General Residential Zone (GRZ). Land within the GRZ to the south and east will not be developed higher than three storeys .... I also accept that some of the nearby blocks of flats may be strata-subdivided which could constrain their redevelopment.*
- *I also agree with the responsible authority that deleting the fourth floor would enable the building to comfortably fit into the prevailing character and built form of the centre.*
- *I am not persuaded that these considerations outweigh the planning policy context that clearly encourages substantial change within the commercial core of neighbourhood centres. I think that limiting this development to four storeys in response to the prevailing context fails to make good use of an exceptionally well located and unconstrained site. It fails to respond to the policy framework that substantial change that is different to the prevailing built form should be expected and supported.*

It is noted that during the hearing, the Tribunal Member sought alternate design concepts from the project architect, which would assist in reducing the visual prominence of the top level when viewed from the south. One of these design concepts provided for increased setbacks to the south and a raked design feature. This design was accepted by the Tribunal and incorporated into a revised condition that sought to retain the top level with the inclusion of this revised design outcome. The condition was varied to reflect this change. In forming its decision on the visitor car parking requirements, the Tribunal provided the following comments:

- *The review site is highly accessible by public transport enabling visitors to travel to the centre by tram or train. Hence the demand for car parking may be somewhat lower than experienced in other less accessible locations. Planning policy encourages the demand for car parking to be suppressed in locations that are well serviced by public transport such as activity centres, with the expectation that some people will choose to travel by public transport.*
- *..., planning policy is unambiguously encouraging more intensive developments in activity centres particularly those with high levels of access from public transport. The State Government is investing heavily in public transport to facilitate a modal shift and less car use. These goals should not be thwarted by requiring the provision of car parking spaces that are unlikely to be required or used. Providing more visitor spaces would compromise the bigger picture and more important consideration of delivering a more compact and sustainable city.*

On this basis, the Tribunal supported the reduction of visitor car parking and deleted the condition.

<b>Address</b>	7 Manchester Grove, Glen Huntly
<b>Proposal</b>	Construction of a three (3) storey building comprising 12 apartments above basement car parking, and reduction in the statutory visitor car parking requirement.
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Decision set aside – permit granted
<b>Appellant</b>	Steven Koverdinsky



An application against Council's failure to determine this application was lodged with VCAT. Between the appeal being lodged and Council receiving notice of the appeal, Council issued a Notice of Refusal on the following grounds:

- Unreasonable amenity impacts on adjoining properties due to overshadowing, overlooking, loss of solar access and daylight and excessive mass and bulk impacts; and
- The development would unreasonably dominate the streetscape due to insufficient street setbacks.

In forming its decision, the Tribunal provided the following comments:

- *My findings regarding the design response are influenced by the site's proximity to the commercial area of this neighbourhood centre, and by the extent to which the amended plans address the council's concerns. My findings on the amenity impacts are influenced by the layout and orientation of the adjoining dwellings, and by the extent to which the amended plans reduce these amenity impacts.*
- *In this context, I find that the council has placed too much emphasis on the character of this neighbourhood centre's residential area. I find that the context is more than this...*
- *The council contends that the proposal's scale is excessive and will result in unreasonable visual impacts when viewed from the secluded private open space areas of the dwellings to the south. Further to this, it contends that the lack of*



*modulation in the first-floor walls along each side boundary exacerbates this visual impact for the neighbours and for the broader community.*

- I find that these impacts are acceptable. I am influenced by the fact that the side setback standard of ResCode is largely met. There are some minor areas of non-compliance caused by second floor balustrades and canopies yet the walls in question comply. I consider that compliance with ResCode's side setback standard is a reasonable starting point given that policy encourages increased densities in this location.*
- I find that the site coverage, on its own, is not significant. I have already found that the building's façade will not dominate the street despite including cantilevered form, and have found that the proposal's level of compliance with the side setback standard is acceptable in this location. The lack of a sensitive interface at the rear of the site allows the building to be built to the rear boundary. This increases the building's site coverage without adverse amenity impacts. In combination, these findings allow for the proposed site coverage.*

The Tribunal placed significant weight on the subject site's location near the Glen Huntly Road shopping centre and likely future growth of the area. The Tribunal has allowed a number of ResCode standard variations on this basis.

Following the conclusion of the hearing, the applicant lodged a request to VCAT for reimbursement of its fees on the basis that Council did not determine the application within the 60 statutory days. This was disallowed by VCAT, as officers were able to demonstrate that the conduct of the applicant was a significant factor in Council being unable to determine the application within the allowable time.

<b>Address</b>	16 South Avenue, Bentleigh
<b>Proposal</b>	Construction of eight (8), three (3) storey dwellings above basement car parking.
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Decision affirmed – Refusal
<b>Appellant</b>	Dreamy Pty Ltd



Council determined to refuse the application on the following grounds:

- Insufficient street setbacks and poor integration within the streetscape;
- Amenity impacts on adjoining properties due to excessive overshadowing and loss of daylight; and
- Poor internal amenity of the proposed dwellings.

In forming its decision, the Tribunal provided the following comments:

- *Having considered these submissions and related material presented by the parties, I do not find major concerns in terms of the proposal's presentation to South Avenue. That is with respect to the architectural composition, materials, finishes and landscaping...*
- *The main issue with overshadowing of adjacent secluded private open space relates to Unit G02 in No. 14 South Avenue. Standard B21 is not met. ... Having regard to the decision guidelines in clause 55.04-5, I find the impact is unacceptable. On its face, additional shadow between 9am and before 11am may not seem to have a substantial effect on the amenity of the property and useability of the open space. However, when considered with existing shadowing, the secluded open space is unreasonably compromised. There is no reason why the standard should not be met.*
- *I agree with submissions that the amenity to these three units (Units 6, 7 and 8) is poor...*

- *I do not accept a point made by the applicant that a certain number of southern units in a development can be expected. In this case, three of the eight units are problematic.*

On this basis, the Tribunal determined to refuse the application.

#### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

There are no financial, resource or asset management implications.

#### **POLICY AND LEGISLATIVE IMPLICATIONS**

The decisions of notable interest in this report are relevant to the planning permit decision making in Glen Eira.

#### **COMMUNICATION AND ENGAGEMENT**

There has been no communication or engagement for this report.

#### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed  
A well planned City that is a great place to live.

#### **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**

This report provides an update of the applications before and recent decisions of the VCAT.

# APPLICATIONS BEFORE AND RECENT DECISION OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (13 JUNE 2018 TO 1 JULY 2018)

Address	VCAT Reference	Description of proposal	Type of Appeal	Zone	Council Decision	Council Delegate for Decision	Next Hearing Type	Next VCAT date
13-15 Hamilton Street BENTLEIGH VIC 3204	P1044/2018	Construction of a four storey building comprising up to 27 dwellings on land affected by a Special Building Overlay and a reduction in the Standard Car Parking requirement	s80 (Conditions)	RGZ1	Planning Permit	Council	Compulsory Conference	7-Sep-2018
14 Edward Street ELSTERNWICK VIC 3185	P1052/2018	Partial demolition, alterations and additions to a dwelling on a lot less than 300 square metres and in a Heritage Overlay	s80 (Conditions)	NRZ1	NOD	DPF	Merits Hearing	23-Oct-2018

MATTERS BEFORE THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ( * INCLUDING APPEALS AWAITING A DECISION)								
Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Council Delegate for Decision	Hearing Type	Hearing Date
43 Whitmuir Road MCKINNON VIC 3204	P88/2018	Construction of two (2) double storey dwellings on land affected by the Special Building Overlay	s77 (Refusal)	NRZ1	Refusal	Manager	Merits Hearing	*
2 Shanahan Crescent MCKINNON VIC 3204	P134/2018	Construction of three (3) double storey attached dwellings on land affected by the Special Building Overlay	s77 (Refusal)	NRZ1	Refusal	Manager	Merits Hearing	31-Jul-2018
777 Glen Huntly Road CAULFIELD VIC 3162	P676/2018	Construction of a four storey building comprising 5 dwellings above ground floor retail, and a reduction in the statutory car parking requirement on land affected by a Heritage Overlay – Amended application to delete Condition 1 (k) (Visitor car parking requirement)	s77 (Refusal)	C1Z	Refusal	Council	Merits Hearing	07-Aug-2018
711 Warrigal Road BENTLEIGH EAST VIC 3165	P262/2018	Construction of two double storey dwellings and the creation of access onto a road in a Road Zone Category 1	s77 (Refusal)	NRZ1	Refusal	Manager	Merits Hearing	14-Aug-2018
6-8 Bevis Street BENTLEIGH EAST VIC 3165	P558/2018	Construction of fifteen (15) dwellings and reduction in car parking	s77 (Refusal)	GRZ1	Refusal	Council	Merits Hearing	20-Aug-2018
94 Clarence Street CAULFIELD SOUTH VIC 3162	P3330/2018	Construction of two (2) storey building containing two dwellings and basement car parking	s80 (Conditions)	NRZ1	Planning Permit	DPF	Merits Hearing	23-Aug-2018
39 Lilac Street BENTLEIGH EAST VIC 3165	P473/2018	Construction of four (4) attached three storey dwellings	s77 (Refusal)	GRZ1	Refusal	Manager	Merits Hearing	10-Sep-2018
11 Valkstone Street BENTLEIGH EAST VIC 3165	P475/2018	Construction of two (2) double storey attached dwellings	s82 (Objector)	NRZ1	NOD	DPF	Merits Hearing	10-Sep-2018
43-45 Kokaribb Road CARNEGIE VIC 3163	P775/2018	Construct a 3 storey building comprising 15 dwellings and a basement carpark	s79 (Failure)	GRZ2	No decision	N/A	Merits Hearing	13-Sep-2018
319-321 Hawthorn Road CAULFIELD VIC 3162	P686/2018	Use of the land for the purpose of shared housing	s77 (refusal)	GRZ2	Refusal	Council	Merits Hearing	09-Oct-2018
11 Caleb Street BENTLEIGH EAST VIC 3165	P704/2018	Construction of four (4) triple storey dwellings	s77 (refusal)	GRZ1	Refusal	DPF	Merits Hearing	11-Oct-2018
304-306 Koornang Road CARNEGIE VIC 3163	P888/2018	Construction of six (6) attached dwellings and a reduction of the car parking requirement	s77 (refusal)	NRZ1	Refusal	Manager	Merits Hearing	19-Oct-2018

13-15 Hamilton Street BENTLEIGH VIC 3204	P1044/2018	Construction of a four storey building comprising up to 27 dwellings on land affected by a Special Building Overlay and a reduction in the Standard Car Parking requirement	s80 (Conditions)	RGZ1	Planning Permit	Council	Merits Hearing	19-Oct-2018
5 Arthur Street CAULFIELD NORTH VIC 3161	P864/2018	Partial demolition and double storey extension of existing dwelling on land affected by a Heritage Overlay and on a lot less than 300 square metres	s77 (Refusal)	NRZ1	Refusal	DPF	Merits Hearing	23-Oct-2018
14 Edward Street ELSTERNWICK VIC 3185	P827/2018	Partial demolition, alterations and additions to a dwelling on a lot less than 300 square metres and in a Heritage Overlay	s82 (Objector)	NRZ1	NOD	DPF	Merits Hearing	23-Oct-2018
3 Ripon Grove ELSTERNWICK VIC 3185	P1017/2018	Alterations and additions to the existing dwelling on a lot less than 300 square metres	s82 (Objector)	GRZ1	NOD	DPF	Merits Hearing	16-Nov-2018
15 Stockdale Avenue BENTLEIGH EAST VIC 3165	P1015/2018	Construction of two double storey attached dwellings	s87 (Cancel)	NRZ1	Planning Permit	Manager	Merits Hearing	16-Nov-2018
204-206 Balaclava Road CAULFIELD NORTH VIC 3161	P1110/2018	Construction of a five (5) storey meditation centre (place of assembly) above basement car park, and a reduction in the car parking requirement on land affected by the Special Building Overlay	s82 (Objector)	C1Z	Planning Permit	Council	Merits Hearing	29-Nov-2018

RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (13 JUNE 2018 TO 1 JULY 2018)									
Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Council Delegate for Decision	Appeal Outcome	Date of VCAT Decision	VCAT Decision (effect on Council Decision)
14 Service Street CAULFIELD NORTH VIC 3161	P2504/2017	Alterations and additions to the existing dwelling and the construction of an additional, single storey dwelling at the rear	s149 (Declaration)	NRZ1	Refusal	Manager	Secondary Consent - Plans endorsed	14-Jun-2018	Set aside
9 Royal Avenue GLEN HUNTLY VIC 3163	P2738/2017	The construction of a five storey building comprising up to 16 dwellings and a reduction in the visitor car parking requirement	s80 (Conditions)	C1Z	Planning Permit	Council	Permit issued - conditions varied	14-Jun-2018	Set aside
19 Vunabere Avenue BENTLEIGH VIC 3204	P477/2018	Construction of two double storey attached dwellings	s80 (conditions)	NRZ1	Planning Permit	DPF	Permit issued - conditions varied	15-Jun-2018	Varied - consent
25 Stone Street CAULFIELD SOUTH VIC 3162	P2998/2017	Construction of two (2) double storey attached dwellings	s79 (Failure)	NRZ1	No decision	N/A	Permit issued	15-Jun-2018	Set aside - consent
16 South Avenue BENTLEIGH VIC 3204	P2240/2017	Construction of eight (8) three storey townhouses with basement car parking	s77 (Refusal)	GRZ1	Refusal	DPF	Refusal	19-Jun-2018	Affirmed
20 McKinnon Road MCKINNON VIC 3204	P2848/2017	Construction of two (2) double storey attached dwellings with basement carparking	s77 (refusal)	NRZ1	Refusal	Manager	Refusal	19-Jun-2018	Withdrawn
203 Bamba Road CAULFIELD SOUTH VIC 3162	P836/2018	Construction of two (2) double storey dwellings	s82 (Objector)	GRZ1	NOD	DPF	Permit issued	19-Jun-2018	Withdrawn
7 Manchester Grove GLEN HUNTLY VIC 3163	P2634/2017	Construction of a three (3) storey building comprising 12 apartments above basement car parking, and reduction in the statutory visitor car parking requirement.	S79 (Failure)	GRZ1	No decision	N/A	Permit issued	20-Jun-2018	Set aside
(Unit 1 ) 18 Hopkins Street MCKINNON VIC 3204	P522/2018	Construction of three dwellings (one single storey and two double storey) in accordance with the endorsed plans	s80 (Conditions)	NRZ1	Planning Permit	DPF	Permit issued - condition varied	26-Jun-2018	Varied

## 9.2 CAULFIELD VILLAGE - PLANNING SCHEME AMENDMENT C151: SOCIAL AND AFFORDABLE HOUSING

**Author:** Tracey Mihalos, Principle Strategic Planner

**Trim No:** 18/1155975

**Attachments:** 1. Glen Eira C151 Panel Report

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### PURPOSE AND SUMMARY

The Amendment applies to the development site known as 'Caulfield Village' generally bounded by Caulfield Racecourse, Kambrook Road, Balaclava Road and Normanby Road, and more particularly described in the *Caulfield Mixed Use Area Incorporated Plan* dated February 2014 (the *Incorporated Plan*).

The Amendment seeks to amend Schedule 2 to Clause 37.06 (Priority Development Zone) (PDZ) and the *Incorporated Plan* to:

- Strengthen the existing planning controls in relation to social and affordable housing requirements for future stages of the 'Caulfield Village' development by introducing a new objective, definitions, and application requirements ensuring the delivery of either or both social or affordable housing representing at least five per cent of the total amount of dwellings to be developed in the Caulfield Mix Use Area Precinct.
- Ensure that the boundaries of precincts shown on the 'Caulfield Mixed Use Area Precinct Plan' cannot be altered in future development plan submissions.





**RECOMMENDATION**

That Council:

1. notes the Panel report for Amendment C151; and
2. abandons Amendment C151 and writes to the Minister for Planning advising that the amendment has been abandoned.

**BACKGROUND**

The Amendment sought to strengthen the existing planning controls relating to social and affordable housing and precinct boundaries for Caulfield Village, with 12 submissions received (11 opposed the Amendment).

A Directions Hearing was held in relation to the Amendment on 9 April 2018. The submitters raised a number of procedural and legal issues. One of the main issues raised was that the proposed amendment is 'ultra vires' — being beyond legal power of authority.

The Panel also raised a number of issues which would need to be addressed by Council, including (but not limited to):

- The strategic justification for the mandatory five per cent social or affordable housing requirement.
- How the five per cent requirement would be applied across the whole of the Caulfield Village development site.
- The split between the social and affordable housing provision that Council is seeking.
- The relationship between the Amendment and recent changes to legislation in relation to the delivery of affordable housing.
- Given the complexity of the Amendment and the legal issues raised, the Panel requested that Council respond to the legal issues and the other matters raised by the Panel by 4 June 2018.

On 1 May 2018, Council determined that it will:

1. Reaffirm its commitment to exploring all possible mechanisms to achieve the delivery of affordable housing as part of the Caulfield Village development.
2. Having given consideration to the issues explored in this report, resolves to not proceed with Amendment C151 and support a position to the Panel appointed to consider Amendment C151 that it intends to abandon the Amendment.
3. Advises the Panel and submitters to Amendment C151 of Council's resolution.
4. Writes to the owner of the Caulfield Village development to seek their commitment to enter into genuine discussions on an appropriate affordable housing commitment as part of the upcoming stages of the development.
5. Undertakes further strategic work to consider the most appropriate means of securing the delivery of affordable housing across the City.
6. Continues to work with neighbouring councils to develop a regional commitment to affordable housing.

The Panel was advised of Council's decision — that it supports a position that it intends to abandon the Amendment — and subsequently did not hold a Panel hearing.

Having been appointed to hear submissions to the Amendment, the Panel is required to produce a Panel Report.

The Panel Report was received on 30 May 2018. In its report, the Panel notes the decision to abandon Amendment C151 and makes no recommendations.

## ISSUES AND DISCUSSION

At the 1 May Council meeting, Council was advised that a number of issues have arisen since Council considered the submissions in December 2017.

In particular, recent projects in relation to the delivery of affordable housing have been considered (or are currently being considered) by Planning Panels Victoria. This includes projects in Hobsons Bay (Amendment C88) and the Fishermans Bend Urban Renewal Area (draft Amendment GC81). These projects consider recent policy and legislative changes in relation to affordable housing.

At the 1 May 2018 Council meeting, Council considered both the matters raised at the Directions Hearing and recent developments occurring in relation to affordable housing.

### Two options

*Two options were put forward at this meeting;*

*1) "To continue with the amendment*

*If Council was to proceed with the Amendment it would need to provide the following key information to Panel:*

- the legal basis for the Amendment;*
- strategic context and assessment, Including the strategic basis for the amount of contribution; and*
- an explanation of how Council envisages that the affordable or social housing requirements will be implemented.*

*It is unknown how successful this process will be in achieving the desired outcome of built affordable housing as part of the Caulfield Village development.*

*2) Abandon the amendment*

*Council could form a position to Panel that it intends to abandon the amendment and instead undertake further work to consider the most appropriate means of securing the delivery of affordable housing across the City".*

The Council officers weighed up both options and recommended that Council support a position to the Panel that it intends to abandon the Amendment.

Now that the Panel report has been received, Council is in a position to formally abandon the Amendment and advise the Minister for Planning that it will abandon the Amendment.

Update on Actions to date on 1 May 2018 Council resolution

	Item	Action
1	Reaffirm its commitment to exploring all possible mechanisms to achieve the delivery of affordable housing as part of the Caulfield Village development.	To be actioned through the planning application process for future applications in the Caulfield Village development as appropriate.
2	Having given consideration to the issues explored in this report, resolves to not proceed with Amendment C151 and support a position to the Panel appointed to consider Amendment C151 that it intends to abandon the Amendment.	Completed
3	Advises the Panel and submitters to Amendment C151 of Council's resolution.	Completed
4	Writes to the owner of the Caulfield Village development to seek their commitment to enter into genuine discussions on an appropriate affordable housing commitment as part of the upcoming stages of the development.	Underway
5	Undertakes further strategic work to consider the most appropriate means of securing the delivery of affordable housing across the City.	Council is committed to undertaking an Affordable Housing Statement and a Social and Affordable Housing Strategy in 2018/19. Early works are underway including research and project scope development.
6	Continues to work with neighbouring councils to develop a regional commitment to affordable housing.	Council officers (together with those from Bayside, Boroondara and Stonnington) continue to be involved in the State Government's Inner-South East Economy and Planning Working Group. The group is currently preparing a Vision Statement and Land Use Framework Plan. The discussions to date have highlighted a common desire to facilitate affordable housing across the region.

Further to the above Council is continuing to negotiate with East Village landowners on the possibility of providing affordable housing as part of a future rezoning.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

If the Amendment is abandoned, there will not be any funding and resources required.

**POLICY AND LEGISLATIVE IMPLICATIONS**Planning Scheme Amendment Process

A Planning Scheme Amendment must go through the following fixed statutory steps:

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions. This step occurred from August to November 2017.
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. This could not occur in this case, as Council received several submissions objecting to the Amendment.
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' requests, or request the Minister to appoint an Independent Panel to hear the submissions. On 19 December 2017 Council resolved to request the appointment of an Independent Panel.

A Panel was appointed to consider submissions.

4. The Panel is then required to report its findings to Council in the form of a recommendation.

The Panel may make a recommendation to:

- adopt the amendment
  - abandon the amendment
  - modify the amendment
5. A Panel hearing was not held, as on the 1 May 2018 Council determined to support a position to Panel to abandon the amendment.
  6. The Panel is required to prepare a Panel report. In this instance the Panel did not make a recommendation as Council determined to support a position to abandon the amendment.
  7. Council is then required to consider the Panel report and makes a decision in relation to the Amendment.
  8. If Council adopts the Amendment, it is then referred to the Minister for Planning for approval. If Council resolves to abandon the Amendment it must advise the Minister for Planning in writing of that decision.

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 the final step of the process considering whether to formally abandon the amendment.

**COMMUNICATION AND ENGAGEMENT**

The Amendment was exhibited from 19 October to 20 November 2017.

- 1,461 notices notifying owners and occupiers posted
- Notices posted to referral authorities and prescribed ministers
- 1 notice in both local newspapers (Moorabbin and Glen Eira Caulfield Leader)
- 1 notice in the Government Gazette
- Amendment documentation available on Council's website

A total of 12 submissions were received – 11 opposed the amendment.

A Planning Conference was held on 30 November 2017 and was chaired by the Mayor.

Seven submitters attended the conference.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed

A well planned City that is a great place to live.

The strategic objectives of this long-term community goal are:

- Create prosperous, accessible and vibrant urban places.
- Encourage development that benefits the community
- *"We will proactively seek opportunities to incorporate social and/or affordable housing outcomes in urban renewal sites"*
- Proactively plan for and manage change within our urban places

**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 Panel Report for the Amendment has now been received. On the basis that Council has put forward a position that it intends to abandon the Amendment, the Panel Report makes no recommendations.

Council can now formally abandon the Amendment and advise the Minister for Planning of its decision.

*Planning and Environment Act 1987*

**Panel Report**

**Glen Eira Planning Scheme Amendment C151**  
**Affordable housing requirements for Caulfield Village**

**30 May 2018**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

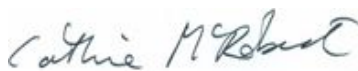
Glen Eira Planning Scheme Amendment C151

Affordable housing requirements for Caulfield Village

30 May 2018



Sarah Carlisle, Chair



Cathie McRobert, Member

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## Overview

Amendment summary	
<b>The Amendment</b>	Glen Eira Planning Scheme Amendment C151
<b>Common name</b>	Affordable housing requirements for Caulfield Village
<b>Brief description</b>	Strengthen social and affordable housing requirements for future stages of the Caulfield Village development.
<b>Subject land</b>	Caulfield Village, generally bounded by Caulfield Racecourse, Kambrook Road, Balaclava Road, and Normanby Road, Caulfield North.
<b>The Proponent</b>	BPG Caulfield Village Pty Ltd
<b>Planning Authority</b>	Glen Eira City Council
<b>Authorisation</b>	A03574 authorised on 21 August 2017
<b>Exhibition</b>	19 October to 20 November 2017
<b>Submissions</b>	Number of Submissions: 12   Opposed: 11 <ul style="list-style-type: none"> <li>• BPG Caulfield Village Pty Ltd</li> <li>• Melbourne Racing Club</li> <li>• Antoinette Siarabalos</li> <li>• Noel Snoxall</li> <li>• Rhonda Game</li> <li>• Peter and Julia Finkelstein</li> <li>• David Trieu</li> <li>• Cathy Hallandal</li> <li>• Bridget Cramphorn</li> <li>• Alex Dobson</li> <li>• EPA Victoria</li> <li>• Transport for Victoria</li> </ul>

Panel process	
<b>The Panel</b>	Sarah Carlisle, Chair and Cathie McRobert
<b>Directions Hearing</b>	Glen Eira Council offices, 9 April 2018
<b>Panel Hearing</b>	No hearing held
<b>Site inspections</b>	Unaccompanied, 9 April 2018
<b>Citation</b>	Glen Eira PSA C151 [2018] PPV
<b>Date of this Report</b>	30 May 2018

## **Executive summary**

### **(i) Summary**

Glen Eira Planning Scheme Amendment C151 (the Amendment) seeks to amend local policy and planning controls applicable to the Caulfield Village development to:

- strengthen social and affordable housing requirements for future stages of the development, to ensure the delivery of at least five per cent social or affordable housing in the Caulfield Mixed Use Area Precinct
- ensure that the boundaries of precincts shown on the 'Caulfield Mixed Use Area Precinct Plan' must not be altered in future development plan submissions.

Glen Eira City Council (Council) wrote to the Panel and the parties on 8 May 2018 indicating that at a meeting on 1 May 2018, it had resolved (among other things) to abandon the Amendment.

### **(ii) Recommendations**

The Panel notes the decision to abandon Amendment C151 and makes no recommendations.

# **1 Introduction**

## **1.1 The Amendment**

### **(i) Amendment description**

The Amendment proposes to amend local policy and planning controls applicable to the Caulfield Village development to:

- strengthen social and affordable housing requirements for future stages of the development, by introducing a new objective, definitions and application requirements into Schedule 2 to the Priority Development Zone to ensure the delivery of either or both social or affordable housing representing at least five per cent of the total amount of dwellings to be developed in the Caulfield Mixed Use Area Precinct
- ensure that the boundaries of precincts shown on the 'Caulfield Mixed Use Area Precinct Plan' must not be altered in future development plan submissions.

The Amendment proposes to:

- update Clauses 22.06 and 22.12 in the Local Planning Policy Framework
- update Schedule 2 to Clause 37.06 (the Priority Development Zone)
- update Schedule 1 to Clause 45.09 (the Parking Overlay)
- replace the Schedule to Clause 52.01 (Public Open Space)
- update the Schedule to Clause 81.01 (Incorporated Documents).

### **(ii) The subject land**

The Amendment applies to the development known as 'Caulfield Village', generally bounded by Caulfield Racecourse, Kambrook Road, Balaclava Road, and Normanby Road, Caulfield North. The land is more particularly described in the Caulfield Mixed Use Area Incorporated Plan dated February 2014.

## **1.2 Panel process and procedural issues**

A Directions Hearing was held in relation to the Amendment on 9 April 2018. At the Directions Hearing, BPG Caulfield Village Pty Ltd (the Proponent and developer of the land) and Melbourne Racing Club (the owner of the land) raised concerns regarding procedural fairness. They submitted that the Amendment documentation did not provide adequate information to enable them to properly respond to the issues raised by the Amendment. They submitted that the hearing should be deferred to enable Council to provide further information that more clearly articulates the justification for the proposed affordable housing requirements, the legal basis for the requirements, and the statutory mechanisms required to implement the requirements.

The Panel issued directions dated 12 April 2018 requiring the circulation of additional material by Council by way of a Part A submission by early June, followed by the parties' response to the Part A submission by early July. The Panel directed that a staged hearing process would then occur, involving a further Directions Hearing on 18 July 2018, followed by a Preliminary Issues Hearing on 10 August 2018, to consider the issues raised in the Part A

submission and responses. The substantive hearing would follow the Preliminary Issues Hearing.

On 8 May 2018, Council wrote to the Panel and the parties indicating that at a meeting on 1 May 2018, Council had resolved as follows:

- 1. Reaffirms its commitment to exploring all possible mechanisms to achieve the delivery of affordable housing as part of the Caulfield Village development.*
- 2. Having given consideration to the issues explored in this [Council officer's] report, resolves to not proceed with Amendment C151 and support a position to the Panel appointed to consider Amendment C151 that it intends to abandon the amendment.*
- 3. Advises the Panel and submitters to Amendment C151 of Council's resolution.*
- 4. Writes to the owner of the Caulfield Village development to seek their commitment to enter into genuine discussions on an appropriate affordable housing commitment as part of the upcoming stages of the development.*
- 5. Undertakes further strategic work to consider the most appropriate means of securing the delivery of affordable housing across the City.*
- 6. Continues to work with neighbouring councils to develop a regional commitment to affordable housing.*

As a result, no Hearing for this Amendment is required. Having been appointed to hear submissions on the Amendment, the Panel is required to produce this report.

The Panel notes the decision to abandon Amendment C151 and makes no recommendations.

### 9.3 SHELFORD GIRLS' GRAMMAR SCHOOL COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT APPLICATION

**Author:** Anthony Adams, Principal Urban Planner

**Trim No:** 18/1153253

**Attachments:** 1. Explanatory Report  
2. Instruction Sheet  
3. Schedule to Clause 52.02  
4. Draft Planning Permit  
5. Planning Application Documents  
6. Planning Application Plans

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#### PURPOSE AND SUMMARY

The purpose of this report is for Council to consider whether it will submit a request to the Minister for Planning seeking authorisation to prepare and exhibit a planning scheme amendment.

A planning scheme amendment has been requested by Shelford Girls Grammar School to vary the wording of a covenant on the land title for 259 Glen Eira Road, Caulfield North. In combination with the planning scheme amendment process, the applicant has requested that Council consider a planning permit application for a new double-storey classroom building. The amendment and planning permit application are to be considered concurrently in accordance with Section 96A of the *Planning and Environment Act 1987*. A draft planning permit for the planning application has been prepared and will be exhibited as part of the amendment process.

If granted, the planning permit would allow the development and use of the land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone Category 1.



**RECOMMENDATION**

That Council seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment (combined Amendment and Planning Permit Application GE-/PP31418/2017)

<b>Address</b>	259 Glen Eira Road, Caulfield North
<b>Title details</b>	Lot 3 on Plan of Subdivision 006946
<b>Restrictions on title</b>	Covenant 0888051 stipulates that the owner:  <i>"...will not erect or allow to be erected on the said Lot Three or any part thereof any building other than one private Dwelling with a roof of slates tiles or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)..."</i>
<b>Proposal</b>	Development and use of the land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone Category 1
<b>Zoning and Overlay Controls</b>	Neighbourhood Residential Zone Glen Eira Road is in a Road Zone, Category 1 There are no overlays
<b>Permit requirements</b>	<ul style="list-style-type: none"> <li>• A permit is required to use land for an Education Centre under Clause 32.09-1 of the Neighbourhood Residential Zone</li> <li>• A permit is required to construct a building and carry out works under Clause 32.09-8 of the Neighbourhood Residential Zone</li> <li>• A permit is required to display a business identification sign under Clause 52.05-1 (Advertising signs)</li> <li>• A permit is required to reduce the car parking requirement to zero under Clause 52.06-3 (Car parking)</li> <li>• A permit is required to alter access to a road in a Road Zone, Category 1 under Clause 52.29</li> <li>• A permit is required to reduce the bicycle parking requirement to zero under Clause 52.34-3 (Bicycle facilities)</li> </ul>
<b>Relevant Planning Scheme provisions</b>	Non Residential Uses in Residential Zones Policy
<b>Seriously entertained amendments</b>	None
<b>Notification</b>	Should authorisation from the Minister be granted, Notice will be undertaken in accordance with Section 19 of the <i>Planning and Environment Act 1987</i> .  This will involve notices to adjoining owners and occupiers, notices to all beneficiaries, Government departments, a sign on site, an advertisement in a local newspaper and a notice in the Government Gazette.
<b>Cultural Heritage Management Plan</b>	The site is not within an area of Cultural Heritage Sensitivity and therefore a Cultural Heritage Management Plan is not required.

**DESCRIPTION OF PROPOSAL**Variation of the Covenant

The proposed development and use is currently prohibited by the covenant on the land title. It is not prohibited by the Neighbourhood Residential Zone control.

The covenant was created by a Transfer of Land dated 14 April 1919 and restricts the development and use of the land as follows:

- Must only be a private dwelling;
- Must use slate, tiles or material other than iron for the roof; and
- The dwelling (including outbuildings) must not cost less than £500.

This amendment seeks to include the land in the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to enable the variation of the covenant to facilitate the development and use of the land for a classroom building.

Variation of this Covenant to specifically allow the proposed development will ensure that the land is developed in accordance with the draft planning permit conditions and advertised plans that will form part of this planning scheme amendment.

The amendment seeks to vary the covenant as follows:

*After the words “(inclusive of the cost of outbuildings)” insert the words “except that the said Lot Three may be developed and used generally in accordance with Planning Permit No. GE/PP-31418/2017”.*

Application for Planning Permit GE/PP-31418/2017

The amendment to vary the covenant will allow Council to consider the planning application for the development and use of the land for the purpose of a double storey building comprising 4 classrooms and ancillary facilities for up to 70 students and 8 staff members.

No on-site parking would be provided. The existing vehicle crossing to Glen Eira Road would be retained but used for emergency purposes only. A sign with the Shelford school logo located adjacent to the front entry door is also proposed.

**LAND DESCRIPTION AND SURROUNDING AREA**

The subject land is a rectangular lot measuring 18.29m by 45.72m with an overall area of approximately 836sqm. The southern boundary of the site fronts Glen Eira Road. The subject land and all surrounding land are within the Neighbourhood Residential Zone. Single and double-storey dwellings are located to the east, west and north-west of the subject land and Shelford Girls Grammar School (Early Learning Centre) is located to the north-east. Land on the southern side of Glen Eira Road includes a single-storey dwelling and double-storey apartment building. There is also a double-storey child care centre under construction at 296 Glen Eira Road.

**RELEVANT HISTORY**

(The standard planning permit application process is another way to seek a covenant variation) Application for Planning Permit GE/PP-30455/2017 for the same development and use of a classroom building and variation to the covenant, which is now proposed in this

combined planning scheme amendment and planning application process, was withdrawn on 10 August 2017 after objections from beneficiaries of the covenant were received. The reason that it was withdrawn was that a mandatory refusal would have been issued as required under the *Planning and Environment Act* due to the objections from covenant beneficiaries.

This combined planning scheme amendment and planning application process is different in that objections can be received from beneficiaries of the covenant but do not preclude the further consideration of the proposal. Ultimately, any submissions to the amendment could be considered by an independent panel.

### **CONSULTATION AND ENGAGEMENT**

Should Ministerial authorisation be granted, the amendment will be placed on public exhibition for one month.

The public exhibition process will include:

- A notice on the subject land
- Notices to all beneficiaries of the covenant and to the adjoining property owners and occupiers
- A notice in a local newspaper
- A notice in the Government Gazette
- The amendment and planning application plans and documents will also be displayed on Council's website

### **REFERRALS**

The application will be referred to internal Council departments and external Government departments and relevant authorities during the public exhibition process.

### **ISSUES AND DISCUSSION**

#### Variation of the Covenant

The land title contains a covenant that prohibits the development of the land for any purpose other than a private dwelling. This prevents the land being developed and used for an Education Centre.

This assessment of the proposal has regard to the following:

- Existing zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts
- Landscaping
- Car parking and traffic
- Management plan requirements
- Current strategic planning direction



Existing zoning and policy context

The application is generally compliant with the zoning and policy contexts. In the Neighbourhood Residential Zone, an Education Centre is a land use that requires a Planning Permit. The relevant purpose of the Neighbourhood Residential Zone is:

*To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Locations in the Neighbourhood Residential Zone adjacent to main or secondary roads and corner sites throughout Glen Eira are identified in the Non Residential Uses in Residential Zones Policy as potential preferred locations for schools. Glen Eira Road is a main road.

Neighbourhood character

It is considered that the height, massing and appearance of the classroom building would respect the streetscape character of this part of Glen Eira Road. The building would have adequate front and side setbacks that would be compatible with the built form character of the surrounding residential area which comprises a mixture of building types and architectural styles from a range of eras.

Height, scale and massing

The building has been designed so that its front and side setbacks and height would be within the limits for a similarly-sized residential proposal and accord with the Siting and Design performance measures in Council's Non Residential Uses in Residential Zones Policy which are based on ResCode standards. Furthermore, the building envelope would satisfy ResCode standards for daylight to existing windows, site coverage (42.1%) and permeability (39.3%).

The size and design of the proposed advertising sign and its location adjacent to the front entry would respect the residential character of the streetscape and would not have any impact on the adjoining properties.

Amenity impacts

It is considered that the design and layout of the classroom building would ensure that the overlooking, overshadowing and visual bulk impacts on the adjoining properties would not cause an unreasonable reduction of amenity. The stepped ground and first floor side setbacks and the variety of materials along the side elevations would create visual interest and moderate the visual bulk of the building when viewed from the adjoining properties.

It is considered that noise from the classroom building and associated movement of staff and students to and from the rest of the school using a path at the rear of the existing Early Learning Centre at 3 Hood Crescent would not unduly disrupt the amenity of the adjoining properties, particularly given existing noise levels from Glen Eira Road traffic and the school. An acoustic report has been submitted with the application which discusses the noise impacts and recommends the construction of acoustic fences. A note will be required to be added to the plans to include the specifications of the acoustic fences.

A condition will be included to limit the hours of use to ensure compliance with the General Amenity performance measure in Council's Non Residential Uses in Residential Zones Policy. Conditions will also be included to limit the numbers of students and staff to those

proposed by the applicant and to ensure that the gallery/café area on the ground floor is only used by the school community.

#### Landscaping

It is considered that there will be adequate space around the classroom building for the planting of vegetation that will complement the garden character of the residential properties to the east and west. A planting plan has been submitted as part of the application.

#### Car parking and traffic

The planning scheme statutory parking requirement for the proposal would be 9 car spaces. Additionally, 14 bicycle parking spaces are required for students.

The applicant is seeking approval to reduce the car and student bicycle parking requirements to zero. The applicant has submitted a Transport Impact Assessment report that discusses the car parking reduction. The main reason in support of the reductions is that there will be no increase in staff or student numbers compared with the existing school facilities. The existing school campus has 120 staff and 630 students. Accordingly, whilst the proposal would enlarge the overall area of the school campus, the new classroom building will not generate an increased demand for car or bicycle parking. In effect, the proposal relocates 8 staff and 70 students to 259 Glen Eira Road and would provide a new facility for a school that presently operates from a relatively small campus in Hood Crescent. Consequently, on-street parking and traffic conditions are unlikely to be exacerbated.

As Glen Eira Road is in a Road Zone, Category 1, the views of VicRoads need to be considered. The existing vehicle crossing will be retained but will only be used for emergency purposes. VicRoads has advised that it has some concerns about emergency vehicles exiting from the site and has suggested that the plans include details of measures to reduce the risk of accidents with pedestrians and cyclists.

#### Management plan requirements

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

#### Current strategic planning direction

In July 2017, Council adopted the Activity Centre, Housing and Local Economy Strategy. The strategy sets a new vision for the city, which provides a new activity centres framework and direction for place-making, local economy and housing.

A relevant component of the strategy is the local economy and providing employment opportunities in the education sector. The proposal is considered to be consistent with the relevant objectives of the strategy including:

- Objective 2.1 – More local jobs – less commuting (given this educational facility's location on a transport corridor)
- Objective 3.2 – Respect Amenity and Local Character (the low-scale design and use).

### **FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

Reimbursement will be sought for any invoice issued by Planning Panels Victoria associated with this combined Amendment and Planning Permit Application from the proponent/applicant should a Panel Hearing be held.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

All matters required under the *Planning and Environment Act 1987* have been taken into consideration at this stage in the process.

This combined planning scheme amendment and permit application must go through the following stages in the statutory process:

1. The Minister for Planning must firstly authorise preparation of the amendment before public exhibition can occur. Following this, notice (public exhibition) of the amendment will commence, inviting public submissions. In the case of a combined amendment and planning application process, a draft planning permit is exhibited as part of the amendment documentation.
2. If there are no submissions Council can 'adopt' the amendment and forward it to the Minister for Planning seeking approval. It becomes part of the planning scheme (and a permit can be issued) if the amendment is formally approved and gazetted.
3. If there are submissions opposed to the amendment, 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, it will hear submissions and report its findings in the form of a recommendation to Council.

The Panel may make a recommendation to:

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

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

### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed  
A well planned City that is a great place to live.

### **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 seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment  
(combined Amendment and Planning Permit Application GE-/PP31418/2017).

**GLEN EIRA PLANNING SCHEME  
AMENDMENT C---  
PLANNING PERMIT APPLICATION GE/PP-31418/2017  
EXPLANATORY REPORT**

**Who is the planning authority?**

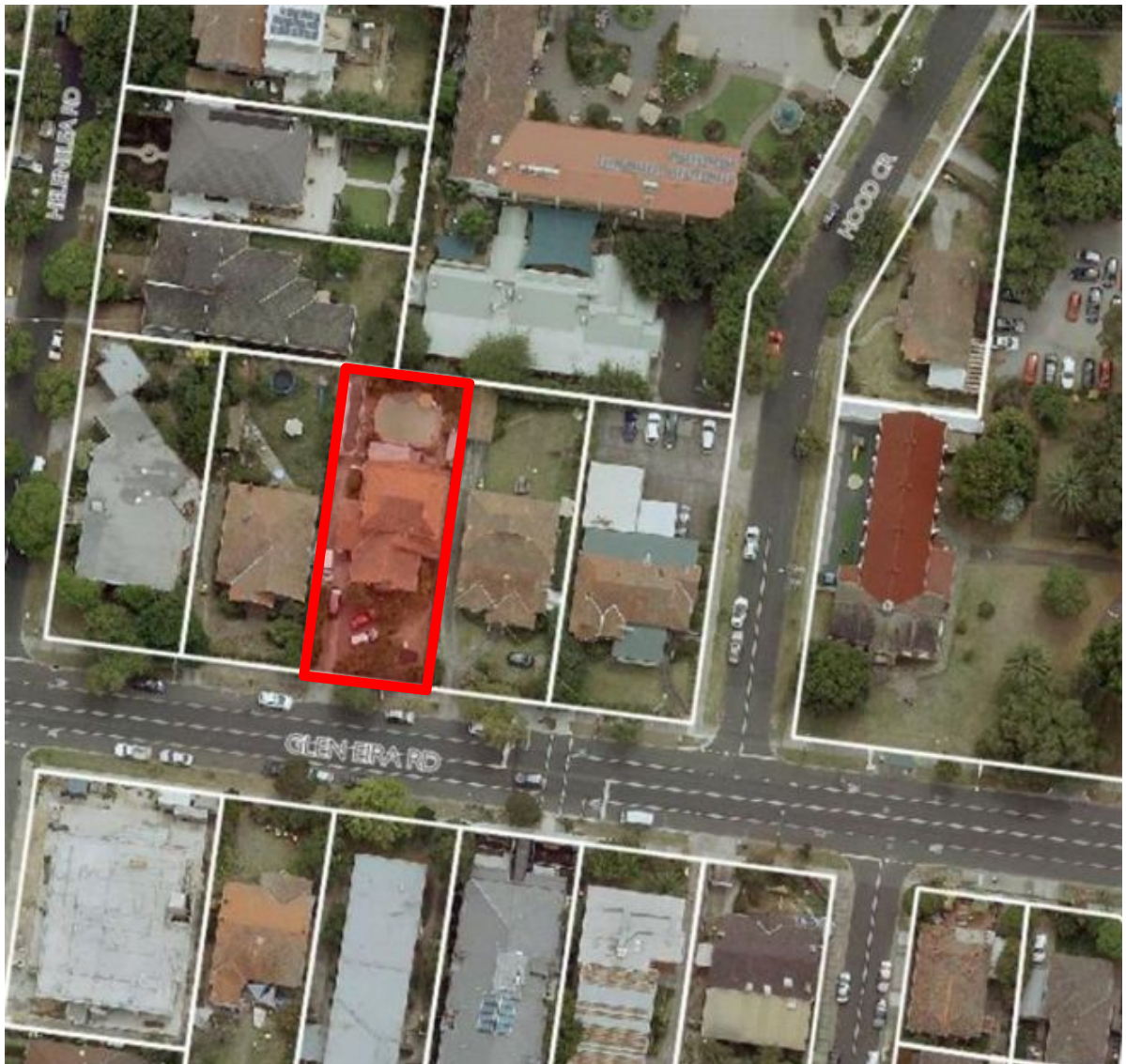
This amendment has been prepared for Glen Eira City Council who is the planning authority for this amendment.

The amendment has been made at the request of the Shelford Girls' Grammar School.

**Land affected by the amendment**

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987*.

The permit application applies to the land known as 259 Glen Eira Rd, Caulfield North (Lot 3 LP6946).



## **What the amendment does**

The amendment seeks to amend the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to vary the covenant applicable to the subject site.

The amendment seeks to vary the part of the covenant which stipulates that the owner of the land must not:

*“erect or allow to be erected on the said Lot Three (Lot 3 being the subject site) or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)”.*

by inserting the following requirement:

*After the words “erect or allow to be erected on the said Lot Three or any part thereof of any building other than one private Dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)” insert the words “except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017.”*

The planning permit application seeks approval for:

- Development and use of land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone Category 1.

The draft planning permit is attached as a separate document to this Explanatory Report.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to facilitate the expansion of Shelford Girls' Grammar and allow the use and development of the land in a manner that is consistent with the strategic context and changing characteristics of the area.

The proposed use and development is currently prohibited by the restrictive covenant on the land title. The covenant was created by a transfer of land (registered instrument no. 8805) dated 14 April 1919 and restricts the use and development of the land at 258 Glen Eira Road:

- To not more than one private dwelling;
- To use of building materials for the roof of slate, tile or other material except iron;
- To ensure the erection of the dwelling costs no less than 500 pounds inclusive of the costs of outbuildings.

Variation of this covenant to allow the proposed development specifically will ensure that the land is development in accordance with the draft planning permit conditions and advertised plans that form part of this planning scheme amendment.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives contained in Section 4 of the Planning and Environment Act 1987:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- g) to balance the present and future interests of all Victorians

It is considered that the amendment will implement the objectives of Planning in Victoria as:

- It is consistent with the principles of orderly and proper planning to vary a restrictive covenant that is no longer consistent with the desired planning outcomes for the land as set out in the applicable planning scheme.
- The restrictive covenant would unreasonably limit the use and development of the land for an education facility which has been assessed in terms of its planning merits by Council.
- The amendment would further the objectives of planning in Victoria and provide for net community benefit.

### **How does the amendment address any environmental, social and economic effects?**

The variation of the covenant would be consistent with the overarching goal in the planning scheme to:

*Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

The amendment is expected to have positive economic and social effects by enhancing the ability of the school to facilitate the further expansion of a curriculum that specifically promotes STEAM (Science, Technology, Engineering, Arts and Mathematics).

The proposed site is an efficient and effective use of existing infrastructure given it adjoins the main school premises. It is located on a main road close to public transport and other facilities in the community thereby making more efficient use of nearby infrastructure.

The amendment is not expected to have any significant impacts on the environment.

### **Does the amendment address relevant bushfire risk?**

The land affected by the amendment is not located within an area of identified bushfire risk.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.

The amendment has also been prepared with regard to Ministerial Direction No. 9 – Metropolitan Planning Strategy, which refers to Plan Melbourne. Plan Melbourne identifies a vision for the future of Melbourne. It provides objectives and outcomes sought for the city, with directions identified to achieve the desired outcomes and objectives. The amendment is consistent with the following outcomes and directions within Plan Melbourne:

- *Outcome 5 – Melbourne is a city of inclusive, vibrant and healthy neighbourhoods*
- *Direction 5.3 – Deliver social infrastructure to support strong communities*

‘Social infrastructure encompasses all the facilities, services and networks that help families, groups and communities to meet their social, health, education, cultural and community needs’.

- *Policy 5.3.2 Create health and education precincts to support neighbourhoods*

All neighbourhoods need good access to local and regional health services, primary and secondary schools, as well as tertiary education institutions within their metropolitan region.

This policy promotes the provision of public health and education precincts. Shelford Girls' Grammar School complements this objective as it consolidates and supports its' historic role of education in the Caulfield North neighbourhood.

The facilitation of the new building directly adjoining the school premises will consolidate the school's role in the provision of educational opportunities in close proximity to public transport, services and other infrastructure.

Ministerial Direction No. 11- Strategic Assessment of Amendments requires that a planning scheme amendment adequately addresses relevant planning policy. The amendment is consistent with the relevant policy as described through this report.

Ministerial Direction No. 15 – the Planning Scheme Amendment process, which sets times for completing steps in the amendment process, will be followed during the amendment process.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment is consistent with the State Planning Policy Framework (SPPF) of the Glen Eira Planning Scheme and implements relevant objectives of the State Planning Policy Framework (SPPF) including:

- *Clause 11 – Settlement*

*Planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

The proposed amendment seeks to vary the existing covenant on site to facilitate the enhancement of education services provided by Shelford Girls' Grammar. It addresses the community need for excellence in educational facilities servicing the neighbourhood as well as the wider community.

- *Clause 15 – Built Environment and Heritage*

*Planning should ensure all new land use and development responds to its landscape, valued built form and cultural context, and creates quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns. ...*

The proposed amendment facilitates use and development that addresses the community aspirations and cultural identity of the area. This includes having a variety of high quality educational establishments which contribute to the local urban character.

- *Clause 15.01-2 Urban design principles*

Planning aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

The proposed amendment will facilitate the agglomeration of Shelford Girls' Grammar educational buildings and facilities and allow development of a building of high architectural standard that complements the changing streetscape of the area.

- *Clause 15.01-5 Cultural identity and neighbourhood character*

Planning seeks to recognise and protect the cultural identity, neighbourhood character and sense of place.

Shelford Girls' Grammar has been a cultural identity in the neighbourhood since 1898. Through the variation to the existing covenant, the proposed school building will provide a main road presence for the school on Glen Eira Road.



### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

Council's Municipal Strategic Statement sets out Council's strategic direction for future land use planning and development. A vital element in shaping the vision for the City of Glen Eira is Council's strategic direction:

- *Clause 21.02 Municipal Profile*

Council recognises the advantage to the municipality in having an excellent range of educational and health and community facilities.

- *Clause 21.03-5 Framework plan*

In terms of institutional and non-residential uses the site is considered appropriate as it consolidates the presence of the school and provides a main road frontage which is supported in Council policy terms.

- *Clause 21.08 Institutional and Non-Residential Uses in Residential Areas*

The amendment supports the integration of non-residential uses into a residential zone with minimum impact and minimum loss of residential amenity.

- *Clause 22.08 Minimal Change Area Policy*

The amendment to vary the covenant and facilitate the development and use of the education facility complements Council's policy to retain the existing low intensity, low-rise character identified as a minimal change area in this location of the subject site. The development of a two-storey building retains the existing subdivision pattern and spacing of buildings generally seen on Glen Eira Road.

In July 2017, Council adopted the Activity Centre, Housing and Local Economy Strategy. The strategy sets a new vision for the city, which provides a new activity centres framework and direction for place-making, local economy and housing. A relevant component of the strategy is the local economy and providing employment opportunities in the education sector. The proposal is considered consistent with relevant objectives of the strategy including:

- *Objective 2.1 – More local jobs – less commuting (given this educational facility's location on a transport corridor)*
- *Objective 3.2 – Respect Amenity and Local Character (the low-scale design and use).*

### **Does the amendment make proper use of the Victoria Planning Provisions?**

It is considered that the amendment makes proper use of the Victoria Planning Provisions. Clause 52.02 (Easements, Restrictions and Reserves) provides a mechanism by which restrictive covenants can be removed or varied and this amendment proposes to utilise this provision.

### **How does the amendment address the views of any relevant agency?**

Views of any relevant agency 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 have a substantial 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 Road,

Caulfield VIC 3162

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](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the amendment and/or planning permit application may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by [insert submissions due date].

A submission must be sent to:

Urban Planning Department

Glen Eira City Council

PO Box 42

Caulfield South 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: [insert directions hearing date]
- panel hearing: [insert panel hearing date] ]

*Planning and Environment Act 1987*

**Glen Eira Planning Scheme**

**AMENDMENT C156**

**INSTRUCTION SHEET**

The planning authority for this amendment is the City of Glen Eira.

The City of Glen Eira Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

In Particular Provisions - Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.

End of document

DD/MM/YYYY  
C156  
19/01/2006  
VC37

**SCHEDULE TO CLAUSE 52.02****1.0****Under Section 23 of the Subdivision Act 1988**

DD/MM/YYYY  
C156

Land	Easement or restriction	Requirement
<b>68 York Street, South Caulfield being Lot 74 Plan of Subdivision 6555</b>	Restrictive Covenant contained in Instrument of Transfer No. 1076593	Remove
<b>16 St. James Parade, Elsternwick, being Lot 49 on Plan of Subdivision No. 9341</b>	Restrictive Covenant contained in Instrument of Transfer No. 1287874	Variation of the covenant to allow a second single storey dwelling to be constructed on the lot, in addition to the existing dwelling, and in accordance with approved plans.
<b>22 Seymour Road, Elsternwick being part of Crown Allotment 262, Parish of Prahran (Vol 6988 Fol 594)</b>	Restrictive Covenant contained in Instrument of Transfer 776061	Remove
<b>19 Patterson Road, Moorabbin being Lot 37 Plan of Subdivision 12491</b>	Restrictive covenant contained in Instrument of Transfer No. 1688948	Remove
<b>223 Centre Road, Bentleigh being Lot 8 Plan of Subdivision 12116</b>	Restrictive covenant contained in Instrument of Transfer No. 1702213	Remove
<b>32 Oak Street, Bentleigh being Lot 19 Plan of Subdivision 8334</b>	Restrictive covenant contained in Instrument of Transfer No. 1246999	Vary as follows:- For "at any time.. dwelling house shall not have" substitute: "develop or allow to be developed any dwelling on the said Lot hereby transferred which has" - Delete "Rose".

Land	Easement or restriction	Requirement
<b>265 Centre Road, Bentleigh being Plan of Consolidation No 157013S</b>	Restrictive covenants contained in Instruments of Transfer No. 1364855 and No. 1366260	Remove
<b>497 Inkerman Street, East St Kilda being Lot 22 on Plan of Subdivision 7596 being part of Crown Portion 174A, Parish of Pahran, Certificate of Title Vol 4608 Folio 921551</b>	Restrictive Covenant contained in Instrument of Transfer No. 1062273 DATED 24 AUGUST 1922	Remove

Land	Easement or restriction	Requirement
<b>41 Margaret Street, Carnegie as described as Lot 19 on Plan of Subdivision No. 6689 of the land in Certificate of Title Volume 4370 Folio 873933</b>	The restrictive covenant contained in Instrument of Transfer No. 963922.	Vary the restrictive covenant which applies to the land by adding the following after the restriction: "Except that nothing herein shall prevent the erection of three single storey dwellings generally in accordance with the endorsed plans accompanying Planning Permit GE8295 as approved by the Glen Eira City Council on 6 August, 1996".
<b>70 Carlingford Street, Caulfield, Certificate of Title Vol. 7532 Folio 143 being Lot 6 on Plan of Subdivision No. 6555.</b>	Restrictive Covenant contained in Instrument of Transfer No. 794735	Vary the restriction after the words "land hereby transferred and every or any part or parts thereof as an encumbrance affecting the same." by adding the following: "Provided that nothing herein shall prevent the erection of a second single storey dwelling on Lot 6 in accordance with approved plans."

Land	Easement or restriction	Requirement
<b>8 Elbena Grove, Carnegie (Lot 8 PS 6689) being Certificate of Title Volume 5098 Folio 1019490.</b>	The restriction contained in Instrument of Transfer No. 1160335	Vary the restriction after the words "...and every or part or parts there of as an encumbrance affecting the same." by adding the following: "Provided that nothing herein shall prevent the erection of not more than four dwellings generally in accordance with the Administrative Appeals Tribunal of Victoria's decision in Appeal No. 1995/022209".

<b>126 Hotham Street, East St Kilda as described as Lot 70 on Plan of Subdivision No. 4953 on Certificate of Title Volume 8292 Folio 946</b>	The restrictive covenant contained in Instrument of Transfer No. 601227	Remove
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Land	Easement or restriction	Requirement
<b>128 Hotham Street, East St Kilda as described as Lot 71 on Plan of Subdivision No. 4953 on Certificate of Title Volume 3637 Folio 275</b>	The restrictive covenant contained in Instrument of Transfer No. 695706	Remove



Land	Easement or restriction	Requirement
<b>2 Talbot Street, East St</b> <b>Kilda as described as Lot</b> <b>72 on Plan of Subdivision</b> <b>No. 4953 on Certificate of</b> <b>Title Volume 3637 Folio</b> <b>277</b>	The restrictive covenant contained in Instrument of Transfer No. 695807	Remove
<b>81 Trevelyan Street,</b> <b>Caulfield as described as</b> <b>Lot 53 on Plan of</b> <b>Subdivision No. 6555 of</b> <b>the land in Certificate of</b> <b>Title Volume 5060 Folio</b> <b>999.</b>	Restrictive covenant contained in Transfer No. 881706	Vary the restrictive covenant after the words "... one villa residence only shall be erected on the said land hereby transferred ..." by adding the following: "... except for the construction of a second dwelling in accordance with the plans endorsed pursuant to Planning Permit No. GE8006 issued by the City of Glen Eira on 30 May 1997..."

Land	Easement or restriction	Requirement
<b>378 Kooyong Road Caulfield being Lot 19 and part Lot 18 on Plan of Subdivision 6555 and being all the land contained in Certificate of Title Volume 4231 Folio 045.</b>	Restrictive Covenants contained in Transfer No 831443 and 842676	Vary both restrictive covenants by adding the following words after each covenant "Provided that nothing contained herein shall prevent the construction of two villa residences or dwellings in accordance with the plans endorsed pursuant to Planning Permit No GE 9687 issued by the City of Glen Eira on 19 March 1998"
<b>139 Kooyong Road, North Caulfield as described as Lot 1 on Plan of Subdivision No. 423652V of land contained on Certificate of Title Volume 10443 Folio 928</b>	The restrictive covenant contained in Instrument of Transfer No. 942820	Remove

Land	Easement or restriction	Requirement
<b>6 Elbena Grove, Carnegie previously described as Lot 7, LP 6689 but now described as certificate of Title Vol 10509 Folios 099 and 100</b>	Restrictive covenant contained in Instrument of Transfer no. 1160336	Vary the restrictive covenant after: "thereof as an encumbrance affecting the same" by inserting the following: except that the said land may be developed and used for two dwellings generally in accordance with Permit No. GE/PP-11491/19999 issued by Glen Eira City Council on 21 October 1999.
<b>271 Orrong Road, North Caulfield, described as Lot 36 on Plan of Subdivision 5996</b>	Restrictive Covenant contained in Instrument of Transfer No. 729172.	Vary the restrictive covenant after 'at a cost of less than Seven hundred and fifty pounds' by inserting the following: '... except that Lot 36 may be developed and used for three dwellings generally in accordance with Permit No. GE10360 issued by Glen Eira City Council on 25 May 1999.'

Land	Easement or restriction	Requirement
	Restrictive Covenant contained in Instrument of Transfer No. 939467	Vary the restrictive covenant after 'to be removed to facilitate or be used in connection with the erection of the said dwelling house and outbuildings' by inserting the following: '... except that the said land may be developed and used for three dwellings generally in accordance with Permit No. GE10360 issued by Glen Eira City Council on 25 May 1999.'
<b>12 Gnarwyn Road, Carnegie, described as Lot 2 on Plan of Subdivision 32000 on Certificate of Title Volume 09225 Folio 289.</b>	Restrictive Covenant contained in Instrument of Transfer No. 1029936	Vary the restrictive covenant contained in Instrument of Transfer No. 1029936 by inserting the following after the covenant; '... except that Lot 2 may be developed and used for two dwellings generally in accordance with Permit No. GE/PP-14832/2002.'

Land	Easement or restriction	Requirement
<b>2 Victor Road, Bentleigh as described as Consolidated Plan 162208W in Certificate of Title 9676 Folio 208</b>	Restrictive Covenant contained in Instrument of Transfer No. 1954454	Remove
<b>47 Rosanna Street, Carnegie being Lot 1 on Title Plan 338764U on Certificate of Title Volume 8414 Folio 138</b>	Restrictive covenant contained in Instrument of Transfer No. 1144972	Remove
<u>259 Glen Eira Rd, Caulfield North being Lot 3 Plan of Subdivision 6946</u>	<u>Restrictive Covenant contained in Instrument of Transfer No. 0888051</u>	<u>Vary the Restrictive Covenant as follows:</u>  <u>After the words "erect or allow to be erected on the said Lot Three or any part thereof of any building other than one private Dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)" insert the words "except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017."</u>

**2.0 Under Section 24A of the Subdivision Act 1988**

19/01/2006  
VC37

Land	Person	Action
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**3.0 Under Section 36 of the Subdivision Act 1988**

19/01/2006  
VC37

Land	Easement or right of way	Requirement
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## PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

### GLEN EIRA PLANNING SCHEME

RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

<b>PLANNING PERMIT NUMBER:</b>	GE/PP-31418/2017
<b>ADDRESS OF THE LAND:</b>	259 Glen Eira Road, Caulfield North
<b>APPLICANT:</b>	Maureen Jackson Planning
<b>THE PERMIT ALLOWS:</b>	Development and use of the land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans.

#### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP05A, TP06A, TP07A, TP08A, TP10A, TP11A, TP16A and TP17 prepared by Clarke Hopkins Clarke and dated November 2017 and March 2018) but modified to show:
  - (a) Notes detailing the specifications for acoustic boundary fences to replace the existing boundary fences, generally in accordance with Section 6 of the Noise Impact Assessment report prepared by Octave Acoustics, dated 9 March 2018.
  - (b) Appropriate signage installed on the proposed gate that the access is for emergency vehicles only.
  - (c) The proposed gate to be an automatic or remote-controlled one.
  - (d) Corner sight splays to be adequately clear of visual obstructions to provide a clear view of pedestrians on the footpath of the frontage road as well as a clear view for oncoming cyclists of vehicles exiting the site.

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

2. Not more than seventy (70) students may be on the premises at any one time.
3. Not more than eight (8) staff members / employees may be on the premises at any one time.
4. Unless otherwise allowed with the written approval of the Responsible Authority, the use allowed under this permit (excluding cleaning, maintenance and administration) must be within the following times:

<b>DATE ISSUED:</b>	<b>DATE PERMIT COMES INTO OPERATION:</b> (OR IF NO DATE IS SPECIFIED, THE PERMIT COMES INTO OPERATION ON THE SAME DAY AS THE AMENDMENT TO WHICH THE PERMIT APPLIES COMES INTO OPERATION)	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY:</b>
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## PLANNING PERMIT

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

**PLANNING PERMIT NUMBER: GE/PP-31418/2017**

*Conditions Continued –*

- Monday to Friday 8:00am to 5:00pm.
5. The gallery/café must only be for the use of the school community (ie. students, staff members/employees and parents).
  6. Privacy screening 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.
  7. The landscaping as shown on the endorsed Planting Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
  8. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
  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) Truck haulage routes, circulation spaces and queuing lanes;
    - (c) Details 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;
    - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
    - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
    - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
    - (g) Hours for construction activity in accordance with any other condition of this permit;
    - (h) Measures to control noise, dust, water and sediment laden runoff;
    - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
    - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

<b>DATE ISSUED:</b>	<b>DATE PERMIT COMES INTO OPERATION:</b> (OR IF NO DATE IS SPECIFIED, THE PERMIT COMES INTO OPERATION ON THE SAME DAY AS THE AMENDMENT TO WHICH THE PERMIT APPLIES COMES INTO OPERATION)	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY:</b>





## PLANNING PERMIT

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

**PLANNING PERMIT NUMBER: GE/PP-31418/2017**

*Conditions Continued –*

10. Before the use starts, a Waste Management Plan (WMP) with respect to the collection and disposal of waste and recyclables associated with the proposed use must be submitted to and approved 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.

- 11. Disabled persons' access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled persons' access must be constructed in accordance with AS 1428.1, or otherwise, to the satisfaction of the Responsible Authority.
- 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. Prior to the occupation of the development, the acoustic fences and privacy screening must be constructed and installed in accordance with the endorsed plans.
- 14. Noise from the use must not exceed the permissible noise levels stipulated in State Environment Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade).

<b>DATE ISSUED:</b>	<b>DATE PERMIT COMES INTO OPERATION:</b> (OR IF NO DATE IS SPECIFIED, THE PERMIT COMES INTO OPERATION ON THE SAME DAY AS THE AMENDMENT TO WHICH THE PERMIT APPLIES COMES INTO OPERATION)	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY:</b>



## PLANNING PERMIT

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

**PLANNING PERMIT NUMBER: GE/PP-31418/2017**

*Conditions Continued –*

15. 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.
16. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose, other than for any emergency related requirements.
17. The location of the sign (including the size, nature, panels, position and construction) 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.
18. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
19. This Permit expires fifteen (15) years from the date of issue in relation to the advertising sign only.
20. 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.
21. 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.
22. This permit does not come into effect until Covenant 0888051 has been varied to enable the development and use authorised by this permit to proceed.
23. 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.

DATE ISSUED:	DATE PERMIT COMES INTO OPERATION: (OR IF NO DATE IS SPECIFIED, THE PERMIT COMES INTO OPERATION ON THE SAME DAY AS THE AMENDMENT TO WHICH THE PERMIT APPLIES COMES INTO OPERATION)	SIGNATURE FOR THE RESPONSIBLE AUTHORITY:



## PLANNING PERMIT

GLEN EIRA PLANNING SCHEME  
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

PLANNING PERMIT NUMBER: GE/PP-31418/2017

Conditions Continued –

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 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. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.

<b>DATE ISSUED:</b>	<b>DATE PERMIT COMES INTO OPERATION:</b> (OR IF NO DATE IS SPECIFIED, THE PERMIT COMES INTO OPERATION ON THE SAME DAY AS THE AMENDMENT TO WHICH THE PERMIT APPLIES COMES INTO OPERATION)	<b>SIGNATURE FOR THE RESPONSIBLE AUTHORITY:</b>

# IMPORTANT INFORMATION ABOUT THIS PERMIT

## WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the [Planning and Environment Act 1987](#) on approval of Amendment No. C156 to the Glen Eira Planning Scheme

## WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

## WHEN DOES A PERMIT EXPIRE?

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

## WHAT ABOUT REVIEWS?

- \* In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

**(LAST PAGE OF PERMIT)**

APPLICATION NO.

DATE RECEIVED

**Application for Planning Permit**Planning and Environment Act 1987 Section 47  
Planning and Environment Regulations, Regulation 15

Please read the notes on the back before completing this form and note that this application form and all associated plans will be publicly accessible once submitted. Please print in BLOCK letters.

**The applicant:** Who is making this application?

Surname/Company:	MAUREEN JACKSON PLANNING ON BEHALF OF SHELFORD GIRLS GRAMMAR SCHOOL
First name:	
Postal address:	P.O. BOX 204 SOUTH YARRA 3141
Phone number during business hours:	
Email address:	maureen@maureenajacksonplanning.com.au

**The land:** Give the address and title particulars of the land and attach a sketch plan.

Street no.:	259	Street name:	GLEN EIRA RD
Suburb:	CAULFIELD	Postcode:	3161

**The proposal:** For what use, development or other matter do you require a permit?

USE AND DEV OF LAND FOR AN EDUCATION FACILITY INCLUDING SIGNAGE IN ACCORDANCE WITH THE ATTACHED PLANS	
Describe the way the land is used now:	DWELLING

**The cost of the development:**

If a permit is required to undertake development, state the estimated cost of the proposed development. You may be required to verify this estimate:	\$2386 000
--	------------

**The owner:** if the applicant is not the owner, give the name and address of the owner and complete box A or B.

Name of owner:	SHELFORD GIRLS' GRAMMAR
Address:	3 HOOD CRESSENT, CAULFIELD

**A.** I am the owner of the land. I have seen this application.

Owner's signature:	Date:
--------------------	-------

**B.** I/We the applicant declare that I/We have notified the owner about this application.

Applicant's signature:	Date: 19/4/2018
------------------------	-----------------

**Declaration to be completed for all applications:**

I declare that all the information I have given is true.	
Applicant's signature:	Date: 19/4/2018

**ADVERTISING:**

Should advertising be required for this application, do you authorise Council to carry it out on your behalf?	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicant's signature:
Council's charge for advertising is an initial fee of \$125, which covers notice to 10 properties. Should the property require more extensive advertising, an additional fee of \$12 per address is charged. On-site advertising is undertaken by the applicant. Each sign can be purchased at a cost of \$65. (All charges GST inclusive.)	

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04229 FOLIO 715

Security no : 124064686043M

Produced 22/02/2017 04:47 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 006946.  
PARENT TITLE Volume 03985 Folio 891  
Created by instrument 0888051 23/05/1919

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

SHELFORD GIRL'S GRAMMAR of 3 HOOD CRESCENT CAULFIELD VIC 3162  
AH568620R 20/10/2010

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK952791U 07/03/2014  
NATIONAL AUSTRALIA BANK LTD

COVENANT 0888051

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP477530T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 259 GLEN EIRA ROAD CAULFIELD NORTH VIC 3161

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 23/10/2016

DOCUMENT END

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1951364

888051



26

*Handwritten notes and signatures in red ink.*

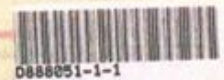
*Handwritten notes and signatures in red ink.*

*Handwritten notes and signatures in red ink.*

*Handwritten notes and signatures in red ink.*

*Handwritten notes and signatures in red ink.*

Belbourne Manager being registered as the proprietor of the estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of £2000 and £1000 paid to be by MISS ANNE FINE of Derwin Road South Launceston, Secretary and in consideration of the sum of £1000 and £1000 paid to the said MISS ANNE FINE by MISS ANNE FINE of 525 Bourke Street Melbourne, Manager at her request and by the direction of the said MISS ANNE FINE testified by his signature hereto, Transfer to the said Norman Francis Hammond all his estate and interest in all that piece of land being Lot Three on Plan of Subdivision Number 6906 lodged in the Office of Titles and being part of Crown Portion Two numbered and forty four South East of Saint John's Parish of Franklin County of Bourke. Together with all registered appurtenant easements and together with a right of drainage and sewerage over such parts of Lot Four and five colored blue on the said Plan of Subdivision accruing to himself and as Transferrees registered or proprietor or proprietors for the time being of Lot One and Thirty-two on the said Plan of Subdivision a right of sewerage and drainage over that part of said Lot Three colored blue on the said Plan of Subdivision as the said Norman Francis Hammond to the intent that the present covenants on his part may bind the land hereby transferred and the successive registered proprietors thereof from time to time and their respective estates (but not so as to bind personally any such owner or his or her estate in respect of anything done or omitted after he or she shall have disposed of the premises) with for himself his heirs executors administrators and Transferrees with with the said Taylor Parkyn his heirs executors administrators and Transferrees and other the registered proprietor or proprietors for the time being of the balance of the land comprised in Certificate of Title Volume 3902 Folio 70001 that he the said Norman Francis Hammond his heirs executors administrators or Transferrees will not erect or allow to be





erected on the said Lot Three or any part thereof any building other than one private dwelling with a roof of slates tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings) and will not at any time carry on or allow to be carried on quarrying operations on the said Lot Three or any part thereof or dig carry away or remove therefrom or any part thereof any well stone earth clay gravel or sand except for the purpose of laying the foundations of any building to be erected on the said Lot Three as aforesaid or for the use in the erection of any such Building: AND the said Norman Francis Hammond HERETO CONSENTS AND AGREES to the above Covenants appearing as encumbrances on the Certificate of Title to be issued in respect of this Transfer and also of all subsequent Transfers of the said Lot Three and to the same running with the said Land.

Dated the 14<sup>th</sup> day of April 1919

*Pla 1843414*

SIGNED by the said TAYLOR DARBYSHIRE  
in the state of Victoria by his  
Attorney Frederick George Nicholson  
in the presence of

*Taylor Darbyshire*  
by his Attorney  
*F. G. Nicholson*

*Robert Wilson*  
CLERK TO FINK, BEST & MILLER  
SOLICITORS, MELBOURNE

*Signed by the said Hugh Scotland*  
*Bank in Victoria in presence of*

SIGNED by the said NORMAN FRANCIS  
in the state of Victoria  
in the presence of

*Robert Wilson*  
CLERK TO FINK, BEST & MILLER  
SOLICITORS, MELBOURNE

*N. F. Hammond*

*Robert Wilson*

ENCLOSURES REFERRED TO

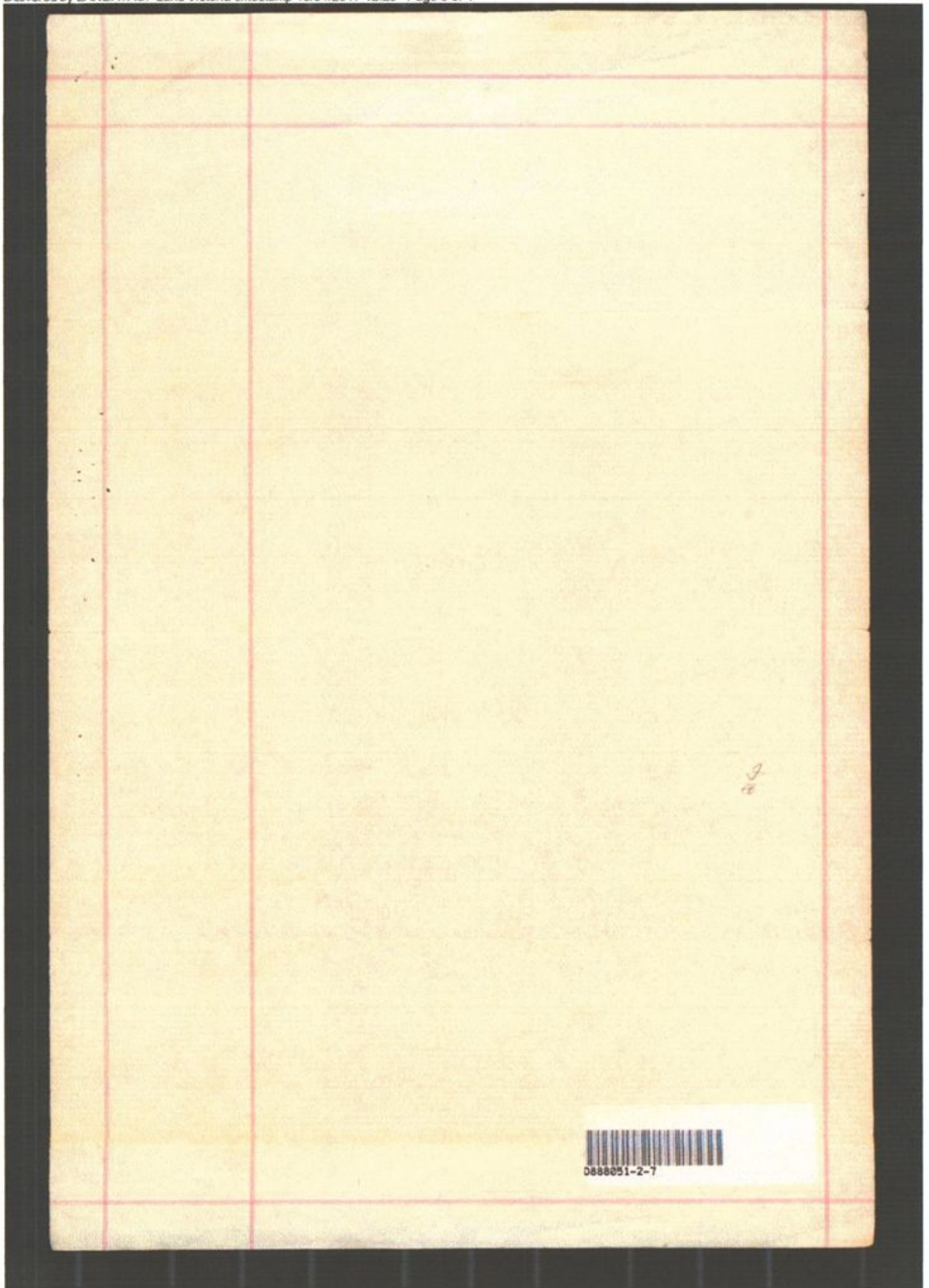
Special Railway Condition contained in Crown Grant to Thomas  
Arnall and George Stephen respectively.

*also to the part of parcel 3 shown blue on the said Plan of*  
*Subdivision - Any boundary pertaining now or hereafter*  
*affecting the same*

*1843414*



0888051-1-1





<p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p>	<p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p>	<p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p>	<p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p>	<p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p> <p>TO HAVE AND TO HOLD</p> <p>TO THE USE OF</p>
---	---	---	---	---

<p>Transfer as to part and Creation of Easement</p>	<p>3rd May 1919</p>	<p>To Norman Francis Hammond</p>	<p>888051</p>
---	-------------------------	--	---------------

*Alfred Compton*  
ALFRED COMPTON

2. CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED IN THE LAST  
LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 3985 FOLIO 796891.

*Alfred Compton*  
ALFRED COMPTON



D888051-2-7



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# Transfer of Land

## Section 45 Transfer of Land Act 1958

**AH568620R**

20/10/2010 \$1352 45



Name: SOHO LAWYERS  
 Phone: (03) 8676 0433  
 Address: Level 8, Suite 804,  
365 LITTLE COLLINS ST, MELB  
 Reference: 10/201 (Am)  
 Customer Code: 13888X

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio)

Volume 4229 Folio 715

Estate and Interest: (e.g. "all my estate in fee simple")

All my estate in fee simple

Consideration:

\$1,351,000.00

Transferor: (full name)

LINDA ELEANOR WILSON as executor of the Estate of Eleanor May Hughson, deceased

Transferee: (full name and address including postcode)

SHELFORD GIRL'S GRAMMAR of 3 Hood Crescent, Caulfield, Victoria, 3162

Directing Party: (full name)

Dated:

Execution and attestation:

SIGNED by LINDA ELEANOR WILSON in the presence of:

Signature of witness

Linda E. Wilson

Executed by SHELFORD GIRL'S GRAMMAR by persons who are authorised to sign for the company:

Name: B. LYNCH  
 Usual Address: SHELFORD GIRLS' GRAMMAR  
ABN 41 004 605 145  
3 HOOD CRESCENT  
CAULFIELD, VIC. 3161

BARBARA JOY LYNCH  
 DIRECTOR

Name: R. BRADY  
 Usual Address: ROBERT CHARLES BRADY  
Company Secretary

Approval No: 3213105A

Order to Register

Duty Use Only

**T1**

Please register and issue Certificate of Title to

Page 1 of 1

Signed

Customer Code:

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

Original Land Transfer  
 Exempt Section 45  
 Doc ID 2639540, 12 Oct 2010  
 SRO Victoria Duty, UXSO





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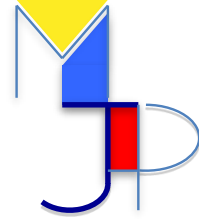
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Document Identification	<b>TP477530T</b>
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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 477530T</b>
<b>Location of Land</b> Parish : SOUTH EAST OF ST KILDA PARISH OF PRAHRAN Township : Crown Portion: 244 (PT) Section :  Base record : DCMB Last Plan Reference : LOT 3 ON LP 6946 Derived From : VOL. 4229 FOL. 715  Depth Limitation : NIL		<b>Notations</b>   ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
<b>Description of Land/ Easement Information</b>  <b>APPURTENANCIES</b> TOGETHER WITH A RIGHT OF DRAINAGE AND SEWERAGE OVER THE LAND COLORED YELLOW ON THE SAID MAP  <b>ENCUMBRANCES</b> As to the land colored blue - ----- THE EASEMENTS subsisting over or upon or -- affecting the same - - - - -		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  COMPILED: Date 4/05/05 VERIFIED: A. DALLAS <i>Assistant Registrar of Titles</i>  <b>COLOUR CODE</b> BL=BLUE G=GREEN BR=BROWN P=PURPLE Y=YELLOW R=RED H-HATCH CH=CROSS HATCH
LENGTHS ARE IN FEET AND INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 Sheets



Maureen Jackson Planning



Section 96A Amendment and Planning Permit GE/PP-31418/2017- Variation of restrictive covenant and development and use of land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 at 259 Glen Eira Road, Caulfield North.

Prepared for:

Shelford Girls' Grammar School.

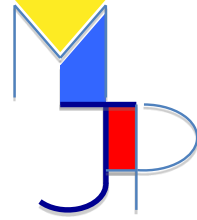
Prepared by:

Maureen Jackson Planning Pty Ltd  
June 2018



Maureen Jackson Planning Pty. Ltd.





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<b>7 CONCLUSION</b>	<b>26</b>

### **APPENDICES (all provided separately)**

Application form, copy of title, planning application fee and Metropolitan Planning Levy Certificate.

Plans prepared by Clarke Hopkins Clarke Pty Ltd

Arborist report by Galbraith and Associates

Acoustic assessment by Octave Acoustics.

Traffic Impact Assessment by One Mile Grid Pty Ltd.

This report is compiled on the basis of the available amount of access and time permitted to investigate its components. In areas where access could not readily be available, assumptions may have been made to aid the client. These assumptions are identified within the body of the report. This report is for the exclusive use of the client and cannot be used for any other purposes without prior permission from Maureen Jackson Planning Pty Ltd. The report is valid only in its entire form.



---

## 1 BACKGROUND

Maureen Jackson Planning Pty Ltd acts on behalf of Shelford Girls' Grammar School.

Shelford Girls' Grammar is an independent, Anglican day school which is located within the City of Glen Eira. It was established in 1898 and currently caters for approximately 600 students from pre-school to year 12.

As part of its ongoing drive for excellence in education, the school is proposing to develop a centre for creative technology for current students in the areas of media technology, culinary arts, photography and design technology.

The site at 259 Glen Eira Road is owned by the school and has always been intended to be used as part the school's ongoing training and education programmes.

Shelford Girls' Grammar School seeks approval for a combined planning permit and planning scheme amendment, pursuant to Section 96A of the Planning and Environment Act 1987, for the site at 259 Glen Eira Rd, Caulfield North (Lot 3 LP6946).

The Land is burdened by a restrictive covenant which states that the owner of the Land must not:

*"erect or allow to be erected on the said Lot Three (Lot 3 being the subject site) or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings). (the "Covenant")*

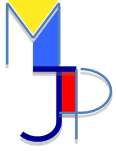
It is proposed to vary the covenant as follows-

*After the words "erect or allow to be erected on the said Lot Three or any part thereof of any building other than one private Dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)" insert the words "except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017."*

## 2 THIS REPORT

This report has been prepared in support of variation of restrictive covenant and development and use of land for the purpose of an Education Centre (the Emily Dixon Centre (Education Facility) in association with Shelford Girls' Grammar School), reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 at 259 Glen Eira Road, Caulfield North, in accordance with the attached plans.

The Emily Dixon Centre has been conceived as an opportunity to promote excellence in teaching and learning in the area of STEAM (Science, Technology, Engineering, Arts and Mathematics). The Emily Dixon Centre will reflect the significant emphasis that Shelford Girls' Grammar places on the arts, design and other creative technologies.



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It will provide an environment that encourages and inspires the future generation of artists, designers and technological innovators.

The facility will also enhance Shelford Girls' Grammar's civic presence both within the School and the wider community. A gallery, which will be integrated into the internal circulation space will recognise and display the achievements and works of current and past students as well as the creative work of local artists and exhibitors.

The following sections of this report provide:

- An overview of the site and surrounds;
- A description of the use and development proposal; and,
- An assessment of the proposal against the planning controls impacting the site.
- An assessment of the restrictive covenant and the impact of the variation to this covenant on the surrounding properties.



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### 3 SITE DESCRIPTION

The site is a rectangular parcel of land measuring 18.29 metres width x 45.72 length with an overall area of approximately 836 m<sup>2</sup> located at 259 Glen Eira Rd, Caulfield North.

The southern boundary of the site fronts Glen Eira Rd, which is classified as a Major Road Zone Category 1, and a mix of single and double storey residential properties are found to the east, west and south of the site. The northern boundary of the property abuts the Early Learning Centre associated with Shelford Girls Grammar.

Currently, on site, there is a two storey residence with one access point to Glen Eira Rd. At the rear of the site, there is an existing in-ground swimming pool and outbuildings.

The site has an approximate fall from the north-east to the south-west (frontage of the site) of approximately 1.9 metre.

The school has excellent public transport connections, with 'Met' buses from Glen Waverley, Mt Waverley and Chadstone areas which travel along Glen Eira Road, stopping at Hood Crescent.

The school also offers chartered bus routes.

Railway transport on the Frankston-Caulfield, Dandenong-Caulfield and Melbourne-Sandringham lines connect with school buses and give convenient and quick access to Shelford Girls' Grammar. Ripponlea station is the closest station to the school.

Good public transport is also provided by trams along Glenhuntly, Balaclava, Dandenong and Glenferrie Roads which connect with the school buses.

The Oaktree Anglican Church is located in close proximity to the site, as are convenience shops. Caulfield Hospital is also accessible from the subject site.

### 4 OVERVIEW OF THE PROPOSAL

The Emily Dixon Centre is designed to support and accommodate the specific and individual needs of each student. The school aims to provide an atmosphere that encourages students to explore and expand their creative passions to a high level of achievement.

The building will contain gallery spaces that will be used to acknowledge and display the exceptional work that the students produce. As a multi-use and multi-purpose building, it will also enable the School to showcase the works of local and prominent artists and exhibitors, increasing interaction between the School and the wider community.

The new building will enable Shelford to cater for the current curriculum and facilitate the further expansion of a curriculum that specifically promotes STEAM.



Each learning area and gallery space will be orientated to take full advantage of natural lighting and ventilation. Connection between indoor and outdoor spaces will accommodate a greater range of activities and facilitate the flow of students, teachers and the broader community on specific occasions as they enter and exit the building.

This section of the report outlines the key aspects of the proposal. The proposed development consists of the following:

**Emily Dixon Centre:**

- Demolition of existing buildings and swimming pool.
- Retention of existing vegetation i.e. peppercorn tree, and where removal is required, planting of new vegetation as shown in the landscape plan attached.
- Construction of a two storey building, with a site coverage of 42.1% of a modern design in keeping with the function of the facility. The height of the building is approximately 5.73- 8.62 metres. The building is proposed to be setback 9.0 metres from the frontage of the site.
- The maximum staff and student numbers proposed to be present on the site at any one time are 5-8 staff and 70 students. The numbers provided would be in the event that all four teaching spaces were scheduled concurrently. However, it is worth noting that the above numbers would not occur often due to timetabling of classes, the specialist nature of the proposed teaching facilities and the commitment Shelford Girls' Grammar has to running small class sizes.
- The proposed hours and days of operation, during school term times, are as follows:  
Mon – Fri: 8am to 5 pm  
Sat - Sun: normally closed  
Cleaning and maintenance will require after-hours access for 2-3 hours each evening, Monday to Friday. It is unlikely that any after-hours school events will be scheduled, as other areas in the school will continue to be used.  
The gallery space and café will not be open to the general public, other than the school community, i.e. students and parents. The facility will be used during school hours.

In more detail the floorspace on site will be used for the following –

- Two (2) teaching and learning spaces for studio arts and associated storage.
- A teaching and learning space for Media Technology, incorporating storage and darkroom facilities.
- A new conceptual work area to support: collaborative work, interactive work-benches and teaching and learning spaces.
- A teaching and learning space for the Culinary Arts, complete with associated areas for preparation, indoor and outdoor dining, and herb garden.
- Outdoor breakout spaces to each learning environment.
- A staff work area, to allow for interaction with the learning environment and student support.
- A meeting room, which is visually connected to the key functional areas.
- Infrastructure and equipment to support student activities, including audio visual equipment, and display and presentation areas.

The goals for this facility, with regard to architecture and function are:

- To integrate the Emily Dixon Centre within the Shelford Girls' Grammar campus.
- To provide additional facilities for students with disabilities, including special mobility and learning requirements.



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- To utilise landscaping features to integrate outdoor gathering spaces and to highlight entry points.
  - To provide good access to natural light and passive ventilation.
  - To provide specific zones for student retreat, relaxation and study.
  - To include the school logo on the wall of the building which is considered as business identification signage.
  - To add texture: the materials to be used are a mix of face brickwork with a brickwork pattern, perforated metal and colourbond roof.

**Display of a business identification sign**

- The school logo will be displayed on the wall of the building, setback from the street frontage at Glen Elra Rd, which is considered as business identification signage.

**Alteration of access to a road in a Road Zone, Category 1**

- Single width crossover to Glen Elra Rd at southwest corner of the site will be maintained for emergency purposes only and will serve as the sole vehicular access point to site. No carparking or bicycle facilities will be provided on site (see Traffic Assessment Report)



## 5 GENERAL PLANNING POLICY AND PLANNING SCHEME PROVISIONS

The Glen Eira Planning Scheme requires consideration of the following key planning provisions;

Planning Scheme	Glen Eira
SPPF	Clause 10 Operation Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 15.01-2 - Urban design principles Clause 15.01-5 Cultural identity and neighbourhood character
LPPF and MSS	Clause 21.01 Municipal Profile Clause 21.02 Key Influences Clause 21.08 Institutional and NonResidential Uses in Residential Areas Clause 22.02 NonResidential Uses in Residential Zones Policy Clause 22.02-2 Preferred Location Objective Clause 22.02-3 Siting and Design Objectives Clause 22.02-4 Landscaping Clause 22.02-5 General Amenity Clause 22.02-6 Advertising Signage
Zoning	Clause 32.09 Neighbourhood Residential Zone – Schedule 1 (NRZ1) Minimal Change Areas
Overlays	N/A
Particular Provisions	Clause 52.05 Advertising Clause 52.06 Carparking Clause 52.17 Native Vegetation Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. Clause 52.34 Bicycle Facilities Clause 54 One dwelling
General Provisions	Clause 65 Decision Guidelines
Planning permit triggers	Clause 32.09-2 of the Neighbourhood Residential Zone and a permit is required for buildings and works in accordance with Clause 32.09-8 Clause 32.09-13 Advertising signage Clause 52.05-9 Category 3 - High amenity areas

### State Planning Policy Framework

The following State Planning Policies (SPPF) were reviewed and considered to be of particular relevance to the proposal:

#### Clause 10 – Operation of the State Planning Policy Framework

This Clause outlines the purpose of the State Planning Policy Framework (SPPF) including its goals and principles. The goal of the SPPF is to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and



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practices, which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

**Response**

The proposal positively addresses land use, development and built form objectives in light of growing social and community needs and aspirations in the Glen Eira area, as outlined in the Glen Eira Planning Scheme.

**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.

**Response**

The proposal positively addresses the community need for excellence in educational facilities servicing the neighbourhood as well as the wider community.

**Clause 15 – Built Environment and Heritage**

Planning should ensure all new land use and development responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns. ...

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

**Response**

The proposal positively addresses the community aspiration and cultural identity of the area as one that is recognised as characterised as having a variety of high quality educational establishments which contribute to the local urban character and aspirations of the community.

**Clause 15.01-2 Urban design principles**

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

**Strategies**

Apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:





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#### *Context*

- Development must take into account the natural, cultural and strategic context of its location.
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

#### *Landmarks, views and vistas*

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

#### *Architectural quality*

- New development should achieve high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

#### **Response**

The proposal consolidates the clustering of Shelford Grammar educational buildings and facilities and provides a frontage to the main road, being Glen Eira Road. The design creates a positive architectural addition and landmark along Glen Eira Rd. The road is undergoing change as identified by development to the south of the subject site.

The building sets a high standard in architecture and urban design and will complement the existing streetscape.

#### **Clause 15.01-5 Cultural identity and neighbourhood character**

##### *Objective*

To recognise and protect cultural identity, neighbourhood character and sense of place.

##### *Strategies*

Ensure development responds and contributes to existing sense of place and cultural identity.

Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:

- The underlying natural landscape character.
- The heritage values and built form that reflect community identity.
- The values, needs and aspirations of the community.

#### **Response**

The new building is ancillary to the school, which has been a cultural identity in the neighbourhood since 1898, and has been a good neighbour in the surrounding area. The building has been designed to articulate the function of the building as a centre for creative technology and complement the neighbourhood streetscape.



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### **Local Planning Policy Framework (LPPF)**

The Local Planning Policies and Municipal Strategic Statement provide a strategic direction for development and land use in the municipality. The following policies were considered to be of most relevance.

#### **Clause 21.01 MUNICIPAL PROFILE**

*Glen Eira is predominantly residential and features a series of well established strip shopping centres most of which have developed along public transport routes. It has a flat to generally undulating topography with a strong grid pattern of streets. Glen Eira contains areas that are rich both in terms of urban character and heritage. Glen Eira's character today reflects the City's position in the metropolitan area and its associated history of development.*

*Glen Eira residents enjoy access to a wide variety of transport, shopping, health, education, religious and cultural and leisure services. Many of Melbourne's best private schools are located in Glen Eira, and Glen Eira boasts regional recreational facilities such as Duncan Mackinnon Reserve and Caulfield Park.*

*Caulfield Racecourse and Monash University are facilities of metropolitan significance and are both of major importance to the local economy.*

#### **Clause 21.01-2 Glen Eira's people**

##### Age structure

*Glen Eira is one of the few places in Victoria which can expect to have fewer people in the 70+ age group by 2021. This is indicative of an already aged population and its potential to "regenerate" over future years.*

##### Socio-economic characteristics

*Glen Eira residents are generally well educated and knowledgeable with qualifications and income slightly higher than the metropolitan average and a higher than average proportion of the workforce in Management/Professional positions. There is however considerable geographical variation. Households in Caulfield North, Caulfield, Caulfield South, Caulfield and Elsternwick have some of the highest income levels in Glen Eira. They also have a high proportion of professional jobs and tertiary qualifications.*

#### **Clause 21.01-4 Residential areas**

*Ninety-five percent of Glen Eira properties are residential.*

##### Residential amenity

*Glen Eira is a sought after location with a high standard of residential amenity.*

#### **Response**

The proposed development is complementary to the goals of Council as it is recognised as an educational asset highlighted in the above profile of the municipality. The school provides the opportunity for residents from the municipality and surrounding areas to access a high quality educational facility. It would be considered as a characteristic of the neighbourhood character and an attraction of the area in providing and meeting high standards of education and innovation.

It is a recognised educational asset to the area.

#### **Clause 21.02 KEY INFLUENCES**

##### **Clause 21.02-1 Advantages and opportunities**

##### Services and infrastructure

Availability of an excellent range of educational and health and community facilities.



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#### **Clause 21.03-3 Key Land Use Visions**

From the corporate objectives and the preferred future identified in Glen Eira 2020 a number of key land use visions were developed for inclusion in this Municipal Strategic Statement.

- Promote recognised and well used regional recreation, entertainment, tourist, educational and cultural facilities

#### **Clause 21.03-5 Framework plan**

##### Institutional and non residential uses in residential areas

- Medical and other associated uses, such as nursing homes and retirement villages, are where practical encouraged to concentrate in defined medical precincts adjacent to existing hospitals (i.e.: around Monash Medical Centre and Caulfield Hospital), and to a lesser extent near smaller hospitals.
- Other institutional and non-residential uses may locate in appropriate locations throughout the municipality.

#### **Response**

We consider that the school is a well established use having commenced operation in 1898, hence its existing location in the neighbourhood is considered appropriate. The broadening of its educational facilities is complementary to the overall education use and does not set a precedent for the establishment of a new use in a residential setting. The use and development are ancillary to the existing school use and has been sensitively designed to act as a 'good neighbour' to existing residents.

#### **Clause 21.08 Institutional and Non Residential Uses in Residential Areas**

##### **Clause 21.08-1 Overview**

##### Master plans for institutions

Many of Glen Eira's Institutions, such as schools/hospitals have grown over time. As these uses also serve a local population it is reasonable to allow their development and growth. These uses are considered to be compatible with residential areas as they serve a local community need. However as these uses continue to grow they no longer serve only the local community but have wider regional catchments. Unchecked expansion into residential areas can cause loss of housing stock and amenity reduction for residential neighbours. It is preferable to ascertain the degree of reasonable future "residential encroachment" of major institutions, both for the immediate neighbours, and the institution itself. Whilst it may not be necessary to develop a separate zone for these uses it is considered essential that Master Plans be developed to ensure that there is community awareness of and input into long term expansion plans.

##### **Clause 21.08-2 Objectives, strategies and implementation**

##### **Objectives**

- To ensure that non-residential uses are successfully integrated into residential zones with minimum impact and minimum loss of residential amenity.
- To ensure community awareness and input into the long term expansion plans of large institutions in residential areas.

##### **Strategies**

- Encourage uses that retain housing stock or where new, encourage buildings and works that are compatible with the residential character of the streetscape and neighbourhood.
- Encourage uses that have a minimal effect on residential amenity.



- Support home business sector without compromising residential amenity.
- Encourage development of Master Plans involving community consultation.
- Encourage a concentration of complementary uses and/or facilities in appropriate locations.

#### **Response**

The encroachment into one residential lot is considered reasonable and logical as it is adjacent to the existing campus. It has been designed to be complementary to the streetscape and neighbourhood and will have minimal impact on residential amenity.

### **Clause 22.02 Non Residential Uses in Residential Zones Policy**

#### **Clause 22.02-2 Preferred Location**

##### **Objective**

- To encourage the development or extension of non-residential uses, in suitable locations which comply with orderly and proper planning principles.

##### **Policy**

It is policy to:

- Encourage the location of non-residential uses in “preferred locations” including main or secondary roads and on corner sites with vehicular access from a service or side road.

#### **Response**

Whilst the school has a street address in Hood Street, the development of the Emily Dixon Centre on Glen Eira Road will provide a main road address in accordance with Council policy. The design will complement the surrounding neighbourhood and complement the changing character on Glen Eira Road in the immediate area. The site will have minimal impact on the amenity of the local area as no additional traffic and parking is required or proposed on site. The school has excellent public transport connections, with 'Met' buses from Glen Waverley, Mt Waverley and Chadstone areas which travel along Glen Eira Road, stopping at Hood Crescent. It offers chartered bus routes. Trams travel along Glenhuntly, Balaclava, Dandenong and Glenferrie Roads which connect with the school buses. There is easy access to the metropolitan rail services at Ripponlea train station.

#### **Clause 22.02-3 Siting and Design**

##### **Objectives**

To successfully integrate non-residential uses into residential areas with minimal impact to the residential streetscape and the character of the area.

##### **Policy**

It is policy to:

- Ensure that the streetscape character of the neighbourhood is respected and maintained, particularly in terms of building height, length, location, setbacks (front, side and rear), front fences and appearance.
- Retain existing dwelling stock, where practical, and any associated extensions/alterations to maintain or enhance its residential character.

##### **Performance Measure**

It is policy to assess proposals against the following criteria:

- Front walls of buildings to be set back from street frontage in accordance with Clause 54.03-1.



- Side walls of buildings to be set back from boundaries in accordance with Clause 54.04-1.
- Any buildings are not greater than the mandatory maximum height specified in the relevant residential zone applying to the subject land.
- Front fences to accord with Clause 54.06-2.
- Walls on boundaries (for both length and height) be in accordance with Clause 54.04-2.

#### **Response**

It is considered that the existing dwelling could not be retained as it could not fulfill the design requirements of the proposed facilities. The proposed development has been designed to complement the surrounding streetscape. More specifically the proposal accords with Clause 54 requirements as follows:

##### **Clause 54.03-1 Standard A3 Street Setback objectives**

Front setback of the building will be approximately 9.0 metres.

##### **Clause 54.03-2 Standard A4 Building height objectives**

The proposal complies with the 9.0 metre height limit for the NRZ however this only applies to residential properties. The building will be constructed to a maximum height of 8.6 metres and will comply with overlooking, overshadowing and daylighting requirements for abutting properties.

##### **Clause 54.04-1 Standard A10 Side and rear setbacks objective**

The proposed development complies with the standards for side and rear setbacks, as shown in the attached plans. Meets 4.0 metre rear setback provision.

##### **Clause 54.04-2 Standard A11 Walls on boundaries objective**

No new walls will be created on any boundary.

##### **Clause 54.06-2 Standard A20 Front fences objective**

Complies: A 1.5 metre high metal picket fence is proposed at the frontage of the site.

#### **Clause 22.02-4 Landscaping**

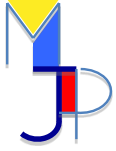
##### **Objective**

To respect the garden character of the neighbourhood.

##### **Policy**

It is policy to:

- Require front setback and side setbacks (corner lots) to be landscaped to reduce any visual dominance of any car parking.
- Require car parking facilities to generally be provided to the side or rear of the site or in a basement unless the use is proposed in a “preferred location”, abutting a main or secondary road.
- Retain any high priority significant trees or landscape features within the design where possible.
- Ensure that where car parking is proposed in the front setback (in limited circumstances where the use is in a preferred location), a generous landscape buffer between the car park and the street frontage be provided.
- Provide for adequate landscape strips along the driveway to soften the appearance of the development, particularly from the street frontage and sides.
- Discourage the removal of any street trees due to the location of a crossover.
- Any proposed car parking to the rear of a corner site should have a landscape buffer to the street equal in distance to the side street setback of the building.



- Require a landscape plan detailing advanced tree and shrub planting for developments that propose car parking in the front setback.

#### **Response**

A landscape plan is provided with this application and the existing peppercorn tree is proposed to be retained and integrated with the new landscaping on site. No carparking is proposed within the frontage of the site. This greatly assists in enhancing the streetscape.

### **Clause 22.02-5 General Amenity**

#### **Objective**

- To minimise the effect of non residential uses on the residential amenity.

#### **Policy**

It is policy to:

- Ensure the intensity of the use, in terms of staff levels, numbers of people providing health services, patron numbers and hours of operation are appropriate to the site layout, locality and does not unreasonably impact the amenity of the neighbouring properties.
- Promote small scale uses (no more than 2 people providing health services) to operate in the existing dwelling/s, in order to maintain the residential appearance and nature of the locality.
- Minimise any visual and acoustic privacy impacts to neighbouring properties.

#### **Performance Measure**

It is policy to assess proposals against the following criteria:

- Hours of operation (not including any ancillary functions/uses that may need to occur for the use outside the prime operation hours):
- These hours may be varied depending on the location of the proposed development/use and its proximity to sensitive residential areas.
- Where overlooking to adjoining properties occurs, screening treatment must accord with Clause 54.04-6.
- Acoustic treatment and screening should be incorporated into the design to minimise noise impacts associated with car parking, access, indoor/outdoor recreation areas, plant/equipment and/or similar, dependent upon the intensity of use and number of practitioners.

#### **Response**

The development is complementary to the goals of Council for the following reasons:

- there is no increase in the number of students or staff who attend Shelford Grammar School;
- the building will be used only within school hours;
- measures have been incorporated to reduce overlooking to abutting properties;
- an acoustic fence is proposed on the boundaries of the site to minimise any noise impacts on the abutting residential properties; and
- school activities will occur within the building during school hours so no specialised acoustic measures are required on site.

### **Clause 22.02-6 Advertising Signage**

#### **Objective**

To allow adequate and appropriate signage.



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#### *Policy*

It is policy to:

- Ensure that the proposed height, area and number of any signage is appropriate to the size and location of the development.

#### *Performance Measure*

It is policy to assess proposals against the following criteria:

- The advertising area of any business identification signage should not exceed 2.0 square metres, except for main roads where justification for an increased area is given.
- Not protrude beyond the site boundaries.
- Not exceed 2.0m in height.

#### **Response**

Signage is proposed in the form of the school logo on the inner wall of the new building as shown on plan measuring 2.0 x 2.0 metres. This requires a permit in accordance with Clause 52.05-9 Category 3 - High amenity areas. This clause seeks to *ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.*

It is considered that the sign located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.

A plan showing the sign is provided in the application.

### **Zoning**

#### **Clause 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ1)**

##### *Purpose*

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

##### **Clause 32.09-12 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. ♣
- The purpose of this zone. ♣
- The objectives set out in the schedule to this zone. ♣
- Any other decision guidelines specified in a schedule to this zone.

##### Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use



- Whether the use generally serves local community needs
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

#### **Clause 32.09-13 Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

#### **Response**

The proposed use requires a permit for use in accordance with Clause 32.09-2 of the Neighbourhood Residential Zone and a permit is required for buildings and works in accordance with Clause 32.09-8 of this zone.

#### **Overlays**

No overlays are applicable to the subject site.

#### **Particular Provisions**

#### **Clause 52-05 Advertising**

##### **Purpose**

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The site is located in a Category 3 zone – High amenity areas with a medium limitation on signage.

#### **Clause 52.05-9 Category 3 - High amenity areas**

Medium limitation

##### **Purpose**

- To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

#### **Section 2 - Permit required**

Business identification sign Condition: None specified

#### **Response**

The signage is proposed in the form of the school logo on the inner wall of the new building as shown on plan, measuring 2.0 x 2.0 metres (4 m<sup>2</sup> area). It is considered that the sign located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.





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### Clause 52.06 Car Parking

#### Purpose

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

#### Response

Clause 52.06 of the Glen Eira Planning Scheme specifies that *'Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced'*

No additional car parking is proposed. This provision is considered appropriate having consideration to the sites' context within the broader school precinct and no increase in staff or student numbers. (see Traffic Assessment report)

### Clause 52.17 Native Vegetation

#### Purpose

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

#### Response

No planning permission is required for the removal of vegetation on site. It is noted that an Arborist report regarding species of trees to be retained on site is provided with this submission.

### Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

#### Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

#### Permit Requirement

A permit is required to:

- Create or alter access to:  
A road in a Road Zone, Category 1.



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#### **Response**

In the proposal, the single width crossover to Glen Eira Rd at the southwest corner of the site is to be maintained for emergency purposes only and will serve as the sole vehicular access point to site.

The development is not expected to have any material impact on the operation of the road or any impacts on public safety. (see Traffic Assessment Report)

### **Clause 52.34 Bicycle Facilities**

#### **Purpose**

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

#### **Clause 52.34-1 Provision of bicycle facilities**

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

#### **Response**

In relation to the bicycle parking requirements identified in Clause 52.34 of the Glen Eira Planning Scheme specifies that *...where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.*

No additional bicycle facilities are proposed as part of the proposed development. This is considered appropriate having consideration to the sites' context within the broader school precinct and no increase in staff or student numbers. (see Traffic Assessment report)



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## 6 PROPOSED VARIATION TO THE COVENANT IMPACTING THE SITE

Shelford Girls' Grammar School seeks approval for a combined planning permit and planning scheme amendment pursuant to Section 96A of the Planning and Environment Act 1987, for the site at 259 Glen Eira Rd Caulfield North (Lot 3 LP6946).

The Land is burdened by a restrictive covenant which states that the owner of the Land must not:

*"erect or allow to be erected on the said Lot Three (Lot 3 being the subject site) or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings). (the "Covenant")*

It is proposed to vary the covenant as follows-

*"...except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017."*

The justification for the amendment is broadly as follows:

- The variation to the covenant is targeted specifically to facilitate the use and development of the land based on the parameters outlined in the planning submission and plans noted in the above.
- The analysis of the development and use application shows that the proposal is in keeping with Council policies, will not result in loss of amenity, is in keeping with the changing character of Glen Eira Road, and facilitates the expansion to an existing long established education facility.
- The variation of the covenant to facilitate the proposed development and use will have limited impact on the beneficiaries of the covenant with the majority of beneficiaries being in Helenslea Rd.
- Overall the proposed use and development will have a net community benefit and the variation of the covenant should be approved.

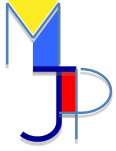
### 6.1 Covenant details

Legal advice provided by Norton Rose Fullbright which is included as an attachment to this submission indicates the following-

The Land is:

- (1) contained in certificate of title volume 04229 folio 715;
- (2) described in the certificate of title as lot 3 on plan of subdivision 006946; and
- (3) owned by the School as a sole proprietor.

The Covenant:



(1) was created in a transfer of land from Taylor Darbyshire to Norman Francis Hammond on 14 April 1919 (registered instrument no. 0888051);

(2) states that the owner of the Land must not:

*“erect or allow to be erected on the said lot three [i.e. the Land] or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than five hundred pounds (inclusive of the cost of outbuildings)”*; and

(3) states that the Covenant is for the benefit of the owners, from time to time:

*“of the balance of the land comprised in Certificate of Title Volume 3985 Folio 796891”*.

## 6.2 Covenant Beneficiaries

The advice from Norton Rose Fullbright states as follows-

- The parent title of the Land is Certificate of Title Volume 3985 Folio 796891 (Parent Title). <sup>[1]</sup><sub>SEP</sub>
- Land in the Parent Title was subdivided into 48 lots as shown in LP 6946, dated 31 August 1916 (Parent Plan).
- The Covenant states that is created for the benefit of the land remaining in the Parent Title. <sup>[1]</sup><sub>SEP</sub>
- Accordingly, the land with the benefit of the Covenant is all the land that remained in the Parent Title at the date of the Covenant which is 14 April 1919. <sup>[1]</sup><sub>SEP</sub>
- The Parent Title lists the dates on which lots in the Parent Plan were removed from the Parent Title. <sup>[1]</sup><sub>SEP</sub>
- As at 14 April 1919, 8 lots had been removed from the Parent Title and therefore do not have the benefit of the Covenant. These 8 lots which do not have the benefit of the Covenant are marked in the plan in Figure 1 with green text boxes. The ordinal numbering ‘1’ to ‘8’ within the green text boxes shows the order in which lots were transferred out of the Parent Title. <sup>[1]</sup><sub>SEP</sub>
- All land coloured pink/red in the plan in Figure 1, other than the lots annotated with green text boxes numbered ‘1’ to ‘8’, has the benefit of the Covenant (Beneficiaries). <sup>[1]</sup><sub>SEP</sub>
- The address and title particulars of all the Beneficiaries is provided as an attachment to this submission as a plan cross referenced against the row reference numbers as follows. <sup>[1]</sup><sub>SEP</sub>



Figure 1 Parent title plan of subdivision, as shown in the historical Parent Title (volume 03985 folio 891)

### 6.3 Strategic Assessment of the Covenant

The covenant impacting the subject site was created prior to 25 June 1991, therefore if a planning permit was sought, consideration must be given to Section 60(5) of the *Planning and Environment Act 1987*. It reads:

*“(5) The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in sub-section (4) unless it is satisfied that:*

*(a) the owner of any land benefited by the restriction (other than an owner who, before or after making the application but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including perceived detriment) as a consequence of the removal or variation of the restriction; and*

*(b) if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith”.*

Therefore, notification to all beneficiaries is required and Council, or VCAT (on appeal), must refuse a permit if it appears that there is a real chance or possibility that detriment will result.

The restrictive covenant on the subject site was created in 1919, hence the amendment is subject to Section 60(5) of the *Planning and Environment Act 1987*.

Whilst the current proposal is to vary the existing covenant through a planning scheme amendment it is useful to use the following tools to assess the proposed variation to the covenant-



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#### **1) The purpose of the restrictive covenant**

The Covenant was created by a transfer of land (registered instrument no. 8805) dated 14 April 1919 and restricts the use and development of the land at 259 Glen Eira Road:

- To not more than one private dwelling
- To use of building materials for the roof of slate, tile or other material except iron
- To ensure the erection of the dwelling costs no less than 500 pounds inclusive of the costs of outbuildings

#### **2) The benefit of the covenant**

The covenant was placed on a number of sites in the overall subdivision. It is often considered that a covenant with this wording seeks to maintain a low density single dwelling residential character. Further it limits the number of dwellings as well as building materials and cost of the development.

It is useful to note that the school itself predates the creation of the covenant in 1919.

The review of the title and beneficiaries provided by Norton Rose Fullbright Australia shows that the land in the Parent Title was subdivided into 48 lots as shown in LP 6946, dated 31 August 1916 (Parent Plan).

As at 14 April 1919, 8 lots had been removed from the Parent Title and therefore do not have the benefit of the Covenant. In addition, in 2006, 263 Glen Eira Rd had the covenant removed via a planning permit for use as a medical centre.

It is considered that the proposed variation will not detrimentally impact the nearest beneficiaries and will have a lesser impact on the beneficiaries in Helensea Road and Hood Crescent.

#### **3) Changes which have occurred in the character of the neighbourhood and circumstances which impact on the relevance of the covenant**

The proposed use and development needs to be considered in the context of the surrounding neighbourhood which contains a mix of community uses such as religious, education and medical facilities. The removal of the covenant at 263 Glen Eira Road for use as a medical centre in 2006 complements the variety of land uses in the neighbourhood and would appear to be in keeping with the mixed use nature of the wider area.

We consider that the area is one undergoing change with a number of new higher density developments recently constructed to the north of Glen Eira Road. It is acknowledged that change is minimal in the side streets however the application relates to a lot on a main road which Council identifies as more appropriate than any proposed change in local streets. The site is on a main road that provides a variety of uses i.e. medical centre, open space and new higher density development.

#### **4) The detrimental impact on the amenity of the neighbouring properties**

The proposed variation of the covenant will not detrimentally impact the existing subdivision pattern and spacing of buildings on Glen Eira Road or the side streets. The proposed building will be a detached, modern, two storey



building which respects the amenity of its nearest neighbours being 257 and 261 Glen Eira Road. It is considered that the building will not detrimentally impact the other properties on Glen Eira Road or properties in Hellensea Road or Hood Crescent.

Shelford Grammar has been a long established member of the immediate community and the development of the school facility is a complementary addition to the existing school. As shown in the assessment in the planning application, whilst the building is not a residential use it nevertheless provides appropriate setbacks, screening to abutting properties and a landscaped setting in keeping with expectations of a residential building on a main road.

No increase in the number of pupils is proposed and any noise is generally confined to school hours. However this has been considered by acoustic consultants and acoustic protection in the form of new perimeter fencing is to be undertaken.

#### **5) Consistency with planning policies**

The subject site is owned by Shelford Girls' Grammar School, being a long established member of the immediate community. The proposed use and development adjoins the existing school site. It also conforms to the intent of Clause 22.02-2, that is to encourage the location of non-residential uses in "preferred locations" including main or secondary roads.

The site is located in a minimal change area for housing growth in accordance with Clause 22.08 and in conjunction with the zoning of the land as Neighbourhood Residential Zone, the proposal will be complementary to the intent of the provisions to discourage housing growth.

The proposed amendment is considered to be complementary to the State and Local Planning Policy Framework, including the Municipal Strategic Statement as outlined below.

#### **Clause 10 – Operation of the State Planning Policy Framework**

*The variation to the covenant positively addresses land use, development and built form objectives in light of growing social and community needs and aspirations in the Glen Eira area. This will be achieved through the proposed building on site and detailed in the planning application for use and development as an education facility.*

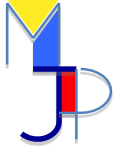
#### **Clause 11 – Settlement**

*The amendment facilitates a use and development that addresses the community need for excellence in educational facilities which services the local area as well as the wider community.*

#### **Clause 15 – Built Environment and Heritage**

*The amendment facilitates a use and development that addresses the community aspirations and cultural identity of the area, which is characterised as having a variety of high quality educational establishments which contribute to the local urban character and aspirations of the community.*

*The design of the building and location on Glen Eira Road ensures that the impact on the adjoining and nearby residential properties is kept to a minimum and ensures a concentration of complementary uses and/or facilities in appropriate locations i.e. Glen Eira Road.*



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#### **Clause 15.01-2 Urban design principles**

The amendment will facilitate the clustering of Shelford Grammar educational buildings and facilities and allow development of a landmark frontage for the school to the main road, being Glen Eira Road. The design creates a positive architectural addition along Glen Eira Rd, which already is undergoing change as identified by development to the south of the subject site. The proposed development sets a high standard in architecture and urban design and will complement the existing streetscape.

#### **Local Planning Policy Framework (LPPF)**

##### **Clause 21.01 MUNICIPAL PROFILE**

The amendment is complementary to the goals of Council as it supports the development of a recognised educational asset. The school provides the opportunity for residents from the municipality and surrounding areas to access a high quality educational facility. It would be considered to strengthen the educational offering provided by the school and continue to meet high standards of education and innovation.

##### **Clause 21.02 KEY INFLUENCES**

The amendment directly promotes the evolution of a key educational asset of the community and the City of Glen Eira, which is a long-established use in the current location having commenced operation in 1898. The broadening of its educational facilities is complementary to the overall education use and does not set a precedent for the establishment of a new use in a residential setting. The use and development are ancillary to the existing school use and has been sensitively designed to act as a 'good neighbour' to existing residents.

##### **Clause 21.08 Institutional and Non Residential Uses in Residential Areas**

The amendment is compatible with the objectives and strategies of Clause 21.08, where the repurposing of one residential lot is considered reasonable and logical as it is adjacent to the existing school campus and located on a main road. The building proposed has been designed to be complementary to the streetscape and neighbourhood and will have minimal impact on residential amenity as detailed in the development and use application for the site.

##### **Clause 22.02 Non Residential Uses in Residential Zones Policy**

The amendment supports the development of the school facilities on a main road. Whilst the school has a street address in Hood Street, the development of the Emily Dixon Centre on Glen Eira Road will provide a main road address which reduces any impact on the more intact residential areas located in the adjacent side streets.

##### **Clause 22.02-3 Siting and Design Objectives**

The retention of the existing dwelling was not feasible in relation to the requirements for the new centre for creative technology. Whilst the building is not a residential use, the requirements that relate to new residential development in terms of overlooking, overshadowing and appropriateness in the streetscape were used in the development of the design. In order to replace the current dwelling with the new building, it is necessary for the covenant to be varied.





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#### **6) *Creation of an undesirable precedent.***

It is considered that the variation of the covenant to facilitate the use and development of the land at 259 Glen Eira Road will not create an undesirable precedent.

The surrounding neighbourhood contains a mix of community uses such as religious, education and medical facilities. The removal of the covenant at 263 Glen Eira Road for use as a medical centre in 2006 appears to be in harmony with the surrounding land uses.

The majority of the beneficiaries of the covenant are located in Hellensea Road and Hood Crescent and it is unlikely that the covenant will be varied any further in these locations. The school itself does not own any other properties within the area.

The site is located in a 'Minimal Change Area' in terms of ensuring no increase in residential density. The proposal complements this objective.

The building has been carefully designed and is an example of modern architecture which is in keeping with the newer development in Glen Eira Road.

## **7 CONCLUSION**

It is considered that the variation of the covenant to facilitate the use and development of the land for an education facility will result in a net community benefit for the following reasons-

- The new facility enhances the opportunities for students at Shelford Girls Grammar who study and or live in the municipality to participate in the technologies associated with STEAM (Science, Technology, Engineering, Arts and Mathematics).
- The proposal is consistent with Council's future vision for the area.
- The use and development is appropriate to its site context and has been carefully designed to minimise any potential amenity impacts on neighbouring properties.
- No carparking or bicycle facilities are proposed or required to be provided for this facility, as there is no increase in staff or student numbers associated with the new centre. All deliveries will occur from the frontage of the school in Hood Street.
- It is considered that the display of a business identification sign, to be located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.
- Alteration of access to a road in a Road Zone, Category 1 is a result of a reduction in traffic generated by the proposed use compared to the current use, thus constituting an alteration to access arrangements. The development is not expected to have any material impact on the operation of the road or any impacts on public safety. (see Traffic Assessment Report)



Tree Consultants & Contractors  
Tel (03) 9888 5214

28 April 2017

Graham Bennett  
Clarke Hopkins Clarke Architects

Dear Sir,

**re: 259 Glen Eira Road, Caulfield North**

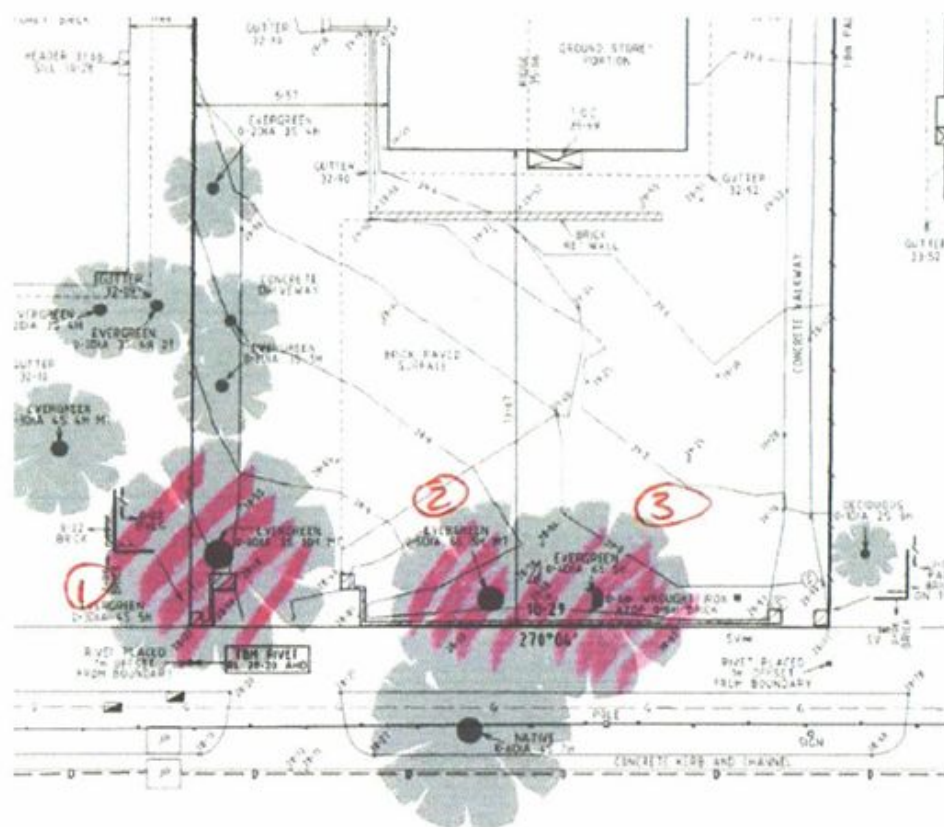
**Introduction**

I am informed a re-development of 259 Glen Eira Road, Caulfield North is proposed. Galbraith and Associates has been requested by Clarke Hopkins Clarke Architects to name the species and heights of the three trees at the front of the site, as highlighted and labeled 1 - 3 on the accompanying extract of the existing site conditions drawing on page 2.

**Tree 1 - Syzygium smithii (Lillypilly) - 7m tall (previously lopped at 2m)**

**Tree 2 - Neerium oleander (Oleander) - 5m tall**

**Tree 3 - Acca sellowiana - Pineapple Feijoah - 5m tall**



THE SPECIES REQUIRED  
GLEN EIRA ROAD

GALBRAITH &amp; ASSOCIATES

Rob Galbraith  
B.For.Sci.(Melb.)  
N.C.H.(Arb.)(U.K.)

24 May 2018

Clarke Hopkins Clarke Architects

Via email: [graham.bennett@chc.com.au](mailto:graham.bennett@chc.com.au)

Attention: Graham Bennett

## **Shelford Girls' Grammar School**

### Transport Impact Assessment

Dear Graham,

#### **Introduction**

**onemilegrid** has been requested by Clarke Hopkins Clarke Architects to undertake a Transport Impact Assessment of the proposed specialist teaching facility development for Shelford Girl's Grammar School located at 259 Glen Eira Road, Caulfield North.

A s96A Amendment and Planning Permit application for the proposed specialist teaching facility development was submitted to Council (Application No. GE/PP-31418/2017). Council Officers undertook a preliminary assessment of the application and issued a request for further information (RFI) pursuant to Section 54 of the Planning and Environmental Act 1987. Amongst other items, item 12 request a traffic report be prepared by a suitably qualified consultant in support of the waiver of car parking and bicycle facilities for this site, as reproduced below.

*12. A traffic report should be prepared by a suitably qualified consultant in support of the waiver of car parking and bicycle facilities for this site. The report will discuss existing car parking and bicycle facilities on the remainder of the school grounds and existing staff and student numbers. The report will also address the proposed alteration to access in a Road Zone Category 1, if applicable.*

*Note: Though it is understood that car parking and bicycle facilities will be provided on the remainder of the school land, this application will be assessed as a single educational building on the site rather than as part of a larger educational precinct and therefore a traffic report should be submitted to detail the car parking and bicycle facilities on the adjacent land and provide an argument as to why these facilities are therefore not required to be provided as part of this application.*

*If the proposal is to retain access onto Glen Eira Road, there is also a permit trigger under Clause 52.29 for alteration to a road in a Road Zone Category 1. The application will be referred to VicRoads as part of the process and any traffic reporting should address this matter.*

As part of this assessment, a site visit has been undertaken, development plans reviewed, and all relevant data collected and analysed.

## Existing Conditions

The subject site is located on the northern side of Glen Eira Road between Hood Crescent and Helenslea Road, as shown in Figure 1, and is addressed as 259 Glen Eira Road Caulfield North.

**Figure 1 Site Location**



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The site is generally rectangular in shape with a frontage to Glen Eira Road of approximately 19 metres and a depth of approximately 46 metres, with a total site area of 870 square metres.

The site is currently occupied by a double storey brick dwelling with direct vehicle access to Glen Eira Road provided via a single width crossover at the southwest corner of the site.

Land use in the immediate vicinity of the site is primarily residential in nature, and includes Shelford Girls' School abutting the subject site to the immediate north, Caulfield Grammar Senior School to the west and Caulfield Hospital to the southeast.

The site is located within a Neighbourhood Residential Zone (NRZ), for which permitted uses are listed in Clause 32.09 of the Glen Eira Planning Scheme. It is noted that the subject site is located adjacent a Road Zone 1 (RDZ1).

## Road Network

**Glen Eira Road** is a VicRoads controlled arterial road generally aligned east-west, running between Nepean Highway in Ripponlea, and Kambrook Road in Caulfield. In the vicinity of the site, Glen Eira Road provides a single traffic lane and a shared bicycle and parallel parking kerbside lane in each direction. No Stopping restrictions apply along both sides of Glen Eira Road at the subject site's frontage between 8:00am – 9:00am during the morning period and 2:30pm – 4:00pm during the afternoon period.

Glen Eira Road operates with a typical speed limit of 60 kilometres per hour in the vicinity of the site, with the exception of school periods where a reduced speed of 40 kilometres per hour applies. The 40km/h limit applies 8:00am – 9:30am during the morning period and 2:30pm – 4:00pm during the afternoon period.

The cross-section of Glen Eira Road at the frontage of the site is shown in Figure 2.

**Figure 2** Glen Eira Road, looking west from the subject site's frontage





**Hood Crescent** is a local road generally aligned north-south, running north from Glen Eira Road for approximately 250 metres, before continuing west as Merton Street.

Hood Crescent provides a single traffic lane in each direction shared with parallel kerbside parking on both sides of the road. Kerbside parking is restricted along the western side of Hood Crescent to 2-hour parking between 8:00am and 6:00pm, Monday to Friday, whilst No Stopping restrictions apply along the eastern side during school days between 8:00am and 9:00am during the morning period and 3:00pm – 4:00pm during the afternoon period.

Additionally, Hood Crescent access is restricted to one-way traffic northbound from Glen Eira Road during school days between 8:00am and 9:00am during the morning period and 3:00pm – 4:00pm during the afternoon period, as shown in Figure 3 below.

A posted speed limit of 40km/h applies to Hood Crescent.

**Figure 3 Hood Crescent, one-way traffic restriction**



## Sustainable Transport

The full public transport provision in the vicinity of the site is shown in Figure 4 below.

**Figure 4 Public Transport Provision**



It is shown that the site has good public transport accessibility, with multiple transport routes servicing the vicinity of the site, including Bus Route 623 (Glen Waverley - St Kilda via Mount Waverley, Chadstone, Carnegie) along the subject site's frontage. Additionally, on-road bicycle lanes are currently provided along Glen Eira Road providing a very good bicycle access between the subject site and the wider bicycle network.

## Existing Shelford Girl's Grammar School

Shelford Girl's Grammar School is an independent day school for girls, that includes a coeducated Early Learning Centre, catering for Toddlers from 18 months to 4 year old kindergarten. The school proper caters for prep to Senior School levels up to Year 12.

The school currently has a total of approximately 630 students enrolled across all levels, with approximately 120 teachers employed on site.

School hours currently operate between 8:20AM and 3:10PM Monday to Friday. In addition to these times the school grounds are utilised by Pythagoras Greek School on Saturdays during the school term.

Shelford Girl's Grammar School includes multiple on-site parking areas, through a combination of locations provided along Hoods Crescent. The on-site areas are allocated for use by staff or school buses. In order to determine the on-site car parking support, an inventory was undertaken, which indicates that 76 car parking spaces and 4 school buses spaces are currently provided on the site. The on-site car parking is distributed as follows:

- Area A – Early Learning Centre Car Spaces – An external at-grade car park with access provided from Hoods Crescent. The car park consists of a total of 6 car spaces orientated at 90 degrees. All spaces are allocated to staff;
- Area B – Senior School Forecourt Car Spaces - An external at-grade car park located between the Senior School and Junior School campuses with access provided from Hoods Crescent, however the area is no longer utilised for staff car parking;



- Area C – Sports Field Car Park – External unsealed car park comprising approximately 10 standard car parking spaces and 4 school bus bays; and
- Area D – Oaktree Church Car Spaces – External unsealed car park located at the rear of the Oakhill Church with vehicle access provided via Glen Eira Road. The car park consists of a total of approximately 60 car spaces, all utilised by staff.

The existing car parking layout is summarised in Figure 5.

In additions it has been advised that there is currently a bicycle parking area provided on the far side of the school hall which accommodates 12 spaces.

**Figure 5 Existing Car Parking Plan**



## Development Proposal

It is proposed to demolish the existing dwelling and develop the subject site for the purposes of a two-level specialist teaching facility for Shelford Girl's Grammar School's Creative Technology department, comprising the following:

- Food Technology;
- Media Technology;
- Design Technology;
- Creative Studio;
- Staff work area; and
- Associated amenities.

The development will result in the relocation of 70 students and between 5 and 8 staff to the new site. The changes in staff and student numbers are outlined in Table 1.

**Table 1 Staff and Student Numbers – Existing & Post Development**

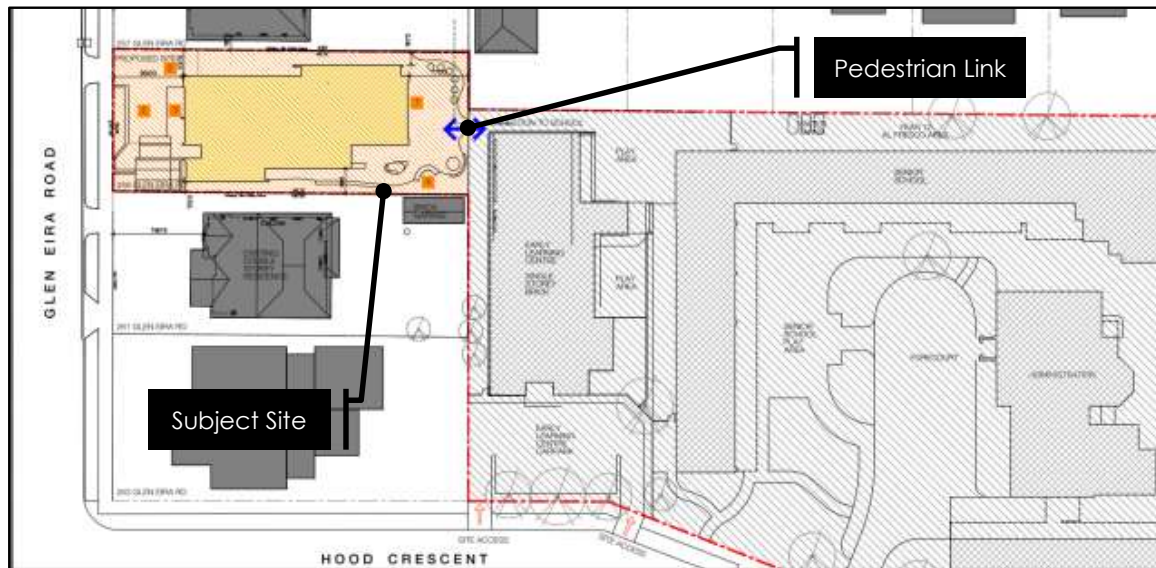
Area	User	Existing	Post Development	Change
Existing Campus	Staff	120	122-125	-8 to -5
	Students	630	560	-70
New Campus	Staff	-	5 – 8	+5 to +8
	Students	-	70	+70
Overall Campus	Staff	120	120	0
	Students	630	630	0

As outlined in Table 1 the proposed development will not result in an increase in the number of overall students and teachers within the overall school precinct, rather the development will result in the relocation of staff and students. Further, based on discussions with the operator, the proposed development is primarily aimed at improving the amenity of the existing school facilities of Shelford Girl's Grammar School.

Vehicle access to the proposed development will be retained via the existing crossover from Glen Eira Road at the south-western corner of the site, however no car parking spaces are proposed for the development, with the vehicle access to be utilised for emergency purposes only.

A pedestrian link will be provided between the proposed development and the Shelford Girls' Grammar Senior School via the western boundary of the Shelford Girls' Grammar Early Learning Centre, as shown in Figure 6 below.

**Figure 6 Pedestrian Link between Subject Site and Shelford Girls' Grammar Senior School**



## Bicycle Parking Considerations

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Glen Eira Planning Scheme, which specifies the following requirements for the proposed development.

- 1 space per 20 employees; and
- 1 spaces per 5 full-time students.

Application of this rate to the 70 students and 8 staff indicates a requirement to provide 5 spaces for students and no spaces for staff.

No bicycle parking spaces are proposed. This provision is considered appropriate having consideration for the sites context within the broader Shelford School precinct, noting that as outlined in Table 1 the overall precinct will not have an increase in staff or student numbers.

Further, the proximity of the site to the existing campus and the proposed pedestrian connection, result in the existing school precinct being readily accessible by users of the new facility.

## Car Parking Considerations

The car parking requirements for the subject site are identified in Clause 52.06 of the Glen Eira Planning Scheme, which specifies the following requirements for the proposed development.

- 1.2 spaces to each employee that is part of the maximum number of employees on the site at any time.

Application of this rate to the 8 staff indicates a requirement to provide 9 spaces for spaces.

No additional car parking is proposed. This provision is considered appropriate having consideration for the sites context within the broader Shelford School precinct, noting that, as outlined in Table 1 the overall precinct will not have an increase in staff or student numbers

Further, the proximity of the site to the existing campus and the proposed pedestrian connection, result in the existing school precinct being readily accessible by users of the new facility.

## Clause 52.29 – Land Adjacent to a Road Zone, Category 1

The development proposal is subject to the requirements of Clause 52.29 of the Glen Eira Planning Scheme which applies to land adjacent to a Road Zone Category 1 (Glen Eira Road) and aims to ensure appropriate access is provided to identified roads.

Relevant to the proposed development, the Clause states that a permit is required to create or alter access to a road in a Road Zone Category 1, and that the proposal is to be referred to the relevant referral authority (in this case VicRoads).

Before deciding on the appropriateness or otherwise of an application to alter access to the Road Zone, the responsible authority must consider the following:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

The proposed development proposes to maintain the existing Glen Eira Road access for emergency purposes only, with no provision of on-site car parking proposed, resulting in a moderate reduction of traffic generated by the proposed use of the site comparable to the

previous use. As such, the development is not expected to have any material impact on the operation of the road or any impacts on public safety.

Furthermore, it is noted that the subject site is not provided any location for alternative vehicular access, with Glen Eira Road as the sole access point available for the use.

Notwithstanding, the reduction in traffic generated by the site constitutes an alteration to access arrangements and as such the application will need to be referred to the Roads Corporation (VicRoads) in accordance with Section 55 of the Roads Management Act 2004.

In light of the above, it is considered that the proposed development should be referred to VicRoads satisfying the requirements of Clause 52.29.

Please do not hesitate to contact Jamie Spratt [REDACTED]  
should you wish to discuss the above.

Yours sincerely



Jamie Spratt

**Director - Senior Engineer**

**onemilegrid**

[REDACTED]  
[REDACTED]  
[REDACTED]

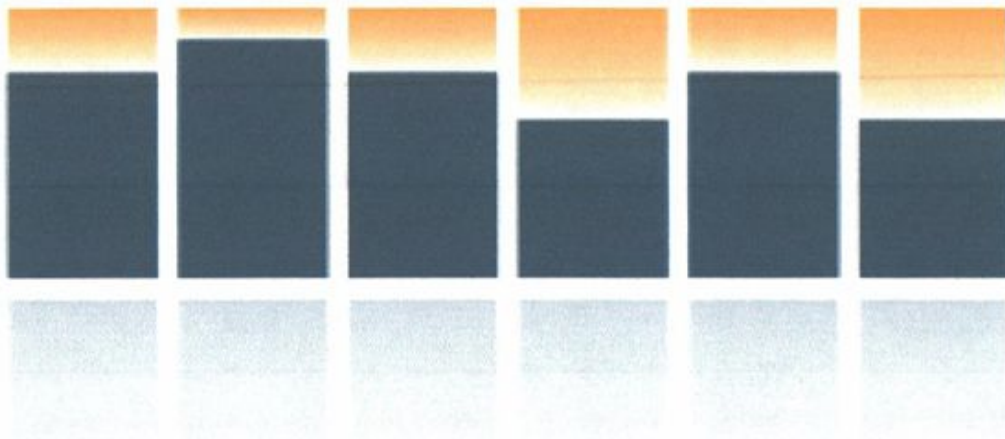


# EMILY DIXON CENTRE

## Noise Impact Assessment

Shelford Girls Grammar c/- Clarke Hopkins Clarke Architects

9 MARCH 2018



Project Emily Dixon Centre  
Client Shelford Girls Grammar c/- Clarke Hopkins Clarke Architects  
Document number AA317MB-01E02 Acoustic Report (r0)

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Emily Dixon Centre  
Noise Impact Assessment

AA317MB-01E02 Acoustic Report (r0)

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## 1 Introduction

Octave Acoustics was engaged to provide acoustic consulting services to address Council's RFI in relation to potential noise impacts associated with the proposed Emily Dixon Centre (subject Site / Subject Development) at Shelford Girls Grammar.

Council has issued the following RFI:

*Preparation of an acoustic report by a suitably qualified acoustic engineer to analyse potential off-site noise impacts from the proposed educational centre and note any suggested noise attenuation measures. Such measures should be incorporated in to amended plans that may be required to be submitted.*

## 2 Site Context

The proposed Emily Dixon Centre is to be located at 259 Glen Eira Road zoned Neighbourhood Residential Zone 1 (NRZ1) at the location of an existing residence, adjacent to Shelford Girls Grammar and is abutted:

- To the north by Shelford Girls Grammar (zoned NRZ1)
- To the east by a double storey residence located at 261 Glen Eira Road (zoned NRZ1)
- To the south by Glen Eira Road (zoned RDZ1)
- To the west by a single storey residence located at 257 Glen Eira Road (zoned NRZ1) and
- To the northwest by a split-level residence located at 2 Helenslea Road (zoned NRZ1)

The context of the subject sites is shown in Figure 1 below.



FIGURE 1 - SUBJECT SITE

### 3 Site Assessment

Octave Acoustics carried out on-site, unattended noise monitoring between Thursday the 1<sup>st</sup> and Tuesday the 6<sup>th</sup> of March 2018. The microphone was located in the free field at a height of 1.2m above the ground at the northwest corner of 259 Glen Eira Road as shown in Figure 1. The ambient background noise at this location is considered to be typical of that occurring in the backyard of the residential properties adjacent to the Subject Site.

Monitoring was carried out using an NTI XL2 sound level meter which was calibrated before and after the survey using a Bruel Kjaer 4230 calibrator. No drift in calibration was detected. The NTI XL2 meter complies with the requirements of IEC 61672-1:2013 Sound Level Meters and are classified as Class 1 instruments. The calibrator complies with the requirements of IEC 60942:2004 Sound Calibrators. The XL2 and calibrator carry current NATA certification or manufacturers certification if less than two years old.



## 4 Criteria

### 4.1 Noise Emission from Plant

Noise associated with commercial activities and services is required to comply with State Environment Protection *Policy Control of Noise from Commerce, Industry and Trade No. N-1* (SEPP N-1). SEPP N-1 is subordinate legislation under the Environment Protection Act 1970 (EP Act) and compliance with the policy is mandatory when noise levels are assessed at residential properties. Whilst the Emily Dixon Centre may not be commercial, industrial or trade premises, it is considered appropriate to adopt SEPP N-1 criteria for the assessment and control of noise associated with proposed plant. The applicable SEPP N-1 noise limits have been determined as presented in Table 1.

TABLE 1 – SEPP N-1 NOISE CRITERIA FOR PROPOSED PLANT

Period	Background Noise Level, $L_{A90}$	Zoning Level, $L_{Aeq}$	Background Classification	Applicable Noise Limit, $L_{Aeq}$
Day	39	52	Low	50
Evening	36	46	Low	44
Night	26	41	Low	37
Notes:	1. Day period is: – 07:00 – 18:00 Monday – Friday – 07:00 – 13:00 Saturday 2. Evening period is: – 18:00 – 22:00 Monday – Friday – 13:00 – 22:00 Saturday – 07:00 – 22:00 Sunday 3. Night period is: – 22:00 – 07:00 Monday – Sunday			

### 4.2 Outdoor Areas – Control Precedents

Council's and the *Victorian Civil and Administrative Tribunal* (VCAT) have traditionally dealt with the issue of noise from outdoor areas by requiring childcare centres and schools to minimise noise emissions from children at play, utilising the most effective means of noise control in such situations – acoustic fencing. It is important to note that since the emission of noise associated with children at play is generally not considered comparable to other more intrusive noise (e.g. factories, mechanical plant and the like), *minimisation* of noise from outdoor areas is typically considered as demonstrating reasonable planning outcomes.

Schools are often abutted against residential areas. This has generally resulted in consistent acoustic performance requirements, typically satisfied by acoustic fence heights of approximately 1.8m. Such recommendations have been considered acceptable in a number of VCAT decisions in-lieu of specific planning controls or policies.

The *Association of Australian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment September 2010* (the AAAC Guideline) sets out a recommended assessment method for the submission to accompany an application for child care centres. While the AAAC Guideline is often brought into question at VCAT, the document is generally considered an aspirational guideline by AAAC member firms and is not considered to be necessarily consistent with balanced and reasonable planning outcomes in Victoria. To our knowledge, VCAT has not supported this document in full for those reasons.

Nonetheless noise from the outdoor areas has been assessed in accordance with the AAAC Guideline as compliance with this standard would generally be viewed as an acceptable outcome, even in conservative planning assessments.

The AAAC Guideline recommends noise emission levels do not exceed:

- Greater than 5dB above background noise where outdoor play is greater than 2 hours per day; and
- Greater than 10dB above background noise where outdoor play is less than 2 hours per day.

While the Emily Dixon Centre is not a childcare centre, the AAAC Guideline provides a recommendation for how the noise associated with groups of people will affect adjacent residents on a regular basis. For this reason, the Guideline is considered appropriate for this project and has been used as the basis of assessment.

Background noise during the day period is  $L_{A90}$  39dB as shown in Table 1. Outdoor use would be restricted to less than two hours per day by the normal school timetable, so the trigger level is  $L_{Aeq,15min}$  49dB.

## 5 Analysis

### 5.1 Noise Emission from Plant

The proposed operating hours of the Emily Dixon Centre are 8am to 5pm Monday to Friday with 2-3 hours required for afterhours cleaning. At this early stage of the project, the plant requirements for the site have not been set. The mechanical engineer shall select the plant to meet the evening requirements of SEPP N-1 as specified in Section 4.1.

It is expected that the external plant will consist of a kitchen exhaust fan, toilet exhaust fan and condensing units for the air conditioning system. These items are likely to meet the day and evening SEPP N-1 requirements specified in Section 4.1 with only minimal acoustic treatment.

## 5.2 Noise from Students in Outdoor Areas

### 5.2.1 Noise Modelling

It is proposed that the Emily Dixon Centre will operate between the hours of 8am and 5pm Monday to Friday with 2-3 hours required for afterhours cleaning and maintenance each evening. The maximum number of people on site are to be 8 staff and 70 students.

A 3-D computer noise model of the Subject Site and surrounds was built in CadnaA software and calculations run implementing the ISO9613 algorithms. The ISO9613 algorithms calculate the propagation of noise between source and receiver taking into account propagation effects associated with:

- Source sound power
- Geometrical spreading
- Atmospheric conditions
- Air-absorption
- Ground absorption
- Reflections
- Barrier effects associated with topography and built form, including buildings as referenced in drawing 15137/TP13 dated November 2017 prepared by Clarke Hopkins Clarke.

The Klark Teknik sound power level for 78 females having a normal conversation is shown in Table 2. The average height for girls aged 15-18 is approximately 162cm, so the sound power was placed in the model as an area source in the region surrounding the building at a height of 1.5m above the ground at approximate average mouth level. Overall this methodology is conservative as:

1. It is unlikely that all students will be outdoors at the same time.
2. It assumes that all 78 students and staff are in the outdoor areas associated with the Emily Dixon Centre at the same time and are talking contemporaneously.

TABLE 2 – SOUND POWER LEVELS FOR FEMALE NORMAL SPEAKING VOICES, RE  $10^{-12}$  W (KLARK TEKNIK)

Condition	OA	Octave Band Centre Frequency, Hz						
		125	250	500	1000	2000	4000	8000
Single female, normal speaking voice	65.8	52	63	65	60	56	55	51
78 females, normal speaking voice	84.8	71	82	84	79	75	74	70



### 5.2.2 Calculated Noise Levels

An assessment of predicted noise levels with respect to the trigger levels is presented in Table 3 below. The results indicate that when all 78 students and staff are outside, resultant noise falls under the established noise trigger at all residential properties.

Further consideration of these results should acknowledge:

- The conservative nature of the calculation, typical noise levels are likely to be lower than those stated in the results.
- The Emily Dixon Centre will not operate during the weekend or during the evening or night period on any day of the week.
- That there are only a limited number of affected properties (three) and these sites would already be exposed to the sound of students using existing outdoor areas at Shelford Girls Grammar.

It is reasonable to conclude that resulting noise impacts have been minimised as far as practicable and will not adversely affect the amenity of the local area.

TABLE 3 – PREDICTED NOISE LEVELS FROM EMILY DIXON CENTRE OUTDOOR AREAS

Address	Level	Trigger Level, $L_{Aeq}$	78 Children Outside, dB $L_{Aeq}$	Further Consideration Required?
2 Helenslea Road	Ground	49	45	N <sup>1</sup>
257 Glen Eira Road	Ground	49	46	N <sup>1</sup>
261 Glen Eira Road	Ground	49	46	N <sup>1</sup>
	Level 1	49	49	N <sup>1</sup>
Notes: 1. Predicted noise level falls below the trigger range.				

## 6 Recommendations

In order to achieve the above results, it is recommended that a 1.8m high acoustic fence (having a surface density not less than 12kg/m<sup>2</sup>) replace the existing boundary fence (which was found to be in a relatively poor condition in places).

It is recommended that the perimeter fence is constructed as follows:

- Treated timber paling fence having a surface density not less than 12kg/m<sup>2</sup>
- All palings shall overlap by a minimum of 35mm
- The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through
- The fence constructed so that noise does not pass underneath it





See Appendix C: for a typical timber acoustic fence.

## 7 Conclusion

With the adoption of a 1.8m high acoustic fence to the boundaries, a design assessment indicates that noise impacts associated with students using outdoor areas associated with the proposed Emily Dixon Centre will be consistent with best practice for control of noise emissions from schools as established by VCAT precedent; associated noise will be minimised as much as is reasonable within the context of the proposal.

It is anticipated that plant associated with the centre will include Kitchen and toilet exhaust fans and potentially air-conditioning condensers. Octave Acoustics has reviewed sound power data typical of this equipment and can confirm that noise from this plant can easily comply with the appropriate EPA SEPP N-1 limits.

## Appendix A: Glossary of Acoustic Terms

### **'A' FREQUENCY WEIGHTING**

The 'A' frequency weighting roughly approximates to the Fletcher-Munson 40 phon equal loudness contour. The human loudness perception at various frequencies and sound pressure levels is equated to the level of 40 dB at

1 kHz. The human ear is less sensitive to low frequency sound and very high frequency sound than midrange frequency sound (i.e. 500 Hz to 6 kHz). Humans are most sensitive to midrange frequency sounds, such as a child's scream. Sound level meters have inbuilt frequency weighting networks that very roughly approximates the human loudness response at low sound levels. It should be noted that the human loudness response is not the same as the human annoyance response to sound. Here low frequency sounds can be more annoying than midrange frequency sounds even at very low loudness levels. The 'A' weighting is the most commonly used frequency weighting for occupational and environmental noise assessments. However, for environmental noise assessments, adjustments for the character of the sound will often be required.

### **AMBIENT NOISE**

The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. Usually assessed as an energy average over a set time period 'T' ( $L_{Aeq,T}$ ).

### **AUDIBLE**

Audible refers to a sound that can be heard. There are a range of audibility grades, varying from "barely audible", "just audible" to "clearly audible" and "prominent".

### **BACKGROUND NOISE LEVEL**

Total silence does not exist in the natural or built-environments, only varying degrees of noise. The Background Noise Level is the minimum repeatable level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. It is quantified by the noise level that is exceeded for 90 % of the measurement period 'T' ( $L_{A90,T}$ ). Background Noise Levels are often determined for the day, evening and night time periods where relevant. This is done by statistically analysing the range of time period (typically 15 minute) measurements over multiple days (often 7 days). For a 15-minute measurement period the Background Noise Level is set at the quietest level that occurs at 1.5 minutes.

### **'C' FREQUENCY WEIGHTING**

The 'C' frequency weighting approximates the 100 phon equal loudness contour. The human ear frequency response is more linear at high sound levels and the 100 phon equal loudness contour attempts to represent this at various frequencies at sound levels of approximately 100 dB.

## DECIBEL

The decibel (dB) is a logarithmic scale that allows a wide range of values to be compressed into a more comprehensible range, typically 0 dB to 120 dB. The decibel is ten times the logarithm of the ratio of any two quantities that relate to the flow of energy (i.e. power). When used in acoustics it is the ratio of square of the sound pressure level to a reference sound pressure level, the ratio of the sound power level to a reference sound power level, or the ratio of the sound intensity level to a reference sound intensity level. See also Sound Pressure Level and Sound Power Level. Noise levels in decibels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dB, and another similar machine is placed beside it, the level will increase to 53 dB (from  $10 \log_{10} (10(50/10) + 10(50/10))$ ) and not 100 dB. In theory, ten similar machines placed side by side will increase the sound level by 10 dB, and one hundred machines increase the sound level by 20 dB. The human ear has a vast sound-sensitivity range of over a thousand billion to one, so the logarithmic decibel scale is useful for acoustical assessments.

dBA – See 'A' frequency weighting

dB(C) – See 'C' frequency weighting

## EQUIVALENT CONTINUOUS SOUND LEVEL, $L_{Aeq}$

Many sounds, such as road traffic noise or construction noise, vary repeatedly in level over a period of time. More sophisticated sound level meters have an integrating/averaging electronic device inbuilt, which will display the energy time-average (equivalent continuous sound level -  $L_{Aeq}$ ) of the 'A' frequency weighted sound pressure level. Because the decibel scale is a logarithmic ratio, the higher noise levels have far more sound energy, and therefore the  $L_{Aeq}$  level tends to indicate an average which is strongly influenced by short-term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closer to the  $L_{Aeq}$  noise level than any other descriptor.

## 'F'(FAST) TIME WEIGHTING

Sound level meter design-goal time constant which is 0.125 seconds.

## FREE FIELD

In acoustics a free field is a measurement area not subject to significant reflection of acoustical energy. A free field measurement is typically not closer than 3.5 metres to any large flat object (other than the ground) such as a fence or wall or inside an anechoic chamber.

## FREQUENCY



The number of oscillations or cycles of a wave motion per unit time, the SI unit is the hertz (Hz). 1 Hz is equivalent to one cycle per second. 1000 Hz is 1 kHz.

## LOUDNESS

The volume to which a sound is audible to a listener is a subjective term referred to as loudness. Humans generally perceive an approximate doubling of loudness when the sound level increases by about 10 dB and an approximate halving of loudness when the sound level decreases by about 10 dB.

### MAXIMUM NOISE LEVEL, $L_{AFmax}$

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'F' (Fast) time weighting. Often used for noise assessments other than aircraft.

### MAXIMUM NOISE LEVEL, $L_{ASmax}$

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'S' (Slow) time weighting. Often used for aircraft noise assessments.

## NOISE

Noise is unwanted, harmful or inharmonious (discordant) sound. Sound is wave motion within matter, be it gaseous, liquid or solid. Noise usually includes vibration as well as sound.

### OFFENSIVE NOISE

Reference: Dictionary of the NSW Protection of the Environment Operations Act 1997).

"Offensive Noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

### 'S' (SLOW) TIME WEIGHTING

So und level meter design-goal time constant which is 1 second.

### SOUND ATTENUATION

A reduction of sound due to distance, enclosure or some other device. If an enclosure is placed around a machine, or an attenuator (muffler or silencer) is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 20 dB reduces the sound energy by one hundred times.

#### **SOUND EXPOSURE LEVEL ( $L_{AE}$ )**

Integration (summation) rather than an average of the sound energy over a set time period. Use to assess single noise events such as truck or train pass by or aircraft flyovers. The sound exposure level is related to the energy average ( $L_{Aeq,T}$ ) by the formula  $L_{Aeq,T} = L_{AE} - 10 \log_{10} T$ . The abbreviation (SEL) is sometimes inconsistently used in place of the symbol ( $L_{AE}$ ).

#### **SOUND PRESSURE**

The rms sound pressure measured in pascals (Pa). A pascal is a unit equivalent to a newton per square metre (N/m<sup>2</sup>).

#### **SOUND PRESSURE LEVEL, $L_p$**

The level of sound measured on a sound level meter and expressed in decibels (dB). Where  $L_p = 10 \log_{10}$

$(P_a/P_o)^2$  dB (or  $20 \log_{10} (P_a/P_o)$  dB) where  $P_a$  is the rms sound pressure in Pascal and  $P_o$  is a reference sound pressure conventionally chosen is 20  $\mu$ Pa ( $20 \times 10^{-6}$  Pa) for airborne sound.  $L_p$  varies with distance from a noise source.

#### **SOUND POWER**

The rms sound power measured in watts (W). The watt is a unit defined as one joule per second. A measures the rate of energy flow, conversion or transfer.

#### **SOUND POWER LEVEL, $L_w$**

The sound power level of a noise source is the inherent noise of the device. Therefore, sound power level does not vary with distance from the noise source or with a different acoustic environment.  $L_w = L_p + 10 \log_{10} 'a'$  dB,

re: 1pW, (10-12 watts) where 'a' is the measurement noise-emission area (m<sup>2</sup>) in a free field.

#### **SOUND TRANSMISSION LOSS**

The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

#### **STATISTICAL NOISE LEVELS, $L_n$**

Noise which varies in level over a specific period of time 'T' (standard measurement times are often 15-minute periods) may be quantified in terms of various statistical descriptors with some common examples:

The noise level, in decibels, exceeded for 1 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF1,T}$ . This may be used for describing short-term noise levels such as could cause sleep arousal during the night.

The noise level, in decibels, exceeded for 10 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF10,T}$ . In most countries the  $L_{AF10,T}$  is measured over periods of 15 minutes, and is used to describe the average maximum noise level.

The noise level, in decibels, exceeded for 90 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as  $L_{AF90,T}$ . In most countries the  $L_{AF90,T}$  is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

#### **WEIGHTED SOUND REDUCTION INDEX, $R_w$**

This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 Hz to 3.150 kHz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999). Internal partition wall  $R_w + C$  ratings are frequency weighted to simulate insulation from human voice noise. The  $R_w + C$  is similar in value to the STC rating value. External walls, doors and windows may be  $R_w + C_{tr}$  rated to simulate insulation from road traffic noise. The spectrum adaptation term  $C_{tr}$  adjustment factor takes account of low frequency noise. The weighted sound reduction index is normally similar or slightly lower number than the STC rating value.

#### **'Z' FREQUENCY WEIGHTING**

The 'Z' (Zero) frequency weighting is 0 dB within the nominal 1/3 octave band frequency range centred on 10 Hz to 20 kHz. This is within the tolerance limits given in AS IEC 61672.1-2004: 'Electroacoustics - Sound level meters – Specifications'.



## Appendix B: Noise Criteria for Schools

There are currently no guidelines or policies in Victoria for the assessment of noise emissions associated with outdoor play areas of child care centres. In lieu of such guidelines or policies, it is appropriate to consider the *Guideline for Child Care Centre Acoustic Assessment*, October 2013 published by the Association of Australasian Acoustic Consultants (the AAAC Guideline) and Victorian Civil and Administrative Tribunal (VCAT) precedent.

### B.1 AAAC Guideline

The AAAC Guideline sets out a recommended assessment method and criteria for noise impacts associated with outdoor play areas. However, the AAAC guideline is not referenced in Victorian planning schemes, policies or guidelines and compliance is not mandatory. The AAAC Guideline recommends that noise impact associated with outdoor play areas do not exceed:

- Greater than 5dB(A) above background noise where outdoor play is greater than 2 hours per day; and
- Greater than 10dB(A) above background noise where outdoor play is less than 2 hours per day.

However, it is the experience of acoustic consultants in Victoria that strict adherence to these criteria may in many circumstances be overly onerous and burdensome. In order to understand why this may be the case, it is informative to consider the origins of the AAAC Guideline which lie in the paper *Are We Assessing Child Care Noise Fairly?* by T. Gowen. This paper was based on a questionnaire put to attendees of a meeting of the Australian Acoustical Society in NSW. Outcomes of the questionnaire included:

- that 46% of respondents disagreed that childcare centres should be assessed the same manner as industrial premises; and
- A number of respondents agreeing that childcare centres should be assessed in the same manner as industrial premises recommended an exception to noise associated with outdoor play.

This reflects that it is the position of the majority of suitably qualified people that the emission of noise associated with children at play is less likely to be considered unreasonable when compared to comparable noise levels from other activities such as those related to commerce and industry.

Therefore, it is considered that the 'greater than 5dB(A) above background noise' criteria may be too onerous. Instead, it is appropriate that the application of objective criteria take into account the broader circumstances of the proposal, such as:

- Local zoning

- The need for additional childcare spaces
- The implications associated with noise mitigation treatments (such as shadowing associated with noise fences)
- The hours and days of the week during which the outdoor play area will be used.

## B.2 VCAT Precedent

A key VCAT decision is:

- *Petzierides v Hobsons Bay CC (Red Dot) [2012] VCAT 686 (28 May 2012).*

The matter related to an amendment to a Permit to undertake minor building works at an existing child care centre and to increase the number of children from 75 to 80. This is a Red Dot decision. The reason given for why this decision was considered of significant is as follows:

*The Noise of Children in Child Care Centres – General agreement that noise emanating from child care centres is reasonable in residential areas does not obviate need to ensure any noise impact is of an acceptable level.*

At the time of writing there were 11 VCAT decisions referencing the *Petzierides v Hobsons Bay CC* decision.

A further VCAT decision of interest is:

- *Tamoe Investments Pty Ltd v Glen Eira CC [2015] VCAT 719 (12 May 2015)*

The decision refers to the following from *References Petzierides V Hobsons Bay CC* and concludes that this accords with the need for consideration of amenity impacts under the decision guidelines of the local zoning and Clause 65 of the Planning Scheme.

*In this day and age, where child care centres may have anywhere between, say, 40 and 140 children, it is appropriate for such centres to take responsibility for its potential noise impacts and provide acoustic attenuation to minimise the impact of the noise of children playing upon adjoining residential properties to an acceptable level.*

The decision also states that:

*The AAAC Guideline is not a reference document in the Scheme and it is not an adopted policy of Council. This limits the weight I give to this document. Even if I was to find the AAAC Guideline a useful guide to judging the acoustic impact of the proposal, I consider the proposal, subject to permit conditions relating to acoustic treatment, would achieve an acceptable outcome.*

Overall the above commentary:



- Supports a position that noise impacts associated with childcare centres do not need to be assessed in accordance with the AAAC Guideline.
- Does not rule out the validity of the AAAC Guideline as an assessment tool.
- Acknowledges a requirement for the minimisation of noise impacts associated with children playing.

## B.3 Proposed Approach

Octave Acoustics considers that the criteria set out in the AAAC Guideline are a useful tool in the assessment of potential amenity impacts. However, rather than being treated as rigid requirements (as per SEPP N-1 and SEPP N-2) Octave Acoustics treats the criteria as trigger noise levels, beyond which consideration should address whether attenuation has been provided to minimise the noise and:

- the character of the noise
- the time and duration of the noise
- whether the noise is typical for the area
- how often the noise occurs
- the number of people affected by the noise

Collectively, the above bullet points are equivalent to the *Offensive Noise Test* in the NSW Department of Environment, Climate Change and Water *Noise Guide for Local Government*, 2009 referred to and accepted in *Beis Efraim College Limited v Bayside CC* [2014] VCAT 856 (16 July 2014) by the Member<sup>1</sup> as “...factors could reasonably be taken into account in assessing this proposal...”

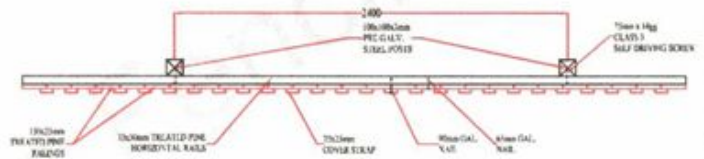
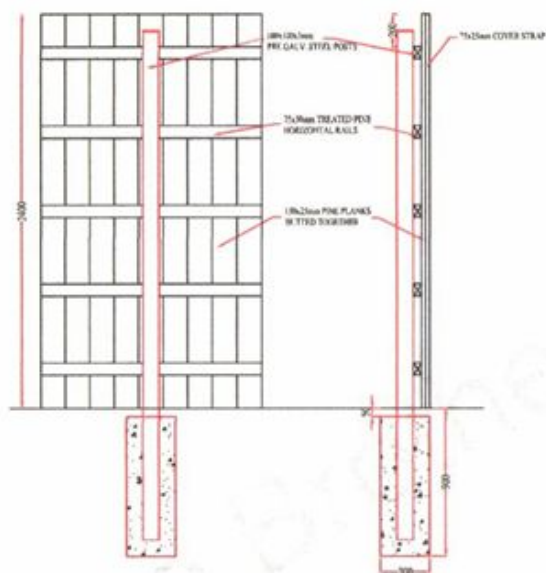
Trigger noise levels were calculated from the results of noise monitoring as presented in 4.2.

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<sup>1</sup> Referencing the decision of the NSW Land and Environment Court in the matter of *Meridian School v Pedavoli*.



## Appendix C: Fencing Example



PLAN

#### OPTIONS

CAPPING	TIMBER CAPPING <input type="checkbox"/>
	METAL CAPPING <input type="checkbox"/>
PLINTH	150x50mm TREATED PINE <input type="checkbox"/>
ADDITIONAL COVER BOARD SCREW TO TOP AND BOTTOM RAILS (100mmx14g CLASS 3 SCREWS) <input type="checkbox"/>	

NO	DESCRIPTION	SPECIFICATION	MATERIAL PER 2.4m PANEL	
1	POSTS	100x100x3mm STEEL POST	1 POST	
2	RAILS	75x50mm TREATED PINE	5 x 2.4m RAILS	
3	BASE BOARDS	150x25mm PINE PLANKS	16 BOARDS	
4	COVER BOARD	75x25mm	16 BOARDS	
5	FOOTINGS	300mm DIA. x 900mm DEEP	1 POST HOLE	
6	CONCRETE	25 MPa	1 (0.064 Cu. Metre per hole)	
7	DENSITY	12.5 kg/m <sup>2</sup>		
8	BASE BOARD FIXING	65mm GAL. NAIL	80 NAILS	
9	COVER BOARD FIXING	90mm GAL. NAIL	80 NAILS	
10	RAIL SCREW	75mm x 14g CLASS 3 SELF DRIVING SCREW	8 SCREWS	

All dimensions are in millimetres.

Lee Brothers Fencing P/L

LBF LIGHT BOARD BUTTED TYPE ACOUSTIC FENCE

2400mm Fence Modify as Appropriate for 1800mm High

Client Approval

✓

Date

Client Drawn Drawing N°	Job
Revision	Amended
Drawn By	Approved By
File	Post Scale







Aerial Image



1 - View of 259 and 261 Glen Eira Road



2 - View of 257 and 259 Glen Eira Road



3 - View along Glen Eira Road (facing east)



4 - View of Medical Centre at 263 Glen Eira Road



5 - Entry to Shelford Girls' Grammar via Hood Crescent



6 - View of 304 and 302 Glen Eira Road



7 - View of 308 and 304 Glen Eira Road

Existing Streetscape  
Shelford Girls' Grammar - Emily Dixon Centre

Clarke Hopkins  
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Melbourne VIC 3000  
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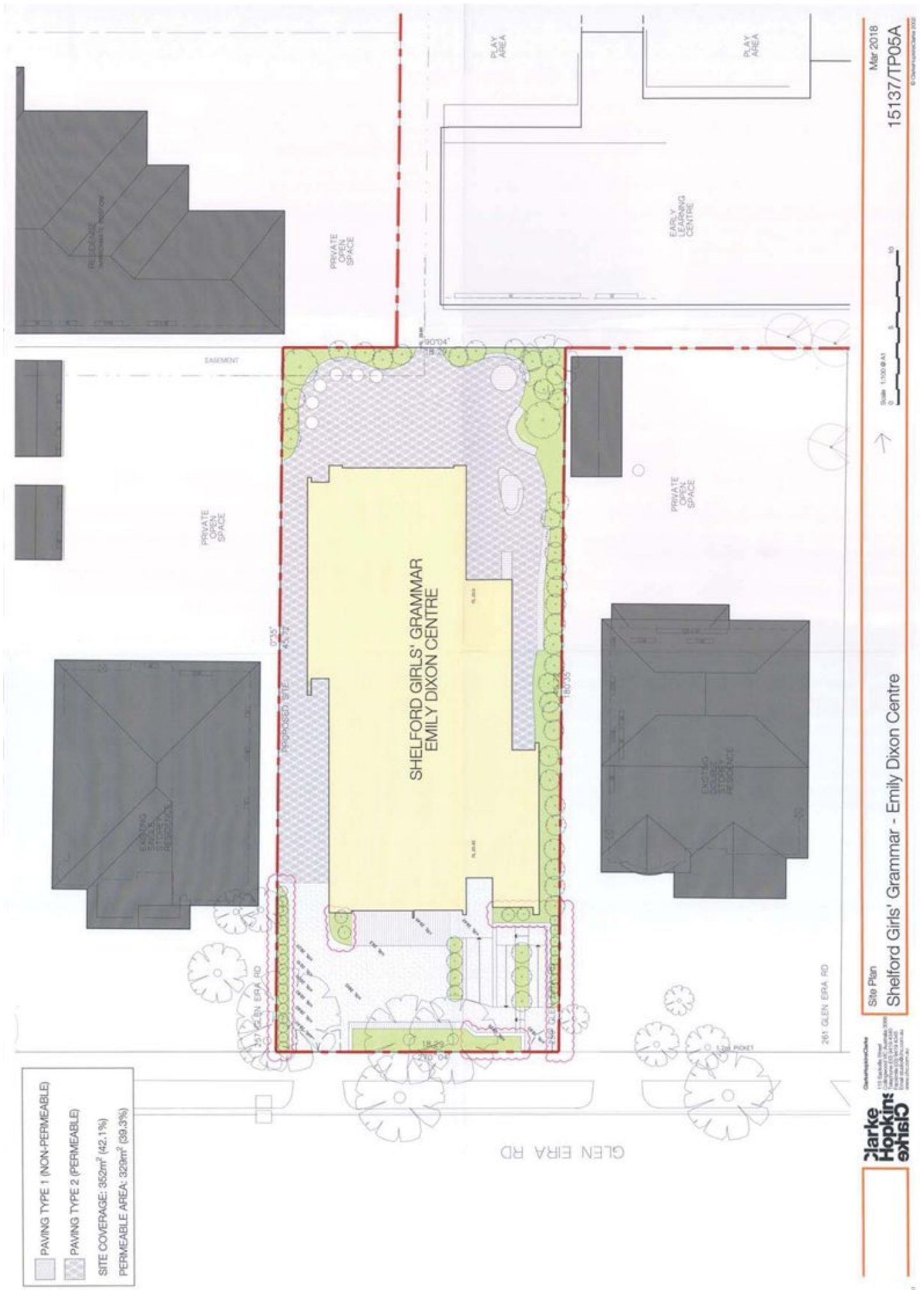
Now 2017  
15137/TP02



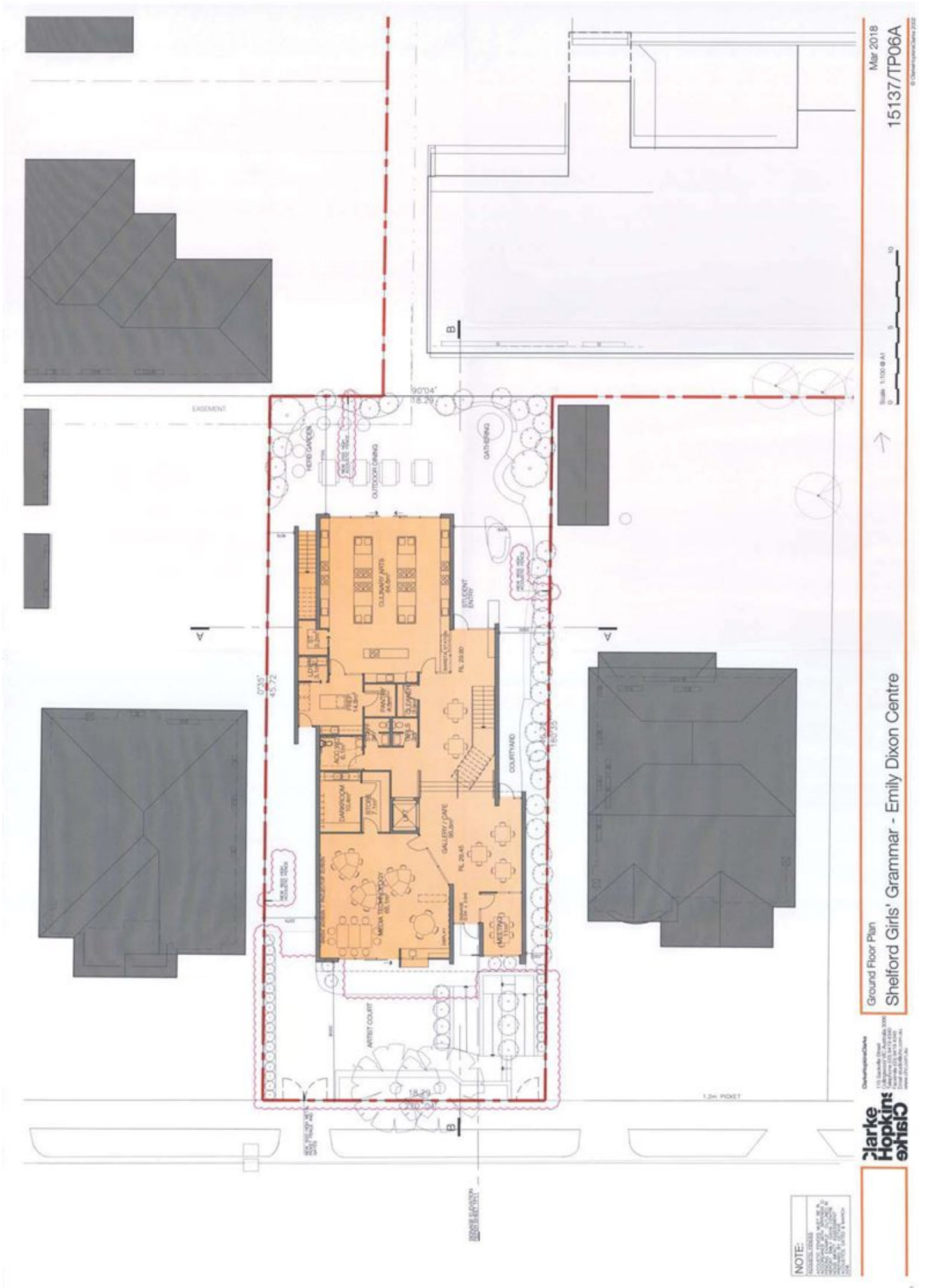




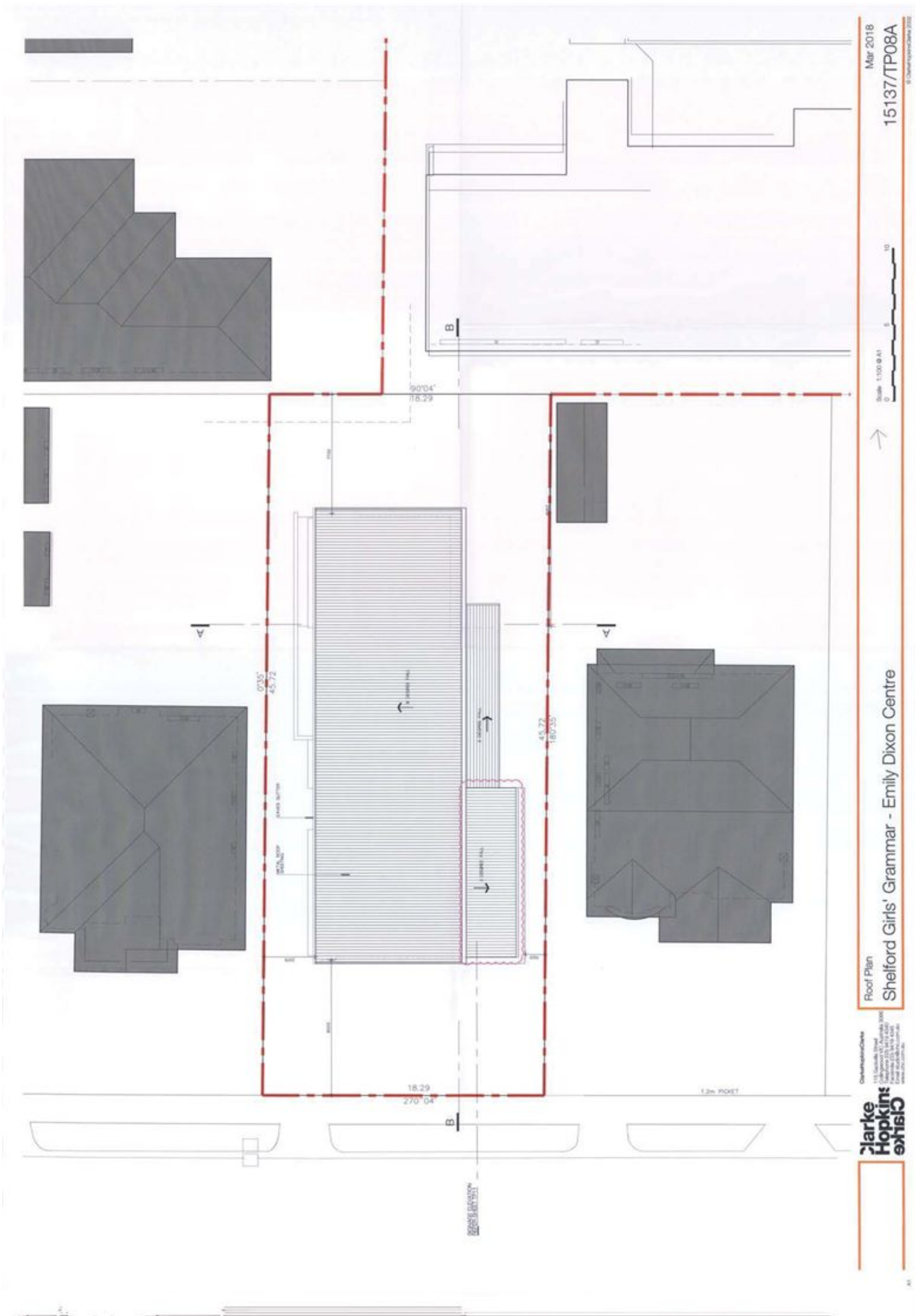


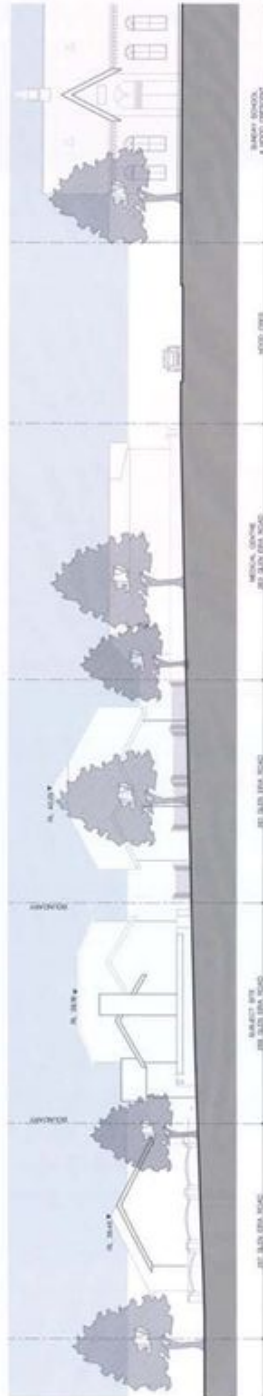




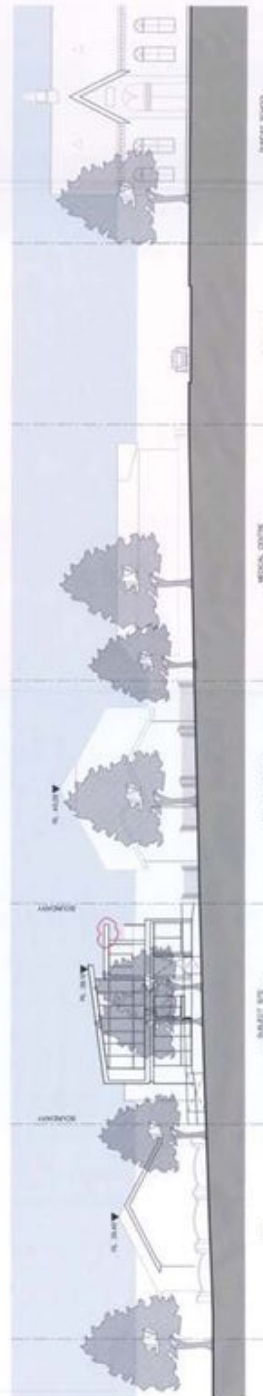






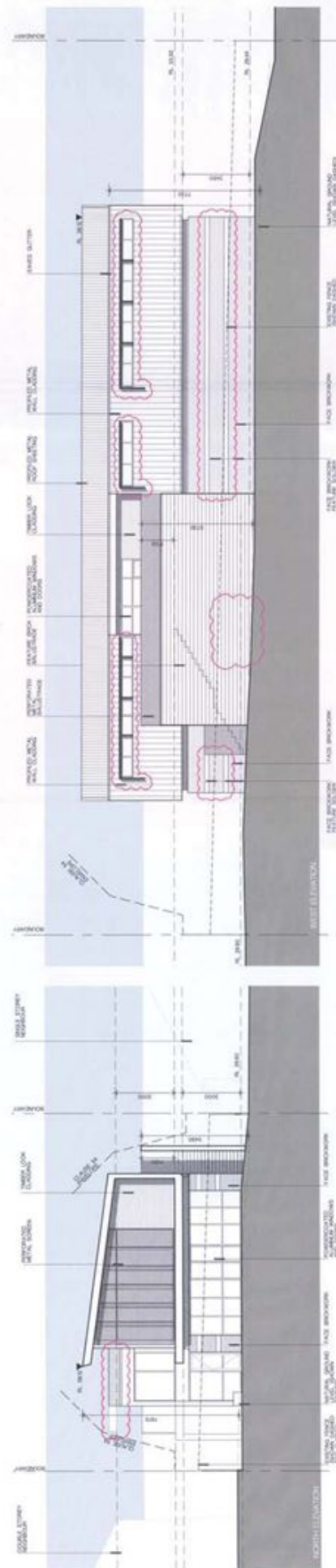
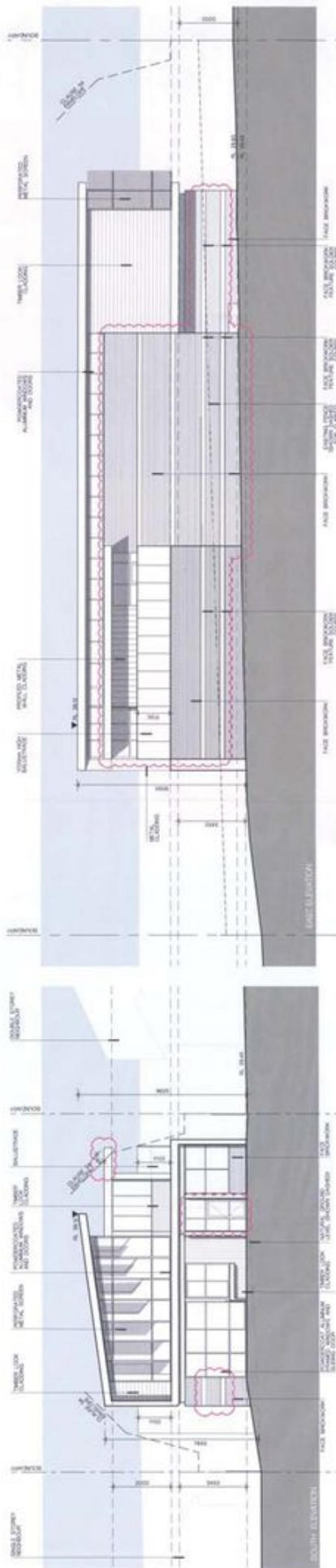


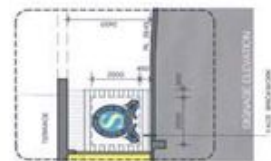
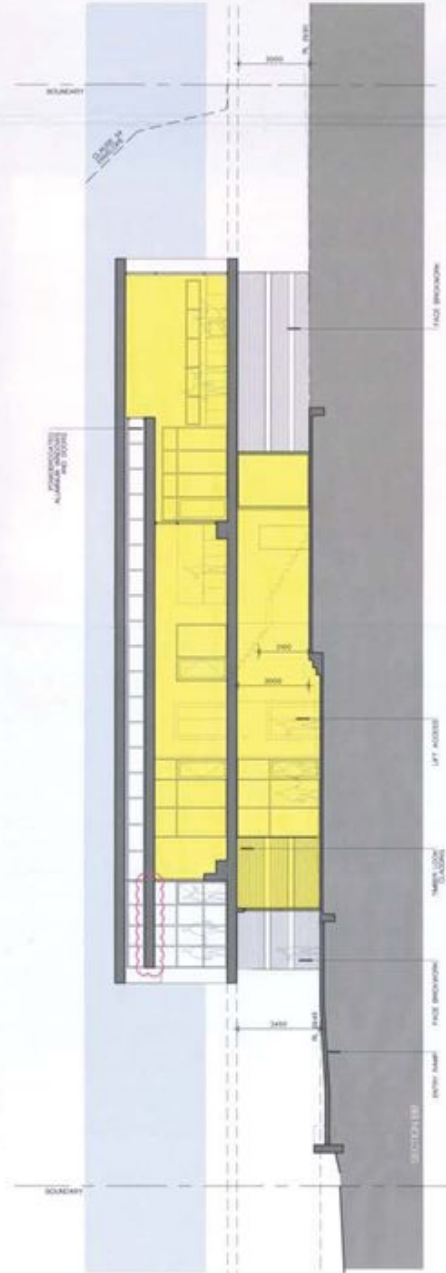
EXISTING STREET ELEVATION - GLEN EIRA ROAD



PROPOSED STREET ELEVATION - GLEN EIRA ROAD







Sections  
Shelford Girls' Grammar - Emily Dixon Centre

Mar 2018  
15137/TP11A

Scale 1:100 @ A1  
0 5 10

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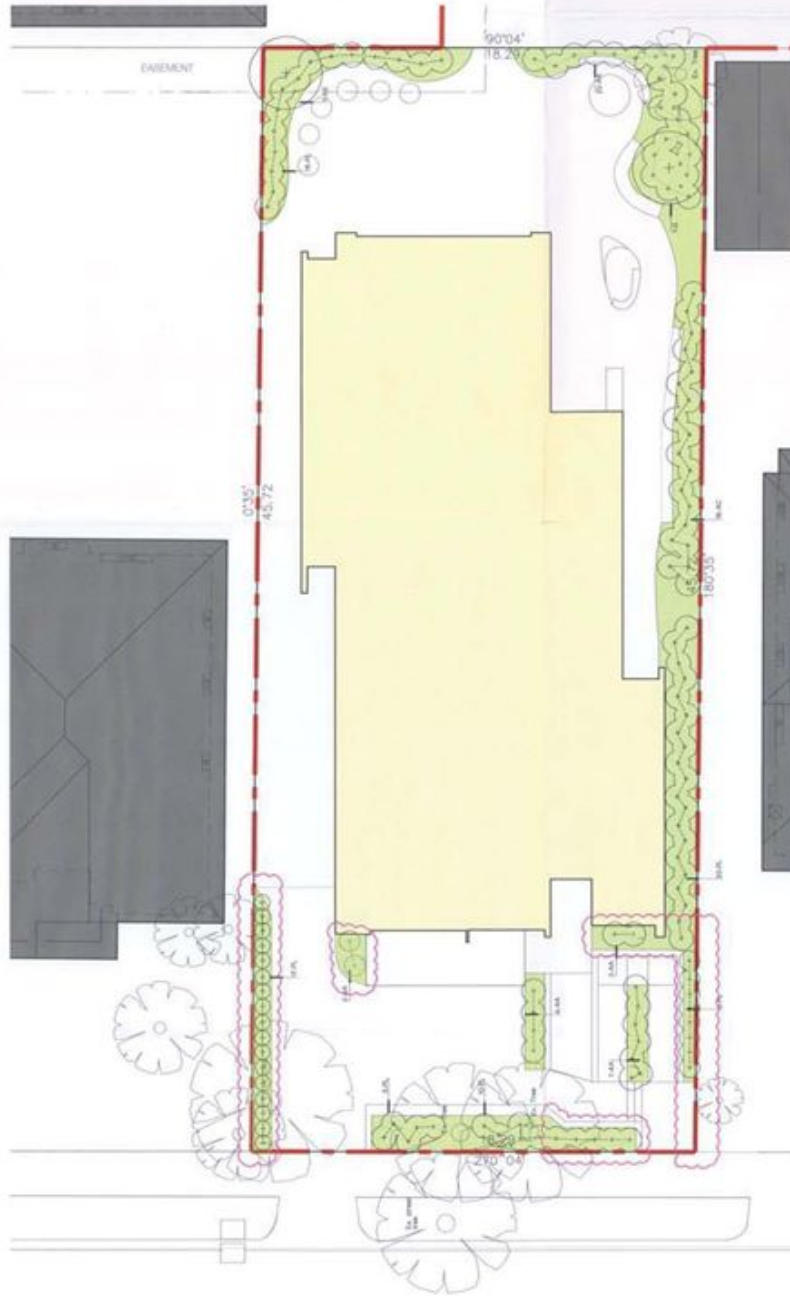












Revised: 11/03/2018  
11 APR 2018  
15137/TP16A

Mar 2018  
15137/TP16A

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0 5 10

PLANTING SCHEDULE				
CODE	BOTANICAL NAME	COMMON NAME	QTY	POT SIZE
AS	ACACIA STRICTA	HOP WATTLE	1	250mm
G	GREVILLEA	CLEAR DAVID	1	250mm
AA	ANGONANTHOS 'AMBER VELVET'	KANGAROO PAW	35	140mm
AC	ARTHROPODIUM CIRRATUM	NEW ZEALAND LILY	19	140mm
PL	POA LABLARDIERI	COMMON TUSsock GRASS	75	140mm

Planting Plan  
Shelford Girls' Grammar - Emily Dixon Centre

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1



2



3



4



5



6



7

1 FACE BRICKWORK

2 FEATURE BRICKWORK PATTERN / TEXTURE

3 ALUMINIUM FRAMED GLAZING

4 TIMBER LOOK LINING

5 PERFORATED METAL SCREEN

6 METAL CLADDING

7 COLORBOND ROOF LINING

**9.4 BUS SERVICES IN GLEN EIRA****Author:** Mathew Bonomi, Coordinator Transport and Place Design**Trim No:** 18/1136486**Attachments:** Nil**PURPOSE AND SUMMARY**

This report seeks to provide a high level overview of the existing quality of the bus network within the Glen Eira municipality.

**RECOMMENDATION**

That Council:

1. writes to the Public Transport Minister and the Local Member of Parliament to advocate for continued involvement in route planning within Glen Eira.
2. acknowledges the adopted *Integrated Transport Strategy* and progresses Project 3.2 – Review Bus Service.
3. writes to Transport for Victoria, Public Transport Minister and the Local Member of Parliament regarding Council's preferred route for the new East Bentleigh service.
4. writes to Transport for Victoria, Public Transport Minister and the Local Member of Parliament to advocate for a new light rail service on North Road to be considered as part of the feasibility for the Caulfield to Monash proposal.

**BACKGROUND**

At the Council meeting on 20 March 2018, Council resolved to request a report from officers *on the provision of and frequency of all peak city bound and rail connection bus services in Glen Eira, as delivered and that the report should be developed with reference to the Integrated Transport Strategy, and comment on if service frequency is providing residents with sufficient, actual choice in travel modes.*

Glen Eira is currently serviced by 21 unique bus services.

Route number	Route name
216	Sunshine Station – Brighton Beach
219	Sunshine South – Gardenvale
220	Sunshine – City – Gardenvale
246	Elsternwick – Clifton Hill via St Kilda
605	Gardenvale – Flagstaff Station
606	Elsternwick Station – Fishermans Bend
623	Glen Waverley – St Kilda via Mount Waverley, Chadstone, Carnegie

624	Kew — Oakleigh via Caulfield, Carnegie or Darling, and Chadstone
625	Elsternwick — Chadstone via Ormond, Oakleigh
626	Middle Brighton — Chadstone via McKinnon, Carnegie
630	Elwood — Monash University via Gardenvale, Ormond & Huntingdale
701	Oakleigh — Bentleigh via Mackie Road, Brady Road
703	Middle Brighton — Blackburn via Bentleigh, Clayton, Monash University (SMARTBUS Service)
767	Southland — Box Hill via Chadstone, Jordanville, Deakin University
811	Dandenong — Brighton via Heatherton Road, Springvale
812	Dandenong — Brighton via Parkmore Shopping Centre
822	Chadstone — Sandringham via Murrumbeena & Southland
823	North Brighton — Southland via Moorabbin
824	Moorabbin — Keysborough via Clayton, Westall
900	Rowville — Caulfield via Monash University, Chadstone (SMARTBUS Service)
903	Altona — Mordialloc (SMARTBUS Service)

#### City bound services

There are currently four existing services connecting parts of Glen Eira directly to the central business district.

Route number	Peak frequency
216	30 min
219	30 min
220	15 min
605	20 min

(Source: Public Transport Victoria Timetables )

#### **Rail connection**

The majority of train stations within Glen Eira are serviced by connecting bus routes.

Train station	Route number	Peak frequency
Ripponlea	623	30 min
Elsternwick	246	10 min
	606	40 min
	625	30 min



Caulfield	624	40min
	900	10 min
Carnegie	626	30 min
	623	30 min
Murrumbeena	822	30 min
	624	40 min
Ormond	625	30 min
	630	12 min
McKinnon	626	30 min
Bentleigh	701	30 min
	703	15 min

(Source: Public Transport Victoria Timetables )

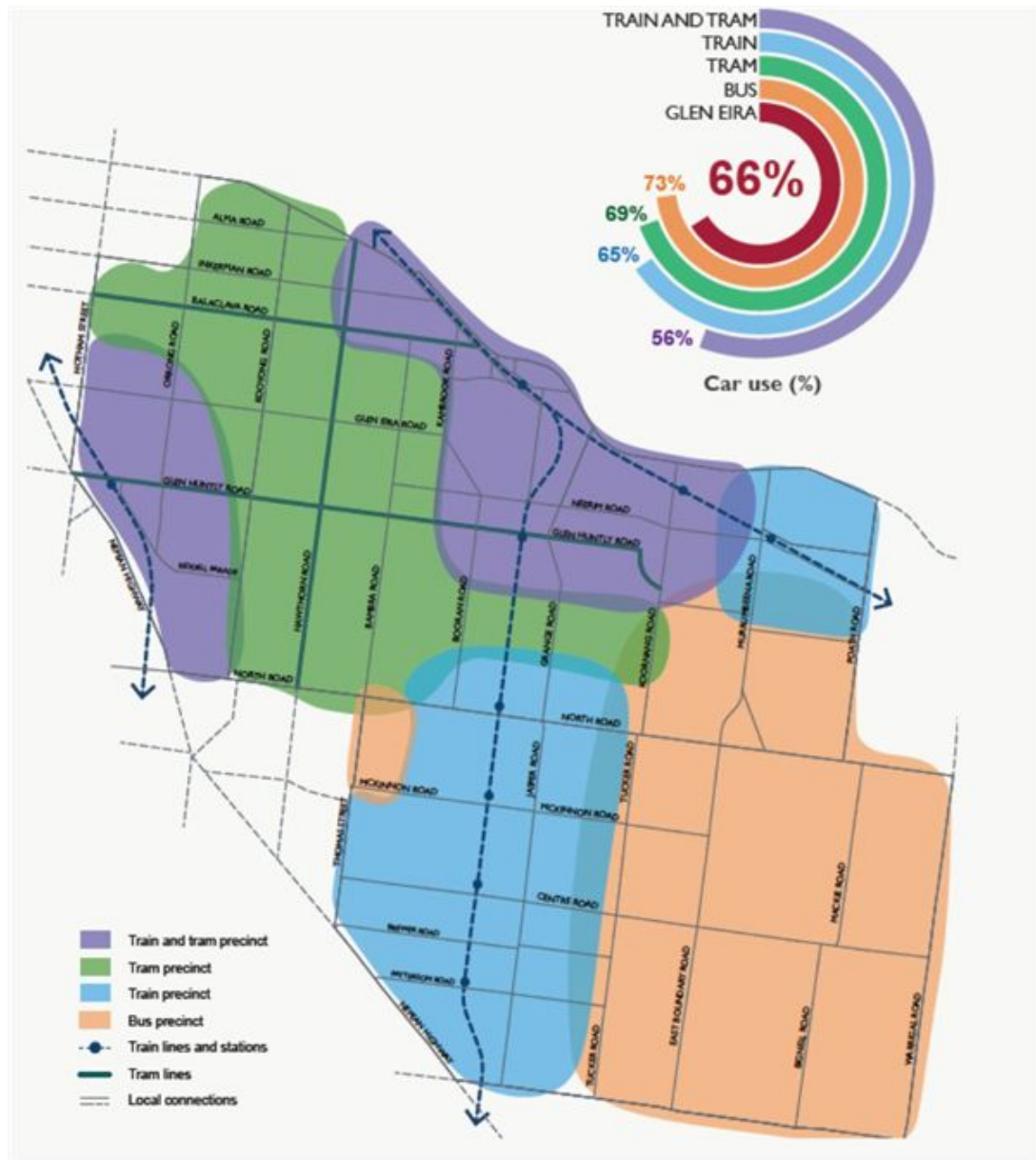
#### Integrated Transport Strategy (Adopted 12 June 2018)

The *Integrated Transport Strategy (ITS)* establishes a goal to 'strive for a 50:50 mode share of car and non-car trips by 2031'.

	<b>Train</b>	<b>Bus</b>	<b>Tram</b>	<b>Bike</b>	<b>Car</b>	<b>Walk</b>	<b>Work from home</b>
<b>Glen Eira</b>	18%	3%	3%	15	66%	3%	6%

The *ITS* also identifies four precincts within the municipality based on walking access to public transport.

1. Train and tram
2. Train only
3. Tram only
4. Bus only



(Transport Access Precinct Map, *Integrated Transport Strategy*, page 14)

## ISSUES AND DISCUSSION

### Bus only precinct

Of the four precincts identified above, it is obvious that any upgrade of bus provision should be focused within the bus only precinct, as these areas are solely dependent on a bus to service their public transport needs.

The three other precincts are fortunate to have access to a combination of trains and trams and do not rely on buses. This would go some way to explaining low frequency of the routes servicing these areas.

There are only five services providing public transport options to this precinct, as shown in the below table.

Route	Name	Frequency
822	Chadstone — Sandringham via Murrumbeena and Southland	30 min
701	Oakleigh — Bentleigh via Mackie Road, Brady Road	30 min
703	Middle Brighton — Blackburn via Bentleigh, Clayton, Monash University (SMARTBUS Service)	15 min
767	Southland — Box Hill via Chadstone, Jordanville, Deakin University	20 min
630	Elwood — Monash University	12 min

(Source: Public Transport Victoria Timetables )

#### Rail connection services

By examining the train station arrival data supplied by Public Transport Victoria (PTV) (see table below), the following observations become clear:

- Bus connections to train stations account for up to 10 per cent of arrivals
  - These arrivals are highest at stations that draw patrons from the neighbouring bus only precinct (Bentleigh, Carnegie, Ormond and Hughesdale).
- Tram connections provide for high quality train station connections
  - All three stations with a tram-train connection experience at minimum 10 per cent arrivals by bus (Caulfield Station — 18.6 per cent).

Station	Bus	Car	Bike	Train	Tram	Walk
Bentleigh	10.4%	24.7%	0.9%	4.0%	0.0%	59.9%
Carnegie	8.6%	18.4%	0.5%	1.0%	0.0%	71.5%
Caulfield	4.7%	15.1%	0.8%	17.6%	10.6%	51.3%
Elsternwick	5.3%	22.6%	0.0%	2.3%	18.6%	51.3%
Glenhuntly	0.0%	12.5%	0.7%	0.0%	10.3%	76.5%
Hughesdale	10.1%	23.5%	1.1%	1.3%	0.0%	64.0%
McKinnon	4.5%	23.5%	0.7%	0.0%	0.0%	70.8%
Murrumbeena	3.0%	31.2%	0.0%	0.0%	0.0%	65.8%
Ormond	10.4%	21.0%	1.7%	0.6%	0.0%	66.3%
Patterson	0.0%	17.7%	3.8%	0.0%	0.0%	78.6%

(Source PTV patronage data of all train stations in Glen Eira.)

### Integrated Transport Strategy

The *ITS* outlines a street hierarchy and framework to set the future direction and preferred uses for our streets. By taking a range of external factors into account (including road widths; local area destinations; and existing connection and function) the *Strategy* aims to determine the best and highest use for the limited road space within the municipality.

The following four premium transit corridors have been developed:

- efficient driving routes;
- express public transport routes;
- safe cycling streets; and
- great walking and shopping streets.



(Express Public Transport Routes, *Integrated Transport Strategy*, page 19)

An express public transport route is a road or street that aims to prioritise the movement of trams or buses. These modes are the most efficient at moving large amounts of people quickly within limited road space. A high quality bus network should be one that is direct, reliable and frequent.

The *Strategy* has two distinct actions that relate to improving the bus services within Glen Eira.

**Project 3.2 Review bus service revision**

Undertake an extensive and detailed review of existing bus service provision within Glen Eira to identify needs and locations for improvement.

While the existing bus network does provide good overall coverage of the municipality, there are opportunities in scheduling improvements, route servicing and reliability. Investment in the bus system can be a relatively cost effective way to improve the public transport system. A complete review of the bus network within Glen Eira and the surrounding Inner South Eastern Region is required.

**Advocacy 5.2 Advocate for new premium bus service in East Bentleigh**

Council will advocate to the State Government for increased public transport provisions and service quality across the municipality with a focus on premium bus services particularly along East Boundary Road and North Road that better connects the East Village urban renewal precinct and the Glen Eira Sports and Aquatic Centre (GESAC) with major activity centres and train stations.

Reimagining the bus service provision

Many of the routes within Glen Eira are circuitous, have long delay times and poor time table frequencies. This would account for the low share of journey to work trips undertaken by bus.

By interrogating the existing bus timetables it becomes clear that there is a total of 60 individual buses traveling through Glen Eira during the typical AM peak hour across all the routes.

Reallocating and consolidating these existing services over a series of direct routes on arterial roads would allow for increased frequencies.

For example, if the existing bus network were to reallocate into six high quality arterial routes with no increase to service spend, we could assume the provision of a turn up and go style service with buses every 10 to 15mins across these new routes.

Advocacy opportunities

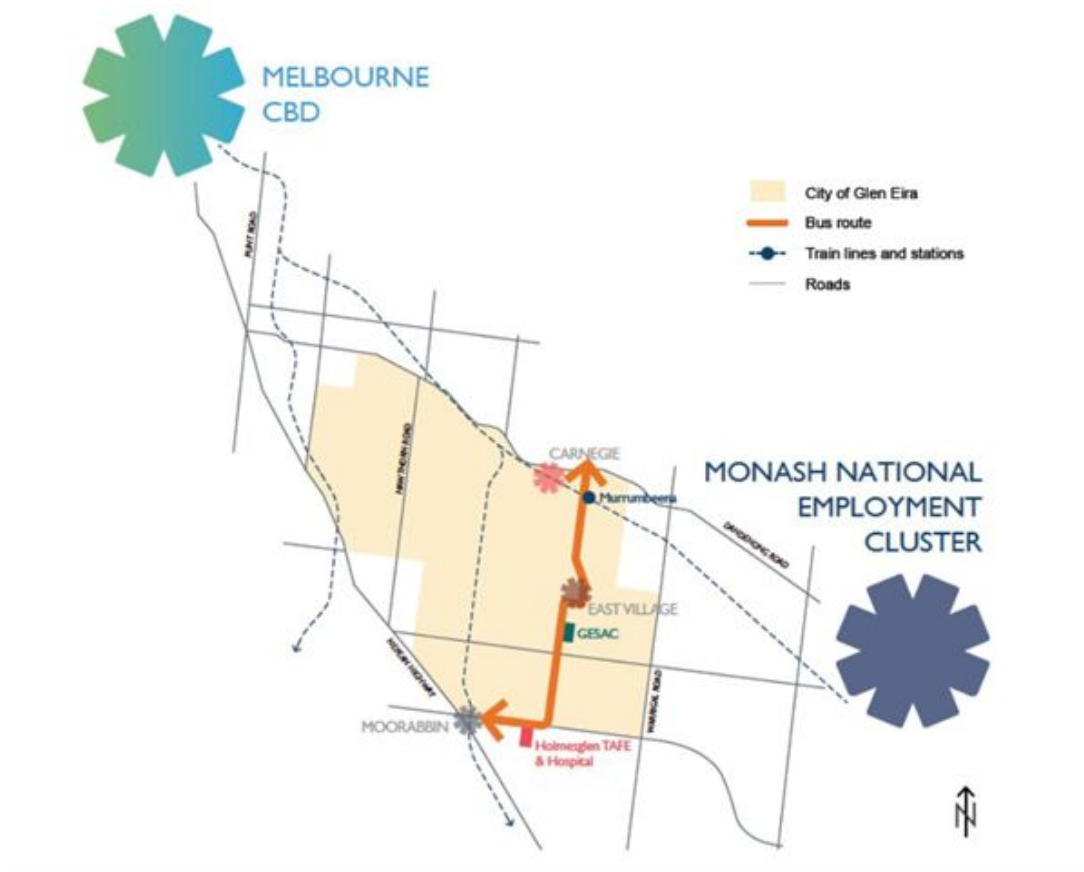
The State Member for Bentleigh recently announced funding for the provision of a new bus route connecting Moorabbin Station to Chadstone Station.



(Proposed route, Nick Staikos MP)

Funding for increased public transport within the Bentleigh East neighbourhood is welcomed, with the *ITS* (page 45) identifying Council's preferred route. The alignment focuses on providing a premium bus service along East Boundary Road and North Road that better connects the East Village urban renewal precinct and the Glen Eira Sports and Aquatic Centre (GESAC) with major activity centres and train stations.





(Advocacy Project 5.2 Advocate for new premium bus service in East Bentleigh, *Integrated Transport Strategy*, page 45)

Recently the State Government has announced funding for feasibility planning for a new light rail to service the Caulfield to Monash precinct. The *ITS* also highlights the need and benefits of a new light rail proposal that would connect Elsternwick to Clayton along North Road. This would ensure Glen Eira's largest urban renewal area — East Village — is connected to a major train station (Ormond) and the Monash National Employment Cluster.

By expanding the current tram network and upgrading to an efficient and frequent light rail service, we will expect to see large increases in patronage due to the provision of a high quality public transport service for our community. This will ultimately reduce unnecessary congestion, result in travel time savings and increased transport accessibility for our residents.



(Advocacy Project 5.1 Advocate for new premium bus service in East Bentleigh, *Integrated Transport Strategy*, page 44)

It is suggested that these two proposals undertake a combined feasibility study to demonstrate benefits for the whole inner south east region.

Further in the lead up the upcoming State Government election and partnership with the Metropolitan Transport Forum, Glen Eira Council will be hosting a transport forum on August 15, from 6.30pm to 8pm. This forum will include speakers from the State Government and opposition and chaired by Monash University Chair of Public Transport Professor Grahame Currie.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

N/A

**POLICY AND LEGISLATIVE IMPLICATIONS**

N/A

**COMMUNICATION AND ENGAGEMENT**

N/A

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Two: Accessible and Well Connected

A City that is easy to move around, full of safe travel options and walkable neighbourhoods.

**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**

Currently the existing bus network does not provide residents with an actual and reliable alternative to car travel within Glen Eira. Although officers believe the existing bus service has significant scope for improvement and the *Integrated Transport Strategy* clearly outlines where and what types of services should be provided to maximise participation.

Additionally with the lead up to the State Government election and the recent adoption of the *Integrated Transport Strategy* Council should continue to strongly advocate for holistic, system-wide improvements.

**9.5 GAMBLING, ALCOHOL AND DRUG USE IN GLEN EIRA**

**Author:** Peter Jones, Director Community Wellbeing

**Trim No:** 18/1146566

**Attachments:** 1. Gambling Factsheet June 2018  
2. Alcohol Factsheet June 2018  
3. Drugs Factsheet June 2018

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**PURPOSE AND SUMMARY**

The purpose of this report is to respond to the Council resolution of 1 May 2018 that officers:

“prepare a report outlining evidence of gambling, drug and alcohol use in Glen Eira including the impact that addiction in these areas can have on families and communities, as well as Council’s current work in this area and further ways Council could assist in this area.”

The evidence and impact of gambling activity and drug and alcohol use in Glen Eira are outlined in the attached three appendices. Although specific data for Local Government Areas is limited there is some evidence of recognised harms from gambling, alcohol and drugs in Glen Eira.

**RECOMMENDATION**

That Council:

1. Notes this report; and the evidence of gambling, alcohol and drug use in Glen Eira, the impacts and Council’s work in these areas.
2. Approves purchasing of a membership to the Alliance for Gambling Reform which will support the work of Council to advocate for and take local action to reduce the harms from gambling.
3. Deliver additional training to key frontline staff to improve early detection and referral to services to reduce harms in the community.
4. Includes harm reduction as a priority in the Community Grants Program.
5. Publishes the Gambling, Alcohol and Drugs Factsheets online through Council’s website.

**BACKGROUND**

Concerns around the impact of gambling, alcohol and drug use and the harmful effects this can have on individuals, families and communities have increased in recent times and is in part influenced by the attitudes and values held within society. For instance:

- Use of alcohol is normalised as part of Australian culture;
- Gambling is a legal activity and become more accepted as a recreational pursuit;
- Illicit drug use is seen as a ‘stage’ in youth culture or acceptable in functional adults; and
- Illegal activity related to drugs is not publically visible so it is seen as an individual issue.

The impacts of gambling, drugs and alcohol can be far reaching and extend not only to the individual but to ‘affected others’ in family members, friends, workplaces, schools and community.

Where gambling, alcohol and drug use becomes intensive, compulsive or addictive it is often for deeper psychological and emotional purposes, self-medication, relief from negative situations or distress, and reducing isolation or alienation.

Addiction is defined as a brain disorder characterised by compulsive engagement in rewarding or pleasurable stimuli despite adverse consequences. Engagement in gambling, drug and alcohol use frequently aligns with addiction behaviours and lack of control.

## **ISSUES AND DISCUSSION**

### **Gambling**

A Fact Sheet on gambling prevalence and impacts is attached (Attachment One).

Gambling is promoted as a recreational pastime and is widely accepted across all age groups. Opportunities to gamble are many and include racing, table gaming, sports betting, electronic gaming machines (EGM), lotto, keno, raffles and bingo. Victorian Responsible Gambling Foundation data suggests that 70% of Victorians engage in some form of gambling. In Victoria 2015 an increase in racing and sports betting and a decrease in EGM's was recorded however EGM's is the highest spend for problem gamblers.

Glen Eira specific data is limited however key information on gambling activity includes:

- 11 venues in Glen Eira with a combined total of 780 EGMs recorded losses of \$76.2 million in 2016-17.
- Glen Eira is ranked 12<sup>th</sup> of the 31 Melbourne Metropolitan Councils on total losses from EGM gambling.
- In the Southern Metropolitan Region, 1% are problem gamblers, 4% are moderate gamblers, 8% are low-risk gamblers, 55% are non-problem gamblers and the remaining 32% do not engage in gambling.
- 62 residents of Glen Eira received counselling services from Gamblers Help in 2016/17.

### **Impact of gambling on families and communities**

Gambling harms and the related cost to community have recently been quantified using findings of the 2014 Study of Gambling and Health in Victoria. It found that:

- Harm to relationships and families including divorce and violence have the highest cost with emotional and psychological wellbeing being second highest.
- Gambling related crime costs Victoria \$100 million per annum.
- Harm from problem gambling is the most severe to the individual however the majority of gambling burden in Victoria arises from low and moderate risk gamblers.

While participation in gambling by Glen Eira residents is not known, Gamblers Help reports that in 2016-17, 57 people in Glen Eira sought therapeutic counselling and 26 people received financial counselling.

### **Council's current work in this area**

Council's primary role in this area has been advocacy. Direct support services to those impacted by gambling in Glen Eira are provided by a number of service providers and community organisations including Gamblers Anonymous and Gamblers Help Southern. Council has specifically been involved in minimising harm from gambling through:

- Lobbying for a \$1 bet limit on poker machines;
- Providing support through Council's Community Grants program;
- Referral of clients disclosing gambling problems to service providers;
- Considering applications for gambling licensing under the statutory authority of Victorian Commission for Gambling and Liquor Regulation; and
- Youth Services delivering programs such as Addictive Gaming and Press Start.

**Further ways Council could assist**

To strengthen Council's advocacy approach Council could join the Alliance for Gambling Reform, an independent group that campaigns for gambling industry reforms to reduce gambling harms.

**Alcohol**

A Fact Sheet on alcohol consumption and impacts is attached (Attachment Two).

Alcohol plays a significant role in social gatherings and in the entertainment and hospitality industries. Vic Health research shows that drinking is seen as normal in most social situations.

Key information on alcohol use includes:

- There are 428 active liquor licenses in Glen Eira, ranking it 12<sup>th</sup> of 31 Melbourne Metropolitan Councils, however the litres of liquor sold in Glen Eira per adult are the lowest of any Melbourne Metropolitan Council.
- State Government research undertaken in 2014 indicates that 87.5% of Glen Eira residents consumed alcohol, higher than the Victorian average of 79.2%.
- The 2017 Student Resilience Survey in Glen Eira found 14% of females and 12% of males (in years 3 to 12) consumed alcohol.

**Impact of alcohol on families and communities**

High or risky alcohol use is linked to severe health harms, including chronic diseases, injuries and mental health. Family and relationship breakdown and social isolation are significant impacts and there is emerging evidence of links to family violence.

Known impacts within Glen Eira include:

- In 2014-15, 130 reported incidents of family violence involved alcohol.
- 65% consumed more than the recommended drinks per day. A higher percentage than the Victorian average have consumption rates that put them at risk of short and long term injury.
- Turning Point data finds in 2014-15 Glen Eira was ranked 11<sup>th</sup> of the 31 Melbourne Metropolitan Councils for alcohol related hospitalisation.
- In 2017 there were 122 incidents of 'drunk and disorderly in public' offences, which can have a negative effect on feelings of safety.
- Headspace in Elsternwick report they receive annual referrals for 150 young people from Glen Eira postcodes aged 12-25 years for substance abuse (alcohol and drugs).

**Council's current work in this area.**

Council's work includes strategic planning, regulatory functions, community awareness and education, and referrals to service providers. The key work of Council:

- Considers applications for liquor licensing under the Victorian Commission for Gambling and Liquor Regulation, sets local laws on the supply and consumption of alcohol in public places and conditions of use for tenants and hirers of Council facilities.
- Includes actions within plans to minimise alcohol-related harms.
- Refers clients to support and service provider organisations such as TaskForce, Headspace and Self Help Addiction Resource Centre
- Provides information about services through the online Youth and Child Directory.

**Further ways Council could assist.**

To improve early detection and referral to appropriate services, Council could provide additional training to key frontline staff who have regular contact with those who may be at risk of harm from alcohol



**Drugs**

A Fact Sheet on illicit drug use and impacts is attached (Attachment Three).

The illicit use of drugs includes both use of illegal drugs and misuse of legal pharmaceutical drugs. The National Drug Strategy Household Survey 2016 found 15% of Victorians over 14 years of age used at least one kind of drug illicitly. The highest usage was cannabis followed by pain killers and opioids. People in their 20's are the most likely age group to engage in illicit drug use and this is increasing for people in their 40's.

Glen Eira's Student Resilient Survey 2017 for young people in Years 3–12 found 97% of students did not use illegal drugs.

An average of 1200 sharps per month are currently being collected from sharps disposal units in Council public toilets, suggesting there is some drug use across the community.

**Impact of illicit drugs on families and communities**

Impacts of drug use include serious health conditions, injuries and harm to relationships. Neuropsychiatric diseases, mental health conditions, family violence incidents and impacts on workplace productivity are significant. Drugs in the public domain have a significant negative effect on feelings of safety in communities.

Known impacts within Glen Eira include:

- Turning Point Drug and Alcohol Centre findings in 2014-15 ranked Glen Eira fourth (4<sup>th</sup>) highest with 498 cases of hospitalisation for illegal drugs and seventh (7<sup>th</sup>) highest with 288 cases of hospitalisation for pharmaceutical drug use of 31 Melbourne Metropolitan Councils.
- The highest number of hospitalisations were in the 40-65 year age bracket
- Drug related crimes recorded by Victoria Police for Glen Eira in 2017 numbered 162 incidents; considerably lower than Victorian average and ranking Glen Eira 25<sup>th</sup> of 31 Melbourne Metropolitan Councils.
- Headspace in Elsternwick supports approximately 150 young people per year from Glen Eira aged 12-25 years for substance abuse (drugs and alcohol).

**Council's current work in this area.**

Illicit drugs are primarily dealt with by Federal and State Governments' law enforcement or health service providers. Council's primary role is community education and providing opportunities and pathways for youth away from drugs (and alcohol).

A specific program is Council's syringe collection and disposal programs to reduce secondary harm from drug use in public places.

**Further ways Council could assist.**

To improve early detection and referral to appropriate services, Council could provide additional training to key frontline staff who have regular contact with those who may be at risk of harm from illicit drugs.

Increased support to services by including harm reduction as a priority in the Community Grants Program.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

Membership of the Alliance for Gambling Reform requires a \$25,000 annual membership fee.

**POLICY AND LEGISLATIVE IMPLICATIONS**

This report aligns with relevant policies and plans of Council, State and Commonwealth Governments. There are no policy and legislative implications arising from this report.

**COMMUNICATION AND ENGAGEMENT**

This report was prepared in consultation with internal Council departments and key service providers.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Three: Safe, Healthy and Inclusive

A strong and safe community that connects people and enhances health and wellbeing.

**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 known prevalence of gambling, alcohol and drugs in Glen Eira indicates that there are impacts and harms across our community. While Council currently contributes to prevention and harm reduction, there are ways Council could have a greater influence such as increased advocacy, partnerships, education and training.

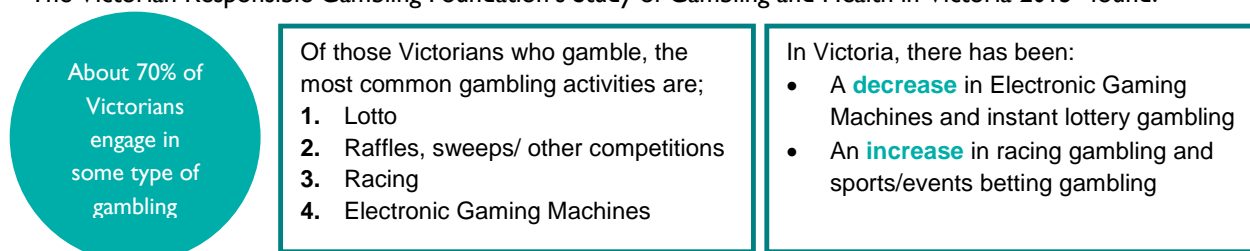
## FACTSHEET I – GAMBLING PREVALENCE AND IMPACTS

Australia has high levels of gambling expenditure per person. While enjoyed by people as a recreational activity, gambling can also result in harm for gamblers themselves, their families and the community generally. In Australia, there are many types of legal gambling:



### HOW MANY OF US GAMBLE?

The Victorian Responsible Gambling Foundation's Study of Gambling and Health in Victoria 2015<sup>i</sup> found:

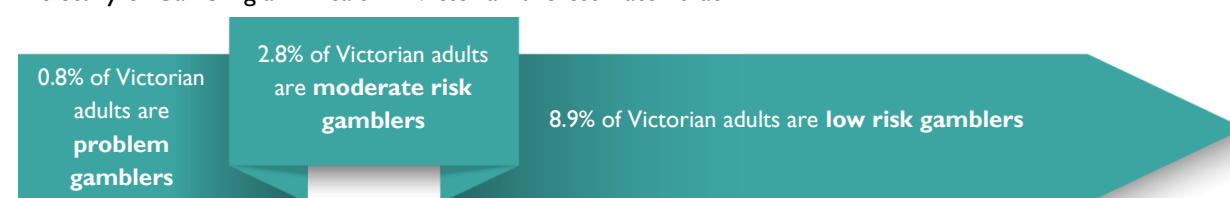


### HOW MUCH IS LOST?

In 2015-16, total **direct losses** from gambling in Victoria were estimated at almost \$5.8 billion. Victorians lost the most, a total of \$2.6 billion, on Electronic Gaming Machines followed by \$1.8 billion on Casino table games, \$512 million on lotto, \$494 million on race betting, and \$280 million on sports betting<sup>ii</sup>

### FOR HOW MANY PEOPLE IS GAMBLING A PROBLEM?

The Study of Gambling and Health in Victoria 2015 estimated that<sup>iii</sup>:



The Study found that the number of low risk gamblers in Victoria is increasing and the *intensity* of gambling (amount of money wagered), amongst problem gamblers is rising.

### HOW IS GAMBLING CHANGING?

Gambling is changing in Victoria. The Study of Gambling and Health in Victoria 2015 also found that:

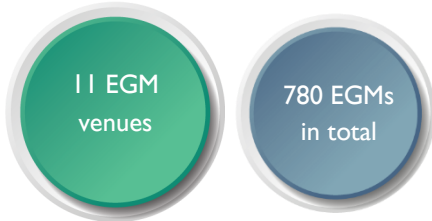


## WHAT DO WE KNOW ABOUT GAMBLING IN GLEN EIRA?

There is limited information about direct impacts of gambling on Glen Eira residents. We do have information on venues and gaming machines<sup>iv</sup> which provides an indication of losses (which can be from both visitors and residents) in the municipality.

## HOW MUCH IS SPENT ON ELECTRONIC GAMING MACHINES (EGMs) IN GLEN EIRA?

In Glen Eira as at April 2018, there are:



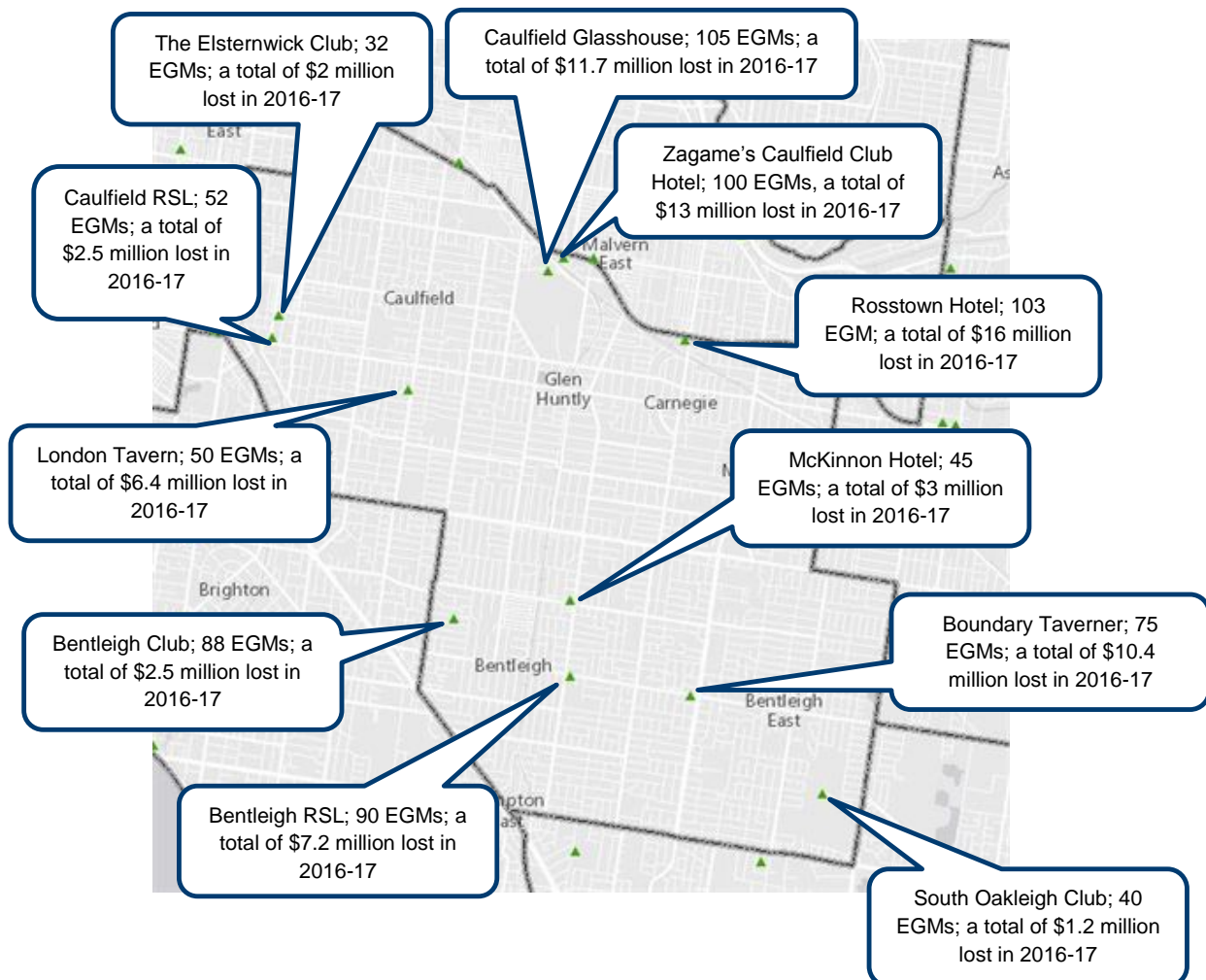
In 2016-17, a total of **\$76.2 million** was lost from these venues (an average loss of more than **\$99,200** from each EGM).

Glen Eira ranked **12<sup>th</sup> of the 31** Greater Metropolitan Melbourne council areas (where 1 is highest) on total losses from EGM gambling in 2016-17

Total losses from Electronic Gambling Machine gambling in Glen Eira have remained relatively consistent over the last eight years.

Glen Eira has a cap of 1,119 EGM entitlements as determined by the Victorian Commission for Gambling and Liquor Regulation (VCGLR)<sup>v</sup>.

## WHERE ARE EGM VENUES AND EGMs LOCATED?<sup>vi</sup>



## HOW IS GAMBLING HARMING PEOPLE?

The Victorian Responsible Gambling Foundation identifies harms from gambling that include health, financial, relationship, emotional, psychological, work and study and criminal harms.

Gamblers Help report that in 2016-17, 57 people in Glen Eira sought therapeutic counselling through Gamblers Help for gambling problems. An additional 26 people sought financial counselling. The largest group of people seeking help were aged 40-49 years (29.03%), followed by 50-65 years (22.58%)

The amount of money lost is just one type of gambling 'cost'. In a report that calculates costs across a range of domains, the Victorian Responsible Gambling Foundation has estimated that in Victoria in 2014-15, gambling cost the Victorian community through<sup>vii</sup>:

<b>Impacts on relationships and families including</b> divorce and separation, violence, suicide and emotional distress	<b>Impacts on emotional and psychological wellbeing</b> including depression and suicide	<b>Financial impacts</b> including cost of spend, bankruptcy and debt	<b>Demand for Government provided health and human services</b> including health and human services, mental health and homelessness	<b>Impacts on work and productivity</b> including job change, absenteeism, crime to business, suicide	<b>Impacts on crime</b> including crime committed, police, court and correction system costs
\$2.2 billion	\$1.6 billion	\$1.3 billion	\$1.1 billion	\$598 million	\$100 million

Although harm from problem gambling is the most severe, the Victorian Responsible Gambling Foundation estimates that the majority of the overall burden from gambling in Victoria arises from low and moderate risk gambling, as the proportion of the community involved is much greater. In 2014-15:



## REFERENCES AND NOTES

<sup>i</sup> Hare S 2015, 'Study of Gambling and Health in Victoria', *Victorian Responsible Gambling Foundation and Victorian Department of Justice and Regulation*, <https://responsiblegambling.vic.gov.au/search/?q=study+of+gambling+and+health>

<sup>ii</sup> Queensland Government Statistician's Office, Queensland Treasury, 'Australian Gambling Statistics; 33<sup>rd</sup> edition', <http://www.qgso.qld.gov.au/products/reports/aus-gambling-stats/>

<sup>iii</sup> Classifications of low, moderate and problem gamblers determined with reference to the Problem Gambling Severity Index (PGSI), a screening tool used to assess risks from gambling behaviour: <https://responsiblegambling.vic.gov.au/for-professionals/health-and-community-professionals/problem-gambling-severity-index-pgsi/>

<sup>iv</sup> Victorian Commission for Gambling and Liquor Regulation, 'Gaming expenditure by local area', <https://www.vcglr.vic.gov.au/resources/data-and-research/gambling-data/gaming-expenditure-local-area>

<sup>v</sup> Victorian Commission for Gambling and Liquor Regulation, 'Gaming machine caps and limits', <https://www.vcglr.vic.gov.au/gambling/gaming-venue-operator/understand-your-gaming-licence/caps-and-limits>

<sup>vi</sup> Victorian Commission for Gambling and Liquor Regulation, Interactive map of Victorian gaming venues, <https://geomaps.vcglr.vic.gov.au/Gaming/>

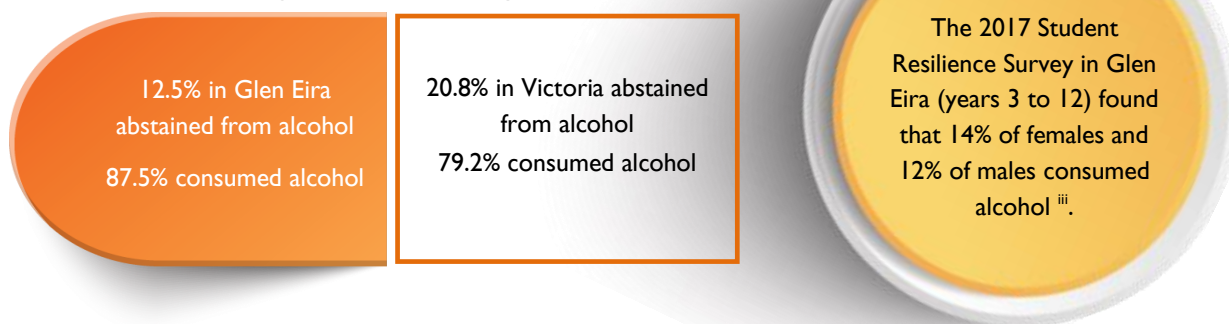
<sup>vii</sup> Browne M, Greer N, Armstrong T, Doran C, Kinchin I, Langham E, Rockloff M 2017, 'The social cost of gambling to Victoria', *Victorian Responsible Gambling Foundation*, <https://responsiblegambling.vic.gov.au/documents/121/research-social-cost-of-gambling.pdf>

## FACTSHEET 2 – ALCOHOL CONSUMPTION AND IMPACTS

Consumption of alcohol is both recreational and social for many people. However, there are significant harms involved in over consumption and/or risky consumption of alcohol<sup>i</sup>.

### HOW MANY OF US CONSUME ALCOHOL?

The 2014 Victorian Population Health Survey found that<sup>ii</sup>:



### HOW AVAILABLE IS ALCOHOL IN GLEN EIRA?

As of May 2018, there are 428 active liquor licences in Glen Eira<sup>iv</sup>, including:

70 licences for takeaway venues, such as cellars, supermarkets, hotels, taverns, bars and clubs	208 licences for venues where alcohol can be purchased and consumed on premises only, including about 180 restaurants and cafes	54 licences for venues that allow patrons to BYO alcohol
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The number of liquor licences has increased around 4.4% per year on average over the last three years. Currently, Glen Eira ranks 12 of the 31 Greater Melbourne LGAs for the total number of liquor licences in the municipality.

### FOR HOW MANY OF US IS ALCOHOL CONSUMPTION A PROBLEM?

The 2014 Victorian Population Health Survey found that of those who consumed alcohol in Glen Eira<sup>vi</sup>.

65.6% consumed **more than the recommended** two standard drinks a day over time (compared with 59.2% in Victoria), placing them at risk of long term harm

45.7% consumed **more than the recommended** four standard drinks on single drinking occasions (compared with 42.5% in Victoria) placing them at risk from short term injury

In 2016-17, there were **5,451,328 litres of wholesale liquor sold to suppliers in Glen Eira**. Glen Eira had the second lowest amount of liquor sold of all Greater Melbourne LGAs and the lowest number of litres of liquor sold per adult of any Melbourne LGA<sup>v</sup>

The 2015 VicHealth Indicator Survey estimated that in Glen Eira<sup>vii</sup>:

33.7% consumed more than 5 standard drinks in a single occasion at least once a month (29.4% in Victoria) placing them at high risk of short term injury

9.5% consumed more than 11 standard drinks in a single occasion at least once a month (9.2% in Victoria) placing them at very high risk of short term injury



## WHAT ARE THE HARMS THAT CAN RESULT FROM OVER CONSUMPTION OR RISKY CONSUMPTION OF ALCOHOL?

High or risky alcohol use can result in:

Drink driving and accidents on the roads	Injuries from violence (including family violence) and crime	Absenteeism, effects on workplace productivity and employment	Family and relationship impacts, including breakdown and social isolation	Cardiovascular, digestive and neuropsychiatric diseases, cancers and injuries, lower life expectancy
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## HOW IS ALCOHOL HARMING PEOPLE IN GLEN EIRA?

### Ambulance call-outs

Data compiled by Turning Point Drug and Alcohol Centre<sup>viii</sup> finds that in 2016-17, there were 338 alcohol intoxication related ambulance attendances in Glen Eira, for 195 males and 143 females.

The number of ambulance attendances equates to 226.8 per 100,000 persons

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 26 of 31 (where 1 is highest)

The most numerous age group of those involved in ambulance attendances for alcohol in 2016-17 is 40-64 years. However, as a proportion of the total population of each group it is highest for those aged 15-24 years.

### Hospitalisation

Turning Point data<sup>ix</sup> finds that in 2014-15, there were 899 alcohol-related hospitalisations in Glen Eira, for 489 males and 410 females.

The number of hospitalisations equates to 62.4 per 10,000 persons

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 11 of 31 (where 1 is highest)

### Fatalities

Research in Australia indicates that cardiovascular disease and cancer account for most alcohol-related deaths. We don't know the cause of alcohol related deaths in Glen Eira, but Turning Point data indicates that in 2014, there were:

13 alcohol related deaths

7 male, 5 female and 1 for whom details are unknown

### Health services clients receiving alcohol and drug treatment services.

Information collated by the Victorian Department of Health finds that in 2015, there were three in every 1,000 health services clients in Glen Eira who are receiving alcohol and drug treatment services<sup>x</sup>.

This rate places Glen Eira at 25<sup>th</sup> of 31 Greater Melbourne LGAs (where 1 is highest)

Headspace in Glen Eira received 78 referrals in the six months to February 2018 where substance abuse was an issue.

## Family violence

Turning Point Drug and Alcohol Centre information suggests that in 2014-15, there were 130 incidents of family violence in Glen Eira where alcohol was definitely or positively involved.

The number of family violence incidents definitely or positively involving alcohol equates to 8.9 per 10,000 persons

Compared to other Greater Melbourne LGAs, this ranks Glen Eira 27 of 31 (where 1 is highest)

## DRUNK AND DISORDERLY IN PUBLIC INCIDENTS

Between January and December 2017 there were 122 incidents in Glen Eira where drunk and disorderly in public was the primary offence<sup>xi</sup>.

This equates to 81.1 incidents per 100,000 persons

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 14 of 31 (where 1 is highest)

## REFERENCES AND NOTES

<sup>i</sup> Australian Institute of Health and Welfare, 'Alcohol; about', <https://www.aihw.gov.au/reports-statistics/behaviours-risk-factors/alcohol/about-alcohol>

<sup>ii</sup> Department of Health and Human Services 2016, 'Victorian Population Health Survey 2014: Modifiable risk factors contributing to chronic disease, *State Government of Victoria*, <https://www2.health.vic.gov.au/public-health/population-health-systems/health-status-of-victorians/survey-data-and-reports/victorian-population-health-survey/victorian-population-health-survey-2014>

<sup>iii</sup> Glen Eira City Council, 2018, 'Glen Eira Student Resilience Survey 2017 Report', <https://www.gleneira.vic.gov.au/Community-services/Youth/Youth-consultation>

<sup>iv</sup> Victorian Commission for Gambling and Liquor Regulation, 'Victorian liquor licences by location', <https://www.vcglr.vic.gov.au/resources/data-and-research/liquor-data/liquor-licences-location>

<sup>v</sup> Victorian Department of Justice and Regulation, 'Victorian wholesale liquor sales data', <http://www.justice.vic.gov.au/utility/data+and+research/wholesale+liquor+data>

<sup>vi</sup> Study based on the National Health and Medical Research Council's 2009 guidelines for the consumption of alcohol, <https://www.nhmrc.gov.au/health-topics/alcohol-guidelines>

<sup>vii</sup> VicHealth 2016, 'VicHealth Indicator Survey 2015; Glen Eira', <https://www.vichealth.vic.gov.au/media-and-resources/publications/vichealth-indicators-lga-profiles-2015>

<sup>viii</sup> Turning Point Drug and Alcohol Centre, 'AOD Ambo Stats LGA Map', <http://amboaodstats.org.au/VicLGA/>

<sup>ix</sup> Turning Point Drug and Alcohol Centre, 'AOD stats LGA Map', <http://aodstats.org.au/VicLGA/>

<sup>x</sup> Department of Health Victoria, 'Data: Southern Metro Region 2015; Glen Eira', <https://www2.health.vic.gov.au/about/publications/data/southern-metro-region-2015>

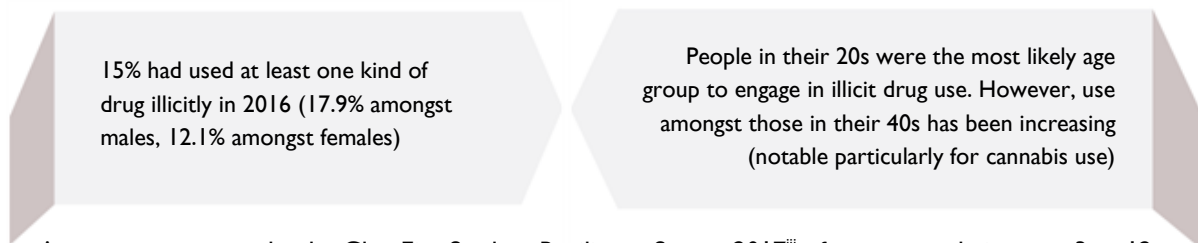
<sup>xi</sup> Crime Statistics Agency Victoria, <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/recorded-criminal-incidents-0>

## FACTSHEET 3 – ILLICIT DRUG USE AND IMPACTS

Illicit use of drugs can involve use of **illegal drugs** (such as cannabis, heroin and cocaine) as well as the **misuse of pharmaceutical drugs** (such as opioid pain relief medication)<sup>i</sup>. Pharmaceutical drugs can cause significant harm when used in ways outside of their intended purpose. These harms can be equivalent to those that result from use of illegal drugs.

### HOW MANY OF US ENGAGE IN ILLICIT DRUG USE?

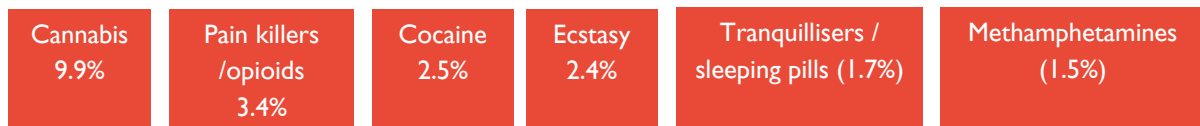
Information on illicit drug use in Glen Eira is very limited. However, the National Drug Strategy Household Survey 2016 found that amongst Victorians over 14 years<sup>ii</sup>:



Amongst young people, the Glen Eira Student Resilience Survey 2017<sup>iii</sup> of young people in years 3 to 12 found that 97% did not use illegal drugs: 98% of females did not and 97% of males did not.

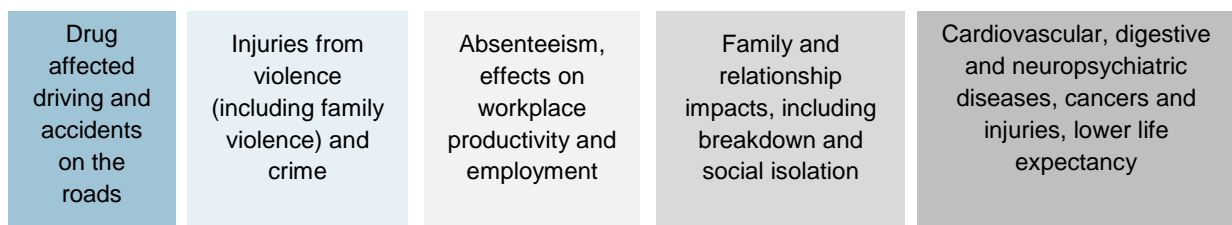
### WHICH DRUGS ARE WE USING?

The National Drug Household Survey 2016 found that amongst Victorians over 14 years, the most commonly used drugs (and the proportion who used them) were:



### WHAT ARE THE OUTCOMES THAT CAN RESULT FROM ILLICIT DRUG USE?

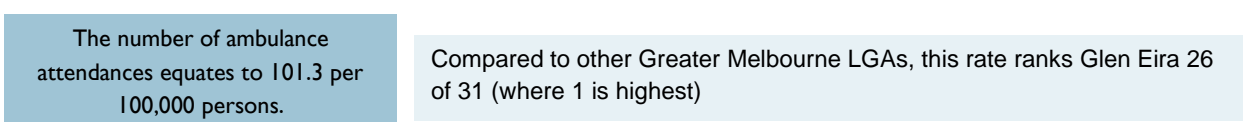
Drug-related harms for individuals, family, friends, workplace and community include:



### HOW IS ILLICIT DRUG USE HARMING PEOPLE IN GLEN EIRA?

#### Ambulance call-outs – illegal drugs

Turning Point Drug and Alcohol Centre finds that in 2016-17, there were 151 illegal-drug related ambulance attendances in Glen Eira, **69.5% of these for males**<sup>iv</sup>.



The majority of illegal drug-related ambulance attendances in Glen Eira in 2016-17 (and their proportion of all illegal ambulance attendances) were:

Cannabis 25.5%	Amphetamines 19.8%	Heroin 18.2%	Crystal methamphetamine 14.6%
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### Ambulance call-outs pharmaceutical drugs

Turning Points finds that in 2016-17, there were 196 pharmaceutical-drug related ambulance attendances in Glen Eira. **56.6% of these for females**<sup>v</sup>.

The number of ambulance attendances equates to 131.5 per 100,000 persons.

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 25 of 31 (where 1 is highest)

### Hospitalisation for illegal drug use

Turning Point finds that in 2014-15 in Glen Eira there were<sup>vi</sup>:



336 male and 162 female

The number of hospitalisations equates to 34.6 per 10,000 persons

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 4 of 31 (where 1 is highest)

52% of illegal drug-related hospitalisations were for stimulants including cocaine and ecstasy

43.5% of illegal drug related hospitalisations were for cannabis

Heroin, Amphetamines and Hallucinogens each accounted for less than 2% of all illegal drug-related hospitalisations

### Hospitalisation for pharmaceutical drug use

Turning Point finds that in 2014-15 in Glen Eira, there were<sup>vii</sup>:



88 male and 200 female

The number of hospitalisations equates to 20 per 10,000 persons

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 7 of 31 (where 1 is highest)

The highest number of hospitalisations for both illicit and pharmaceutical drugs was in the 40-64 age bracket - followed by 25-39 years old for illegal drugs and 15-24 year olds for pharmaceutical drugs.

## Drug-related criminal incidents

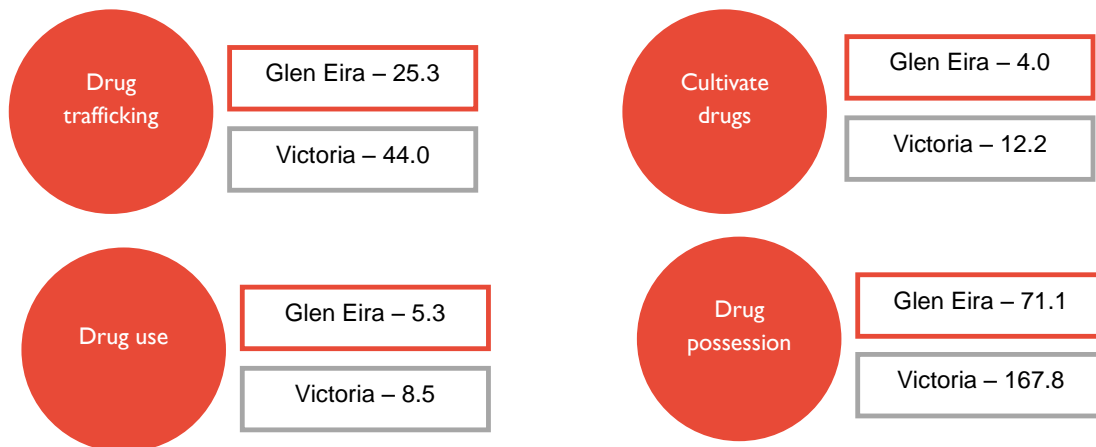
The Crime Statistics Agency finds that between January and December 2017, there were a total of **162 drug incidents recorded in Glen Eira by Victoria Police**<sup>viii</sup>.

The number of drug-related incidents equates to 107.7 per 100,000 persons.

Compared to other Greater Melbourne LGAs, this rate ranks Glen Eira 25 of 31 (where 1 is highest)

Drug incidents as a proportion of all criminal incidents in Glen Eira has remained relatively stable over time. In 2017 this proportion was 3.0%

In 2017 the key drug related criminal incidents **per 100,000** persons were:



## REFERENCES AND NOTES

<sup>i</sup> Australian Institute of Health and Welfare 2017, 'National Drug Strategy Household Survey 2016: detailed findings', <https://www.aihw.gov.au/getmedia/15db8c15-7062-4cde-bfa4-3c2079f30af3/21028a.pdf.aspx?inline=true>

<sup>ii</sup> Ibid

<sup>iii</sup> Glen Eira 2018, 'Glen Eira Student Resilience Survey 2017; Report', <https://www.gleneira.vic.gov.au/Community-services/Youth/Youth-consultation>

<sup>iv</sup> Turning Point Drug and Alcohol Centre, 'AOD Ambo Stats Vic LGA Map', <http://amboaodstats.org.au/VicLGA/>

<sup>v</sup> Ibid

<sup>vi</sup> Turning Point Drug and Alcohol Centre, 'AOD Stats Vic LGA Map', <http://aodstats.org.au/VicLGA/>

<sup>vii</sup> Ibid

<sup>viii</sup> Crime Statistics Agency, 'Crime by location', <https://www.crimestatistics.vic.gov.au/explore-crime-by-location>

**9.6 GLEN EIRA FAMILY VIOLENCE PREVENTION ACTION PLAN 2018-2019 AND POLICY**

**Author:** Ana Tsaganos, Team Leader Community Development

**Trim No:** 18/1164543

**Attachments:** 1. Family Violence Prevention in the Community Policy  
2. Family Violence Prevention Action Plan 2018-19

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**PURPOSE AND SUMMARY**

To seek approval for the *Glen Eira Family Violence Prevention Action Plan 2018-2019* and the *Family Violence Prevention in the Community Policy* that has been developed to guide Council's activities related to the prevention of family violence.

**RECOMMENDATION**

That Council endorses the *Glen Eira Family Violence Prevention Action Plan 2018-2019* and the *Family Violence Prevention in the Community Policy*.

**BACKGROUND**

Family violence and violence against women is widely recognised as a problem of significant magnitude. It has serious and far reaching implications on the health and wellbeing of those affected and has significant social and economic costs on communities.

Council's approach to family violence focuses on primary prevention that seeks to prevent violence before it occurs and aims to address the underlying causes of violence that influence individual attitudes and behaviour.

For the past three years Glen Eira City Council has increased its commitment to family violence prevention, particularly since the release of the Royal Commission into Family Violence Report in April 2016.

Council has been actively working on the prevention of family violence and violence against women as an employer, as a service provider and as a community leader.

Over the past year Council, in partnership with key organisations has successfully delivered the Family Violence Action Plan 2017-2018. Key highlights include:

- Over 1300 Council staff completed the Family Violence and Gender Equity E-learning module
- An increase in activities delivered during White Ribbon Day and the 16 Days of Activism including the coffee cup initiative supported by eleven cafes in 2018 (compared to four in 2017), expansion of gender equity book displays at all four Councils libraries and a community based event – a screening of *Call me Dad* with a facilitated panel of experts.
- The development of a Family Violence Resource Kit for all staff.
- The development of a new insert about Healthy and Unhealthy Relationships added to the Maternal and Child Health Record book.
- A community wide International Women's Day celebration.
- The delivery of two new staff training modules facilitated by Domestic Violence Resource Centre Victoria – *Identifying and Responding to Family Violence for Frontline Staff* and *Don't Walk Past – Bystander Action in the Workplace*.



Activities focused on responding to family violence were also delivered through Council's Municipal Public Health and Wellbeing Plan 2017-2021 and more recently actions to address family violence have been included in Council's new Community Safety Plan 2018-2022.

## ISSUES AND DISCUSSION

The *Family Violence Prevention in the Community Policy* (Attachment One) outlines how Council will work to address and prevent family violence.

The *Glen Eira Family Violence Prevention Action Plan 2018 -2019* (Attachment Two) outlines Council's approach to family violence prevention activities. It articulates a vision for Glen Eira as a safe, healthy and inclusive community that is free from all forms of family violence.

This Action Plan builds on and expands activities delivered in the *Glen Eira Family Violence Prevention Action 2017-2018*.

Council has aligned its strategic pillars to the regional *Preventing Violence Together; A Strategy for the Southern Metropolitan Region 2016-2021*. The pillars are:

- Community Change;
- Leadership through Partnerships;
- Organisational Change;
- Supporting Evidence and Research; and
- Sustaining Commitment.

Actions have been developed from each of the following key objectives:

1. To implement strategies in the delivery of Council services that support prevention of family violence.
2. To facilitate activities that will increase the capacity of community organisations/ individuals to prevent family violence.
3. To increase Council communications and media on the prevention of family violence.
4. To actively participate and work with established partnerships on preventing family violence across the region.
5. To develop new opportunities for partnerships and collaboration across community groups in the municipality.
6. To develop family violence prevention initiatives and support staff who may be experiencing family violence.
7. To improve understanding across the workforce in the prevention of family violence and support for diversity, gender equality and respectful relationships.
8. To apply best practice approaches outlined in Victoria's state strategy *Safe and Strong* to prevent violence against women through gender equality.
9. To implement evaluation and review of initiatives to respond to and prevent family violence.
10. To share knowledge with other organisations and build collective understanding of local service needs.
11. To embed the prevention of family violence in the *Council and Community Plan 2017–2021* and *Municipal Health and Wellbeing Plan 2017–2021*.
12. To participate in advocacy opportunities to drive the prevention of family violence on a regional and state-wide level.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Activities that are outlined under the *Glen Eira Family Violence Prevention Action Plan 2018-2019* are predominantly funded under the Community Wellbeing directorate and have been incorporated into the 2018-2019 budget. Some action items receive contribution from other departments such as People and Culture.

**POLICY AND LEGISLATIVE IMPLICATIONS**

*Glen Eira City Council's Family Violence Prevention Action 2018-2019* supports and aligns with:

- Glen Eira City Council's Municipal Public Health and Wellbeing Plan 2017-2021
- Glen Eira City Council Enterprise Agreement 2016
- Family Violence Protection Act 2008
- Commonwealth, State and Territory Governments, *National Plan to Reduce Violence Against Women and their Children* 2010-2022
- State of Victoria, *Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women*, 2017
- State of Victoria (Department of Premier and Cabinet), *Ending Family Violence: Victoria's Plan for Change*, 2016
- State of Victoria, *Safe and Strong - A Victorian Gender Equality Strategy*

**COMMUNICATION AND ENGAGEMENT**

*Glen Eira Family Violence Prevention Action Plan 2018-2019* was developed in collaboration with the Family Violence Prevention Champions Group and all the departments and teams leading activity in the Plan.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Three: Safe, Healthy and Inclusive

A strong and safe community that connects people and enhances health and wellbeing.

**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 approves the proposed *Glen Eira Family Violence Prevention Action Plan 2018-2019* and the *Family Violence Prevention in the Community Policy* that outlines Council's approach to address the issue of family violence.

# FAMILY VIOLENCE PREVENTION IN THE COMMUNITY POLICY

<b>Date first adopted:</b> [      ]	<b>Version: 1</b>	<b>Status:</b>
<b>Amended and Adopted:</b> [      ]	<b>Next review date:</b> [      ]	
<b>Position Title of Responsible Business Unit Manager:</b>		

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[Title]

Glen Eira City Council

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## 1. TITLE

Family Violence Prevention In The Community Policy

## 2. OBJECTIVE

To outline the approach Council will take in working to prevent family violence and violence against women in the community by:

- promoting an understanding about the prevalence, severity and impact family violence has on the health, wellbeing and safety of our community.
- promoting an understanding about the underlying drivers and causes of family violence.
- working with the Glen Eira community to create a municipality that is:
  - free from violence
  - gender equal
  - respectful and inclusive

## 3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Family violence	'(a) behaviour by a person towards a family member of that person if that behaviour is: physically, sexually, emotionally, psychologically or economically abusive; threatening; coercive; or in any other way controls or dominates the family member and causes them to feel fear for the safety or wellbeing of that family member or another person; or (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a)' ( <i>Family Violence Protection Act 2008 (Vic)</i> )
Violence against Women	'any act of gender-based violence that results in, or is likely to result in physical, sexual and psychological harm or suffering to women...' (UN Declaration on Elimination of Violence against Women 1993)

## 4. SCOPE AND RESPONSIBILITIES

- 4.1 Council's approach to family violence focusses on primary prevention. Primary prevention works to prevent violence before it occurs aiming to address the underlying causes of violence that influence individual attitudes and behaviour.
- 4.2 Council will work towards preventing family violence and violence against women as an employer, as a community leader and as a service provider. It will provide targeted activities through both the work place and the community.
- 4.3 Council will work to implement strategies in the delivery of Council services that support prevention of family violence, particularly in interactions with children and young people.

- 4.4 Council will establish and maintain a Family Violence Prevention Champions Group with representatives from across Council departments and the Group will be supported by the Community Wellbeing Directorate. A range of initiatives on the prevention of family violence will be led by the Family Violence Prevention Champions Group.
- 4.5 Council will educate staff to recognise and refer family violence matters, including training staff in direct care services such as Family and Children's Services, in-home support and social support, as well as staff in customer service and local laws officers.
- 4.6 Council will advocate wherever possible to further the prevention of family violence and include actions in key Council plans and strategies, as well as commit to participate in public campaigns which raise awareness of the issue.
- 4.7 Council will develop and implement an annual Family Violence Prevention Action Plan. It will further address family violence as a key priority within the Municipal Public Health and Wellbeing Plan and include actions for the prevention of Family Violence in the Glen Eira Community Safety Plan.
- 4.8 Council will educate and inform the community on family violence prevention and work with State and Federal Governments on prevention initiatives.
- 4.9 Council will work in partnership with other organisations to prevent family violence. This will include participation in regional and municipal networks and implementation of training. Partnerships will be used to advocate for change, coordinate responses and communicate key messages to the community.

## **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**

Glen Eira Council and Community Plan 2017-2021 – Theme 3 Safe, Healthy and Inclusive

Glen Eira City Council Municipal Public Health and Wellbeing Plan 2017-2021

Glen Eira Family Violence Prevention Action Plan 2017-2018

Glen Eira Family Violence Fact Sheet

Family Violence Prevention and Support for Staff Policy

## **7. REFERENCES/RESOURCES**

Family Violence Protection Act 2008 (Vic)

Equal Opportunity Act 2010 (Vic)

Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) *Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and Their Children in Australia*, Our Watch, Melbourne, Australia.

Commonwealth, State and Territory Governments, *National Plan to Reduce Violence Against Women and their Children 2010-2022*

Public Health and Wellbeing Act 2008

State of Victoria, *Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women*, 2017

State of Victoria, *Royal Commission into Family Violence: Summary and recommendations*, Parl Paper No 132 (2014–16).

State of Victoria (Department of Premier and Cabinet), *Ending Family Violence: Victoria's Plan for Change*, 2016

State of Victoria (Department of Premier and Cabinet), *Safe and Strong: a Victorian Gender Equality Strategy*, 2016

Women's Health in the South East, *Preventing Violence Together: a Strategy for the Southern Metropolitan Region 2016 – 2021*

MAV and Vic Health – Local Government Preventing Violence Against Women Report – a local government responsibility 2013



GLEN EIRA  
CITY COUNCIL

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

# GLEN EIRA FAMILY VIOLENCE PREVENTION ACTION PLAN 2018–2019





# Our commitment to making a difference

## Purpose

Glen Eira City Council is working hard to help build a safer community with our local and regional partners — one that prevents family violence before it begins.

The *Glen Eira Family Violence Prevention Action Plan* outlines Council's approach to the prevention of family violence and violence against women and their children. It works toward a vision for Glen Eira as a safe, healthy and inclusive community that is free from all forms of family violence.

This is the second *Family Violence Action Plan* to be delivered by Council that will be implemented using a whole of organisation approach.

## Scope

Council has a unique role in the community, as a deliverer of services, manager of assets, employer and community leader with a responsibility for championing local community interests.

Council understands that the most effective approach to preventing family violence is to reject family violence in all its forms, to act on the underlying causes that condone violence against women and to work on promoting respect and equality. Council will work towards preventing family violence as an employer, as a community leader and as a service provider. It will provide targeted activities that address family violence through the work place, the community and in the home.

## Council's approach

Council's approach to family violence focuses on primary prevention — which works to prevent violence before it occurs. Council aims to address the underlying causes and drivers of family violence that influence individual attitudes and behaviour.

Primary prevention applies a whole of population approach or may target particular groups who are at risk. It seeks to build knowledge and skills around the drivers of violence against women rather than focus on the behaviour of individuals or perpetrators. In this way, primary prevention strategies address the causal contributors that evidence demonstrates lead to family violence.

These typically focus on social structures; norms and practices that perpetuate disrespect, discrimination; and violence towards women and children.

## Policy context

The *Southern Regional Preventing Violence Together Strategy 2016–2021* by Women's Health in the South East (WHISE) is the foundation document from which the *Glen Eira Family Violence Prevention Action Plan* is developed. This regional *Strategy* is supported and underpinned by a rich compilation of evidence, research and policy at state and national levels. It is particularly aligned with the national plan to *Reduce Violence Against Women and their Children (2010–2022)* and *Change the Story: a shared framework for the primary prevention of violence against women and their children in Australia (Our Watch)*. The *Royal Commission into Family Violence Report* with its 227 recommendations, reinforces how critical and imperative this work is for our community right now. The recommendations and the policy directions across this body of work, inform and shape the approach taken in Glen Eira's *Family Violence Prevention Action Plan*.

## Our commitment

Glen Eira's *Family Violence Prevention Action Plan* is based on Council's signed commitment to a regional partnership to prevent violence against women and their children involving more than 30 partners that have made a pledge of commitment to work together under the *Preventing Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021* (WHISE 2016).

Glen Eira City Council's commitment to the prevention of family violence is further embedded in Council's *Municipal Public Health and Wellbeing Plan 2017-2021* and *Community Safety Plan 2018–2022* and in a range of policy and resource documents.

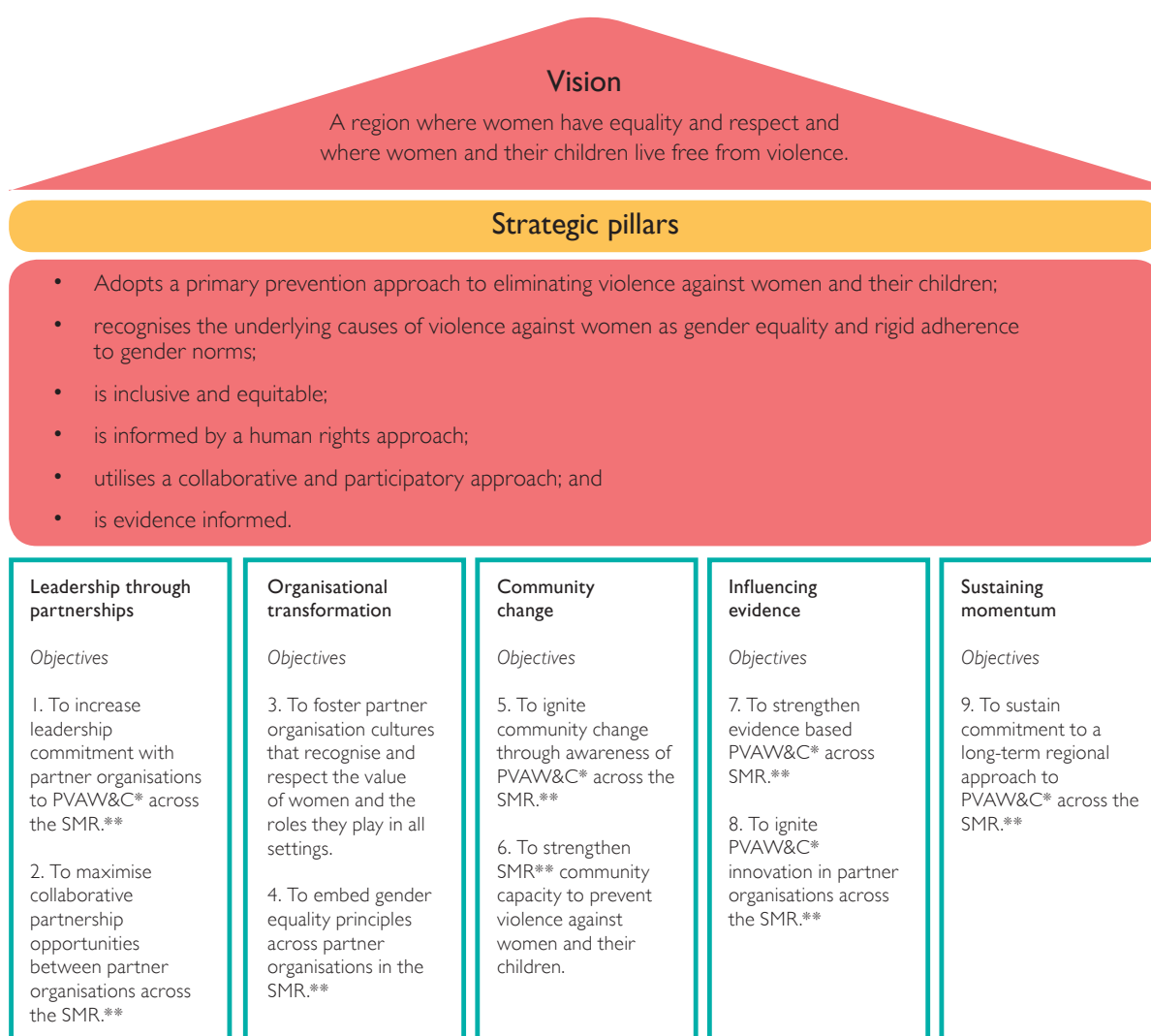
Over the past 12 months, Council has kept up the momentum of working on the prevention of family violence and expanded our activities and reach within Council and the wider community.

We commit to continue this work into the next year and into future years.

# Regional framework for family violence prevention

## Preventing violence together — A Strategy for the Southern Metropolitan Region 2016–2021

Women's Health in the South East (WHISE) has led the development of a regional strategy in partnership with community and health organisations, and local governments. This WHISE regional framework (below) guides the work undertaken in Glen Eira. The regional strategy identifies a vision, core principles and strategic pillars, which can be used within an organisational and municipal context.



Source: *Preventing Violence Together Strategy 2016–2021* Womens Health in the South East (WHISE).

\* Prevention of Violence Against Women and their Children.

\*\* Southern Metropolitan Region.

The regional strategy utilises partnerships across 10 local government areas in the region through a structure, including a steering committee for oversight, and Communities of Practice to guide knowledge, learning, and project activity. Additionally, the Southern Melbourne Primary Care Partnership (PCP) Family Violence Working Group aligns to support more local partnership projects across five local government areas.





Glen Eira City Council's *Action Plan* utilises the strategic pillars of the regional framework for family violence prevention, which is supported through partnership and organisational activity across the region.

Steering  
committee

Communities of  
practice

Southern Melbourne  
Primary Care  
Partnership Family  
Violence Working group

# Glen Eira City Council's Family Violence Prevention Action Plan

## Vision

A safe, healthy and inclusive community that supports gender equality and is free from all forms of family violence.

## Glen Eira City Council's Family Violence Action Plan

- adopts a primary prevention approach to eliminating violence against women and their children;
- recognises "that violence against women and children is deeply rooted in power imbalances that are reinforced by gender norms and stereotypes"<sup>1</sup>
- is informed by evidence, research, policy and best practice directions; and
- is based on partnership, participation and collaboration.

### GECC Municipal Public Health and Wellbeing Plan 2017–2021

Identifies family violence prevention as a strategic priority for Council and delivers a set of defined actions.

### GECC Family Violence Prevention in the Community Policy

Guides Council's commitment to the prevention of family violence.

### GECC Family Violence Preventions Champions Group

Delivers organisational leadership and co-ordinates the delivery of an annual action plan.

## Strategic pillars

Community change	Leadership through partnerships	Organisational change	Supporting evidence and research	Sustaining commitment
<b>Objectives</b> <ol style="list-style-type: none"> <li>1. To implement strategies in the delivery of Council services that support both prevention and early intervention of family violence.</li> <li>2. To facilitate activities that will increase the capacity of community organisations/ individuals to prevent family violence.</li> <li>3. To increase Council communications and media on the prevention of family violence.</li> </ol>	<b>Objectives</b> <ol style="list-style-type: none"> <li>4. To actively participate and work with established partnerships on preventing family violence across the region.</li> <li>5. To develop new opportunities for partnerships and collaboration across community groups in the municipality.</li> </ol>	<b>Objectives</b> <ol style="list-style-type: none"> <li>6. To develop family violence prevention initiatives and support staff who may be experiencing family violence.</li> <li>7. To improve understanding across the workforce in the prevention of family violence and support for diversity, gender equality and respectful relationships.</li> <li>8. To apply best practice approaches outlined in Victoria's state strategy, <i>Safe and Strong</i>, to prevent violence against women through gender equality.</li> </ol>	<b>Objectives</b> <ol style="list-style-type: none"> <li>9. To implement evaluation and review of initiatives that respond to and prevent family violence.</li> <li>10. To share knowledge with other organisations and build collective understanding of local service needs.</li> </ol>	<b>Objectives</b> <ol style="list-style-type: none"> <li>11. To embed the prevention of family violence in the <i>Council and Community Plan 2017–2021</i> and <i>Municipal Health and Wellbeing Plan 2017–2021</i>.</li> <li>12. To participate in advocacy opportunities to drive the prevention of family violence on a regional and state-wide level.</li> </ol>

<sup>1</sup>State of Victoria, Royal Commission into Family Violence Summary and Recommendations, March 2016, page 2.



## STRATEGIC PILLAR:

# Community change

**Objective one: To implement strategies in the delivery of Council services that support both prevention and early intervention of family violence.**

Actions	Measure	Timelines	Who
<b>I.1</b> Deliver family violence assessment by maternal and child health nurses to mothers and children attending service.	Implement the revised <i>Child Risk Assessment Framework</i> during identified Key Ages and Stages visit.  Review the assessment and referral data recorded relating to family violence.	June 2019	Maternal and Child Health Service
<b>I.2</b> Deliver a legal practitioner partnership program between Maternal and Child Health Service and Peninsula Community Legal Centre.	Mothers attend the legal practitioner program through the Maternal and Child Health service that are experiencing family violence and seeking information and legal advice.	June 2019	
<b>I.3</b> Provide Youth Services support to young people experiencing family or relationship issues.	At least 1,000 young people provided with information, referral and support through the Youth Information Centre.	June 2019	Youth Services
<b>I.4</b> Trial a new support group for young women to develop positive self-image and gender identity ( <i>Girl Up</i> ).	Establish the <i>Girl Up</i> support group for young women.	February 2019	Youth Services
<b>I.5</b> Trial piloting the <i>Engaging Father Support Program</i> provided by Dad's Group Inc. to support new fathers in their parenting role.	Explore the implementation of the <i>Engaging Father Support Program</i> .	February 2019	Maternal and Child Health Service
<b>I.6</b> Explore the delivery of the pilot program <i>Hair — the 3 R's</i> workshops delivered by Eastern Domestic Violence Resource Service.	Promote and seek interest in participation in the <i>Hair — the 3 R's</i> workshop with the Trader's Associations and local hairdressers.	November 2019	Business Development  Community Planning and Engagement



**Objective two: To facilitate activities that will increase the capacity of community organisations/individuals to prevent family violence.**

Actions	Measure	Timelines	Who
<b>2.1</b> Deliver activities and events to build community capacity to prevent family violence during <i>White Ribbon Day/16 Days of Activism</i> .	Deliver an annual community event to raise awareness and build capacity for the prevention of family violence in the community.	November–December 2018	Family Violence Prevention Champions Group
	Participate in the <i>WHISE 16 days of Activism</i> campaign.		Community Planning and Engagement
	Expand the display of gender equality books and activities in Glen Eira's four libraries and promote widely to all library user groups.		Library Services
	Include an article on <i>White Ribbon Day/16 days of Activism</i> in the October/November edition of <i>Glen Eira News</i> .		Media and Communications
	Promote information on Council's website, social media, and relevant Council newsletters.		Community Planning and Engagement
	Display banners in front of Town Hall portico/ Duncan Mackinnon Reserve and/or GESAC.		Buildings and Property
<b>2.2</b> Promote opportunities to apply for Council community grants for initiatives that address family violence and promote collaboration across community groups and organisations.	<i>Community Grants Program</i> delivered annually with family violence listed as a high priority.	June 2019	Community Planning and Engagement
	At least three community grants addressing family violence, violence against women and/or gender equity received in 2018–2019.	June 2019	
<b>2.3</b> Work with community groups/organisations to deliver health promotion activities and events that address the prevention of family violence in the community through promotion and partnership.	Undertake a minimum of one health promotion initiative on the prevention of family violence with a local community group.	June 2019	Family Violence Prevention Champions Group Community Planning and Engagement
<b>2.4</b> Be proactive in engaging hard to reach population groups.	Deliver one initiative that targets a culturally and linguistically diverse population group to promote awareness of family violence.	June 2019	Family Violence Prevention Champions Group Community Planning and Engagement



**Objective three: To increase Council communications and media on the prevention of family violence.**

Actions	Measure	Timelines	Who
<b>3.1</b> Provide information to community members on where to go in Glen Eira if they are experiencing family violence.	Review, update and distribute family violence flyer/ resources.	November 2018	Community Planning and Engagement
<b>3.2</b> Identify and promote existing family violence prevention resources to community organisations and residents in Glen Eira.	Distribute links to the South Safe website.  Identify resources and distribute to relevant groups, mailing lists and staff.	November 2018 and May 2019	Family Violence Prevention Champions Group  Community Planning and Engagement  Media and Communications
<b>3.3</b> Deliver a community wide bystander action initiative.	Deliver at least two bystander training workshops to the community.  Develop a Glen Eira City Council bystander action video to be shared on the internet and social media.	November 2018 and April 2019  December 2018	Community Planning and Engagement  Family Violence Prevention Champions Group  Media and Communications
<b>3.4</b> Promote awareness of elder abuse.	Run awareness raising activities and messaging during <i>Elder Abuse Awareness Week</i> (15 June).	June 2019	Social Support and Inclusion Team
<b>3.5</b> Develop signage and media messages in public spaces to denounce family violence in the community.	Implement at least two messaging/media projects per year.	November 2018 and April 2019	Family Violence Prevention Champions Group  Community Planning and Engagement  Media and Communications





## STRATEGIC PILLAR:

# Leading through partnership

**Objective four: To actively participate and work with established partnerships on responding and preventing family violence across the region.**

Actions	Measure	Timelines	Who
<b>4.1</b> To actively participate and contribute to the <i>Regional Preventing Family Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021</i> (WHISE).	Attend and represent Glen Eira City Council at WHISE Steering Group meetings according to meeting schedule.  Attend and represent Glen Eira City Council at Communities of Practice meetings according to meeting schedule.  Support the implementation of the <i>Preventing Violence Together Regional Strategy Action Plan</i> .	Track progress every two months	Community Planning and Engagement
<b>4.2</b> To actively participate and contribute to the <i>Southern Melbourne PCP Family Violence Working Group</i> .	Attend Southern Melbourne PCP Family Violence Working Group meetings according to meeting schedule and represent Glen Eira City Council in a range of region-wide primary prevention projects.	Meetings attended at least quarterly  July 2018–June 2019	Community Planning and Engagement
<b>4.3</b> Deliver one funded primary prevention project with the Southern Melbourne Primary Care Partnership — Family Violence Working group.	Represent Glen Eira City Council in delivering a primary prevention partnership initiative (for example — challenging the drivers of Family Violence through the power of Storytelling — Story Pods Project).	July 2018–June 2019	Community Planning and Engagement
<b>4.4</b> Explore a partnership with local sports teams to deliver an initiative on the prevention of family violence, gender equality and respectful relationships.	Undertake scoping and engagement for the project with interested sporting clubs.  Implement a gender equality and respectful relationships project with nominated sporting clubs.	February 2019  June 2019	Open Space and Recreation  Community Planning and Engagement



**Objective five: To develop new opportunities for partnerships and collaboration across community groups in the municipality.**

Actions	Measure	Timelines	Who
<b>5.1</b> Connect with local police on the status of family violence in the community.	Ensure a minimum of one meeting takes place annually with Victoria Police to discuss the status of family violence issues in the Glen Eira community.	December 2018	Community Planning and Engagement
<b>5.2</b> Collaborate with local community organisations servicing Glen Eira on the prevention of family violence.	Convene a minimum of two meetings with local community organisations to discuss service needs and possible working together opportunities on the prevention of family violence.  Participate in the Regional Family Services Network to support children and families at risk.	July 2018–June 2019  July 2018–June 2019	Community Planning and Engagement  Maternal and Child Health Service
<b>5.3</b> Increase Glen Eira's engagement in relevant LGPro Special Interest groups.	Explore Glen Eira City Council representation in the following LGPro Special interest groups: <ul style="list-style-type: none"> <li>• Community Development</li> <li>• Community Safety</li> <li>• Health and Wellbeing</li> </ul>	July 2018–June 2019	Family Violence Champions Group
<b>5.4</b> Seek community interest in developing family violence messaging by local family violence experts.	Co-ordinate a workshop with local family violence experts to look at the development of community messaging.	March 2019	Family Violence Prevention Champions Group  Community Planning and Engagement  Media and Communications



## STRATEGIC PILLAR:

# Organisational change

**Objective six: To develop family violence prevention initiatives and support staff who may be experiencing family violence.**

Actions	Measure	Timelines	Who
<b>6.1</b> Convene a regular Glen Eira City Council cross divisional Family Violence Prevention Champions Group.	Meetings convened with members of the Family Violence Prevention Champions Group bi-monthly.	Meetings held every two months — July, September, November, January, March, May	Community Planning and Engagement
<b>6.2</b> Provide staff experiencing family violence with readily available access to specialist counselling support.	Continue to provide the <i>Employment Assistance Program (EAP)</i> to provide counselling support for staff experiencing family violence.	July 2018–June 2019	People and Culture
<b>6.3</b> Provide advice to staff on the family violence provisions in Council's <i>Enterprise Bargaining Agreement (EBA)</i> .	Ensure readily available information on Council's <i>EBA</i> provisions is accessible to staff in relation to family violence, including the provision of up to 20 days leave for staff impacted by family violence.	November 2018	People and Culture



**Objective seven: To improve understanding across the workforce in the prevention of family violence and support for diversity, gender equality and respectful relationships.**

Actions	Measure	Timelines	Who
<b>7.1</b> Inform staff about family violence services available that support people experiencing family violence.	Deliver information to staff on a range of family violence support services, on three occasions over the year.	August 2018 November 2018 March 2019	Community Planning and Engagement  Family Violence Prevention Champions Group Communications Working Group
<b>7.2</b> Review the Family Violence Resource Kit.	Complete review of the Family Violence Resource Kit.	March 2019	People and Culture
<b>7.3</b> Implement the family violence and gender equity e-module to all new staff.	All new and existing staff to complete e-module as part of their compliance training.	Six months post commencement of employment	People and Culture
<b>7.4</b> Deliver bystander training in 2019.	Deliver at least one bystander training module to staff in 2019.	March 2019	Community Planning and Engagement  People and Culture
<b>7.5</b> Deliver family violence training to frontline staff in 2019–2020.	90 per cent of frontline staff have been trained on understanding and responding to Family Violence by 2020.	July 2018–June 2019	Community Planning and Engagement  People and Culture
<b>7.6</b> Deliver internal staff events and activities during <i>White Ribbon Day</i> and the <i>16 Days of Activism</i> .	<ul style="list-style-type: none"> <li>Deliver at least four awareness raising activities and events during <i>White Ribbon Day</i> and <i>16 Days of Activism</i>.</li> <li>eg. social, promotion of messages, events articles, website and social media etc.</li> </ul>	December 2018	Family Violence Prevention Champions Group  Community Planning and Engagement  Media and Communications
<b>7.7</b> Adopt the <i>Local Government Women's Charter</i> .	<i>Local Government Women's Charter</i> adopted.	December 2018	Community Planning and Engagement
<b>7.8</b> Deliver an International Women's Day event.	<i>International Women's Day</i> event delivered.	March 2019	Community Planning and Engagement  City Futures



**Objective eight: To apply best practice approaches outlined in Victoria's state strategy, *Safe and Strong*, to prevent violence against women through gender equality.**

Actions	Measure	Timelines	Who
<b>8.1</b> Include gender equality in our procurement and contract processes.	The 2018–2019 annual procurement review will promote gender equality goals in tender and procurement documentation.	June 2019	Procurement and Contracts Team
<b>8.2</b> Explore opportunities within our procurement and contracts practices to support gender equality.	Council suppliers, contracted organisations and funded agencies are encouraged through the tender process to identify and/or promote gender equality.	June 2019	Procurement and Contracts Team
<b>8.3</b> Review Council policies using a gender lens.	Review at least two policies in People and Culture and two policies in Family, Youth and Children Services using a gender lens.	June 2019	People and Culture Family, Youth and Children Services Community Planning and Engagement
<b>8.4</b> Support the implementation of the gender equality diagnostic tool to enable assessment of gender equality performance.	Implementation of gender equality diagnostic tool complete and training provided to relevant staff.	April 2019	People and Culture Community Planning and Engagement
<b>8.5</b> Ensure the implementation of Council's <i>Diversity Strategy</i> progresses strong equity outcomes across the organisation.	The workforce profile is balanced in regard to gender and reflects the diversity of the broader community.	June 2019	People and Culture



## STRATEGIC PILLAR:

# Supporting evidence and research

**Objective nine: To implement evaluation and review of initiatives that respond to and prevent family violence.**

Actions	Measure	Timelines	Who
<b>9.1</b> Undertake evaluation on a range of family violence initiatives and activities.	Evaluate the following primary prevention initiatives and events: <ul style="list-style-type: none"> <li>family violence prevention e-module;</li> <li>Maternal and Child Health assessments and referrals related to family violence;</li> <li>Maternal and Child Health legal practitioner program data;</li> <li>review <i>Employment Assistance Program</i> data; and</li> <li>Partnership initiatives undertaken (ie. <i>16 days of Activism</i>).</li> </ul>	June 2019	Community Planning and Engagement  People and Culture  Maternal and Child Health
<b>9.2</b> Undertake benchmarking of how other local governments and state government support staff in relation to family violence.	Complete a report outlining benchmarking data and including any recommendations to Family Violence Prevention Champions Group.	April 2019	Community Planning and Engagement  People and Culture

**Objective 10: To share knowledge with other organisations and build collective understanding of local service needs.**

Actions	Measure	Timelines	Who
<b>10.1</b> Distribute a survey to all staff on the impact of family violence initiatives and future needs analysis.	Implement and evaluate a survey to staff on family violence initiatives to date, including any recommendations for future planning.  Share findings to the Family Violence Prevention Champions Group and across Council.	April 2019	Family Violence Prevention Champions Group  Community Planning and Engagement
<b>10.2</b> Improve our data collection and research in family violence.	Review and expand our collection of family violence related data to inform on the impact of family violence on our community.  Share findings to the Family Violence Prevention Champions Group and across Council and other networks.  Participate in the Southern Melbourne PCP Data Working Group.	May 2019	Community Planning and Engagement
<b>10.3</b> Promote and advertise Council activities related to family violence on the South Safe website.	Promote the South safe website through the Family Violence Prevention Champions Group.  At least two Glen Eira City Council activities/media messaging and publications advertised on South safe website.	June 2019	Community Planning and Engagement  Maternal and Child Health

## STRATEGIC PILLAR:

# Sustaining commitment

**Objective 11: To embed the prevention of family violence in the *Council and Community Plan 2017–2021* and *Municipal Health and Wellbeing Plan 2017–2021*.**

Actions	Measure	Timelines	Who
<b>11.1</b> Implement a <i>Family Violence Prevention Action Plan 2018–2019</i> that is the responsibility of all of Council's divisions.	A minimum of 90 per cent of actions in <i>Family Violence Prevention Action Plan 2018–2019</i> completed.	August, October, December 2018, February, April and June 2019	Family Violence Prevention Champions Group Community Planning and Engagement
<b>11.2</b> Implement priority three in Council's <i>Municipal Health and Wellbeing Plan 2017–2021</i> — Respond to Family Violence.	A minimum of 90 per cent of measures in priority three of the <i>MPHWP</i> completed.	June 2019	Family Violence Prevention Champions Group Community Planning and Engagement
<b>11.3</b> Apply for grant funding to deliver or expand Council's primary prevention of family violence work.	Apply for a minimum of one grant per year.	June 2018–July 2019	Family Violence Prevention Champions Group Community Planning and Engagement Maternal and Child Health

**Objective 12: To participate in advocacy opportunities to drive the prevention of family violence on a regional and state-wide level.**

Actions	Measure	Timelines	Who
<b>12.1</b> To deliver advocacy activities on a regional and state-wide level.	Attend MAV PVAW network and provide a voice for Glen Eira City Council in family violence.  Advocate on the prevention of family violence through a range of avenues; for example: <ul style="list-style-type: none"> <li>engagement sessions with state government;</li> <li>through LGPro opportunities; and</li> <li>through advisory networks.</li> </ul>	July 2018–June 2019  July 2018–June 2019	Council and Executive Group  Family Violence Prevention Champions Group Community Planning and Engagement



## Evaluation and review:

*The Family Violence Prevention Action Plan* will be reviewed annually.

Glen Eira City Council will report on the activities outlined in this Action Plan.



## APPENDIX A

# Supporting strategies

	<p><b>Regional Strategy 2016</b></p> <p>Preventing Violence Together — A Strategy for the Southern Metropolitan Region 2016–21 (Women's Health in the South East).</p>
	<p><b>State Government initiatives</b></p> <p>Victorian Royal Commission into Family Violence Report and Recommendations 2016.</p>
	<p>Ending Family Violence; Victoria's Plan for Change 2017 (Vic Gov).</p> <p>Safe and Strong; A Victorian Gender Equality Strategy 2016 (Vic Gov).</p> <p>Free from Violence: Victoria's Strategy to Prevent Family Violence and all forms of Violence Against Women.</p>
	<p><b>Foundation documents/national campaigns</b></p> <p>National Plan to Reduce Violence against Women and their Children 2010–2022.</p> <p>National Plan to Reduce Violence against Women and their Children; Third Action Plan 2016–2019.</p> <p>Change the Story; A shared framework for the primary prevention of violence against women and their children in Australia (Our Watch) 2015.</p> <p>Framework for Preventing Violence against Women 2007 (VicHealth).</p>

## APPENDIX B

### Key recommendations of the Victorian Royal Commission into Family Violence 2016

The Victorian Royal Commission into Family Violence delivered its final report to Government in May 2016. The 13 month inquiry examined how government, organisations, private sector stakeholders and the community as a whole, can effectively:

- prevent family violence;
- improve early intervention;
- support victims;
- make perpetrators accountable;
- better co-ordinate community and government responses; and
- evaluate and measure strategies, frameworks, policies, programs and services.

Two hundred and twenty seven recommendations were made, directed at improving the foundations of the current system and building the structures that will oversee long-term reform.

While the full report is of critical interest for all governments, a number of the recommendations put forward by the Commission are of particular significance to councils:

- Recommendation 94 — councils must report on their proposed measures to reduce family violence and respond to victims.
- Recommendation 190 — Family violence leave must be included in all public sector enterprise agreements.
- Recommendation 192 — the Victorian Government must begin implementing best practice workplace programs in all public sector workplaces.
- Recommendation 202 — Council performance measures are used to encourage council activities designed to prevent family violence.
- Recommendation 223 — the Victorian Government must develop demand modelling tools/indicators for use in planning how government respond to family violence.

## APPENDIX C

### Statistics on family violence in Glen Eira

Data on family violence reflects only those incidents or circumstances that reach the attention of authorities, organisations or support services. It therefore provides only an incomplete picture of the prevalence of family violence in the community. Changing levels of awareness, willingness of those affected to speak out and better data collection methods are all factors which can influence data on family violence.

#### Family violence incidents reported to Police<sup>1</sup>

In Glen Eira, 1,007 family violence incidents were reported to Police (669.4 per 100,000 population) between July 2016 to June 2017. There were fewer incidents reported to the Police in Glen Eira than the majority of local governments in the Southern Metropolitan Region.

Family violence incidents reported to Victoria Police — July 2016 to June 2017		
	Number	Number per 100,000 population
Frankston	2718	1968.8
Greater Dandenong	2529	1593.7
Casey	4730	1522.5
Cardinia	1251	1252.9
Mornington Peninsula	1921	1214.2
Port Phillip	1138	1031.7
Kingston	1521	962.5
Glen Eira	1007	669.4
Bayside	679	655.7
Stonnington	719	636.8

(2018 Crime Statistics Agency, Family Violence Data Portal, Victoria Police)

However, both the number and the rate of family violence incidents reported to Police have increased in Glen Eira over time.

	2012–13	2013–14	2014–15	2015–16	2016–17
Number	717	795	845	894	1,007
Number per 100,000	507.1	552.0	557.4	600.6	669.4

(2018 Crime Statistics Agency, Family Violence Data Portal, Victoria Police)

#### Family violence intervention orders

One hundred and thirty one family incidents reported to Police in Glen Eira in 2016–17, involved an application for an intervention order. The table below shows the number of Police recorded family incidents where intervention orders were applied for in Southern Metropolitan local governments over time.

<sup>1</sup> [https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2017/11/97/a786ce367/Victoria%20Police%20Data%20Tables%202016-17.xlsx](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/11/97/a786ce367/Victoria%20Police%20Data%20Tables%202016-17.xlsx)

Number of Police recorded family incidents where an intervention order was applied for					
	2012–13	2013–14	2014–15	2015–16	2016–17
Casey	468	627	604	620	688
Greater Dandenong	274	266	281	305	337
Mornington Peninsula	282	306	255	299	303
Frankston	292	324	248	300	302
Cardinia	193	216	194	189	184
Kingston	193	172	150	142	174
Glen Eira	79	79	67	82	131
Port Phillip	95	98	108	140	115
Bayside	45	67	77	59	79
Stonnington	85	62	61	80	78

(2018 Crime Statistics Agency, Victoria Police, unpublished data)

### Family members affected by family violence<sup>2</sup>

People affected by family violence are listed on intervention orders as 'affected family members'. There may be more than one person on each order (for example, in the case of a mother and children applying for an order together)<sup>3</sup>.

For Glen Eira, there were 615 affected family members on family violence intervention orders\* in 2016–17, equating to a rate of 408.8 affected family members per 100,000 persons.

Affected family members in Family Violence Intervention Orders* July 2016 to June 2017		
	Number	Number per 100,000 population
Bayside	516	498.3
Cardinia	961	962.4
Casey	3373	1085.7
Frankston	1482	1073.5
Glen Eira	615	408.8
Greater Dandenong	2338	1473.3
Kingston	803	508.2
Mornington Peninsula	1256	793.9
Port Phillip	442	400.7
Stonnington	349	309.1

\*finalised family violence intervention order applications heard in the Magistrates Court.  
(2018 Crime Statistics Agency, Family Violence Data Portal, Magistrates Court)

Both the number and the rate have of affected family members on Family Violence Intervention Orders have increased in Glen Eira over time.

	2012–13	2013–14	2014–15	2015–16	2016–17
Number	717	795	845	894	1,007
Number per 100,000	507.1	552.0	557.4	600.6	669.4

<sup>2</sup> [https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2017/11/ec/94f6b441c/Magistrates%27%20Court%20Data%20Tables%202016-17.xlsx](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/11/ec/94f6b441c/Magistrates%27%20Court%20Data%20Tables%202016-17.xlsx)

<sup>3</sup> [https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2017/11/aa/b01bd4639/Explanatory%20Notes%20and%20Definitions%20-%20Courtlink.pdf](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/11/aa/b01bd4639/Explanatory%20Notes%20and%20Definitions%20-%20Courtlink.pdf)





**9.7 ELSTER CREEK CATCHMENT 2018 ACTION PLAN QUARTER TWO UPDATE**

**Author:** Julia Wilson, Senior Strategic Planner

**Trim No:** 18/1164762

**Attachments:** 1. *Elster Creek Catchment 2018 Action Plan Status*

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**PURPOSE AND SUMMARY**

To provide a progress update on the Elster Creek Catchment Action Plan. This update covers the work underway and scheduled actions that have been undertaken in the areas of advocacy from April to June 2018 (Quarter 2 update on the Elster Creek Catchment 2018 Action Plan).

**RECOMMENDATION**

That Council:

1. notes the information contained within the report and Quarter 2 status update of deliverables in the *Elster Creek Catchment Action Plan 2018*;
2. supports the community consultation and engagement activities within the *Action Plan*;
3. continues to support officer involvement in work that supports and identifies actions regarding flood risk communication and flood mitigation; and
4. acknowledges the positive engagement and commitment demonstrated by our partners: Melbourne Water, City of Bayside, City of Port Phillip and City of Kingston in working together on flood risk communication and mitigation initiatives in the Elster Creek catchment.

**BACKGROUND**

Implementation of the Elster Creek Catchment collaborative partnership has begun. The *Elster Creek Catchment Action Plan* for 2018 was endorsed on 27 September 2017, at the Elster Creek CEO Forum.

**ISSUES AND DISCUSSION**

The project partners have continued to work together to deliver the *Elster Creek Catchment Action Plan 2018* and this report is to advise of progress towards achieving the outcomes contained in the *Action Plan* for April to June 2018.

To demonstrate transparency and accountability to the community on project progress, an online *Action Plan* dashboard has been established which identifies each deliverable's status. The *Action Plan* dashboard is updated regularly.

Glen Eira's Elster Creek Catchment webpage contains a link to the *Action Plan* dashboard (Figure 1) which leads to the City of Port Phillip's website:

(<http://www.portphillip.vic.gov.au/elster-creek-catchment-action-plan.htm>)

Partner organisations have a similar arrangement.

Detail on the progress on each deliverable in the *Action Plan* can be found in Attachment 1.

Key achievements during the April to June 2018 period include the following:

1. **Deliverable 2 - Catchment view of infrastructure projects** has been completed including the development of a catchment wide asset register. This register will be used to inform future asset and mitigation conversation and decision making.
2. **Deliverable 5 Preparedness for flood events** has commenced including the development of a catchment based Flood Management Plan specific for the Elster Creek Catchment.
3. A DRAFT discussion paper has been distributed for comment in accordance with **Deliverable 9 Planning for the catchment**. This discussion paper looks at the options available through the planning scheme and policy review. This work will be informed by the State Government's investigation into planning and development controls for improving stormwater management and strengthening the links between water management and urban planning.
4. Completion of **Deliverable 10 Planning for the catchment** including undertaking a review of the Distributed Storages Study. The results of this review have initiated the commencement of two further distributed storages studies specifically for the Caulfield South Main Drain and the Moorabbin Main Drain.
5. Completion of **Deliverable 13a We communicate with our communities about flooding across the Elster Creek Catchment** including the endorsement of the Communications and Engagement Plan for the Elster Creek Catchment Project.
6. Completion of **Deliverable 16 Our engagement is focused** including the establishment of the Elster Creek Community Reference Group.

In addition, and separate to the *Action Plan*, Council is undertaking an Integrated Water Management Study for Caulfield Park. The study will explore opportunities for storm water harvesting, flood risk mitigation, and options on how water can be captured on site and repurposed.

Council officers also attended a workshop held by the *Improving Stormwater Management Advisory Committee* on mechanisms for linking Integrated Water Management and urban planning. The Committee will be issuing their final report in August/September 2018. Further planning actions undertaken in the Elster Creek Catchment will need to be cognisant of this work.

#### Related Projects

An Elsternwick Park North Working Group has been established following the Bayside City Council's decision to discontinue golf at Elsternwick Park North. Project partners include Bayside City Council, Glen Eira City Council, City of Port Phillip and Melbourne Water. A multi-partner working group, led by Bayside Council, has been established to consider the potential to incorporate integrated water management outcomes in any redevelopment of the park.

Glen Eira Council officers are also representing Elster Creek Catchment priorities at the Dandenong Catchment Integrated Water Management (IWM) Forum. The Elster Creek Catchment Project has been tabled as a project in this Forum and is being put forward for consideration and prioritisation against other integrated water management projects across the Dandenong catchment. A separate project description regarding the opportunity to redevelop Elsternwick Park North with a view to incorporate integrated water management outcomes has also been submitted for consideration by the IWM forum.

Council officers are also considering Elster Creek Catchment priorities as they relate to strategic sites within the East Village and Caulfield Station Precinct Structure Plans.

The Plan for East Village aims to deliver a system of integrated water management that encourages the re-use of stormwater, minimises flood risk, ensures the environmental health

of waterways, protects public health, and contributes towards a sustainable and green urban environment.

Council is partnering with the Victorian Planning Authority to develop a Structure Plan for the Caulfield Station Precinct. Officers will consider flood mitigation in the area during this process.

#### Community Reference Group

The *Elster Creek Community Reference Group* nomination process is now completed with membership endorsed by the Elster Creek Catchment Project Working Group.

Nominee applications were evaluated by each member of the working group and scored against the Terms of Reference and selection criteria. Two members from each council area were offered membership.

All successful and unsuccessful nominees have now been advised and officers from the City of Port Phillip and Melbourne Water have met with each Reference Group member to provide an overview of the roles of members and the purpose of the group.

The purpose of the Elster Creek Community Reference Group is to:

- Draw upon the knowledge and experience of the Community Reference Group members;
- Engage with the community to maximise feedback to ensure informed decision making;
- Inform the community on key projects and initiatives being undertaken in Elster Creek by Councils and State agencies; and
- Inform how best to deliver this information to the community.

The first Elster Creek Community Reference Group was held on the 13th July 2018. The group reviewed the terms of reference with some revision and agreement and set a meeting schedule. Officers provided a status update to the group and answered questions. Additionally, the group discussed using the lexicon to introduce and frame the language for the community to use when talking about flooding.

#### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

Endorsing the Action Plan does not commit Council to investing funds on Melbourne Water land or in other municipalities. The theme led by Glen Eira City Council can be managed under the operating budget of the City Futures Department.

#### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Action Plan* has no immediate legal and risk implications. A possible outcome of the Glen Eira led theme could be a Planning Scheme Amendment across the four Councils.

#### **COMMUNICATION AND ENGAGEMENT**

Partner Councils in collaboration with Melbourne Water are committed to working towards addressing community concerns regarding flooding. The Elster Creek Catchment presents unique challenges in the distribution of the catchment across multiple jurisdictional boundaries and asset owners.

By adopting a whole of catchment approach, the project partners can address flooding at a catchment scale where historically impacts and mitigation was limited by the local government boundaries.

Key to project success is having an active and engaged community who are eager to tackle the challenges alongside the project partners.

Communication regarding the Elster Creek Catchment will be undertaken through several processes. These are captured in the Communication and Engagement Plan. In summary, these include the following actions:

- establishment of an Elster Creek Catchment webpage including a project dashboard;
- periodic email updates to members of the stakeholder database;
- communication of project progress and feedback through the Elster Creek Community Reference Group;
- social media messages for specific activities and events; and
- Council quarterly updates.

#### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed

A well planned City that is a great place to live.

#### **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**

Flooding is not defined by municipal boundaries. It is defined by a water catchment, usually covering a number of municipalities and involving a range of public agencies and stakeholders. The Elster Creek catchment partnership represents a progressive and more effective way of tackling the flooding issue.

Progress has been made in implementing the *Elster Creek Catchment Action Plan 2018*.

Glen Eira City Council will continue to work closely with the partner Councils and Melbourne Water to continue to implement the *Elster Creek Catchment Action Plan* for 2018.

Elster Creek Action Plan	Deliverable	Timeframe	Outcome OR current status	Status	Responsibility
Catchment view of flood risk	<b>1.</b> An Elster Creek catchment wide flood map and flood risk map that includes: <ul style="list-style-type: none"> <li>1% Average Reoccurrence Interval (ARI) flood extent and a range of other more frequent flood extents.</li> </ul>	Jan 2018	Partially complete. Flood mapping for a range of flood extents has been provided to project partners. Actual floor level data and heat maps are in development.	Complete	Melbourne Water
	<ul style="list-style-type: none"> <li>Floor level data for all flood affected properties.</li> </ul>		1b) Floor level data maps for ECC	Started	Melbourne Water
	<ul style="list-style-type: none"> <li>Heat map of flood risk.</li> </ul>		1c) Risk (heat) map detailing areas of greatest risk ie: flood depths or flood frequency.	Started	Melbourne Water
Catchment view of infrastructure projects	<b>2.</b> A single asset investment view across the catchment: <ul style="list-style-type: none"> <li>Sharing existing and future planning of IWM and drainage investment options</li> <li>Identification of opportunities to influence projects based on the inclusion of flood risk reduction</li> <li>Collate previous investment across the catchment</li> </ul>	May 2018	Development of a single asset investment view across the catchment has been completed including the development of a catchment wide asset register. This register will be used to inform future asset and mitigation requirements including renewal and upgrades.	Complete	Bayside City Council
Review all options to reduce flood risks	<b>3.</b> A review of the 2011 GHD Flood Mitigation study to: <p>(a) Identify whether any of the mitigation options previously identified might be beneficial for mitigating higher Average Exceedance Probability (AEP) floods.</p>	March 2018	3a) Initial options assessments (as per mitigation options outlined in the 2011 GHD Report) are complete. Most options require use of open space in some form to provide flood storage.	Complete	Melbourne Water
		March 2018	3b) Discussion paper, setting out a range of principles for use of open space, is in draft with Melbourne Water. Community engagement plan to be drafted <ul style="list-style-type: none"> <li>The principles will be applied to two flood mitigation studies currently being undertaken in Elster Creek: <ul style="list-style-type: none"> <li>Elsternwick Park Golf Course redevelopment. The options analysis for this study is expected to be complete in late December 2018</li> <li>Ormond Flood Mitigation Study. Options analysis has been completed for this study. MW are working with GECC to evaluate the cost/benefit of this project with a decision to proceed or not expected mid-late August</li> </ul> </li> </ul>	Complete	Melbourne Water
			3c) Initiated a distributed storages study specifically for the Elster Creek catchment in two subcatchments – Caulfield South Main Drain and Moorabbin Main Drain	Started	Melbourne Water
	<b>4.</b> Investigate work and mitigation options prepared by Cooperative Research Centre (CRC).	April 2018	Underway, with Melbourne Water completing a high-level screening assessment for the local mitigation options study in Ormond and McKinnon and a further study to review the 2011 GHD report recommendations. Melbourne Water have developed a discussion paper looking at an alternative model for prioritisation for flood mitigation in the open space network. Melbourne Water are also in discussion with Glen Eira City Council regarding the use of open space for flood mitigation.	Started	Melbourne Water

<b>Elster Creek Action Plan</b>	<b>Deliverable</b>	<b>Timeframe</b>	<b>Outcome OR current status</b>	<b>Status</b>	<b>Responsibility</b>
Preparedness for flood events	<b>5.</b> Elster Creek Catchment Flood Management Plan developed which builds community understanding of flood risk, preparedness and response across the catchment by working with our partners.	April 2018	Commenced with Melbourne Water engaging the services of a consultant to develop a Flood Management Plan for the Elster Creek Catchment. The consultancy scope consists of two stages; the first to develop a flood management plan to meet the requirements of the Flood Strategy; the second to ensure that the catchment-based Flood Management Plan aligns with each Council-based Flood Management Plan.	Started	Melbourne Water
	<b>6.</b> Development of a pilot program that provides a tailored approach to flood awareness, education and response (with potential higher levels of services) based on sub catchment flood risk profiles.	July 2018	Not yet commenced as it is dependent on deliverable 5 outcomes.	Not Started	Melbourne Water
Post Flood actions	<b>7.</b> Work with EMV and VicSES to improve coordination of emergency response, including scenario planning and communications after flood events.	June 2018	Underway. Melbourne Water have commenced coordinating increased communication in flood preparedness, response and recovery. This included the development of a standard flood response template to proactively communicate with partners.	Started	Melbourne Water
Planning for the catchment	<b>8.</b> Complete a collective review (scan) of the Catchment's planning schemes to inform future 'catchment level' planning policy focussing on the reduction in flood risk and adaptability provisions.	Feb 2018	Hansen Partnership has completed a collective planning review and Glen Eira has shared this report with the project partners.	Complete	Glen Eira Council
	<b>9.</b> Define future planning policy opportunities from a catchment wide perspective (IWM, RAINWATER tanks, Impervious %, incentives and offset program) leveraging available research programs and partnership opportunities.	May 2018	Nearing completion. Workshops held in April 2018 to define the future planning policy opportunities with suitable representatives from partner organisations and other relevant participants. Development of a discussion paper with detailed recommendations is underway with a DRAFT discussion paper distributed to working group members in early June 2018.	Started	Glen Eira Council
	<b>10.</b> Review outcomes of the Distributed Storages and Melbourne Urbanisation Mapping Projects to ascertain opportunities for further scenario development in the Elster Creek.	March 2018	10a) Melbourne Water have completed the distributed storages study review. The review identified that distributed storages should be considered as flood mitigation options when undertaking urban flood studies. Distributed storages are more likely to be effective in catchments that are highly urbanised and have existing flooding problems, but that specific catchment modelling is required to quantify the estimated benefits. This has resulted in the commencement of two further distributed storages studies specifically for the Caulfield South Main Drain and the Moorabbin Main Drain.  10b) Study for Elster Creek for Distributed Storages – see Action 3 for outcomes	Complete  Started	Melbourne Water
Collaborating with our partners	<b>11.</b> Develop a plan to engage with community when commencing modelling and mapping projects.	April 2018	11a) Community engagement plan to be developed	Started	Melbourne Water
			11b) Discussions commenced with Kingston on how to collaboratively engage with community for proposed 18/19 planning scheme amendment	Started	Melbourne Water
			11c) Work with Glen Eira on collaborative engagement for proposed planning scheme amendment. Awaiting input from GECC	Started	Melbourne Water



<b>Elster Creek Action Plan</b>	<b>Deliverable</b>	<b>Timeframe</b>	<b>Outcome OR current status</b>	<b>Status</b>	<b>Responsibility</b>
Innovation	<b>12.</b> Develop a plan to share existing technology advancements across the catchment and progress these tools for early community benefits: Flood warning app, smart gauges.	May 2018	Underway with a flood app proof of concept developed and a post implementation of the project complete. Next step is to integrate with FIDS and other systems. Work to develop project documentation including governance between MW, emergency management agencies and councils will be considered in this phase.	Started	Melbourne Water
We communicate with our communities about flooding across the Elster Creek Catchment	<b>13a.</b> Communications approach and plan developed.	January 2018	Complete with a Communication and Engagement Plan endorsed by the Working Group at the May 2018 meeting.	Complete	City of Port Phillip
	<b>13b.</b> Development of a community 'lexicon' in relation to flooding. Conversations and communications about flood risk are clearly articulated and shared across the Elster Creek Catchment, simplifying flood terminology and concepts.		Complete with a Lexicon available on the City of Port Phillip website with relevant terminology and definitions included. The Working Group will update this lexicon, if required, with input from the Community Reference Group once established.	Complete	City of Port Phillip
Building our understanding, validating what we know	<b>14.</b> Develop a mechanism for impacted communities to update flood impacts during and post flood events using the latest NextGen technologies (livestreaming, photos, drones).	April 2018	Not yet started. A detailed scope of work needs to be developed. Post flood data recovery opportunities have been incorporated into the flood application developed as part of deliverable 12.	Developed	Melbourne Water
Our engagement is focused	<b>15.</b> Map key stakeholders groups across the Elster Creek catchment to understand influencers and advocacy groups.	Jan 2018	Completed with a consolidated stakeholder database established with input from the project partners. This stakeholder database will be a living document which can be amended as the working group is advised of changes to the relevant stakeholder group.	Complete	City of Port Phillip
	<b>16.</b> Create a Community Reference Group to provide community feedback to the Working Group.	Feb 2018	Community Reference Group membership nomination process concluded. Members appointed. Deliverable 16 is complete with the formation of a Community Reference Group. The Group consists of two representatives from each local government area of Bayside, Glen Eira and Port Phillip as well as partner organisation representatives. The first Reference Group Meeting was held in July 2018.	Complete	City of Port Phillip
Building our understanding	<b>17.</b> Develop a specific education program for Councillors, MPs, Senior council executive and stakeholder advocacy groups to: <ul style="list-style-type: none"> <li>Build understanding of the characteristics of the Elster Creek Catchment in relation to flooding.</li> <li>Understand mitigation options.</li> </ul>	March 2018	Not yet started in so far as a specific program has not been developed. Inputs from deliverable 3 and 4 will inform this outcome.	Not started	City of Port Phillip

**9.8 PROPOSAL TO ENTER INTO A LEASE BETWEEN GLEN EIRA CITY COUNCIL & VICTORIA AMATEUR TURF CLUB (INCORPORATING THE MELBOURNE RACING CLUB)  
PREMISES: PART OF THE LAND KNOWN AS THE WEDGE, CORNER BOORAN ROAD AND GLEN EIRA ROAD, CAULFIELD.**

**Author:** Jeanette Blackwood, Property Consultant

**Trim No:** 18/1176276

**Attachments:** 1. ATTACHMENT 1 Site plan The wedge  
2. ATTACHMENT 2 lease plan The Wedge  
3. ATTACHMENT 3 - DELWP Grant and Purpose to proposed Lease - Melbourne Racing Club Inc

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### **PURPOSE AND SUMMARY**

At the Ordinary Council Meeting on 25 July 2017, Council resolved, in part, to accept the offer from the State Government to appoint Glen Eira City Council as the Committee of Management for part of Crown Land contained in Crown Allotment 2031 and locally known as 'The Wedge', located on the corner of Booran Road and Glen Eira Road, Caulfield.

On 30 October 2017, Council's appointment as the Committee of Management was formalised by the State Government's Department of Environment, Land Water and Planning (DELWP).

Parts of The Wedge have been used by the Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) (MRC) for many years. They include a small area upon which racing stables have been constructed plus a groundwater bore and associated infrastructure.

In order to formalise the use by the MRC, this report seeks the approval of Council to enter into a lease with the MRC for an initial term of five year followed by 2 further terms of 2 years (5 + 2 + 2) for those parts of The Wedge being using together with a right of access to maintain and use the ground water bore and associated infrastructure.

As The Wedge is Crown Land for which Council is the Committee of Management, Council is required to obtain the approval of DELWP prior to entering into any lease agreement. The approval to lease to MRC was provided by DELWP on 28 May 2018. A copy of the approval is provided in Attachment 3 to this report.

### **RECOMMENDATION**

1. That Council agree to enter into a lease pursuant to Section 17D of the Crown Land (Reserves) Act, 1978 with the Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) for those parts of Crown Folio Volume 11766 Folio 687, Crown Allotment 2031, Crown Land Temporarily Reserved for Public Recreation Purposes, shown hatched on the plan in Attachment 2 - Plan of Lease Areas, to this report on the following terms and conditions:
  - i. that the term of the lease will be five (5) years with 2 further terms of 2 years each;

- ii. that a single, upfront payment of \$137,500 plus GST be made on execution of the lease representing rental for the first 5 year term; and
  - iii. that the commencing rental for the first year of the first further term is \$30,400 per annum (plus GST), to be increased annually by CPI (All Groups Melbourne Index).
2. That Council authorise its Chief Executive Officer or delegate to execute the lease referred to in item 1 above using the seal of Council.

## BACKGROUND

In 2010, the then Minister for Environment and Climate Change and the MRC negotiated a land exchange for a parcel of Crown Land opposite the racecourse entrance (the Triangle) and the freehold MRC land adjacent to the intersection of Glen Eira, Booran and Kambrook Roads - now Crown Allotment 2031 (the Wedge). These two parcels of land are identified on the Site Plan in Attachment 1.

The Wedge was subsequently offered to Council by The Department of Environment, Land, Water and Planning (DELWP) to manage as a public recreation reserve and for Council to become the Committee of Management.

As part of the discussions to formalise Council's appointment as the Committee of Management, DELWP agreed to pay Council \$354,504.63 to develop The Wedge<sup>1</sup>. This amount was paid to Council on 16 February 2018.

## ISSUES AND DISCUSSION

MRC have used areas of The Wedge for many years. The approximate areas are:

1. 153 m<sup>2</sup> used for access purposes to a bore within The Wedge; and
2. 675 m<sup>2</sup> upon which racing stables have been constructed.

Both of these areas are shown in the aerial image below and also identified on the plan in Attachment 2 as L1 and L2 respectively.

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<sup>1</sup> The outcome of community consultation regarding the dog agility park was discussed by Council at its Ordinary Meeting on 6 February 2018 and Council resolved to endorse the concept plan for a dog agility park.



In order to formalise this use, Council should enter into a lease with MRC pursuant to Section 17D of the Crown Land Reserves Act 1978. The proposed terms of a lease have been discussed between all parties (Council officers, MRC and DELWP) and are presented in the Table 1 below.

**Table 1: Proposed Terms of Lease**

Item	Condition
Commencement date:	The date of execution of the Lease.
Permitted use:	Racing stables and related racecourse activities, together with a right of access over the hatched area marked 'L2' on the plan in Attachment 2 for the purpose of accessing and maintaining a groundwater bore and above-ground and below-ground water infrastructure located within that area.
Term:	5 years, with 2 further terms of 2 years each .
Rental:	<p>\$137,500 plus GST for the first 5 year term, payable by a single upfront payment on or before the Commencement Date.</p> <p>Commencing rental for year 1 of the first further term is \$30,400 per annum plus GST, increased annually by CPI (All Groups Melbourne Index).</p>
Insurances:	\$20,000,000 public liability insurance and applicable building and contents insurances
Leased Areas:	The areas marked as L1 and a right of access over L2 as shown on the plan in Attachment 2.
Outgoings:	Tenant to be responsible for any applicable rates, taxes and utility charges associated with the Leased Areas.

Maintenance:	Tenant to be responsible for the ongoing maintenance and capital costs of the Leased Areas.
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### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

There is no financial cost to Council during the term of the lease other than minor legal costs for the lease preparation.

On commencement of the lease Council will receive a lump sum payment of \$137,500.00 plus GST from MRC. A market rental valuation was obtained which confirmed that the rental payment<sup>2</sup> is acceptable. This sum will help cover Council's estimated maintenance costs for The Wedge over the nine year period.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The recommendations of this report will ensure Council complies with its obligations:

- under the Local Government Act 1989; and

as Committee of Management pursuant to the Crown Land (Reserves) Act 1978.

### **COMMUNICATION AND ENGAGEMENT**

Internal communication has included discussions with internal stakeholders on the future development plans for The Wedge. External communication has included discussions with the MRC and DELWP.

As the lease term is less than 10 years Council is not required to give public notice of the intention to enter into the lease with the MRC.

### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed  
A well planned City that is a great place to live.

### **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**

MRC occupy part of Crown Allotment 2031, for which Council is Committee of Management. Officers are supportive of entering into a lease with MRC and DELWP to ensure the continued use of an important community space.

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<sup>2</sup> Equivalent to \$27,500 per annum plus GST over the first 5 year term of the lease

## Site Plan





Plan of Lease Areas





Department of Environment,  
Land, Water & Planning



Port Phillip Region  
609 Burwood Highway, Knoxfield  
DX212005  
Private Bag 15, Ferntree Gully  
Delivery Centre, VIC 3156  
property.portphillip@delwp.vic.gov.au  
www.delwp.vic.gov.au  
ABN: 90 719 052 204

Ms Amanda Mills  
Property Coordinator  
Glen Eira City Council  
PO Box 42  
CAULFIELD SOUTH VIC 3162



Our Ref: 2020195  
Your Ref:

Dear Amanda

**Section 17D Crown Land (Reserves) Act 1978 - Grant & Purpose Approval**  
**Proposed Lease – Melbourne Racing Club Inc – Booran Road Community Reserve**

Thank you for your email dated 8<sup>th</sup> April 2018, seeking grant and purpose approval for a proposed lease to be issued to Melbourne Racing Club Inc over part of the Booran Road Community Reserve, for the purpose of racing stables/racecourse activities and a right of access for Melbourne Racing Club to access their groundwater bore above and below ground infrastructure.

The proposed lease area is Crown land temporarily reserved for public recreation purposes, under the control of Glen Eira City Council as the appointed committee of management.

Under s.17D(3)(b) of the *Crown Land (Reserves) Act 1978* (the Act), I am satisfied that the proposed lease purpose is not detrimental to the purpose of the reserve.

I wish to advise that today I, as delegate of the Minister for Energy, Environment and Climate Change, approved the granting of the lease, under s.17D(1) of the Act, as follows:

Approved Purpose:	Racing stables/racecourse activities and a right of access for Melbourne Racing Club to access their groundwater bore above and below ground infrastructure.
Approval Date:	Date of this letter
Approved Area:	Hatched on the attached plan

The commencement date of this lease must be on or after the date of this approval.

Also please note any change to the approved purpose or the lease boundaries (approved area) will require further ministerial approval.

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



The lease document can now be prepared (in triplicate), executed by both parties and forwarded onto this office to seek my approval of the lease terms and conditions. Before submitting the final lease documents you may consider forwarding a draft to this Office for comment.



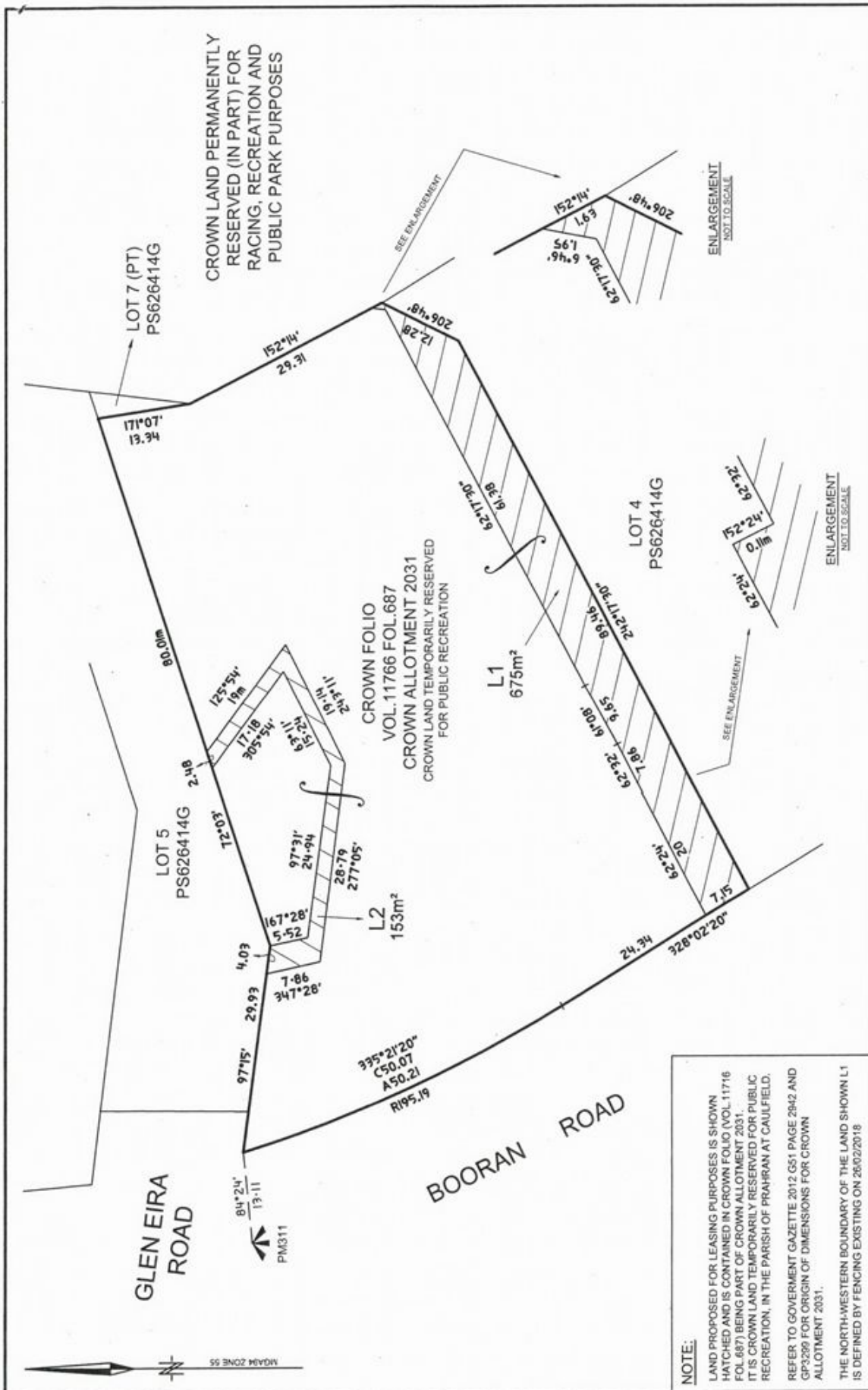
Yours sincerely

A handwritten signature in blue ink, appearing to be 'Andrew Wyver'.

Andrew Wyver  
Program Manager Land & Built Environment

Date: 8/4/18

Encl.



<b>PLAN FOR LEASING PURPOSES</b> <b>PART OF CROWN ALLOTMENT 2031</b> <b>BOORAN ROAD, CAULFIELD EAST</b>		<b>REF No. 11137S/2</b> <b>VERSION B</b> <b>DATE 23/03/2018</b> <b>SHEET No. 1 of 1</b>																	
<b>SCALE 1:500</b> <b>LENGTHS ARE IN METRES</b> <b>ORIGINAL SHEET SIZE A3</b>		<table border="1"> <thead> <tr> <th>SURVEY</th><th>DATE</th><th>BY</th><th>FOR</th></tr> </thead> <tbody> <tr> <td>DRAWN</td><td>01/03/2018</td><td>CG</td><td>CG</td></tr> <tr> <td>CHECKED</td><td>06/03/2018</td><td>RFE</td><td>RFE</td></tr> <tr> <td>APPROVED</td><td>06/03/2018</td><td>RFE</td><td>RFE</td></tr> </tbody> </table>		SURVEY	DATE	BY	FOR	DRAWN	01/03/2018	CG	CG	CHECKED	06/03/2018	RFE	RFE	APPROVED	06/03/2018	RFE	RFE
SURVEY	DATE	BY	FOR																
DRAWN	01/03/2018	CG	CG																
CHECKED	06/03/2018	RFE	RFE																
APPROVED	06/03/2018	RFE	RFE																
<b>Hellier McFarland</b> Development Consultants Town Planners Land Surveyors Level 2, 1911 Malvern Road, Malvern East, VIC 3145 PO Box 1206, Darling, VIC 3145 Tel: 03 9532 9951 Fax: 03 9532 9941 <a href="http://www.hmf.com.au">www.hmf.com.au</a>   <a href="mailto:info@hmf.com.au">info@hmf.com.au</a>		<b>ENLARGEMENT NOT TO SCALE</b>																	

**9.9 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION**

**Author:** Tienyi Long, Legal and Governance Officer

**Trim No:** 18/1151836

**Attachments:** 1. 2018.06.15 Prosecutions under the Planning and Environment Act

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**PURPOSE AND SUMMARY**

To appoint Council officers by resolution as authorised officers for the purposes of enforcing the *Planning and Environment Act 1987* (Act).

**RECOMMENDATION**

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 232 of the *Local Government Act 1989* (Vic) resolves that:

1. the staff members referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
2. the Instruments come into force immediately when the common seal of Council is affixed to the Instruments, and remain in force until Council determines to vary or revoke it;
3. any existing Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* to the staff members 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**

Authorisations are required for members of staff whose duties require them to enforce the Act. The Act provides in s147(4) for Council to appoint officers by resolution, and the authorisation may, where relevant, include the general appointment provision in section 232 of the *Local Government Act 1989* (Vic) to commence proceedings in Council's name.

**ISSUES AND DISCUSSION**

Not applicable.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The attached Instruments are made under the *Planning and Environment Act 1987* (Vic) and, in the case of officers authorised to commence proceedings in Council's name, the *Local Government Act 1989* (Vic).

**COMMUNICATION AND ENGAGEMENT**

Not applicable

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**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 approve the appointment of the staff members referred to in the attached Instruments as authorised officers in accordance with the Instruments.



## **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 -**

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 prescribed in the Act 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 24 July 2018.

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

..... Councillor

..... Chief Executive Officer

Date:

## **S11A Instrument of Appointment and Authorisation** *(Planning and Environment Act 1987)*

In this Instrument "**officer**" means -

**Damon Ryder, Internal Review and Prosecutions Officer**

**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 prescribed in the Act and regulations described in this instrument.

**It is declared that** this Instrument -

- (c) comes into force immediately upon its execution; and
- (d) 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 24 July 2018.

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

..... Councillor

..... Chief Executive Officer

Date:

**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 ITEMS IN CAMERA**

Nil

**13. CLOSURE OF MEETING**