



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 14 AUGUST 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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12. CONSIDERATION OF IN CAMERA ITEMS

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments
- (f) Legal advice
- (g) Matters affecting the security of Council property'
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 Tender 2018.211 Underground Service Depthings

Local Government Act 1989 Section 89(2)(d) given it relates to contractual matters.

12.2 Tender 2018.222 Provision of Pool Plant Maintenance Services

Local Government Act 1989 Section 89(2)(d) given it relates to contractual matters.

13. CLOSURE OF MEETING



**AGENDA for the ORDINARY MEETING OF THE
GLEN EIRA CITY COUNCIL to be held on TUESDAY 14th August 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 24 July 2018 be confirmed.

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

6. **DOCUMENTS FOR SEALING**

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

7.1 INSTITUTE FOR SENSIBLE TRANSPORT DUTCH STUDY TOUR

Author: *Nina Taylor, Councillor*

Trim No: *18/1173995*

Attachments: *Nil*

PURPOSE AND SUMMARY

This report provides a briefing to Council on my recent participation as a Councillor of Glen Eira in the Dutch Innovation Study Tour from the 24th – 30th June 2018.

RECOMMENDATION

That Council receives and notes the Dutch Innovation Study Tour report.

BACKGROUND

Glen Eira City Council has endorsed an Integrated Transport Strategy.

There is a strong imperative to implement easy, efficient and safe mechanisms to mitigate congestion in Australian cities. Locally Glen Eira is in the process of implementing an Integrated Transport Strategy to tackle movement challenges and congestion within our municipality.

I was enthused to be able to attend the Dutch Innovation Study tour to learn how the Dutch have transitioned their cities from being car-centric, to a variety of multi-modal transport options.

Whilst the Netherlands is known for bicycles and cycling infrastructure (there are 35,000km of cycling paths throughout the country), the tour took a broad view of transport and the land use system as a whole, encompassing a full set of transport options.

ISSUES AND DISCUSSION

The tour included a comprehensive evaluation of the Dutch transport system as a whole. Core topics included as part of the tour:

- Recent Dutch planning history and practice
- Integration of land use and transport
- How the Dutch manages their motorway network
- Policy options to change the way people pay for car use
- Policies to encourage electric vehicles
- Management of city car parking
- Public Transport best practice
- Best practice bicycle planning and practice
- Road Transport Policy

The transport tour required active participation in most modes of transport (with the exception of motorway travel), in order to objectively assess the merits and challenges of each transport mode. I have summarised key learnings from a series of Dutch transport expert seminars I participated in throughout the tour (list not exhaustive).

Recent Dutch Planning History and practice

Professor Bert van Wee, Delft University of Technology

The presenter explained that the Dutch have national land use planning approach, driven in part by the traumatic outcome of the 1953 North Sea flood caused by a heavy storm, breaking sea dykes in the south of the country. Apparently, over 2000 people died, not to mention significant loss of livestock, and infrastructure. This disaster created an imperative to have national land use planning to assist in flood mitigation.

The presenter also explained that the Netherlands has a well-developed rail network, which is efficient and powered 100% by renewable energy. Note: the Dutch are not as keen on buses, however, there are regular bus services in place. Motorways are a relatively recent transport mode for the Netherlands, and are clearly segregated from other transport modes.

I personally observed the positive outcome of national land use planning in the inner suburbs of Amsterdam. High density, well designed and planned apartments and townhouses constructed adjacent to numerous waterways, with shared community space, (community facilities and mini-farms), conveniently co-located with urban forests, and food provision infrastructure (supermarkets), and well developed cycling and public transport infrastructure.

The key learning from this presentation was the importance of optimal land use planning combined with sensible transport infrastructure, to achieve the most efficient transport outcomes.

Dutch Transport Planning

Koen van Waes, Senior Sustainable Mobility Specialist, City of Tilburg

The presenter conveyed that the Dutch are cognisant of creating 'Urban Labs' whereby the actual needs and behavioural inclination of the people are evaluated to ensure that innovations in transport design meet the needs of the target population.

It was explained that the development of electric-charged bikes has meant that newer, longer-ranging cycling infrastructure can be used successfully. It is anticipated that progressively, there can be higher uptake of lower emission transport with well-constructed long-range cycling infrastructure and accessibility to electric-charged bikes and accessible, charging stations.

The key learning for Australia is that electric-charged bikes could provide a viable alternative to offset the challenges posed by steep ascents and longer transits to and from work.

Wijnand Veenemann, TU Delft

The presenter explained that the Netherlands is far more decentralized than NSW (as a comparator), let alone Australia, not in taxation, but through transfers, agency and cooperation. As a result, he contends that this facilitates a more expeditious pathway to solutions focused on local transport infrastructure, including cycling.

With a consistent and progressive focus on cycling infrastructure in the Netherlands, enhanced by decentralization, cycling has become an important part of the Dutch culture, supported by a good train/light-rail network. The presenter commented that he would not feel comfortable riding in Melbourne, for instance, other than around Albert Park lake, as he considers there is insufficient segregation for cyclists currently.

The key learning for Australia is that we need to enhance our cycling infrastructure so that it is safer and more appealing for commuters to take their bike to and from work. Perhaps also there is room for greater support across different levels of government, to expedite necessary advancements in cycling infrastructure.

How the Dutch manage their motorway network

Erik Verroen, Principal Adviser, Dutch Road and Water Authority

The presenter conveyed that there are 3000km of national roads in the Netherlands, built over the past 70 years. The Netherlands also has significant waterways, which complicates the stability of construction.

Flood mitigation is extremely important due to the low-lying land mass, as is the goal to meet Paris Agreement targets, with the object of augmenting the sustainability of this region as a whole.

However, there are significant political policy debates over reducing the reliance on motorways which do experience significant congestion, and an imperative to expedite the transition to even greater multi-modal transport use.

Ultimately choices have to be made about the best way to move forward if motorway congestion in the Netherlands are to be comprehensively tackled, as compared to the significant multi-modal innovation within Dutch cities.

Policy options to change the way people pay for car use

Three of the presenters on the tour (van Wee, Verroen, Veenemann) debated the possibility of introducing user-pay fees, similar in concept to what has been introduced in the UK, to discourage car use in the most built up areas of cities. The Netherlands has not as yet implemented this policy, as there is still significant debate as to the best mechanism to introduce a user-pay model for entry to inner- urban areas.

A key factor inhibiting the introduction of car user-pay fees is creating a system that would be equitable for low income drivers who live a further distance from the city. All 3 presenters were advocates for a user-pays system, however, the Dutch are still to develop a national consensus on this issue.

Policies to encourage electric vehicles

Various representatives from *Utrecht Council* shared the following information. Utrecht has high population density, and low parking availability. There is a commitment to be CO2 neutral by 2030. Drivers towards this outcome include managing the factors which impact air quality (adhering to WHO guidelines), as well as supporting the construction of sustainable buildings/homes, and transitioning towards new energy sources.

Some of the local projects being undertaken to achieve CO2 neutrality by 2030 include:

- Targeting 8000 houses to be gas-free by transitioning over to electricity by 2020
- 10% rooftops to be fitted with solar panels by 2020.
- Companies are required to achieve energy efficiency in buildings and mobility(e.g. salary packaging of electric car purchases).
- All new buildings/houses to move as close as possible to climate neutrality by 2020.
- Provide charging stations in buildings, and near parking facilities as a standard practice.
- Electric cars with large action radius – are now available.

Electric charging stations – data

- 2017 data shows 25,000 (semi) public charging stations have been constructed, of which more than 600 are fast chargers in the Netherlands.
- Another 21,000 public charging stations are projected to be built by 2020.
- By 2025 it is projected there will be 1 million electric cars.
- Utrecht is a front runner in car-sharing – it will involve a combination of electric/clean mobility and transition to renewable energy.
- 1000 charging stations to be made available in the Utrecht region by 2020

Utrecht can support this significant growth in infrastructure because of proactive regulations and legislation on this travel mode; providing public space to test the concept and cooperating with innovators in the field (includes private industry).

Key learnings for Australia include the development of policies and corresponding infrastructure to facilitate transition to electric cars, and to take heed of the necessity of adhering to Paris Agreement targets.

Public Transport best practice*NS (Dutch Railways)*

Representatives from NS stated that between 2010 and 2011 customer service ratings for train travel plummeted as the Dutch commuters considered that the 'NS' was not delivering a sufficient quality service. The NS was at risk of losing its' role in the Dutch transport system to private providers. So the NS examined the full customer journey, door to door, for commuters.

Following the intense evaluation of the perceived failures of the service provision of the Dutch train network, the NS implemented customer-driven innovations to improve the commuter experience and enhance uptake of train travel. Some key issues raised included:

- Bike storage
- The journey itself (heating/cooling/access to wifi/seat access/wayfinding)

As a result of continuing to evaluate and implement improved commuter experiences, the NS is still permitted to manage train travel in the Netherlands and commuter feedback has substantially improved.

This information is useful for the Australian context, to understand how to ameliorate the uptake of public transport use and that it is possible to alter negative perceptions of train travel.

Best practice bicycle planning and practice*Dr Marco te Broemmelstroet, University of Amsterdam*

The presenter intimated that supporting the transition from car-centric modes to lower energy transport modes is not simply a matter of building great cycling infrastructure. Whilst the Netherlands has excellent cycling infrastructure, some cities perform better than others in terms of the uptake of cycling.

Mobilising lower energy transport modes requires the construction of good infrastructure, which provides logical and convenient connections for the community. For instance, the Dutch made a conscious decision to avoid the construction of large supermarkets built away from where people live, in contrast to the American-style shopping experience, as this kind of infrastructure relies upon a car-centric transport mode. Note: the initial impetus for this decision was to protect the local Dutch supermarkets, but over time the wisdom of co-location within suburbs has enhanced lower emission transits.

Supermarkets are generally built to a smaller square meterage within the suburbs. This is an important part of transitioning the community to lower emission transport modes. Even within the Netherlands, when comparing Utrecht (pre-war) and Rotterdam (post-war, American style), the location of supermarkets has to a certain extent influenced the tendency of the Dutch to higher/lower car usage.

Bike/train combination

A bike of itself cannot replace the distances which a car can travel. However, Marco stated that '*cycling plus a dense and high service transit network can replace driving.*'

To support the uptake of cycling in the Netherlands, there is significant bicycle-parking infrastructure, some of which is underground to maximise open space availability at ground level. As part of the tour we used Utrecht's indoor bike-storage infrastructure at Jaarbeursplein, which holds 4,200 bikes over 3 levels. Commuters use their transport card (OV-Chipkaart – aka MYKI) to swipe in and out and there are various parking arrangements depending upon the needs of the user.

The streets of Utrecht and Amsterdam were once clogged with cars, but incremental policy and infrastructure development have facilitated the successful transition to a strong cycling culture.

What was the catalyst for the advancement of cycling in the Netherlands?

The Netherlands, like many other countries around the globe was on a trajectory of high car usage and depreciating bike usage in the 1960s, following the American trends in motorways through cities.

However, by 1971 there had been 3300 deaths, 500 of whom were children. Vic Langenhoff, a senior writer on the national newspaper De Tijd lost a child (hit by a car) and wrote the first of a series of articles 'Stop de Kindermoord' (Stop the Child Murder), requesting children be taken to school by bus to avoid the danger of motorists. His articles apparently inspired political activists (left and right leaning) to resist the trend of car-centric streets. Maartje van Putten was a highly influential campaigner, who later became President of Stop de Kindermoord, an organisation dedicated to tackling high level of death and injury on Dutch roads. Progressive grassroots campaigning, initially met with police batons and significant aggression, ultimately led to a rejection of straight, fast-paced roads in the inner suburbs and cities, and instead the incremental expansion of alternative transport modes.

The key learning for Australia is to find the right balance between optimal land use, supported by good public transport and cycling infrastructure, with a prioritisation of people over car-centric transport systems.

Road Transport Policy

Hillie Talens, Project Manager CROW

The Presenter explained the evolution of road safety policy, cycling advocacy (Cyclists union), minimal/no through traffic zones and legislation to control speeds, leading to significant depreciation in road fatalities (data presented, focused on death of cyclists) and enhancement of health outcomes.

Here is a snapshot of how road transport management has evolved in the Netherlands:

60s – Separation of bikes and cars, initially to overcome 'tension' between the two and later for safety purposes

70s – Traffic Safety Board, National Traffic Policy, CROW, Cyclists union, seatbelts, helmets and the Woonerf Act. The Woonerf Act, required no through traffic and very low traffic volumes to support child-safe neighbourhoods in allocated areas labelled 'Woonerfs'.

80s – 30km/h zones Act meant speed measures every 70 metres, no through traffic, not part of a Woonerf, still enabling entry/exit of rescue services, public transport and goods traffic.

- Updated Woonerf Act which mandated a walking speed, footpath not limited, no through traffic, allocated parking and clearly-marked entrance to the zone.

90s – Sustainable safety, a networked approach, updated road traffic policies, traffic calming in rural areas (60 km/hr zones) and public consultation.

21st Century – shared space, integrated transport, and spatial planning, integrated road design and public design, newer technologies.

The Dutch have led the way in many respects on the development of innovative transport infrastructure and Australia can take on board what has worked successfully. The learning from this presentation for Australia therefore, is the intricate detail (targeted to transport engineers and industrial designers) pertaining to how multi-modal transport options can be successfully integrated into safe and sustainable communities.

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 28 November 2017 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

There were 9 Australians in the tour group representing a cross-section of expertise including transport planning, traffic engineering, industrial design, policy development, economics, and 3 Councillors from around Australia. It was highly beneficial to share experiences and knowledge with the other 8 attendees, and this enhanced the meaning and value of the tour.

The tour was very informative, incorporating the latest advancements in transport planning, and the key learnings are very relevant to the pressing congestion and movement issues which Glen Eira (and other metro Councils) are facing into the foreseeable future. My plan going forward is to take on board the advanced knowledge I have gained, sharing my experiences and feedback with fellow Councillors and the Council Executive, with the objective of supporting the enhancement of safe and efficient transition to lower emission transport modes in Glen Eira as part of the implementation of the Integrated Transport Strategy.

8. REPORTS FROM COMMITTEES**8.1 Advisory Committees**

- a. Sustainability Advisory Committee - 31 May 2018
- b. Community Grants Advisory Committee - 12 June 2018
- c. Recreation and Leisure Advisory Committee – 12 June 2018

Recommendation

That the minutes of the Advisory Committees as shown below be received and noted and that the recommendations of the Committees be adopted.

- a. Sustainability Advisory Committee - 31 May 2018
- b. Community Grants Advisory Committee - 12 June 2018
- c. Recreation and Leisure Advisory Committee – 12 June 2018

8.2 Records of Assembly

- a. 10 July 2018
- b. 17 July 2018
- c. 24 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)

SUSTAINABILITY ADVISORY COMMITTEE – MINUTES

Thursday 31 May 2018

Labassa Room, Glen Eira Town Hall



Attendees	<p>Councillors Cr Daniel Sztrajt(DS) Cr Nina Taylor (NT)</p> <p>Council Staff Samantha Krull, Director Infrastructure, Environment and Leisure (SK) Peter Brown, Group Manager Property, Environment and Sustainability (PB) Michelle van Gerrevink, Sustainability Co-ordinator (MVG) James Roscoe (JR)</p> <p>Community Representatives Malcolm Dow (MD) Thirumagal Arunachalam-Elanthendral (TAE) Dr. Susie Moloney (SM)</p> <p>Apologies Kim Sullivan Cr Clare Davey (CD)</p>
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1. Welcome

- 1.1. Welcome to new members and introductions
- 1.2. Cr Taylor acknowledged the traditional owners of the land on which the meeting took place
- 1.3. Declaration of Conflict of Interests – no conflict of interests declared.

2. Confirmation of previous minutes –Moved: Cr Taylor, Seconded: Cr Sztrajt

3. Reports on previous actions and recommendations - Attachment 2

MVG discussed the status of current issues including:

- Waste services for high density areas and MUD's to be included in discussion in Item 5 on the Agenda
- Biodiversity in Glen Eira Implementation Plan to be presented to Council at the Ordinary Meeting on 12 June 2018
- CASBE presentation – to be presented to the SAC during July's meeting. SM suggested that we should include planners in this discussion.
- Love Our Street initiative update
- Fostering community partnerships to be added to future agenda for further discussion

Action: MVG to invite Managers of Statutory Planning and Strategic Planning to July SAC meeting.

4. Regular reports

4.1. Environmental Sustainability Action Plan 2017-18

MVG provided background information for new members on the Environmental Sustainability Strategy and the Action Plan that is developed every 12 months.

Delivery of the Action Plan is well on track with 91 percent of items completed, ongoing or on track.

Highlights include:

- Introduction of food waste recycling
- Integrated Transport Strategy
- Biodiversity in Glen Eira Implementation Plan
- Planning for Major Road Street Lighting Upgrades
- More solar and energy efficiency works
- New programs to help the community reduce emissions

Partially on track	7	6%
On track or Ongoing	67	58%
Completed	38	33%
Deferred	3	2.5%
Total actions	115	

Discussion included -

- Planning for Major Road Street Lighting Upgrades – working with State Government in regard to the shared costing model. Project to include a smart technology trial. Council managed lights will be upgraded to LED's in 2018-19.
- More solar and energy efficiency works – have improved energy usage at most Council buildings.
- We have signed up for new programs to help the community reduce emissions – Positive Charge and Solar Savers.
- MVG mentioned that the Urban Forest Strategy has been deferred until the new Manager Parks commenced. This Manager is now in place and will undertake the strategy development. The strategy will be discussed at a future SAC prior to Council Assembly and community consultation.

Additional notes regarding deferred or partially on track actions –

The *ESS Action Plan* is by its nature very detailed and subject to some change due to operational considerations.

- Deferred items include the Urban Forest Strategy, Victory Park car park design and the Packer Park wetlands.
- Victory Park car park design will proceed in 2018-19.
- Packer Park wetlands – a feasibility study found the site unsuitable for wetlands, further investigation is required.
- Several of the items listed as partially on track relate to actions where multiple sites were listed under actions and some are complete and some are still to be completed eg. Lighting upgrades and landscape works.
- Marlborough Street Reserve Pavilion was included as one of the major projects scheduled for planning and design – this has been deferred pending the proposed East Village development.
- An Electric Vehicle feasibility study was proposed for EAGA councils in 2017-18. Several other organisations undertook similar studies and EAGA will leverage off this work rather than duplicate the research. This item is listed as partially on track as the research has been done but not by EAGA as planned.

4.2. Sustainability Indicators

See **Attachment 3**

Sustainability indicators are reported every 6 months and annually. Annual reporting is more detailed and includes Carbon Footprint.

There has been decreased energy use at GESAC, Town Hall and Carnegie Library.

There has been a decrease in paper use within Council buildings.

There has been an increase in water usage – somewhat associated with Booran Reserve and refilling the 50m pool at GESAC.

SK suggested that the new community committee members consider the suitability of indicators and provide suggestions on possible improvements.

MD asked why planting in parks has decreased in recent years.

Action: MVG to follow up with Parks.

TAE asked about the types of trees on nature strips and if more indigenous trees could be planted. SK discussed the type of trees that are selected for nature strip planting programs and explained the emphasis to get the right tree in the right spot. The planting palette for street trees will be reviewed as part of the Urban Forest Strategy.

SM asked if Council has a Climate Change Adaptation Strategy. MVG explained the adaptation is covered in the *Environmental Sustainability Strategy* and a range of other plans and strategies (eg. Emergency Management Plan). There is no one document that ties all of Council's climate change adaptation activities together.

SK mentioned that there is a new Corporate Performance reporting framework being developed that could be utilised for reporting climate change adaptation.

SM mentioned the tool that she has helped Western Alliance for Greenhouse Action develop 'How well are we adapting' and that there is an indicator set that could be used.

Action: SM to send through further information.

4.3. Community Education

An update on events and participation is in **Attachment 4**

MVG discussed current programs and events including community garden tours, Party in the Park, Booran Reserve Tour, Raingarden workshop delivered as part of a storm water education program.

MD discussed Resource Smart Schools program. Stonnington, Bayside and Port Philip are supporting schools that are taking part in the program. Glen Eira does not currently provide funding to schools participating in the program, but has promoted the program and worked with participating schools to promote sustainability activities. Council has not received any requests for financial assistance from schools to implement the program.

Action: MD will investigate how neighbouring councils have supported schools to implement Resource Smart Schools and where Glen Eira hasn't.

TAE mentioned that it is quite an onerous program for schools to be part of and assisting with mentoring would be helpful.

5. Future recycling and waste services

Food waste going really well – 6,700 kitchen caddies ordered. There has not been a big take up in other municipalities; and our results so far are a really good indication by comparison. Overwhelmingly positive feedback has been received so far.

TAE said that the marketing has been great.

DS has received responses around odours and suggested further communications to address these concerns.

Discussed bin audits and bin tags that have been developed.

Waste services guide going out in late June – we expect there to be another spike in kitchen caddy orders and deliveries.

Action: MVG - Further communications with tips to residents to reduce/limit odour from food waste in the green bin.

Discussed the potential change to collection frequency – this will be assessed as part of the waste services review planned for late 2018. MVG advised some residents are already asking for the green bin to be collected weekly. The uptake of food waste recycling will need to be monitored and audited before bin collection frequencies are changed.

JR - An overall review of waste services will be undertaken in 2018-19. This will have a particular focus on the challenges associated with waste management at Multi Unit Developments and higher density areas.

JR and MVG – provided update on the recycling industry crisis. Costs have increased for processing recyclables. SKM continues to recycle our material and also provide services to most other councils. Longer term strategic planning is being undertaken by State Government. It is considered that the State Government should use the landfill levy funds to urgently fund new infrastructure.

Advanced waste recycling and recovery technologies (AWRRT) are being investigated by Metro Waste and councils.

DS – requested further information.

Action: JR/MVG to provide further information on AWRRT to the committee.

6. Eliminating single-use plastics

Discussed further sustainability initiatives including:

- talking to traders about removing straws from their businesses
- a Sustainability award for local businesses, similar to the 5 Star Safe Food awards
- possible accreditation schemes
- working with traders associations
- recruiting champions in activity centres
- join programs facilitated by other Agencies, such as Zoos Victoria to stop use of balloons.

Action: MVG and JR to assess how to incentivise and change behaviours of local businesses with regard to waste management and reducing plastic – incorporate into waste service review.

Discussion also included reducing plastic use in Council operations and possible companies that Council could use to collect and recycle soft plastic from Council buildings.

MVG – We have previously approached Redcycle and were advised they are at capacity for the quantity of material that they can collect.

Action: TAE to provide details of other contractors that provide recycled soft plastics service.

7. Other business

8. Next Meeting

8.1. Thursday 16 August 2018, 6.30pm – 8.00pm

8.2. Future meetings: Tentatively planned for the third Thursday July and September. 6.30 – 8pm suits everyone.

9. Draft forward agenda – agreed on priorities

Meeting	Proposed strategic discussion topics
16 August 2018	ESD in Developments
20 September 2018	Long term energy procurement options
December 2018	Divestment

ATTACHMENT 2 – Reports on previous actions and recommendations

Action or recommendation	Report and discussion	Further Action
<p><i>ACTION: Officers plan to undertake a comprehensive review of long term waste service needs for our higher density population and activity centres in 2018-19. Planning considerations will be looked at during this review.</i></p>		
<p>RECOMMENDATION: That Council consider a report on the recommendations and actions arising from Dr Graeme Lorimer's study 'Biodiversity in Glen Eira' as soon as practicable.</p>	<p>A report and draft Implementation Plan was considered by Council at the Assembly Meeting 27 March 2018. Community and stakeholder consultation was conducted from 20 April – 18 May. A report will be considered at the 12 June OCM.</p>	<p>Implementation plan to be included on SAC agenda following the report going to Council.</p>
<p><i>ACTION: MVG to organise a speaker from Council Alliance for a Sustainable Built Environment (CASBE).</i></p>	<p>Proposed for next meeting</p>	
<p><i>ACTION: MVG to provide more information on Love our Streets for Councillors and include an article in Glen Eira News.</i></p>	<p>A Current Issue was provided to Councillors on 27 February 2018. An article appeared in GE News in April 2018.</p>	<p>No further action required.</p>
<p><i>ACTION: Councillors to send ideas on how we can foster community partnerships to MVG for discussion at next meeting.</i></p>		

ATTACHMENT 4 - SUSTAINABILITY EDUCATION UPDATE

4.1.1 Community presentations and events since the last meeting included:

- Food swap at Caulfield South Community Garden – Sunday 11 February 2018
- Party in the Park 18 February 2018– a range of activities including a planting activity, reducing food waste pop-up stand, recycling truck, Leap into Nature kids activities.
- Party in the Park March 24 2018 - a range of activities including a backyard beekeeping display and Positive Charge energy advice.
- Earth Hour – Movie Screening 'Moana' – Saturday 24 March 2018
- Garden Tour – Sunday 22 April 2018
- Tour of Booran Reserve – Saturday 3 May
- Raingardens Workshop – Sunday 20 May 2018

4.1.2 Future events

No presentations are planned between June and August 2018. Past experience has shown much lower turn out for events in winter months. Planning is underway for the events program for 2018-19 which will commence in September 2018.

4.2 As of end of May 2018, 1057 households were registered for the Neighbourhood Sustainable Gardening Program.

4.3 Council received funding through Melbourne Water's Living Rivers Funding program to deliver a Stormwater Education Program. The funding includes 3 elements –

- Signage at Booran Reserve to showcase the sustainable water features (completed)
- A schools education program about stormwater - 9 primary schools and kindergartens have completed program, with approximately 800 students participating. We have purchased a stormwater model that will mean we can deliver this education program on an ongoing basis.
- A community education event/activity to encourage water sensitive urban design in resident's gardens. This was held in May at the Murrumbeena Community Garden with a practical, hands-on demonstration of the installation of a raingarden. The raingarden is now a permanent feature at the site and signage will be installed to explain how raingardens work.





COMMUNITY GRANTS ADVISORY COMMITTEE MEETING
Minutes
Tuesday 12 June 2018

Purpose:

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

Aims:

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

Assembly of Councillors Record

Meeting opened at 1.10pm

1. Present and Apologies

Cr Jamie Hyams (Chair)

Cr Margaret Esakoff

Cr Mary Delahunty (by phone)

Peter Jones – Director Community Wellbeing

Sharon Sykes – Coordinator Community Planning and Engagement

Ana Tsaganos – Team Leader Community Development

Narelle Dowling – Community Development Officer Community Grants

2. Declaration of conflict of interest

Cr Hyams declared a Conflict of Interest under Section 79 of the *Local Government Act 1989* in relation to applications from:

- Glen Eira Adult Learning Centre, Wellvember Workshops
- Boomerang Bags Glen Eira auspiced by Glen Eira Adult Learning Centre
- Glen Eira Adult Learning Centre, Multicultural Music, Dance and Food Festival

Cr Esakoff declared a Conflict of Interest under Section 79 of the *Local Government Act 1989* in relation to an application from:

- Calvary Health Care Bethlehem, Palms for Psalms Popup.

Matters considered

- I. Assessment of 2018-2019 Community Grant Program Applications

3. **Assessment of 2018-2019 Community Grant Program Applications**

The Committee assessed 94 Community Services Grant applications. The following table provides a summary of the Community Services Grant applications assessed by the Committee.

Category	Number of applications 2018-19	Requested amount 2018-19
Arts and Culture	16	\$52,363
Family Children and Youth Services	23	\$99,044
Health and Wellbeing	31	\$140,427
Positive Ageing	13	\$43,757
Sports and Recreation	11	\$49,397
Community Services	94	\$384,988

Cr Esakoff declared a Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to an application from Calvary Health Care Bethlehem Palms for Psalms popup.

2.50pm Cr Esakoff left the room.

Application from Calvary Health Care Bethlehem Palms for Psalms Popup was assessed.

2.51pm Cr Esakoff returned to the room.

Cr Hyams declared a Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to Glen Eira Adult Learning Centre, Wellvember Workshops

2.59pm Cr Hyams left the room.

Application from Glen Eira Adult Learning Centre, Wellvember Workshops was assessed.

3.00pm Cr Hyams returned to the room.

Peter Jones left the room at 3.23pm and returned at 3.24pm. Application by City of Glen Eira Band was assessed during this time.

Cr Delahunty left the meeting at 3.30pm.

Cr Hyams declared a Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to an application by Boomerang Bags Glen Eira auspiced by Glen Eira Adult Learning Centre.

Due to a lack of quorum the application was not discussed at this time. The meeting continued to the next application.

The Committee assessed 10 Festivals and Events Grant applications. The following table provides a summary of the Festivals and Events Grant applications assessed by the Committee.

Category	Number of applications 2018-19	Requested amount 2018-19
Festivals and Events	10	\$91,741

Cr Hyams declared a Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to an application by Glen Eira Adult Learning Centre, Multicultural Music, Dance and Food Festival.

Due to a lack of quorum the application was not discussed at this time. The meeting continued to the next application

The meeting adjourned at 4.04pm.

Reconvened Community Grants Advisory Committee Meeting.

The meeting reconvened at 6.35pm and was attended by:

Cr Jamie Hyams (Chair)
Cr Margaret Esakoff
Cr Mary Delahunty
Peter Jones – Director Community Wellbeing

Cr Hyams declared a Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to Boomerang Bags Glen Eira auspiced by Glen Eira Adult Learning Centre and a further Conflict of Interest under Section 79 of the Local Government Act 1989 in relation to an application by Glen Eira Adult Learning Centre, Multicultural Music, Dance and Food Festival.

6.35pm Cr Hyams left the room.

Community Services Grant Application Boomerang Bags Glen Eira auspiced by Glen Eira Adult Learning Centre was assessed.

Festivals and Events Grant Application Glen Eira Adult Learning Centre Multicultural music dance and food festival was assessed.

6.38pm Cr Hyams returned to the room.

Next Meeting - TBA

Meeting closed at 6.40pm

RECREATION & LEISURE ADVISORY COMMITTEE



Minutes

Tuesday 12 June 2018 – 5pm

Rippon Lea Room, Glen Eira Town Hall

Invitees	Councillors Cr Nina Taylor – Chair (NT) Cr Joel Silver (JS) Cr Tony Athanasopoulos (TA) Council Officers Samantha Krull, Director Infrastructure, Environment & Leisure (DIEL) Andrew Barden, Manager, Recreation & Open Space (MRO) Mark Judge, Group Manager, Projects and Infrastructure (GMPI) Susan Cannell, Acting Recreation Development Coordinator (RDC)
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1. Welcome

Declaration of Conflict of Interests

- None declared.

2. Terms of Reference Amendment

Amendment of Council Officers following Mark Collins leaving Council.

Moved by TA, seconded JS

3. Other Business

The rescheduling of this meeting imposed time restraints that realigned the agenda to discuss priority topics first.

Carnegie Swim Centre Redevelopment and Lord Reserve/Koornang Park Masterplan

DIEL spoke to the concept design options for Carnegie Swim Centre. These options included components such as an outdoor 50m pool, and indoor 25 metre pool, indoor gymnasium, commercial opportunities (e.g. meeting rooms) and café space.

The Carnegie Swim Centre project was further discussed, with the following key points identified:

- increased traffic and traffic management requirements;
- parking requirements;
- integration with the Lord Reserve and Koornang Park Masterplan;
- potential for increased sports ground facilities;
- multipurpose sports facilities;
- discussions with Glenhuntly Primary School about potential shared use open space opportunities;
- new Lord Reserve Pavilion; and
- it was noted that there is much appreciation for the garden entrance off Koornang Rd and the football pavilion/field presence.

NT arrived at 5:11pm

Items on Assembly Agenda for Tuesday 10 July

- Sports Ground Lighting Draft Policy
- Draft Tennis Strategy
- Collaboration with Schools Sportsgrounds

4. Club/sportsground/Court requests

MRO advised that all winter sports club requests had been allocated. MRO also provided a general allocation update on clubs that continue to advocate coming into Glen Eira as a regular sports club tenant.

5. Advocacy on strategic objectives

No advice

6. Community partnerships

Rippon Lea Estate

MRO advised that the Recreation and Open Space team had visited Rippon Lea Gardens in late April. The events manager, who engaged the group, was very happy with how things are going, particularly as they had recently achieved their 1000 visitor status. They are keen to develop and continue partnerships to further their services and experiences.

7. Regular reports

Recreation and Open Space Capital Works Update

DIEL and MRO spoke to the upcoming Capital Works projects:

Harleston Park

- Detailed design currently being finalised
- Tender likely to be advertised August/September

McKinnon Reserve (Stage 1 – playground components only)

- Detailed design is currently being finalised. This was developed following community consultation and included the addition of a flying fox, monkey bars and a village shop.
- Tender likely to be advertised August/September.
- Stage 2, including the bouldering wall and multipurpose sports court, will be delivered in 2019/20.

GMPI indicated that recycled materials would be used where possible for the above projects.

Joyce Park

- Detailed design is currently being finalised and is likely to be tendered in July/August.
- Glen Eira McKinnon Bowls Club has recently completed their works – converting a turf bowling green to synthetic.
- Works will include upgrade to carpark lighting.

ACTION: Officers to investigate whether an application could be made to upgrade the car park lighting under the State Government Community Safety Fund.

Open Space Strategy (OSS) Refresh Update

- Works are progressing in the background. OSS consultants are awaiting population / dwelling forecasts through Elsternwick, Carnegie and Bentleigh Structure Plans.
- DIEL and MRO confirmed that the OSS will also address a potential developer contribution rate increase for activity centre areas.

Pavilion Strategy

Officers are currently undertaking future planning, particularly with regard to Murrumbeena Park Pavilion and Lord Reserve Pavilion redevelopments. Officers are also investigating standard designs of pavilions for specific locations moving forward, so that designs are not always bespoke and can be used to apply for funding 'on the go'.

Tennis Strategy Update

The draft Tennis Strategy will be ready to present at Assembly on 10 July. Actions are aligned with the Tennis Australia four pillars of successful tennis venues aiming to promote and support tennis. The report includes consultation feedback and future actions. It also includes future plans for sustainability of some clubs – e.g. those financially struggling, governance and management models, etc.

Masterplan Updates

MRO advised that the current draft Masterplan is well underway for Caulfield Park. The consultant has informed us that we will have the refreshed plan by the end of June. Many elements have been implemented from the existing plan (2001), so the new Masterplan will incorporate these changes then provide a revised Masterplan with possible future actions.

- The refreshed Masterplan will include the PTV signal station to be located below ground to the entrance on the corner Balaclava and Hawthorn Roads. Officers have engaged a landscape architect to contribute to the design.
- The refresh will identify and indicate use of underutilised areas, including consideration given to the relocation of the parks depot.
- The Masterplan will identify water harvesting opportunities within the park. GMPI identified that officers are undertaking an integrated water management plan for the whole site, looking to harvest and reuse water (similar to that undertaken at Booran Reserve) and

identify how this would alleviate flooding issues and work with filling the existing lake and watering of the site.

- JS indicated that oval 1 used to be the original lake site.

8. Agenda Items for Future Meetings

- Aileen Avenue New Open Space
- Fireworks in Council Parks
- Flower Stalls/Coffee Vans/Ice-cream Vans/Markets in Parks
- Community Sport Management of Grounds policy review
- Donations for Provision of Park Benches policy review
- Bins and lighting for dog walkers in park

9. Next Meeting

Monday 6 August at 6:30pm in the Yarra Yarra Room

Assembly of Councillors

10 July 2018

Record under S 80 A (2)

Meeting commenced at 6.45PM.

A. Present

Cr Tony Athanasopoulos
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

Council Officers

Rebecca McKenzie, CEO
Peter Swabey
Peter Jones
Ron Torres
Alexandra Fry
Andrew Barden

B. Matters considered.

(i) Apologies – Cr Delahunty

(ii) General Business

Acting Director Infrastructure, Environment and Leisure - Clayton landfill

Director Planning and Place – Green waste litter

- Temporary fencing requirements

Cr Taylor – Study trip

CEO - Elsternwick communications

- Workshop in October

- Woorayl St – Green Space Advocacy

Cr Hyams - Port Philip City Council trial of loading zones for music venues

- VPA communication regarding East Village

Cr Sztrajt - Roundabout on Glen Eira road.

Cr Athanasopoulos - Refugee Welcome Zone

- Elsternwick Park Coalition

(iii) Draft Glen Eira Tennis Strategy

(iv) Sports Ground Lighting

JS 7.34pm left the assembly 7.35pm returned to the Assembly

- (v) Partnerships and Collaboration with Schools
- (vi) Moorabbin Community Extended Care Society Trust
- (vii) Local Law Project Review

8.09pm Assembly was adjourned

8.24pm Assembly was resumed

Present

Cr Tony Athanasopoulos
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

(viii) Community Grants Recommendations

(ix) General Business

Acting Director Infrastructure, Environment and Leisure - Clayton landfill

Director Planning and Place – Green waste litter

- Temporary fencing requirements

Cr Esakoff – Civil matter - Royal Parade

Cr Taylor – Study trip

CEO - Woorayl St – Green Space Advocacy

- Elsternwick communications

- Workshop in October

Cr Esakoff – Simultaneous developments in proximity to one another

Cr Hyams - Port Philip City Council trial of loading zones for music venues

- VPA communication regarding East Village

Cr Sztrajt - Roundabout on Glen Eira road

Cr Silver – Bees and biodiversity

Cr Athanasopoulos - Elsternwick Park Coalition

- Refugee Welcome Zone

CEO - Sports ground lighting

Assembly finished at 9.54pm

Assembly of Councillors

17 July 2018

Record under S 80 A (2)

Meeting commenced at 6.45PM.

A. Present

Cr Jamie Hyams (Deputy Mayor)
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

Council Officers

Rebecca McKenzie
Peter Jones
Peter Swabey
Ron Torres
James Kearney
Aidan Mullen
Paul Wood
Janice Pouw
Emily Qiao

B. Matters considered.

(i) Apologies – Cr Athanasopoulos, Cr Delahunty and Cr Davey

(ii) Elsternwick Cultural Precinct (Selwyn St) – Draft shared vision – scope
(Cr Delahunty via telephone link for this item)

7.16pm Cr Sztrajt left the Assembly

(iii) Open Space Opportunity and Heritage Assessment for former ABC Site –
update

(iv) General Business

- a) Manager Town Planning – 6-8 Bevis Street Bentleigh East
- b) Director Planning and Place – Traffic Engineering
- c) Cr Taylor – Speed Hump options
- d) Cr Magee – Clarification of planning application requirements
- e) Cr Silver – Clarification of effect of VCAT decision on alternative sites

8.20pm Assembly was adjourned

8.34pm Assembly was resumed

Present

Cr Jamie Hyams (Deputy Mayor)
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Nina Taylor

(v) Draft Council Meeting Agenda – 24 July 2018

- 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 Instruments of Appointment and Authorisation
- 9.9 National General Assembly of Local Government Conference Canberra 2018
- 9.10 Proposal to enter into a lease between Glen Eira City Council and 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

Assembly finished at 9.04pm

Council Pre-Meeting

24 July 2018

Record under S 80 A (2)

Meeting Commenced at 6.48pm

A. Present

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

Apologies - Nil

Officers

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

B. Matters considered

1. Item 5.1 – 774-776 Glen Huntly Road, Caulfield South
2. Item 9.3 – Shelford Girls' Grammar School – Combined Planning Scheme Amendment and Planning Permit Application
3. Item 11.1 – Requests for Reports from Officers
 - 11.1(a) Cr Taylor – Viability of Steam Weeding
4. Item 9.4 – Bus Services in Glen Eira
5. 11.1(b) Cr Davey – Carnegie Caulfield Cycling Club
6. Item 11.4 – Public Questions
7. Item 9.6 – Glen Eira Family Violence Prevention Action Plan 2018-2019 and Policy
8. General Business
 - (a) Cr Delahunty – Program re Exposure to women of roles usually held by men
 - (b) Cr Silver – Bees and biodiversity
 - (c) Co-ordinator Councillor Business – Councillor invitation
 - (d) Cr Taylor – Resident request re driveway

7.16pm Cr Magee left the Assembly

- (e) Cr Silver – Resident request – power pole
- (f) CEO - Conference

Pre-meeting finished at 7.18pm

9. PRESENTATION OF OFFICERS REPORTS

9.1	VCAT Watch
9.2	2 Pearce Street Caulfield South
9.3	81 Dalny Road, Murrumbeena
9.4	Heritage Assessment of 8 Gordon Street, Elsternwick
9.5	Extension of Time Requests for Planning Permits
9.6	Partnerships and Collaboration with Schools - Sports Grounds
9.7	Community Grants Recommendations
9.8	Local Laws Project Review
9.9	Instruments of Appointment and Authorisation

9.1 VCAT WATCH

Author: Kristian Cook, VCAT Coordinator

Trim No: 18/1178328

Attachments: 1. VCAT Watch - 14 August 2018 - Attachment

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.

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 was one decision since the previous report, which was reached following the consent of all parties. This involved a two dwelling development at 43 Whitmuir Road, Mckinnon.

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 (24 JULY 2018 TO 14 AUGUST 2018)

Address	VCAT Reference	Description of proposal	Type of Appeal	Zone	Council Decision	Council Delegate for Decision	Next Hearing Type	Next VCAT date
32 Leckie Street BENTLEIGH VIC 3204	P1195/2018	Construction of two double storey attached dwellings	s80 (Conditions)	NRZ1	Planning Permit	DPF	Merits Hearing	2-Oct-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	Compulsory Conference	2-Oct-2018
74 Beddoe Avenue BENTLEIGH EAST VIC 3165	P1202/2018	Double storey dwelling to the rear of a property	s80 (Conditions)	NRZ1	Planning Permit	DPF	Merits Hearing	4-Oct-2018
44 McLean Avenue BENTLEIGH VIC 3204	P1329/2018	Construction of two (2) double storey attached dwellings	s77 (Refusal)	NRZ1	Refusal	Manager	Merits Hearing	10-Dec-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
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	*
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	*
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-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
32 Leckie Street BENTLEIGH VIC 3204	P1195/2018	Construction of two double storey attached dwellings	s80 (Conditions)	NRZ1	Planning Permit	DPF	Merits Hearing	02-Oct-2018
74 Beddoe Avenue BENTLEIGH EAST VIC 3165	P1202/2018	Double storey dwelling to the rear of a property	s80 (Conditions)	NRZ1	Planning Permit	DPF	Merits Hearing	04-Oct-2018
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	05-Oct-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
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 (24 JULY 2018 TO 14 AUGUST 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)
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	Permit issued	9-Jul-2018	Set aside - consent

9.2 2 PEARCE STREET CAULFIELD SOUTH

Author: Alison Orwin, Town Planner

Trim No: 18/1153183

Attachments: 1. 2 Pearce Street CAULFIELD SOUTH - Amended advertised plans
2. 2 Pearce Street - ResCode table

PURPOSE AND SUMMARY

The purpose of this report is to provide an assessment and recommendation for a planning permit application for the construction of 5 dwellings at 2 Pearce Street, Caulfield South.

The application was advertised on two occasions and 22 objections were received with concerns ranging from it being an inappropriate response to the neighbourhood character, impacts to the availability of on-street car parking, increased traffic congestion and the height, massing and bulk of the proposal.

Subject to conditions that improve the design detail and treatments, manage the street setback better and reduce overlooking, the proposal is considered on balance to be generally in accordance with requirements of the Glen Eira Planning Scheme and it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

The following plan shows the location of the subject site and the context of the surrounding area:



RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31555/2018 at 2 Pearce Street CAULFIELD SOUTH in accordance with the following conditions/grounds:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No. DR-01, TP-01, TP-02, TP-03 and SD-01, Revision C, prepared by Selwyn Blackstone Architect and dated June 2018 and Drawing No. L-TP01, prepared by John Patrick Landscape Architects Pty Ltd and dated April 2018) but modified to show:
 - (a) Melbourne Water requirements demonstrated on the plans as per condition 7.
 - (b) A landscape plan in accordance with Condition 2.
 - (c) An updated schedule of construction materials, external finishes and colours incorporating samples that responds to the established residential characteristics of Pearce Street, to the satisfaction of the Responsible Authority.
 - (d) Deletion of boundary fencing, trellis notations and any other domestic services normal to a dwelling.
 - (e) The proposal to provide at least 20% permeability. This is to be demonstrated on the plans.
 - (f) The proposal must not exceed a maximum of 60% site coverage.
 - (g) The proposal modified to fully comply with Standard B44 (Storage) at Clause 55.07-10 of the Glen Eira Planning Scheme.
 - (h) The proposal to demonstrate compliance with Standard B41 (Accessibility) at Clause 55.07-7 of the Glen Eira Planning Scheme.
 - (i) The front fence to be a maximum height of 1.8m and to be visually permeable.
 - (j) The proposal modified to fully comply with Standard B20 (North facing windows) at Clause 55.04-4 of the Glen Eira Planning Scheme in relation to all north facing habitable room windows within 3m of the southern boundary, with any consequential changes absorbed within the remaining building envelope to the satisfaction of the Responsible Authority. A diagram/cross-section plan must be provided to demonstrate how the building setbacks achieve compliance with Standard B20.
 - (k) First and second floor habitable room windows on the northern and southern elevations to have fixed screening or fixed obscure glazing to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.

- (l) The terrace to Dwelling 4 and the terrace off the living area to Dwelling 5 to have fixed screening to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
- (m) A note on the ground floor plans that there will be a freestanding trellis (maximum 25% openings) erected above the existing fence along the western property boundary to an overall height of 1.7m above the FFL of Apartment 2, to the satisfaction of the Responsible Authority.
- (n) Ground floor front walls to Dwelling 1 set back an additional 1m from the front boundary.
- (o) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following tree/s at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
 - Tree 1 (neighbouring Common Fig to south-west) – 5.1 m
 - Tree 2 (neighbouring Desert Ash to south-west) – 6.0 m
 - Tree 5 (neighbouring Crepe Myrtle to south-east) – 2.8 m
- (p) The crossover should be shown aligned with the 3m trafficable section of the accessway (between the 300mm kerbs) on all plans. The crossover is to be splayed to the satisfaction of the Responsible Authority.
- (q) A note on the plans detailing that no objects or vegetation greater than 900mm in height within the pedestrian sight triangles.
- (r) The length of the basement and ramp grades to be dimensioned.
- (s) The columns between the car spaces need to be located no less than 250mm and extend no more than 1.25m from the car park aisle. The columns should be clearly dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.
- (t) All car spaces to be allocated to each dwelling shown on the basement floor plan.
- (u) A minimum height clearance of 2.1m required at the entrance to the basement and within the car park.
- (v) An Environmentally Sustainable Design (ESD) Report to be provided by a suitably qualified professional, demonstrating compliance with Standards B35 and B39 of Clause 55.07 of the Glen Eira Planning Scheme.

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

2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate the following:
 - (a) A survey, including botanical names, of all existing vegetation to be retained.

- (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
- (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- (d) Landscaping and planting within all open space areas of the site.
- (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) 1 trees within the private open space of Dwelling 2;
 - (ii) 3 trees within the front setback and private open space of Dwelling 1;
 - or 4 trees in locations to the satisfaction of the Responsible Authority.

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

3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
5. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following tree/s at the prescribed radial distance from the base of the trunk to define a tree protection zone (TPZ):
 - Tree 1 (neighbouring Common Fig to south-west) – 5.1 m
 - Tree 2 (neighbouring Desert Ash to south-west) – 6.0 m
 - Tree 5 (neighbouring Crepe Myrtle to south-east) – 2.8 m

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

6. The existing street tree to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of Council's Parks Services Department. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.

Melbourne Water Conditions (conditions numbered 7 to 11)

7. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must include ground and floor levels to Australian Height Datum (AHD) and amended as follows:
 - a) The finished ground floor level of the development must be set no lower than 27.77 metres to AHD, which is 300mm above the applicable flood level of 27.47 metres to AHD.
 - b) The entry / exit driveway of the basement carpark must incorporate a flood proof apex set back not less than six metres from the frontage and set no lower than 27.77metres to AHD which is 300mm above the applicable flood level of 27.47 metres to AHD.
 - c) The 4.5 metre frontage setback as proposed must be set at the existing natural ground surface level and be kept clear of all permanent structures (i.e. no planter boxes or solid fences).
8. The finished ground floor level must be constructed with finished floor levels set no lower than 27.77 metres to Australian Height Datum, which is 300mm above the applicable flood level of 27.47 metres to Australian Height Datum.
9. The 4.5 metre frontage setback as proposed must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures (i.e. no planter boxes or solid fences).
10. The entry / exit driveway of the basement carpark must be constructed with a flood proof apex set back not less than six metres from the frontage and set no lower than 27.77metres to AHD which is 300mm above the applicable flood level of 27.47 metres to AHD.
11. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
12. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence along the western property boundary to an overall height of 1.7m above the FFL of Apartment 2, to restrict overlooking into the adjoining residential property to the satisfaction of the Responsible Authority.
13. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
 - a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within

suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.

- b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- d) Details for best practice waste management once operating.

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

14. 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.

15. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
16. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
17. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
18. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed generally in accordance with the endorsed plans.
19. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
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 will expire if:
- The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

use/development has not commenced.

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

Conditions End

NOTES:

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- E. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.
- G. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing

the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

- H. The proposal includes the removal and replacement of the existing street tree. Please Contact Councils Parks Services Department on 9524 3333 to arrange the removal and replacement. All costs will be at the expense of the permit holder.
- I. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

Asset Engineering Notes

- J. All storm water runoff must be connected to Council's drainage network. No uncontrolled storm water discharge to adjoining properties and footpaths.
- K. Storm water discharge is to be retained on site to the pre development level of peak storm water discharge for 10 ARI storm.
- L. On any future subdivision the 1.83 m wide easement that runs along the western boundary of the property shall also be entered as a drainage easement in favour of Glen Eira City Council.
- M. Council records indicate that there is a 150mm diameter Council storm water drain located within the easement of the adjacent properties (886 and 888 Glen Huntly Road) near the northern boundary of the subject site. Additionally there is also a 225mm Council storm water drain located within the western easement of 2 Pearce Street. No basement wall should be built within 1.0m laterally from the edge of the Council drains and applicant is required to identify the exact location of the existing Council storm water drain at the adjacent property prior to any work.
- N. Protection works must be in place during demolition, excavation and construction of the building to protect the Council's drain located within the property and adjacent properties. No mechanical excavations within 1.0m of Council drains.
- O. The permit applicant may be required to submit CCTV footage and a report of Council's easement drain before and after the construction. Any damage to the drain will be the responsibility of the permit applicant and any reinstatement works to be carried out must be to the satisfaction of the Responsible Authority and to the permit applicants cost.

Address	2 Pearce Street Caulfield South
Title details	Lot 9 on LP 007698
Restrictions on title	None
Proposal	Construction of a three storey building comprising of 5 dwellings above a basement car park
Zoning and Overlay Controls	General Residential Zone 1 (GRZ1) Parking Overlay (PO2-3)
Permit requirements	A permit is required to construct 5 dwellings under Clause 32.08-6 of the General Residential Zone. Previously, pursuant to Clause 52.06 of the Glen Eira Planning Scheme a permit was required to reduce the number of (visitor) car parking spaces. However, recent State Government changes (Amendment VC148) to planning provisions have removed this permit trigger given the site's proximity to the 'Principal Public Transport Network'.
Relevant Planning Scheme provisions	Housing Diversity Area Policy
Seriously entertained amendments	None
Notification	Notice undertaken in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> , including 1 notice on site and a notice mailed to 14 surrounding properties. The application was then again advertised after amendments were submitted in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> , including 1 notice on site and a notice mailed to 63 surrounding properties. No additional objections were received as a result of the re-advertising of the application.
Submissions	22 objections (including a petition) received and are detailed in the report.
Cultural Heritage Management Plan required	None required

DESCRIPTION OF PROPOSAL

Following the public notice process and receipt of objections, the applicant formally amended the application. The changes made were:

- Overall building height increased to 10.2m (increase of 300mm) in response to Melbourne Water finished floor level requirements.
- Basement was lowered to be completely under ground level (to meet garden area requirements).

The amended proposal before Council involves:

- Demolition of the existing dwelling
- Construction of a 3 storey building comprising 5 dwellings
- Ground floor comprising of 2 dwellings
- First floor comprising of 2 dwellings

- Second floor comprising of 1 dwelling
- All dwellings consist of three bedrooms
- Vehicle access would be from a vehicle crossing to Pearce Street
- Basement car parking comprising of 10 car spaces (two for each dwelling)
- There is no provision of a visitor car space
- Site coverage would be 63.4%
- Permeability would be 20.5%
- Garden area would be 35%

LAND DESCRIPTION AND SURROUNDING AREA

The immediate neighbourhood character consists of a variety of housing types and styles, including single detached dwellings and multi-unit developments.

- To the North are 3 storey apartment buildings and units facing Glen Huntly Road.
- To the South are detached dwellings mostly fronting Pearce Street.
- To the West is a detached single dwelling fronting Roselea Street.
- To the East is a unit development fronting Pearce Street.

CONSULTATION AND ENGAGEMENT

There were 22 objections received as part of the notification process and included the following concerns:

- Neighbourhood character of Pearce street
- Traffic and car parking
- Height, massing and bulk
- Overlooking and privacy issues
- Overshadowing and loss of natural daylight
- Energy efficiency and impacts on solar panels
- Cumulative impact of other recently approved developments of this density
- Construction management concerns
- Impacts on neighbouring trees
- Noise
- Location of basement and impacts on the flood level
- Excessive site coverage
- Permeability
- Loss of property value
- Risks of flooding increased
- Issues with the zoning in the area
- Front fence height

A planning conference, chaired by Cr Silver, was attended by the applicant and objectors. Objectors mainly raised concerns outlined in their written objections.

REFERRALS

The following is a summary of comments and requirements from relevant referral areas:

Non-statutory Referrals	
Melbourne Water	The site is within a proposed Melbourne Water flood area. It does not object to the proposal subject to the inclusion of conditions to address the management of flood risk.
Transport Planning	The number of car spaces provided for residents meets the statutory requirements. The Transport Planning department also recommended

	<p>one visitor parking space be provided subject to the controls applicable at the time of assessment.</p> <p>Access and layout of the basement car park is acceptable subject to minor notations</p> <p>It is estimated that the proposal would generate up to 3 vehicles trips during each of the peak periods. The increase in traffic generated by the proposal is unlikely to have any significant adverse impact on the current operation and function of Pearce Street</p>
Asset Engineering	The proposed vehicle crossing is satisfactory. Protection works required for Council's assets within the adjoining easements.
Landscape Officer	Tree protection conditions are suggested for 3 trees on adjoining properties and a landscape plan should be submitted and include at least 5 canopy trees.
Parks Services	The street tree has been approved for removal and is to be replaced following the completion of the works at a cost to the applicant.

ISSUES AND DISCUSSION

The assessment of the proposal has regard to the following:

- Zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts including internal amenity
- Landscaping
- Internal amenity
- Car parking and traffic
- Management plan requirements
- Objectors concerns

Zoning and policy context

State and Local planning policy broadly supports development in this location, which encourages an increase of housing supply in existing urban areas with good access to public transport and services. The proposal is considered to be consistent with the relevant policies as it will contribute to the mix of density and housing types.

The subject site is located within the General Residential Zone, Schedule 1 (GRZ1) of the Glen Eira Planning Scheme (Scheme) and is within a Neighbourhood Centre (Caulfield South) as set out at Clause 21.04 of the Scheme.

Sites within Neighbourhood Centres are subject to the Housing Diversity Area Policy at Clause 22.07 of the Scheme. Key objectives of this policy are to:

- Ensure that the density, mass and scale of residential development is appropriate to that of the neighbourhood centre.
- Ensure that residential development is sited and designed so that it does not dominate the streetscape.
- Encourage a decrease in the density of residential development as the proximity to the commercial area of the neighbourhood centre decreases.

The 2 relevant purposes of the General Residential Zone are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

It is considered that the proposal accords with the Housing Diversity Policy and the purpose of the General Residential Zone. The density, scale and massing of the proposal is considered appropriate for this location having regard to existing large buildings in the area.

The sensitive interface to the South has been managed through the side setbacks which will provide a suitable transition in scale to the dwellings in Pearce Street. The proposal is considered to be well-designed with a good level of visual interest and architectural merit. The dwelling layouts allow for flexibility of use and accommodate diverse family living. The outdoor spaces provide usable space for future resident's reasonable recreational needs.

Neighbourhood character

It is noted the existing character of Pearce Street comprises largely of single and double storey detached dwellings along with unit development (generally 2 and 3 to a conventional block and 6 to a larger site). More recently, there have been three storey building approvals in the area (along Glen Huntly Road to the North).

Notably, a three storey building is currently finalising construction at 892 Glen Huntly Road (north of the subject site). Additionally a three storey building at 888 Glen Huntly Road has been constructed within the last 8 years.

The existing neighbourhood character of the street will change over time given the site's location within the Caulfield South Neighbourhood Centre. The proposal is representative of the anticipated change in terms of the density, height and massing which is a product of the mandatory height limit in the General Residential Zone. A condition is recommended that requests an updated schedule of construction materials, external finishes and colours which incorporate samples that responds to the established residential characteristics of Pearce Street. This will assist the development to integrate into the established character of the street better and resolves issues in regards to the development appearing to not respect the neighbourhood character of the area.

The proposed front fence is 2m high. In a side street, it is considered that high front fences are inappropriate. Taking into account the front fence is fencing open space areas, a height of 1.8m is considered appropriate in this instance. The front fence should be visually permeable to allow views to the landscaped front yard and therefore further respect the neighbourhood character of the area.

The design of the building is consistent with the emerging character and provides a well resolved architectural form that is reflective of the more recent approvals. Overall the proposal is considered to respond appropriately to the neighbourhood character.

Height, scale and massing

The zone provision requires a maximum mandatory height of 10.5 metres. The maximum height of the building is 10.2m. Therefore, the proposal is below the maximum allowable height of the zone of the land.

The building uses a raked roof design which assists in it presenting as a two storey development with a high pitched roof when views from Pearce street to the North. This ensures it fits well into the streetscape. In addition, the use of planter boxes in the terrace design, articulation and varied side setbacks is considered acceptable.

However, the front setback does not comply with the numerical standards in the Planning Scheme, which requires 9m, based on the adjoining dwelling facing the same street. The proposed front setback is 4.5 metres at ground floor, 7.5 metres at level 1 and 2 (with

terrace encroachment). The decision guidelines require the decision maker to consider whether different setbacks would be appropriate, taking into account the prevailing setbacks of existing buildings on nearby lots and any relevant policy set out in the Scheme.

In this instance, allowing a variation to the front setback is considered generally acceptable as there are examples of reduced front setbacks within the streetscape (particularly across the road at 1-3 Pearce Street, which has a range of front setbacks between 4.5m and 4.8m). It also provides a transition between the siting of the building on the corner (892 Glen Huntly Road) and 4 Pearce Street.

However, due to the three storey nature of the development, it can be considered that an additional setback of 1m at ground floor would further assist in managing this transition. It would allow for increased landscaping opportunities and a larger private open space area for dwelling 1. Additionally, taking into account the existing dwelling on the subject site has a garage that is set back 5m from the front boundary. It is considered that a front setback of 5.5m will allow for further landscaping to the front setback and sit comfortably within the streetscape.

The plans will be required to demonstrate that the proposal provides at least 20% permeability across the site, as this is unclear when looking at the provided landscape plans.

In regards to site coverage, the proposal appears to come in above the required maximum percentage. To further assist the development to integrate better with the neighbourhood character it is recommended that the proposal does not exceed this maximum percentage of site coverage.

Given the site context of a mix of buildings forms and the expected transition of this area to more medium density scale development; it is considered the overall proposed street setback with a further setback of 1m is appropriate.

Amenity impacts (including internal amenity)

Visual bulk impacts are minimised through the raking of the built form at the sensitive interfaces of the lower scale existing dwelling to the south. The proposal complies with the objective for the side and rear setbacks from boundaries overall. However there are minor areas of non-compliance to the north largely from the second floor (dwelling 5). This interface provides adequate articulation and has a mix of materials along this elevation that break up the expanse of wall; this in turn limits the impacts on the amenity of the existing dwellings. Due to the subject site's orientation and the nature of the buildings to the north of the dwelling, it is considered that the proposal respects the emerging neighbourhood character of the area.

The property to the south also has a number of ground floor habitable room windows that face north. A condition will be required to ensure that the development is set back from these windows in accordance with the relevant standard. The condition is suggested that the plans demonstrate the proposal compliance with B20 (North facing windows). As it appears that not all habitable room windows of the adjoining properties were included on the plans; the plans are required to show these windows and the proposal setback in compliance.

The overshadowing from the proposal to the private open space of the adjoining properties complies with the requirements and the development has been designed so that it does not unreasonably overlook neighbouring properties. However is recommended that all northern and southern facing habitable room windows on the first and second floors are provided with fixed privacy screens, opaque glass or have a sill height of 1.7m above finished floor level, to

protect any views to adjoining POS or habitable room windows. While some terraces have been screened in accordance, it is recommended that the remaining terraces that may have potential for overlooking be provided with screening to comply with the relevant ResCode Standard.

Each apartment is designed to maximise natural light to habitable areas in response to the east-west orientation of the site. The layout and design of the development will result in functional, well-proportioned dwellings with good access to daylight, direct sunlight and adequately proportioned terraces.

Landscaping

The site is below 750m² and is therefore not required to provide deep soil areas. However there is adequate open space provided within the front setback, which is sufficiently clear from the basement below to provide appropriate landscaping.

A condition of permit will require a total of 4 canopy trees within the private open space areas of this development.

There are neighbouring trees close to the site. Council's landscape officer stated that impacts to three neighbouring trees were expected to be minimal. This application requires tree protection zones/tree protection fencing to be delineated and shown on the endorsed plan.

Car parking and traffic

Bicycle facilities were not required, however have been provided.

The required number of car parking spaces is provided for residents. The proposal is not required to provide one visitor car parking space due to recent State Government changes to planning provisions (VC148).

The applicant has submitted a car parking demand assessment and this demonstrates that there is ample capacity within the surrounding on-street public parking supply, to readily cater for any visitor parking.

Council's Transport Planning Department has also identified that the basement ramp and car park layout is generally satisfactory but some modifications are required to the design of the basement access way and car park. The changes can be required by condition of permit if one is to issue.

Management plan requirements

A Construction Management Plan (CMP) and Waste Management Plan (WMP) are required. Conditions have been included outlining the requirements of the CMP and WMP.

An Environmentally Sustainable Design (ESD) Report which demonstrates compliance with the relevant Better Apartment Design Standards of ResCode for water and stormwater management will also be required.

Objector concerns

Concerns raised by objectors are covered in this report and are acknowledged. With regards to concerns about flooding, it is noted that Melbourne Water considered the proposal to be acceptable, subject to conditions. Furthermore it will be required that the proposal meets the requirement for permeability.

In relation to shadowing of solar panels, it is noted that there is no standard to measure impact, however the proposal complies with overshadowing of POS and will be required to demonstrate compliance with solar access to north facing windows and thus is considered that the impact to adjoining solar panels will not be unreasonable.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

POLICY AND LEGISLATIVE IMPLICATIONS

All matter required at Section 60 of the *Planning and Environment Act* 1987 have been taken into consideration as part of the assessment of this application.

LINK TO COUNCIL AND COMMUNITY PLAN

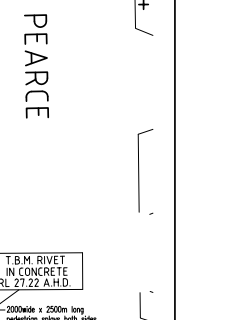
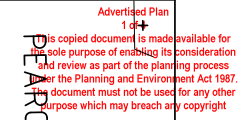
Theme One: Liveable and Well Designed
A well planned City that is a great place to live.

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 a Notice of Decision to Grant a Planning Permit be issued.



		SELWYN BLACKSTONE ARCHITECT		DRAWING PLANNING PROJECT Proposed Apartments 2 Pearce St Caulfield		SCALE 1:1000/BA CAD Ref: 285	DATE Sept. 2017 CHECKED / ISSUED JOB NO. 527 DWG NO. TP-01
				ph: 03 9523 6382 fax 03 9610 1865 no 0452 081 618 PO Box 3627 Armadale 3143 VIC 125 West Street Caulfield 3162 VIC			
C 27.06.18	REVIEW FLOOR LEVELS - MELB WATER	SR		www.selwynblackstone.com.au www.selbld.com.au			
R 24.04.18	COUNCIL RPT - RE-SUBMISSION	SR					
A 17.11.18	PLANNING APPLICATION	SR					
NO	DETAILS	SR					

Advertised Plan
2 of 4
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PEARCE STREET

STREET

PEARCE STREET

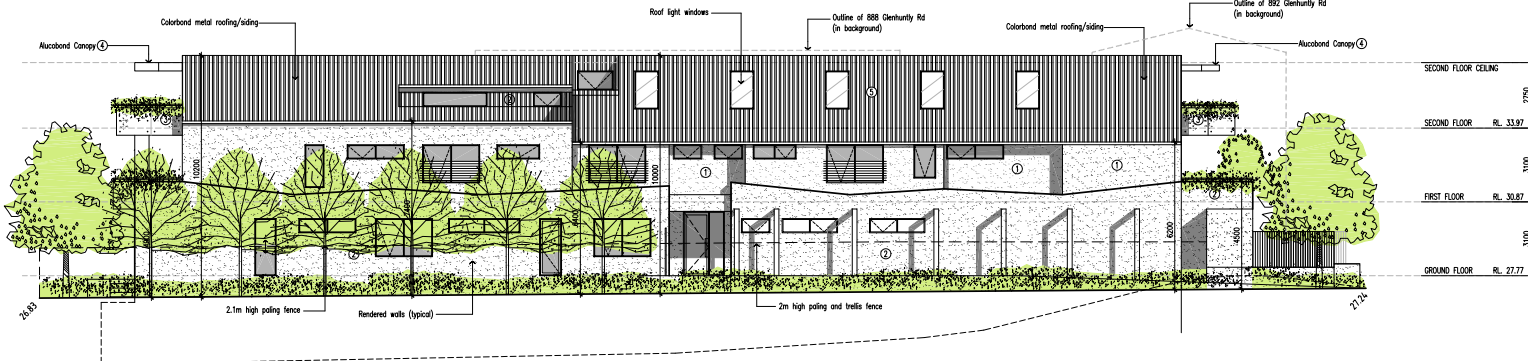
STREET

SECOND FLOOR PLAN
1:100 @ A1

FIRST FLOOR PLAN
1:100 @ A1

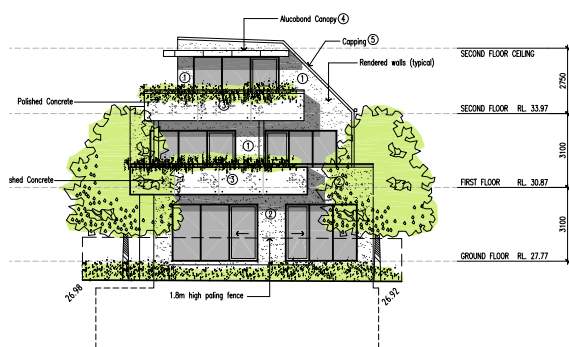
SELWYN BLACKSTONE ARCHITECT 27/06/2018 7:43:19 PM, A1, Original Sheet (Rev 1)		SCALE 1:100@A1 DATE Sept. 2017 CAD Ref: 285 DRAWN: S.B. CHECKED: S.B. PROJECT: Proposed Apartments 2 Pearce St Coufield	
C 27/06/18 REVISION FLOOR LEVELS - MILLER WATER R 28/06/18 COUNCIL REF - INTERIMISATION A 17/07/18 PLANNING ATTITUDE MFL DATE DETAILS		527 THE NUMBER THREE TP-02 C	

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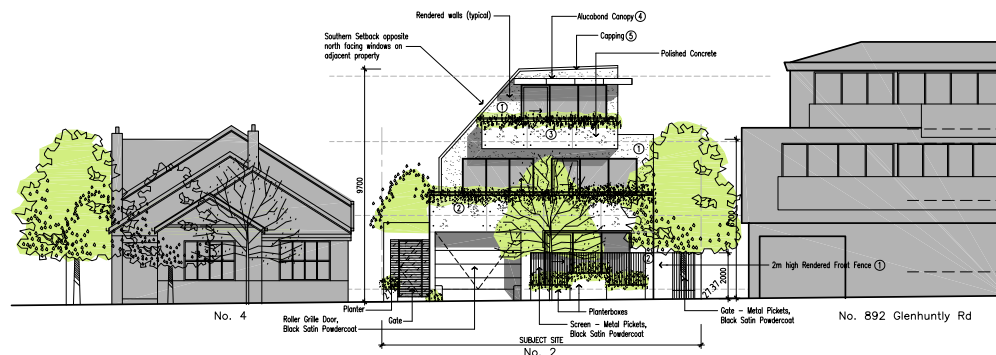
SOUTH ELEVATION

1:100 @ A1



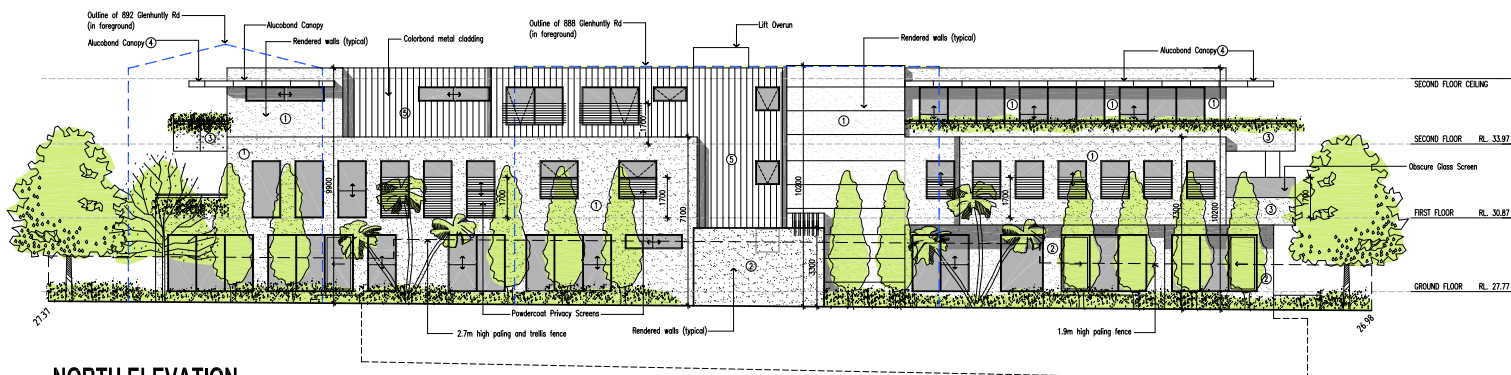
WEST ELEVATION

1:100 @ A1



EAST ELEVATION

1:100 @ A1



NORTH ELEVATION

1:100 @ A1

- FINISHES AND COLOUR SCHEDULE:**
1. RENDER - NATURAL WHITE
 2. RENDER - DULUX STAINCY
 3. RENDER - NATURAL CEMENT
 4. ALUCOBOND - SUNRISE SILVER
 5. ROOFING - BASALT STEEL MATT

REV	DATE	DETAILS	BY
1			
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SELWYN BLACKSTONE ARCHITECT
 27/06/18 REVISE FLOOR LEVELS - MILLER WATER
 28/06/18 COUNCIL MET - DETERMINATION
 29/06/18 PLANNING APPLICATION
 30/06/18

DATE: Sept 2017	SCALE: 1:100 (M)
DATE: 28/08	CAD FILE: 285
DATE: 28/08	PROJECT: Proposed Apartments
DATE: 28/08	PROJECT: 2 Pearce St
DATE: 28/08	PROJECT: Caulfield
DATE: 28/08	PROJECT: 527
DATE: 28/08	PROJECT: TP-031 C



RESCODE ASSESSMENT TABLE

CLAUSE 55.02: NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE			
ResCode Assessment	Standard Met?	Objective Met?	Discussion
B1: Neighbourhood character	YES	YES	Given the sites location with the Caulfield South Neighbourhood Centre, the overall design and presentation to the street is considered to be a reasonable response to the emerging and future neighbourhood character of the area. A few conditions have been recommended to aid the development to further integrate into the streetscape.
B2: Residential policy	YES	YES	The proposal is considered to be consistent with the intent and objectives of the Housing Diversity Area Policy and the General Residential Zone. The density, scale and massing of the proposal is considered appropriate for this location having regard to existing large buildings in the area. The proposed building height of 10.2m complies with the mandatory maximum height allowed in this zone. The sensitive interface to the South has been managed through the side setbacks which will provide a suitable transition in scale to the dwellings in Pearce Street. The proposal is considered to be well-designed with a good level of visual interest and architectural merit. The dwelling layouts allow for flexibility of use and accommodate diverse family living. The outdoor spaces provide usable space for future resident's reasonable recreational needs.
B3: Dwelling diversity	N/A	N/A	5 dwellings are proposed
B4: Infrastructure	YES	YES	The proposal has access to reticulated services.
B5: Integration with the street	YES	YES	The proposal is oriented to Pearce Street with clear pedestrian and vehicular access points. While fencing proposed is high, it is considered to be visually permeable and allow views to the front garden.
CLAUSE 55.03: SITE LAYOUT AND BUILDING MASSING			
ResCode Assessment	Standard Met?	Objective Met?	Discussion

RESCODE ASSESSMENT TABLE

B6: Street setback	NO	YES	<p>4.5m at ground floor, 7.5m at level 1 and 2 (with terrace encroachment) proposed. 9m required</p> <p>In this instance varying the front setback is considered acceptable as there are examples of reduced front setbacks within the streetscape (particularly across the road at 1-3 Pearce Street, which has a range of front setbacks between 4.5m and 4.8m). It also provides a transition between the siting of the building on the corner (892 Glen Huntly Road) and 4 Pearce Street.</p> <p>However, due to the three storey nature of the development, it can be considered that an additional setback of 1m at ground floor would further assist in managing this transition. It would allow for increased landscaping opportunities and a larger private open space area for dwelling 1. Additionally, taking into account the existing dwelling on the subject site has a garage that is setback 5m from the front boundary. It is considered that a front setback of 5.5m will allow for further landscaping to the front setback and sit comfortably within the streetscape.</p>
B7: Building height	YES	YES	A maximum of 10.2m is proposed which complies with the height requirements of the zone (under 10.5m)
B8: Site coverage	NO	NO	63.4% proposed Condition recommended that the proposal is reduced to comply with the maximum of 60% site coverage.
B9: Permeability	NO	YES	20.5% proposed. However the landscape plan shows excessive hard paving. A condition is recommended that the proposal demonstrates compliance with this standard.
B10: Energy efficiency	N/A	N/A	See Clause 55.07
B11: Open space	N/A	N/A	See Clause 55.07
B12: Safety	YES	YES	The proposal has clear access points from the street and provides passive surveillance of the street from balconies and through the permeable front fence.
B13: Landscaping	YES	YES	Tree protection zones required for trees on neighbouring property. Impacts to neighbouring trees are

RESCODE ASSESSMENT TABLE

			within tolerance. Street tree approved to be removed. While there is limited room for canopy trees to be planted, within the front setback there is space while will soften the appearance of the development within the streetscape.
B14: Access	YES	YES	A single vehicle crossover has been proposed which is 3m wide
B15: Parking location	YES	YES	Convenient vehicle access is proposed from within the basement car park

CLAUSE 55.04: AMENITY IMPACTS			
ResCode Assessment	Standard Met?	Objective Met?	Discussion
B17: Side and rear setbacks	NO	YES	Range from 4.99-5.29m required, ranges from 2.2-4m proposed. Visual bulk impacts are minimised through the raking of the built form at the sensitive interfaces of the lower scale existing dwelling to the South, and will satisfy the standard in this area (after submission of amended plans to satisfy B20). The proposal complies with the objective for the side and rear setbacks from boundaries overall. However there are areas of non-compliance to the North from the second floor (dwelling 5). This interface provides adequate articulation and has a mix of materials along this elevation that break up the expanse of wall; this in turn limits the impacts on the amenity of the existing dwellings. Due to the subject site's orientation and the nature of the buildings to the north of the dwelling, it is considered that the proposal respects the emerging neighbourhood character of the area.
B18: Walls on boundaries	N/A	N/A	There are no boundary walls proposed.
B19: Daylight to existing windows	YES	YES	The proposal is setback in accordance.
B20: North-facing windows	NO	YES	The proposal intends to comply with this standard, however due to the raised FFL (due to MW conditions) some wall heights were raised. A condition is recommended that the applicant demonstrates compliance with this standard and may provide sections.
B21: Overshadowing open	YES	YES	Hours and percentage specified in the

RESCODE ASSESSMENT TABLE

space			standard are met
B22: Overlooking	NO	NO	Not all habitable room windows or balconies have been screened in accordance with the standard Conditions recommended to mitigate direct overlooking.
B23: Internal views	YES	YES	Internal views addressed through privacy screens and planter boxes
B24: Noise impacts	N/A	N/A	See Section 55.07

CLAUSE 55.05: ON-SITE AMENITY AND FACILITIES			
ResCode Assessment	Standard Met?	Objective Met?	Discussion
B25: Accessibility	N/A	N/A	See Clause 55.07
B26: Dwelling entry	N/A	N/A	See Clause 55.07
B27: Daylight to new windows	YES	YES	The proposal complies with the requirements of the Standard
B28: Private open space	YES	YES	Each apartment has appropriate ground floor private open space or upper floor balconies in accordance with the Standard. 75m ² terrace provided for Apartment 1. 130m ² terrace provided for Apartment 2. 25m ² balcony provided for Apartment 3. 24m ² balcony provided for Apartment 4. 35m ² and 10m ² balconies provided for Apartment 5.
B29: Solar access to open space	YES	YES	Apartments have a mixture of East, West and North facing POS.
B30: Storage	N/A	N/A	See Clause 55.07.

CLAUSE 55.06: DETAILED DESIGN			
ResCode Assessment	Standard Met?	Objective Met?	Discussion
B31: Design detail	YES	YES	The proposal is representative of the anticipated change in terms of the density, height and massing which is a product of the mandatory height limit in the General Residential Zone. A condition is recommended that requests an updated schedule of construction materials, external finishes and colours which incorporate samples that responds to the established residential characteristics of Pearce Street. This will assist the development to integrate into the established character of the street better and resolves issues in regards to the development appearing to not respect the neighbourhood character

RESCODE ASSESSMENT TABLE

			of the area.
B32: Front fences	NO	YES	Height of 2m proposed which exceeds the 1.5m of the Standard. Taking into account the front fence is fencing dwellings POS, a height of 1.8m is considered appropriate in this instance. The front fence should be visually permeable to allow views to the landscaped front yard and therefore further respect the neighbourhood character of the area.
B33: Common property	YES	YES	Common areas are practical and reasonable
B34: Site services	YES	YES	Services and bin storage areas have been provided
CLAUSE 55.07: APARTMENT DEVELOPMENTS			
ResCode Assessment	Standard Met?	Objective Met?	Discussion
B35: Energy Efficiency	NO	NO	The dwellings have been appropriately oriented to enable suitable solar access into main living spaces and terraces. However the applicant has not demonstrated that the proposal will not exceed the maximum NatHERS annual cooling load for this area. A condition is recommended to provide this information within an ESD report. In relation to the impacts on the energy efficiency of existing dwellings on adjoining lots, it is noted that there is no standard to measure impact on solar panels. However the proposal complies with the amount of overshadowing of POS standard and will be required to demonstrate compliance with solar access to north facing windows and thus it is considered that the impacts on the energy efficiency of existing dwellings on adjoining lots will not be unreasonable.
B36: Communal Open Space	N/A	N/A	As there are less than 40 dwellings, this Standard is not applicable
B37: Solar access to communal outdoor space	N/A	N/A	Not applicable
B38: Deep soil areas and canopy trees	N/A	N/A	The subject site is below 750m ² and therefore this standard is not applicable.
B39: Integrated water and stormwater management	NO	YES	A rainwater tank has been provided. More information on the collection and reuse system is recommended to be provided in an ESD report.
B40: Noise impacts	YES	YES	The site is not within a noise influence

RESCODE ASSESSMENT TABLE

			area The layout proposed minimizes noise transmission within the site
B41: Accessibility	NO	NO	Not enough information has been provided on the plans and a condition is recommended that compliance with this standard is demonstrated.
B42: Building Entry and Circulation	YES	YES	The building has an appropriate sense of identity and allows for efficient and safe movement of residents
B43: Private Open Space above ground floor	YES	YES	Complies with the standard. Balconies of reasonable size and accessibility
B44: Storage	NO	YES	The required amount of storage has not been shown, and therefore is required to be demonstrated.
B45: Waste and recycling	YES	YES	Bin storage is provided within the basement
B46: Functional layout	NO	YES	Room dimensions are all satisfactory except for Dwelling 5 Bed 2 and 3 which are less than the required width. The minor variation is considered to be acceptable.
B47: Room Depth	YES	YES	Room depths are all satisfactory
B48: Windows	YES	YES	Every habitable room window allows adequate daylight
B49: Natural ventilation	YES	YES	Natural and cross-ventilation will be achieved for all dwellings

9.3 81 DALNY ROAD, MURRUMBEENA

Author: Catherine Zhou, Principal Town Planner

Trim No: 18/1164664

Attachments: 1. 81 Dalny Road MURRUMBEENA VIC 3163 - 702A - Amended Plans

PURPOSE AND SUMMARY

The purpose of this report is to provide an assessment and recommendation for a planning permit application for the construction of three dwellings at 81 Dalny Road, Murrumbeena.

The application was advertised and 38 objections were received with concerns ranging from it being an inappropriate response to the neighbourhood character, impacts to the availability of on-street car parking, increased traffic congestion and the height, massing and bulk of the proposal.

Subject to conditions that improve the design detail and treatments, manage the street setback better and reduce overlooking, the proposal is considered on balance to be generally in accordance with requirements of the Glen Eira Planning Scheme and it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

The following plan shows the location of the subject site and the context of the surrounding area:



RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31483/2017 at 81 Dalny Road, Murrumbena, in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the advertised plans submitted with the application (identified as Revision C Drawing No. TP-00.00 to TP10.04, Revision C, prepared by Insitu Design office and dated 1 June 2018) but modified to show:

General

- (a) A landscape plan in accordance with Condition 2.
- (b) The front walls on both ground floor and first floor of Townhouse 1 to be further set back of 2 metres from the front walls of Townhouse 2 with this change absorbed within the remainder of the building envelope to the satisfaction of the Responsible Authority;
- (c) No front fence to be aligned with the front site boundary. The front fence for Townhouse 1 is to be parallel with the front wall with the setback to the ground floor front wall of Townhouse 1 be no more than 6 metres;
- (d) The front fence to be a maximum height of 1.8m and to be visually permeable.
- (e) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following tree/s at the prescribed radial distance from the base of tree trunk to define a TPZ in accordance with the Pre-development Arboricultural Assessment prepared by Total Tree Care dated 07 March 2018:
 - Tree 11 (Illawara Flame Tree – neighbouring tree located to the north-east in backyard of No 241 Poath Road) – 4.2 m
 - Tree 12 (Narrow Leafed Ash– neighbouring tree located to the north in backyard of No 2 Daisy Street) – 6.0 m
 - Tree 13 (Lilly Pilly– neighbouring tree located to the north-east in backyard of No 241 Poath Road) – 9.6 m
- (f) Notation on plan to state that construction of Townhouse 3 on root sensitive footings within the TPZ of Trees 13;
- (g) Root sensitive permeable paving such as ‘on-ground’ or no-dig’ paving (or similar) is to be used where any part of the proposed paving comes within the TPZ of Tree 13;
- (h) The apex of the basement access ramp must provide at least 100mm freeboard above the back of the footpath/street building line or alternative solution to avoid any exceeding stormwater or nuisance flows to flood the basement to the satisfaction of the Responsible Authority.

Car Park and Access

- (i) The first 3 metres of the accessway to be designed at 90 degree from the footpath;
- (j) A visual splay to be provided on both sides of the proposed crossover with dimensions note on the ground floor plan in accordance with Clause 52.06 of the Glen Eira Planning Scheme;
- (k) All ramp grade, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme;
- (l) A minimum width of 1 metre to be provided for pedestrian access to the lift/lobby areas;
- (m) Vehicle crossover is to be shown aligned with the 3 metre trafficable section of the accessway (between the 300mm kerbs) and is constructed as a splayed to the satisfaction of the Responsible authority;
- (n) The columns within the basement car park located no less than 250mm and extend no more than 1.25 metres from the car park aisle. The columns are to be clearly dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Glen Eira Planning Scheme;
- (o) A minimum height clearance of 2.1 metres provided at the entrance to the basement car park and within the car parking spaces. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of AS2890.1:2004 and shown on the longitudinal cross section plan.
- (p) All car spaces to be allocated to each dwelling shown on the basement floor plan.

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

Landscaping and tree protection

- 2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate the following:
 - (a) A survey, including botanical names, of all existing vegetation to be retained.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (d) Landscaping and planting within all open space areas of the site.
 - (e) Replace the hard paving in the front gardens of Townhouse 1 & 2 with open and preambled decking;

- (f) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
- (i) 2 trees, of a species capable of growing to a minimum of 10.0 x 7.0 m (Height x Width) within the front setback of Townhouse 1 and 2 (one for each dwelling);
 - (ii) 2 trees within the private open space areas of Townhouse 3;

or 4 trees in locations to the satisfaction of the Responsible Authority.

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

- (g) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following tree/s at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
- Tree 11 (neighbouring Illawara Flame Tree) – 4.2 m
 - Tree 12 (neighbouring Narrow Leafed Ash) – 6.0 m
 - Tree 13 (neighbouring Lilly Pilly) – 9.6 m
3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
5. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following tree/s at the prescribed radial distance from the base of the trunk to define a tree protection zone (TPZ):
- Tree 11 (neighbouring Illawara Flame Tree) – 4.2 m
 - Tree 12 (neighbouring Narrow Leafed Ash) – 6.0 m
 - Tree 13 (neighbouring Lilly Pilly) – 9.6 m

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

NOTE: Where tree protection fencing is impractical, ground protection must be installed in the form of rumble boards strapped together and installed over the previously installed mulch.

6. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced);
7. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
8. Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
9. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
10. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
11. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
12. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that

the basement floor has been constructed generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)

13. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed generally in accordance with the endorsed plans.
14. 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.
15. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

Conditions End

NOTES:

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely

on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.

- E. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- F. 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.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- H. 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.
- I. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- J. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

Asset Engineering Notes

- K. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- L. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- M. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- N. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- O. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- P. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- Q. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network

- R. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Address	81 Dalny Road Murrumbena
Title details	Lot 16 on PS008001
Restrictions on title	None
Proposal	This is an amended application for construction of three (3) attached double storey dwellings over a basement car park
Zoning and Overlay Controls	Neighbourhood Residential Zone – Schedule 1(NRZ1)
Permit requirements	Clause 32.09-6 – construct two or more dwellings on a lot in the neighbourhood residential zone
Relevant Planning Scheme provisions	Clause 22.08 -- Minimal Change Area Policy
Seriously entertained amendments	The Quality Design Guidelines was adopted as Council Policy on 6 March 2018 but has not yet attained the status of a seriously entertained planning scheme amendment and has not been given weight in the assessment of this application.
Notification	<p>Notice undertaken in accordance with Section 52 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> - The initial application for the construction of four dwellings with a basement car park: <ul style="list-style-type: none"> ✓ 1 notices on site and a notice mailed to 7 surrounding properties - The amended application for the construction of three dwellings with a basement car park: <ul style="list-style-type: none"> ✓ 1 notices on site and a notice mailed to 38 objectors including 7 surrounding properties
Submissions	38 objections received for the initial application and 15 objections received for the amended application and are detailed in the report
Cultural Heritage Management Plan required	The site is located in an area of cultural heritage sensitivity. However, the subject site is not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River and the overall land size is less than 0.11 hectares. Pursuant to S10 of the Aboriginal Heritage Regulation 2018, no Cultural Heritage Management Plan is required for the proposal.

DESCRIPTION OF PROPOSAL

The proposal is to develop the land for three attached double-storey dwellings with basement car parking.

The basement car parking comprises of 6 car spaces (two for each dwelling), storage for each dwelling, services and waste storage area. The basement will be accessed via a double crossover at the similar location of the existing crossover to Dalny Road.

Each of the proposed dwellings will have four bedrooms with the living area located on the ground floor. Two dwellings will be fronting Dalny Road as side-by-side arrangement with staggered front setback. Townhouse 3 will be located at the rear of the site. The dwellings will be constructed with a mixture of building materials including render, timber cladding and gabled metal roof.

The total site coverage of 45% and garden area is 46%.

LAND DESCRIPTION AND SURROUNDING AREA

The subject site is located on the north side of the Dalny Road, which is the second block from the intersection of Dalny Road and Poath Road. The site is irregular in shape and it has an angled frontage of 24.38m to Dalny Road and narrows down towards the rear. The land is occupied by a single storey brick building with solid high brick fence along the entire frontage.

The subject site is surrounded by single/double storey detached or attached dwellings except for the property to the north-east (241 Poath Road Murrumbeena) which is currently used as a place of worship.

The immediate area is identified as Character Area 8, the neighbourhood is recognised by its interwar garden suburban base with modern infill development for a mixed character. The substantial landscaping character and established gardens are distinct features of Murrumbeena.

HISTORY

On 27 November 2017, Council provided pre-application advice based only on the preliminary floor plans for four double-storey dwellings above a basement car park. Given no elevations were provided at the pre-application meeting, Council provided general advice on:

- Relevant planning controls and policies;
- Emphasising the compliance of Minimal Change Area Policy, ResCode as well as the Schedule of the Neighbourhood Residential Zone;
- Suggested staggered front setback;
- Discouraging of the location of secluded open space in the front yard with high front fence;
- Encouraging the built form to be responsive to the neighbourhood character.

The initial application was lodged on 22 December 2017 for four double-storey dwellings with a basement car park. This application adopted Council's suggestion for staggered front setback with a modified floor layout. Council raised concerns for the built form, lack of landscaping, amenity impacts on neighbouring properties and tree and non-compliance with the Minimal change Area Policy. A total 38 objections were received during the public notification process.

An amended application was lodged after the public notification of the initial application. It contained the following changes:

- Reduction in the number of the dwellings from four to three;
- Significant reduction of the basement, which allows approx. 5m setback to the front boundary and greater than 12.9m setback to the rear boundary;

- Reduction in the ground floor building area and the site coverage - reduced from 50% to 45%. As a result, the front setback for Townhouse 1 and rear setback have been increased;
- Significant reduction in the double-storey form at the rear of the site and the minimum setback of the first floor to the rear boundary is increased from 6.045m to 10.565m.

The amended application was advertised and 15 objections were received.

CONSULTATION AND ENGAGEMENT

There were 38 objections received for the initial application and 15 objections received for the revised application as part of the notification process and included the following concerns:

- Neighbourhood character
- Lack of landscaping opportunities
- Visual bulk
- Reduced front setback and high front fence
- Overdevelopment
- Amenity impacts on to Dalny Road streetscape
- Amenity impacts on neighbouring properties including visual impact, overlooking and noise
- Traffic and car parking
- Sets a precedent for future development
- Inconsistent with Minimum Change Area Policy
- Accuracy of application documents

A planning conference was chaired by Cr. Esakoff and attended by the applicant and 15 objectors. No agreement or modifications to design were made at the meeting.

The following is a summary of comments and requirements from relevant referral areas:

Statutory Referrals	
VicRoads	N/A
Melbourne Water	N/A
Transport for Victoria	N/A
Non-statutory referrals	
Transport Planning	Council's traffic engineering department reviewed both the initial application and revised application. No concerns were raised regarding the car parking provision and traffic impact on the operation and function of Dalny Road and surrounding road network. Car parking access and layout will be addressed via permit conditions.
Asset Engineering	Standard conditions and notes are addressed in the permit conditions.
Landscape Officer	Council's landscape architect reviewed the submitted arborist report and conducted a site inspection on 1 June 2018. There were no high value site trees so no objection was made to the proposed tree removal. Suggestions to the design to ensure the appropriate protection of neighbouring trees and canopy tree planting will be dealt with through permit conditions.

ISSUES AND DISCUSSION

The assessment of the proposal has regard to the following:

- Zoning and policy context
- Neighbourhood character
- Height, scale and massing
- Amenity impacts including internal amenity
- Landscaping
- Internal amenity
- Car parking and traffic
- Management plan requirements
- Objectors concerns

Zoning and policy context

The site is located within the Neighbourhood Residential Zone and is subject to consideration under the Minimal Change Area Policy.

Whilst the purpose of the Minimal Change Area Policy is to promote predominantly single dwellings and 2 dwelling developments, the Policy allows Council to consider applications for more than 2 dwellings. The Policy requires the proposal to satisfy the higher standards for site coverage, rear setback and private open space prescribed in the schedule to the zone. The site should be a large site or in an area characterised by multi-unit developments.

The proposal satisfies most of the above criteria as follows:

- Site coverage of 45% (50% is the standard);
- Minimum Rear setback 4.83m (4.0m is the standard);
- Permeability 27% (25% is the standard) - with the requirement to change hard pavers to permeable paving or decking, the permeability of the site will be increased;
- Single storey built form at the rear of the property and the double storey component provides a minimum of 10.565 metres setback to the rear boundary;
- The current private open spaces proposed are: Townhouse 1 - 55sqm, Townhouse 2 - 83sqm, Townhouse 3 - 111sqm (60sqm required, including a secluded area of 40sqm with a minimum dimension of 4m). As such, a permit condition is included to require the increase of the front setback for Townhouse 1 so greater open space can be provided for Townhouse 1 and more landscaping including deep soil canopy tree planting can be accommodated.
- While the subject site has a conventional lot size, multi-unit residential infill developments exist in the immediate area.

Having regard to the above, it is considered that the proposal has a high level of compliance with the Minimal Change Area Policy.

Neighbourhood character

The proposed development will present a staggered double storey side-by-side elevation to Dalny Road and the rear unit is not visible from the street. It is considered that the layout and appearance of the proposal would adequately respect neighbourhood character and recent side-by-side developments in the area. The front façade would have a good level of visual interest and would not be visually prominent in the streetscape given the variety of materials and the staggered setbacks that follow the angled frontage. Whilst the design of the proposal is contemporary, the proposed pitched roof form with render and timber cladding are considered responsive to the built form for the area.

The siting and design of the first floor would be respectful of adjoining buildings and neighbouring secluded private open spaces. Sufficient open spaces are provided both in the front and rear for landscaping including canopy tree planting.

It is therefore considered, on balance, that the proposed form is acceptable within the context of the site, and will adequately address the Neighbourhood Character objectives of Clause 55.

Height, scale and massing

The maximum overall height of 8.1m is within the 9.0m height limit for the zone. The side and rear setbacks exceed the ResCode requirements. The scale and massing of the proposal is reflective of the dwellings both to the north-east and south-west.

Amenity impacts (including internal amenity)

The proposal complies with the relevant amenity based ResCode standards for side and rear setbacks, daylight to habitable room windows and overshadowing. It is noted that the minimum front setback for Townhouse 2 (approx. 4.8m) does not comply with front setback required by ResCode, which under the standard is 5.6475 metres. It is however acknowledged the angle of the frontage to Dalny Street and the staggered arrangement allows the front setbacks to the street ranging from 4.8m to 7.1m. With sufficient area in the front garden for landscaping, it is considered that a reduced setback is acceptable within the context of the site.

Overlooking for windows on the ground floor will be restricted by the boundary fences. All upper floor windows within 9m from the existing secluded private open spaces or habitable room windows are provided with privacy screen up to 1.7m high above the finished floor level to restrict the visual impact. It is noted that the north-facing windows of Townhouse 3 on the first floor will have a horizontal distance to the secluded private open space of No. 2 Daisy Street for a distance greater than 9m. As such, no visual restriction is required as per ResCode. In addition, according to Council's record, the property to the north-east (No 241 Poath Road) is used as a place of worship. As such, the non-residential use is not considered sensitive and no overlooking treatment is required for the first floor windows facing this property.

Landscaping

A landscape plan will be required to be submitted with provision for four canopy trees and tree protection measure are included in the permit conditions for three neighbouring trees.

Car parking and traffic

It is noted that the development makes full provision for car parking in accordance with the State Government guidelines. The increase in traffic volume can be accommodated on the local road network.

Internal amenity

The dwellings would have satisfactory internal amenity with good access to daylight for habitable rooms and adequate private open spaces. The required increase of the front setback of Townhouse 1 will increase the solar access to the private open space and improve the amenity of the open space.

Whilst private open space is generally not supported within the front setback, as it necessitates high front fencing, it is noted that the site is currently bordered by high solid front fencing and some form of landscaping can be provided to buffer the proposed new front fences from the street. As such, the design response is considered acceptable.

Objector concerns

The compliance with the Minimum Change Area policy, amenity impact on the neighbouring properties and built form concerns raised by the objectors have been covered in this report. Council's traffic engineer confirms that the traffic generated by the proposal would not have a major impact on the operation and function of Dalny Road and the surrounding road network.

The neighbour from 2 Daisy Street expressed that the development plans had not accurately reflected their decking and habitable room windows. Due to the restricted access, officers could not fully inspect 2 Daisy Road. However, any inaccuracies of the development plans are not considered to materially change the planning consideration for overlooking impact as the entire backyard of this property is designated secluded private open space which has been assessed for overlooking in accordance with the ResCode Standard B22.

LINK TO COUNCIL AND COMMUNITY PLAN

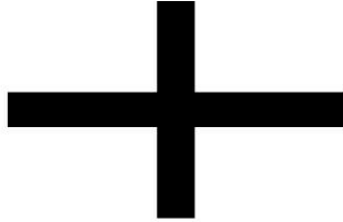
Theme One: Liveable and Well Designed
A well planned City that is a great place to live.

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 a Notice of Decision to Grant a Planning Permit be issued.



PROPOSED DEVELOPMENT 81 DALNY ROAD, MURRUMBEENA

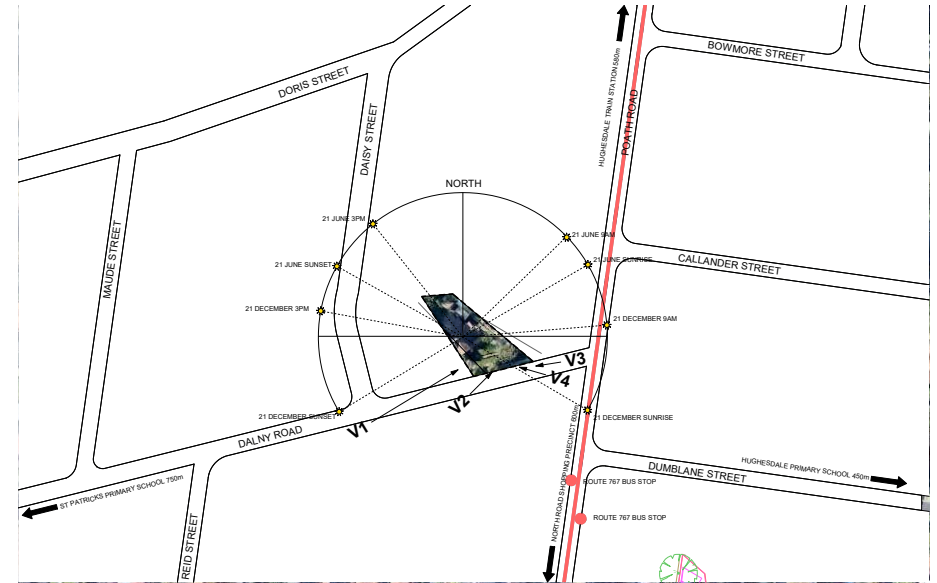
Drawing List - Town Planning

Sheet Number	Current Revision	Sheet Name
TP-00.00	C	Cover Page & Drawing Schedule
TP-00.01	C	Design Intent & Massing Concept Diagrams
TP-01.01	C	Existing Site & Demolition Plan
TP-01.02	C	Proposed Site Plan & Streetscape Elevations
TP-02.01	C	Floor Plan - Basement B1
TP-02.02	C	Floor Plan - Ground Floor
TP-02.03	C	Floor Plan - First Floor
TP-02.04	C	Roof Plan
TP-03.01	C	Elevations
TP-03.02	C	Elevations
TP-04.01	C	Sections
TP-04.02	C	Sections - Overlooking
TP-10.01	C	Shadow Diagrams - Existing & Proposed
TP-10.02	C	Shadow Diagrams - Existing & Proposed
TP-10.03	C	Shadow Diagrams - Existing & Proposed
TP-10.04	C	Shadow Diagrams - Existing & Proposed

Townhouse Areas		
Name	Level	Area
Townhouse 1	GF	76 m ²
Townhouse 1	1F	86 m ²
Townhouse 1	TOTAL	162 m ²
Townhouse 2	GF	86 m ²
Townhouse 2	1F	72 m ²
Townhouse 2	TOTAL	158 m ²
Townhouse 3	GF	108 m ²
Townhouse 3	1F	36 m ²
Townhouse 3	TOTAL	142 m ²

Private Open Space (POS)		
Number	Level	Area
TH1	GF	55 m ²
TH1	TOTAL	55 m ²
TH2	GF	60 m ²
TH2	GF	23 m ²
TH2	TOTAL	83 m ²
TH3	GF	111 m ²
TH3	TOTAL	111 m ²

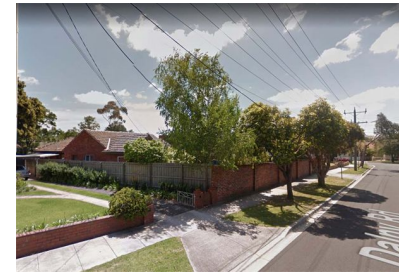
Site Coverage: 298sqm / 45%
Garden Area: 305sqm / 48%
Permeable Area: 260sqm / 27%
Number of Residences: 3
Number of Carparks: 6



V1



V3



V2



V4

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REV.	NOTES	DATE
1	ISSUED FOR TOWN PLANNING	18/10/17
2	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
3	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
4	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
5	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
6	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
7	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
8	ISSUED FOR TOWN PLANNING - 90 RESPONSE	28/03/18
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DESCRIPTION
Proposed Development
81 Dalny Road
Murrumbena

TITLE
Cover Page &
Drawing Schedule

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Design Response

The proposed development consists of two clusters of staggered forms consisting of three townhouse residences with a subterranean basement. The building employs carefully conceived amenity orientation principles to ensure a permanent, high quality outcome is achieved for all residences.

The massing of the buildings is derived from methodical review and interpretation of the zoning and overlays. From all viewpoints, the massing creates the impression of two forms on the site - which is in keeping with the in-fill development in the area. The site is zoned Neighborhood Residential Zone (NRZ). Careful assessment and consideration of the neighborhood character has significantly informed the design. In particular, the language of pitched roofs and staggered forms to negotiate infill and corner site geometry has been contemporaneously adopted in the proposed development. Proposed windows have been positioned to offset existing neighbouring windows, passively preventing overlooking and reducing reliance on screening and window treatments. Where screening has been provided will be of robust timber, angled to prevent overlooking at sensitive interfaces.

The site is in close vicinity to a range of commercial facilities, schools, infrastructure and green spaces. It has fantastic links to existing public transport, being within 5 minutes' walk of Hughesdale station on the Pakenham and Cranbourne railway, alongside buses on adjacent Poath Road and nearby Kangaroo Road. To supplement this access to transit, six car spaces are provided in the basement, with an internal lift providing shared access to the entry of each townhouse residence. Individual townhouse entries will be discrete, private and secure.

The three townhouses offered by the development provide 4-bedroom residences, which stagger across two storeys. Each townhouse is a walk-up unit with access to upper stories provided via internal stair. The design features modern pitched roofs to maximise both northern and diffuse light, while selective window apertures on all frontages allow for passive heating and cooling and cross flow ventilation. All residences have dual or triple aspect, and opportunities to orient units north have been maximised.

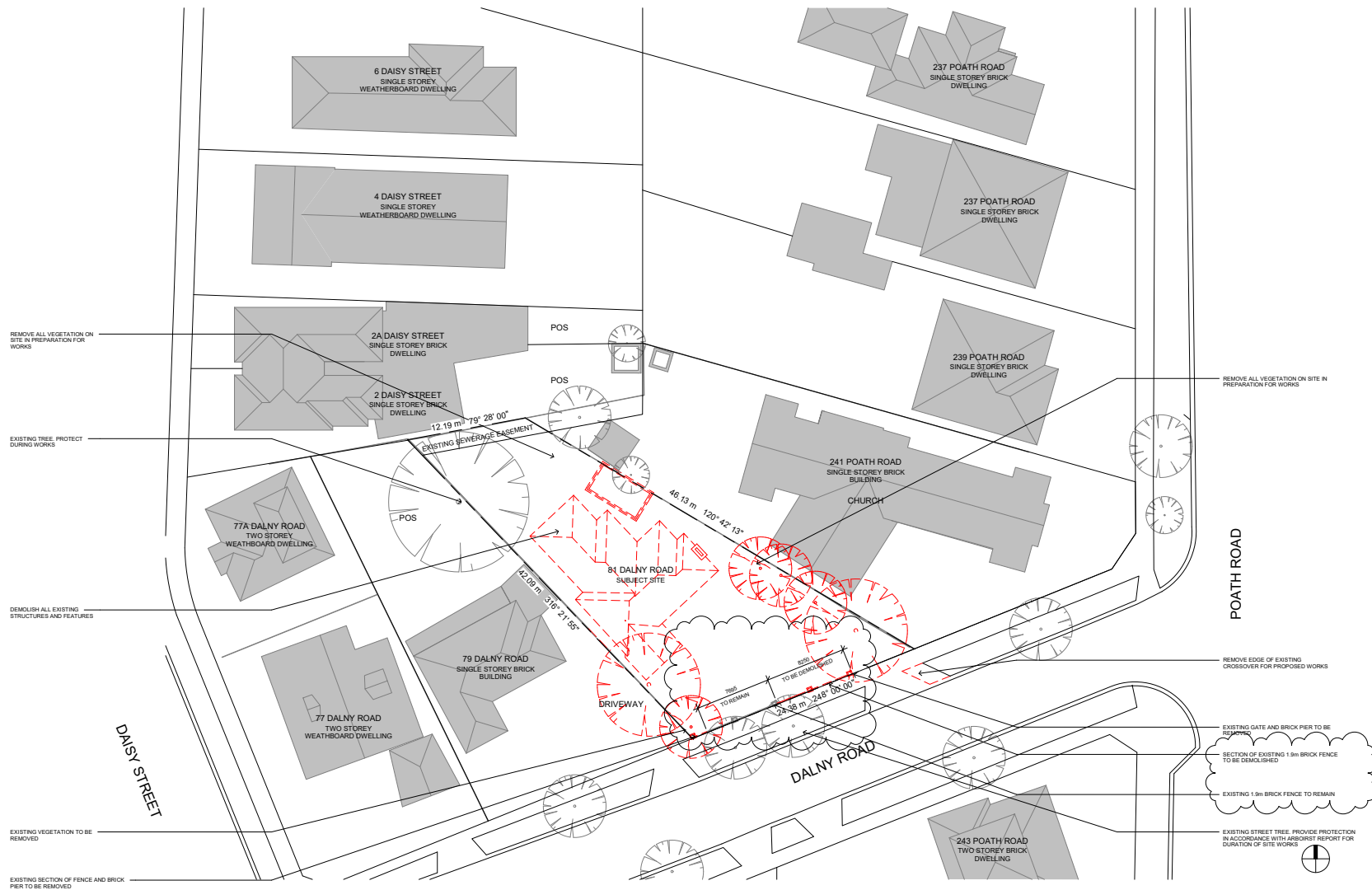
Quality, permanent materials have been selected to ensure the proposal ties into the existing fabric of the suburb, whilst the architectural language breaks up the bulk of the components to create individuality to each unit in scale, form and silhouette. The materials and shape of the building are exemplified by the roof profiles at first floor, which vary in response to the need for transition in urban form across the streetscape. The façade is broken both in form and transparency to reduce visual bulk and define an architectural character.

The private open spaces (POS) are provided at ground floor - accessed from the main living zone, as well as offering balconies at first floor to facilitate views across the tree line and offer a range of experiences. Significant opportunity exists across the site for a mixture of canopy trees to help enhance the residences, as well as the wider area. Ground floor private open spaces are designed to accommodate a sustainable mix of permeable surfaces and hardscape, offering opportunities of flexible use to suit differing occupants. The development proposal is sympathetic to the retention of the existing mature tree at 79 Dalny Road which abuts western boundary of the site, maintaining neighbourhood character with a setback well in excess of 4 metres. Further reduction of built form occurs at first floor, with an increased setback towards the rear of the proposed development.

In summary, we believe the proposed development for this site sets out a high quality built proposal which offers increased amenity to the Murrumbeena / Hughesdale area, successfully uses existing infrastructure to reduce dependency on private transport and provides housing options to maintain diversity in the area. We believe the proposal demonstrates a clarity in composition, and a sensitivity in form that will engage in the area in a positive way, whilst protecting the context of the Murrumbeena / Hughesdale area.



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3	FOR COUNCIL REVIEW	02/06/18

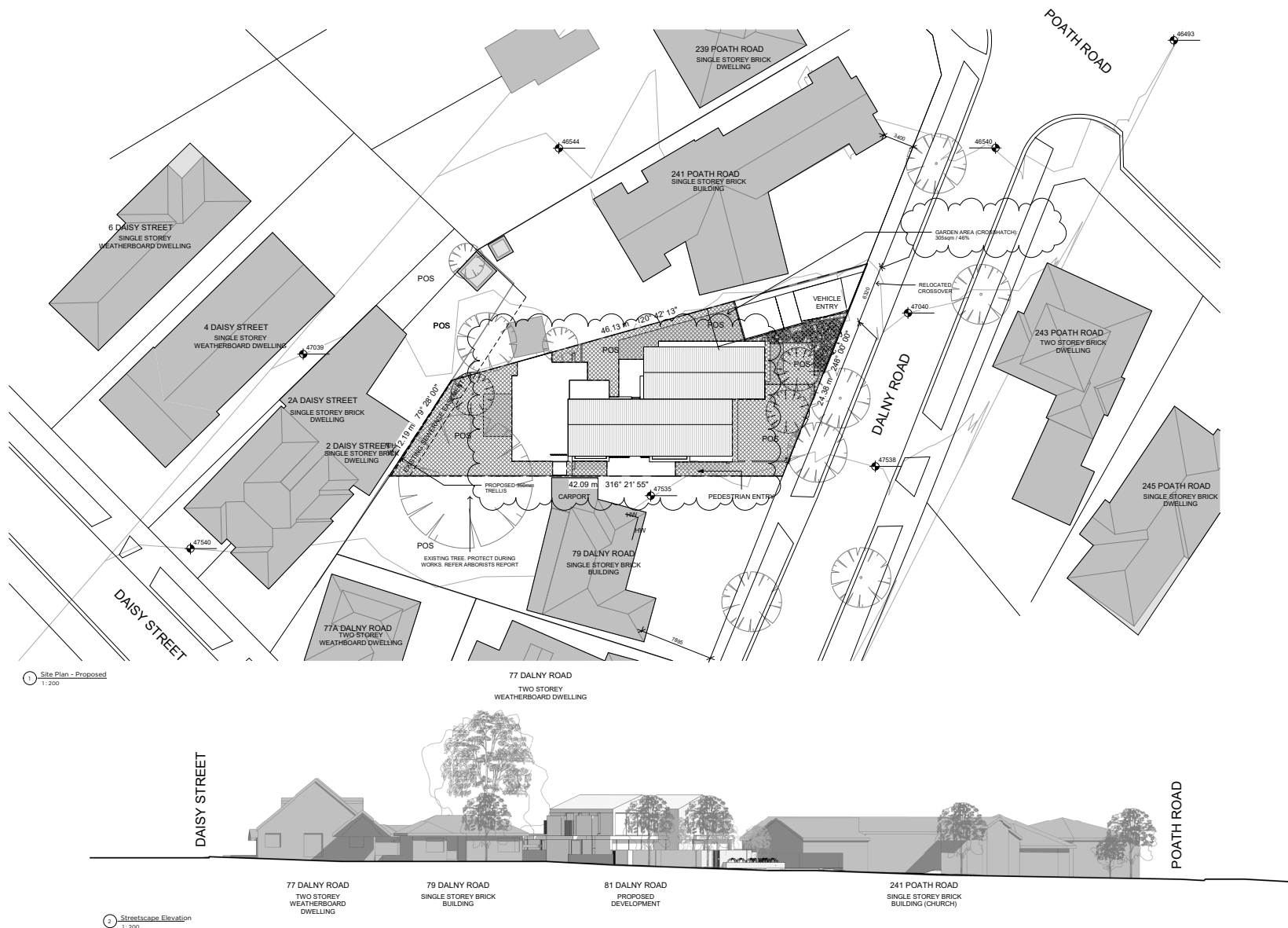
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DESCRIPTION
Proposed Development
AT
81 Dalny Road
Murrumbidgee

TITLE
Existing Site &
Demolition Plan

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1 Site Plan - Proposed
1:200

2 Streetscape Elevation
1:200

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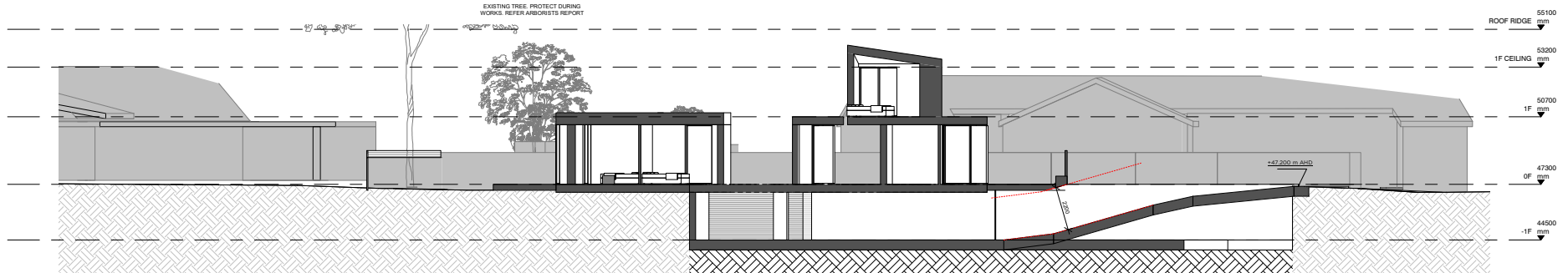
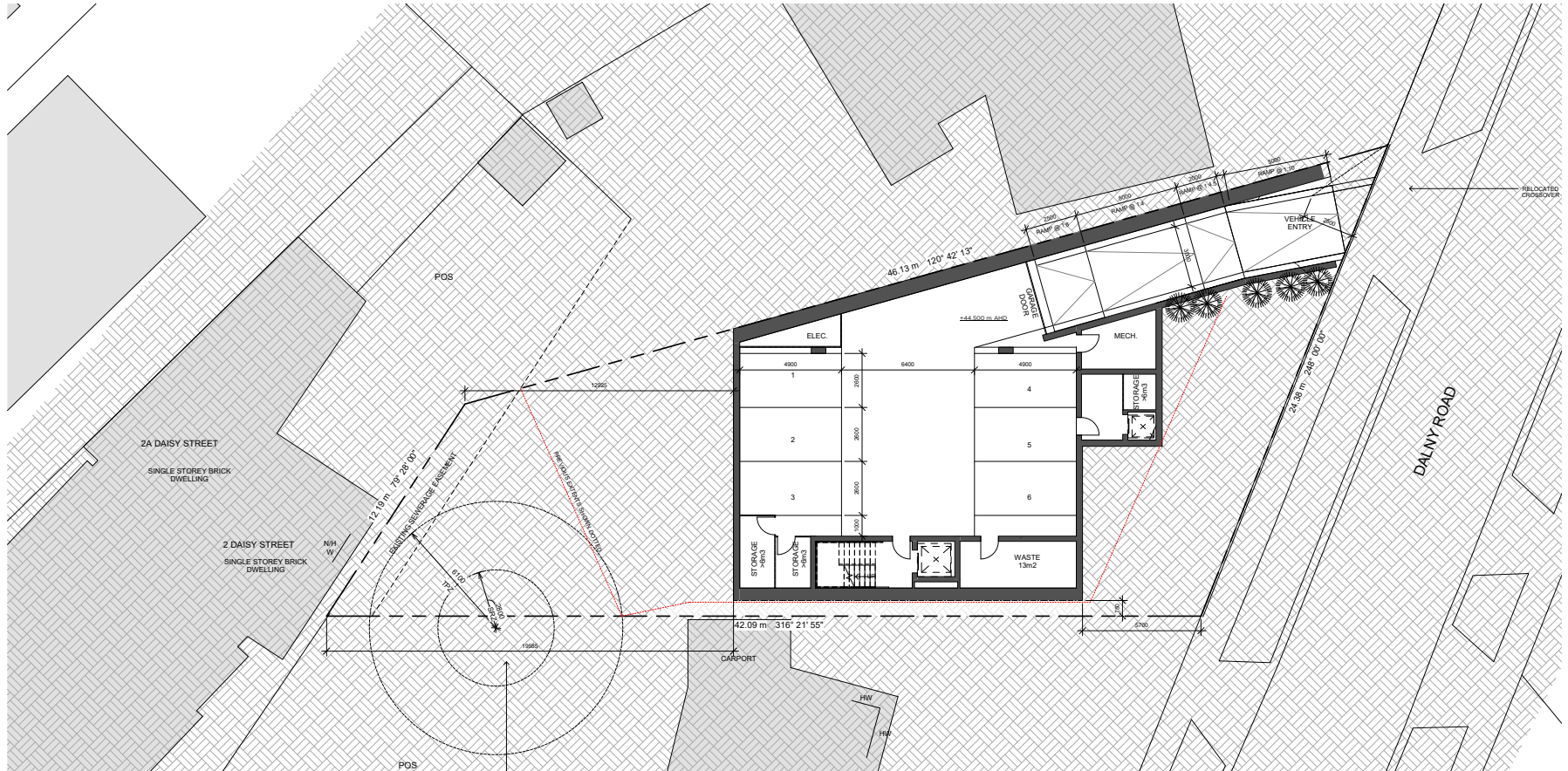
DESCRIPTION
Proposed Development
AT
81 Dalny Road
Murrumbidgee

TITLE
Proposed Site Plan &
Streetscape
Elevations

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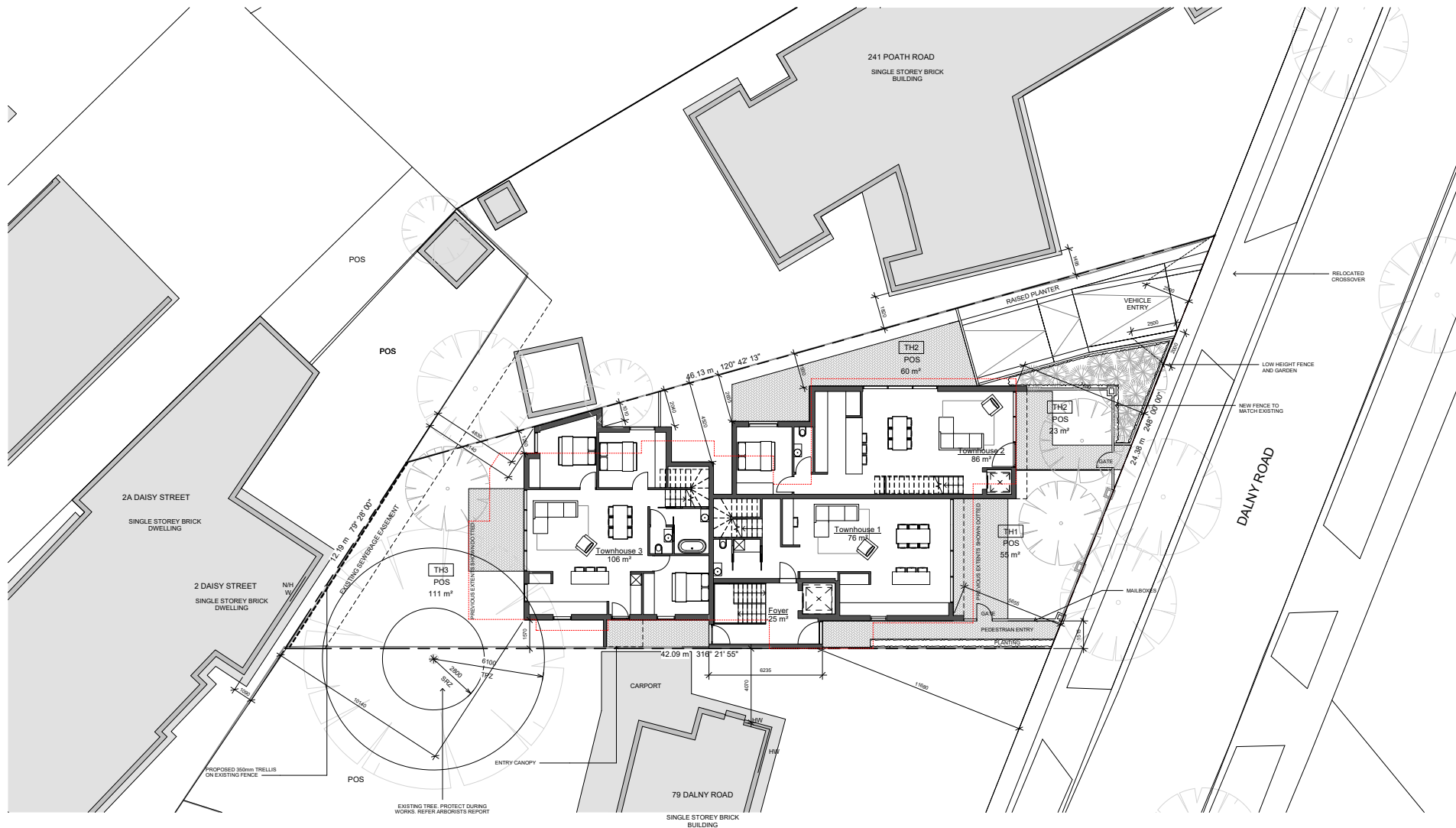
DESCRIPTION
Proposed Development
AT
81 Dalny Road
Murrumbena

TITLE
Floor Plan -
Basement B1

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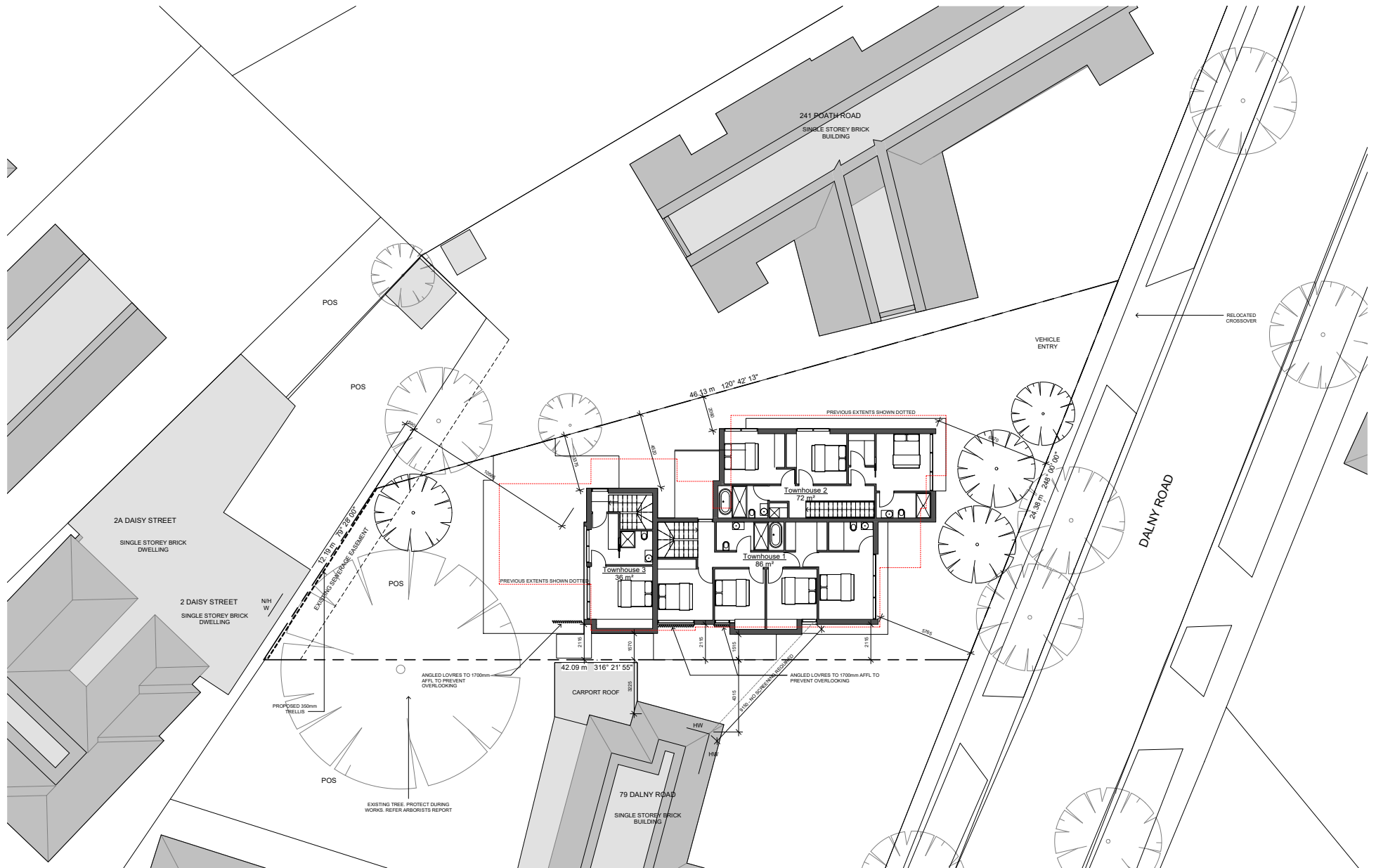
DESCRIPTION
Proposed Development
AT
81 Dalny Road
Murrumbidgee

TITLE
Floor Plan - Ground
Floor

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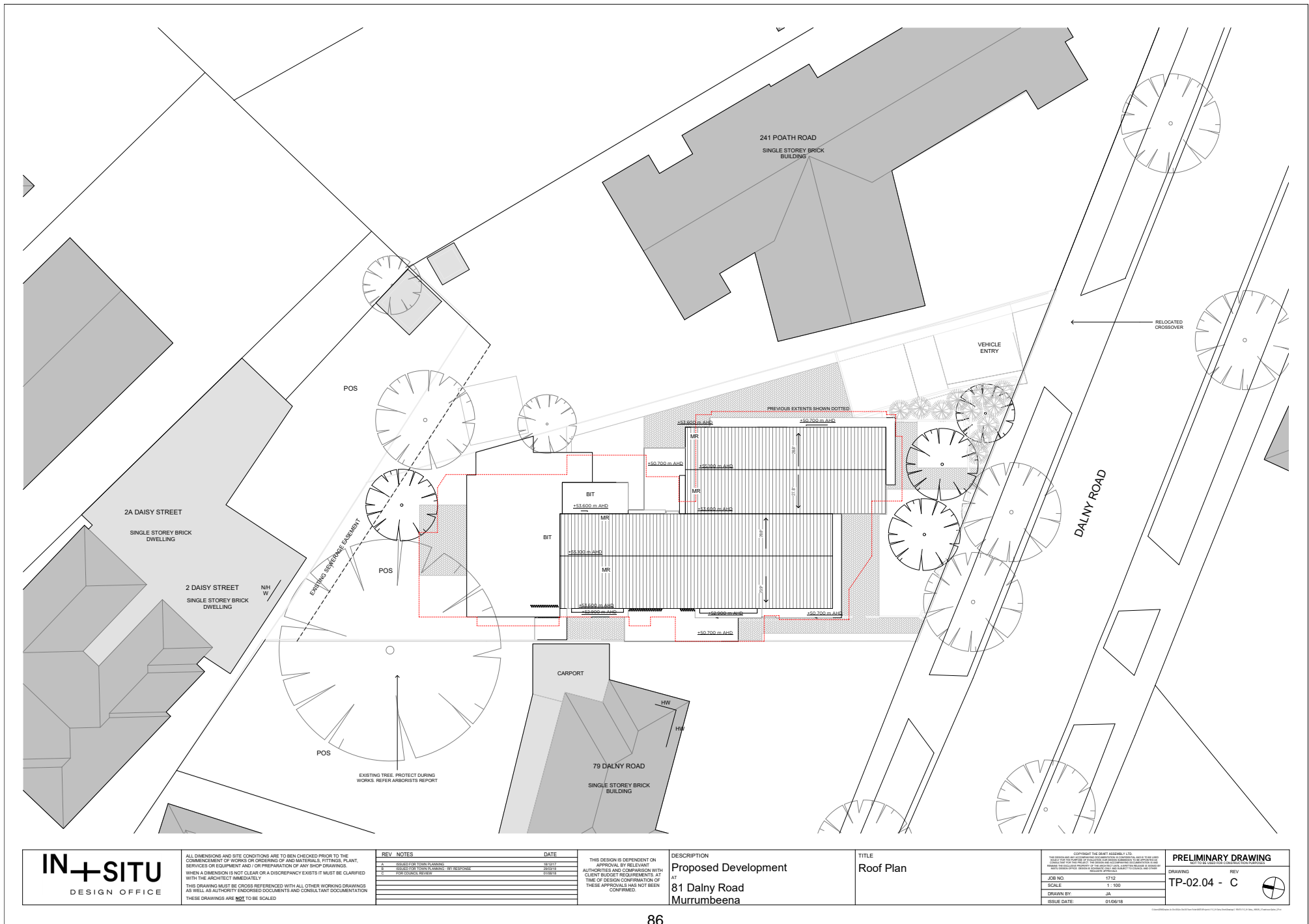
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Floor

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AT

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Murrumbena

TITLE

Roof Plan

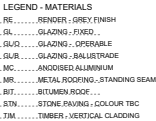
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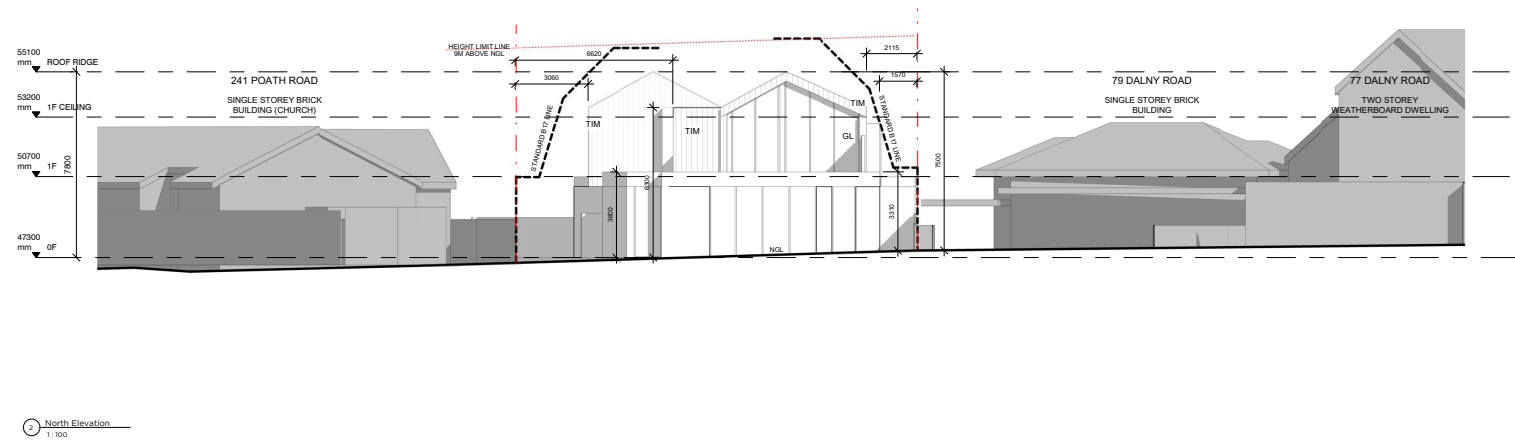
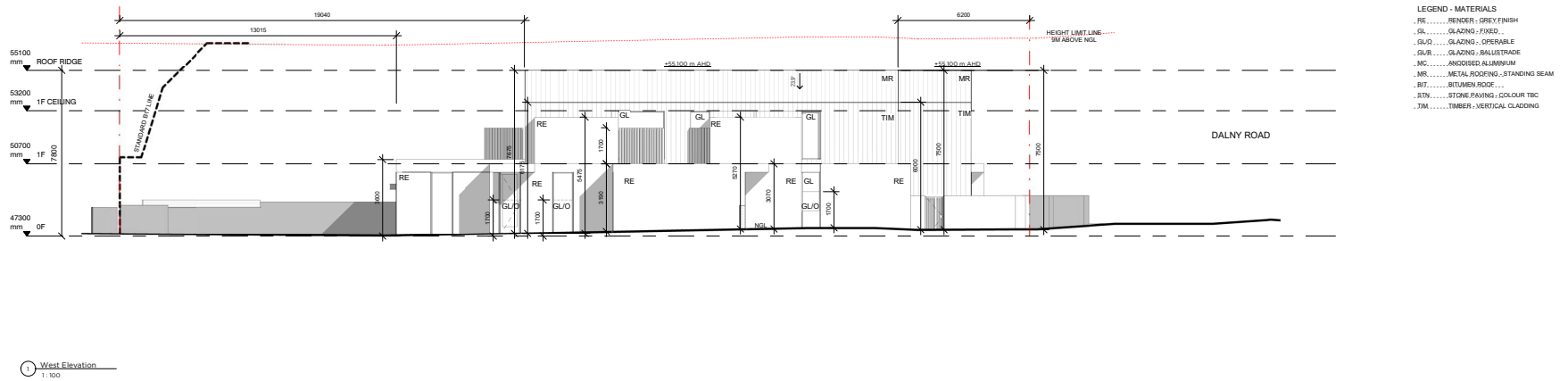
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LEGEND - MATERIALS
 .RE RENDER, GREY FINISH
 .GL GLAZING, FIXED
 .GLUD GLAZING, OPERABLE
 .GLUR GLAZING, SHAUSTRADE
 .MC ANCOISED ALUMINIUM
 .MR METAL ROOFING, STANDING SEAM
 .BIT BITUMEN ROOF
 .STM STONE PAVING, COLOUR TEC
 .TIM TIMBER, VERTICAL CLADDING

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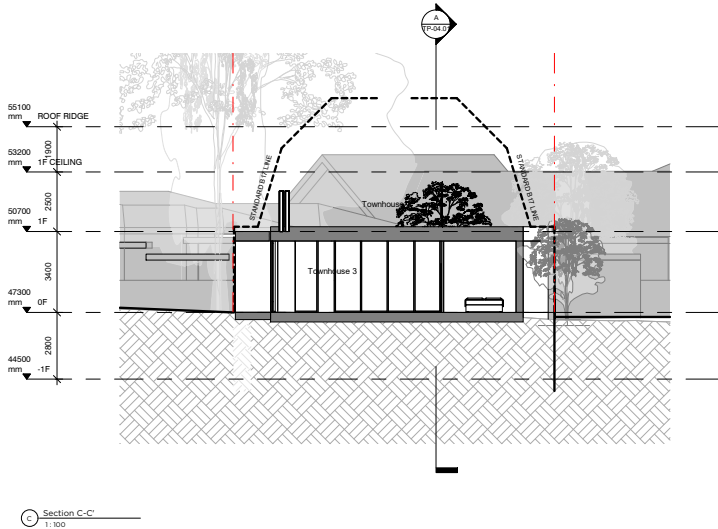
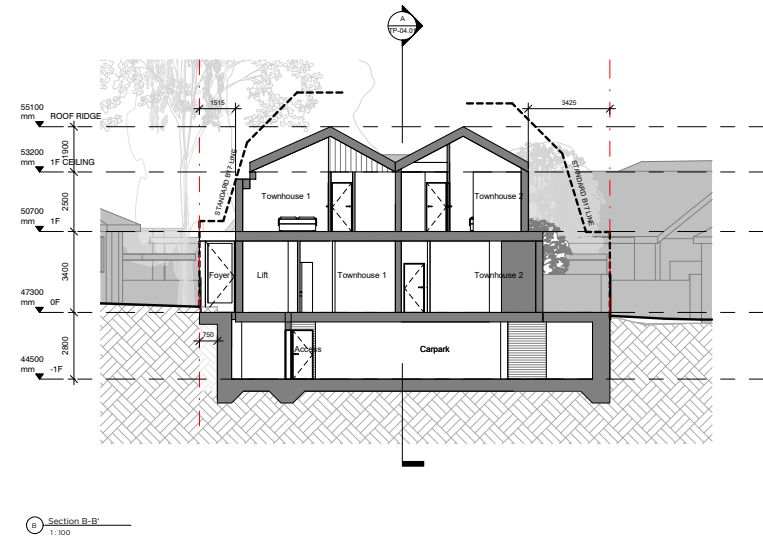
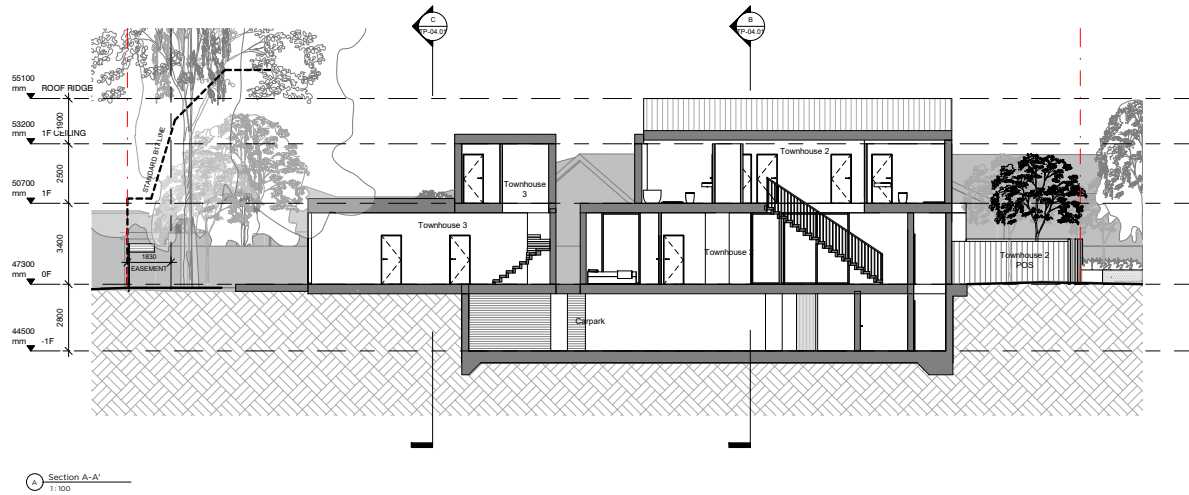
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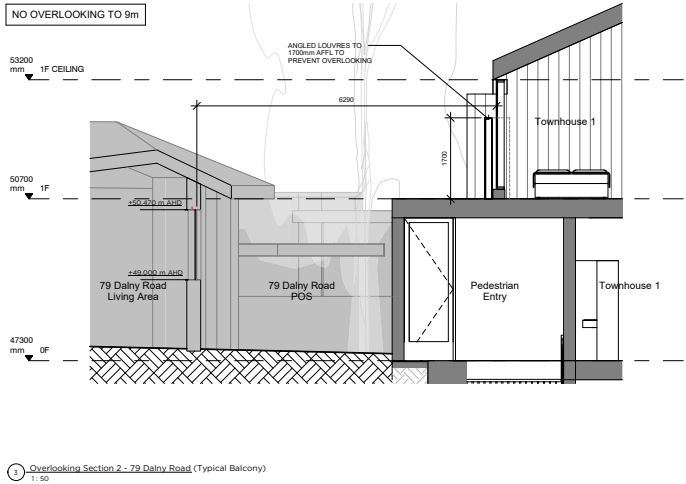
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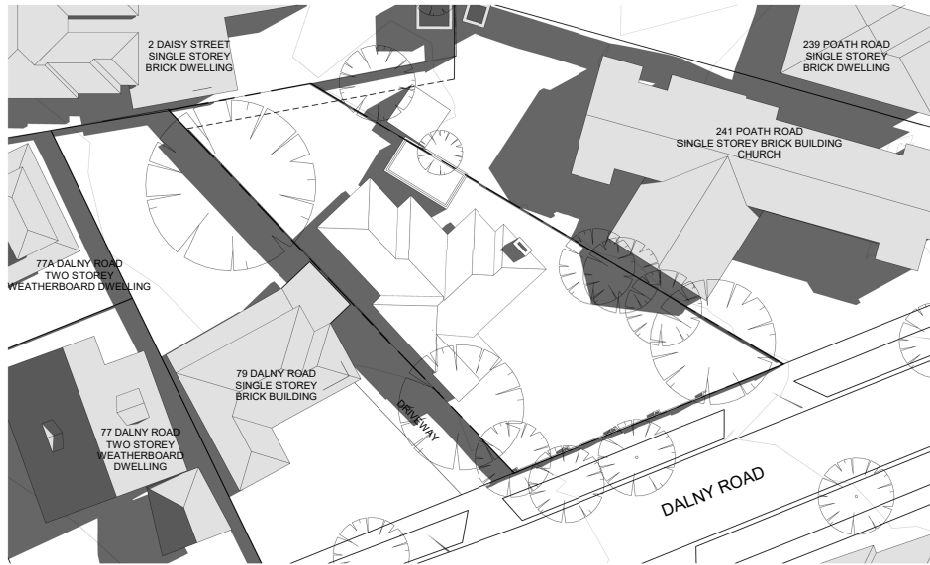
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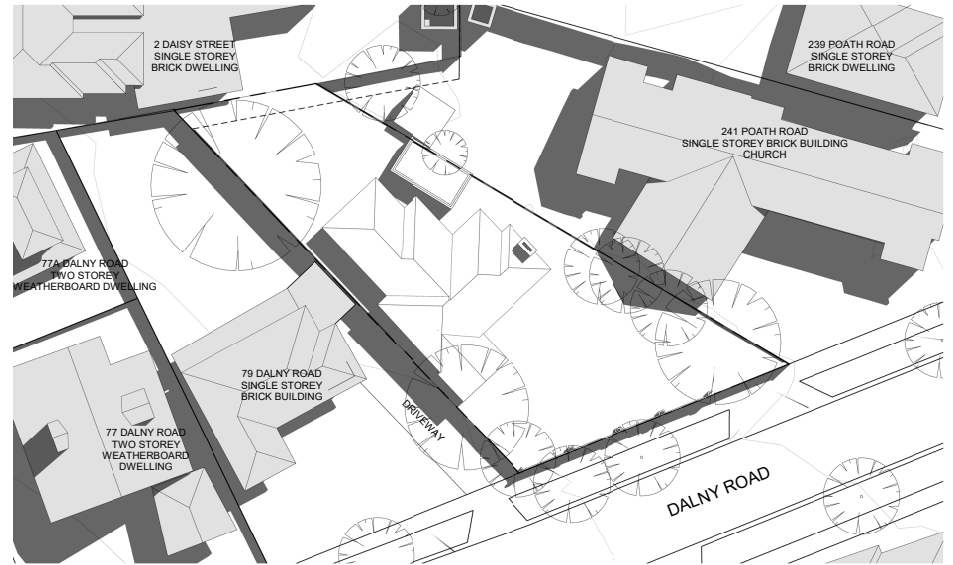
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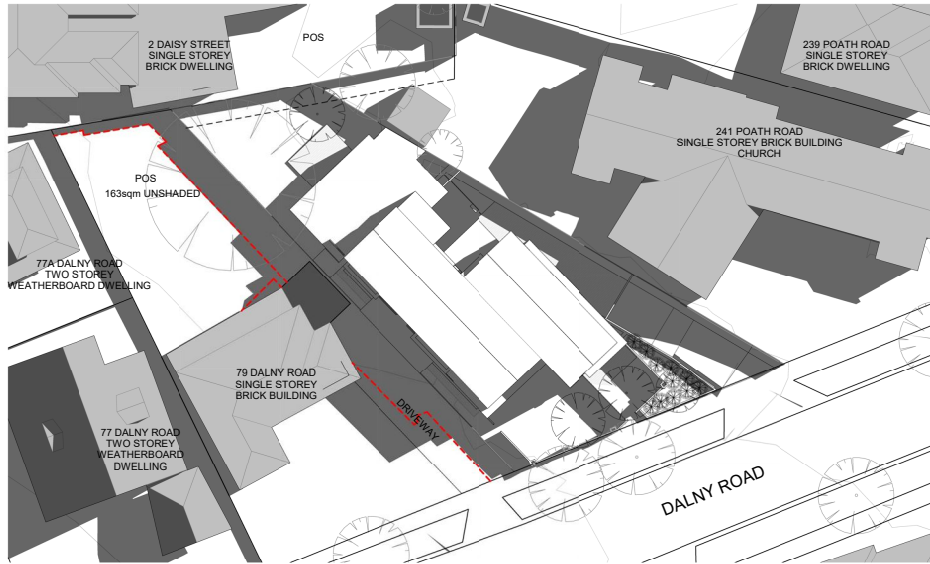


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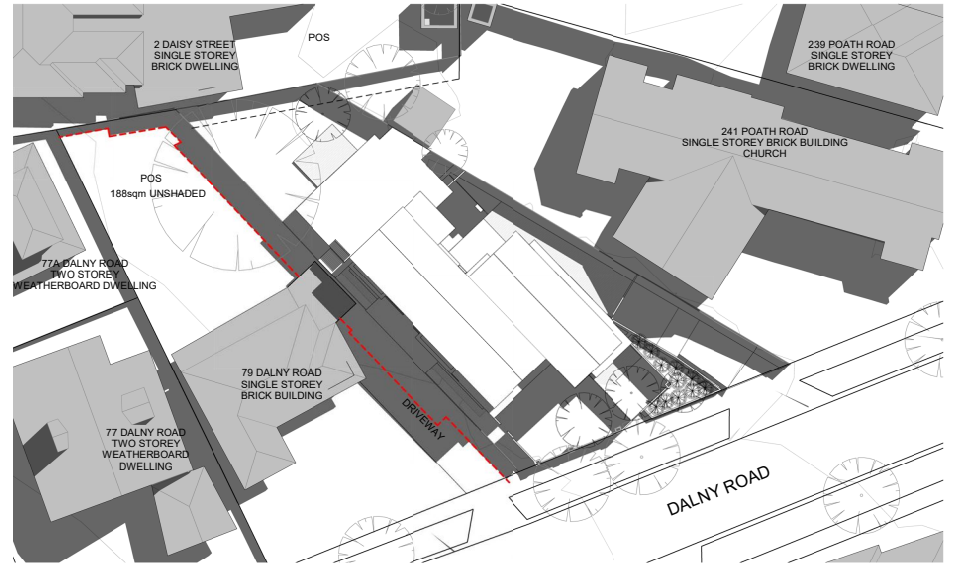
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1: 200



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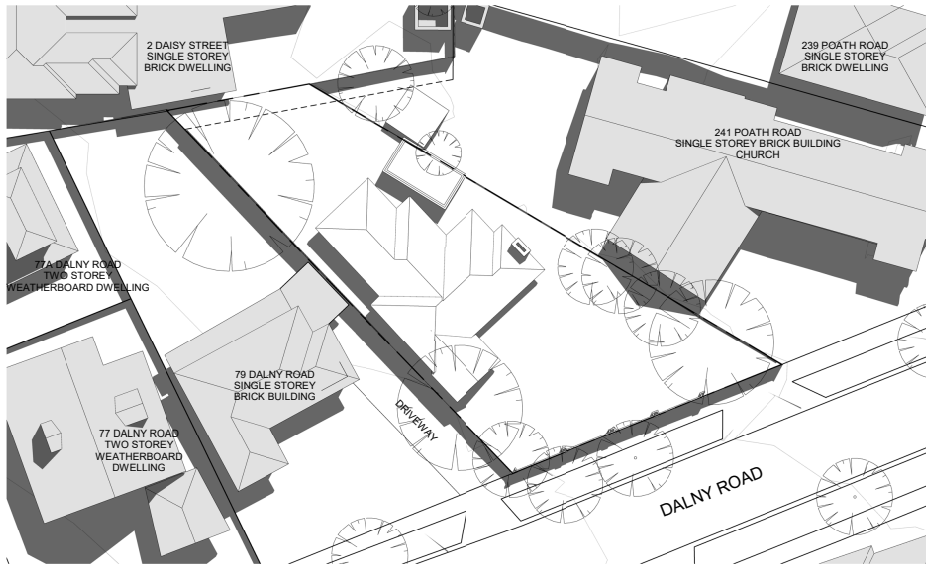
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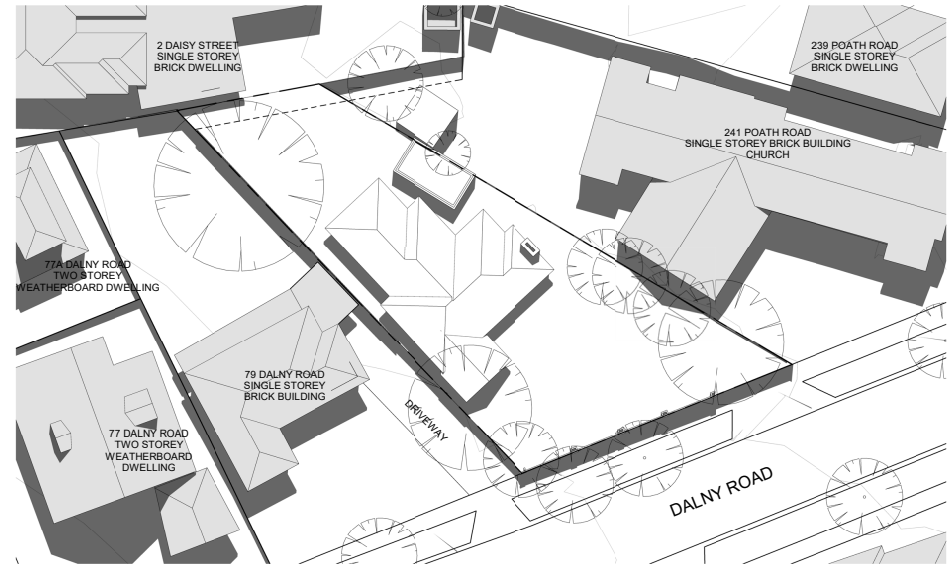
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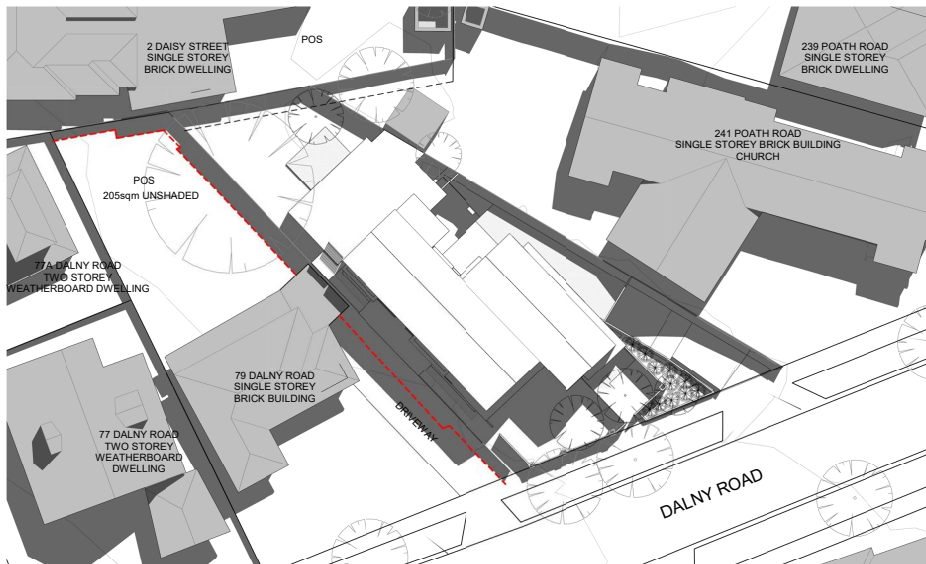


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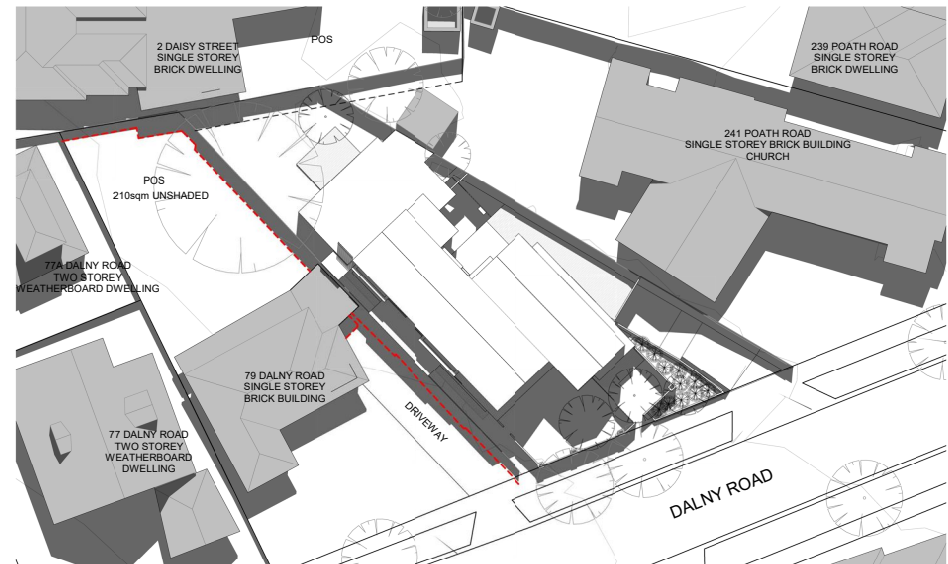
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3 Proposed Shadows - 22 September 1100
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4 Proposed Shadows - 22 September 1200
1:200

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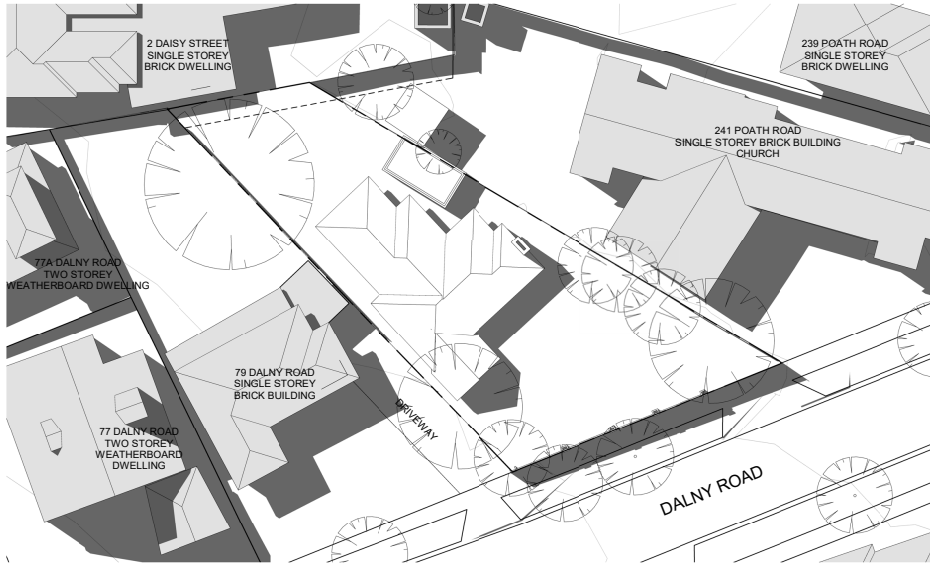
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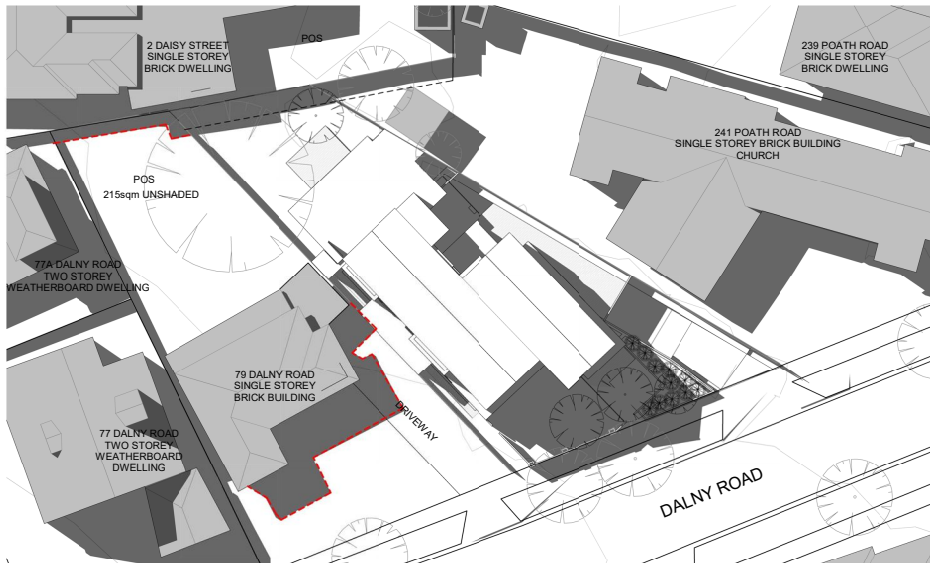
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9.4 HERITAGE ASSESSMENT OF 8 GORDON STREET, ELSTERNWICK

Author: Julia Wilson, Senior Strategic Planner

Trim No: 18/1186410

Attachments: 1. *Heritage Assessment of ABC TV Studios, 8 Gordon Street, Ripponlea (Heritage ALLIANCE, 2018).*

PURPOSE AND SUMMARY

The purpose of this report is to provide Councillors with the heritage assessment and findings relating to the ABC Studios at 8 Gordon Street, Elsternwick and to recommend that Council seeks the application of an interim and permanent Heritage Overlay to the site.



Figure 1: Map of 8 Gordon Street, Elsternwick

RECOMMENDATION

That Council:

1. Notes the Heritage Assessment of ABC TV Studios, 8 Gordon Street, Ripponlea (Heritage ALLIANCE, 2018).

2. Seeks authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to apply a permanent Heritage Overlay to 8 Gordon Street, Elsternwick.
3. Requests Council officers to seek the application of an interim Heritage Overlay to 8 Gordon Street, Elsternwick through a Planning Scheme Amendment in accordance with Section 20(4) of the *Planning and Environment Act 1987*.
4. Provide Heritage Victoria with the Heritage Assessment and seek their consideration of adding 8 Gordon Street to the Victorian Heritage Register.
5. Notify the ABC of the values identified in the Heritage Assessment, to enable the ABC to prepare a response to the assessment and assess its obligations under the Environment Protection and Biodiversity Conservation (EPBC) Act and its own strategies.

BACKGROUND

Subject Site

The ABC facility at 8 Gordon Street was constructed between 1956 and 1965. The facility operated as a working television studio from 1956 until 2017. In November 2017, the ABC closed the Gordon Street studios and the building is now decommissioned. This coincided with the opening of new ABC television studios at Southbank. All ABC services and functions have been relocated from 8 Gordon Street to the Southbank studios.

The ABC sold its land holdings in Selwyn Street, Elsternwick in April 2017.

Elsternwick Structure Plan

The recently adopted *Elsternwick Structure Plan* outlines a long term plan to guide future land use, buildings, public spaces, parking and movement in line with the community's shared future vision for Elsternwick.

The Structure Plan specifically identifies the former ABC Studio Site in Gordon St as an opportunity for *employment purposes, particularly associated with the creative industries, and public open space*.

Key elements of this project as outlined in the Structure Plan include:

- a) Establishing future use and development of the site that makes a positive contribution to the Elsternwick community.
- b) Investigation of the heritage value of the buildings on the site.
- c) Exploration of opportunities to create a local park on the site, focused on using the existing car park and hard surface areas.



Figure 2: Gordon Street studio site in the *Elsternwick Structure Plan*, 2018, p.38.

Considerations for this project include:

- Ensuring a sensitive response to the Rippon Lea Estate to the north.
- Minimising impacts on the views from the Rippon Lea gardens.
- Considering requirements of Council's Open Space Strategy in the design and function of new open space.

The *Elsternwick Structure Plan* states that the preferred building type is Strategic site (A) which has a preferred building height of 6 storeys and maximum building height of 8 storeys.

ISSUES AND DISCUSSION

Independent Heritage Advice

In line with the commitment in the *Elsternwick Structure Plan*, officers engaged Heritage Alliance to undertake an independent assessment of 8 Gordon Street, Elsternwick to determine the heritage significance of the site.

The Heritage Assessment report outlines the site's cultural heritage values in detail. In summary, the ABC studios are considered to be of cultural significance at National, State and Local level for a range of historical, architectural, cultural, social and technological reasons. Contributing to the site's significance is its role as the first purpose-built television studio in Victoria and the earliest extant television studio in Victoria. The building on the site is also a rare, early example of a Post-War International style building featuring exterior curtain walling. The site is culturally significant for its association with influential television programming including culturally influential productions such as *Bellbird*, *Sea Change* and *Countdown*. This site is associated with the development of the Australian entertainment and broadcasting industry more broadly and made a direct contribution to the development and dissemination of a distinctive Australian culture through the medium of film and television.

Furthermore, the site is of cultural significance at the Local level as a place associated with Rippon Lea Estate. The campaign to keep more of the Estate from being compulsorily acquired by the ABC in the 1960s contributed to the development of a heritage conservation

and advocacy movement in Victoria and is associated with the beginnings of the National Trust in this state.

Heritage Alliance summarised their findings and recommendations for Council as follows:

1. *This assessment of ABC Gordon Street studios has determined that the property has cultural heritage values at National, State and Local levels.*
2. *The site should be listed on the Glen Eira Planning Scheme Heritage Overlay Schedule and Council should begin the process of preparing an amendment to the planning scheme without delay.*
3. *The values identified in this assessment should be brought to the attention of the ABC, so that it can prepare a response and assess its obligations under the Environment Protection and Biodiversity Conservation (EPBC) Act and its own strategies.*
4. *The ABC has a Heritage Strategy 2014-2017, which sets out the obligations of the ABC in regard to its heritage assets. Section 2 deals with Disposal and states; Prior to leasing to others or disposal of a property with Commonwealth Heritage Values, the ABC will:*
 - *identify all Commonwealth Heritage values of the property*
 - *identify any constraints on future use that may influence the leasing or disposal options*
 - *refer the proposed lease or disposal under the EPBC Act*
 - *take all responsible action to secure ongoing protection of the Commonwealth Heritage values of the place, for e.g. by covenant or protection under State law.*
5. *The ABC also maintains a Heritage Register which is a requirement under Section 341ZB of the EPBC Act. The ABC Gordon Street studios should be listed in that register.*
6. *Further assessment of the Commonwealth values of the property are up to the ABC as the managers of the Commonwealth asset, not Council. Council can however make a recommendation for State listing to the Victorian Heritage Register.*

Planning Scheme Amendment Process

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

1. Council must first resolve to seek authorisation from the Minister of Planning, in line with this report.
2. The Minister for Planning must then authorise the preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
3. If there are no submissions Council can 'adopt' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
4. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters'

request, or request the Minister to appoint an Independent Panel to hear the submissions.

5. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council. The Panel may make a recommendation to: - adopt the amendment - abandon the amendment - modify the amendment
6. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again Council's options are to either abandon or adopt the amendment (with or without modifications).
7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.
8. The Minister for Planning can then approve, modify or refuse the amendment. For the amendment to be included as part of the Planning Scheme, the Minister for Planning must approve and formally gazette the update to the scheme.

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

Given the length of time required to undertake a Planning Scheme Amendment, it is recommended that Council seeks the application of an interim heritage overlay to 8 Gordon Street. This will ensure the protection of the buildings on the site while the Amendment process is underway.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The financial and resource implications are within the normal operation of the Council's City Futures Department.

POLICY AND LEGISLATIVE IMPLICATIONS

Interim and permanent heritage controls would mean that a proposal to demolish or carry out construction on the site would require a planning permit. This would allow for an appropriate assessment which would be carried out by Council officers for any future proposals to develop the site, including a referral to Council's Heritage Advisor.

COMMUNICATION AND ENGAGEMENT

Interim Heritage Overlay

Section 20(4) of the *Planning and Environment Act 1987*, enables the Minister for Planning to amend a planning scheme, with exemption from notice requirements.

Permanent Heritage Overlay

Once the amendment receives authorisation the amendment will be placed on public exhibition for one month.

The exhibition process will include:

- Notifying individual owners and occupiers of surrounding properties.
- A notice in the local newspaper.
- A notice in the Government Gazette.
- Amendment documentation on Council's website.

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

Independent heritage advice commissioned by Council identifies that the ABC studios at 8 Gordon Street are considered to be significant at National, State and Local level for historical, architectural, cultural, social and technological reasons.

In light of this advice, it is recommended that Council seek authorisation from the Minister for Planning to undertake the Planning Scheme Amendment Process to apply a Heritage Overlay to the site. To ensure the protection of the site while this process is underway, it is recommended that Council request the application of an interim Heritage Overlay.

HERITAGE ASSESSMENT ABC TV STUDIOS, 8 GORDON STREET, RIPPONLEA

for
GLEN EIRA CITY COUNCIL

JUNE, 2018

*It's hard not to feel sentimental about it.
This place was built as a factory of entertainment.*

Actor, Charlie Pickering



ABV 2 offices from Gordon Street, circa.1961. Source, www.ABV2.net.au



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Background:

Heritage ALLIANCE was engaged to assess the heritage values of the ABC Gordon Street studios by Glen Eira City Council in April 2018, with a view to possible listing on the heritage schedule of the Glen Eira Planning Scheme. This was in response to the preparation and public consultation of a Structure Plan for Elsternwick which includes the subject site. In April 2017, the ABC sold its Selwyn Street, Elsternwick facility and the relocation of the last ABC staff from Gordon Street occurred in late 2017. The building is now decommissioned and all ABC services and functions have been relocated to Southbank studios. ABC management have made public statements about the sale of the Gordon Street site and this has prompted an assessment of its values.

Glen Eira City Council has developed Structure Plans for Bentleigh, Carnegie and Elsternwick. Development and future land use, transport and parking, types and height of buildings, employment, open spaces, infrastructure and the preservation and protection of neighbourhood character are included in the plans. Public comment on the plans was invited during November and December 2017.

The adopted *Elsternwick Structure Plan*, February 2018 shows the ABC Gordon Street site as a Strategic Site of 6-8 storeys with a 3 storey podium, with a triangle of new open space to the north where the car park is situated now. In section 4 of the Structure Plan, the site is discussed as follows:

Reuse the former studio site for employment purposes, particularly associated with the creative industries, and public open space. Key elements of this project include:

- a) Establishing future use and development of the site that makes a positive contribution to the Elsternwick community.
- b) Investigation of the heritage value of the buildings on the site.
- c) Exploration of opportunities to create a local park on the site, focused on using the existing car park and hard surface areas.

The consultants made a brief, accompanied site visit in May 2018 courtesy of ABC property management and Glen Eira City Council staff. Many parts of the building were visited and photographed, including service areas.

The primary author of this document was Sera-Jane Peters, assisting author was David Wixted, both of heritage ALLIANCE. Both authors were assisted by Julia Wilson and Jacqui Brasher of Glen Eira City Council and current and former staff of ABC TV.

Executive Summary:

1. This assessment of ABC Gordon Street studios has determined that the property has cultural heritage values at National, State and Local levels.
2. The site should be listed on the Glen Eira Planning Scheme Heritage Overlay Schedule and Council should begin the process of preparing an amendment to the planning scheme without delay.
3. The values identified in this assessment should be brought to the attention of the ABC, so that it can prepare a response and assess its obligations under the EPBC Act and its own strategies.
4. The ABC has a *Heritage Strategy 2014-2017*, which sets out the obligations of the ABC in regard to its heritage assets. Section 2 deals with Disposal and states;
Prior to leasing to others or disposal of a property with Commonwealth Heritage Values, the ABC will:
 - identify all Commonwealth Heritage values of the property
 - identify any constraints on future use that may influence the leasing or disposal options
 - refer the proposed lease or disposal under the EPBC Act
 - take all responsible action to secure ongoing protection of the Commonwealth Heritage values of the place, for eg. by covenant or protection under State law.

5. The ABC also maintains a Heritage Register which is a requirement under Section 341ZB of the EPBC Act. The ABC Gordon Street studios should be listed in that register.
6. Further assessment of the Commonwealth values of the property are up to the ABC as the managers of the Commonwealth asset, not Council. Council can however make a recommendation for State listing to the Victorian Heritage Register.

Statement of Significance

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place associated with public broadcasting by the Australian Broadcasting Corporation since 1956. The site is the earliest extant ABC television studio in Australia. The site reflects technological developments in television from the nascent technology of 16mm film production, telecine, videotape, colour broadcasting and then digital broadcasting, from 1956 until 2017. The studios are associated with a medium which had far-reaching effects on Australian culture, ideas, identity and society from 1956 until 2017.

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place associated with influential television programming over a broad range of subjects including natural history, drama, comedy, news and current affairs, but particularly for culturally influential drama productions such as *Bellbird* and *Sea Change* and live-audience music productions such as *Countdown*, which greatly influenced an entire generation of Australian youth in the 1970s and 1980s.

The ABC Gordon Street studios are of cultural significance at the State and Local level as the site of the first ABC television broadcast in Victoria, commencing with the broadcasting of the Olympic Games in Melbourne in 1956. The site was the first purpose-built television studio in Victoria and is the earliest extant television studio in Victoria.

The ABC Gordon Street studios are of cultural significance at the Local level as a place associated with Rippon Lea Estate and Louisa Jones, the last owner of the Estate, who fought to keep more of the Estate from being compulsorily acquired by the ABC in the 1960s. This contributed to the development of a nascent heritage conservation and advocacy movement and is associated with the beginnings of the National Trust in Victoria.

The ABC Gordon Street studios are of cultural significance at the Local level as one of the few industrial buildings in the City of Glen Eira with an aesthetic presence, and is a rare, early example of a Post-War International style building featuring exterior curtain walling.

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place with significance to those who worked in the building between 1956 and 2017. This includes both ABC staff as well as entertainment industry professionals who worked in the building on different productions. The site is also significant for its association with the development of a nascent entertainment and broadcasting industry, which went on to develop Australian talent in music, film, video, journalism, acting, direction, design and production and has directly contributed to the development and dissemination of a distinctive Australian culture through the medium of film and television.

Areas of significance

The ABC Gordon Street site is a large complex of buildings built between 1956 and 1965, and modified numerous times to accommodate technological changes to the medium of television, and the changing needs of the occupants. The following areas have been identified as having different levels of significance. A plan of the site identifies this graphically on page 37 of the report.

This grading of significance is a preliminary guide to the management of values. It is not an assessment of the relative value of the fabric of the site. A conservation management plan should be undertaken by the owner/manager to determine better how to manage and conserve values and fabric prior to change, development or adaptation of the site.

Primary significance:

- The facade and front elevation of Stage 2 (1958) and Stage 3 (1961).
The important elements are the spandrel glass curtain walling, the masonry brickwork and the recessed podium, the flat roof, projecting masonry and the overall forming of flat areas of glazing intersecting with solid cuboid forms, both horizontal and vertical.
- The broadcasting tower (1956) and the elements that illustrate how broadcasting occurred.
- The television studios 31, 32, 33A and 33B (1958)
The important elements of the studios are the soundproofing, the design of lighting and electrical, the relationship between the studio floor and the master control rooms above, the relationship between the scenery runway and all the studios. Along with this are the technical factors of the construction itself which illustrates the relationship between filming, editing, production and broadcast via the tower.

Contributory Significance:

- The scenery runway.
- The service areas surrounding the studios which houses makeup, wardrobe, dressing rooms, toilets and green room and technical crew spaces with an intervening corridor.
- The facades of Stage 1 (1956) facing the courtyard of the engineering workshops and the external facades of the former OB garage, and workshops, to Gordon Street and adjoining property.
- The open space provided by the current carpark along Gordon Street and trees older than 50 years. Car parking infrastructure (fencing, kerbing, asphaltting, booms etc) is of no significance. This area should maintain a landscaped setback in which to view the full façade of stage 1 and stage 3 from Gordon Street and the Rippon Lea boundary.

Non-contributory Significance:

- Stage 3 (1961) interior.
- Stage 4 (1965) all areas.
- Saw-tooth scenery workshop along the railway line.
- OB garage and workshop areas of Stage 1(1956) excepting the facades.

Description of the site:

When you go into those other commercial studios, they have these big posters of their stars. You go into the foyer of Ripponlea, which was kind of like a building that was designed by a Communist refugee from World War II, that was painted by surplus military paint. It was a completely different experience because [there was] no ego.

Actor, Simon Westaway¹

Form and function

The site can be viewed in two parts – 1) *the southern end* consists of a one to three storied engineered structure of 1956 which is the earliest part of the site and 2) *to the north and west* the combined production block and four storey administration building dating from 1958 and 1965.

The earliest triangular part of the site, which fronts Gordon Street at the south, was constructed for the outside broadcast van garages, as an electrical sub-station and for the transmission equipment which fed to the repeater tower at the rear of the central portion of the site.

The main production studios numbered 31, 32, 33A and 33B are arranged like a jewellery box. Inside the building the large central volume of the space is taken up by these box-shaped sound stages, surrounded by small scale functional rooms for actors, wardrobe, makeup, toilets, props, editing and production, all of which have easy access to the studio floors. Control rooms are situated above the studio spaces and are accessible from the floor of the studio and the first floor. The large studios 31 and 32 were the core of the building above which were large air conditioning units and electrical rooms.

Whilst the studios are the reason for the scale and arrangement of the central building, the administration building in the north west corner, contains open plan offices on four levels above the workshops for management, production staff, journalists, programme specialists, technicians, meeting rooms, common rooms, finance and human resources.

Technical staff were also spread throughout the complex. The facility housed electrical and lighting technicians, camera crews, outdoor broadcast crews, graphic designers, and scenery workshop staff – the workshop itself was the large saw-tooth roofed space along the railway boundary, joined to the studio space with a wide scenery runway to allow sets and audience seating to be moved in and out. Also occupying large areas (or perhaps volume) were storage areas for props, moveable auditorium seating, wardrobe, scenery and sets at the north end below the administration building, adjoining large loading bay areas.

The facility also included technical areas for the finishing stages through taping, editing and then sending out the finalized production via the on-site repeater tower where it was microwaved (a line of sight transmission) to the ABC's Dandenong tower and then broadcast to homes via an omni-directional low frequency transmission.

The site has been witness to a number of technological changes which required alterations to the building and production facilities. When constructed in 1956, cameras filmed productions and live-to-airs on acetate film which then entailed developing and rescanning images for transmission. During the 1960s magnetic tapes were being developed but matching sound and image quality was a problem. By the early 1970s and into the mid 1970s methods of recording and playback dramatically improved through further technological advances made in recording equipment including the introduction of publicly available colour TV. In 2010, television production systems moved from analogue to digital technology.

¹ Simon Westaway quote from Natasha Johnson, 23 November 2017 "Dream Factory" fare welled as 60 years of TV production at Ripponlea studios comes to an end." <http://www.abc.net.au/news/2017-11-30/abc-ripponlea-studio-farewelled-end-of-an-era-in-australian-tv/9052728>

Design

The building design was undertaken by the Commonwealth Department of Works which produced a facility specifically designed for the new technology of television, using the expertise developed building television production facilities in Canada and Britain. During 1956, CBC staff were training ABC staff in television production and BBC 'expert' Royston Morley was being loaned to the ABC so he could assist with technical advice.²

In 1949 the BBC had commissioned a massive, purpose built television complex, Television Centre at White City, West London³. Before this, the BBC had used remodelled studios at Alexandra Palace, Lime Grove, and Hammersmith. It was 1953 before they moved their first staff into the new building which was not completed, due to post-war restrictions, until 1960. The BBC had already had two decades of experience filming and broadcasting for television and it is most likely that the technical expertise of the BBC was crucial to the design of the Gordon Street facility.

Unlike the BBC's grand, architect designed Television Centre, the Gordon Street building reflects a functional approach with minimal touches toward either comfort or aesthetics. As noted in the Simon Westaway quote, the building is more an engineered structure, particularly in areas related to air handling, electrical equipment and cabling zones, sound attenuation and sound dampening.

Some ten drawings are available at the National Archives of Australia in Sydney but were not sighted for this assessment. These are probably stage 1 drawings. The bulk of drawings after stage 1 have not been sighted and are probably still in the hands of the ABC. The Clements Langford collection at University of Melbourne Archives does not contain drawings. Clements Langford were the builders of stages 1 & 2 (pre-1960) and the archives hold day-books, minute books, invoices, receipts, specifications and contracts. Clements Langford also completed other substantive Commonwealth contracts in Melbourne.

Stage 1 - 1953-1956

Upon acquisition of the triangle of land to the south of *Rippon Lea*, work commenced on a dogleg shaped building at the site's southern end with a future plan for extension into the northern area. The dog-leg was created by the land boundary with a more southern triangle of land acquired from the *Rippon Lea* Estate for a new Elsternwick Courthouse and Police Station, which was in construction shortly after 1953.

The first building constructed (and from the photographs and onsite observation) – an engineered structure both in fabric and design, was the Outside Broadcast (OB) garages and transmission building. At the same time a tall metal tower (extant) was constructed in a cleared area along the rail tracks and partway into the future development site. Later, the scenery workshop was constructed around the tower.

The new building allowed the OB vans to be housed and serviced and their film to be developed, scanned and uploaded, voiced and edited for final transmission. The building also provided camera servicing and storage, a small studio (20 x 30 foot) and a master control area, which allowed for the initial broadcast of live footage for the Melbourne Olympics. The building was used as an interim studio space during the Olympics, as were a number of other temporary spaces rented by the ABC around the city.

At ground level along the Gordon Street frontage, the building had a substation, electrical backup in the form of a generator atop a small three storey tower which also housed transmission equipment which relayed to the tower micro-wave dishes. In parallel with this construction was the ABC's broadcast tower and station at Mount Dandenong from where the transmission signal was able to cover a vast area of Melbourne and its surrounding fringes. The main fabric of the Stage 1 building is silica brick walls with metal windows and steel deck roof hidden by a low parapet.

² The ABC Weekly, September 1956 p.3

³ AKA BBC Shepherds Bush.

Stage 2 - 1958

During 1958 the second phase of building was completed using steel frame construction and masonry walls with the same silica brick through-out, but a modicum of architectural styling was added to the public facade fronting the car park through a curtain walled element using aluminium frames and a red spandrel glass. The builder's file held by University of Melbourne Archives, indicate that the manufacture and erection of the curtain wall façade required a number of iterations and requotes.⁴

Despite the very plain brickwork the building displays elements of the Post -War International style, at least on its public facades, and in the style of geometric massing, using strong vertical and horizontal elements. Internally the plain brickwork persists on every floor but in some areas it has been painted either through design or just to relieve its drab appearance.

Originally the public entrance to the studios was through a pair of polished metal double doors into a small foyer on the north- eastern facade. The entrance was marked by the polished metal work on the doors and polished floor to ceiling metal window mullions. Prior to 1979 this entry area has been expanded outward, sliding doors have replaced swing doors and a wing canopy has been created externally over a broad concrete landing and ramp for all-abilities access.

From the foyer one proceeds inside along one of the ground floor corridors surrounding studios 31 and 32. These corridors have functional rooms arranged along the side, consisting of wardrobe, laundry, dressing rooms, make up, toilets and so on and collectively they provide a sound buffer to the studios, whilst also allowing rapid access to the floor of the studio. Further sound abatement is provided by the method of construction which provided independent foundations on which thick brick (independent) walls were constructed. In 1974 more sound abatement was created with the introduction of secondary flooring in the studios as a method of excluding sound transmission from the railway line. The studios were provided with a layer of internal sound abatement using sound proofing batts (possibly *Rockwool*) on the walls and then an overlay of timber battens which trap reverberation. This sound attenuation is more intense in the lower level than in the upper half of the high volume space.

Studio 31 and 32 were constructed to the same dimensions of 80 x 60 x 25 feet alongside a small presentation studio of 20 x 30 feet – now divided into two studios. On the upper levels of studios 31 and 32 are control rooms and studios for vision and sound editing. The electrical rooms adjacent to the control rooms contain banks of fuse boards for the thousands of electrical cables coming in from the studios below. One of the abiding visual images of studios 31 and 32 are the mass of numbered lighting bars which drop from the ceilings, each with numbered electrical outlets, facing the control room and with control panels along the walls. The control rooms, above the floor of the studio monitor the studio floor from large angled windows to the studio as well as via banks of monitors.

⁴ Clements Langford Pty Ltd, 1868-1960, Collection - University of Melbourne Archives.



Interiors of studio with a mass of lighting and monitors hanging from the lighting bars above, in 2017. Source, Google images, 2017



The scenery runway, in 2017. Source, Google images, 2017

Stage 2 of the building included the factory zone containing the scenery workshop, an industrial space for manufacturing sets, along with ad-hoc painting and welding booths. This linear space running along the train-track boundary is covered by a saw tooth roof and encloses the base of the 1956 tower. The walls are masonry and the space is unrelieved by any form of architectural detail. Between the workshop and studios 31 and 32 is the vast scenery runway where sets were shifted around between studios and auditorium seating was stored. Between them, studios 31 and 32, plus the runway and the scenery workshop take up approximately 75% of the volume of stages 1 and 2

Stage 3 - 1961

Stage 3, constructed in 1961 created three storeys of office space at the north end of the main studio building, coming within metres of the fence separating the *Rippon Lea* garden. The building's appearance from Gordon Street conformed to the architectural arrangement set up in 1958 i.e. a curtain wall and brick surround. The construction at ground level at the rear added more storage space for props plus a new delivery area with a loading leveller. Later ad-hoc work added a ground level staff facility on the rear.

Stage 4 - 1965 -1968

This was the final building phase, which saw a square tower of four storeys built above the north west corner of the scenery workshop. This brick building continues the basic form of stages 1 and 3, with long horizontal banks of glazing and masonry walls, but with no effort to adorn or enlighten the facades. On the western side, facing Rippon Grove and the railway line the glazing is covered with sun screens and was an unprepossessing grey box. A five storey service tower sits to one side of the block and provides lifts and stairs.

The administration building added a substantial amount of floor area for a variety of offices and meeting rooms for management, producers, journalists, graphics, finance and human resources. The (metal decked) roof is home to a large satellite dish. This building was constructed almost as an afterthought, as its location on top of the factory areas attests. The building was commissioned between two High Court challenges to the right of the ABC to expand the ground footprint of the site and was a functional response to squeezed conditions on site and acceptance that further expansion into the *Rippon Lea* gardens might not be possible.

The carpark areas were laid out with a concrete area at the entrance and the parking areas to the north, as gravel with garden beds and trees, by 1963. The cypress and other older trees in the carpark are possibly left over from Rippon Lea's gardens. The larger trees shown in the photo below are most probably remnants from before the site was owned by the ABC.



The ABCV2 building and car park fronting the studios in 1963, Herald and Weekly Times Limited Collection. Note some of these trees may survive from the original Rippon Lea site (to RHS) as they are too tall for 1958 plantings. Source, SLV



Four storey administration building in course of being finalised in 1968, view to north-east along rail line.



Exterior of administration block from Gordon Street carpark area of the office block.

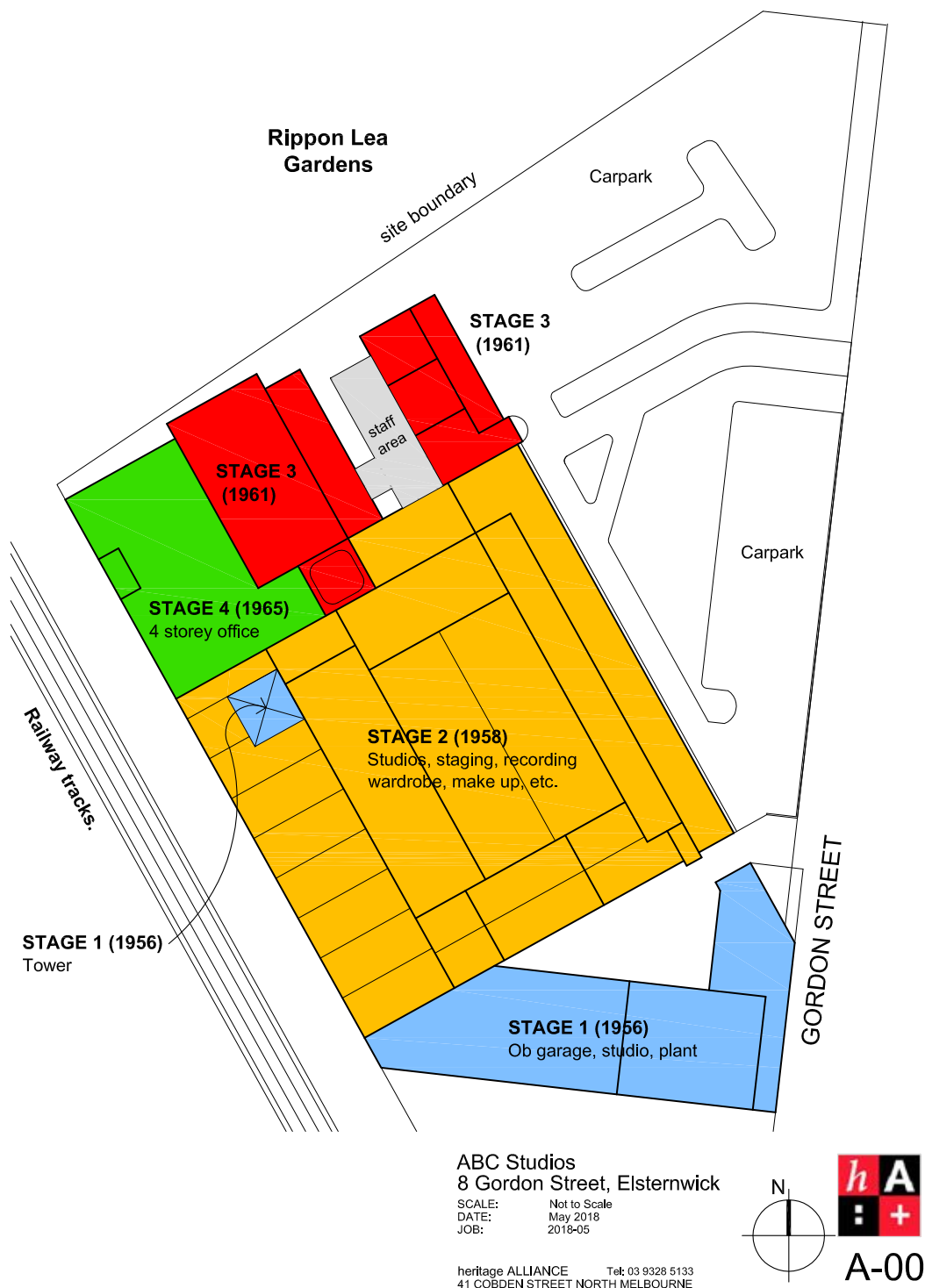


Interior of stage 4 administration building with gridded drop ceilings, concrete encased columns, strip windows, vinyl floor finish over concrete.



Interior of stage 4 administration building

All photographs sourced from National Archives of Australia.



STAGING OF THE WORKS DIAGRAM A-00

History:**History of Rippon Lea**

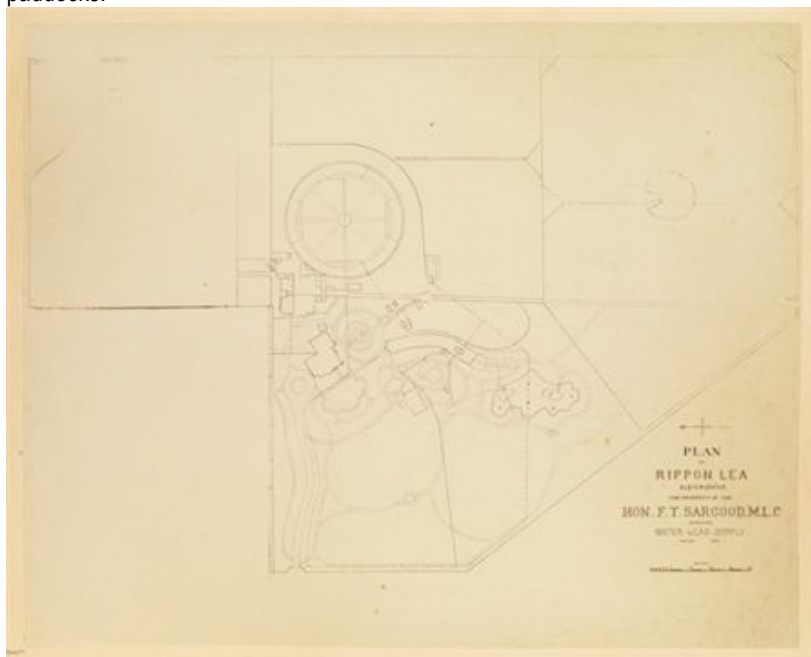
The property, *Rippon Lea* was created by Frederick Sargood, who in 1850, at fifteen years of age, had arrived in Melbourne from England with his family. Sargood made a fortune, became a leader of Melbourne society, a notable political figure and Victoria's first Minister of Defence, and after Federation was elected to Australia's first Senate. He was knighted in 1890.

Frederick Sargood acquired 27 hectares of land in Elsternwick and began to establish grounds and house. He named the property after his mother, Emma Rippon. In 1868-9 he built a two-storey fifteen-room house, designed by Joseph Reed of Reed & Barnes, Melbourne's most important architect of the time, who designed many of Melbourne's public and private buildings.

From 1868 Sargood began to develop magnificent gardens around the house, both ornamental and practical, and by 1903 *Rippon Lea* had one of the largest private gardens in Australia, equaled in size only by the Melbourne Government House garden. Along with its well-known owner, it received considerable attention from the press in the nineteenth century, and this focus on the gardens was continued with its subsequent owners.

Before the property was subdivided, the garden was renowned for its stylistic variety, sophistication and large scale, as well as the broad range of recreational facilities it provided, such as archery, tennis (it had one of the first tennis courts in Melbourne), boating on the lake and a rifle range. *Rippon Lea* and its garden was the scene of entertaining on a large scale by the Sargood family.

The garden at *Rippon Lea* included: a large area of lawn; shrubberies; flower gardens; a lake with a grotto, a bridge, a boathouse, and a lookout mound with a four-level tower, which is a notable example of nineteenth century garden architecture; a fernery which was probably the largest in Australia, and reflected the contemporary enthusiasm for ferns; a croquet lawn; a tennis court; a rifle and archery range; and aviaries. More practical areas were a very extensive, but still visually decorative, kitchen garden and orchard, as well as farm paddocks.



Plan of Rippon Lea, Elsternwick, the property of Hon. F.T Sargood M.L.C. Water and gas supply, 1880. This plan indicates the full extent of the 27 hectares originally acquired by Sargood. Source, SLV

After Sargood's death in 1903 the property was owned by Sir Thomas Bent, then Premier of Victoria, who subdivided and sold part of the property to the north. From 1911-35, the owner was Benjamin Nathan, the founder of Maples' furniture stores, who added a gate lodge at the entrance and a large glasshouse for the propagation of orchids (now demolished). Nathan was an avid gardener and a collector of rare orchids.

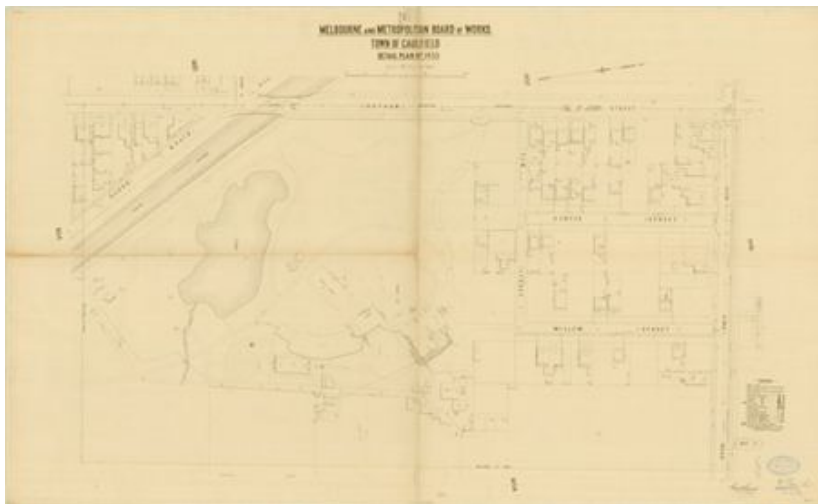
The property was inherited in 1935 by his daughter, Mrs Louisa Jones, who in 1939 altered the house, added a pool complex and also subdivided and sold some of the property. In 1954 the Australian Broadcasting Corporation purchased about a hectare of the grounds to the south, and in 1963 attempted to compulsorily acquire another hectare, including the lake and much of the ornamental garden. After fighting the government for ten years, against acquisition, Jones then bequeathed it to the National Trust. Jones lived there until her death in 1972.

The original property of 27 hectares had been reduced by subdivision to about 5.7 hectares. Most of the original ornamental gardens and garden structures are on these 5.7 hectares, and most of what was lost were the unusually extensive service areas of the garden and the paddocks. The original garden scheme, including the irrigation system remains largely intact from the nineteenth century.⁵

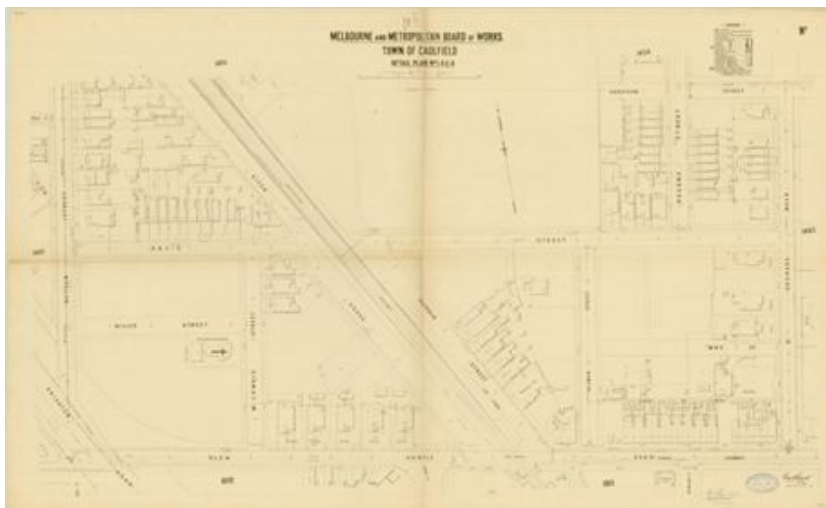


View from Railway Path, looking back toward Rippon Lea, 1903 (in the paddock area where the ABC building was later developed). Source, Johnstone, O'Shannessy & Co. photographers, SLV

⁵ National Heritage List citation for *Rippon Lea* from Australian Heritage Database. http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105763



Melbourne and Metropolitan Board of Works Detail Plan 1453, dated 1902. Source SLV



Melbourne and Metropolitan Board of Works Detail Plan 1464, dated 1902. Source SLV



Part of Melbourne and Metropolitan Board of Works Plan 49, Municipality of Caulfield, dated 1933. The area marked in blue was subdivided prior to 1902. The areas outlined in red were subdivided from the estate between 1904-1909, when Gordon Street was extended into the grounds and Elizabeth Street was created. Changes to the alignment of Gordon Street occurred at some later date. Source, SLV



This subdivision plan indicates that there were early plans to subdivide the southernmost triangle of land from Ripponlea, shown south of the Proposed new street, joining Bent Street. This plan is probably wrongly dated and forms part of the subdivision by Sir James Bent between 1904-1909. Newspapers reported that lots on the corner of Bent and Gordon Street were still selling in September 1949. Source, SLV

“Few people have worked so hard to give so much away.”

An elderly widow challenged today the Commonwealth Government's right to slice up her inherited land estate at Elsternwick. Mrs Louisa Jones asked seven High Court judges to stop acquisition of 4.1 acres of the 10-acre property known as Rippon Lea. The Commonwealth wants the slice for extensions to adjoining Australian Broadcasting Commission premises. Mrs Jones, however, had offered the old landmark, including the Georgian Mansion, to the National Trust for preservation for "the people of Victoria". Now she is pressing a legal claim to hand over the entire property without any acquisition claims...Mrs Jones claims, and it is admitted by the Commonwealth, that legally the Government cannot compulsorily acquire land which, under State laws, is dedicated or reserved for a public park or recreation.

The Canberra Times, Friday 11 October, 1963. p.6.

Rippon Lea occupies a special position in Australian conservation history as a property saved specifically for its historic gardens. The owner of the property, Louisa Jones fought the full might of the Commonwealth government, after it had compulsorily purchased 4.1 acres to extend the broadcasting facilities of the ABC in the 1960s. Having lost two court cases, she bequeathed the property to the fledgling National Trust of Victoria to successfully save the property for the people of Victoria. She received this news shortly before she died in 1972, aged seventy-eight. As Henry Bolte, Victorian Premier of the time remarked, 'Few people have worked so hard to give so much away.'⁶

⁶ Louisa Jones, Culture Victoria website <https://cv.vic.gov.au/stories/built-environment/ripon-lea-estate/louisa-jones/>



Deeds to Rippon Lea, Melbourne 1963, Frith, John E. John Frith collection of cartoons, 1960-1969. Retrieved May 15, 2018, from <http://nla.gov.au/nla.obj-153020386>

The development of the ABC facility and the Rippon Lea site

Prior to the epic court battles to save *Rippon Lea*, the Jones family had started to sell off parts of the estate. In circa 1954 the conservatories and glass houses were dismantled, the huge circular vegetable garden was subdivided for suburban housing, extending Gordon Street from Bent Street to Glen Eira Road. Then in April 1956, Charles Moses, manager of the ABC and Timothy Jones, husband of Louisa Jones, came to an agreement for the ABC to purchase 2.75 acres of the estate for the first television studios for the ABC to broadcast the Olympic Games. The ABC also sought the first right of refusal to purchase additional land from the estate and an informal agreement was reached.

Stage 1 of the ABC facility was constructed in 1956 in the triangle of paddocks between the Rippon Lea lake, the railway line and Gordon Street. It consisted of the plant rooms, the outside broadcast garage which was used as a temporary master control and telecine, the tower and a small presentation studio.

In 1958, Stage 2 of the facility opened on 21 May, consisting of studios, master control, telecine, telerecord and the staging workshop. In 1959 the ABC successfully negotiated to buy another 2 acres of *Rippon Lea* but the purchase was not completed because of objections by Caulfield City Council. Negotiations with Mrs Jones were later resumed but she rescinded the agreement to sell more land on the basis that the agreement was made by her late husband, not her.

In 1961, Stage 3 of the facility opened at the western end of the triangle. It included loading bays, large scenery and prop storage and the videotape department. The northern end of the Stage 3 building was constructed to allow for eventual expansion into *Rippon Lea's* gardens.

In 1963, the government compulsorily acquired 4.1 acres of the estate to extend the ABC facility. 10,000 people protested the acquisition in the grounds of *Rippon Lea*. Louisa Jones took her battle all the way to the High Court, who denied the acquisition on a technical detail.



Rippon Lea protestors, Elsternwick, April 21, 1963, John T Collins. Source, SLV

In 1964 the ABC reapplied for the acquisition and again it went all the way to the High Court, who upheld the right of the Commonwealth to acquire the land. Louisa Jones still did not give up, and in 1966 she issued a writ against the Commonwealth for 355,000 pounds.⁷

On the 27 July 1972 Louisa Jones died, leaving *Rippon Lea* estate to the National Trust(Vic), a community advocacy body and thus curtailing the ability of the Commonwealth to acquire the Estate. The Commonwealth is not able to compulsorily acquire land which is entailed for public purposes. In saving the Estate from being broken up any further, she relinquished the right to bequeath the property to her family. The National Trust (Victoria) had been established in 1956. Modelled on the *National Trust for Places of Historic Interest or Natural Beauty* in the UK and inspired by local campaigns to conserve native bushland and preserve old buildings, the first National Trust was formed in New South Wales in 1945. The Estate measured 14 acres.

In 1974 the ABC studios and some of the production areas were upgraded for colour TV. Several different schemes to prevent the vibration of the train line disturbing filming were investigated and new floors created under the studios. In 1977 the western boundary of the studio site was found to be in the wrong position and so a narrow strip was rented to the National Trust for a nominal fee. In 2017 the ABC opens its new TV studios at Southbank and the site was closed.⁸

⁷ The Canberra Times, ACT, Thursday 4 February 1965, p.13

⁸ Timeline compiled by former ABC staff. Culture Victoria website <https://cv.vic.gov.au/stories/built-environment/ripon-lea-estate/solid-joys-and-lasting-treasure/>



Protests Swept Under the Rug, Frith, John E. John Frith collection of cartoons, 1960-1969. Retrieved May 15, 2018, from <http://nla.gov.au/nla.obj-153020386>



Louisa Jones c.late-1960s from Ben Jones' photograph collection. National Trust of Australia(Vic) Rippon Lea Collection.

The introduction of Television to Australia

Television began in Australia just in time for the Melbourne Olympics of 1956. A 1953 Federal Royal Commission Inquiry into Television, had recommended that it be introduced gradually under government supervision, with an ABC station and two commercial channels in both Sydney and Melbourne.

The ABC began planning for the introduction of television once the findings of the Inquiry were presented. In 1956, the *ABC Weekly* was telling its readers not to expect too much at the beginning as “we shall only have limited studio accommodation which will restrict considerably the number and type of locally produced studio sessions until our full studio accommodation is completed early in the New Year.”⁹ Throughout 1956, international experts were flown into Melbourne to prepare staff, train 300 technicians and presumably to provide expertise on how to design studios and production facilities for television.

Test transmissions took place in Melbourne for HSV7 and GTV9 in the months leading up to the Olympic Games and, along with ABV2, the stations were on air by the time the Olympics began in November. All three stations televised the Olympics, using outside broadcast vans linked by radio to their main studios and a 16mm film of daily events sent to Sydney each evening for television broadcast.¹⁰

The first transmission of Channel ABV2 in Melbourne was on November 17, 1956. The opening programmes were presented from a converted radio studio at Broadcast House, using the Outside Broadcast unit as a production booth. Programmes were presented from the small studio at Gordon Street with the master control equipment being housed in the Garage building.

Just three days after its official opening ABV2 staff were off to the Melbourne Olympic Games, providing live coverage via a single outside broadcast van over the course of competition. Filmed coverage was then flown up to Sydney for broadcast on ABN2. It was May 1958 before ABV2 formally opened the studio space at Gordon Street. An undated memo from ABV2 staff collected on an ABV2 archive website provides some details about the building. “The requirements for the studio building were prepared by officers of the Australian Broadcasting Commission based on the latest experience of television authorities overseas. The plans were prepared and the building construction supervised by the Commonwealth Department of Works. The building contractors are Clements Langford Pty Ltd.”¹¹

The following summary of the history of the Ripponlea studio is taken from a typescript on the website, abv2.net.au, titled *A.B.C's new television studio opening on May 21*. The typescript was probably written in 1958, in preparation for the opening of the building.

The official opening of the Ripponlea studios will take place on Wednesday May 21 at 7.55pm on ABV Channel 2 when the chairman of the ABC, Sir Richard Boyer and the Post Master General the Hon CW Davidson will be the speakers... The new building of brick, which is being opened on May 21, is two-storied, and contains two studios each 80ft x 60ft and 25 ft high, which is about the size of four average sized two storied homes, and a presentation studio 20' x 30'. (twice the size of the average living room)

The presentation studio is the same size as the temporary studio which has been in use since transmission began. The second large studio will come into operation in about three months. When both are in operation one large studio will be used for plays and the more complex type of productions....(not legible)

⁹ The ABC Weekly, September 1, 1956, p.3

¹⁰ Parliament of Victoria website, 1956 Olympics; www.parliament.vic.gov.au/component/jdownloads/download/36-research-papers/13610-2016-3-olympics-hn

¹¹ Office memo, ABC former staff online archive at <http://www.abv2.net.au/office.php>

On the ground floor are the studios with access from the ground level or top floor; a theatrette for screening films and dubbing sound adding commentaries or changing sound on films. A canteen leads off the large entrance foyer. The studios are surrounded with a ring of offices including wardrobe, make-up and dressing rooms (eight), showers etc small studio and control rooms, the scenery runway and scenery manufacturing area. This ring assists in insulating the studio against outside noises. To aid this soundproofing further, each studio stands on its own foundations and is isolated from the main structure so that it will not be disturbed unduly by construction and other noises within the building.

On the first floor are located Master Control, Telecine, Telerecording units, Film and News sections, Graphics and Design staff and general offices. To the left of the main studio building is the outside broadcast Division, the Engineering workshop, Power and Air conditioning plants. The control rooms for the large studios are located on the first floor over the dressing rooms. Each control room is divided into three sections partly segregated from each other...

In the new building there will be direct access from the scenery area and also into both the main studios having a clear height of 16ft. This means it will be possible to fabricate sections of scenery up to 14 ft high in the scenery area and to trolley them into the studio.

When the construction work is completed the site will be laid out and the garden areas close to the studios will be used for open-air TV settings.¹²



Emergency generator area (within 3 storey building) and outside broadcast garage from the transmission tower, circa 1956. This is Stage 1 of the Ripponlea facility. Source www.abv2.net.au

¹² From undated typescript, accessed at <http://www.abv2.net.au/office.php>



Site excavation of studio building circa 1956. This is construction of stage 2 of the Ripponlea facility with the scenery workshop wall along the railway in the course of construction at the rear. Source www.abv2.net.au



Studio building excavations for Stage 2, (footings of major studios) with scenery workshop wall in place at rear, circa 1956. Source, <http://www.abv2.net.au>



Stage 2 of the Ripponlea facility completed, circa 1958. Source, <http://www.abv2.net.au> Note the formal entry is on the right end of the lower glazed area. Stage 3 was added to the right hand side (north)

The Gordon Street studios continued to house ABC TV production in Melbourne for decades to follow — making programs such as *Bellbird*, *Adventure Island*, *Countdown*, *Power Without Glory*, *The Saturday Show*, *Australia – You're Standing In It*, *The Factory*, *Countdown Revolution*, *The Big Gig*, *The Late Show*, *Phoenix*, *Seachange*, *Shaun Micallef's Mad As Hell*, *Spicks And Specks*, schools programs and thousands of ABC News and current affairs programs.¹³

In June 2011, the Managing Director of the ABC, Mark Scott announced that they would build a new TV studio at Southbank. "Recently unions have raised concerns about the ongoing production output by the public broadcaster. But while Scott says Melbourne will remain a major hub for ABC television it isn't clear what, if any, role will be played by the Elsternwick studios. 'The Gordon Street facilities date back to the origins of television in Australia and have been home to many of the ABC's most memorable productions, from *Countdown* and *Seachange* to *Spicks and Specks* and *Adam Hills* in Gordon Street, whose live show made the location famous.'¹⁴

The Gordon Street studios were closed in November 2017.

¹³ <http://www.televisionau.com/>

¹⁴ June 9 2011, David Knox <https://tvtonight.com.au/2011/06/abc-promises-new-melbourne-tv-studio.html>

Social significance:

One of the values which may be ascribed to a place is social value or social significance. Social value is defined by the *Australia ICOMOS Burra Charter 2013*, as the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for the community. The DELWP Planning Practice Note 1 has Criterion G, which is defined as "Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to indigenous peoples as part of their continuing and developing cultural traditions (social significance)."

This community can include professional communities such as the entertainment industry. The ABC studios have had a lasting impact on the entertainment industry in Australia, as a workplace for actors, directors, producers, editors, cameramen and other trades, from 1956 until 2017. The first generation of television technicians and creators was trained in the Gordon Street facility and then passed that knowledge onto the next generations of television actors, producers and technicians.

The sporadic and cyclical nature of television production has meant that many people would have worked on productions for one or two episodes or might have worked on long series on a regular basis, over many decades. Over 300 staff were permanently employed at the site at different times, in roles from creative production, technical trades and administration. Their attachment to the facility and the workplace culture of the place has created a lasting attachment evidenced in the interviews conducted by the ABC with their staff.

The Gordon Street studio building is an unprepossessing structure but one which is greatly beloved by those who worked in it. To celebrate the end of an era and the closure of the building, the ABC filmed a segment with staff talking about their memories of the building and Natasha Johnson interviewed staff about their feelings on its closure. The following interviews and comments came from this piece and the accompanying videos.¹⁵

Andrew Best, set buyer/dresser and unofficial historian of Ripponlea studios worked at Ripponlea for 36 years and occasionally conducted public tours of the site. "Its time to move on, but I'm very sad actually. I think after nearly 36 years here – that's over half the time that TV has been in Australia – you feel very attached to somewhere you come to every day and have made so many wonderful friends and helped create so many fantastic things, it is very difficult to leave."

The article states that "Attachment to the old brick building, known affectionately by staff as Rippers, stems from its place in the history of television production." Andrew goes on to say that; "In the 1960s this was called the 'dream factory' because it was the beginning of TV and really anything you could dream up was new and exciting and you could create it here." "It does really have that feeling that just anything could happen here and so many wonderful shows have come out of here."

Not only permanent ABC staff but also actors, directors and producers have attachment to the buildings and the programs produced within them. Paul Drane, former *Countdown* director said; "It's almost like a mini-Hollywood. So many programs have gone through here over the years and the development of so much innovation, [there was a] preparedness to try new things. The ABC would do that."

Actors such as Deborra-Lee Furness who worked at the Ripponlea studios felt there was something magical about the culture of the place that gave rise to such great program content. "There's a bit of magic in Ripponlea. It allowed people ... to be more creative, to have more artistic leeway." Myf Warhurst felt the same way; "It was so important in our lives, it was the window to the rest of the world. This kind of mythical dream factory, where all the greatest ideas occurred and people were having the most amount of fun."

Shaun Micallef learned what he calls the Ripponlea Method from Television director, Ted Emery. "The ABC Gordon St method is the only method I know how to make a program. You make a little family together then everybody gets involved," he said. "In fact if you watch the Micallef Program ... you think they are actors, but they are actually just members of the crew who have been dragooned into a sketch." Micallef said anything was

¹⁵ Natasha Johnson, 23 November 2017 "Dream Factory" farewellled as 60 years of TV production at Ripponlea studios comes to an end." <http://www.abc.net.au/news/2017-11-30/abc-ripponlea-studio-farewelled-end-of-an-era-in-australian-tv/9052728>

possible at Ripponlea. "You would come up with an idea and you would expect it to be turned around in a couple of days," he said.

Charlie Pickering, host of *The Weekly*, felt lucky to be "that little bookend on history", filming one of the last programs in the famed Studio 31. "It's hard not to feel sentimental about it. This place was built as a factory of entertainment," he said. "Walking into this studio made you feel like you were stepping into history. You can see, almost feel, the history on the walls. You can get enough of an audience in here to get a really good response, but it's not so big that it doesn't feel intimate."

Belinda Hawkins started at the ABC in 1985. She believes that having everyone together in one building — including news, the drama department, technical crews, set designers, the natural history department and the costume department — created a unique environment. "Having so many people in the one building, I think it created a culture. It's a culture that is this broadcast that we are all proud of. We are proud that we're a public broadcaster," Hawkins said. "When you start disassembling a building like this, my fear is that you risk tearing at that fabric of that culture. I think it's the culture that many of us will miss."¹⁶

The ABC produced television programs from the Gordon Street studios, which have had a lasting effect on a broad sector of Australian society and culture. The list of programs created at the studios crosses generations and communities and some, such as *Countdown*, had a lasting impact on the culture, music and taste of a whole generation and an enormous cohort of music, video, fashion and design practitioners in the 1970s and 80s. Those who went to the live *Countdown* shows, count them as some of the most memorable experiences of their youth. The front façade and closed courtyard of the Gordon Street studios was regularly shown in fan magazines and music news as one or more bands ran the gauntlet of teenage fans amassed outside the building as they went in to tape *Countdown* episodes.

To celebrate its 80th birthday, the ABC created a website called *80 Days That Changed Our Lives* to showcase audio visual treasures from the ABC's 80-year-old-archives. 80 events were documented from radio or television because they made an impact at the time. The public were then asked to vote on which days/events changed their lives the most. The response from the public sorted the events into order of priority and the debut of *Countdown* on TV in 1974, came in at Number 4, after September 11, the Whitlam Dismissal, and the Internet arriving. When the votes are analysed, it indicates that with females, it was actually rated as number 3 overall and with the 40+ age group it was rated as number 2 overall. Many Australians who grew up in the 1970s and 80s would agree with Simon Tatz:

BC (before Countdown) we had little idea what was going on around Australia, let alone the USA or the UK, unless it was a hit and played on AM radio. Double Jay started life in the mid-70s as a Sydney based station and by the time it become Triple J and national, Countdown was in decline. So when Countdown aired in late 1974 and Molly Meldrum began his legendary "Humdrum" segment introducing us to new music and showing snippets of overseas video clips, this was more than ground-breaking. It was a cultural revolution.¹⁷

Other series such as *Bellbird* (1967-1977) and *Sea Change* (1998-2000) had a lasting impact on a generation of Australians and are remembered as marking a particular time in Australian family life and home-based entertainment. *Seachange* is noted in the Australian National Dictionary as a noun directly related to the ABC TV series, *Sea Change* and follows up with *seachange* (verb) as a move from city to coastal living. *Sea Change* was and is still the only program produced by the ABC to win a Gold Logie for Most Popular Australian Program. (2000 and 2001) The ABC produced and created numerous telemovies, current affairs and natural history programs at Gordon Street, and two Logie Awards for Most Popular Entertainment Program attests to the popularity of *Kath and Kim* and *Spicks and Specks* produced and created at Gordon Street.

The ABC Gordon Street studios might also have social value for local residents of Elsternwick and Ripponlea but this has not been tested or canvassed during the course of this assessment. In looking at the community workshops held for the Elsternwick Structure Plan, there was limited comment about the values held by the

¹⁶ *ibid*

¹⁷ Simon Tatz, *The Drum* 2 January 2015. <http://www.abc.net.au/news/2014-11-14/tatz-countdown/5891852>

community for the site. However, given the context of the discussion/engagement, most of the comments might reflect fear of change or over-development occurring on the site rather than social value.



"Molly" Meldrum on the Countdown set



Bellbird production set



Shirley from the band Skyhooks, whose career benefitted from exposure in Countdown, at Studio 31. Source, ABC archives

Comparative buildings/sites:



The Bauhaus studios in Dessau, Germany – Walter Gropius circa 1925 . Described as the most influential building of the 20th Century it cemented in real form the idea of modernism. This building faced the road showing off its lightbox like qualities when illuminated at night.



ABC studios frontage from the north (1958-61), here it is possible to recognise the influence of the Dessau studios construction particularly the use of the flat cuboid shapes and the glazed wall floating above a plinth and intersecting with the more solid cuboid shapes.

Design

In our comparative analysis, it is not our intention to overstate the architectural link between one of the most influential buildings of the 20th century (the Bauhaus studios) and the ABC studios in Gordon Street, but it would be remiss not to recognise the influences generated by the Bauhaus design. The mission of Bauhaus was to provide a new, affordable, plain and utilitarian design that could be used by every kind of person and in every area. These ideas were not only brought back by many Australian architects who toured the continent in the post-war years but also through publications and books.

The design of the Gordon Street facility is functional and modern, its purpose was to provide a facility and its presentation was industrial. It features an early curtain wall with red spandrel glass and an arrangement of clean lines and rectangular shapes. The design is *International Style*, which was evident in Australia between 1940 and 1960. It was a direct response to the end of the Second World War and a new desire for functional, rational

architecture and a desire to make the world a better place through design.¹⁸ New buildings, even by Government departments began to reflect European concepts of modernism, such as the Russell Street telephone exchange (1948 - 1954) which was the first large building constructed in Melbourne post-World War Two.¹⁹

The influence of modernism started to become apparent in commercial and institutional architecture in Victoria, in the 1950s and the first sleek curtain-walled office buildings signalled the start of a new age of architecture. The Commonwealth Offices, which was the offices of the Commonwealth Department of Works, La Trobe Street, Melbourne (1956) was an International style building, with brick and spandrel glass and a recessed podium at ground level. Being designed by the same government office in the same year as the Gordon Street facility and also built by Clements Langford Pty Ltd, it is interesting to note the similarities in the materials and design of the two buildings. In a comparative analysis of modern architecture in Melbourne by the National Trust, they discuss the International style;

When curtain-walled office buildings first began to appear in central Melbourne from the early 1950s, some architects wholly embraced and exploited the new technology while others, almost if hedging their bets, combined curtain walling with more conventional masonry-based construction... The new telephone exchange at 376 Flinders Lane (Commonwealth Department of Works, 1956-7) was almost retardataire in its amalgamation of a stark cream brick facade, evocative of pre-war government architecture, with a slightly projecting curtain walled bay.²⁰

The Commonwealth Offices (1956), now demolished and the Batman Telephone Exchange (1956-7), still extant, at 376 Flinders Lane were both designed by the Commonwealth Department of Works. The two buildings plus the Gordon Street facility demonstrate a particular design intent by the Commonwealth architects and an experimentation with a new style, new materials, such as spandrel glass curtain walling and a willingness to apply this new design to different functions.



Commonwealth Offices 1956 onward (including Commonwealth Department of Works) La Trobe Street Melbourne since demolished. The first block completed was on Spring Street (LHS of image). This building design also has some similar

¹⁸ Apperly, Irving, Reynolds, 1989, A Pictorial Guide to Identifying Australian Architecture, Angus & Robertson, p. 214

¹⁹ Victorian Heritage Database, citation for Russell Street Telephone Exchange,

²⁰ Melbourne's Marvellous Modernism, A comparative analysis of Post-War Modern Architecture in Melbourne's CBD 1955-1975, September 2014. National Trust (Vic), p. 22

design elements to Gordon Street studios, with curtain walling with spandrel glass extended over a recessed podium area. Builder: Clements Langford.



The Russell Street Telephone Exchange building at 376-382 Flinders Lane, Melbourne, commissioned by the Commonwealth Department of Works and built by Clements Langford in 1956-7. National Archives Australia: B6295, 260C

Other television facilities

A comparison between Gordon Street and other television facilities around Australia highlight a number of functional and design similarities, most particularly with Gore Hill which is contemporaneous, and similar in the functional layout of spaces in particular. An architectural comparison can be made between ABC Ripponlea and ABC TV & Radio studios in Perth. The similarities in design are quite striking. These are now no longer used by the ABC but the front elevation to Adelaide Terrace has been retained.



ABC TV & Radio studios (1960) at Adelaide Terrace Perth. The horizontals and the cuboid shapes are more expressed in this design. Substantially altered to the rear. Source, Library of Western Australia



ABN2 Gore Hill 1956, Source www.abctvgorehill.com.au

The ABN2 studios at Gore Hill were of a different style and even more stark in design than Gordon Street. They have similarities in design to the telephone exchange in Melbourne and the Commonwealth Offices, but the use of curtain walling, albeit vertical rather than horizontal and masonry walls with a flat roof, indicate the same functional approach as shown at Gordon Street.

Many of the ABC TV studios in the capitals have been demolished in recent decades. ABC TV Brisbane at Toowong and the Sydney studios at Gore Hill have been demolished. The Perth building is extant but no longer used for television production. The SA studios which were built at Collinswood in 1959, were closed for production in 2014.

In 2008 a survey of Post- War heritage in Victoria statistically identified historically and architecturally important structures of which television services were identified as an important twentieth century theme. These sites occur in four locations; ABV2 Ripponlea, GLV10 Traralgon, GMV6 Shepparton and Channel 10 Forest Hill. Gordon Street was identified in that survey as historically and architecturally important as an early television studio, Victoria's first TV studio and one of the oldest television complexes in Australia²¹.

²¹ heritage ALLIANCE, Survey of Built Heritage in Victoria, Stage One Vol. 2 Citations, for Heritage Victoria, Melbourne 2008.



GLV10 Traralgon opened December 1961. Source, SLV



GMV 6 Shepparton opened December 1961 by architects John & Phyllis Murphy. (source Adam Dimech). Now WIN-News.



ATV 0/10 at Nunawading 1965 by architects Hassell, McConnell & Partners. The building provides a very clear functional layout and is the only other surviving metropolitan Television Station building. Note the forward landscape area on the right hand side which was also used for a helicopter landing area. ABV2 is more complex in its layout on a smaller tighter site. Source, www.tvtonight.com.au

Internationally, there are comparisons to be made with television studio and television facilities built in the period immediately prior to 1956. In particular, the influence which advice provided by the BBC had on the technical design of the facility and studios.

In 1949 the BBC had commissioned a massive, purpose built television complex, Television Centre at White City, West London. During 1956 the BBC lent experts to the ABC and it is most likely that the technical expertise of the BBC was crucial to the design of the Gordon Street facility. Images of the studio spaces (below) lend credence to the idea that there was a lot of technical exchange between the BBC and the ABC.



BBC Television Centre, White City, West London, prior to demolition and conversion into apartments. Source, www.tvstudiohistory.co.uk



Studio 8 at Television Centre prior to demolition in December 2015. Note the massed lighting bars at the ceiling and style of the soundproofing walls. Source <http://www.itv.com/news/london/2015-12-15/bbcs-iconic-television-centre-reduced-to-a-carcass/>



Studio A, Alexandra Palace, July 1981 on the last day of production. Studio A was used between 1936 and 1981.
Source, <http://www.itv.com/news/london/2015-12-15/bbcs-iconic-television-centre-reduced-to-a-carcass/>

Assessment:

The act of determining whether a place is of cultural heritage significance is one that is guided by the principles of *The Australia ICOMOS Burra Charter (2013)* and demonstrated by eight criteria.

Criteria are a collection of principles, characteristics and categories used to help decide if a place has heritage value. Usually there are a number of criteria relevant to a heritage list, and one or more of these must be applied to a place being considered for listing. In addition to criteria, there is also a question of the threshold for heritage listing. The threshold is the level of heritage value that a place must demonstrate in order to be included in a particular heritage list. The heritage lists at each level differ in the threshold used to decide what places to include.

For example; Criterion A could be demonstrated at either a National, State or Local level, depending on why the place is historically important and the extent to which the place meets the criteria. A finding of 'outstanding importance to the Nation' would lead to an assessment of National Heritage values.

Each list has its own criteria; the National Heritage List criteria, the Victorian Heritage Register criteria and the DELWP Heritage Overlay criteria. Each of these criteria relate to different lists administered by different government agencies under different Acts.

As the property is owned by the Commonwealth, the site could also be assessed against the Commonwealth Heritage List criteria. For the purposes of this report the primary criteria to be used for the assessment of cultural heritage values, will be the following HERCON criteria taken from the DELWP Planning Practice Note 1:

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Different levels of significance will be identified in the assessment and the statement of significance.

Statement of Significance:

What is significant?

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place associated with public broadcasting by the Australian Broadcasting Corporation since 1956. The site is the earliest ABC television studio in Australia. The site reflects technological developments in television from the nascent technology of 16mm film production to telecine, videotape, colour broadcasting and then digital broadcasting, from 1956 until 2017. The studios are associated with a medium which had far-reaching effects on Australian culture, ideas, identity and society from 1956 until 2017.

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place associated with influential television programming over a broad range of subjects including natural history, drama, comedy, news and current affairs, but particularly for culturally influential drama productions such as *Bellbird* and *Sea Change* and live-audience music productions such as *Countdown*, which greatly influenced an entire generation of Australian youth in the 1970s and 1980s.

The ABC Gordon Street studios are of cultural significance at the State and Local level as the site of the first ABC television broadcast in Victoria, commencing with the broadcasting of the Olympic Games in Melbourne in 1956. The site was the first purpose-built television studio in Victoria and is the earliest extant television studio in Victoria.

The ABC Gordon Street studios are of cultural significance at the Local level as a place associated with Rippon Lea Estate and Louisa Jones the last owner of the Estate, who fought to keep more of the Estate from being compulsorily acquired by the ABC in the 1960s. This contributed to the development of a nascent heritage conservation and advocacy movement and is associated with the beginnings of the National Trust in Victoria.

The ABC Gordon Street studios are of cultural significance at the Local level as one of the few industrial buildings in the City of Glen Eira with an aesthetic presence, and is a rare, early example of a Post-War International style building featuring exterior curtain walling.

The ABC Gordon Street studios are of cultural significance at the National, State and Local level as a place with significance to those who worked in the building between 1956 and 2017. This includes both ABC staff as well as industry professionals who worked in the building on different productions. The site is also significant for its association with the development of a nascent entertainment and broadcasting industry, which went on to develop Victorian talent in music, film, video, journalism, acting, direction, design and production and has directly contributed to the development and dissemination of a distinctive Australian culture through the medium of film and television.

How is it significant?

The ABC studios located at 8 Gordon Street Elsternwick are significant at National, State and Local level for historical, architectural, cultural, social and technological reasons.

Why is it significant?

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

- Association with the beginnings of television in Australia, with public broadcasting by the Australian Broadcasting Corporation since 1956 and one of the earliest ABC television studios in Australia. (Commonwealth)
- Association with a medium which had far-reaching effects on Australian, culture, ideas, identity and society in the late twentieth century. (National)
- First purpose built television facility and the site of the first public television broadcast in Victoria. (State)
- Association with the first Olympic Games held in Australia (Melbourne 1956). (State)
- Association with the development of a heritage conservation and advocacy movement and the nascent National Trust in Victoria. (Local)
- Association with Rippon Lea Estate and the Jones family. (Local)

Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

- Earliest extant public broadcasting studio in Australia. (National)
- Last remaining twentieth century ABC television studio in Victoria. (State)
- One of only a few industrial buildings in City of Glen Eira with an aesthetic presence. (Local)
- Rare Post-War International style building in Glen Eira. (Local)

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

- Creation of the building in the International modernist style, a style in vogue within the Commonwealth Public Works Department at the time of its construction and one of the few buildings in the City of Glen Eira in this style and at a substantially large scale. (Local)

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

- Demonstrates the development of technological design and innovation in the nascent television industry of the 1950s and the influence of overseas experts on Australian technicians, designers and engineers. (National)
- Demonstrates changing technology in television production and broadcasting from film to video to digital broadcasting, between 1956 until 2017. (National)

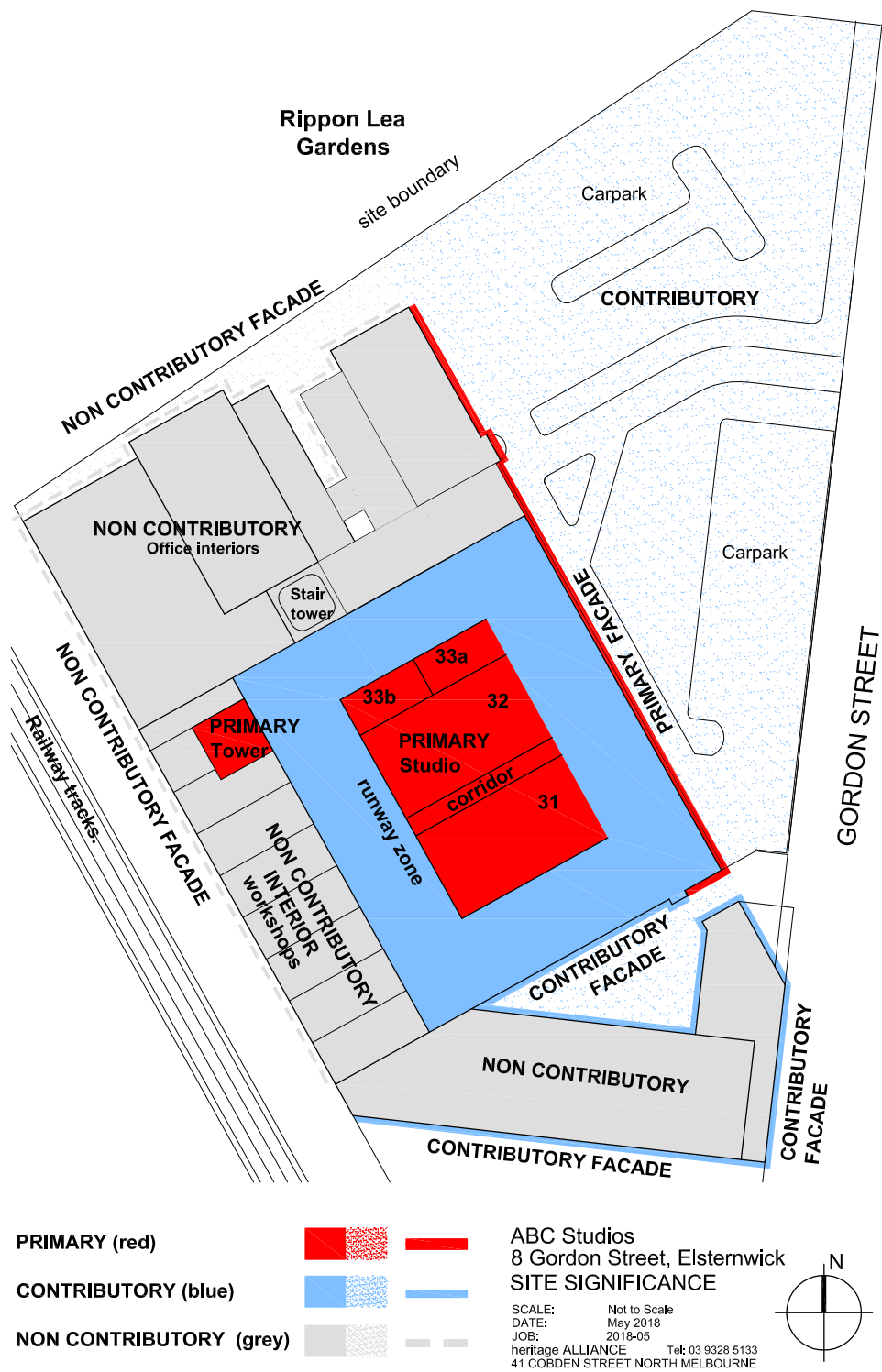
Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

- Special association with generations of Australians who were influenced by ABC Television programmes and in particular the series *Bellbird*, *Countdown*, and *Sea Change*, current affairs and news programmes and the enormous cultural influence these programmes have had on Australian society. (State)
- Special association with staff of the ABC who worked in the building. (Local)

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

- Special association with the development of a nascent entertainment and broadcasting industry, which went on to develop Victorian talent in music, film, video, journalism, acting, direction, design and production and has directly contributed to the development and dissemination of a distinctive Australian culture. (National and State)

Areas of significance:



AREAS OF SIGNIFICANCE DIAGRAM A-01

The drawing above shows the areas of the site which are considered to be of primary, contributory and non-contributory significance in light of the statement of significance above.

This grading of significance is a preliminary guide to the management of values. It is not an assessment of the relative values of the fabric of the site. A conservation management plan should be undertaken by the owner/manager to determine better how to manage and conserve values and fabric prior to change, development or adaptation of the site.

Three levels of significance have been assigned to the various components of the place; primary, contributory and non-contributory. These are broadly defined as:

1. Elements of **primary significance** are those which contribute in a fundamental way to an understanding of the cultural significance of the place and must be retained, maintained and then restored as finance permits.
2. Elements and areas of **contributory significance** are those which were originally of a secondary or supportive nature in the understanding of the place, or may have been considerably altered or associated with a phase of development which is of lesser importance. These elements and areas must be retained and restored where possible and should only have minor changes made to them.
3. Elements and areas of **non-contributory significance** are those which had functions which were originally of a supportive or perfunctory nature and may have been altered or from a less significant phase of development of the place. These elements may be maintained, or removed and replaced provided that the replacement work does not negatively affect the overall significance of the place.

Primary significance:

- The facade and front elevation of Stage 2 (1958) and Stage 3 (1961).
The important elements are the spandrel glass curtain walling, the masonry brickwork and the recessed podium, the flat roof, projecting masonry and the overall forming of flat areas of glazing intersecting with solid cuboid forms, both horizontal and vertical.
- The broadcasting tower (1956) and the elements that illustrate how broadcasting occurred.
- The television studios 31, 32, 33A and 33B (1958)
The important elements of the studios are the soundproofing, the design of lighting and electrical, the relationship between the studio floor and the master control rooms above, the relationship between the scenery runway and all the studios. Along with this are the technical factors of the construction itself which illustrates the relationship between filming, editing, production and broadcast via the tower.

Contributory Significance:

- The scenery runway.
- The service areas surrounding the studios which houses makeup, wardrobe, dressing rooms, toilets and green room and technical crew spaces with an intervening corridor.
- The facades of Stage 1 (1956) facing the courtyard of the engineering workshops and the external facades of the former OB garage, and workshops, to Gordon Street and adjoining property.
- The open space provided by the current carpark along Gordon Street and trees older than 50 years. Car parking infrastructure (fencing, kerbing, asphaltting, booms etc) is of no significance. This area

should maintain a landscaped setback in which to view the full façade of stage 1 and stage 3 from Gordon Street and the Rippon Lea boundary.

Non-contributory Significance:

- Stage 3 (1961) interior.
- Stage 4 (1965) all areas.
- Saw-tooth scenery workshop along the railway line.
- OB garage and workshop areas of Stage 1(1956) excepting the facades.

Management Issues

Should change, adaptation or reuse of the site be planned, a Conservation Management Plan should be commissioned by the site owner. This would determine in greater detail, where and how some areas of the site would or would not, be developed in the future.

END OF REPORT

Sera-Jane Peters BA Archaeology, (Uni Melb), MA History, (Monash), Grad Dip Planning (Latrobe)

9.5 PARTNERSHIPS AND COLLABORATION WITH SCHOOLS - SPORTS GROUNDS

Author: Andrew Barden, Manager Recreation and Open Space

Trim No: 18/1173889

Attachments: Nil

PURPOSE AND SUMMARY

In July 2016 Council requested a report on the potential for Council to collaborate with schools in Glen Eira to utilise their open space and grounds for the use of sporting clubs and the wider community.

This report highlights the existing partnerships between Council and schools with regard to use of sports grounds; provides advice on the benefits and challenges of partnerships and collaboration with schools; updates Council on the potential establishment of pilot projects within Glen Eira under the State Government's work on a Metropolitan Open Space Strategy; and highlights the opportunity at the Caulfield Racecourse infield for sports ground use.

RECOMMENDATION

That Council

- i. notes this report;
- ii. authorises officers to work with DEWLP on the establishment of pilot projects with schools under the Metropolitan Open Space Strategy;
- iii. authorises officers to maintain open communication with schools and the State Government on facilities that would provide the best opportunity for shared use for wider community benefit; and
- iv. authorises officers to continue to advocate for access to the Caulfield Racecourse infield to address shortage of sports fields in Glen Eira.

BACKGROUND

Council provides seasonal allocations to over 550 sporting teams, involving over 60 clubs for training, competition and finals throughout the summer and winter sporting seasons. These allocations include sports grounds, pavilions and lighting. These facilities are administered through Council's Community Sport – Management of Grounds Policy which is consistent with the State Government's Victorian Code of Conduct for Community Sport.

For a number of years, Glen Eira has been unable to fully meet the demand for sports ground requirements. This is due to limited open space available throughout the municipality, the growth of clubs in field based sports and increasing demand for access to open space for other recreational pursuits. In order to continually provide high quality facilities, officers have implemented the Warm Season Grass Upgrade Program, the Sports Ground Floodlighting Upgrade Program and continue to advocate for funding to improve park infrastructure (e.g. cricket training nets, multipurpose courts and facilities).

These programs and projects are funded through Council's annual capital works program. Council has also endorsed the Pavilion Redevelopment Strategy to address the aging built facilities within Council reserves.

Council's Open Space Strategy demonstrates the contribution school grounds make as ancillary open space, especially where schools partner with Council. If schools are prepared to make their sports grounds available for allocation for community sport, and agree maintenance arrangements, Council will be able to include them in the seasonal allocation system.

Access to, and greater use of, school facilities and sports grounds outside school hours is one potential solution to easing the pressure on Council sports grounds and facilities and assist sports clubs requirements and growth demands. This is also an opportunity to strengthen school and local community partnerships.

Officers have undertaken discussions with schools located in close proximity to existing open space where masterplans are currently being designed or constructed. This has included consultation with Glen Huntly Primary School during the preparation of the draft Lord/Koornang Masterplan, as well as investigating open space partnerships in the redevelopment of East Village in Bentleigh East. Officers have also discussed with Bentleigh Secondary College the potential shared use of facilities between the school and the adjoining King George VI Memorial Reserve.

In addition to creating partnerships with schools, Council is also pursuing opportunities to access additional open space through Crown Land occupied by the Caulfield Racecourse. The Crown Grant establishing the Reserve specifies that the land be used for "*a racecourse, public recreation ground and public park*". Recently, the State Government has established a new Trust for the Reserve and commenced progress towards planning the infield of the Caulfield Racecourse Reserve. This is a significant shift from the current practice and, when actioned, should help to address the current shortage of sports grounds in Glen Eira.

Future sporting demand across Glen Eira is currently being assessed through the development of a Recreation Sporting Needs Analysis Review, which will be presented to Council for consideration. It is anticipated that it will demonstrate an ongoing and increasingly concerning gap between demand and available supply of facilities to meet both Glen Eira's growing population, and increasing diversity in sporting participation.

ISSUES AND DISCUSSION

Shared Facility Partnership Agreements

Shared facility partnership agreements between schools and organisations, such as local Councils, are increasingly being considered as part of the range of options to meet community sports needs and to collaborate to provide new and improved fit-for-purpose facilities. The State Government of Victoria's *Guide to Governing Shared Community Facilities* defines shared facilities as "a physical asset that is: owned, funded or leased by government or the community; used by more than one group; or, used for a range of activities that share buildings, rooms or open space at the same time (concurrently) or at different times (sequentially)". The basis of shared provision and use is to broaden access, maximise usage and rationalise costs in order to get the best possible value from the facility.

Historically, partnerships between Councils, schools and the Education Department have been inefficient and difficult to implement. This is largely due to the challenges of governing shared community facilities and integrating different services and buildings, often requiring different management strategies. There has been a lack of confidence in agreements, and in clarity in resolving the management of risk and liability. However, as the population density increases and has a subsequent positive impact on sporting club growth, the need to

construct strong partnerships to address these challenges in order to maximise facility use becomes imperative.

A relevant case study of a successful partnership agreement was a program developed by Communities Sport and Recreation Tasmania. In November 2012, the Department of Education Tasmania and Clarence City Council signed an agreement whereby Council would take over the management and operation of sporting ovals at Clarence High School. The partnership allowed for Council to upgrade and redevelop the sports grounds and surrounding areas to accommodate community based sporting clubs such as local football, athletics and cricket clubs. Under this agreement, Council is responsible for upgrading and maintaining the ovals and makes them available to the community and sporting groups outside of school hours, while the school retains access to the sports grounds during school hours.

Two years on, after this partnership continued to be highly successful, Council funded and coordinated the construction of a multi-purpose pavilion at the site in 2014. Similar to the sports grounds, the pavilion is shared by the relevant sporting clubs and is also available for use by the school in school hours. The partnership provides a number of benefits to all involved and allows Council to adequately meet the demands of a number of local sporting clubs.

School Facilities in Glen Eira

Glen Eira has over 40 schools in its municipal boundaries, most of which have seen increased enrolments due to population growth, often leading to new buildings being constructed on part or all of their open space. As such, there are very few schools with multiple sports grounds, or sports grounds large enough to meet ground dimension requirements set by State Sporting Associations. As a result, these sports grounds cannot be used in Council's sports ground allocation process for community sporting clubs.

However, the sports grounds at some school sites do meet requirements, even if they are restricted to junior use only. Glen Eira City Council has an informal agreement for summer allocation to play junior cricket at McKinnon Secondary College, McKinnon and Valkstone Primary School, Bentleigh East. However, due to the poor condition of these grounds and negative feedback received from sporting clubs, allocation of these sites has been avoided in recent years. The poor condition of these grounds is due to the lack of required infrastructure such as irrigation, drainage or warm season grasses, making Council maintenance programs ineffective and counterproductive. In addition to poor ground conditions, public schools generally lack adequate supporting facilities such as pavilions, public toilets and change facilities.

It should be noted that a number of sports clubs within Glen Eira privately hire school facilities for training purposes, including private and independent schools who generally offer higher quality sport and recreation facilities. These arrangements are made outside of Council's allocation process and this data is not collected by officers.

For Council to invest in formal partnerships with schools in Glen Eira, there needs to be strong evidence that any partnership will be in Council and the community's best interest, that it will alleviate the shortfall of sports grounds and that clubs and other community groups will utilise the facilities. Prior to undertaking any partnerships, consideration would also be given to the risk and uncertainty of investing in land owned by the Department of Education. A change in government could see the land sold for development purposes. A partnership agreement would need to outline what will happen if the land was required for another

purpose, including potential compensation to Council.

The State Government recently announced, in response to the work of the Inner South Metropolitan Partnership of which Glen Eira is a member, funding to support the development of a Metropolitan Melbourne Open Space Strategy. This work is being led by the Department of Environment, Land, Water and Planning and Glen Eira's CEO is an invited member on the Steering Committee. A key objective of the Open Space Strategy's development is to identify and unlock opportunities for underutilised Government land to be made available for passive and active open space in identified gap areas. This includes the more effective utilisation of existing State assets such as schools, consistent with the recommendations of Plan Melbourne and recent recommendations of Infrastructure Victoria.

It is understood that they will be seeking to establish a number of pilot projects to work through the challenges that have prevented effective joint-use in the past, and that Glen Eira is considered high priority for the location of the pilots. This work is currently in its early stages, and further updates will be provided to Council as progress is made.

Upgrade and maintenance of Council facilities

Council is the primary provider of community recreation facilities and is responsible for the maintenance and development of the infrastructure. Planning for community facilities is a dynamic process, which is influenced by sporting trends, community needs, research and developments, opportunities and the financial environment. Maintenance and upgrades of facilities within Council's open space are based on priority, informed by existing facility condition and anticipated future needs.

Council is under ongoing and increasing pressure from sporting clubs and other community groups and members to upgrade Council owned facilities. In particular, a significant increase in female participation in sport over the last 2-3 years has led to an increased need to provide female friendly facilities, such as unisex toilets and change rooms. This has led to the removal of urinals and open shower bays during pavilion refurbishments and redevelopments. Greater pressure on existing facilities and sportsgrounds has been experienced from 2016 to 2018, significantly influenced by a 78% increase in senior women and 82% increase in junior girl's participation in AFL, soccer and cricket. This trend is expected to continue to grow, creating further demand for sports ground allocations and increased maintenance.

The Council and Community Plan commits to deliver improvements to buildings, open spaces, parks and roads, as well as planning for future improvements to key Council facilities. Over recent years, a considerable portion of Council's annual budget has been invested to increase the overall load capacity of sports fields and to improve their quality. Council has converted approximately 72% of its 45 sports grounds to warm season grasses under a rolling program, which increases the durability and use of the grounds. This program is planned to continue to be implemented until all sports grounds are turfed with warm season grasses.

An alternative treatment to increase carrying capacity of sports grounds is to replace traditional turf surfaces with more durable synthetic surfaces. Synthetic surfaces are appealing as maintenance is reduced, water is not required and they can sustain much higher use than a turf surface. Synthetic surfaces however, do have limitations with higher capital costs, a finite lifespan and expensive repair costs for damage and vandalism. In addition, the surface needs adequate cleaning where there are incidents of food or liquid spills, body fluids (blood and spittle), bird droppings and animal faeces and urine. Regular

maintenance and grooming is required to maintain it in good condition and prolong the lifespan.

A synthetic surface may be a more appropriate treatment under a shared partnership agreement. Access to synthetic surfaces by the general public can be controlled to reduce the impact on maintenance. This could be via a similar management model to that employed to the East Caulfield Multipurpose Courts, which is managed through a booking mechanism, swipe card access, swipe card lights, etc. Council has invested in the provision of multipurpose sports courts to increase load capacity of sports fields and absorb some of the use.

There is minimal opportunity to increase utilisation of Glen Eira sports grounds without a significant detrimental impact on their condition. Rather than increasing the amount of overall sports ground use, the upgrade of lighting to allow for match play will be simply transferring the participation to another time slot rather than increasing capacity. To offset this, there would be a need to increase the number of sports grounds and courts available to the community.

Officers are regularly receiving requests from sporting clubs enquiring about Council's position with regard to providing lighting for competition purposes. This is mainly due to the limited capacity of sports grounds, and clubs seeking a way to be able to host night games and other significant events. Council currently provides Australian Standard sports ground lighting for training purposes (minimum 50 lux) at all but one sports ground. Moorleigh Community Village Reserve sports ground lighting has the capacity to provide lighting to 100 lux which is suitable for football competition (all codes). To meet club needs, McKinnon Reserve is also undergoing a lighting upgrade which will enable competition to be played under 150 lux. In addition to this, officers are currently preparing lighting designs to undertake similar upgrades at other sports grounds such as Bailey Reserve, Bentleigh Reserve and Centenary Park.

In July 2017, Council adopted the Pavilion Redevelopment Strategy which provides Council with a planned and evidence-based approach to the future redevelopment and upgrade of its 26 sports pavilions. The purpose of this strategy is to provide a clear and equitable framework for prioritising investment in facilities that provide opportunity and benefits to the wider community, while still providing for active sport and protecting the unique character of our parks and reserves. The pavilion priority list is reviewed regularly to ensure that changing circumstances are reflected and the allocated scores and criteria remain relevant. The Strategic Resource Plan allocates significant funding towards pavilion design and upgrades per financial year from 2018/19. Council also undertakes a rolling program for the minor refurbishment (e.g. painting, replacement of flooring, benchtops, etc.) of pavilions, including change rooms and kitchens, and regularly seeks funding from the State Government and other funding streams to support upgrades.

Caulfield Racecourse Reserve

Council has been advocating for use of the infield of Caulfield Racecourse Reserve for sporting and passive recreation pursuits for many years. A concept plan was prepared by Council in 2013 showing the potential layout for a new community sporting precinct. This precinct captures the racecourse infield and the land on the corner of Neerim Road and Queens Avenue, which is currently being used for stabling and maintenance facilities, as well as housing and offices.

In September 2014, the Victorian Auditor-General tabled a report in State Parliament entitled *Management and Oversight of the Caulfield Racecourse Reserve*. The report found that the

Trust for the Racecourse had not been effective in fulfilling all the obligations to manage the Reserve for the three purposes specified in the Crown Grant, namely a racecourse, public recreation ground and a public park. In 2015 the Caulfield Racecourse Reserve Trust appointed landscape architects to develop a Strategic Land Management Plan for the racecourse and the inner landscape portion of Caulfield Reserve. This was a requirement emanating from the Auditor General's report.

The Caulfield Racecourse Reserve Trust has since been disbanded and a new Trust was announced by the Minister for Environment on 30 June 2018. Council will continue to advocate for improved public access to Caulfield Racecourse Reserve and it is anticipated that there will be further progress now that the new Trust has been appointed.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Formal partnerships with schools and other organisations is a viable option providing that a clear agreement is developed that specifies the requirements and responsibilities of all involved parties. These requirements would need to cover resource and financial responsibilities relating to initial sustainable upgrades and investment, ongoing maintenance responsibilities, risk and liability, asset protection and agreements that safeguard Council against any changes to use of the sports ground (ie. such as a change in Government or land use).

When considering potential partnerships, consideration will need to be given to the financial and resource commitments required to:

- establish a joint use agreement, including preparing significant documentation that details all terms and conditions;
- upgrade non-Council owned sports grounds surfaces, including warm season grasses, drainage and irrigation;
- undertake ongoing maintenance of school sports grounds;
- provide additional building requirements to suit the basic needs of sports clubs (e.g. toilet and change facilities at a minimum); and
- consider investing in reconstruction of sports grounds and new synthetic surfaces.

POLICY AND LEGISLATIVE IMPLICATIONS

No policy and legislative implications

COMMUNICATION AND ENGAGEMENT

If Council resolves to pursue potential opportunities with schools in Glen Eira, Council officers propose to meet with sporting associations, relevant schools and sporting clubs to seek feedback on the proposal.

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

Limited open space in Glen Eira presents ongoing issues with regard to sports ground allocations and supporting the growth of sports clubs memberships and participation numbers.

School partnerships may offer opportunities to access additional sportsgrounds, increasing the availability for both community sports club allocations as well as informal community recreation. However, use of school grounds will require Council to invest in appropriate infrastructure, amenities and quality playing surfaces to support use and meet the needs of sports clubs. Transparent partnerships will need to be developed regarding ongoing maintenance responsibilities, tenancy agreements and protection of investment by Council, particularly with regard to any change in land use or Government.

Council continues to advocate for access to the infield at Caulfield Racecourse as it has the potential to provide the strongest outcome for Council and meet the needs of the sporting community. Utilising the infield to create a new sporting precinct provides Council with opportunities to shape this new sporting hub and provide facilities that meet current and future sporting needs, as well as provide unique facilities that are currently not provided within Glen Eira or the wider area.

9.6 COMMUNITY GRANTS RECOMMENDATIONS

Author: Narelle Dowling, Community Development Officer

Trim No: 18/1178324

Attachments: 1. Community Services Grants Recommendations - Attachment One
2. Festivals and Events Grants Recommendation - Attachment Two
3. Community Services Grants Recommendations - Attachment Three
4. Community Grants Program Recommendations - Attachment Four
5. Festivals and Events Grants Recommendation - Attachment Five

PURPOSE AND SUMMARY

To seek endorsement of the 2018-2019 Community Grant recommendations outlined in Attachments One-Five.

RECOMMENDATION

That Council endorses:

1. The Community Services Grants and Festivals and Events Grants as detailed in attachments one and two.
2. The grant to Calvary Health Care Bethlehem as detailed in attachment three
3. Grants to and auspiced by Glen Eira Adult Learning Centre as detailed in attachment four.
4. Festivals and Events Grants to traders associations as detailed in attachment five.

BACKGROUND

Council's 2018-2019 Community Grants Program received 104 applications consisting of the following:

- 94 Community Services Grant applications from 91 not-for-profit community groups and organisations requesting \$384,988 in funding; and
- 10 Community Festivals and Events Grant applications requesting \$91,741 in funding.

Officers assessed all applications against the grant criteria and priorities outlined in the grant guidelines and developed recommendations for Council's Community Grants Advisory Committee.

The Committee, consisting of Cr Jamie Hyams (Chair), Cr Esakoff and Cr Delahunty met on 12 June 2018 to consider the grant assessments and make recommendations to Council.

ISSUES AND DISCUSSION

The recommendations to Council are structured in several parts due to conflict of interest declared by Councillors.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The total amount of funding recommended for Community Services Grants in 2018-2019 is \$274,160. This represents funding of 86 grants to 83 organisations.

The total amount of funding recommended for Community Festivals and Events Grants in 2018-2019 is \$61,859. This represents funding of seven grants to seven organisations.

The Community Grants budget for Community Services Grants and Community Festivals and Events Grants in 2018-2019 is \$360,000.

The total proposed expenditure for the 2018-2019 Community Grants Program recommendations is \$336,019. The remaining balance is \$23,981.

POLICY AND LEGISLATIVE IMPLICATIONS

The Community Grants program meets Council's Community Grants Policy objectives:

- To assist community organisations to establish, extend and improve programs and services that address local needs and improve health outcomes for Glen Eira residents, in accordance with Council's strategic objectives and funding priorities.
- To encourage voluntary activity, strengthen community participation and the contribution of local groups and organisations to community life.

COMMUNICATION AND ENGAGEMENT

The Community Grants Program is widely publicised through Glen Eira publications, including the Glen Eira News, the Connect newsletter, the Council website and social media. There is also an annual workshop series and regular correspondence with local community groups and organisations.

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 Community Grants Program in 2018-2019 was delivered according to set policy, guidelines and procedural requirements.

The final recommendations to Council are outlined in Attachments One to Five.

The final figures for the Community Grants Program 2018-2019 are:

- Community Services Grants recommendations: \$274,160
- Community Festivals and Events Grants recommendations: \$61,859

COUNCIL MEETING – 14 August 2018
COMMUNITY GRANTS PROGRAM RECOMMENDATIONS 2018-2019

Community Services Grants 2018-2019

	Applicant	Project description	Amount funded
Improving community safety			
1	Neighbourhood Watch Glen Eira	Digital Transformation Digitise and expand the use of social media and the web to extend communication channels in the community.	\$2,793
2	Neighbourhood Watch Glen Eira GEI 35	Monthly Group Meetings Monthly meetings to discuss crime prevention.	\$1,340
3	Pink Cross Foundation Australia	Educating Glen Eira about Illegal brothels and Human Trafficking An educational seminar on commercial sexual exploitation, illegal brothels and associated human trafficking within Glen Eira, in October 2018.	\$3,349
4	Project Respect	Brothel Outreach, Partnership Development and Capacity Building Training Deliver an outreach program to licenced brothels in Glen Eira, assist with the development of partnerships and deliver capacity building training to health and legal service providers.	\$5,012
5	Self Help Addiction Resource Centre (SHARC)	"Is someone you care about gambling?" Deliver a peer led Glen Eira family support group for family members impacted by someone's problem gambling.	\$7,388
Reducing tobacco, alcohol and other drug consumption			
6	Aliya Benevolent Society Inc.	Addiction and Substance Abuse Counselling Establish a drug and addiction counselling support service for young people in the Jewish community.	\$7,000
7	TaskForce Community Agency	SMART Recovery TaskForce Weekly Self-Management and Recovery Training (SMART) group to support people impacted by alcohol and other drug misuse in Glen Eira.	\$7,500
Reducing racism, strengthening diversity, encouraging community harmony and tolerance			
8	B'nai B'rith Anti-Defamation Commission	Click Against Hate Deliver a program to address tolerance, inclusion and racism in schools.	\$7,500
9	Connect Health & Community (registered business name of Bentleigh Bayside Community Health Ltd)	Easy English Translation of Information Translate the Community Transport Service information flyers and user registration forms into easy English.	\$3,750
10	Kadimah, Jewish Cultural Centre and National Library	Connectively through Language and Culture A one day program to Glen Eira residents to experience Jewish language and culture.	\$3,800
11	River Arts Inc.	The Fabulous Chinese Violin Family Instrument Concert A one day program to Glen Eira residents to experience Chinese Folk music, art and culture in September 2018.	\$1,260

	Applicant	Project description	Amount funded
12	South Caulfield Hebrew Congregation	Cultural Journeys A multicultural and interfaith event incorporating dinner, cultural guest speakers and entertainment in October 2018 and February 2019.	\$3,000
13	Tzofim Onnot Scouts Caulfield	Israeli Cultural Activities Deliver Israeli cultural activities to scout members.	\$1,250
Responding to family violence and gender equity			
14	Caulfield United Cobras Football Club	The girls are back at the Cobras Coaching courses and clinics to support and encourage more girls to join the club.	\$5,570
15	Maccabi Victoria Inc	Women in Sport Symposium and Beyond A sport symposium and activities engaging Jewish women and girls of all abilities.	\$3,565
16	South Eastern Centre Against Sexual Assault (SECASA)	Trauma Yoga Sessions A series of one on one and small group sessions for people experiencing trauma from sexual assault.	\$5,976
Supporting inclusion and minimising social isolation			
17	Access Inc	Pop-up Café Pop-Up-Café to provide people with a disability work experience and to promote inclusion.	\$7,486
18	B'nai B'rith Victoria Inc (Fellowship Group)	Concerts and Social Support Monthly concerts and social support program for older adults.	\$4,500
19	Caulfield Hebrew Congregation	Tuesday Shmooze Day Weekly senior citizens activities including guest speakers, educational sessions, art therapy, health and safety and retirement options.	\$1,500
20	Centre Bentleigh Garden Club	Garden Club To deliver a monthly seniors gardening club.	\$990
21	Glen Eira Combined Probus Club Inc.	Older Adult Club Activities Monthly Probus club activities through meetings with guest speakers and outings to places of interest.	\$2,500
22	Hineni Youth and Welfare	Camp Subsidies and Leadership Seminar Support for children in financial disadvantage to attend youth camp and volunteer leaders to attend a leadership seminar.	\$4,000
23	Jewish Holocaust Centre Inc	Thursday Social Club Monthly event for older adults, incorporating lunch and guest speakers.	\$3,880
24	Menorah magazine (Auspiced by Shalom Association)	Menorah Magazine To produce a bi-monthly Russian ethnic magazine.	\$1,000
25	Probus Club of Bentleigh Inc.	Older Adult Club Activities Monthly Probus club activities through meetings with educational guest speakers and outings to places of interest.	\$1,200
26	Probus Club of Moorleigh Inc.	Older Adult Club Activities Bi-monthly Probus club activities through outings to places of interest.	\$1,200

	Applicant	Project description	Amount funded
27	Sandbelt Ladies Probus Club Inc.	Older Adult Women's Club Activities Monthly Probus club activities through meetings with guest speakers and outings to places of interest.	\$1,200
28	Scope Australia	McKinnon Disco A weekly disco at McKinnon Public Hall for people with a disability.	\$3,630
29	Sheela Incorporated	2018 Sheela Festival A festival for local women of all ages that includes presentations, speakers and interactive workshops.	\$2,154
30	The Holland Foundation	Real Employment Success Pathways A retail/office administration training program for people who are unemployed, disadvantaged or newly arrived to Australia.	\$3,300
31	Victorian Association of WW2 Veterans from former Soviet Union	Jewish New Year Celebration A celebratory event involving traditional food and music.	\$800
Promoting active lifestyles, healthy eating, improving mental health and community connection			
32	10th Caulfield Scout Group	2019 Jamboree Journey Purchase of camping equipment to support attendance of Jewish scouts to the 2019 Jamboree in South Australia.	\$1,120
33	15th Brighton Scout Group	Volunteer Support Support for volunteer scout leaders by providing camping equipment and fuel subsidies.	\$2,373
34	Bentleigh West Kindergarten Inc	Grow a Healthy Community To install raised garden beds and conduct an edible food garden program.	\$2,310
35	Bentmoor Community Men's Shed	Tool Sharpening Purchase of an industrial tool sharpening device for the Men's Shed.	\$849
36	Bipolar Life Victoria Inc.	Bipolar Life Support A monthly bipolar support group including information and education sessions.	\$3,465
37	Carnegie Church of Christ - Open Hands	Open Hands A weekly community meals program and emergency food parcels for disadvantaged people in the local area.	\$3,300
38	Caulfield Community Toy Library	Toy Modernisation Purchase of new toys for imaginative play and motor skill development and shelving.	\$5,000
39	Caulfield Hebrew Congregation	Caulfield Bubs A weekly playgroup for parents and infants	\$1,000
40	Caulfield Hebrew Congregation	Kids Carnivals Two children's carnivals at Caulfield Hebrew Congregation to coincide with Chanukah and Purim.	\$1,000
41	Compass Community Care	Compass Canteen Project Purchase of tables and chairs to support a weekly community meals program for isolated or disadvantaged community members.	\$2,939
42	Elsternwick Toddlers Playgroup	Toy Modernisation Purchase of new dolls for the play area.	\$1,000
43	GriefLine Community and Family Services Inc.	Support for Carers Counselling support service for carers.	\$7,500

	Applicant	Project description	Amount funded
44	Inner South East Melbourne Australian Breastfeeding Association Group	Breastfeeding Education/Counselling Services Fortnightly breastfeeding information sessions and classes.	\$1,649
45	Jewish Bereaved Parents Inc	Craft Club Social connections through the delivery of art and craft classes for bereaved parents.	\$1,000
46	Moongala Women's Community House	Capacity Building Project Expand community programs and activities and increase volunteers and partnerships.	\$7,500
47	Moorabbin Area Toy Library	Healthy Living and Connecting Families Through Play Purchase of toys focused on healthy living and annual membership subsidy to vulnerable families.	\$5,000
48	Murrumbidgee House Occasional Care Group Inc.	Equipment Regeneration Purchase of outdoor play equipment and toys.	\$5,000
49	Ormond Anglican Church	2019 Hope for Glen Eira and Beyond Food Drive A food collection drive to assist local meals and emergency relief programs.	\$1,465
50	South Eastern Multiple Birth Association	Parent Education Program A parent education program for parents caring for and raising multiple birth children in the Carnegie multipurpose centre during September 2018.	\$910
51	St Vincent De Paul Society Bentleigh/Moorabbin	Family Outreach Program An outreach program providing supermarket gift cards to families in crisis in the Bentleigh area.	\$5,000
52	The Trustee for the NCJW (Victoria) Social Support Trust	Caring Mums Program Training of additional volunteers to meet the demand for the Caring Mum's in-home support program.	\$7,500
53	Tony's Cafe Soup Kitchen	Tony's Café A community meals program twice a week including food parcels for disadvantaged people living in Glen Eira.	\$7,000
Encouraging community participation, encouraging arts and culture			
54	12th Caulfield Scout Group	Pop up Marquee Purchase of a marquee for cub and scout troops to use for dining and small group activities during camps and for fundraising and promotional events.	\$1,000
55	Australian Scrabble Players' Association (Vic) Inc	Scrabble Club Weekly scrabble club.	\$550
56	B'nai B'rith Vic Jewish Youth Music Eisteddfod	B'nai B'rith Jewish Youth Eisteddfod A finale for a local youth music Eisteddfod in the Auditorium in September 2018.	\$5,707
57	B'nai B'rith Victoria Inc Jewish Youth Art Competition	Youth Art Competition A youth art exhibition in Council's Art Gallery during August 2018.	\$1,000
58	Carnegie Community Choir	Community Choir Weekly choir practice sessions in Carnegie Boyd Room	\$990
59	Carnegie Masters Swimming Club Inc.	Swimming Fitness, Fun and Friendship Weekly swim sessions for older adults.	\$908
60	Carnegie Rostrum Club 68	Carnegie Rostrum Club Forums that develops speaking and presentation skills.	\$1,674

	Applicant	Project description	Amount funded
61	Caulfield Over 50s Dance Group Inc	Over 50s Ballroom Dancing A weekly dance and social activity program for older adults in the Auditorium.	\$7,500
62	Caulfield South Community House	30-Year Celebration of Community Service at Caulfield South Community House To celebrate the 30 year anniversary of the Community House and support the development of a history book.	\$2,500
63	City of Glen Eira Band Inc.	Transportation of Musical Equipment Transport of band equipment for the band to perform at community events.	\$2,000
64	Friends of Caulfield Park	Caulfield Park Concerts A series of community musical entertainment during summer at Caulfield Park bandstand, featuring local musicians.	\$2,180
65	Glen Eira Artists' Society Inc	Bringing Art to the Community A series of art projects, cityscape events and an art exhibition in Council's Art Gallery.	\$4,708
66	Glen Eira Cheltenham Art Group	Annual Art Exhibition An art exhibition celebrating the 56th anniversary of the Art Group.	\$750
67	Glen Eira City Choir	Choir Marketing and Media for the Future A digital communication and marketing plan for the choir.	\$3,000
68	Glen Eira University of Third Age	Art Exhibition Project Art training/workshops to deliver an art exhibition at Glen Eira U3A.	\$1,600
69	LIDER school Inc	A Patch and a Cloud An end of year production/concert in the Auditorium.	\$2,222
70	Murrumbeena Baptist Church	Local Sundays Neighbourhood Event Monthly neighbourhood social gathering events at the Murrumbeena Bowls Club open to the community.	\$7,500
71	Murrumbeena Netball Club Inc	Launch Day Skills and Social Contact Development Skilled netball training sessions run by professional coaches to volunteer coaches and players.	\$2,500
72	North Caulfield Maccabi Junior Football Club Inc	First Aid First aid training to club field staff and other local sporting clubs.	\$1,520
73	Shalom Association	Three Community Events Community events for the local Russian speaking community.	\$2,807
74	South Caulfield Hebrew Congregation	South Side Youth Think Hub To establish a social Think hub for youth including a launch event.	\$2,628
75	South Oakleigh Wildlife Shelter	Native Wildlife as Good Community Management Educational activities which actively engage Glen Eira residents in the care of indigenous wildlife and the environment.	\$7,500
76	U3A Moorleigh Inc	Membership Drive and Open Day A membership drive that includes hosting an open day during the Victorian Seniors Festival in October 2018.	\$1,573

	Applicant	Project description	Amount funded
77	Victorian Masters Athletics - Glen Eira	Masters Athletics Weekly athletic activities and events for people of all ages at Duncan Mackinnon athletics track.	\$2,500
78	Whitelion Youth Agency Ltd	DARE2B Youth Conference A free youth conference in July 2018 for young people aiming to prevent disengagement from education.	\$3,000
Fostering intergenerational contact			
79	Caulfield Cricket Club	Protection of Significant Caulfield Community Heritage Preservation of the club's heritage collection, and protocol development for future heritage memorabilia.	\$2,500
80	City of Moorabbin Historical Society Inc	Box Cottage Running Box Cottage Historical Museum and garden, including monthly open days and school group visits.	\$2,244
81	Glen Eira Historical Society Inc.	Collecting, Promoting and Preserving Municipal History of Glen Eira Continuing to collect, promote and preserve historical information and facilitate five public meetings.	\$4,580
82	Temple Society Australia (TSA)	Family Fun Day A family fun day in September 2018 promoting intergenerational and cross-cultural fun for all ages and abilities in the local community.	\$600
83	The Scout Association of Australia - Victorian Branch (Scout Heritage Victoria)	Museum on Mackie Advertising the Scout Heritage Victoria 'Museum on Mackie' through promotional flyers and directional signage.	\$944

COUNCIL MEETING – 14 AUGUST 2018
COMMUNITY GRANTS PROGRAM RECOMMENDATIONS 2018-2019

Festivals and Events Grants 2018-2019

	Applicant	Project description	Amount funded
1	Zionism Victoria	Israel's 71st Independence Day Community Family Festival A street festival expected to attract 3,000 Glen Eira residents, based on how Independence Day is celebrated on the "Streets of Israel", at Caulfield Racecourse on Thursday 9th May 2019. The festival will provide a cultural experience for attendees and include food, stalls, dancing, music, children's rides and entertainment.	\$10,000
2	Kadimah, Jewish Cultural Centre and National Library	In One Voice A Jewish cultural street festival expected to attract over 8,000 Glen Eira residents in Selwyn St, Elsternwick on 16th and 17th March 2019. Over 100 community organisations will participate and represent the full spectrum of Jewish identification. The festival will include Saturday evening and Sunday concerts of Jewish music in a variety of Jewish languages and English; including dance troupes, community and school choirs and headline performers.	\$ 10,000
3	Cancer Council Victoria	Murrumbeena Relay For Life A fundraising event for over 1,000 Glen Eira residents that celebrates people and their friends and families impacted by cancer on 20th and 21st October 2018 at Duncan Mackinnon Reserve. Teams of people get together to walk or run around a track over a 24 hour period. There will be fun activities and entertainment. Relay for Life in Murrumbeena is celebrating its 20th Birthday.	\$ 6,859
4	Chabad House of Caulfield	Chanukah in the Park A vibrant event for 5,000 Glen Eira residents that will be held at Caulfield Park on Sunday 9th December 2018. This event is a free day of activities including rides, theatre, performances, food vendors and fireworks.	\$ 10,000

**COUNCIL MEETING – 14 August 2018
COMMUNITY GRANTS PROGRAM RECOMMENDATIONS 2018-2019**

Community Services Grant 2018-2019

	Applicant	Project description	Amount funded
Promoting active lifestyles, healthy eating, improving mental health and community connection			
¹	Calvary Health Care Bethlehem	Palms 4 Psalms Pop-up Exhibitions A community engagement program raising awareness about palliative care and grief and loss through a pop-up flash mob style presentation/exhibition.	\$3,202

COUNCIL MEETING – 14 August 2018
COMMUNITY GRANTS PROGRAM RECOMMENDATIONS 2018-2019

Community Services Grants 2018-2019

	Applicant	Project description	Amount funded
Promoting active lifestyles, healthy eating, improving mental health and community connection			
1	Glen Eira Adult Learning Centre Inc.	WELLvember Workshops A series of health and wellbeing workshops during November open to the Glen Eira community.	\$6,000
Encouraging sustainability			
2	Boomerang Bags Glen Eira (Auspiced by GEALC)	Boomerang Bags Making of boomerang bags (reusable bags) supporting intergenerational contact and sustainability.	\$1,000

Festivals and Events Grant 2018-2019

	Applicant	Project description	Amount funded
1	Glen Eira Adult Learning Centre Inc.	Multicultural, Music, Dance and Food Festival A community event for 500 Glen Eira residents, celebrating diversity of different nationalities within the wider community at the Glen Eira Adult Learning Centre in Ormond between 18th and 22nd March 2019. The event will be held during Diversity Week and will provide a range of cultural experiences, food, music and dance.	\$ 5,000

COUNCIL MEETING – 14 AUGUST 2018
COMMUNITY GRANTS PROGRAM RECOMMENDATIONS 2018-2019

Festivals and Events Grants 2018-2019

	Applicant	Project description	Amount funded
1	Carnegie Main Street	Carnegie Lunar New Year A family friendly street festival for 2,000 Glen Eira residents on Koornang Road, Carnegie, on Saturday 16th February 2019. This Asian culturally themed event will provide a fun and welcoming environment that will encourage attendees to stay and support local businesses.	\$ 10,000
2	Bentleigh Traders Association Incorporated	Bentleigh Community Festival A Community Festival for approximately 40,000 Glen Eira residents on Centre Road on Sunday 25th November 2018. Activities will include community group stalls, entertainment, activities, and carnival rides. It is anticipated that attendees will also stay and support local businesses in the evening.	\$ 10,000

9.7 EXTENSION OF TIME REQUESTS FOR PLANNING PERMITS

Author: Ron Torres, Director

Trim No: 18/1190798

Attachments: 1. Planning and Environment Act 1987 (Excerpts)

PURPOSE AND SUMMARY

This report responds to a Council request for a report from officers.

At the 20 March 2018 Ordinary Council Meeting, Council resolved:

*“That officers prepare a report on Extensions of Time requests for planning permits.
The report should cover:*

- a) The legislative framework and ability to challenge Council decisions at VCAT*
- b) VCAT’s consideration of such matters*
- c) Options for changes to staff delegation (or office procedures) for major projects, or those that have received significant community interest that will be considered when the Town Planning Office conducts its full review of delegation.”*

A full review of the Urban Planning Office delegation has been conducted, which included a review of delegation (or office procedure) options for ‘extension of time requests’. The full delegation review findings will be presented to Council separately in the near future. This matter is presented for consideration first as its outcome may need to be incorporated in the recommendations of the full delegation review. That is, changes to the delegation relating to extension of time requests can be incorporated based on the outcome of this report.

RECOMMENDATION

That Council:

1. Notes this report.
2. Resolves to select Option 2 presented in this report.

ISSUES AND DISCUSSION

From 1 January to 30 July 2018 there have been 102 requests for an extension of time. In the 2017 calendar year 157 requests were received. This represents a relatively high volume of work and indicates that such requests are common.

The Planning and Environment Act 1987 (refer to Attachment 1)

The Act sets out, amongst other things, what conditions can be put on a permit, when a permit begins and expires, and the process around requests for extensions of time. Furthermore, the Act establishes an appeals framework through the Victorian Civil and Administrative Tribunal (VCAT) for extension of time matters.

Before a permit expires or within six months afterwards, the 'owner or occupier of the land' may apply to Council for an extension of time. Extensions of time fall into two categories:

- a) Development has not started by the permit expiry date;
- b) Development has not been completed by the permit expiry date.

It is important to make this distinction because a refusal to grant an extension of time under Category 'b' may result in a partially constructed building being unable to be completed.

A person making the request can "appeal" the matter at VCAT under the following circumstances:

- a) The Responsible Authority refuses the extension of time request (for commencement or completion).
- b) "*The failure of the responsible authority to extend the time within one month after the request for extension is made.*" The language in the Act is notable in that it refers to 'a failure to extend the time', rather than a failure to decide on the request.

The Act does not set out any third party involvement in the process.

The Assessment Process For Requests

The Act does not stipulate how such requests are assessed by the Responsible Authority. This guidance is provided through Supreme Court case law and other prominent VCAT cases, the decisions of which have established principles that are now widely applied by Responsible Authorities.

The leading authority is *Kantor v Murrindindi Shire Council*. This case identified the following factors that should be taken into consideration when deciding whether to extend a planning permit:

- Whether there has been a change of planning policy;
- Whether the landowner is seeking to warehouse the permit;
- Intervening circumstances which have a bearing on the grant or refusal of the extension request;

- The total elapsed time;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the landowner by the permit;
- The probability of a permit issuing should a fresh application be made.

These principles continue to be used as a basis for VCAT extension of time decisions and are known as the “*Kantor Principles*”. This decision is often cited as the authority which lists factors that should be considered when determining whether the life of a Permit should be extended.

It is important to note that there is no clear direction on the “weighting” that should be applied to each principle and it is important that each request be assessed on the merits of the individual circumstances. Glen Eira, like many Victorian Councils, uses the Kantor Principles as its primary assessment tool.

Applying the Kantor Principles

The Kantor Principles generally acknowledge that there may be unforeseen circumstances that prevent a development from starting or being completed in time. The principles suggest a reasonable and fair approach in assessing requests.

The notion of ‘warehousing a permit’ refers to a permit holder seeking to maintain a ‘live’ permit with little or no intention on acting on it in the foreseeable future. It can difficult for a Responsible Authority to conclusively ascertain this intention. However, it is considered generally reasonable to extend a permit once or twice, subject to consideration of the other Kantor Principles.

The adequacy of the originally imposed time limit requires consideration of all the steps necessary before the development could actually commence. These could include permissions from other authorities such as VicRoads, site decontamination, building permits and engineering assessments. There are typically more steps necessary before a major, more complex development can commence. The pre-construction requirements for a five storey apartment building with a basement are more numerous and complex compared to a two dwelling development.

Any intervening circumstances should also be considered that have rendered it unreasonable that the permit holder should be held to the time originally fixed. Once again, the individual merits of the matter require consideration.

In terms of the principles around a change in planning policy, and the probability of a permit being issued should a fresh application be made, a more recent VCAT case (*AMV Homes Pty Ltd v Moreland CC* [2015] VCAT 1699) revisited the Kantor Principles. The decision was made by a senior member, and the decision itself was designated as a ‘Red Dot Decision’ (a significant case of interest). In this case, the Tribunal granted an extension of time for a permit, despite a recent change in planning controls prohibiting such a development:

In 2011, the Moreland City Council granted a permit for five dwellings to be developed on the subject land. A number of steps were taken by the permit holder to act on the permit without commencing the development. The permit has been extended once by the Council.

On 30 April 2015, an application was made to the Council to extend the time to commence the development, the permit having expired in February 2015. The same day, the land was rezoned from General Residential to Neighbourhood Residential

Zone [NRZ1]. Schedule 1 to this NRZ sets a mandatory limit of four dwellings on the lot. Applying the Kantor principles, the Council refused to extend the time for the commencement because of the rezoning – being a significant change in policy and because no fresh permit could be granted for five dwellings on one lot.

The Tribunal's decision refers to the Kantor principles and identifies some additional principles.

The Tribunal finds that the change in policy and the fact a permit could not issue for the same development are significant factors against an extension of time being granted.

But, a fair assessment of the request does not stop there and these factors should be weighed with other findings in favour of the extension. Critical to the latter is the land's context and the proposal's response to current local policy. Taking into account the site's context that is heavily skewed with existing multi-unit developments, and the acceptability of the design response when assessed against the current local character policy in the Moreland Planning Scheme, the Tribunal finds that allowing the development an extension of time to commence does not lead to a poor planning outcome, undermine the directions of the local policy, nor create a situation of a development that is discordant with its surrounds. The Tribunal comments that a design with a larger development footprint, or the same development in an area with fewer existing multi-units of the intensity and density found around the subject land, may have caused a different decision to be reached. This shows that each case must be fairly considered on its merits and the rezoning to Neighbourhood Residential, alone, is not an automatic "knock-out".

In ordering that the permit be extended by 6 months, the Tribunal added:

...The purpose of limiting the life of permits is so that they will not survive unacted upon until they are revived after they have become inappropriate due to changes in circumstances. ...It is important to appreciate some additional relevant principles:

- An applicant should advance good reasons as to why an extension should be granted; a request should not be approved simply because it has been asked for.*
- The Kantor "tests" are not mandatory nor exhaustive.*
- There may be other relevant considerations to those articulated in Kantor, including matters of natural justice and equity.*
- That the approved development is now prohibited does not mandate a decision refusing to extend the time to commence a development. However, it is something that would usually be expected to be one factor weighing against an extension of time.*
- Each case needs to be decided on its own facts and circumstances including whether and how the development in question would undermine or offend the changed policy or planning control regime.*

The Kantor Principles form a sound starting point for the assessment of extension of time requests. However, each case needs to be considered by a Responsible Authority (and VCAT) fairly, on its individual merits, and in a timely manner (30 days).

Glen Eira's context is unique and warrants a more nuanced approach. In response to Glen Eira's rapid growth and change, a whole-of-municipality strategic planning program is in progress, founded on:

- extensive community and stakeholder engagement
- three Structure Plans (Carnegie, Bentleigh, Elsternwick)
- an Activity Centre, Housing and Local Economy Strategy
- Quality Design Guidelines
- an Integrated Transport Strategy

The process to translate Glen Eira's strategic vision into statutory controls is underway. In order to ensure that the integrity of Glen Eira's strategic vision is not compromised during the statutory implementation process, interim height controls have been approved for our three main activity centres. Further, more refined interim development controls that reflect our Structure Plans and Quality Design Guidelines have been sought and are awaiting a decision from the Minister for Planning.

Given the significance and uniqueness of Glen Eira's interim development controls, these should be given utmost weight in assessing extension of time requests. Any extension of time request for a development that departs from Glen Eira's interim development controls should not be supported.

Options For The Consideration Of Extension Of Time Requests In Glen Eira

1. Maintain Current Approach

Council's Urban Planning Officers will continue to exercise their delegated authority to assess and decide on requests for extensions of time. Assessments will continue to be based on the Kantor Principles, and other relevant considerations such as effects on the integrity Glen Eira's whole-of-municipality strategic planning program.

2. Manager Decision For Specific Requests Plus "Councillor Call-In" Ability

The current delegated authority is modified requiring a decision to be made by the Urban Planning Manager for an extension of time request for a permit which:

- Has not yet been acted on (development has not commenced); and
- The original application was decided by Council resolution or attracted significant community interest.

In addition, a weekly list of lodged extension of time requests will be circulated to Councillors through internal communication channels. This would enable Councillors to make enquiries on any particular request lodged and 'call-in' a matter for a decision by Council resolution if desired.

3. Council Resolution For Specific Requests

The current delegated authority is modified requiring a decision to be made by Council resolution for an extension of time request for a permit which:

- Has not yet been acted on (development has not commenced); and
- The original application was decided by Council resolution or attracted significant community interest.

4. All Decisions Made By Council Resolution

This would involve approximately 150 requests per calendar year. Due to the three weekly Council meeting cycle and the agenda preparation timeframes, it is likely that the

majority of these decisions would exceed the 30 day decision time limit set out in the Act. This, in turn, increase the risk of appeals to VCAT, with flow on resource implications.

Recommended Option

Option 2 is recommended.

This option ensures that extension of time decisions for Glen Eira's major developments and those that have attracted significant community interest, are made by the most senior Urban Planner in the department. It also ensures that the intention under the Act to make a decision within a relatively quick time is satisfied (for the majority of requests). This option also provides for a register of extension of time requests to be regularly circulated and the ability for particularly contentious matters to be decided by Council resolution.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Any operational changes to how Council deals with extension of time requests that result in more appeals to VCAT will have an impact on the resourcing of the Urban Planning Office.

POLICY AND LEGISLATIVE IMPLICATIONS

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 sets out the legislative framework around planning permits, their lifespan, and the ability to extend their expiry dates through 'extension of time requests'.

There are principles, established through VCAT and Supreme Court decisions that inform a responsible authority's assessment of extension of time requests. These principles, and other considerations such as equity and natural justice, are applied by Glen Eira's Urban Planning Office in assessing each request.

Furthermore, given the importance and uniqueness of Glen Eira's strategic planning program, any extension of time requests for planning permits that depart from Glen Eira's current interim development controls (or resultant permanent controls) need to be rigorously assessed. The departure from the current interim development controls (or resultant permanent controls) should be given utmost weight as a factor against an extension of time being granted.

It is recommended that Glen Eira's approach be updated to authorise the Urban Planning Manager to make decisions on requests for permits that involved a Council resolution, or those that have attracted significant community interest. The updated process also provides the ability for extension of time requests to be escalated or 'called-in' for Council resolution, should they be of a particularly contentious nature. By doing so, a balance can still be achieved between timely decisions (for the majority of requests), and appropriate decisions (that apply the Kantor Principles in the context of Glen Eira's strategic planning program).

ATTACHMENT 1 - PLANNING AND ENVIRONMENT ACT 1987

Section 69 - Extension of time

(1) *Before the permit expires or within 6 months afterwards, the owner or the occupier of the land to which it applies may ask the responsible authority for an extension of time.*

(1A) *The owner or occupier of land to which a permit for a development applies may ask the responsible authority for an extension of time to complete the development or a stage of the development if—*

- (a) *the request for an extension of time is made within 12 months after the permit expires; and*
- (b) *the development or stage started lawfully before the permit expired.*

(2) *The responsible authority may extend the time within which the use or development or any stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the Subdivision Act 1988 is to be certified.*

(3) *If the time is extended after the permit has expired the extension operates from the day the permit expired.*

Section 81 Applications for review relating to extensions of time

(1) Any person affected may apply to the Tribunal for review of—

(a) a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or

(aa) a decision of the responsible authority refusing to extend the time within which a plan under the Subdivision Act 1988 is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2); or

(b) the failure of the responsible authority to extend the time within one month after the request for extension is made.

(2) An applicant for a permit may apply to the Tribunal for a review of a decision of a responsible authority under section 54A to refuse to extend the time within which information must be given by the applicant under section 54.

(3) Despite subsection (1) and clause 62 of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998, an application cannot be made to the Tribunal for review of a decision referred to in subsection (1)(a) or (aa) or a failure referred to in subsection (1)(b) unless the request to the responsible authority for the extension of time was made within the time specified under section 69(1) or (1A) (as the case requires).

9.8 LOCAL LAWS PROJECT REVIEW

Author: Michael O'Connor, Legal and Governance Co-ordinator

Trim No: 18/1188099

Attachments: 1. Attachment 1 Overview
2. Attachment 2 Council Meeting - Local Law Review

PURPOSE AND SUMMARY

1. To advise Council of the proposed approach for undertaking a review and remaking of Glen Eira City Council's (**Council**) Local Law 2009 (**Local Law**); and
2. For Council to appoint a Chairperson to the Local Laws Advisory Committee.

RECOMMENDATION

That Council:

- 1) Notes this report and appoints a Chairperson for the Local Laws Advisory Committee; and
- 2) Resolves to amend the terms of reference for the Local Laws Advisory Committee to provide for the Committee to elect its own Chairperson.

BACKGROUND

One of the legislative functions given to Council is the power to make and enforce local laws¹ as an aid to the achievement of its legislative objectives. The broad objectives of Council are set out in section 3C² of the *Local Government Act 1989 (Act)*³. It may make local laws for or with respect to any act, matter or thing in respect of which it has a function or power under the Act or any other act.⁴

The Act sets a sunset (or expiry) date for all local laws. This date is 10 years from the date on which the local law came into operation.⁵ This means the current Local Law will automatically be revoked on 24 November 2019.

Before that date Council must review, amend (as appropriate), draft and remake all of its local laws.

The Act sets out the process which must be followed in the making of local laws.⁶ A local law is made by passing a resolution of the Council.⁷ Before a Council can make a local law it must strictly comply with the procedure in the Act.⁸

¹ Section 3E (f)

² The primary objective is to endeavour to achieve the best outcomes for the local community having regard to long term and cumulative effects of decisions

³ All references are to the *Local Government Act 1989* unless otherwise noted

⁴ Section 111(1)

⁵ Section 122

⁶ Section 119

⁷ Sections 3(5), 3(6) and 86(3) or of a special committee of the council that has been delegated with that authority

⁸ Section 119(1) Gobbo J in *Pyke v Melbourne City Council* [1993] 2 VR 28 noted (at 29) that local laws are similar to by-laws made under the 1958 Act but that the 1989 Act requires councils to undertake lengthy consultation before a local law is proclaimed.

In addition a *Better Practice Local Laws Strategy (December 2008)* and *Guidelines for Local Laws Manual (2010)*⁹ were released by the Minister for Local Government which set out a model scheme for the development and making of local laws, with particular reference to remaking local laws which will expire under the sunset provision.

Dependent on the extent of changes that are proposed, the Guideline suggests that at least 12 months should be allocated to complete the review and law making cycle.

ISSUES AND DISCUSSION

Project Plan

A full project plan is to be developed to deliver the below proposed Project Objectives within the proposed Project Scope.

Project Objectives

The Project Objectives are to:

- draft a new local law which is sustainable, flexible, efficient, accords with the provisions of the Act and the Regulations, and promotes and facilitates the strategic and operational objectives of Council
- complete all activities necessary, which are conditions precedent, to the Council resolving to adopt the new local law including public consultation;
- provide assistance to ensure that, commensurate with the commencement of the new local law, all ancillary Council documents are consistent with the new Local Law. Such documents include but are not limited to, information in brochures, forms and information on Council's internal and external webpage
- draft appropriate delegations for the operational implementation of the new local law
- provide assistance to ensure procedures and policies are in place to give effect to the new local law
- participate in the training of Council staff so that staff are able to effectively implement the new local law.

Project Scope

The scope of the project includes:

- establishing the context e.g. identify problems and their relationship to Council's objectives, consider alternative policy solutions other than local law, take into account possible restrictions on competition caused by local law, incorporate a risk management approach
- conducting checks that the new Local Law is not in conflict with state or federal laws;
- consulting with all other areas of Council about the content of the new Local Law;
- consulting with all other areas of Council about ancillary Council activities that will be affected by the new Local Law and providing guidance on the steps necessary to prepare for their introduction;
- consulting with members of the public on the new Local Law;
- instructing external legal advisers to review the draft of the new Local Law;
- consulting with all Councillors on the content of the new Local Law and the procedures for their adoption; and
- preparation of all documents to go before Council to enact the new Local Law.

⁹ See s111A - for an overview of the Strategy and Guidelines see Attachment 1

Time Lines

The high level timelines for the Project are as follows:

Stage	Start	End
Stage 1 - Internal and external consultation to identify areas of current local law that may require amendment	October 2018	February 2019
Stage 2- Drafting Local Law and Community Impact Statement	March 2019	May 2019
Stage 3 – Formal Consultation on Draft Law	June 2019	August 2019
Stage 4 – Review of Draft Law taking into account consultation and redraft if required	September 2019	October 2019
Stage 5 - Making Local Law	November 2019	

Local Laws Advisory Committee

On 7 February 2017, Council adopted Terms of Reference for the Local Laws Advisory Committee. The Committee's function includes *'to provide a forum for Councillor and Council discussion concerning current and potential local laws and associated issues'*.

On 17 October 2017, Council adopted reviewed Terms of Reference for the Local Laws Advisory Committee.¹⁰

On 1 November 2017, Council appointed Cr Silver, Cr Magee and Cr Delahunty to the Local Laws Advisory Committee.

The Terms of Reference of Local Laws Advisory Committee provide that the Chairperson is to be appointed by Council.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

The Local Law is a strategic document that provides for the governance, safety and the protection of amenity and assets of the municipality.

COMMUNICATION AND ENGAGEMENT

A key focus of the Guidelines is the involvement of the community from the commencement of the law-making process, not just at the final formal submissions stage. The Guidelines also recommend that Council should produce a Local Law Community Impact Statement for all new or materially altered local laws.

¹⁰ See Attachment 2 Terms of Reference for the Local Laws Advisory Committee 17 October 2017

A necessary part of the process will be extensive consultation including:

- internal consultations with key staff across the various Council business units that are impacted by the Local Law, with Councillors and the Local Laws Advisory Committee, to identify areas where amendments or updating are required. This process will inform the new Local Law to better reflect current practices and expected future trends; and
- external consultations with specific industry stakeholders that may be impacted by possible changes. External consultations will include both surveys and community meetings in the municipality as well as a statutory consultation process.

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

It is proposed that a Chairperson is appointed for the Local Laws Advisory Committee and that terms of reference for the Committee be amended to provide for the Committee to elect its own Chairperson in the future.

Guidelines for Local Laws:

AN OVERVIEW FOR COUNCILLORS AND SENIOR EXECUTIVES



Message from the Minister for Local Government



The *Better Practice Local Laws Strategy*, which I released in December 2008, identified a strong need for Councils to apply a more robust and consistent process for Local Law making.

Over the past 12 months, Local Government Victoria (LGV) has worked closely with Council representatives and peak bodies to address this need and develop comprehensive support for the sector.

I am now pleased to provide a range of resources to help Councils to implement better practice Local Laws

and to meet the accountability, consultation, and transparency standards that the community expects from its regulators. The resources aim to assist Councils from the preparation phase right through to the revision and amendment of Local Laws.

Recent amendments to the *Local Government Act 1989* will further strengthen the sector's capacity for Local Law making. As Minister for Local Government, I will be able to make guidelines and directions to improve the consultation process and accessibility of Local Law materials.

Better practice Local Laws are a core stream of the Councils Reforming Business (CRB) initiative being delivered by LGV and the sector.

I encourage you, as leaders, to champion better practice Local Laws in your Councils.

Richard Wynne
Minister for Local Government

Resources suite for Councils

Councils use Local Laws to respond to issues and community needs within a local context and to achieve key strategic policy objectives. They are also intrinsically linked to State Government legislation and policy implementation.

The Guidelines for Local Laws resources recognise local government as a distinct and essential tier of government best placed to make Local Laws in the interests of Victorian communities. The resources seek to equip Councils to undertake best practice Local Law making and achieve a consistent level of performance, rather than impose rigid uniformity.

An Overview for Councillors and Senior Executives is part of a suite of resources designed to guide Councils through the processes of preparing for, creating, implementing, enforcing and reviewing Local Laws.

The purpose of the overview is to outline why and how better practice should be adopted and to demonstrate the need for a whole of Council approach to Local Laws. It is designed to highlight issues Councillors should consider in their role as regulators and policy makers, and to explain other important matters to Councillors, CEOs and senior staff.



Local Law Community Impact Statement



The resources introduce the concept of the Local Law Community Impact Statement (LLCIS) to foster better practice.

The LLCIS is both a checklist tool for Council to work through the Local Law processes and an explanatory document to give to the community about a proposed Local Law.

Councillors and senior executives should be involved in most aspects of the LLCIS:

- Identifying the problem sought to be addressed
- Relating the problem to Council objectives
- Measuring the success of a Local Law
- Considering alternatives to a Local Law
- Adopting a risk management approach
- Deciding the regulatory approach
- Ensuring least burden/greatest advantage
- Considering restrictions on competition
- Setting penalty levels
- Dealing with permits and permit conditions
- Setting fees
- Adopting a performance-based approach
- Comparing with neighbouring and like Councils
- Ensuring compatibility with the *Charter of Human Rights and Responsibilities Act 2006*
- Consulting with the community
- Considering submissions - either by the Council or a committee established for the purpose and preferably prior to the meeting at which Council proposes to adopt the Local Law.

The other Guidelines for Local Laws resources target Council officers who coordinate or participate in the Local Law process:

- Manual: step-by-step operational document
- Resource Book: supplement to the manual with case studies and examples
- Training: workshops and online resources being developed with LGPro.

These resources educate Councils about what they must do to comply with legislative provisions; what should be undertaken to achieve better practice; how matters can be best explained to the community; and how the accessibility and understanding of Local Laws can be enhanced.

The full suite of Local Laws resources is available at www.localgovernment.vic.gov.au

The process

Better practice regulation requires an understanding of multiple processes and contexts, a significant time investment and a commitment to the principles of engagement and consultation. It also needs a 'whole of Council' approach. Taking anything less than the full journey will dilute better practice and compromise the quality and efficacy of the Local Law.

The following diagram details the general sequence and major stages of the Local Law process.

The trigger for Councillors and senior executives to become actively involved is the "Completing the Cycle: Review, Amendment & Sunsetting" part of the sequence. This stage feeds into what should be a continuous and ongoing process.

The diagram on the final page provides a more detailed view of the process and how the stages are interrelated.

The role of Councillors and senior executives in relation to Local Laws

Council as a whole is responsible for its Local Laws in their entirety: they are not the province of any individual department(s) within Council. Accordingly, Local Laws require a “whole of Council” approach.

Councillors and senior executives need to be actively involved in a number of areas (even though a considerable body of work will be done by Council officers). This includes broad issues, such as determining the needs of the community in relation to Local Laws, down to specifics, such as formulating permit conditions and setting fees and penalties. These need to be consistent within Council and should be consistent with like or neighbouring Councils unless reasons for difference can be articulated.

Councillors and senior executives need to support the Local Law making process to ensure it is thorough and effective.

Checklist for Councillors and senior executives

- Conduct an overview of the process including legislative requirements
- Understand the timeline required for developing and implementing a Local Law
- Devote sufficient and appropriate resources to ensure the work can achieve the characteristics of better practice Local Laws
- Provide resources and support to officers carrying out the mechanics of the process (including use of the Guidelines for Local Laws Manual, Resource Book and associated training)
- Provide timely input, particularly in specific areas which need direction i.e. consultation, leadership, policy
- Understand the components of the Local Law Community Impact Statement (LLCIS).

Council must make sure information about its Local Laws is accessible to the community. CEOs must ensure that Local Laws and all associated materials are available on the website (and in hard copy) in accordance with legislation and the guidelines.

The timeline for Local Laws

Developing a project plan is the first step in planning to review or introduce new Local Laws, taking into account Council's particular situation. The timeframe for the project, along with assigned responsibilities, needs to be agreed to by relevant parties and monitored.

Better practice is for the Council review process to commence not less than 12 months before the sunset date to allow adequate time to undertake proper regulatory processes. This applies particularly where Council has an “omnibus” Local Law.

The actual time required to develop and implement a Local Law will, however, depend on a number of factors including the:

- Complexity of the Local Law (e.g. covering all areas or topic specific)
 - This will impact on reviews against the *Charter of Human Rights and Responsibilities Act 2006* and National Competition Principles
- Stakeholders, which will impact on:
 - the degree of consultation required
 - the assessment of burden on business and the community
- Need for incorporated documents to be available with the Local Law, which might include:
 - Policies
 - Codes of Practice
 - Conditions of permits
- Need for Council to set fees and charges and penalties
- Resources available to Council.

Council will need to be conscious that some of the most crucial stages, including consultation and possible amendment, occur later on in the cycle and factor this into timelines.

Council itself must undertake many processes even if the drafting or checking of a Local Law is outsourced to lawyers.

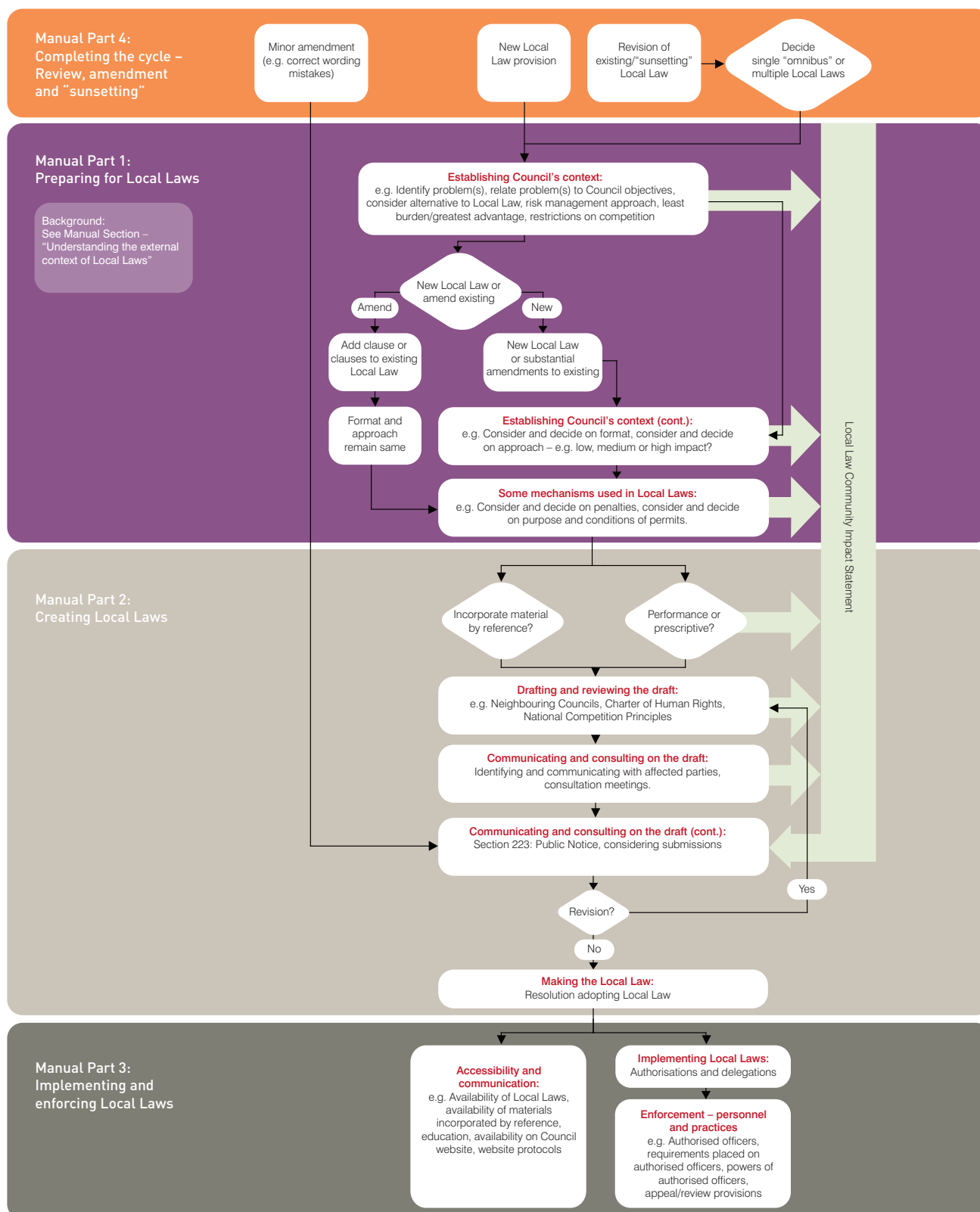
Council's approach will also have an impact on project management and timings. Council may be prepared to leave the bulk of the work to officers but Councillors will still need to make decisions along the way, such as approving a draft Local Law. Council may decide to set up a committee, and Council itself will need to make relevant decisions and give approvals.

Input

Councillors and senior executives will need to provide input to the project plan model and make key decisions along the way. If the project plan is to stay on track, these inputs and decisions need to be made in a timely fashion. Who makes the decisions will be determined by Council's own arrangements. Required input and decisions will cover:

- The range of problems to be addressed to determine what the Local Law will cover
- The measures of success of the Local Law
- Risk management assessment allocating priorities to Local Law provisions
- The type of regulatory approach
- Fees and penalties
- Conditions for permits required under the Local Law
- Consultation: determining with whom, when, how extensive and how it will be conducted
- Policies and guidelines to be incorporated into Local Laws
- Authorisations and delegations to be made under Local Laws.

Key steps in Local Laws





Terms of Reference	
1. Name	Local Laws Committee
2. Classification	Advisory Committee
3. Background	Council makes local laws under Part 5 of the Local Government Act 1989. Local laws are revoked every 10 years following the first date of operation, requiring new local laws to be made periodically. Local laws may also be amended during their period of operation.
4. Function and Role	To provide a forum for Councillor and Council discussion, investigation and recommendations concerning current and potential local laws and associated issues.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	Membership consists of a minimum of 3 Councillors appointed as and when required by Council. Councillor membership is to be reviewed annually.
7. Chairperson and Term of Chairperson	The Chairperson is appointed by the Council. <u>A Councillor appointed by the Committee annually.</u>
8. Voting Rights	N/A
9. Quorum	Two (2) Councillors
10. Conduct of Members	N/A
11. Role of Council Staff Attendee(s)	To provide advice and assistance to Councillor members and to investigate and report on matters as requested by the Council/Councillors. The CEO, Director Planning and Place and the Corporate Counsel will attend all meetings in an advisory capacity.
12. Meeting Frequency	As and when required
13. Reporting Requirements	Minutes are taken at each meeting and provided to all Councillors. Recommendations of the Committee are discussed at a Council Assembly

	and may be taken to an Ordinary Council Meeting for resolution.
14. Other Relevant Information	<p>Local Law 2009 is revoked in November 2019. A major review of the Local law is due to be commenced mid 2018.</p> <p>Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.</p>
15. Committee Contact Details	Corporate Counsel
16. Date of Council Approval of Terms of Reference	17 October 2017
17. Date of Next Review of Terms of Reference	October 2019

9.9 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION

Author: Tienyi Long, Legal and Governance Officer

Trim No: 18/1182283

Attachments: 1. Authorisations under the Planning and Environment Act

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 the 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 -

Poornima Ghanta, Senior Urban Planner

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 14 August 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 -

Miranda Jenkins, Senior Urban Planner

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 14 August 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 -

Peter Pezos, Municipal Building Surveyor and Coordinator, Planning and Building Compliance

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.
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 14 August 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 -

Martin Vella, Team Leader, Planning and Building Compliance

By this Instrument of Appointment and Authorisation Glen Eira City Council -

under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 14 August 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

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments
- (f) Legal advice
- (g) Matters affecting the security of Council property'
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 Tender 2018.211 Underground Service Depthings

Local Government Act 1989 Section 89(2)(d) given it relates to contractual matters.

12.2 Tender 2018.222 Provision of Pool Plant Maintenance Services

Local Government Act 1989 Section 89(2)(d) given it relates to contractual matters.

13. CLOSURE OF MEETING