



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**2 FEBRUARY 2016**

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- 12.1 under s89 (2)(d) “contractual” which relates to the awarding of the contract for 2016.016 Provision of Garden Mowing and Rubbish Removal Services from Private Land

Number of tenders received	Three
Number of evaluation criteria tenders assessed against	Three
Estimated contract value	\$57,000 to \$287,000 (excl. GST)

- 12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for the supply of electricity for metered sites and public lighting and natural gas for metered sites.

- 12.3 under s89 (2)(d) “contractual” which relates to the awarding on contract for Tender No. 2016.031 Booran Road Reserve, Design, Manufacture and Delivery of Custom Lighting and Signage

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$615,000 including GST

- 12.4 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.012 provision of linen and laundry services to Council’s Residential Aged Care Facilities

Number of tenders received	Three
Number of evaluation criteria tenders assessed against	Three
Estimated contract value	\$340,000

- 12.5 under s89 (2)(d) “contractual” which relates to the awarding of Contract 2016.015 provision of consumable medical goods, nutritional supplements and continence aids for Council’s Residential Aged Care Facilities.

Number of tenders received	Eight
Number of evaluation criteria tenders assessed against	Three
Estimated contract value	\$185,000 per annum

- 12.6 under s89 (2)(a) “personnel” which relates to Council’s Audit Committee.

**13. CLOSURE OF MEETING**



**MINUTES of the ORDINARY MEETING OF THE  
GLEN EIRA CITY COUNCIL held on TUESDAY, 2 FEBRUARY 2016**

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

**His Worship the Mayor, Councillor Neil Pilling  
Councillor Mary Delahunty  
Councillor Margaret Esakoff  
Councillor Jamie Hyams  
Councillor Michael Lipshutz  
Councillor Oscar Lobo (entered the Chamber at 7.37pm)  
Councillor Jim Magee  
Councillor Karina Okotel  
Councillor Thomas Sounness**

**1. ACKNOWLEDGEMENT**

On behalf of Council the Mayor read the following acknowledgement.

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

**2. APOLOGIES**

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

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

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

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

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

Copies of Minutes previously circulated.

**Crs Lipshutz/Delahunty**

**That the minutes of the Ordinary Council Meeting held on Tuesday, 15 December 2015 be confirmed.**

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

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

**6. DOCUMENTS FOR SEALING – Nil**

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

**8. REPORTS FROM COMMITTEES**

**a. Advisory Committees**

- i. Environment Advisory Committee, 10 December 2015
- ii. Community Grants Committee, 27 January 2016.

**Crs Sounness/Magee**

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

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

**7.37PM Cr Lobo entered the Chamber.**

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

**b. Records of Assembly - Nil**

# ENVIRONMENT ADVISORY COMMITTEE



## Minutes

10 December 2015, 7.00pm

Ogaki Room, Glen Eira Town Hall

<b>Invitees</b>	<p><b>Councillors</b> Cr Neil Pilling (Chair) (NP) (arrived at 8.30pm) Cr Thomas Sounness (TS)</p> <p><b>Council Staff</b> Peter Waite, Director Assets and Facilities (DAF) Rachel Ollivier, Group Manager Environmental Strategy and Services (GMESS)</p> <p><b>Community Representatives</b> Kathryn Hannan (KH) Julian Donlen (JD) Shane Genziuk (SG) Phil Thompson (PT)</p> <p><b>Apologies</b> Cr Karina Okotel (KO)</p>
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### 1. Welcome

1.1. TS chaired the meeting in NP's absence

1.2. Declaration of Conflict of Interests

1.2.1. None declared

### 2. Confirmation of minutes

2.1. Minutes of meeting 10 September 2015 confirmed (moved TS; seconded NP)

### 3. Reports on previous actions and recommendations

Action or recommendation	Report and discussion	Further Action
<p><u>Vision Super Ethical Investments</u> – Council has sent a further letter asking whether Vision Super would develop a transparent ethical investment policy and/or an option for members.</p>	<p>Response received and circulated prior to the meeting.</p> <p>DAF clarified that the LG Act sets out that the CEO is responsible for employee matters.</p> <p>Actions were reviewed after NP arrived and confirmed by TS and NP.</p>	<p>Action: That the EAC seek advice from the CFO on an additional criteria to consider divestment from fossil fuels when contracting for banking services</p> <p>Action: That the EAC accept the offer of a presentation from Vision Super.</p>
<p><u>Secure printing</u> - GMESS agreed to see if secure printing could be trialled in a business unit.</p>	<p>Planned to be trialled during 2016.</p>	<p>.</p>
<p><u>Compost bins and worm farms</u> - Recommendation: that Council</p>	<p>This will be removed from the fees and charges listed in the 2016-17 budget.</p>	

Action or recommendation	Report and discussion	Further Action
discontinue its compost bin/worm farm sales	Any remaining worm farms will be used as door prizes as part of the sustainability education program.	
<u>Community Environment Forum summary</u> - Officers will consider if summary of community feedback to be made available on the website as part of the Environmental Sustainability Strategy decision making process.		Carry forward
<u>Sustainability indicators</u> - GMESS to finalise check and consider adjusting source used for reporting of historical e-coli levels.	This will be adjusted when e-coli is next reported at end 2015-16.	
<u>Education</u> - GMESS to circulate the recent report to Council on Sustainability Education Activities	<p>This report was circulated before the meeting.</p> <p>Noted the report and acknowledged the value of and success of the program.</p> <p>Discussed the potential pressure rate capping may place on Council overall.</p>	
<u>Water management</u> - JD to circulate the flood report for review.	JD advised that the Melbourne Water report is confidential and cannot be circulated.	
<u>Car share trial</u> - JD requested a report on the Car Share Trial for the next meeting.	<p>GMESS reported on behalf of the Strategic Transport manager that the results are currently being compiled which is expected to be complete in January 2016.</p> <p>Findings so far are that membership appears to have increased month by month and the highest use of the service is in 3163 postcode (Carnegie, Glen Huntly and Murrumbeena)</p>	
<p><u>Indian Myna Birds</u> - Recommendation: That Council provides information about how to increase habitat for native birds and how to reduce the number of Indian Mynas including: on the website, via the sustainability email newsletter, and a presentation to the community.</p> <p>The Environment Advisory Committee to review results of Bayside City Council's current trial (likely available around March 2016).</p>	An article has been drafted for inclusion in the December e-newsletter and GE news in the new year. A presentation will be included in the 2016 presentation schedule.	

## Regular reports

### 3.1. ESS Action Plan – progress

- 3.1.1. The next report to Council will be the mid-year updated after end December 2015

### 3.2. Sustainability Indicators

- 3.2.1. First quarter 2015-16 report was circulated before the meeting.

### 3.3. Community Education

- 3.3.1. An update on events and participation is in attachment D.
- 3.3.2. Discussion included:
  - 3.3.2.1. Value of a networking event for participants in the neighbourhood sustainable Gardening program.
  - 3.3.2.2. DAF advised that the scope of the NSGP could be revisited through the environmental sustainability strategy development and consultation process.
  - 3.3.2.3. GMESS noted that community led events or networking opportunities can be promoted through the NSGP at the moment.

## 4. Other business

### 4.1. Climate Change Grants (JD)

- 4.1.1. Officers are aware of the grants and are intending to submit grant applications to extend and support Councils priorities.
  - 4.1.1.1. ACTION: GMESS to provide an update on the outcome of any grant applications made.**

### 4.2. Sustainability fund priority statement (JD)

- 4.2.1. Council has submitted a response (attachment E)

### 4.3. Term of community representatives

- 4.3.1. ACTION: GMESS to check the expiry of the current term for community representative members and plan advertising as needed.**

## 5. Next Meeting (Chair)

- 5.1. 10 March 2016 (Thursday)
- 5.2. Future meetings: Pencil in the second Thursday of every March, June, September and December.

## **Attachment D**

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

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

- Comfort and efficiency in your home - 8 September 2015 (Attendees 28)
- Urban beekeeping and honey production – 29 September 2015 (Attendees 82)
- Herbs for the home and garden – 7 October 2015 (Attendees 98)
- Get on your bike – 12 October 2015 (Attendees 48)
- De-clutter and reduce waste – 9 November 2015 (100)
- Go vertical : how to espalier fruit trees – 18 November 2015 (88)
- Electric Vehicles – 1 December 2015 (52)
- Community Composting Trial and Presentation, Valkstone Primary School, 2 March 2015 - 2 December 2015
- Community Composting Trial and Presentation, Caulfield South Primary School 11 March 2015 - 2 December 2015

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

- Rain gardens – 16 February 2016
- Autumn vegie gardening – 11 March 2016

**4.2 As of end November 2015, 714 households were registered for the Neighbourhood Sustainable Gardening Program.**

**4.3 From August 2013 to the end of October 2015, more than 649 households have participated in the Glen Eira Energy Saving Program. Collectively there were 3897 energy saving products supplied and installed in homes at no cost. Residents that participated will help to prevent around 4627 tonnes of greenhouse gas emissions from being released into the atmosphere over the next decade.**



**GLEN EIRA**  
**COMMUNITY GRANTS COMMITTEE MEETING MINUTES**  
**Wednesday, 27 January 2016**

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**Purpose:**

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

**Aims:**

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

**Assembly of Councillors Records**

**Meeting commenced at 5.46 pm.**

**1. Present and Apologies**

**Present**

Cr Jim Magee – Chair  
Cr Margaret Esakoff  
Cr Neil Pilling Mayor  
Peter Jones – Director Community Services  
Ana Tsaganos – Acting Manager Community Development

**Apologies**

Cr Thomas Sounness

**2. Matters Considered**

- i. Community Grants Program timelines
- ii. Feedback on Action arising from 17 November 2015 meeting: *Officers to send information to community groups that overview grants funded in 2015/16 and advise that not all grants are funded or receive the full amount requested.*
- iii. 2015-2016 Facilities Hire Grant application - Glen Eira Chinese Senior Citizens Club
- iv. 2015-2016 Facilities Hire Grant application – Bentleigh Chinese Community Association

**3. Community Grants Program timelines**

The Committee noted the Community Grants Program commences on 1 March 2016 and closes on 22 April 2016 and that there are four information sessions scheduled over March 2016.

**4. Information sent to community groups providing an overview of grants funded in 2015/16 and advising that not all grants are funded or receive the full amount requested.**

The Committee noted the efforts Officers have made to provide information to community groups to assist their understanding about grants and why not all are funded each year. This includes information being publicised in a Glen Eira news article, the Connect Newsletter and through the Community grant program information sessions.

**Action: Officers to include additional information in Applicant Acknowledgement letter advising that the Community Grants Program has a finite budget allocation which means that not all grant applications can be funded and some grant applications may only be part funded.**

**5. Applications for facility hire grants 2015-2016**

***Glen Eira Chinese Senior Citizens Club***

The Glen Eira Chinese Senior Citizens Club has applied for a Facilities Hire Grant for a total of \$1,760.50 to cover of the cost of using the Glen Eira City Council Auditorium on Saturday 20 February 2016 (from 8.30am to 4pm). The amount requested is the scheduled fee for use that includes round table setup.

The event will provide for a once a year project to celebrate Chinese New Year, the Lantern Festival and Australia Day by the club for members along with guests, including those who are associated or support the club. The day will include music, dancing and shows. A light lunch will be provided. External catering will be arranged by the club.

**Recommendation: The Committee recommends that Council grant a facility hire grant of \$1,760.50 for Glen Eira Chinese Senior Citizens Club to use the Auditorium on 20 February 2016.**  
**Moved: Cr Margaret Esakoff**  
**Seconded: Cr Jim Magee**  
**Motion carried unanimously**

***Bentleigh Chinese Community Association***

The Bentleigh Chinese Community Association has applied for a Facilities Hire Grant for a total of \$917 to cover of the cost of using the Glen Eira City Council Auditorium on Friday 5 February 2016 (from 9am to 1pm). The amount requested is the scheduled fee for use that includes theatre style setup.

The purpose of the event is to celebrate Chinese New Year and will include presentations and entertainment. Approximately 200 people are expected to attend the event.

**Recommendation:**

**The Committee recommends that Council grant a facility hire grant of \$917 for Bentleigh Chinese Community Association to use the Auditorium on 5 February 2016.**

**Moved: Cr Jim Magee**

**Seconded: Cr Margaret Esakoff**

**Motion carried unanimously**

Next Meeting – TBA

Meeting Closed at 5.57 pm.

**9. PRESENTATION OF OFFICERS REPORTS**

- 9.1 15-19 Vickery Street, Bentleigh
- 9.2 103A Gardenvale Road, Gardenvale
- 9.3 652-654 Glenhuntly Road, Caulfield South
- 9.4 203 McKinnon Road, McKinnon
- 9.5 572 Inkerman Road and 2-4 Princes Street, North Caulfield
- 9.6 280A Balaclava Road, Caulfield
- 9.7 VCAT Watch – February 2016
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- 9.10 Financial Report for December 2015

## Item 9.1

**15-19 VICKERY STREET, BENTLEIGH**  
**APPLICATION NO. GE/PP-28566/2015**

**File No: GE/PP-28566/2015**  
**Enquiries: Rocky Camera**  
**Acting Manager Statutory Planning**



<b>APPLICATION SUMMARY</b>
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<b>PROPOSAL</b>	A four storey building containing 47 dwellings.
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions requiring deletion of one dwelling, increased setbacks and additional screening.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Amenity impacts to adjoining properties</li> <li>• Setbacks</li> <li>• Internal amenity</li> <li>• Car parking and traffic</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Urban Villages Policy
<b>APPLICANT</b>	Pitard Knowles Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	Residential Growth Zone
<b>EXISTING LAND USE</b>	Three single dwellings
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 12 properties notified</li> <li>• 68 notices sent (owners and occupiers)</li> <li>• 2 signs erected on site</li> <li>• 39 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$8,064

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28566/2015 allowing the construction of a four storey building comprising up to 46 dwellings above a basement car park, in accordance with the conditions contained in the Appendix.

**3. Applicable Policies and Codes**

State Government

- Plan Melbourne
- Rescode

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

Planning Policy and Zoning

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

The subject site is located within the Residential Growth Zone and the Bentleigh Urban Village. The subject site adjoins 14 – 18 Bent Street to the west, where a four storey building is currently under construction for 50 dwellings.

It is considered that subject to conditions, a four storey building is an appropriate outcome having regard to the policy context.

**Item 9.1 (cont'd)**Height, scale and massing

The subject site is made up of three individual land parcels, yielding a total site area of 2,098 square metres. The building extends across all three lots.

The proposed street setbacks of all levels are not adequate and not in keeping with existing setbacks along Vickery Street. The street setbacks as proposed will result in unnecessary bulk and mass on the streetscape. Conditions are recommended to increase the street setbacks.

Due to the extent of the basement, the proposed permeability of the site is inadequate and below State Government requirements. It is recommended that this be rectified by way of a condition.

The proposal is well articulated with strong design features which utilises a range of materials and colours to create visual interest in the streetscape. Notwithstanding this, additional landscaping within the front setback and modifications to the front fence are recommended in order to help the development better integrate into streetscape.

A substation is proposed in the north-east corner of the site. This is considered unreasonable and uncharacteristic of the area. Its relocation is recommended as a condition.

Amenity impacts to adjoining properties

A variation to the State Government Guidelines for side and rear setbacks is proposed, in particular to the northern boundary of the site. In order to ensure that the proposed development provides adequate separation to adjoining properties a condition is recommended that setbacks comply with the State Government guidelines.

The adjoining property to the west at 14 – 18 Bent Street has approval for a four storey building comprising 50 dwellings. As a result, the proposed development will unreasonably overshadow the future secluded private open space of the rear ground floor apartments at 14 – 18 Bent Street. A condition is recommended to increase the setbacks of the second and third floor levels to the rear (west side).

Screening of upper level windows and balconies, plus the provision of trellis to boundary fences, is recommended to ensure no unreasonable overlooking of adjoining properties occurs.

Internal amenity

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

In order to make the entrance visible and easily identifiable it is recommended that the entrance, path and walkway be widened. This will further improve the proposal's integration with Vickery Street.

**Item 9.1 (cont'd)**

The proposal includes a number of south facing apartments, some of which include recessed bedrooms whose only access to daylight is from a narrow corridor to a south facing window. It is recommended that the window openings be widened to improve the internal amenity of these dwellings.

**Parking and Traffic**

State Government guidelines suggest 68 on site spaces for the dwellings based on 1 car space per 2 bedroom dwelling, 2 car spaces per 3 bedroom dwelling and 1 visitor space per 5 dwellings. A total of 63 spaces (including 4 visitor spaces) are provided on site for the resident parking, resulting in a shortfall of 5 visitor spaces.

Council's Transport Planning Department requires a minimum of 6 visitor car parking spaces to be provided. This forms a recommended condition of approval.

In order to provide for one additional on-site visitor car space another condition will require the deletion of apartment 308 along the third floor. The car space for apartment 308 will be converted into a visitor car space.

**Management Plan Requirements:**

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

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

**ADDRESS: 15 - 19 Vickery Street, Bentleigh**  
**APPLICATION NO: GE/PP-28566/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Construction of a four storey building with basement car park across three existing lots (15, 17 and 19 Vickery Street)
- Basement car parking comprising of 63 car spaces (including 4 visitor car spaces)
- Reduction is sought for 5 visitor car spaces
- Vehicular access via a widened crossover to Vickery Street
- Total of 35 two bedroom dwellings and 12 three bedroom dwellings
- Maximum overall building height of 13.5 metres

**2. Public Notice**

- 12 properties notified
- 68 notices sent (owners and occupiers)
- 2 signs erected on site
- 39 objections received

The objectors' concerns are summarised as follows:

- Neighbourhood character
- Traffic and car parking
- Height, massing and bulk
- Overlooking/loss of privacy
- Overshadowing and loss of natural daylight
- Cumulative impact of other recently approved developments
- Construction management concerns
- Loss of significant trees
- Noise
- Location of basement and impacts on foundations of adjoining dwellings
- Reduction in surrounding property values
- Loss of 'period homes'
- Reduction in visitor car parking not appropriate
- Loss of street trees

**3. Referrals**

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

**Item 9.1 (cont'd)***Transport Planning:*

- It is recommended that 6 visitor spaces be accommodated on site.
- Conditions are recommended to ensure adequate maneuverability and safe vehicle access.

*Parks Services:*

- Tree protection measures for the four existing street trees are recommended.

*Landscape Assessment Officer:*

- There are no high value trees on the subject site or neighbouring properties.
- Post construction landscaping is recommended as a condition of permit

**4. Planning Conference**

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

- The height, scale and mass of the building are excessive.
- The basement footprint is excessive and does not provide for adequate landscaping opportunities.
- The setbacks are inadequate
- Waste collection will be difficult due to the number of dwellings and ramp grades.
- Increased traffic and congestion.
- Sense of 'openness' and garden character of the area is being degraded.
- The ramp gradients are not safe and will cause conflicts between pedestrians and vehicles.
- Impacts to infrastructure (roads, water, sewer).
- Parking in the area is already at capacity.
- The development is visually bulky when viewed from the street and neighbouring properties.
- Lack of sensitivity to existing low scale neighbourhood character.
- Noise from air conditioning units.
- Loss of amenity due to overlooking, overshadowing and noise.
- Impacts during construction (safety, noise, dust etc.)
- Reduction of visitor car parking should not be allowed given existing parking restrictions.
- Site coverage is excessive.

**Item 9.1 (cont'd)****5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as P03-15, Sheets TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10 & TP11, Revision 1, dated October 2015 and prepared by Steller) but modified to show:

Car parking:

- a) Provision of six residential visitor car spaces within the basement envelope.
- b) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
- c) Provision of pedestrian sight triangles measuring 2.5 metres along the accessway and 2.0 metres along the property frontage on the northern side of the vehicle accessway. No objects greater than 600 millimetres in height can be located in these areas.

General:

- d) The ground floor, first floor and second floor levels (including balconies) to be setback a minimum of 7 metres to the street. This includes the setback to any architectural feature element on the building's façade that is not excluded under Standard B6 of Clause 55.03-1 (Street setback objective). These changes are to be absorbed within the building envelope to the satisfaction of the Responsible Authority.
- e) The third floor level balconies for Dwellings 301, 302, 303 & 304 are to be setback a minimum of 8 metres from the street. These changes are to be absorbed within the building envelope to the satisfaction of the Responsible Authority.
- f) The northern setback to the second and third floor levels (including balconies) to be increased in order to meet compliance with the dimension requirements of Standard B17 of Rescode to the satisfaction of the Responsible Authority.
- g) The western (rear) setback to the second and third floors levels (including balconies) increased by a minimum 1 metre and absorbed within the building envelope. Any consequential changes must be to the satisfaction of the Responsible Authority.
- h) Deletion of apartment 308 at third floor level. This change is to be absorbed within the building envelope to the satisfaction of the Responsible Authority.
- i) The balconies of all dwellings are to be a minimum of 8 square metres with a width of 1.6 metres to the satisfaction of the Responsible Authority.

**Item 9.1 (cont'd)**

- j) The front fence setback a minimum of 1.5 metres from the front title boundary with the area between the fence and the title boundary to accommodate landscaping.
- k) The footprint of the basement reduced to allow a minimum of 20% site permeability. Detailed calculations must be provided to show this has been met.
- l) The main entrance, entrance hallway and associated path and walkway widened to a minimum of 2.5 metres.
- m) The window openings associated with the south facing recessed windows of dwellings G05, G06, G07, 106, 107, 206 and 305 increased in width to a minimum 1.2 metres.
- n) The substation relocated to the basement level or within the building envelope, with the residual area converted to landscaping and private open space to the satisfaction of the Responsible Authority.
- o) A free standing trellis above the northern and western boundary fences to ensure no unreasonable overlooking of adjoining habitable windows or private open space occurs from the deck areas of ground floor dwellings in accordance with Standard B22 of Clause 55.04-6 (overlooking).
- p) The north facing window and balcony of apartment 101 and the north facing window and balcony of apartment 201 screened in accordance with Standard B22 of Clause 55.04-6 (overlooking). The screening methods must be clearly delineated on the floor plans and elevations.
- q) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the neighbouring trees to the south of the site (at Unit 1/13 Vickery Street), at a radius of 1.0 metre from the southern boundary
- r) An annotation on the plans that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.

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

2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting within all open space areas of the site.

**Item 9.1 (cont'd)**

- (d) Landscaping in the 1.5 metre wide strip between the title boundary and the front fence
- (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:
  - 4 regular sized canopy trees within site frontage
  - 4 smaller trees along rear west boundary
  - 4 smaller trees along the side north boundary

Or 4 regular sized trees & 8 smaller tree species in locations to the satisfaction of the Responsible Authority.

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
4. Prior to the completion of the basement floor constructions, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the car park floor levels have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
5. Prior to the completion of the ramps to and within the basement car parks, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
6. The redundant vehicle crossings shown as reinstated on the endorsed plans must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
7. Prior to the occupation of the development, the vehicular crossover as shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority
8. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
9. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
10. 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.
11. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the neighbouring trees to the south of the site at a radius of 1.0 metres from the southern side boundary to define the 'tree protection zones'.

**Item 9.1 (cont'd)**

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.

12. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.
13. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around:
  - Street tree 01 – 2.0 metres
  - Street tree 02 – 2.0 metres
  - Street tree 03 – 2.0 metres
  - Street tree 04 – 2.0 metres

metres from the base of the trunks to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

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

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

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

**Item 9.1 (cont'd)**

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

15. No excavation is to come within:

- Street tree 01 – 1.4 metres
- Street tree 02 – 2.0 metres
- Street tree 03 – 1.4 metres
- Street tree 04 – 1.6 metres

of the existing street trees (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

16. This Permit will expire if:

- a) The development does not start within two (2) years from the date of this Permit; or
- b) 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.

17. 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.
18. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency;
  - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;

**Item 9.1 (cont'd)**

- (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (d) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (e) Hours for construction activity in accordance with any other condition of this permit;
  - (f) Measures to control noise, dust, water and sediment laden runoff;
  - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
19. 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.
20. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
21. Car parking must be allocated at the following rates:
- 1 and 2 bedroom dwellings – 1 car space per dwelling.
  - 3 or more bedroom dwellings – 2 car spaces per dwelling.
  - Visitors (residential) – 6 car spaces.

**Item 9.1 (cont'd)**

22. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat;
  - (d) drained;
  - (e) line-marked to indicate each car space and all access lanes;
  - (f) clearly marked to show the direction of traffic along the access lanes and driveways;
- to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
23. 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.
24. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.

**NOTES:**

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment. If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

**Item 9.1 (cont'd)**

- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 150mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. 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.
- F. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- G. 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.
- H. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- I. 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.
- J. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- K. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

**Item 9.1 (cont'd)**

**Crs Hyams/Magee**

**That Council:**

**Advises the Tribunal that if it had the power to determine the application it would have Issued a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28566/2015 allowing the construction of a three storey building comprising up to 39 dwellings above a basement car park, in accordance with the following Conditions:**

- 1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as P03-15, Sheets TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10 & TP11, Revision 1, dated October 2015 and prepared by Steller) but modified to show:**

**Car parking:**

- a) Provision of not less than one (1) visitor car space for every five (5) dwellings within the basement envelope.**
- b) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.**
- c) Provision of pedestrian sight triangles measuring 2.5 metres along the accessway and 2.0 metres along the property frontage on the northern side of the vehicle accessway. No objects greater than 600 millimetres in height can be located in these areas.**

**General:**

- d) The ground floor, first floor and second floor levels (including balconies) to be setback a minimum of 7 metres to the street. This includes the setback to any architectural feature element on the building's façade that is not excluded under Standard B6 of Clause 55.03-1 (Street setback objective). These changes are to be absorbed within the building envelope to the satisfaction of the Responsible Authority.**
- e) Deletion of the third floor level. This change to be absorbed within the building envelope to the satisfaction of the Responsible Authority.**
- f) The northern setback to the second floor level (including balconies) to be increased in order to meet compliance with the dimension requirements of Standard B17 of Rescode to the satisfaction of the Responsible Authority.**
- g) The western (rear) setback to the second floor level (including balconies) increased by a minimum 1 metre and absorbed within the building envelope. Any consequential changes must be to the satisfaction of the Responsible Authority.**

**Item 9.1 (cont'd)**

- h) The balconies of all dwellings are to be a minimum of 8 square metres with a width of 1.6 metres to the satisfaction of the Responsible Authority.**
- i) The front fence setback a minimum of 1.5 metres from the front title boundary with the area between the fence and the title boundary to accommodate landscaping.**
- j) The footprint of the basement reduced to allow a minimum of 20% site permeability. Detailed calculations must be provided to show this has been met.**
- k) The main entrance, entrance hallway and associated path and walkway widened to a minimum of 2.5 metres.**
- l) The window openings associated with the south facing recessed windows of dwellings G05, G06, G07, 106, 107 and 206 increased in width to a minimum 1.2 metres.**
- m) The substation relocated to the basement level or within the building envelope, with the residual area converted to landscaping and private open space to the satisfaction of the Responsible Authority.**
- n) A free standing trellis above the northern and western boundary fences to ensure no unreasonable overlooking of adjoining habitable windows or private open space occurs from the deck areas of ground floor dwellings in accordance with Standard B22 of Clause 55.04-6 (overlooking).**
- o) The north facing window and balcony of apartment 101 and the north facing window and balcony of apartment 201 screened in accordance with Standard B22 of Clause 55.04-6 (overlooking). The screening methods must be clearly delineated on the floor plans and elevations.**
- p) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the neighbouring trees to the south of the site (at Unit 1/13 Vickery Street), at a radius of 1.0 metre from the southern boundary**
- q) An annotation on the plans that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.**
- r) Site coverage to be a maximum of 60%. Detailed calculations must be provided to show this has been met.**

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

**Item 9.1 (cont'd)**

2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting within all open space areas of the site.
  - (d) Landscaping in the 1.5 metre wide strip between the title boundary and the front fence
  - (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:
    - 4 regular sized canopy trees within site frontage
    - 4 smaller trees along rear west boundary
    - 4 smaller trees along the side north boundary

Or 4 regular sized trees & 8 smaller tree species in locations to the satisfaction of the Responsible Authority.
3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
4. Prior to the completion of the basement floor constructions, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the car park floor levels have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
5. Prior to the completion of the ramps to and within the basement car parks, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
6. The redundant vehicle crossings shown as reinstated on the endorsed plans must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
7. Prior to the occupation of the development, the vehicular crossover as shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority

**Item 9.1 (cont'd)**

8. **Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.**
9. **The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.**
10. **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.**
11. **Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the neighbouring trees to the south of the site at a radius of 1.0 metres from the southern side boundary to define the 'tree protection zones'.**

**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.**

12. **The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.**
13. **Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around:**
  - **Street tree 01 – 2.0 metres**
  - **Street tree 02 – 2.0 metres**
  - **Street tree 03 – 2.0 metres**
  - **Street tree 04 – 2.0 metres**

**metres from the base of the trunks to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian**

**Item 9.1 (cont'd)**

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.

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

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

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

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

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

15. No excavation is to come within:

- Street tree 01 – 1.4 metres
- Street tree 02 – 2.0 metres
- Street tree 03 – 1.4 metres
- Street tree 04 – 1.6 metres

of the existing street trees (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

16. This Permit will expire if:

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

**Item 9.1 (cont'd)**

**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.**

- 17. 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.**
- 18. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:**
  - (a) Delivery and unloading points and expected frequency;**
  - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;**
  - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;**
  - (d) Any requirements outlined within this permit as required by the relevant referral authorities;**
  - (e) Hours for construction activity in accordance with any other condition of this permit;**
  - (f) Measures to control noise, dust, water and sediment laden runoff;**
  - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
  - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.**
- 19. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:**

**Item 9.1 (cont'd)**

(a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.

(b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.

(a) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.

(b) 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.

20. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

21. Car parking must be allocated at the following rates:

- 1 and 2 bedroom dwellings – 1 car space per dwelling.
- 3 or more bedroom dwellings – 2 car spaces per dwelling.
- Not less than one (1) visitor car space for every five (5) dwellings.

22. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

(g) constructed;

(h) properly formed to such levels that they can be used in accordance with the plans;

(i) surfaced with an all weather sealcoat;

(j) drained;

(k) line-marked to indicate each car space and all access lanes;

(l) clearly marked to show the direction of traffic along the access lanes and driveways;

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

**Item 9.1 (cont'd)**

23. 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.
24. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.

**NOTES:**

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.  
If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 150mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. 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.

**Item 9.1 (cont'd)**

- F. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.**
- G. 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.**
- H. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.**
- I. 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.**
- J. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.**
- K. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.**

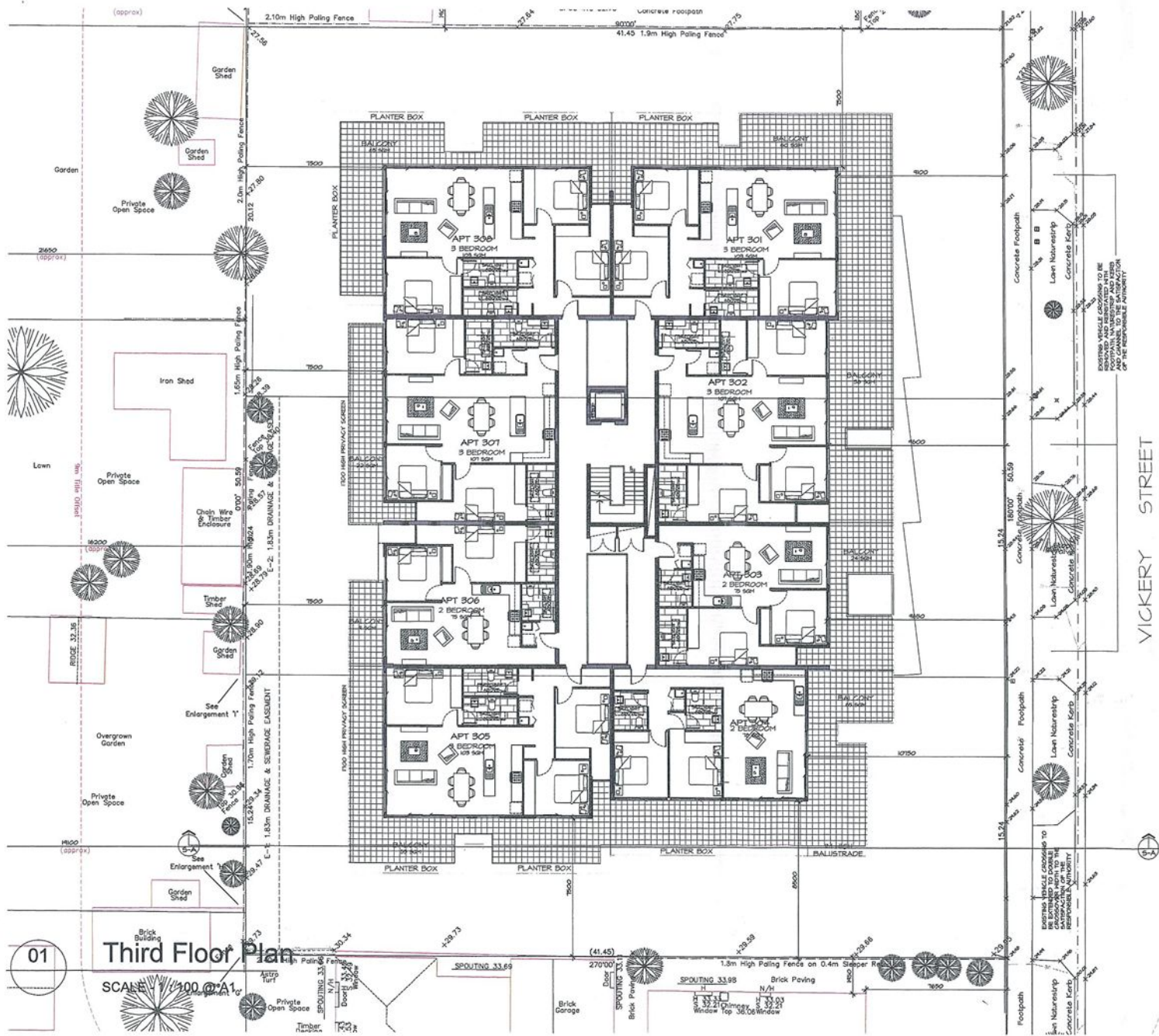
**The MOTION was put and CARRIED unanimously.**







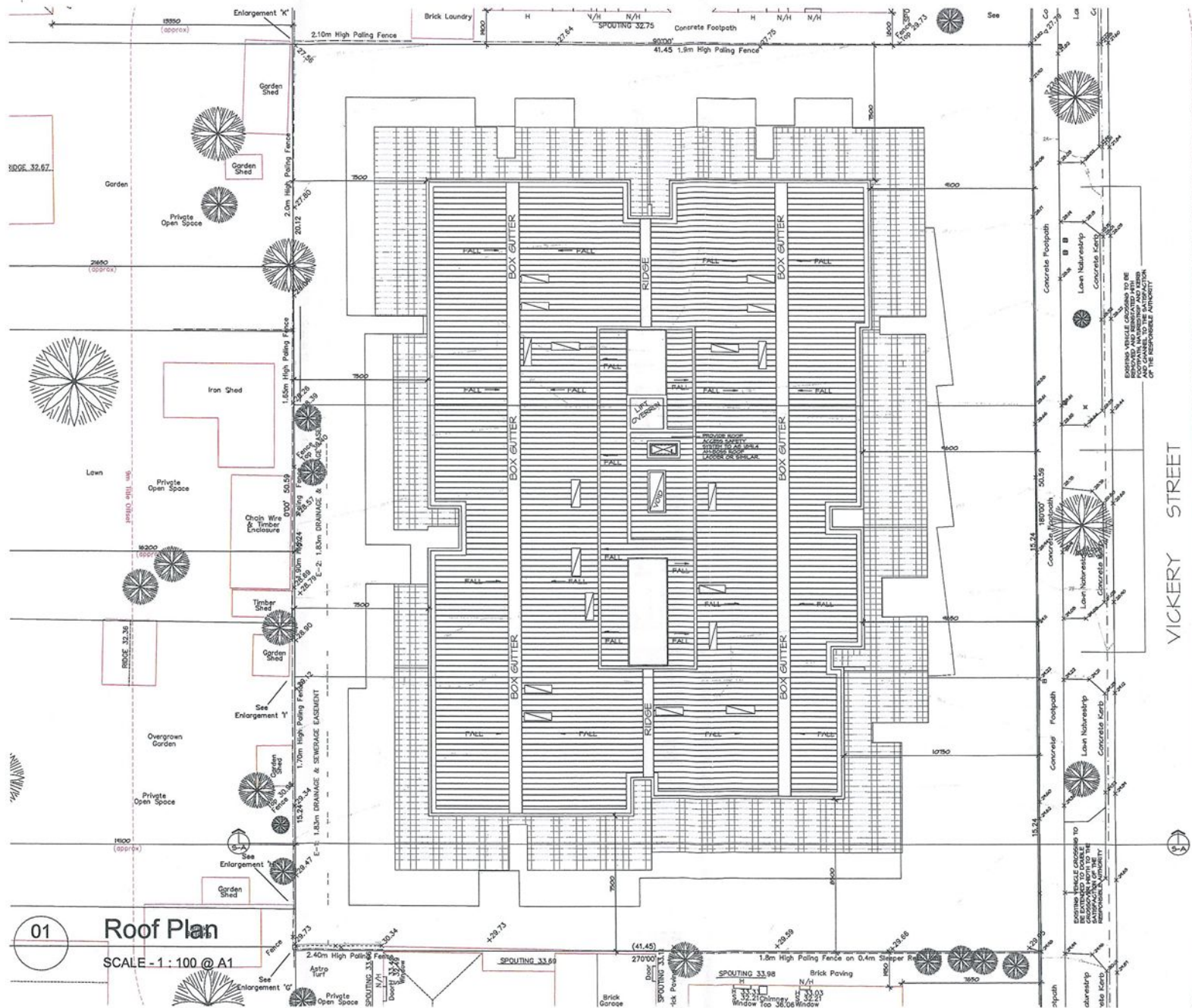




ALL HABITABLE ROOM WINDOWS AND BALCONIES EITHER BE FITTED WITH FIXED OBSCURE GLASS OR HAVE SILL HEIGHTS TO AT LEAST 1.3M IN HEIGHT ABOVE THE FINISHED FLOOR LEVEL OR HAVE PRIVACY SCREENS THAT WILL BE FIXED TO AT LEAST 1.3M IN HEIGHT ABOVE THE FINISHED FLOOR LEVEL THAT WILL NOT BE MORE THAN 25% TRANSPARENT, IN ACCORDANCE WITH STANDARD B22

GLEN SHAW CITY COUNCIL  
RECEIVED  
- 7 OCT 2015  
STATUTORY PLANNING  
DEPARTMENT

APPLICATION	
Project PROPOSED DEVELOPMENT AT 15 - 19 VICKERY ST BENTLEIGH VIC	
Title THIRD FLOOR	
Drawn PP	Date SEP 2015
Job No P03-15	Scale 1:100
Drawing No TP07	Revision No 1
STELLER	
MONTH/YEAR	



ALL HABITABLE ROOM WINDOWS AND BALCONIES EITHER BE FITTED WITH FIXED OBSCURE GLASS OR HAVE SILL HEIGHTS TO AT LEAST 1.1M IN HEIGHT ABOVE THE FINISHED FLOOR LEVEL, OR HAVE PRIVACY SCREENS THAT WILL BE FIXED TO AT LEAST 1.1M IN HEIGHT ABOVE THE FINISHED FLOOR LEVEL, THAT WILL NOT BE MORE THAN 25% TRANSPARENT, IN ACCORDANCE WITH STANDARD B22

EXISTING VEHICLE CARRIAGE TO BE REMOVED AND REPLACED WITH A CONCRETE DRIVEWAY AND CHANNEL TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY

GLENNIE COUNCIL  
RECEIVED  
- 7 OCT 2015  
STATUTORY PLANNING  
DEPARTMENT

### APPLICATION

Project  
**PROPOSED DEVELOPMENT AT  
15 - 19 VICKERY ST  
BENTLEIGH VIC**

Title  
**Roof Plan**

Drawn PP	Date SEP 2015
Job No POB-15	Scale 1:100

Drawing No TPOB	Revision No 1
--------------------	------------------

N NORTH	STELLER



1 West  
1:100



2 South  
1:100



1. PLANNING APPLICATION	OCT 15
REV. AMENDMENT	DATE

Project  
PROPOSED APARTMENTS  
15-19 VICKERY ST  
BENTLEIGH

Title  
ELEVATIONS

Drawn PP	Date OCT 2015
Job No PO3-15	Scale 1:100 @ A1

Drawing No TP09	Revision No 1
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1. PLANNING APPLICATION	OCT 15
REV. AMENDMENT	DATE

Project  
PROPOSED APARTMENTS  
15-19 VICKERY ST  
BENTLEIGH

Title  
ELEVATIONS

Drawn  
PP

Date  
OCT 2015

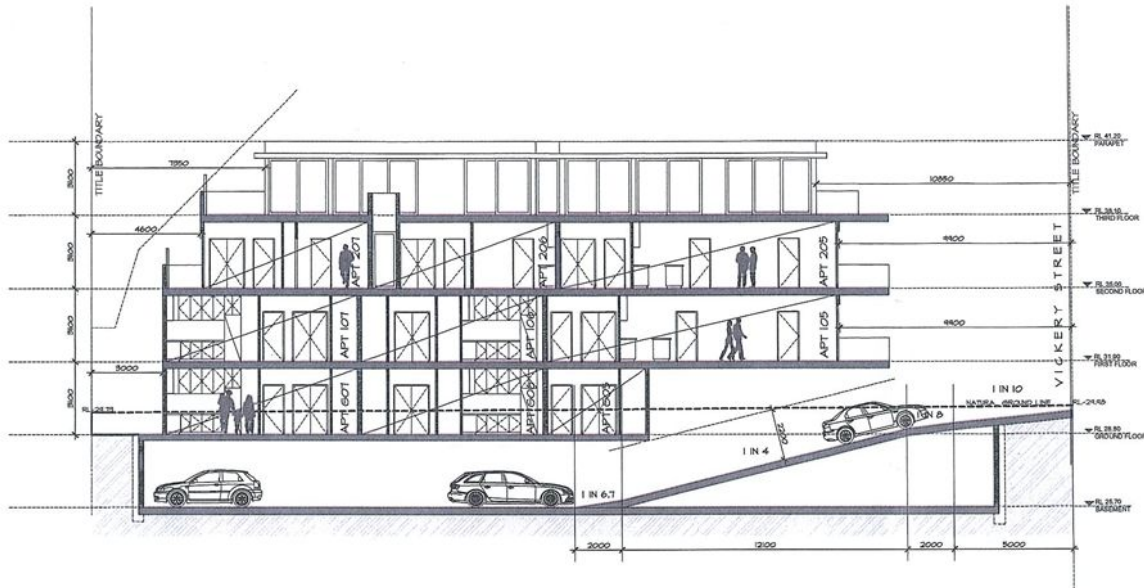
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PO3-15

Scale  
1:100 @ A1

Drawing No  
TP10

Revision No  
1

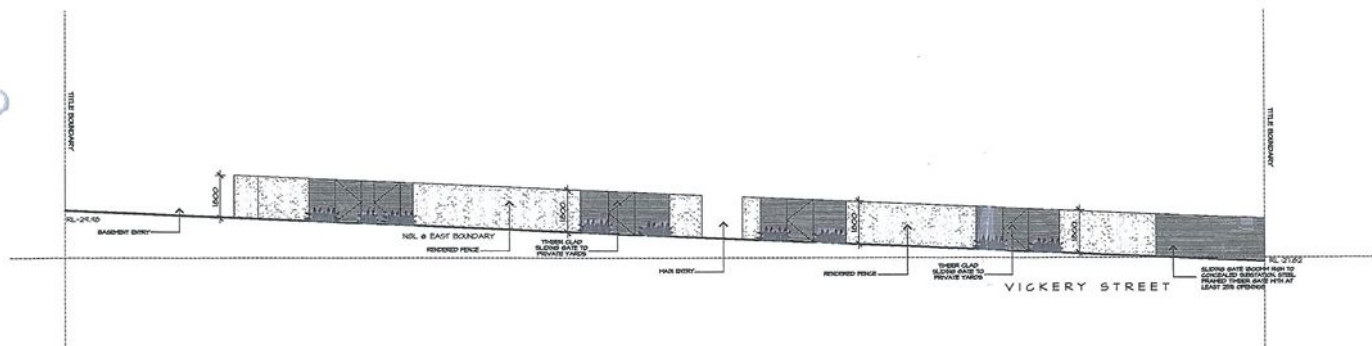




01

## Section AA

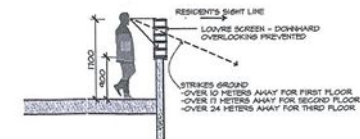
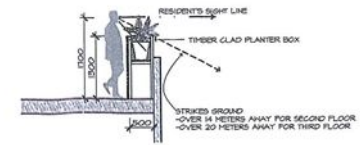
SCALE - 1 : 100 @ A1



02

## Front Fence Elevation

SCALE - 1 : 100 @ A1



03

## Privacy Details

SCALE - 1 : 50 @ A1

UNIT NO.	BEDROOMS	INTERNAL AREA (m <sup>2</sup> )	BALCONY (m <sup>2</sup> )	TOTAL
001	3	125	12	137
002	2	84	48	132
003	2	85	52	137
004	2	84	50	134
005	2	102	52	154
006	2	82	25	107
007	2	105	46	151
008	2	84	14	98
009	2	84	14	98
010	2	105	22	127
011	2	80	18	98
012	2	80	18	98
13		1182	611	1793

101	3	101	5	106
102	2	85	11	96
103	2	85	11	96
104	2	80	6	86
105	2	117	9	126
106	2	71	8	79
107	2	93	12	105
108	2	80	6	86
109	2	80	6	86
110	2	80	6	86
111	2	86	6	92
112	2	75	6	81
113	2	75	6	81
11		1111	115	1226

201	3	91	12	103
202	2	85	11	96
203	2	85	11	96
204	2	80	6	86
205	2	80	6	86
206	2	71	14	85
207	2	70	16	86
208	2	72	17	89
209	2	72	17	89
210	2	71	17	88
211	2	71	17	88
212	2	71	17	88
213	2	71	17	88
21		2007	251	2258

301	3	100	10	110
302	2	107	28	135
303	2	75	24	99
304	2	78	15	93
305	2	100	20	120
306	2	75	9	84
307	2	107	22	129
308	2	100	15	115
3		1003	200	1203
43		1300	975.2	2275.2

TOTAL PARTMENTS		AP (124.9 M <sup>2</sup> ) (134.2 M <sup>2</sup> )	
OVERALL FLOOR AREAS			SQM / N
LOCATION			1205
TOTAL SITE AREA			1314
TOTAL BUILDING FOOTPRINT			1314
BUILDING FOOTPRINT/ SITE AREA PERCENTAGE			100
HARD SURFACES (PAVING/ DRIVEWAYS)			335
TOTAL HARD SURFACES (INC. FOOTPRINT)			1649
PERMANENTLY OPEN SPACE			605



## APPLICATION

Project  
PROPOSED DEVELOPMENT AT  
15 - 19 VICKERY ST  
BENTLEIGH VIC

Title  
SECTION - FENCE ELEVATION  
DETAILS

Drawn  
PP  
Job No  
POS-15  
Date  
SEP 2015  
Scale  
1:100

Drawing No  
TP11  
Revision No  
1



## Item 9.2

**103A GARDENVALE, GARDENVALE**  
**APPLICATION NO. GE/PP-28050/2015**

**File No: GE/PP-28050/2015**  
**Enquiries: Rocky Camera**  
**Acting Manager Statutory Planning**



APPLICATION SUMMARY	
---------------------	--

<b>PROPOSAL</b>	Four (4) storey building containing an office and six (6) dwellings.
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions requiring deletion of third floor level and screening
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Car Parking</li> <li>• Neighbourhood Character</li> <li>• Impact on adjoining properties</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	<ul style="list-style-type: none"> <li>• Housing Diversity Area (Local Centre)</li> </ul>
<b>APPLICANT</b>	Keen Planning
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone</li> <li>• Special Building Overlay</li> </ul>
<b>EXISTING LAND USE</b>	Shop
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 7 properties notified</li> <li>• 8 notices sent (owners and occupiers)</li> <li>• 1 sign erected on site</li> <li>• 41 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$1506.00

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28050/2015 allowing the construction of a three (3) storey building containing an office and four (4) dwellings on land affected by the Special Building Overlay in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne
- ResCode (as a guideline under the Commercial 1 Zone)

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

- All written objections and matters raised at the planning conference
- Council's MSS
- ResCode (as a guideline under the Commercial 1 Zone)
- Other relevant considerations of the planning scheme

The key issues influencing the recommendation are as follows:

Background

The current application under consideration is an amended application. The application that was previously lodged with Council on 29 May 2015 proposed to construct a five storey building containing an office, six dwellings and communal roof terrace and reduction of car parking requirements associated with the dwellings, office and visitors. This application was amended before a decision was made.

**Item 9.2 (cont'd)**

The current amended application was lodged on 30 September 2015. It modified the proposal by deleting the communal roof terrace (fourth floor), modifying the bedroom numbers of the dwellings and increasing the setbacks to the rear. The application was amended by the applicant in an attempt to address concerns raised by objectors.

The majority of objections were lodged before the application was amended. These objections remain valid and must be considered when making a decision.

State and Local Planning Policy

State policy encourages urban consolidation in and around activity centres with good access to public transport and other services and facilities. The site is in a strategic location with good access to public transport and services. The provision of a commercial use at ground floor with residential above is also strategically supported. As such, it is acknowledged that the site is suitable for development. However, it is considered that the uppermost level (third floor) is not in keeping with the immediate surrounds of the site.

Whilst there has been some redevelopment in the area (of up to four storeys), these developments are on larger sites with less sensitive interfaces. As such, it is considered appropriate that the uppermost level (containing two dwellings) be deleted. This forms a recommended condition.

Parking and Traffic

State Government guidelines suggest 10 on site spaces for the proposal based on 1 car space per 2 bedroom dwelling, 2 spaces per 3 bedroom dwelling, 2 spaces for the office and 1 visitor car parking space. The proposal provides for the required residential spaces, but does not include any visitor space and only provides for one (1) space for the office.

Given the recommended condition above to delete to top level, the required car parking rate is reduced to seven spaces. Council's Transport Planning Department has advised that at least one of the two car spaces allocated to the office must be provided for disabled persons.

On-site Amenity

It is considered that the dwellings on both the first and second floor will enjoy a reasonable level of amenity given that each dwelling is over 100 square metres in area and all bedrooms/living areas have access to natural daylight. Each dwelling has also been provided with sufficient balcony areas.

Whilst it is acknowledged that two of the dwellings contain south-facing balconies, this is considered acceptable given the orientation of the land.

Amenity Impacts to Adjoining Properties

The most sensitive interface of the development is to the south and south east. These abutments contain dwellings. The deletion of the top level will reduce the visual bulk and overshadowing impacts to these sensitive interfaces.

**Item 9.2 (cont'd)**

As the land is subject to flooding Melbourne Water requires that the finished floor level for the building must be raised by 5mm and the car stackers must be raised 20mm. Given the recommended deletion of the top level, it is considered that these changes can adequately be accommodated without resulting in any unreasonable impacts onto adjoining properties.

In order to avoid unreasonable overlooking, a condition forms part of the recommendation requiring screening to be provided to the south facing first and second floor balconies (to both southern and eastern sides).

It is also considered appropriate to modify the finishes on the eastern side of the building given the all-white finishes proposed are not considered to adequately intergrate with the residential context to the south and east. This forms a condition of approval.

**Management Plan Requirements**

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

A Car Stacker System Management Plan (CSSMP) is required. A condition has been included in the Appendix outlining the requirements of the CSSMP.

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

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

**ADDRESS: 103A Gardenvale Road, Gardenvale**  
**APPLICATION NO: GE/PP-28050/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Basement containing storage areas, bicycle parking, services and lift
- Ground floor containing office tenancy and pedestrian entrance/lobby.
- First floor level containing 2 x 2 bedroom dwellings
- Second floor level containing 1 x 2 bedroom dwelling and 1 x 3 bedroom dwelling
- Third floor level containing 2 x 2 bedroom dwellings
- 2 x car stackers to the rear of the site accessed from the rear lane (8 car spaces provided in total, 7 allocated to the dwellings, 1 allocated to the office tenancy).
- Each dwelling is provided with either a north or south facing balcony.

**2. Public Notice**

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

The objectors' concerns are summarised as follows:

- Car parking
- Excessive bulk/mass/scale
- Streetscape
- Overlooking
- Design
- Neighbourhood character
- Privacy
- Amenity impacts
- Noise
- Inadequate information
- Overshadowing
- Inadequate rear setbacks
- Inappropriate use of the laneway
- Pedestrian safety and visibility

**3. Referrals**

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

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

- Require 2 car parking spaces for the office use.
- One of the office spaces must be provided for disabled persons.
- The ground floor posts setback a minimum of 2.5 metres from rear laneway.

*Melbourne Water*

Does not object to the application subject to various conditions including modified floor levels.

**4. Planning Conference**

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

- Overshadowing
- Overlooking
- 4 storeys not in keeping with the streetscape (3 storeys more appropriate)
- Waste Management
- Traffic & Parking

**Undertakings by the Applicant**

- Willing to screen balconies to the rear

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as 'Mixed Use Development 103A Gardenvale Road', Job No. 15-006, TP01-09, Revisions A & B, dated April 2015, prepared by Finnis Architects) but modified to show:

**Built Form**

- (a) Deletion of the third floor (uppermost level) with this change absorbed within the remainder of the building envelope.
- (b) The south facing balconies to be screened in accordance with Standard B22 of Clause 55.04-6 (overlooking) on the southern and eastern sides. The screening methods must be clearly delineated on the floor plans and elevations.
- (c) The external finish along the eastern elevation modified to a mixture of more muted finishes/materials to the satisfaction of the Responsible Authority.
- (d) The ground floor finished floor level of the building must be modified to be no lower than 8.32 metres to Australian Height Datum. (*Condition required by Melbourne Water*)

**Item 9.2 (cont'd)**

- (e) The finished floor levels of the carlift must be modified to be no lower than 8.32 metres to Australian Height Datum. *(Condition required by Melbourne Water)*

**Parking**

- (f) The car stacking arrangement to the rear modified to provide for a minimum of five (5) residential spaces and two (2) spaces allocated to the office. One of the car spaces allocated to the office must be provided for disabled persons. The design of the disabled car space must accord with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia to the satisfaction of the Responsible Authority.
- (g) The ground floor posts setback a minimum of 2.5 metres from the rear (southern) boundary to the satisfaction of the Responsible Authority.
- (h) The car stacker spaces (the residential spaces and one allocated to the office) modified to have a minimum usable platform width of 2.6 metres and at least 25% must accommodate a vehicle height of 1.8 metres, with this noted on the plans.
- (i) The dimensions of the car stacker and car stacker spaces to be clearly indicated on the car park layout plans, including the section plan/s (space widths and lengths, clear platform widths and lengths, space heights, pit depths, height clearances, etc).
- (j) The pedestrian access between the car parking and the office to be no steeper than 1:14 and a minimum of 1 metre in width with this annotated on the plans.
- (k) A height clearance of 4 metres must be maintained between the ground floor and the upper floor without being canter levered (no support columns in this area)
- (l) The verandah/canopy facing Gardenvale Road setback a minimum of 750mm from the face of the kerb. The setback must be dimensioned onto the plans.

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

2. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways. *(Condition required by Melbourne Water)*
3. The layout of the site and size, design and graded ground of the water storage as shown on the TP17 Revision B dated 1/12/2015 must not be altered without prior written consent from Melbourne Water. *(Condition required by Melbourne Water)*
4. Finished floor levels of the building must be constructed no lower than 8.32 metres to AHD. *(Condition required by Melbourne Water)*
5. Finished floor levels of the carlift must be constructed no lower than 8.32 metres to AHD. *(Condition required by Melbourne Water)*
6. A minimum volume of 21.3 metres cubed calculated to the height of the applicable flood level of 8.02 metres to AHD is required on site for the purpose of flood storage. *(Condition required by Melbourne Water)*

**Item 9.2 (cont'd)**

7. The subfloor area of the carlift must be kept open and free of debris and other obstructions to allow for the storage of flood water. *(Condition required by Melbourne Water)*
8. Imported fill must be kept to a minimum on the property and must only be used for the subfloor areas of the building and carlift. *(Condition required by Melbourne Water)*.
9. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land *(Condition required by Melbourne Water)*.
10. 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 *(Condition required by Melbourne Water)*.
11. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.

12. 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.

13. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

15. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

**Item 9.2 (cont'd)**

16. The car parking allocation for the approved development must be:
- Not less than one (1) car space per one or two bedroom dwelling;
  - Not less than two (2) car spaces per three bedroom dwelling;
  - Not less than two (2) car spaces for the office use.
17. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
  - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
  - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
  - (d) Details for best practice waste management once operating.
- Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
18. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) delivery and unloading points and expected frequency;
  - (b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

**Item 9.2 (cont'd)**

- (d) any requirements outlined within this permit as required by the relevant referral authorities;
  - (e) hours for construction activity in accordance with any other condition of this permit;
  - (f) measures to control noise, dust, water and sediment laden runoff;
  - (g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (h) any construction lighting to be baffled to minimise intrusion on adjoining lots.
19. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a Car Stacker System Management Plan (CSSMP) including but not limited to the following:
- (a) Allocation of car spaces according to vehicle size and type;
  - (b) Ongoing maintenance of the car stacker system;
  - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
  - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

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

20. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
21. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
22. Prior to the completion of the car stacker pits, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the pit has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
23. Prior and after the completion of the ramp to the car park, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramp is and has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)

**Item 9.2 (cont'd)**

24. 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.
25. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note H.

**Notes:**

- A. The applicable flood level is 8.02 metres to Australian Height Datum (AHD). *(Note required by Melbourne Water)*
- B. For the purpose of the Building Code of Australia- Building in Flood Hazard Areas, Melbourne Water has determined that during a flood event that has a probability of occurrence of 1% in any one year, the maximum flow rate of flood water (velocity) will be below 1.5 metres per second. *(Note required by Melbourne Water)*
- C. Please note that flooding may be associated with the Melbourne Water regional drainage system and/ or the local Council drainage systems. Melbourne Water does not have any information in relation to flow velocities associated with the local Council drainage system. *(Note required by Melbourne Water)*
- D. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 192666. *(Note required by Melbourne Water)*
- E. 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.

- F. 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.
- G. 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.

**Item 9.2 (cont'd)**

- H. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- I. 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.
- J. 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.
- K. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- L. The proposed development abuts a Right of Way that was constructed for commercial purposes. Commercial uses still utilise the Right of Way therefore residents of the development should not expect the same access opportunities as a typical local street.
- M. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

**Crs Delahunty/Lipshutz**

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

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

# TOWN PLANNING

#. AMENDMENT DATE  
A COUNCIL RFI 04.08.2015

PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

DRAWING:  
BASEMENT

Contractors must verify all dimensions on site before  
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CREATION DATE:  
APRIL 2015  
JOB NO.

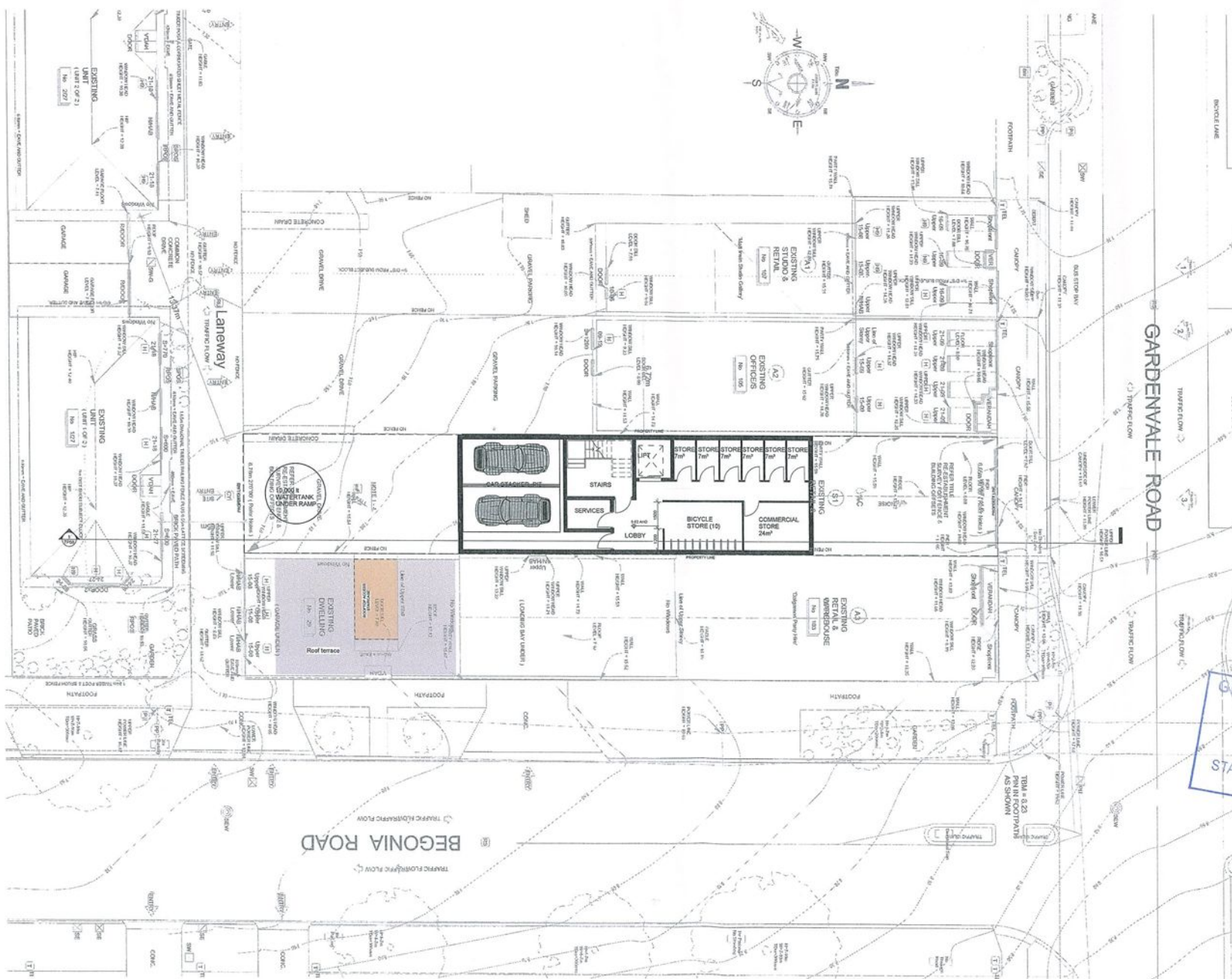
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SCALE:  
1:100  
AUTHOR:  
DYH



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P | +613 9948 9900 F | +613 9090 2281

DRAWING NO:  
**TP01**

REV:  
**A**



# TOWN PLANNING

#	AMENDMENT	DATE
A	Traffic Ramp Amendment	26.05.2015
B	COUNCIL, RPI	04.08.2015

PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

DRAWING:  
GROUND FLOOR PLAN

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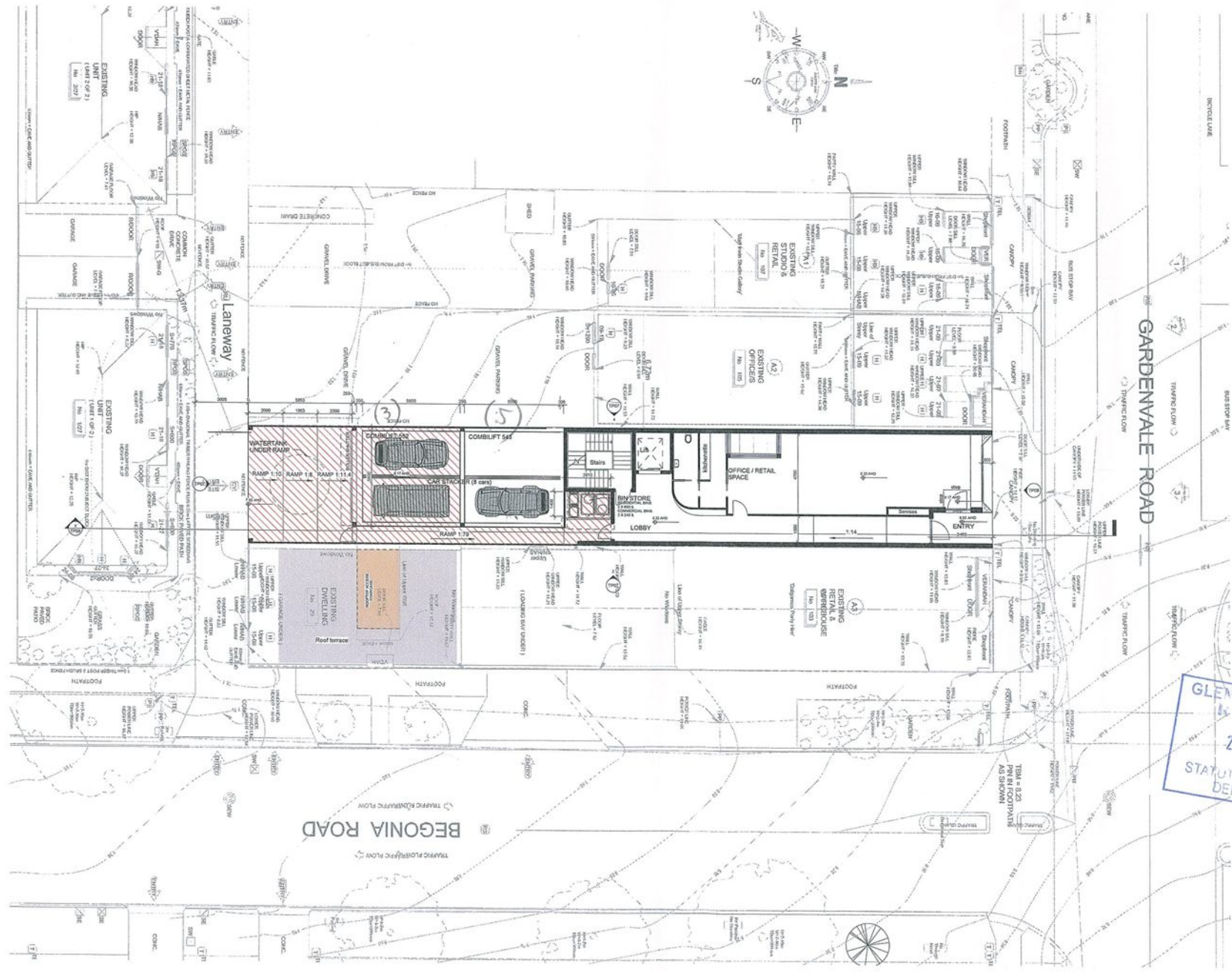


CREATION DATE:  
APRIL 2015  
JOB NO.  
15-006  
SCALE:  
1:100  
AUTHOR:  
DYH



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DRAWING NO:  
**TP02**  
REV:  
**B**



#.	AMENDMENT	DATE
A	COUNCIL RFI	04.08.2015
B	STUDY NOTE ADDED	17.11.2015

DRAWING:  
FIRST FLOOR PLAN

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DAY	
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GLENN COUNTY COUNCIL  
RECEIVED  
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STATUTORY PLANNING  
DEPARTMENT

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B

# TOWN PLANNING

#.	AMENDMENT	DATE
A	COUNCIL RFI	04.08.2015

PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

DRAWING:  
SECOND FLOOR PLAN

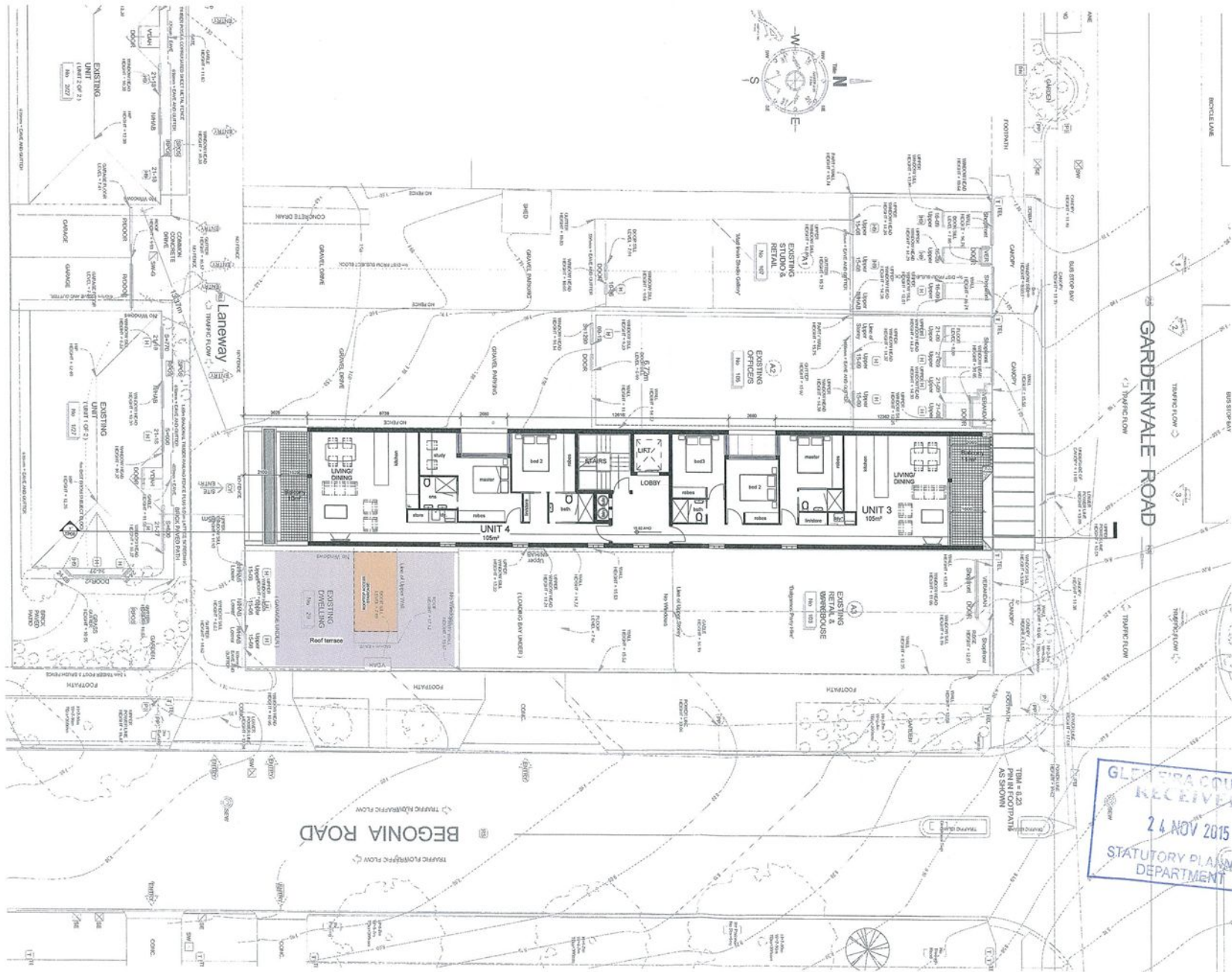
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JOB NO:  
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SCALE:  
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AUTHOR:  
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DRAWING NO:  
**TP04**  
REV:  
**A**

GLENSIDE COUNCIL  
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STATUTORY PLANNING  
DEPARTMENT



# TOWN PLANNING

#.	AMENDMENT	DATE
A	COUNCIL RFI	04.09.2015
B	STUDY NOTE ADDED	17.11.2015



PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

DRAWING:  
THIRD FLOOR PLAN

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APRIL 2015

JOB NO:

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SCALES:

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AUTHOR:

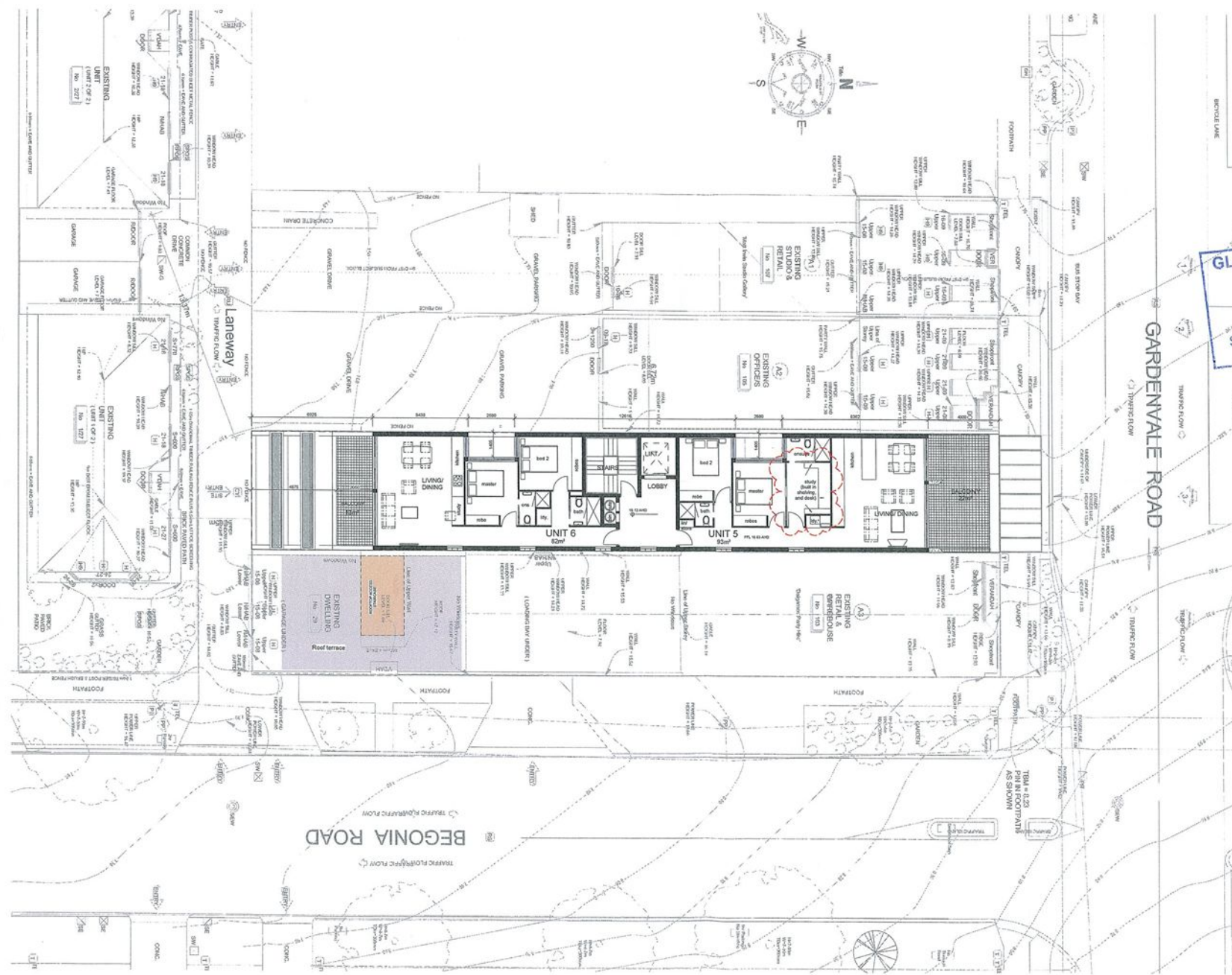
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DRAWING NO:  
TP05

REV:

B



# TOWN PLANNING

R. AMENDMENT DATE  
A. COUNCIL REF 04.09.2015



PROJECT:  
Mixed Use Development,  
103a Gardenvale Road, Gardenvale

DRAWING:  
ROOF PLAN

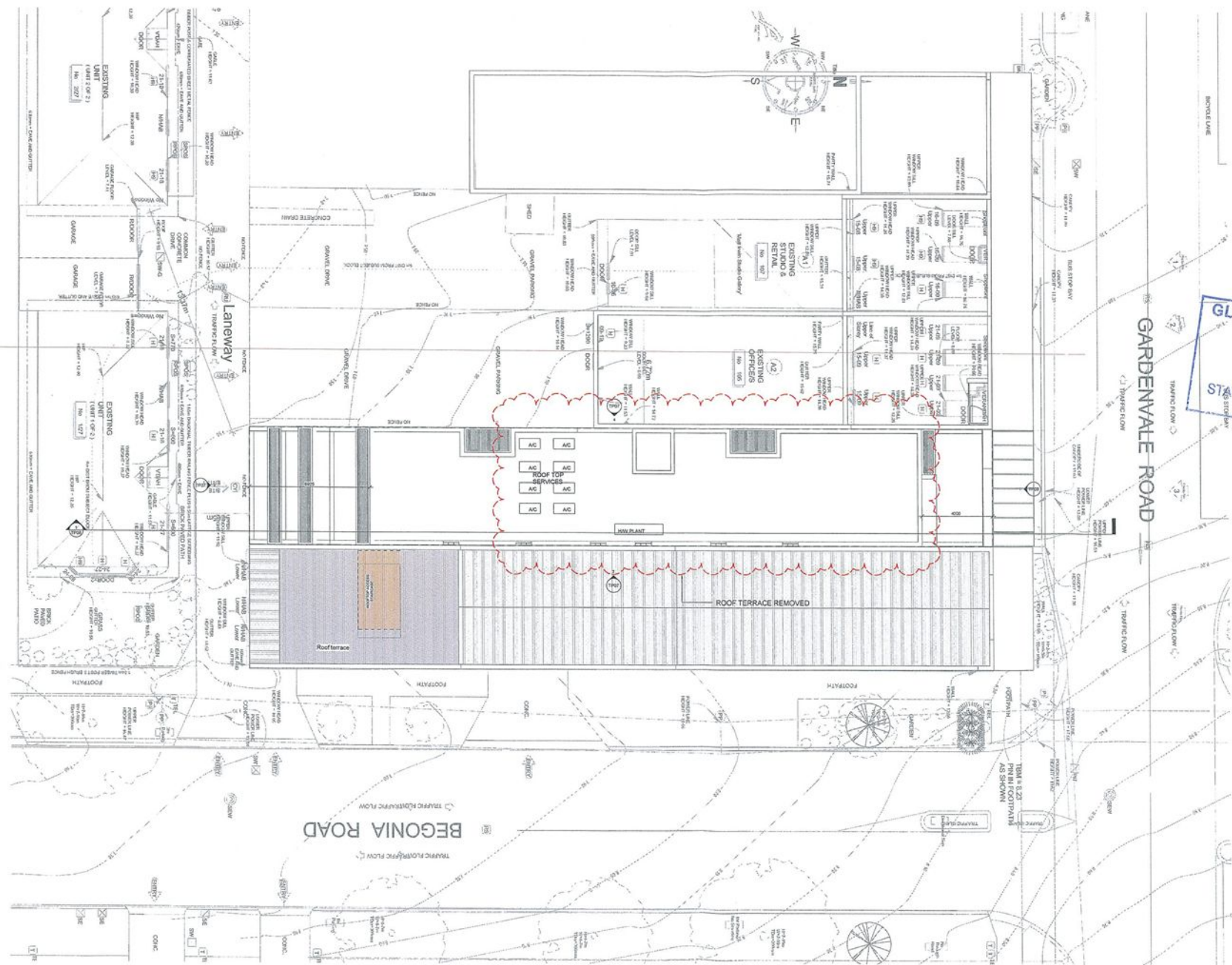
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JOB NO:  
15-006  
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1:100 @A1  
AUTHOR:  
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DRAWING NO:  
**TP06**  
REV:  
**A**



# TOWN PLANNING

#.	AMENDMENT	DATE
A	COUNCIL RFI	04.08.2015



PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

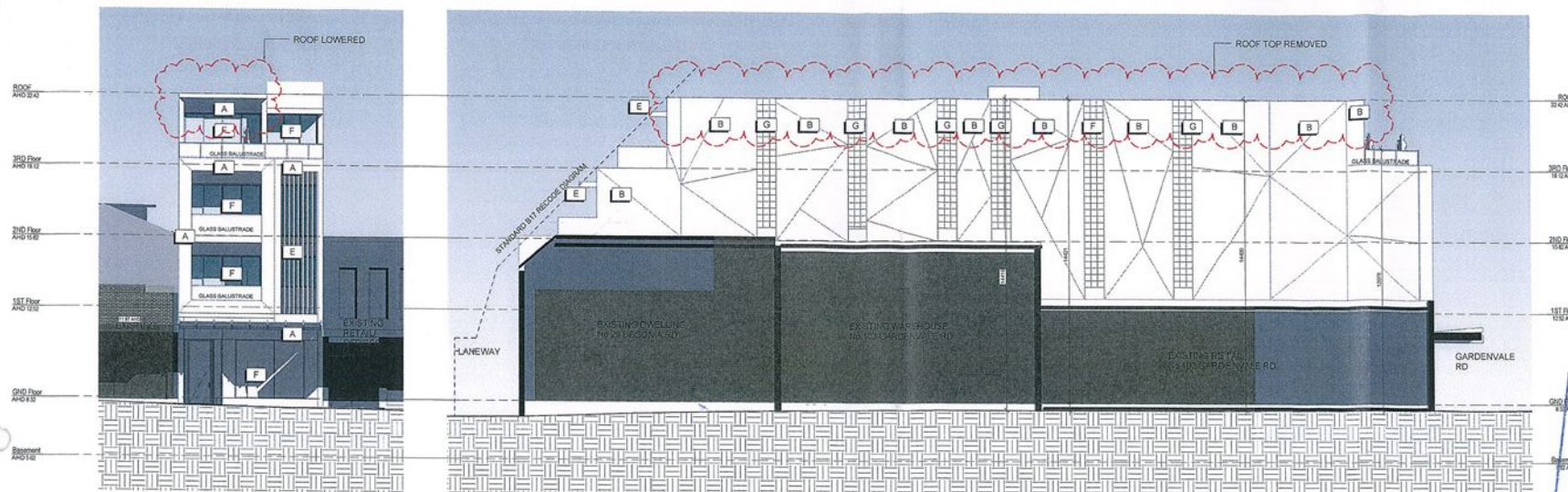
DRAWING:  
ELEVATIONS

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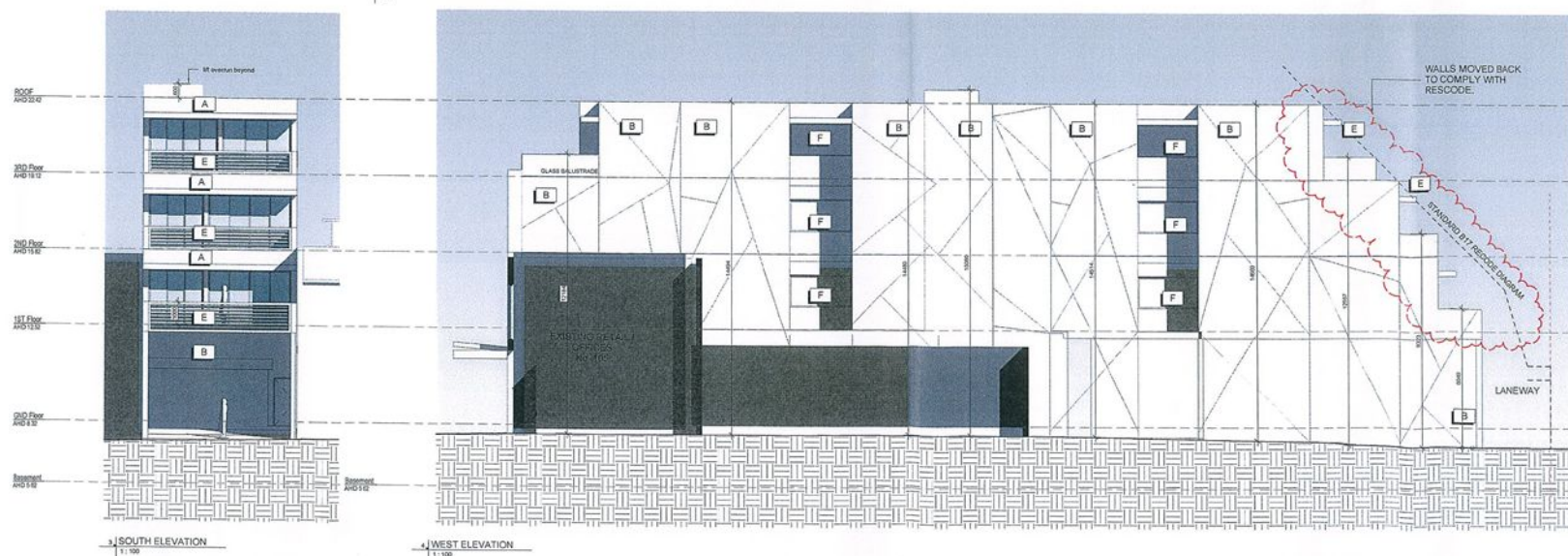
CREATION DATE:  
APRIL 2015  
JOB NO:  
150-155-006  
1510-006  
AS INDICATED  
AUTHOR: @A1  
DYH

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DRAWING NO:  
**TP07**  
REV:  
**A**



EXTERNAL FINISHES LEGEND  
1:1



# TOWN PLANNING

#.	AMENDMENT	DATE
A	Traffic Ramp Amendment	26.05.2015
B	COUNCIL RPT	04.08.2015



PROJECT:  
Mixed Use Development  
103a Gardenvale Road, Gardenvale

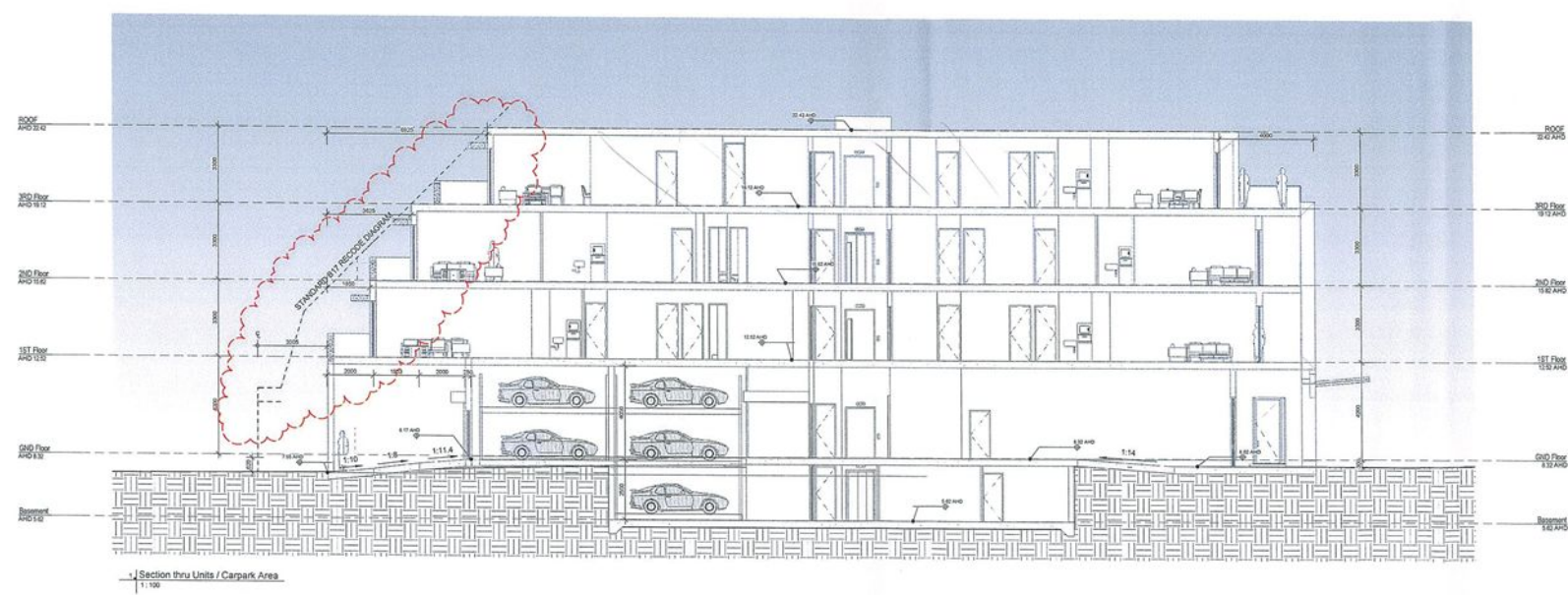
DRAWING:  
SECTION

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CREATION DATE:  
APRIL 2015  
JOB NO:  
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SCALE:  
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AUTHOR:  
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DRAWING NO:  
**TP08**  
REV:  
**B**



## Item 9.3

652-654 GLEN HUNTLY ROAD,  
CAULFIELD SOUTH  
APPLICATION NO. GE/PP-28540/2015

Enquiries: Rocky Camera  
Acting Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Five storey building comprising ground floor retail and car parking with 15 dwellings
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions: <ul style="list-style-type: none"> <li>• Deletion of the fourth floor</li> <li>• Increased setbacks from southern boundary</li> <li>• Reduction in the number of dwellings to twelve (12)</li> <li>• A minimum of one (1) visitor parking space</li> </ul>
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Neighbourhood character</li> <li>• Amenity impacts and transition to residential area</li> <li>• Car parking and traffic</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	<ul style="list-style-type: none"> <li>• Housing Diversity Area Policy</li> </ul>
<b>APPLICANT</b>	D & I Property Investments Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone</li> </ul>
<b>EXISTING LAND USE</b>	Shop and offices
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 9 properties notified</li> <li>• 41 notices sent (owners and occupiers)</li> <li>• 3 signs erected on site</li> <li>• 7 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$ 1153

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Permit for Application No. GE/PP-28540/2015 allowing for a four storey building comprising ground floor retail and car parking with 12 dwellings, reduction of car parking requirements for visitors and the retail use and waiver of loading bay requirements in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne
- ResCode (as a guideline under the Commercial 1 Zone)
- Guidelines for Higher Density Residential Development (State Government)

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

Zoning and Context

The subject site is located within the Commercial 1 Zone. The properties immediately to the east and west have the same zoning. The area to the south along Imperial Avenue is located in the Neighbourhood Residential Zone. This zone restricts density to no more than two dwellings and applies a mandatory maximum height limit of 8 metres.

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

**Item 9.3 (cont'd)**

Planning policy places a strong emphasis on creating vibrant activity centres whilst ensuring protection of amenity of the surrounding area and the provision for transition in built form to neighbouring residential properties.

**Amenity impacts and transition to Neighbourhood Residential Zone**

The proposed development at 5 storeys in height is larger than other buildings which have recently been constructed along Glen Huntly Road. However, in this instance the fourth floor has a significantly reduced footprint (relative to the other floors) and only contains a single dwelling.

Whilst the fourth floor is significantly setback from the adjoining dwellings to the south, the deficiency in visitor car parking dictates a reduction in the overall dwelling yield. As a consequence the dwelling at the fourth floor level is required to be deleted. A reduction in the extent of built form is also required at third floor to ensure that the development provides an appropriate transition onto the adjoining dwellings to the south. This change will necessitate the deletion of one dwelling. These changes form recommended conditions.

The development has been designed so that it does not unreasonably overlook neighbouring residential properties. South facing balconies and habitable room windows at first and second floor levels are provided with screening to 1.7m above floor level. Conditions will require further detail on the plans to ensure that all screening treatments are fixed and obscured. The third floor is setback in excess of 9 metres from the existing dwellings at 1-3 Imperial Avenue therefore do not require screening under the State Government guidelines.

Overshadowing impacts from the proposed development comply with the State Government guidelines. There is an existing north facing habitable window of the dwelling directly to the south (1/1-3 Imperial Avenue) that may be impacted by the development. In order to maintain the amenity of the existing dwelling to the south increased setbacks are recommended at second floor. This will necessitate the deletion of 'Apartment 205'.

**Car parking and traffic**

The existing building currently has a splay in the north-west corner of the site which provides sightlines for pedestrians. The proposed 'Shop 3' at ground floor removes this splay however Council's Transport Planning Department recommend that the corner splay be retained for pedestrian safety. This forms a recommended condition.

In order to ensure vehicles movements within the laneway are safe and maintain sufficient sightlines with pedestrians a condition will require a splay to be provided in the south west corner of the property where the laneway meets the eastern footpath of Imperial Avenue.

Each dwelling provided with a single car space in a stacker arrangement in accordance with the State Government guideline (one car space per one or two bedroom dwelling). The shop component at ground floor generates a parking demand for 7 car parking spaces based on a total area of 180m<sup>2</sup>. Council's Transport Planning Department have recommended 1 car space be provided for each individual shop (3 total) which has been accommodated within the development.

**Item 9.3 (cont'd)**

Transport Planning requires at least 2 visitor car parking spaces be provided on site for the dwelling. The recommended conditions discussed above require the deletion of the fourth floor level and increased setbacks be provided at second and third floor levels from the south boundary. These changes result in a loss of three dwellings. Based on the reduced dwelling yield, Council's Transport Planning Department require one visitor space be provided. This forms a recommended condition within the appendix.

Council's Transport Planning Department advise that the existing shop on the site does not benefit from any loading facilities. Given the size of the proposed shops on the site, the loading could realistically be undertaken within the car parking area provided on the site, or alternatively for larger vehicles, on Glen Huntly Road, during the early morning or evening periods.

Bicycle parking is located in within the car park. However it is unclear whether the requirements for bicycle facilities under the planning scheme have been satisfied. A condition will require that further details are provided.

**Management Plan Requirements**

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

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

A Car Stacker System Management Plan (CSSMP) is required. A condition has been included in the Appendix outlining the requirements of the CSSMP.

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

**ADDRESS: 652-654 GLEN HUNTLY ROAD, CAULFIELD SOUTH**  
**APPLICATION NO: GE/PP-28540/2015**

**1. Proposal**

Features of the proposal include:

- Demolition of all existing buildings
- Construction of a five storey mixed use building comprising 15 x two bedroom dwellings and 180m<sup>2</sup> ground floor retail area (3 x 60m<sup>2</sup> tenancies)
- Ground floor car parking for 18 vehicles (17 within car stackers and 1 at grade)
- 3 bicycle spaces at ground floor
- Vehicle access via the rear laneway from Imperial Avenue
- Pedestrian access from Imperial Avenue
- Maximum building height of 16.8 metres

**2. Public Notice**

- 9 properties notified
- 41 notices sent (owners and occupiers)
- 3 signs erected on site
- 7 objections received

The objectors' concerns are summarised as follows:

- Height and scale of building fails to respect neighbourhood character and residential amenity
- Impacts to approved development at 650 Glen Huntly Road
- Loss of amenity and privacy due to rear facing balconies
- Loss of sunlight to front courtyards of 1-3 Imperial Avenue
- The building will be visually dominant and overbearing
- The proposed increased in density is excessive
- Poor transition in height and setbacks to residential area
- Overlooking and overshadowing
- Traffic congestion – street parking is already inadequate
- Visitor parking should be provided for the development
- Waiver of loading bay requirements will cause congestion
- Noise from ground floor car park
- Loss of sunlight to north facing windows
- Waste collection will be difficult
- Car park lighting
- Potential for damage to existing fencing
- Design is not sustainable

**3. Referrals**

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

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

- The existing splay at the north-west corner of the site should be maintained to provide adequate sight lines for pedestrians.
- A minimum triangular splay of 1.5m x 1.5m should be provided on the south-west corner of the site.
- The majority (at least 2) of the residential visitor parking requirement should be accommodated on-site. If the dwelling yield is reduced to 12, then one visitor space is acceptable.
- Residents of the development would be ineligible for on-street parking permits.
- The at-grade retail parking space should be designed as a disabled space.

Waste Services

- The submitted Waste Management Plan (WMP) has been reviewed and it is considered that the waste volumes for the residential component of the development are low enough to ensure Council can provide waste collection services.
- A private contractor should be engaged for the retail component of the development.

Park Services

- The existing ornamental Ficus tree within the planting pit located within the footpath shows good health and structure. The tree also forms part of the shopping strip avenue for this section of Glen Huntly Road and should be retained and protected during construction.

**4. Planning Conference**

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

- The density, mass and scale of the development are not appropriate for this Neighbourhood Centre
- The height at 5 storeys, is greater than any existing developments in the area
- Overlooking from south facing balconies into front private open space of 1/1-3 Imperial Avenue
- Overshadowing and loss of sunlight
- Development is not respectful of single storey dwellings in Imperial Avenue
- The development would detract from neighbourhood character and the streetscape
- The building would appear visually bulky and dominant within Imperial Avenue
- The parking demand exceeds the supply within Imperial Avenue
- The development fails to provide adequate car parking
- Noise from car stackers and the roller door
- The proposed development is contrary to the objectives of policy
- Loading bay requirements should not be waived
- Traffic congestion within the laneway and Imperial Avenue
- Bins should not be placed on the nature strip

**Item 9.3 (cont'd)**

- The development should be limited to 3 storeys in height, consistent with the approved development opposite at 650 Glen Huntly Road

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as SK3/A, SK3/B, SK3/C, SK3/D, SK3/E, SK3/F, SK3/6A, SK3/7A dated November 2015 prepared by Avi Milder Architects) but modified to show:
  - (a) Deletion of the fourth floor.
  - (b) The third floor setback a minimum of 13.5m from the southern boundary and the residual built form consolidated with 'Apartment 303'. Any consequential changes must be to the satisfaction of the Responsible Authority.
  - (c) The second floor setback a minimum of 7.5m from the southern boundary and the residual built form consolidated with 'Apartment 204'. Any consequential changes must be to the satisfaction of the Responsible Authority.
  - (d) Notations stating that screening to all south facing terraces and habitable room windows will be fixed and obscured to a minimum of 1.7m above finished floor level.
  - (e) The building (excluding verandah) wholly contained within the title boundaries.
  - (f) A splay measuring a minimum of 1.0m x 1.0m provided in the north-west corner of the site at ground floor.
  - (g) A splay measuring a minimum of 1.5m x 1.5m provided in the south-west corner of the site at ground floor.
  - (h) Bicycle parking provided for residents and visitors in accordance with Clause 52.34 (Bicycle Facilities).
  - (i) The at-grade car space designed to be accessible for disabled persons in accordance with AS2890.6. Any consequential changes must be to the satisfaction of the Responsible Authority.
  - (j) The pedestrian access between the car spaces and the shop/retail premises accessible for all pedestrians with ramp grades not exceeding 1:14 in accordance with AS1428.1
  - (k) The make and model of the car stacker systems specified on the plans and cross-sections including useable platform widths, clearance heights and pit depths in accordance with Clause 52.06-8 to the satisfaction of the Responsible Authority.
  - (l) The car parking allocation for the approved development at the following rates:
    - Not less than one (1) car space for each 1 or 2 bedroom dwelling
    - Not less than two (2) car spaces for each 3 or more bedroom dwelling
    - Not less than 1 visitor space.
    - Not less than 3 spaces allocated for shop use (one for each shop).

**Item 9.3 (cont'd)**

- (m) A cantilevered verandah canopy over the footpath extending the full frontages of the property and extending to 750mm from the face of the kerb and channel with the exception of the area containing the existing street tree along the Glen Huntly Road frontage. The canopy must be designed in a manner which allows for retention of the existing street tree to the satisfaction of the Responsible Authority.

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme.

Note: This does not obviate the need for a permit where one is required.

3. The proposed works must not cause any damage to the existing street tree. Any pruning of this tree must only be carried out by the Responsible Authority.
4. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 2.4 metres from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
5. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

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

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

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

6. No excavation is to come within 2.4 metres of the existing street tree without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

**Item 9.3 (cont'd)**

7. The car parking allocation for the approved development must be:
- Not less than one (1) car space for each 1 or 2 bedroom dwelling
  - Not less than two (2) car spaces for each 3 or more bedroom dwelling
  - Not less than 1 visitor spaces.
  - Not less than 3 spaces allocated for shop use (one for each shop).
8. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat;
  - (d) drained;
  - (e) line-marked to indicate each car space and all access lanes;
  - (f) clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

9. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) delivery and unloading points and expected frequency;
  - (b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (d) any requirements outlined within this permit as required by the relevant referral authorities;
  - (e) hours for construction activity in accordance with any other condition of this permit;
  - (f) measures to control noise, dust, water and sediment laden runoff;
  - (g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (h) any construction lighting to be baffled to minimise intrusion on adjoining lots.

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

**Item 9.3 (cont'd)**

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

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

11. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
12. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a Car Stacker System Management Plan (CSSMP) including but not limited to the following:
- (a) Allocation of car spaces according to vehicle size and type;
  - (b) Ongoing maintenance of the car stacker system;
  - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
  - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

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

13. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
14. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

**Item 9.3 (cont'd)**

15. 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.
16. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
17. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
18. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
19. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note C' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
20. 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.

**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.

**Item 9.3 (cont'd)**

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

Asset Engineering Advice:

- H. The laneway is not lit by Council. Any / All public / private lighting in laneway is to be provided and maintained by the development.

**Item 9.3**

**Crs Sounness/Lipshutz**

**That Council:**

**Issues a Notice of Decision to Grant a Permit for Application No. GE/PP-28540/2015 allowing for a four storey building comprising ground floor retail and car parking with 12 dwellings, reduction of car parking requirements for the retail use and waiver of loading bay requirements in accordance with the following Conditions;**

- 1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as SK3/A, SK3/B, SK3/C, SK3/D, SK3/E, SK3/F, SK3/6A, SK3/7A dated November 2015 prepared by Avi Milder Architects) but modified to show:**
  - (a) Deletion of the fourth floor.**
  - (b) The third floor setback a minimum of 13.5m from the southern boundary and the residual built form consolidated with 'Apartment 303'. Any consequential changes must be to the satisfaction of the Responsible Authority.**
  - (c) The second floor setback a minimum of 7.5m from the southern boundary and the residual built form consolidated with 'Apartment 204'. Any consequential changes must be to the satisfaction of the Responsible Authority.**
  - (d) Notations stating that screening to all south facing terraces and habitable room windows will be fixed and obscured to a minimum of 1.7m above finished floor level.**
  - (e) The building (excluding verandah) wholly contained within the title boundaries.**
  - (f) A splay measuring a minimum of 1.0m x 1.0m provided in the north-west corner of the site at ground floor.**
  - (g) A splay measuring a minimum of 1.5m x 1.5m provided in the south-west corner of the site at ground floor.**
  - (h) Bicycle parking provided for residents and visitors in accordance with Clause 52.34 (Bicycle Facilities).**
  - (i) The at-grade car space designed to be accessible for disabled persons in accordance with AS2890.6. Any consequential changes must be to the satisfaction of the Responsible Authority.**
  - (j) The pedestrian access between the car spaces and the shop/retail premises accessible for all pedestrians with ramp grades not exceeding 1:14 in accordance with AS1428.1**
  - (k) The make and model of the car stacker systems specified on the plans and cross-sections including useable platform widths, clearance heights and pit depths in accordance with Clause 52.06-8 to the satisfaction of the Responsible Authority.**

**Item 9.3 (cont'd)**

- (l) **The car parking allocation for the approved development at the following rates:**
- **Not less than one (1) car space for each 1 or 2 bedroom dwelling**
  - **Not less than two (2) car spaces for each 3 or more bedroom dwelling**
  - **Not less than one (1) visitor car space for every five (5) dwellings.**
  - **Not less than 3 spaces allocated for shop use (one for each shop).**
- (m) **A cantilevered verandah canopy over the footpath extending the full frontages of the property and extending to 750mm from the face of the kerb and channel with the exception of the area containing the existing street tree along the Glen Huntly Road frontage. The canopy must be designed in a manner which allows for retention of the existing street tree to the satisfaction of the Responsible Authority.**

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

- 2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme.**

**Note: This does not obviate the need for a permit where one is required.**

- 3. The proposed works must not cause any damage to the existing street tree. Any pruning of this tree must only be carried out by the Responsible Authority.**
- 4. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 2.4 metres from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.**

**Item 9.3 (cont'd)**

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

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

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

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

6. No excavation is to come within 2.4 metres of the existing street tree without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

7. The car parking allocation for the approved development must be:

- Not less than one (1) car space for each 1 or 2 bedroom dwelling
- Not less than two (2) car spaces for each 3 or more bedroom dwelling
- Not less than one (1) visitor car space for every five (5) dwellings.
- Not less than 3 spaces allocated for shop use (one for each shop).

8. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat;
- (d) drained;
- (e) line-marked to indicate each car space and all access lanes;
- (f) clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

**Item 9.3 (cont'd)**

9. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) delivery and unloading points and expected frequency;
  - (b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (d) any requirements outlined within this permit as required by the relevant referral authorities;
  - (e) hours for construction activity in accordance with any other condition of this permit;
  - (f) measures to control noise, dust, water and sediment laden runoff;
  - (g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (h) any construction lighting to be baffled to minimise intrusion on adjoining lots.

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

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

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

**Item 9.3 (cont'd)**

- 11. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.**
- 12. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a Car Stacker System Management Plan (CSSMP) including but not limited to the following:**
  - (a) Allocation of car spaces according to vehicle size and type;**
  - (b) Ongoing maintenance of the car stacker system;**
  - (c) Instructions to owners/occupiers about the operation of the car stacker system; and**
  - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.**

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

- 13. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.**
- 14. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.**
- 15. 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.**
- 16. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.**
- 17. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.**

**Item 9.3 (cont'd)**

18. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that “Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)”. The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
19. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to ‘Note C’ that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
20. 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.

**NOTES:**

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- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

**Item 9.3 (cont'd)**

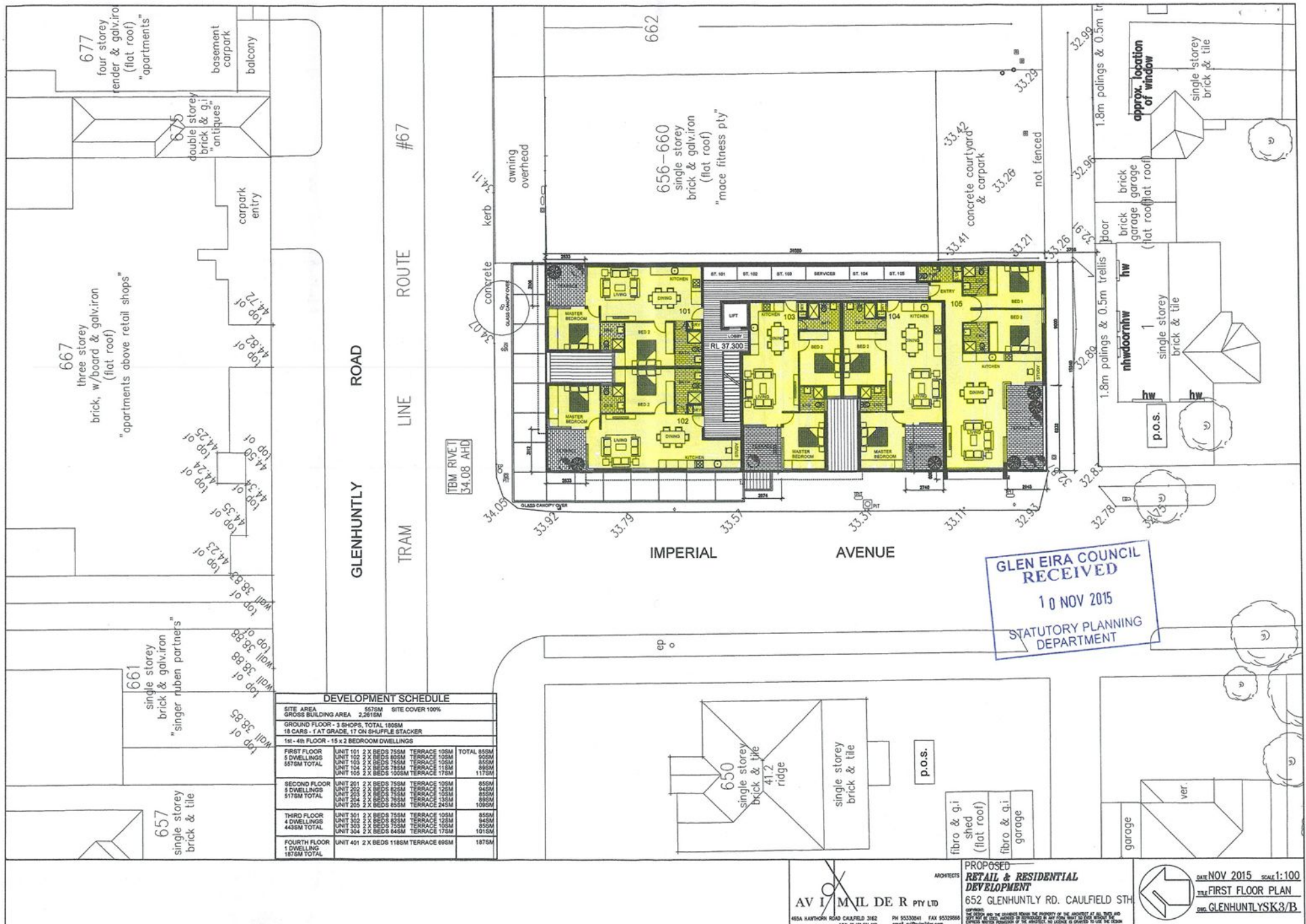
- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).**
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval.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

**Asset Engineering Advice:**

- H. The laneway is not lit by Council. Any / All public / private lighting in laneway is to be provided and maintained by the development.**

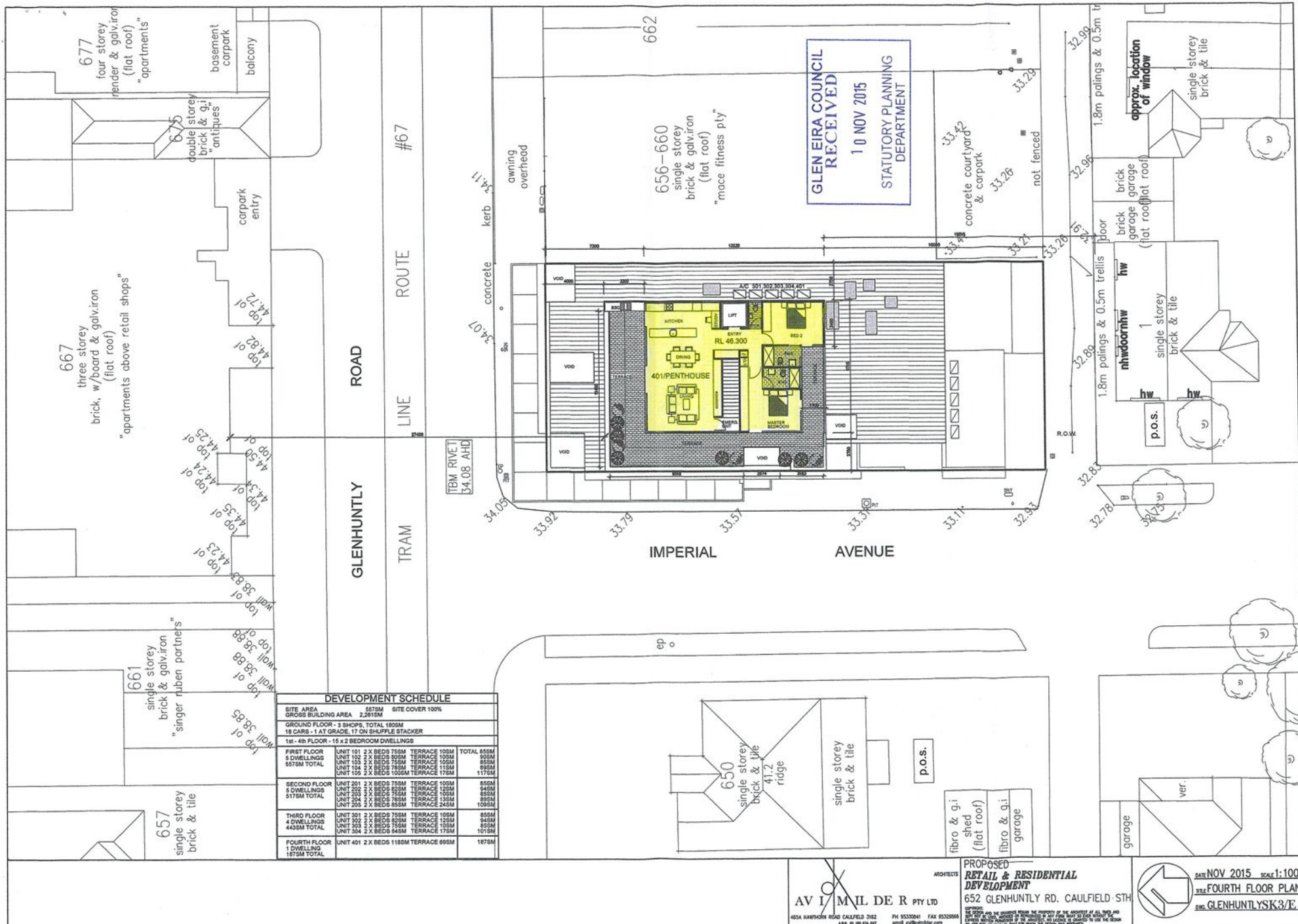
**The MOTION was put and CARRIED unanimously.**



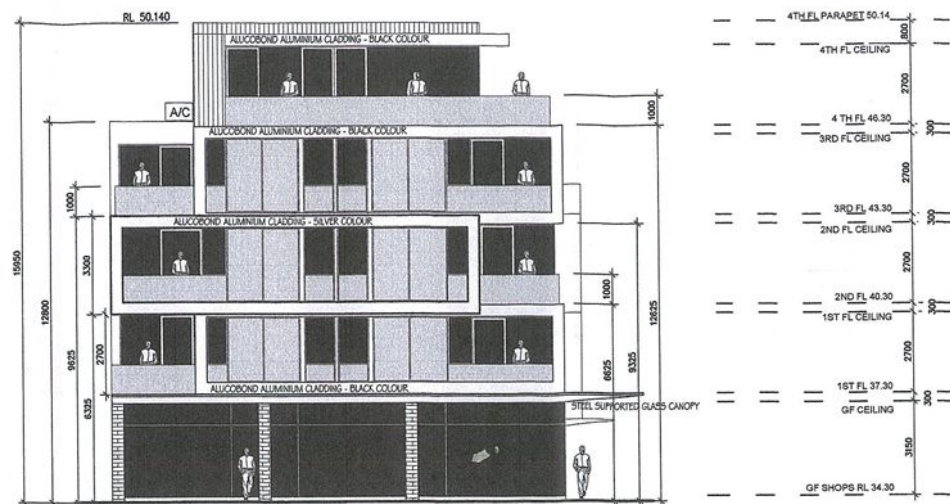




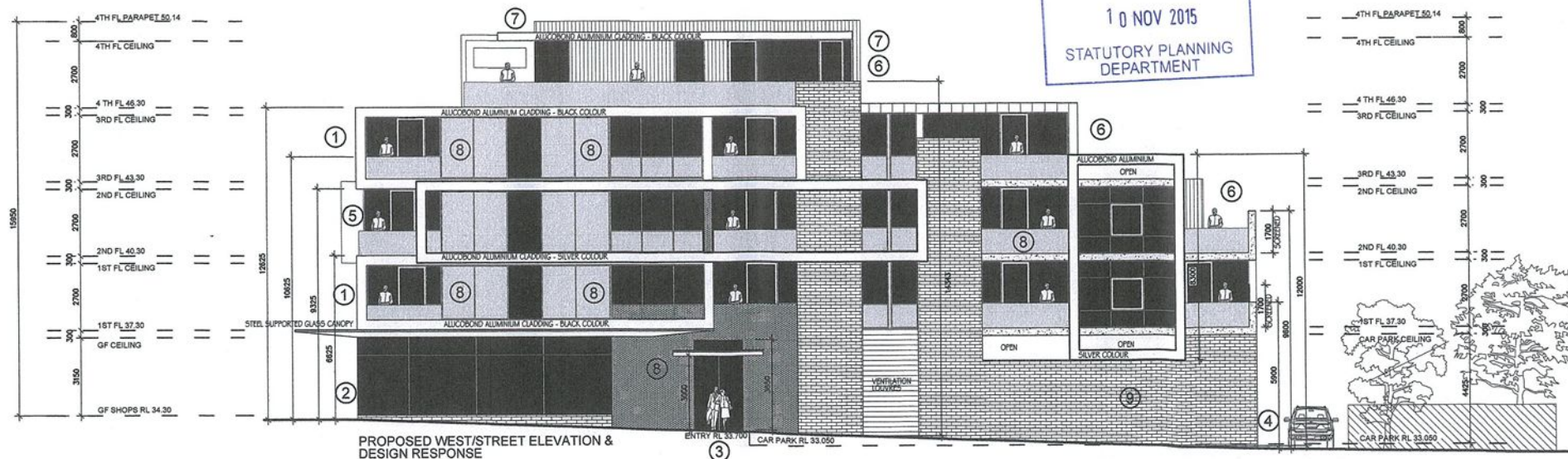








GLEN EIRA COUNCIL  
RECEIVED  
10 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT



NO	DESIGN FEATURES
1	INDIVIDUAL FLOOR LEVELS DEFINED HORIZONTALLY AND STAGGERED STACKING OF FLOOR ELEMENTS REDUCES VISUAL HEIGHT AND BULK.
2	LARGE WINDOW GLASS DISSOLVES CORNER TO OPEN VIEWS TO AND FROM BOTH STREETS
3	RESIDENTIAL ENTRANCE CLEARLY DEFINED OFF IMPERIAL AVE. COMPLEMENTING ACCESS TO THE EXISTING RESIDENCES IN THE STREET
4	STAGGERED FLOORS MOVES VISUAL IMPACTS AWAY FROM ALL ACCESSIBLE CORNERS OF STREET & NEIGHBOURS
5	STAGGERED FACADE LEAVES ALTERNATE CORNERS OPEN TO SKY AND SIDES REDUCING VISUAL BULK AND PROVIDES VISUAL INTEREST.
6	FLOOR SETBACKS AND SCREENS REDUCE OVERLOOKING AND OVERSHADOWING OF NEIGHBOURS AND REDUCES VISUAL IMPACT ON ADJOINING PROPERTIES.
7	TOP FLOOR IS WELL SETBACK FROM ALL SIDES SO IS ONLY VISIBLE FROM A DISTANCE
8	EXTENSIVE USE OF GLASS AND METAL ON THE HIGHLY ARTICULATED FACADE GIVES REFINED, POLISHED LOOK WHILE REDUCING VISUAL IMPACT
9	BROWSE/ANCHORS BUILDING FORM AND REFLECTS TRADITIONAL RESIDENTIAL MATERIALS USED ON EXISTING HOUSES IN STREET.

ARCHITECTS

**AV I / MAIL DE R PTY LTD**

465A HAWTHORN ROAD CAULFIELD 3162  
JURU, RD 100.674 492

PH 95330841 FAX 95329866  
email av@mailder.com

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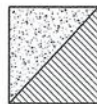
DATE NOV 2015 SCALE 1:100  
TITLE NTH/WEST ELEVAT'S  
DWG. GLENHUNTLY SK3/6A



BLACK STAINED  
TIMBER CLADDING



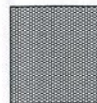
BLACK BRICKS  
WHITE JOINTS



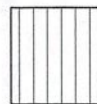
PATTERNED CONCRETE  
PANELS TO EAST BOUNDARY



BLACK GLASS WALL  
CLADDING & BALUSTRADE

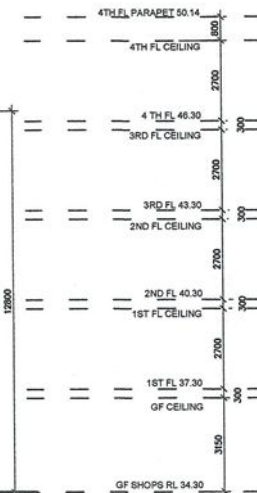
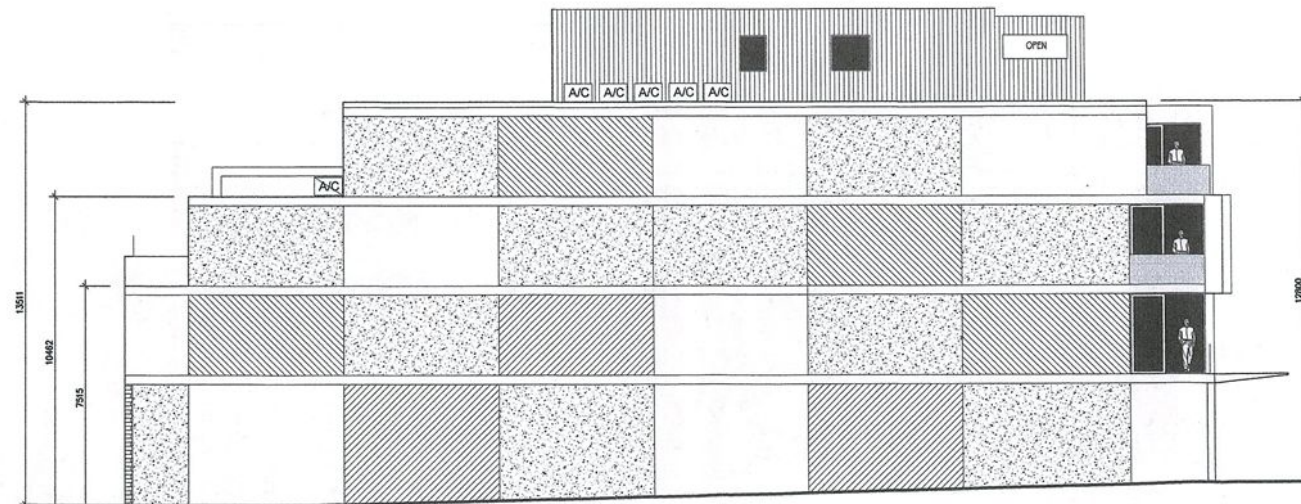
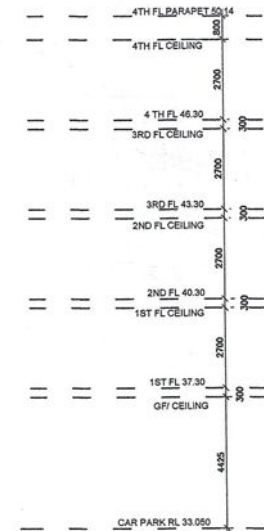
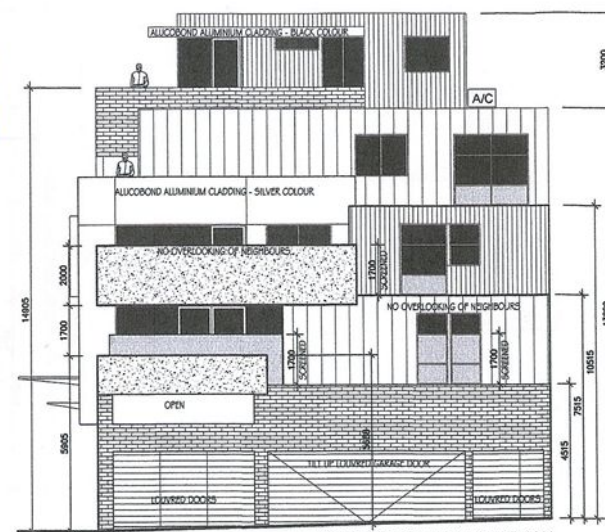


RED COLOUR  
GLASS PANELS



ANTHRACITE COLOUR  
METAL CLADDING

GLEN EIRA COUNCIL  
RECEIVED  
10 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT



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DATE NOV 2015 SCALE 1:100  
TITLE STH/EAST ELEVAT'S  
DWG. GLENHUNTLYSK3/7A

## Item 9.4

203 MCKINNON ROAD, MCKINNON  
APPLICATION NO. GE/PP-28494/2015

File No: GE/PP-28494/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning



### APPLICATION SUMMARY

<b>PROPOSAL</b>	Four storey building (including roof terrace) comprising two (2) dwellings, ground floor office and reduction of car parking associated with the office
<b>RECOMMENDATION</b>	Notice of Refusal
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Car parking and access</li> <li>• Neighbourhood character</li> <li>• Amenity impacts to neighbouring properties</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area Policy
<b>APPLICANT</b>	MMM Commercial Investment Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone</li> </ul>
<b>EXISTING LAND USE</b>	Office
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 13 properties notified</li> <li>• 24 notices sent (owners and occupiers)</li> <li>• 1 sign erected on site</li> <li>• 2 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$ 815

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-28494/2015 for the construction of a four storey building (including roof terrace) comprising two (2) dwellings, ground floor office and reduction of car parking associated with the office use in accordance with the grounds of refusal contained in the Appendix.

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

- Plan Melbourne
- ResCode (as a guideline under the Commercial 1 Zone)

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

- All written objections and matters raised at the Planning Conference
- State and Local Planning policies and controls including Council's MSS
- ResCode (as a guideline under the Commercial 1 Zone)

Zoning and Context

The subject site is located within the Commercial 1 Zone. The properties within the commercial strip on the northern side of McKinnon Road have the same zoning. Commercial areas are strategic locations for higher densities of development due to their proximity to services, infrastructure and public transport. The subject site meets these criteria and is clearly a location where some form of mixed use development (i.e. commercial and residential) is considered appropriate.

**Item 9.4 (cont'd)**Height, scale and massing

The Housing Diversity Area policy seeks to ensure that the density, mass and scale of development are appropriate to the scale, character and physical size of the Neighbourhood Centre. The development is essentially 3 storeys in height (notwithstanding the roof top terrace which is classified as a storey) therefore is not significantly larger in terms of height and scale than existing two storey shops within the shopping strip. There is also recently constructed 4 storey building at 193 McKinnon Road.

Policy encourages upper floors to be visually recessive, and the proposed development takes this approach with a centrally located roof terrace which is well recessed from the front and rear boundaries to reduce its visibility when viewed from McKinnon Road and the residential properties to the north.

Amenity impacts and transition to Residential Zone

The proposed development is considered to provide an appropriate transition in height to the adjoining residential properties to the north (1 Prince Edward Avenue). The laneway to the rear (north) of the subject site provides a buffer to the adjoining residential properties to north. There will be no unreasonable overshadowing impacts caused by the proposed development, in particular to the adjoining residential properties to the north.

The development has been designed so that it does not unreasonably overlook the adjoining residential properties to the rear (north side). The north facing balconies at first and second floor levels and the roof terrace all incorporate screening measures in accordance with State Government guidelines.

Car parking and traffic

The proposed development generates an on-site car parking requirement of 6 car spaces (4 resident spaces and 2 office car spaces). The development provides 4 resident spaces in the form of 2 double car stackers to the rear of the site (accessed via the rear laneway). The development seeks a reduction of 2 on-site car spaces for the office use.

Council's Transport Planning Department require a minimum of 1 office car space be provided together with 2 car spaces to each of the three-bedroom dwellings. It is also noted that the office car parking must 'accessible' for disabled persons.

Council's Transport Planning Department has raised concern with the design of the car stackers particularly with respect to useable platform widths and clearances to the pedestrian walkway.

It is also noted that the traffic analysis provided by the permit applicant indicates that in order to access each of the stacker spaces, a standard vehicle must encroach from the laneway onto the private land at 1 Prince Edward Avenue. This arrangement is not considered appropriate.

The proposed development fails to provide car parking which is safe, convenient or practical. The development fails to provide adequate car parking on site to service the office use. The design of the car stackers in terms of useable platform widths does not meet planning scheme requirements.

**Item 9.4 (cont'd)**

The changes recommended by Council's Transport Planning Department would require a substantial redesign of the development and as such cannot be easily resolved by conditions. Overall it is considered that the development has not adequately responded to the constraints of the site and therefore should not be supported.

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

**ADDRESS: 203 MCKINNON ROAD, MCKINNON**  
**APPLICATION NO: GE/PP-28494/2015**

**1. Proposal**

Features of the proposal include:

- Retention of the ground floor office (in part) with modifications to provide an individual dwelling entry corridor.
- The ground floor will comprise two offices and a kitchen.
- The first floor and second floor will each contain one dwelling (two dwellings in total).
- A roof terrace (to the north).
- Car parking is provided in the form of stackers accessed via the rear laneway.
- Two car spaces are provided for each dwelling. No parking is provided for the office use.
- Maximum building height of 13.7m

**2. Public Notice**

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

The objectors' concerns are summarised as follows:

- Waiver of car parking for the office component will result in greater parking demand in the surrounding streets. Proximity to public transport is not sufficient justification for the lack of office parking.
- Cumulative impacts of developments applying for reduced car parking should be considered.

**3. Referrals**

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

**Transport Planning**

- A minimum of one car space for the office must be provided and designed as a disabled space.
- The useable platform widths of the car stackers do not meet planning scheme requirements.
- The vehicle swept paths show the development relying on the land of 1 Prince Edward Avenue for turning movements to access the site. This is not appropriate.

**Item 9.4 (cont'd)**Building Technical Officer

- Construction Management Plan required.

**4. Planning Conference**

The Conference, chaired by Cr Hyams provided a forum where all interested parties could elaborate on their respective views. A representative on behalf of the permit applicant attended. No objectors attended the conference.

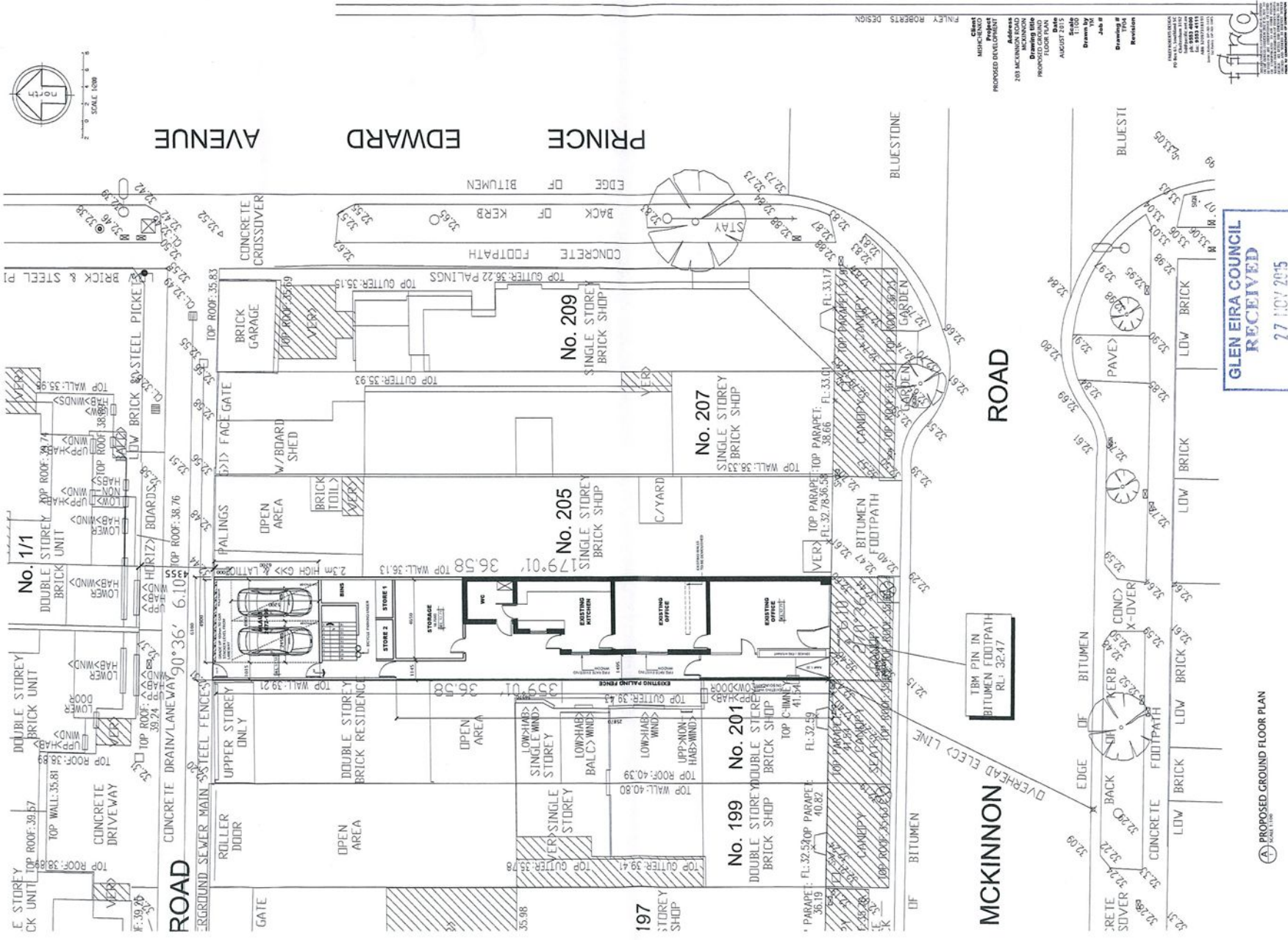
**5. Grounds of Refusal**

1. The proposed development does not provide for an appropriate amount of on-site car parking (for the office) in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
2. The proposed car park design and layout does not meet the Design Standards of Clause 52.06 of the Glen Eira Planning Scheme or Australian Standard AS2890.1: 2004.
3. The design and layout of the rear access and car park (inclusive of car stackers) is inappropriate and fails to ensure vehicles can safely enter or egress from the site in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
4. Access to the car park is inappropriate as it relies on vehicles being able to use adjoining private land.

**Crs Hyams/Okotel**

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

**The MOTION was put and CARRIED.**



**Client**  
MICKINNON ROAD  
PROPOSED DEVELOPMENT

**Address**  
205 MCKINNON ROAD  
ST. ALBANS VIC 3011

**Drawing title**  
PROPOSED GROUND FLOOR PLAN

**Date**  
AUGUST 2015

**Drawn by**  
JTB

**Job #**  
1100

**Drawing #**  
1100

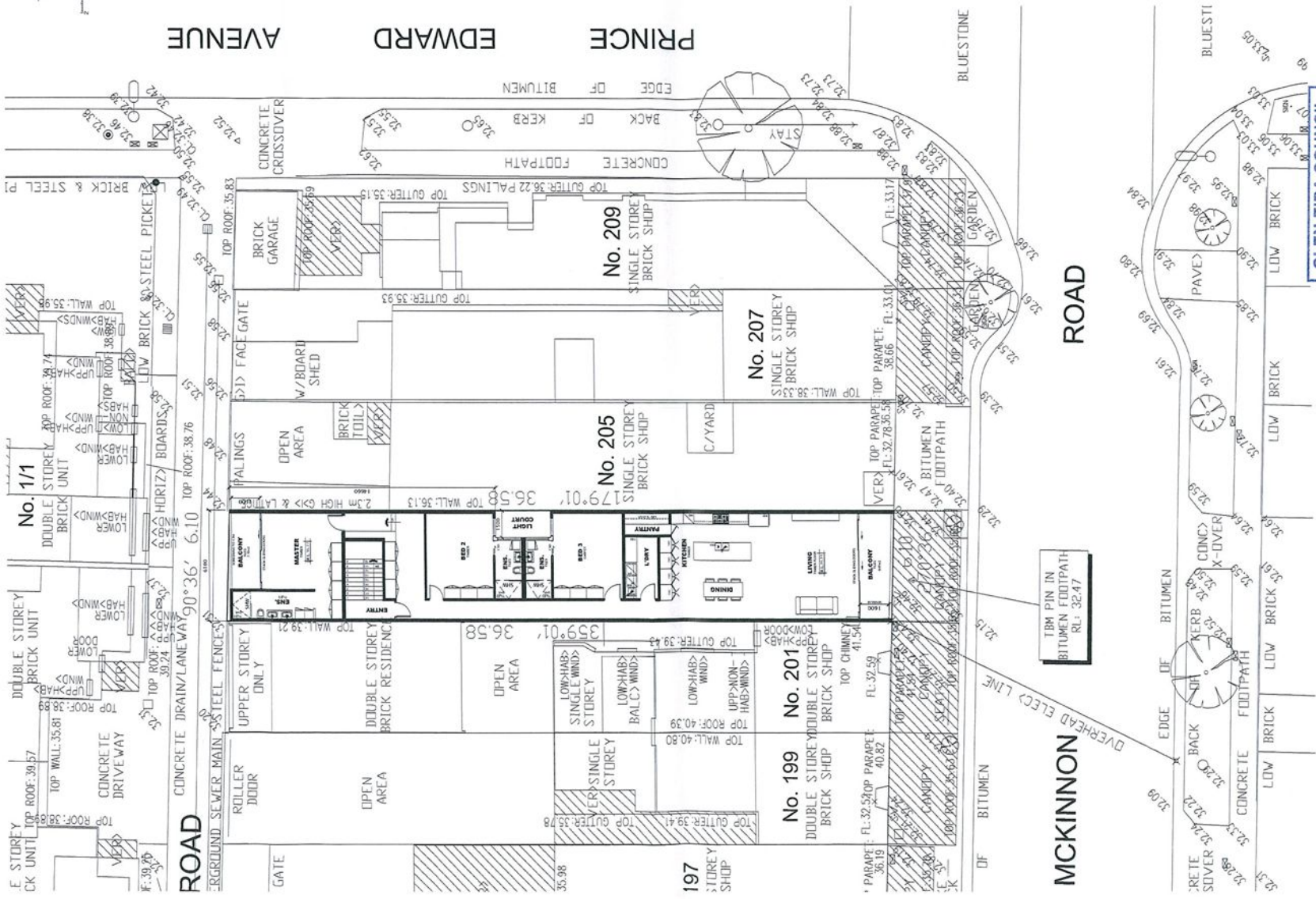
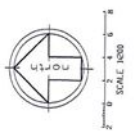
**Revision**

**GLEN EIRA COUNCIL  
RECEIVED**

27 NOV 2015

STATUTORY PLANNING  
DEPARTMENT

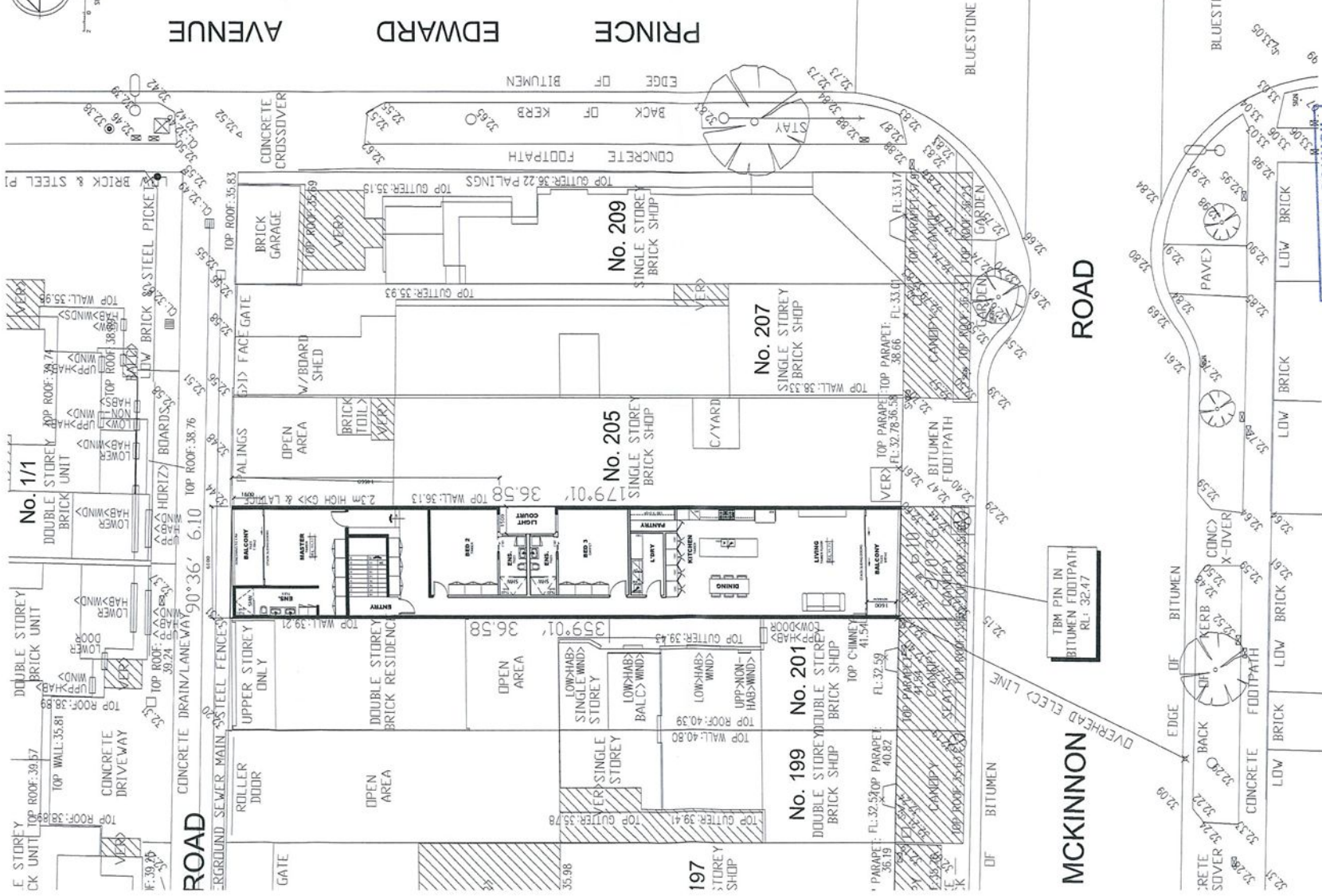
**PROPOSED GROUND FLOOR PLAN**



GLEN EIRA COUNCIL  
RECEIVED  
27 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT

PROPOSED FIRST FLOOR PLAN

Project:  
MCKINNON  
DEVELOPMENT  
Address:  
MCKINNON  
MCKINNON  
PROPOSED FIRST  
FLOOR PLAN  
DATE:  
AUGUST 2015  
Drawn By:  
Joh 6  
Checked By:  
Joh 6  
Reviewed By:  
Joh 6  
Approved By:  
Joh 6



PROPOSED SECOND FLOOR PLAN

GLEN EIRA COUNCIL  
RECEIVED  
27 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT

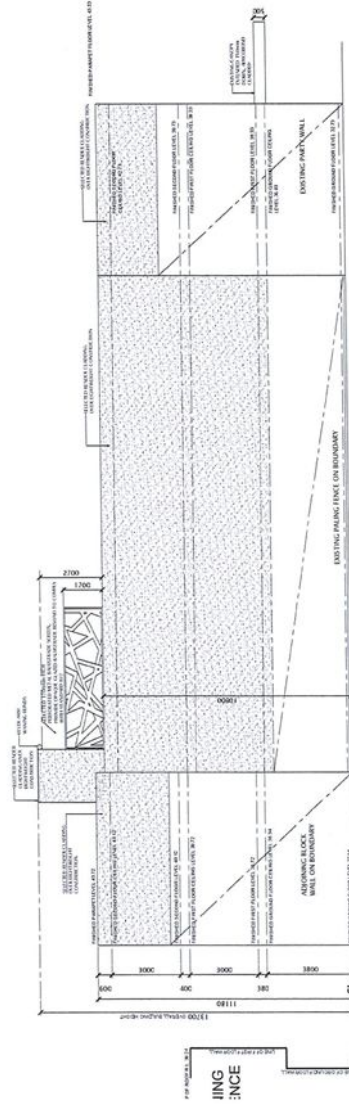
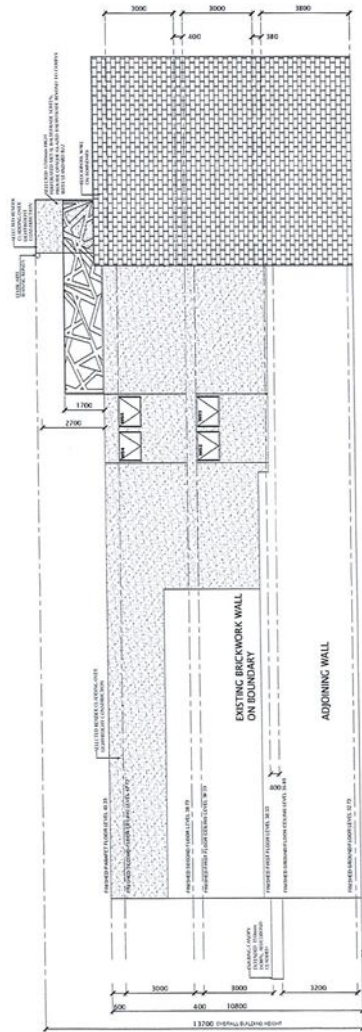
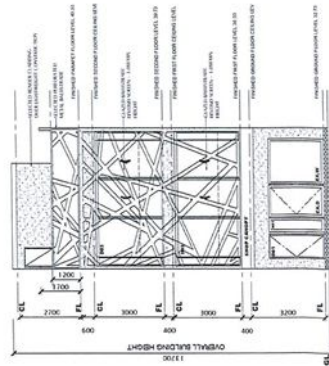
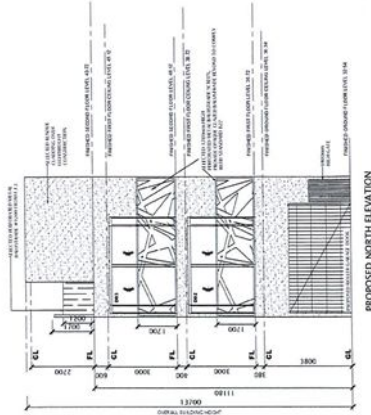
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Project: PROPOSED DEVELOPMENT  
Address: 203 MCKINNON ROAD, GLEN EIRA VIC 3103  
Drawing title: PROPOSED SECOND FLOOR PLAN  
Date: AUGUST 2015  
Scale: 1:100  
Drawn by: JTB  
Job #: 1706  
Drawing #: 1706  
Revision:  
GLEN EIRA COUNCIL  
PO BOX 100, GLEN EIRA VIC 3103  
Tel: 03 9594 1444  
Fax: 03 9594 1445  
Email: glen.eira@vic.gov.au  
www.glen.eira.vic.gov.au



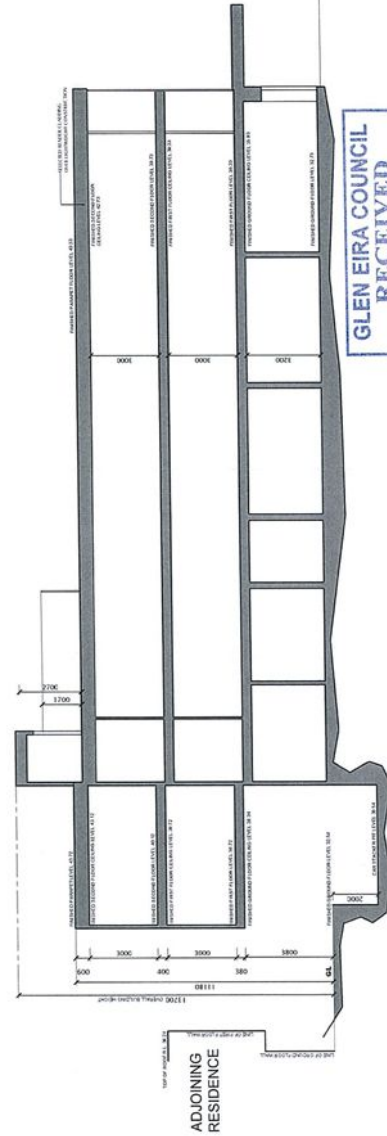
GLEN EIRA COUNCIL  
RECEIVED  
27 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT

**A** PROPOSED ROOF TERRACE FLOOR PLAN  
SCALE: 1/8"=1'-0"

Client	MISHKINEN
Project	PROPOSED DEVELOPMENT
Address	203 MCKENNAN AVE MCKINNON
Drawing title	PROPOSED ROOF TERRACE PLAN
Date	AUGUST 2011
Scale	1:100
Drawn by	YH
Job at	
Drawing of	TP07
Revision	



PROPOSED ELEVATIONS



GLEN EIRA COUNCIL  
RECEIVED  
27 NOV 2015  
STATUTORY PLANNING  
DEPARTMENT

LONGITUDINAL SECTION

Client: FINLEY ROBERTS DESIGN  
Project: PROPOSED DEVELOPMENT  
Address: 203 MCKINNON ROAD, MCKINNON  
Drawing title: ELEVATIONS  
Date: 11/10/2015  
Scale: 1:100  
Drawing No: 1108  
Job #: 1108  
Revision: 1108

FINLEY ROBERTS DESIGN  
PO Box 11, MCKINNON VIC 3011  
Tel: 03 9333 1111  
Fax: 03 9333 1111  
Email: info@finleyrobertsdesign.com.au  
Website: www.finleyrobertsdesign.com.au

## Item 9.5

**572-574 INKERMANS ROAD & 2-4 PRINCES STREET, CAULFIELD NORTH  
APPLICATION NO. GE/PP-28482/2015**

**File No: GE/PP-28482/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning**



APPLICATION SUMMARY	
<b>PROPOSAL</b>	Construction and use of the land at 2-4 Princes Street for a Place of Assembly associated with the Synagogue at 574 Inkermans Road
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions to reduce boundary wall heights, increase setbacks, reduce front fence heights and require 8 on-site car spaces
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Impacts on adjoining properties from overlooking, overshadowing and visual bulk</li> <li>• Car parking and traffic</li> <li>• Increased activity and noise</li> <li>• Compliance with the Non Residential Uses in Residential Zones Policy</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Institutional and Non Residential Uses In Residential Areas
<b>APPLICANT</b>	Caulfield Hebrew Congregation
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• General Residential Zone</li> <li>• Parking Overlay</li> </ul>
<b>EXISTING LAND USE</b>	Synagogue and Place of Assembly
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 41 properties notified</li> <li>• 74 notices sent (owners and occupiers)</li> <li>• 4 signs erected on site</li> <li>• 16 objections received</li> </ul>
<b>Application fee payable (fee increased by the State Government in 2009)</b>	\$1,404

<b>PROPOSAL</b>	Construction and use of the land at 2-4 Princes Street for a Place of Assembly associated with the Synagogue at 574 Inkermans Road
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions to reduce boundary wall heights, increase setbacks, reduce front fence heights and require 8 on-site car spaces
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Impacts on adjoining properties from overlooking, overshadowing and visual bulk</li> <li>• Car parking and traffic</li> <li>• Increased activity and noise</li> <li>• Compliance with the Non Residential Uses in Residential Zones Policy</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Institutional and Non Residential Uses In Residential Areas
<b>APPLICANT</b>	Caulfield Hebrew Congregation
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• General Residential Zone</li> <li>• Parking Overlay</li> </ul>
<b>EXISTING LAND USE</b>	Synagogue and Place of Assembly
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 41 properties notified</li> <li>• 74 notices sent (owners and occupiers)</li> <li>• 4 signs erected on site</li> <li>• 16 objections received</li> </ul>
<b>Application fee payable (fee increased by the State Government in 2009)</b>	\$1,404

**Item 9.5 (cont'd)****1. Community Plan**Town Planning and Development

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Permit for Application No. GE/PP-28482/2015 allowing the construction of buildings and carrying out of works, use of the land at 2-4 Princes Street for a Place of Assembly associated with the Synagogue at 574 Inkerman Road and reduction of the car parking requirement in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement adopted by Council on 17 May 1999 and approved by the Minister on 5 August 1999.
- Non Residential Uses in Residential Zones Policy.

**4. Reasons For Recommendation**

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

- All written objections and matters raised at the Planning Conference
- Council's MSS
- Council's Non Residential Uses in Residential Zones Policy
- Other relevant considerations of the Planning Scheme

The key issues influencing the recommendation are as follows:

**Council's Non Residential Uses in Residential Zones Policy**

The General Residential Zone enables the consideration of proposals for a range of non-residential uses serving local community needs in appropriate locations.

Council's *Non Residential Uses in Residential Zones Policy* aims to integrate these facilities into residential areas whilst minimising their impacts on the amenity of adjoining and nearby dwellings and protecting neighbourhood character.

**Item 9.5 (cont'd)**Preferred location

- Locations in the General Residential Zone (Housing Diversity Area), adjacent to main or secondary roads and corner sites throughout Glen Eira are identified in the Policy as potential preferred locations for non-residential uses.
- The site is located adjacent to Inkerman Road which is a secondary road.
- The existing Place of Assembly (Synagogue and Hall) has been operating from the land for many years (since the 1950's) and has existing use rights for 572-574 Inkerman Road. A planning permit is required to use the land at 2-4 Princes Street as a Place of Assembly. This land will accommodate the northern end of an extended and upgraded community hall and other facilities that currently exist at 572 Inkerman Road.

Siting and design

- It is considered that the height and scale of the proposed building extension, being lower than the existing hall at 572 Inkerman Road, provides an adequate transition to the buildings on the adjoining properties to the east and west and would integrate into the streetscape.
- The architectural style of the proposal includes materials of construction that would complement the surrounding area.
- Changes to the building envelope are considered to be needed to reduce the overshadowing and visual bulk impacts of the proposal on the adjoining properties to the east and west.
- It is recommended that the side/rear setbacks and boundary wall heights of the proposal be required to accord with ResCode Standards. It is acknowledged that this will require changes to the layout of the spaces within the building and would also require modifications and/or relocation of the fire escape stairs on the northern side of the synagogue.
- The rear deck (balcony) of the function space will be required to incorporate 1.7m high screens on its northern and eastern sides to restrict overlooking in accordance with ResCode.
- The existing front fences along Inkerman Road and Princes Street would be replaced with security fences constructed of rendered masonry to an overall height of 3.0m. A recommended reduction in height to a maximum of 2.5m would ensure that the front fences would be more in keeping with the height of existing fences in the area.

Landscaping

- There is no significant vegetation on the site that should be retained.
- It is recommended that a 1.5m wide landscape strip should be included on the plans along the northern, southern and eastern boundaries to provide a buffer to the dwellings on the adjoining lots.
- A condition is recommended requiring the submission of a detailed landscape plan.

**Item 9.5 (cont'd)**General amenity

- The extended building allows for existing community uses to be housed in upgraded facilities and the only change to the intensity of activities is that the function space would be able to accommodate up to 400 patrons compared with 250 within the existing building.
- A condition will be included to limit the maximum number of patrons on the site at any one time to ensure that the existing amenity impacts are not unreasonably intensified.
- A condition will also be included to limit the hours of use of the Lower Ground Floor, the outdoor areas and the function centre.
- An acoustic report will be required to be submitted to detail requirements to construct acoustically treated side and rear boundary fences and provide other advice on limiting noise emissions from the building such as from music and machinery.
- A minimum setback of 3.0m for playground equipment will also be included in the conditions to reduce noise impacts onto adjoining residential properties.

Advertising signage

- A 'ZONE FOR WALL SIGNAGE' note is included on the elevation of the Inkerman Road front fence. However, no details of the sign have been provided and the note will be required to be deleted. A separate application will be required for any future signs.

In addition to the assessment against the Non Residential Uses in Residential Zones Policy, the following substantiation is provided in relation to other amenity impacts, car parking and traffic impacts and streetscape impacts.

**Car parking and traffic**

- Council's Transport Planning Department has reviewed the applicant's Traffic and Transport Assessment. The main point of disagreement is that some on-site car spaces should be provided having regard to the additional 150 patrons that would use the function centre up to 25 times each year. The statutory parking requirement is 45 on-site car spaces.
- To minimise the impact of car parking associated with private functions, a condition is recommended to ensure that there is no overlapping of private functions with the primary Place of Assembly/Place of Worship use of the land for religious, education and community activities.
- The applicant has advised that the multi-purpose open space to the north of 2A Princes Street could be used to accommodate 8 staff car spaces. This is considered to be a small but satisfactory recognition of the increased car parking demand, taking into account the fortnightly frequency of private functions in the function centre for private at its full capacity of 400 patrons.

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

- The proposal has a limited impact on the streetscape given the setback of the extension from Princes Street. Apart from the extension, the most noticeable changes to the appearance of the synagogue and hall would be the proposed 3.0m high security fences (recommended to be reduced to 2.5m) and the cosmetic changes to the Inkerman Road elevation which includes a new entry and bluestone cladding. These changes are considered to be improvements that will be in keeping with the variety of architectural and building styles in the area.
- Landscaping will be required that will assist in 'softening' the appearance of the proposed extension and provide buffers to adjoining properties.

**Management Plan Requirements**

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

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

**ADDRESS: 572-574 INKERMAN ROAD & 2-4 PRINCES STREET, CAULFIELD NORTH**  
**APPLICATION NO: GE/PP-28482/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Construction of an extension to the rear of the hall and administration building at 572 Inkerman Road for the purpose of a 'Kids Club' on the lower ground floor and a function centre on the first floor. This extension would replace the existing dwellings at 2-4 Princes Street.
- The existing ground and first floors of the building are proposed to be refurbished and would continue to be used for a library and administration offices.
- A new staircase and lift are proposed to be constructed at the northern end of the synagogue at 574 Inkerman Road.
- The existing front fences to Inkerman Road and Princes Street are proposed to be replaced with 3.0m high security fences.
- Cosmetic changes to the exterior of the existing buildings are proposed to the synagogue and hall such as the addition of bluestone cladding to the Inkerman Road façade, construction of a new entry and refurbishment of the decorative menorah.
- No changes are proposed to the numbers of patrons attending for religious services or community activities. However, the enlarged function centre would enable an increase in capacity from 250 to 400 patrons. The applicant has advised that the function centre would be used for that purpose approximately 25 times each year.

**2. Public Notice**

- 41 properties notified
- 74 notices sent (owners and occupiers)
- 4 signs erected on site
- 16 objections received

The objectors' concerns are summarised as follows:

- Overlooking from balcony.
- Overshadowing of 2A, 2B Princes Street and 52 Ercildoune Street.
- Visual bulk due to the continuous mass of the existing building and proposed extension and the excessive height of boundary walls.
- The 3.0m height of the proposed front fences is inappropriate.
- Increased parking and traffic problems.
- Noise from machinery and increased levels of activity.

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

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

*Transport Planning*

- The parking requirement for the additional 150 patrons who would attend the function centre 25 times each year is 45 car spaces.
- Some on-site car parking should be provided in a basement car park with access from Princes Street.

**4. Planning Conference**

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

- Overshadowing from the boundary walls.
- Increased noise.
- No acoustic report has been submitted.
- Lack of landscaping buffers.
- Uncertain use of the multi-purpose open space.
- Hours of use of the Kids Club.
- Lack of car parking.
- Excessive visual bulk.

**Undertakings by the Applicant**

- The heights of the boundary walls will be reviewed by the architect.
- The boundary discrepancy with 52 Ercildoune Street will be reviewed by the land surveyor.
- Noise attenuating 'acoustic' fences will be constructed.
- The eastern side of the balcony will be screened.
- The height of the Princes Street fence will be reduced to 2.5m and setback to incorporate landscaping.
- The multi-purpose open space can be used for staff car parking.

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Drawing No's. TP02-TP10, prepared by Sally Draper Architects, dated 27 July 2015) but modified to show:
  - a) The side and rear setbacks and boundary wall heights of the proposed building extension at 572 Inkerman Road and 2-4 Princes Street and the staircase and lift at 574 Inkerman Road to accord with the setbacks and heights prescribed in Standards A10 and A11 of ResCode, respectively;

**Item 9.5 (cont'd)**

- b) The provision of screening to restrict overlooking from the northern and eastern sides of the deck/balcony to a height of not less than 1.7m above its floor level to accord with Standard A15 of ResCode;
- c) The addition of 8 car spaces within the multi-purpose open space area with the car park layout to accord with the design standards of Clause 52.06-8 of the Glen Eira Planning Scheme;
- d) The height of the front fences along the Inkerman Road and Princes Street boundaries of the site to be reduced so they are no higher than 2.5m, with the Princes Street fence to incorporate space for landscaping;
- e) The provision of a 1.5m wide landscape strip adjacent to the northern, southern and eastern boundaries to provide a garden buffer to the dwellings at 2A and 6 Princes Street and 50 and 52 Ercildoune Street;
- f) The provision of acoustically treated fences along the northern, southern and eastern boundaries of the site to a minimum height of 2.4m metres above the natural ground level at the site boundaries;
- g) The deletion of the sign note (ZONE FOR WALL SIGNAGE) from the front fence elevation;
- h) A detailed schedule of materials, finishes and colours (including paint samples) for all external surfaces;
- i) Acoustic treatments as recommended in the Acoustic Report to be submitted in accordance with Condition 2;
- j) A Landscape Plan in accordance with Condition 9.

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

2. Before the commencement of buildings and works, an Acoustic Report, prepared by a suitably qualified acoustic engineer, outlining the form of acoustic treatment required to protect the occupants of adjoining dwellings from noise sources from the Place of Assembly with specific regard to music noise and noise from mechanical plant and equipment (eg, air conditioners) must be submitted to and approved by the Responsible Authority. Once approved, the Acoustic Report 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.

The recommendations contained in the approved Acoustic Report must be implemented and completed and, where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.

3. The use of the Lower Ground Floor and associated outdoor areas (excluding cleaning, maintenance and administration) must be within the following times:
  - Monday to Saturday 7:00am to 6:30pm;
  - Sunday 8:00am to 6:30pm.

**Item 9.5 (cont'd)**

4. The use of the Function Centre for weddings, Bar/Bat Mitzvahs and other private functions and associated outdoor areas (excluding cleaning, maintenance and administration) must be within the following times:
  - Monday to Saturday 9:00am to 11:30pm;
  - Sunday 10:00am to 10:30pm.
5. Not more than 400 patrons may be in attendance at the Function Centre and associated outdoor areas for weddings, Bar/Bat Mitzvahs and other private functions at any one time and for not more than 25 events each calendar year.
6. The use of the Function Centre for weddings, Bar/Bat Mitzvahs and other private functions may only occur at times when there are no religious services, education, recreation or cultural activities or community events or the like being held elsewhere on the land.
7. Prior to the occupation of the development, acoustically treated fences must be erected along the northern, southern and eastern boundaries of the site to a minimum height of 2.4m metres above natural ground level at the site boundaries. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. Details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.
8. No playground equipment or playground structures which have a height greater than 0.5m (excluding shade sails) shall be installed within 3.0m of the site boundaries.
9. Disabled persons' access to the building must be provided in accordance with the relevant Australian Standard/s to satisfy the provisions of the Disability Discrimination Act.
10. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - c) Landscaping and planting within all open space areas of the site.All species selected must be to the satisfaction of the Responsible Authority.
11. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
12. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

**Item 9.5 (cont'd)**

13. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
  - a) delivery and unloading points and expected frequency;
  - b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - d) any requirements outlined within this permit as required by the relevant referral authorities;
  - e) hours for construction activity in accordance with any other condition of this permit;
  - f) measures to control noise, dust, water and sediment laden runoff;
  - g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - h) any construction lighting to be baffled to minimise intrusion on adjoining lots.
14. 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.
15. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
16. No amplified public address system or other amplified sound is to be used in the outdoor areas of the premises except in cases of emergency.
17. All outdoor lighting must be baffled and/or located to the satisfaction of the Responsible Authority to prevent light from the site causing detriment to the locality.
18. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

**Item 9.5 (cont'd)**

19. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- Constructed;
  - Properly formed to such levels that they can be used in accordance with the plans;
  - Surfaced with an all-weather sealcoat;
  - Drained;
  - Line-marked to indicate each car space and all access lanes;
- 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.

20. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.

21. This Permit will expire if:

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

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

**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.

**Item 9.5 (cont'd)**

- 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.

**Item 9.5**

**Crs Lipshutz/Delahunty**

**That Council:**

**Issues a Notice of Decision to Grant a Permit for Application No. GE/PP-28482/2015 allowing the construction of buildings and carrying out of works, use of the land at 2-4 Princes Street for a Place of Assembly associated with the Synagogue at 574 Inkerman Road and reduction of the car parking requirement in accordance with the following Conditions;**

- 1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Drawing No's. TP02-TP10, prepared by Sally Draper Architects, dated 27 July 2015) but modified to show:**
  - a) The side and rear setbacks and boundary wall heights of the proposed building extension at 572 Inkerman Road and 2-4 Princes Street and the staircase and lift at 574 Inkerman Road to accord with the setbacks and heights prescribed in Standards A10 and A11 of ResCode, respectively;**
  - b) The provision of screening to restrict overlooking from the northern and eastern sides of the deck/balcony to a height of not less than 1.7m above its floor level to accord with Standard A15 of ResCode;**
  - c) The addition of 8 car spaces within the multi-purpose open space area with the car park layout to accord with the design standards of Clause 52.06-8 of the Glen Eira Planning Scheme;**
  - d) The height of the front fences along the Princes Street boundaries of the site to be reduced so they are no higher than 2.5m, with the Princes Street fence to incorporate space for landscaping;**
  - e) The provision of a 1.5m wide landscape strip along the open areas of the site which are adjacent to the northern, southern and eastern boundaries to provide a garden buffer to the dwellings at 2A and 6 Princes Street and 50 and 52 Ercildoune Street;**
  - f) The provision of acoustically treated fences along the northern, southern and eastern boundaries of the site to a minimum height of 2.4m metres above the natural ground level at the site boundaries;**
  - g) The deletion of the sign note (ZONE FOR WALL SIGNAGE) from the front fence elevation;**
  - h) A detailed schedule of materials, finishes and colours (including paint samples) for all external surfaces;**

**Item 9.5 (cont'd)**

- i) **Acoustic treatments as recommended in the Acoustic Report to be submitted in accordance with Condition 2;**
- j) **A Landscape Plan in accordance with Condition 10.**

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

- 2. Before the commencement of buildings and works, an Acoustic Report prepared by a suitably qualified acoustic engineer outlining the form of acoustic treatment required to treat the new building (including any mechanical plant and equipment) in order to adequately ameliorate the noise emissions to the satisfaction of the Responsible Authority.**
- 3. The use of the Lower Ground Floor (excluding cleaning, maintenance and administration) must be within the following times:**
  - Monday to Sunday 7:00am to 11.30pm.**

**The use of the associated outdoor areas (excluding cleaning, maintenance and administration) must be within the following times:**

  - Monday to Friday 7:00am to 9:30pm**
  - Saturday and Sunday 8:00am to 9:30pm.**
- 4. The use of the Function Centre for weddings, Bar/Bat Mitzvahs and other private functions (excluding cleaning, maintenance and administration) must be within the following times:**
  - Monday to Sunday 7:00am to 11.30pm.**

**The use of the associated outdoor areas (excluding cleaning, maintenance and administration) must be within the following times:**

  - Monday to Friday 7:00am to 9:30pm**
  - Saturday and Sunday 8:00am to 9:30pm.**
- 5. Not more than 400 patrons may be in attendance at the Function Centre and associated outdoor areas for weddings, Bar/Bat Mitzvahs and other private functions at any one time and for not more than 25 events each calendar year. This restriction does not apply to general congregation related activities (such as religious services, education, recreation, cultural activities or community events).**
- 6. Any two or more functions or events are taking place at the same time the combined number of people on the premises should not exceed 400.**

**Item 9.5 (cont'd)**

- 7. Prior to the occupation of the development, acoustically treated fences must be erected along the northern, southern and eastern boundaries of the site to a minimum height of 2.4m metres above natural ground level at the site boundaries. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. Details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.**
- 8. No playground equipment or playground structures which have a height greater than 0.5m (excluding shade sails) shall be installed within 3.0m of the site boundaries.**
- 9. Disabled persons' access to the building must be provided in accordance with the relevant Australian Standard/s to satisfy the provisions of the Disability Discrimination Act.**
- 10. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:**
  - a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.**
  - b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.**
  - c) Landscaping and planting within all open space areas of the site.**

**All species selected must be to the satisfaction of the Responsible Authority.**
- 11. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.**
- 12. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.**

**Item 9.5 (cont'd)**

- 13. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:**

  - a) delivery and unloading points and expected frequency;**
  - b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;**
  - c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;**
  - d) any requirements outlined within this permit as required by the relevant referral authorities;**
  - e) hours for construction activity in accordance with any other condition of this permit;**
  - f) measures to control noise, dust, water and sediment laden runoff;**
  - g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
  - h) any construction lighting to be baffled to minimise intrusion on adjoining lots.**
- 14. 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.**
- 15. Any new security alarms or similar devices installed as part of the building hereby approved must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.**
- 16. No amplified public address system or other amplified sound is to be used in the outdoor areas of the premises except in cases of emergency.**
- 17. All outdoor lighting must be baffled and/or located to the satisfaction of the Responsible Authority to prevent light from the site causing detriment to the locality.**

**Item 9.5 (cont'd)**

- 18. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.**

**All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.**

**All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.**

- 19. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:**

- a) Constructed;**
- b) Properly formed to such levels that they can be used in accordance with the plans;**
- c) Surfaced with an all-weather sealcoat;**
- d) Drained;**
- e) Line-marked to indicate each car space and all access lanes; 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.**

- 20. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.**

- 21. This Permit will expire if:**

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

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

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

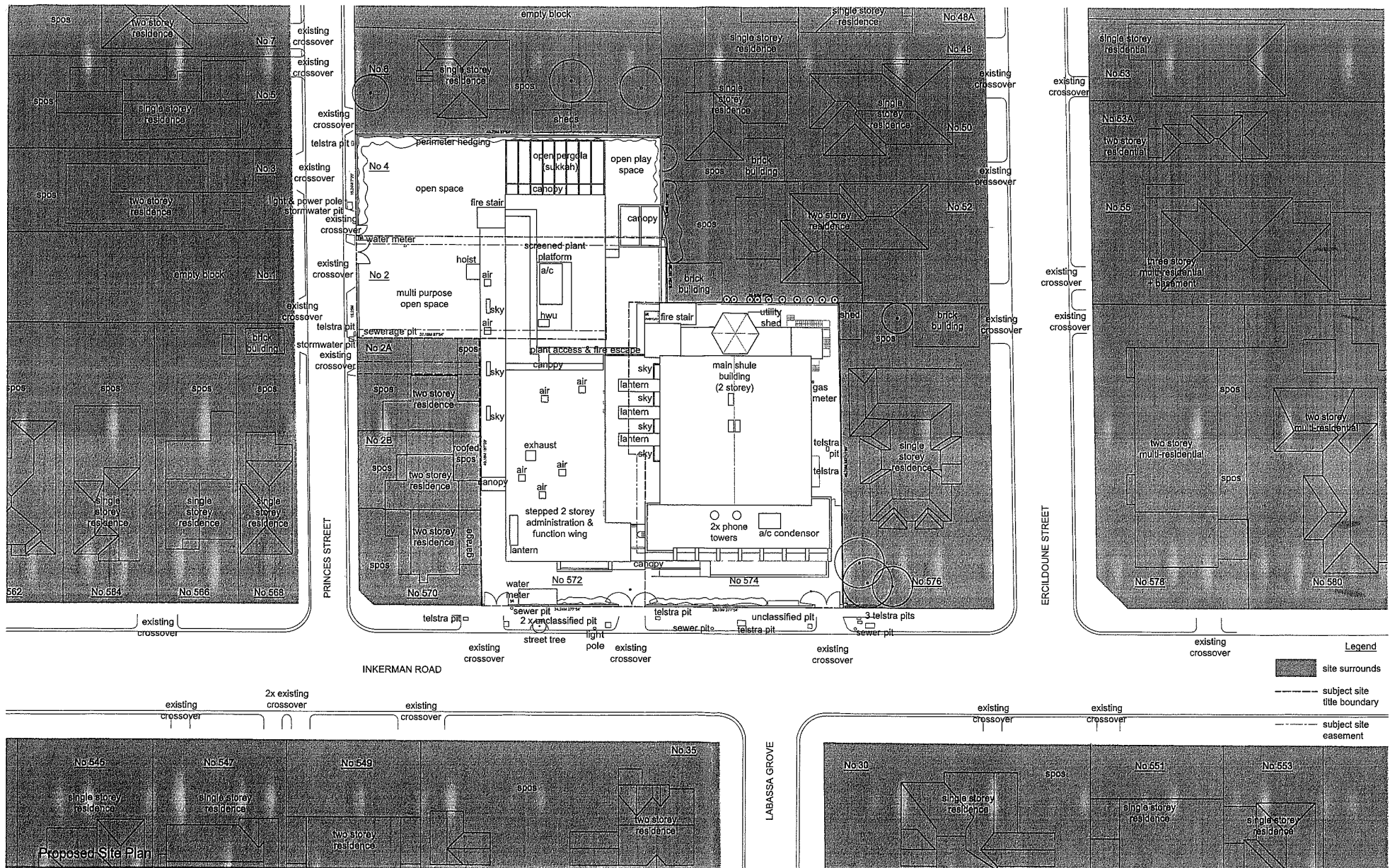
**Item 9.5 (cont'd)****Notes**

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

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

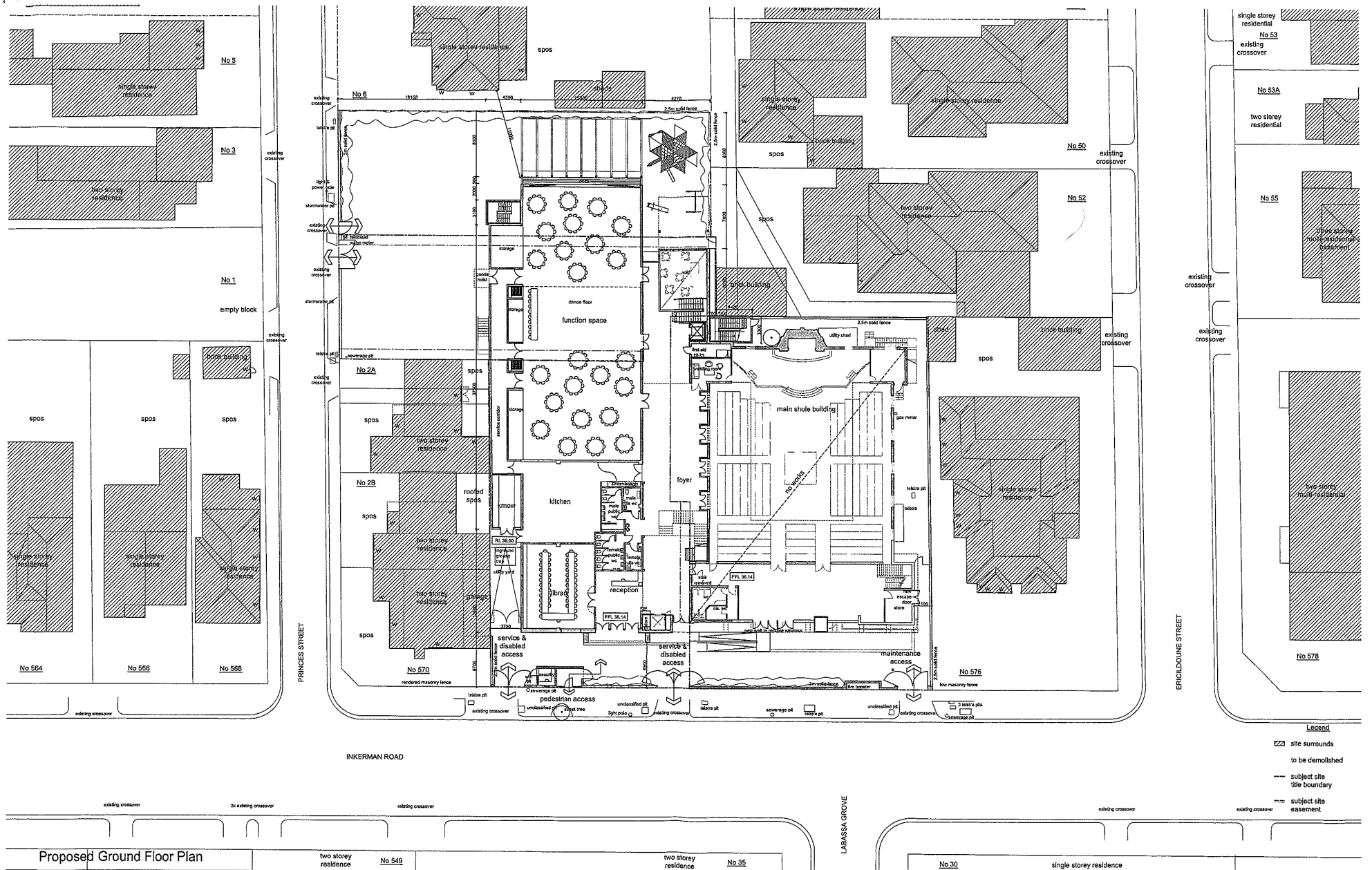


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Date: 2/10/2015  
Drawing: TP04 rev A  
Job Number: 1095

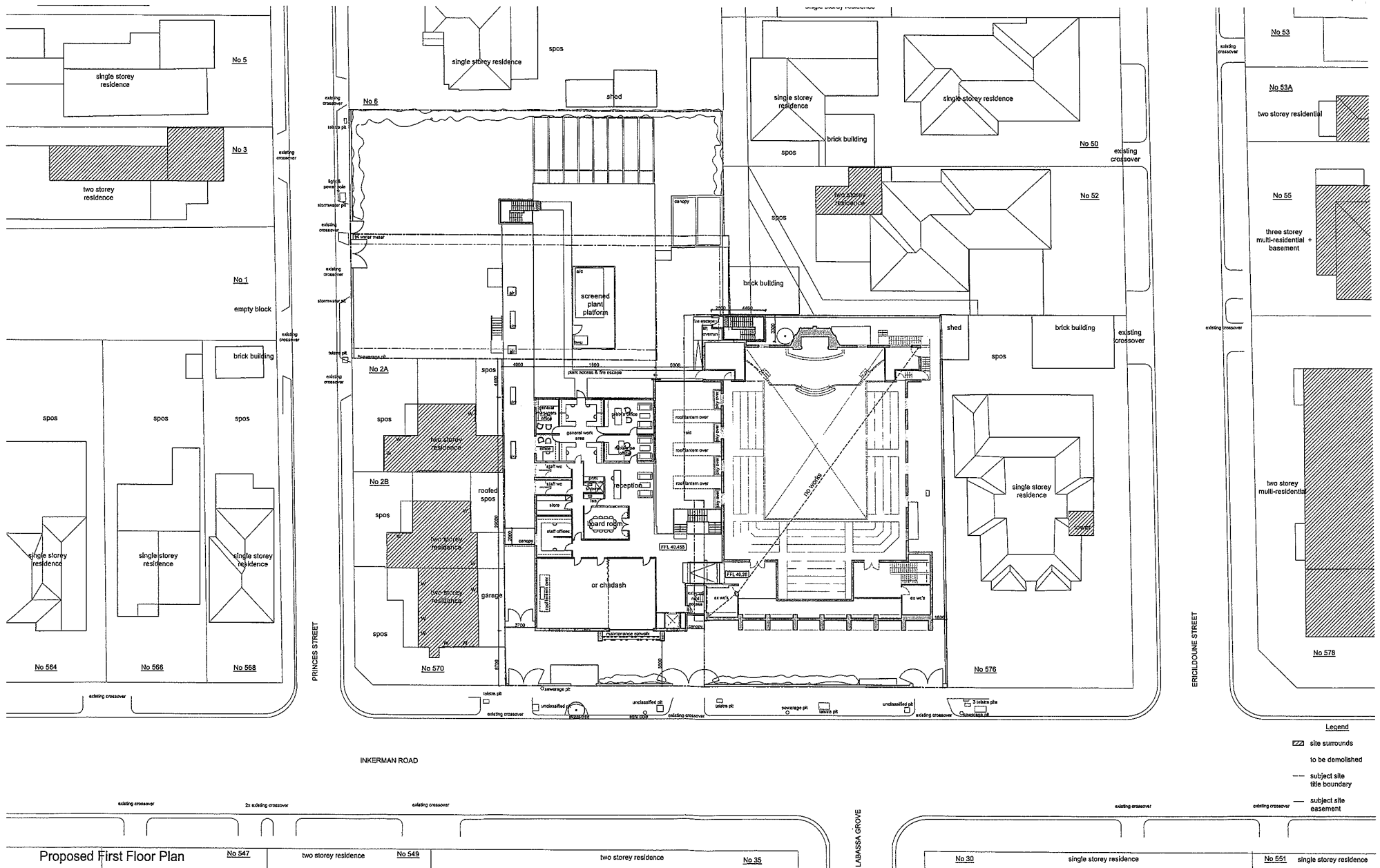
**Sally Draper Architects**

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Fax 03 9486 6007  
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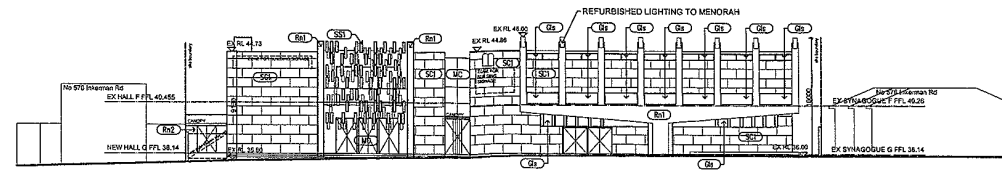




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EX SYNAGOGUE F FFL 45.28

INDUSMAN ROAD

EX SYNAGOGUE G FFL 35.14

EX RL 34.00

TELSTRA WAY

EX RL 33.00

EX RL 34.40

EX RL 34.00

EX RL 33.00

6 PRINCIPLES TO BE DEMOLISHED

4 PRINCIPLES TO BE DEMOLISHED

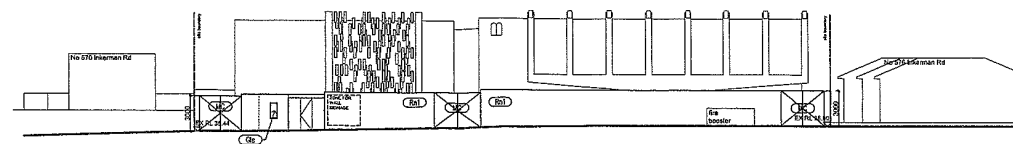
2 PRINCIPLES TO BE DEMOLISHED

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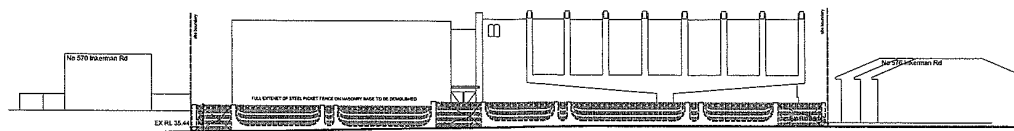
Existing West Elevation

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Date: 27/07/2015  
Drawing: TP00 rev A  
Job Number: 1095

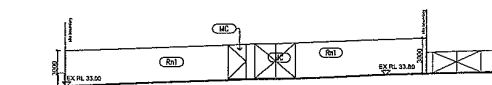
- LEGEND**
- (D) Glass
  - (L) Louvered screen
  - (M) Metal cladding
  - (P) Solid masonry painted
  - (R) Gray Cement Render
  - (R) Render
  - (S) Stone cladding - Mortar
  - (S) Steel framed privacy screen
  - (S) Incorporating decorative lighting elements
  - (S) Steel framed gate & privacy screen (no decorative lighting)
  - to be demolished
  - /// wall on site boundary



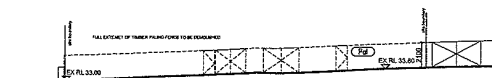
Proposed South Fence Elevation - Inkerman Road



Existing & Demolition South Fence Elevation - Inkerman Road



Proposed West Fence Elevation - Princes Street



Existing & Demolition West Fence Elevation - Princes Street

## Existing & Proposed Fencing Elevations

### CAULFIELD HEBREW CONGREGATION

572-574 Inkerman Road, Caulfield North

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Date: 27/01/2015  
Drawing: TP10 rev -  
Job Number: 1095

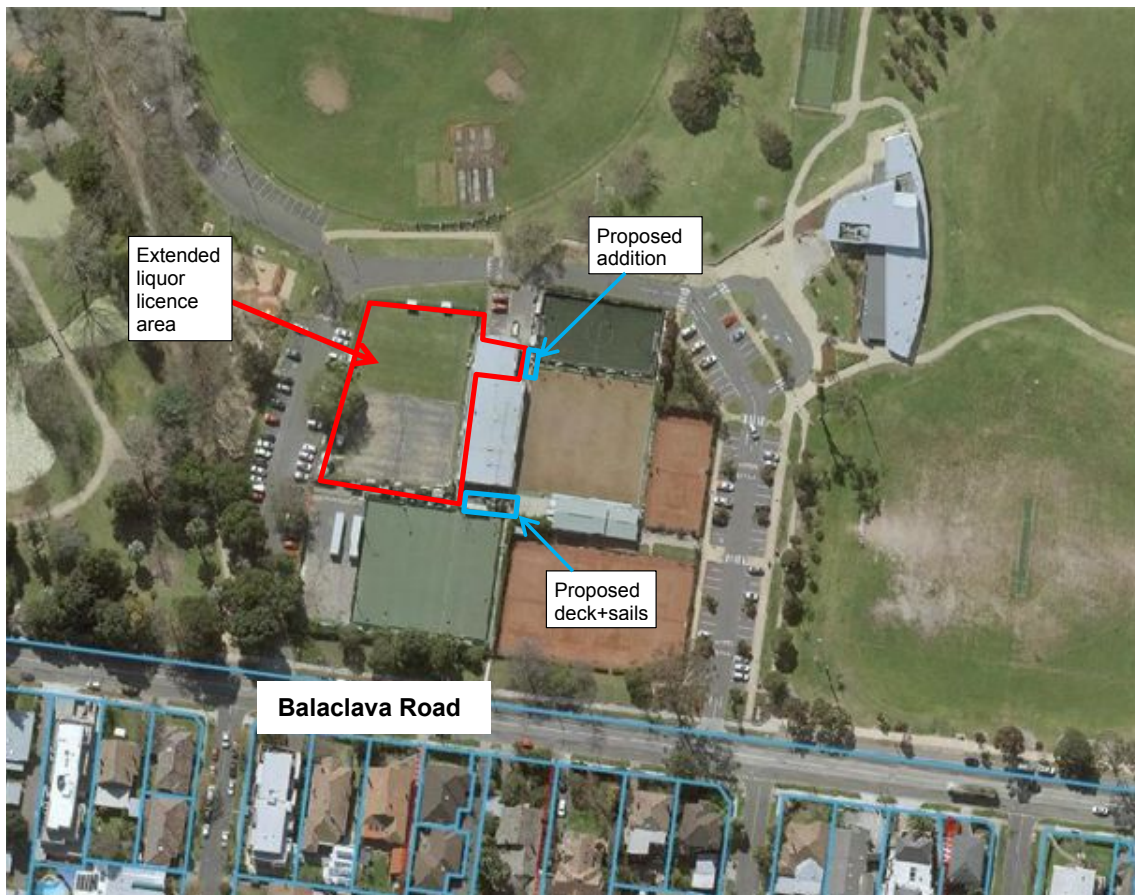
### Sally Draper Architects

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42 Vorkiss Street  
North Fitzroy Victoria 3066  
Telephone 03 9456 8606  
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Email [info@sallydraperarchitects.com.au](mailto:info@sallydraperarchitects.com.au)  
[www.sallydraperarchitects.com.au](http://www.sallydraperarchitects.com.au)

## Item 9.6

280A Balaclava Road Caulfield North  
APPLICATION NO. GE/PP-28334/2015

File No: GE/PP-28334/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Buildings and works comprising an addition, deck and shade sails and variation to the allowed area for sale and consumption of alcohol associated with the bowls club
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Potential impacts on amenity of surrounding area</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Open Space Strategy
<b>APPLICANT</b>	Caulfield Park Sports Club
<b>PLANNING SCHEME CONTROLS</b>	Public Park and Recreation Zone
<b>EXISTING LAND USE</b>	Sports ground / public open space
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>All properties adjoining Caulfield Park notified</li> <li>513 notices sent (owners and occupiers)</li> <li>8 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$958

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28334/2015 allowing construction of buildings and works comprising an addition, deck and shade sails and an increase to the area allowing the supply and consumption of alcohol associated with the bowls club in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne

Glen Eira City Council

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

**4. Reasons For Recommendation**

The external construction works form part of a broad refurbishment of the existing bowls clubhouse which seeks to improve facilities for members.

The timber deck with balustrading and shade sails above will be constructed at the southern end of the bowls club room. It will be setback greater than 50m from the Balaclava Road boundary behind an existing bowls green. It will have minimal visibility from the street and is unlikely to be visible from residential properties located to the south. The proposed construction works are located well within the bowls club boundaries and thus will have no visual impact within the public open space areas. The works will improve the existing outdoor facilities in this area which is currently concreted and offers no shade or wet weather protection for members.

A small extension and entrance canopy is to be constructed to the north-east corner of the club house. The extension will provide approximately 20 square metres of additional storage for the club. The extension will be constructed to match the style of the existing clubhouse and will not be visible from the street or any residential properties. The proposed extension is appropriately located and will have no adverse visual or amenity impacts of the surrounding open space areas.

The bowls club has a current liquor licence which enables alcohol to be consumed within the clubhouse and on the bowling greens. It is proposed to extend this area to incorporate the croquet greens to the west of the clubhouse. The extended area is located well within the site away from any neighbouring residential properties. It is also bordered by car parking areas to the north and west and thus will not likely have any impact on users of the surrounding open space.

**Item 9.6 (cont'd)**

Objectors have raised concerns with respect to noise impacts associated with the existing bowls club. There are concerns that the proposal will exacerbate these noise impacts. Conditions are recommended in the appendix which requires that any noise impacts from the bowls club must comply with the EPA guidelines and that no external amplification equipment or loudspeakers will be permitted on the premises.

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

**ADDRESS: 280A Balaclava Road, Caulfield North**  
**APPLICATION NO: GE/PP-28334/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Construction of a timber deck and shade sails at the southern end of the bowls club rooms. The deck will measure 15.25m in length by 4.1m in width and will be constructed over an existing concrete area approximately 400mm above natural ground level. It will be bordered by wire balustrading with a timber handrail at the southern end. Four shade sails will essentially cover the whole of the deck and have a maximum height of 3.6m above natural ground level. This area has direct access from the club rooms.
- Construction of a 6.12m by 3.64m extension and a steel framed entrance canopy at the north-east corner of the clubhouse. The extension will incorporate two storerooms.
- The area in which alcohol is served and consumed is proposed to be increased to incorporate the croquet fields to the west of the clubhouse.

**2. Public Notice**

- All properties adjoining Caulfield Park notified
- 513 notices sent (owners and occupiers)
- 8 objections received

The objectors' concerns are summarised as follows:

- Noise
- Behaviour due to increased alcohol consumption
- Parking and increased traffic
- Increased rubbish

**3. Referrals**

Buildings and Properties Department

- Conditional landlord consent given.

**4. Planning Conference**

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

**Item 9.6 (cont'd)**

- Concerns relate to noise emanating from the site not necessarily the refurbishment of the existing building
- Openings within the building including the entrance exacerbate noise emanating from the site
- Noise is causing loss of amenity to residential properties on the opposite side of Balaclava Road
- The use is already causing loss of amenity therefore should not be intensified by the additional deck or increased licensed area
- The new entrance will further increase noise
- Social problems from increased licensed area (playground opposite)
- The bowls club could be used for alternative uses that do not cause loss of amenity
- The capacity of the venue should not be further increased
- Hours of operation result in loud music late at night
- Car parking during events results in overflow parking into Balaclava Road and surrounding streets
- Social benefits of enhancing the Bowls Club should not be at the expense of residential amenity

**5. Conditions**

1. Prior to the occupation of the development, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to the Responsible Authority. The acoustic report must verify that the acoustic treatments and design of the building meets the State Environment Protection Policy N-2 (Control of Music Noise from Public Premises). This report must be to the satisfaction of the Responsible Authority.
2. During construction of the buildings and works allowed by this permit, no building materials, equipment or site sheds are to be stored or left on Council open space, including the abutting Council car park, at any time, and no vehicles are to park on open space or enter the sports ground area, unless with the written consent of the Responsible Authority.
  - (a) The amenity of the area must not be adversely affected by the use or development as a result of the:  
transport of materials, goods or commodities to or from the land; and/or
  - (b) appearance of any building, works, stored goods or materials; and/or
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.
3. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).

**Item 9.6 (cont'd)**

4. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
5. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
6. 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.

**Notes:**

- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- B. 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.
- C. The variation to the area for the supply and consumption of liquor on the premises will require permission from the Victorian Commission for Gambling and Liquor Regulation.

**Item 9.6 (cont'd)**

**Crs Sounness/Hyams**

**That Council:**

**Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28334/2015 allowing construction of buildings and works comprising an addition, deck and shade sails and an increase to the area allowing the supply and consumption of alcohol associated with the bowls club in accordance with the following Conditions:**

- 1. Prior to the occupation of the development, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to the Responsible Authority. The acoustic report must verify that the acoustic treatments and design of the building meets the State Environment Protection Policy N-2 (Control of Music Noise from Public Premises). This report must be to the satisfaction of the Responsible Authority.**
- 2. During construction of the buildings and works allowed by this permit, no building materials, equipment or site sheds are to be stored or left on Council open space, including the abutting Council car park, at any time, and no vehicles are to park on open space or enter the sports ground area, unless with the written consent of the Responsible Authority.**
  - (d) The amenity of the area must not be adversely affected by the use or development as a result of the:  
transport of materials, goods or commodities to or from the land;  
and/or**
  - (e) appearance of any building, works, stored goods or materials; and/or**
  - (f) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or**

**in any other way, to the satisfaction of the Responsible Authority.**
- 3. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).**
- 4. No external sound amplification equipment is to be used for the purposes of entertainment, playing of music or similar purposes. The external loudspeakers are only to be used during the playing of sport.**
- 5. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.**

**Item 9.6 (cont'd)****6. 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.

**Notes:**

- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- B. 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.
- C. The variation to the area for the supply and consumption of liquor on the premises will require permission from the Victorian Commission for Gambling and Liquor Regulation.

The MOTION was put and CARRIED.



1 Site Plan  
Scale 1 : 200

**Clarke  
Hopkins  
Clarke**

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115 Sackville Street  
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[www.chc.com.au](http://www.chc.com.au)

Locality & Site Plan  
Caulfield Bowling Club Refurbishment

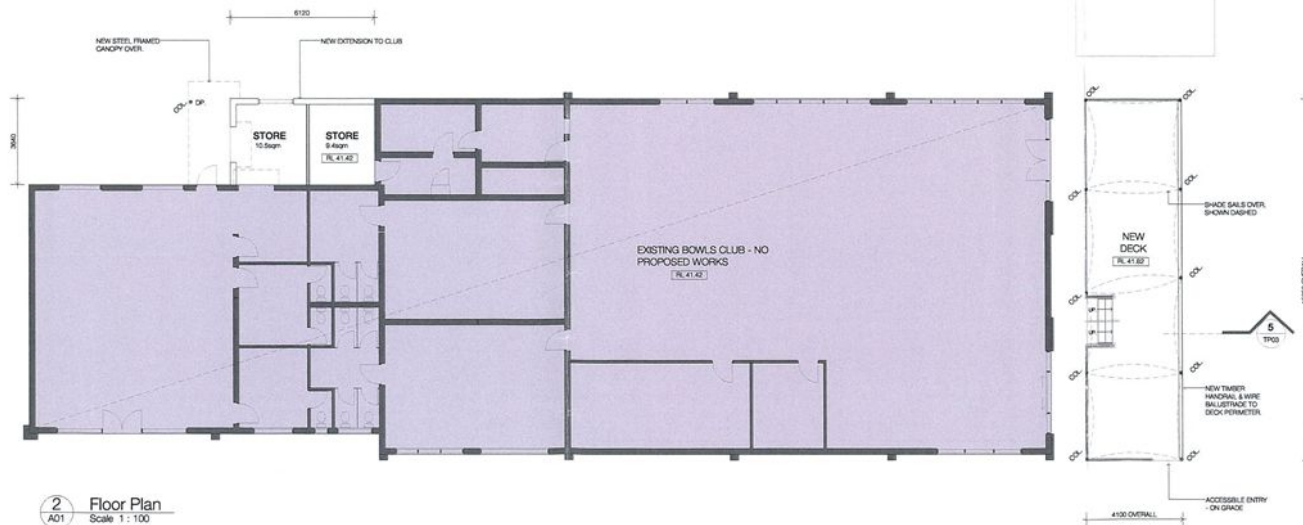
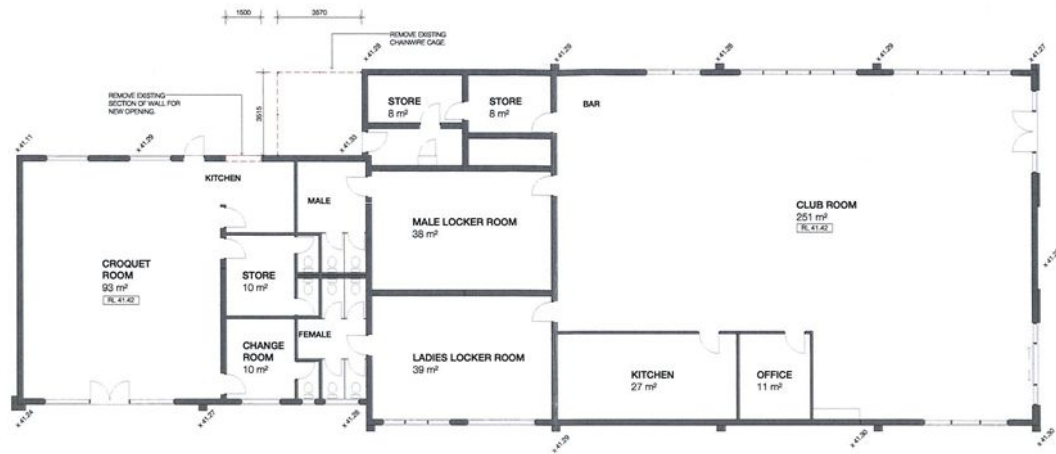
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16 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

PRELIMINARY

16.09.2015  
15034/TP01

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RECEIVED  
16 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

PRELIMINARY

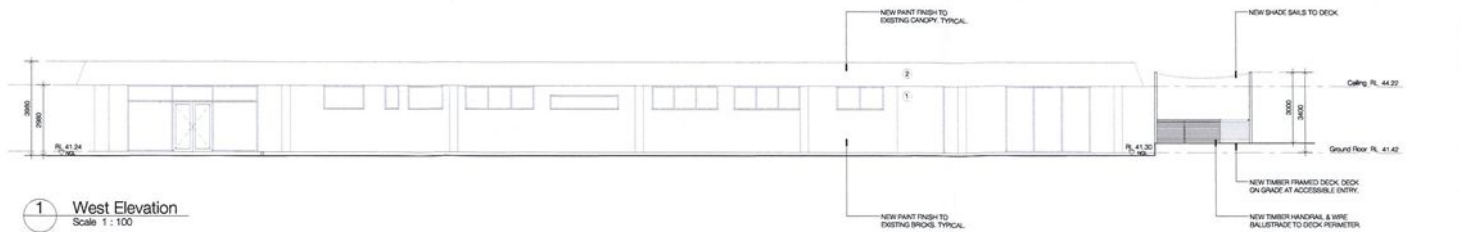
**Clarke Hopkins Clarke**  
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Existing & Proposed Floor Plans  
Caulfield Bowling Club Refurbishment

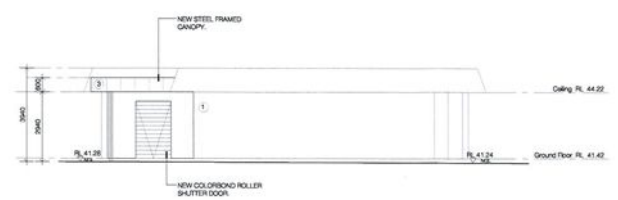
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16.09.2015  
15034/TP02

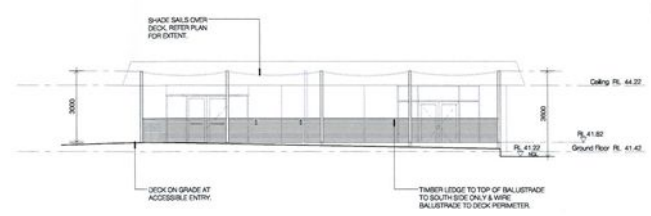
© ClarkeHopkinsClarke 2014



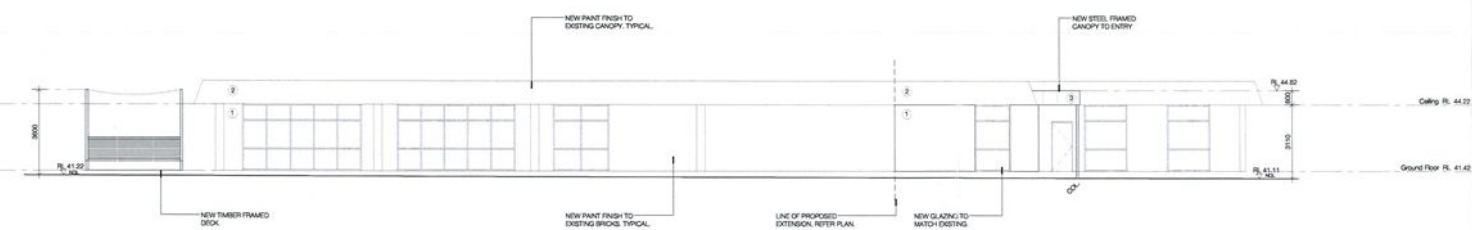
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Scale 1:100



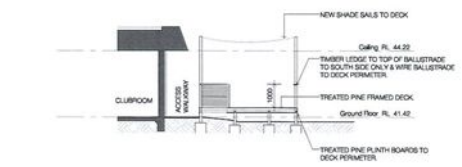
2 North Elevation  
Scale 1:100



3 South Elevation  
Scale 1:100



4 East Elevation  
Scale 1:100



5 Section 1  
Scale 1:100

GLEN EIRA COUNCIL  
RECEIVED  
16 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

PRELIMINARY

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Elevations & Sections  
Caulfield Bowling Club Refurbishment

Scale 1:100 @ A1

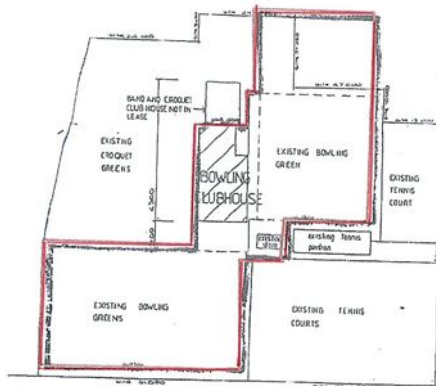
16.09.2015  
15034/TP03

PRESENT

3-105-88<sup>11</sup>  
 18160 P02  
 18160 A02

APPROVED PLAN  
 18160 5145  
 Delegate of the Director of  
 Urban Licensing

AREA SUBJECT TO PLANNING



BALACLAVA ROAD

EXISTING LICENSED AREA

Licensed Area = Red Line  
 No Scale

Extracted from drawBRIDGE on 17-Feb-2015 16:41

Licence: 32105288 - Premises: 18160 [Plan 2, Sheet 1] [Sheet Size: A3]

Date of Approval 05 Apr 2005

BALACLAVA ROAD, CAULFIELD NORTH

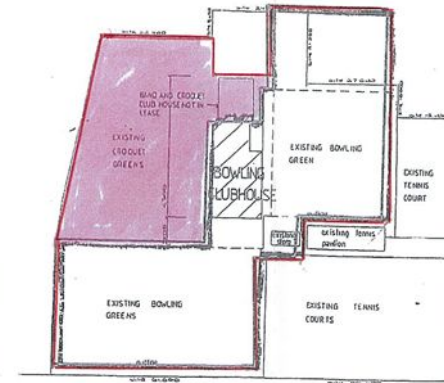
CAULFIELD PARK SPORTS CLUB

VARIATION

3-105-88<sup>11</sup>  
 18160 P02  
 18160 A02

APPROVED PLAN  
 18160 5145  
 Delegate of the Director of  
 Urban Licensing

AREA SUBJECT TO PLANNING



BALACLAVA ROAD

PROPOSED LICENSED AREA

Licensed Area = Red Line  
 No Scale

Extracted from drawBRIDGE on 17-Feb-2015 16:41

Licence: 32105288 - Premises: 18160 [Plan 2, Sheet 1] [Sheet Size: A3]

Date of Approval 05 Apr 2005

GLEN EIRA COUNCIL  
 RECEIVED  
 2 SEP 2015  
 STATUTORY PLANNING  
 DEPARTMENT

## Item 9.7

**VCAT WATCH**  
February 2016

**Enquiries: Michael Henderson**  
**Supervising Planner (VCAT)**

## 1. Purpose

To report to Council recent VCAT decisions.

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

## 2. Decisions

ADDRESS	<b>16-18 TRANMERE AVENUE, CARNEGIE</b>
PROPOSAL	A FOUR-STOREY BUILDING COMPRISING 21 DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• REDUCTION IN THE NUMBER OF DWELLINGS BY FIVE (FROM 26 TO 21)</li> <li>• ALTERATIONS TO THE CAR PARK LAYOUT AND DESIGN</li> <li>• INCREASED SIDE AND REAR SETBACKS</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	STELLER PTY LTD

***“The subject land is within an urban village and the Residential Growth Zone. Therefore, the issue is not so much whether or not the land can accommodate a four level apartment building, rather the issue is whether or not the proposed design is sufficiently site responsive.”*** VCAT Member – Anthony Liston

- The subject site is located within the Residential Growth Zone and the Carnegie Urban Village.
- The application was refused on grounds relating to its non-compliance with the Urban Villages Policy and decision guidelines of the Residential Growth Zone. The application also failed to satisfy a number of ResCode Standards and had deficiencies in the design of the basement car park and access ramp.
- In determining the application, the Tribunal held a four-storey building was capable of being accommodated on the site in accordance with the provisions of the Urban Villages Policy.

**Item 9.7 (cont'd)**

- As the site is proposed within a local street, compliance with the applicable building setback requirements (including front setbacks) would be required. This would ensure that the development provides an appropriate response to the neighbourhood character.
- On that basis, the Tribunal set aside Council's refusal and directed a permit be granted subject to conditions.

ADDRESS	<b>90 TRUGANINI ROAD, CARNEGIE</b>
PROPOSAL	A THREE-STOREY BUILDING COMPRISING 11 DWELLINGS
COUNCIL DECISION	REFUSAL (DPC)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• REDUCTION IN THE NUMBER OF DWELLINGS BY TWO (FROM 13 TO 11)</li> <li>• INCREASED SETBACKS</li> </ul>
VCAT DECISION	REFUSAL
APPELLANT	MAGGIE & MELISSA CAPITAL PTY LTD

***“...the General Residential Zone purposes also seek to encourage development that respects the neighbourhood character of the area and to implement neighbourhood character policy and adopted neighbourhood character guidelines. Respecting neighbourhood character does not mean preventing change, rather that the development should try to ‘fit in’ having regard to the scale, form and architectural style of surrounding development.”*** VCAT Member – John Bennett

- The subject site is located within the General Residential Zone.
- The application was refused on grounds relating to its non-compliance with the rear setback requirements of the General Residential Zone and due to the proposal's unreasonable visual bulk and massing. The application also failed to satisfy a number of further ResCode Standards.
- The Tribunal held that despite the locational attributes and support from policy for a more intensive development, any new development must appropriately respond to the immediate context and the wider neighbourhood character.
- The Tribunal determined that a three storey building was not an appropriate outcome for the site's context and neighbourhood character. Further, the Tribunal determined that the proposed development would be unreasonably visually dominant from adjoining properties.
- On that basis, the Tribunal affirmed Council's refusal.

**Item 9.7 (cont'd)**

ADDRESS	<b>817-819 CENTRE ROAD, BENTLEIGH EAST</b>
PROPOSAL	A THREE-STOREY BUILDING COMPRISING 24 DWELLINGS
COUNCIL DECISION	NOD (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• INCREASED SETBACKS</li> <li>• RECONFIGURATION OF THE CAR PARK LAYOUT AND ACCESS</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	ROSEMARY TARANTO AND OTHERS (OBJECTORS)

***“Living in these apartments would be akin to living within a plastic milk bottle, you would be living in a space awash with translucent light with the only outlook being an outlook to the sky through narrow openings above eye height.”*** VCAT Member – Anthony Liston

- The subject site is located within the General Residential Zone and the Bentleigh East Neighbourhood Centre.
- Council determined to support the application, subject to conditions that increased setbacks to the street and the rear, reduced the number of dwellings to 24, required the provision of full visitor car parking and the screening of windows to avoid overlooking.
- In determining the application, the Tribunal was satisfied that the site was suitable to accommodate a three-storey building having regard to the policy direction.
- The Tribunal determined that excessive use of obscure glazing for screening would unreasonably compromise the internal amenity of future residents. Therefore, the Tribunal determined that alternative screening measures were required (such as external louvres) to improve daylight penetration and outlook for future residents (without overlooking adjoining properties).
- On that basis, the Tribunal directed that a planning permit be issued.

**Item 9.7 (cont'd)**

ADDRESS	<b>4 LILAC STREET, BENTLEIGH EAST</b>
PROPOSAL	A THREE-STOREY BUILDING COMPRISING 10 DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	REFUSAL
APPELLANT	THE TOWN HALL CONSULTING GROUP

***“I consider that this proposal seeks to achieve too much for this site, bearing in mind its location, size and interfaces. I find that its overall scale is excessive for its context, notwithstanding the fact that it does not exceed the height limit in the zone.”*** VCAT Member – Dalia Cook

- The subject site is located within the General Residential Zone and the Bentleigh East Neighbourhood Centre.
- Council determined to refuse the application on grounds relating to its non-compliance with the policy requirements of Council's Housing Diversity Area. The application also failed to satisfy a number of ResCode Standards and had deficiencies in the design of the car park layout.
- In determining the application, the Tribunal held that although the planning scheme calls for a change in the density and form of housing to accommodate future housing demands, the proposal dominated its setting and sought to achieve too much for the site.
- As a consequence, the Tribunal determined the size of the basement level, inadequate side boundary setbacks and poor internal amenity to future occupants were indicative of an overdevelopment. Further, the Tribunal determined that the provision of secluded private open space within the front setback to Lilac Street (and subsequent high front fencing) compromised the open landscape character of the area.
- On that basis, the Tribunal affirmed Council's refusal.

**3. Recommendation**

That Council note:

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

**Crs Lipshutz/Magee**

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

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

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

COMPULSORY CONFERENCE	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
10 February 2016	29 February 2016	P2431/2015	322-328A Centre Road, Bentleigh	Nine-storey building comprising 47 dwellings	C1Z	Not Support (Resolution)	Failure to grant a permit (Applicant)
15 January 2016	22 February 2016	P2322/2015	14-22 Woorayl Street, Carnegie	Modification to the existing permit allowing the construction of a twelve- storey building. The proposed change seeks to: <ul style="list-style-type: none"> <li>• Increase the number of dwellings from 134 to 154</li> <li>• Decrease the number of two &amp; three bedroom dwellings</li> <li>• Increase the commercial floor space (office and retail)</li> <li>• Increase in the overall building height</li> </ul>	MUZ	Refusal (Manager)	Refusal (Applicant)
28 January 2016	9 March 2016	P2469/2015	3-9 Elliot Avenue, Carnegie	Four storey building comprising 51 dwellings	RGZ	Not Support (Manager)	Failure to grant a permit (Applicant)
17 February 2016	31 March 2016	P2505/2015	10-12 Bent Street, Bentleigh	Four storey building comprising 35 dwellings	RGZ	Permit (Resolution)	Conditions (Applicant)
18 February 2016	1 April 2016	P2550/2015	233-239 Nepean Highway, Gardenvale	Four storey building and use of the land for; a cafe, restricted retail, retail showroom, offices and place of assembly	C2Z	Refusal (Manager)	Refusal (Applicant)

**PLANNING AND ENVIRONMENT LIST**

HEARING DATE	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
1 February 2016	P2243/2015	45 Barrington Street, Bentleigh East	Construction of two double-storey dwellings	NRZ	Permit (Manager)	Conditions (Applicant)
5 February 2016	P2314/2015	3 Bellevue Road, Bentleigh East	Construction of two double-storey dwellings	NRZ	Permit (Manager)	Conditions (Applicant)
26 February 2016	P2417/2015	180 Bignell Road, Bentleigh East	Modification to the existing permit allowing the construction of two dwellings. The proposed change seeks to: <ul style="list-style-type: none"> <li>Construct a double-storey dwelling</li> </ul>	NRZ	Permit (DPC)	Conditions (Applicant)
26 April 2016	P2204/2015	359-361 Chesterville Road, Bentleigh East	Modification to the existing permit allowing the construction of a child care centre. The proposed change seeks to: <ul style="list-style-type: none"> <li>Increase the number of children from 82 to 110</li> <li>Increase the number of staff from 14 to 18</li> <li>Alterations to the building</li> </ul>	NRZ	Refusal (Manager)	Refusal (Applicant)
2 May 2016	P28130/2015	31 Station Street, Caulfield East (Caulfield Racecourse)	A horse racing timing system	PPRZ	Refusal (Resolution)	Refusal (Applicant)
2 May 2016	P2346/2015	10 Ames Avenue, Carnegie	Construction of six dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
3 May 2016	P2330/2015	5 Grange Road, Caulfield East	Modification to the existing permit allowing the construction of a four-storey student accommodation building comprising 25 dwellings. The proposed change seeks to: <ul style="list-style-type: none"> <li>Convert the building to a</li> </ul>	GRZ	Refusal (Manager)	Refusal (Applicant)

			residential apartment building • Increase the building height			
4 May 2016	P2308/2015	86 Truganini Road, Carnegie	Construction of a three-storey building comprising 14 dwellings	GRZ	Refusal (Resolution)	Refusal (Applicant)
5 May 2015	P2336/2015	14 and 14A Vickery Street, Bentleigh	Construction of a three-storey building comprising 10 dwellings	RGZ	Refusal (Manager)	Refusal (Applicant)
6 May 2016	P2333/2015	991 Glen Huntly Road, Caulfield	Construction of a three-storey building comprising 11 dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
9 May 2016	P2416/2015	4 Gerard Street, Caulfield	Construction of a two-storey building comprising two dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)
12 May 2016	P2437/2015	235 Grange Road, Ormond	Construction of a two-storey building comprising six dwellings	GRZ	Permit (DPC)	Conditions (Applicant)
16 May 2016	P2464/2015	42 Aroona Road, Caulfield North	Construction of two dwellings and variation to a restrictive covenant	NRZ	Refusal (Manager)	Refusal (Applicant)
20 May 2016	P2466/2015	466 Dandenong Road, Caulfield North	Construction of a three-storey building comprising 14 dwellings	GRZ	Permit (DPC)	Conditions (Applicant)
23 May 2016	P2495/2015	8-10 South Avenue, Bentleigh	Construction of a three storey building comprising 11 dwellings	GRZ	Refusal (DPC)	Refusal (Applicant)
25 May 2016	P2551/2015	7 East Boundary Road, Bentleigh East	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)
26 May 2016	P2524/2015	633 Warrigal Road, Bentleigh East	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)
30 May 2016	P2532/2015	6 Burreel Avenue, Elsternwick	Construction of a two-storey building comprising two dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)

**Item 9.8****VCAT WATCH  
APPLYING LOCAL POLICIES****Enquiries: Rocky Camera  
Acting Manager Statutory Planning****1. Proposal**

At the 24 November 2015 Ordinary Council Meeting, Council resolved, amongst others:

*'That officers prepare a report to come to the first council meeting of 2016 setting out incidences of VCAT making contradictory, inconsistent decisions on similar applications.'*

**2. Community Plan**

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

Advocacy: Council will advocate to the Federal and State Governments to meet the needs of residents and ratepayers for the following:

- changes to state planning policies where Council considers reasonable community desires and expectations are at odds with existing state planning policies;
- Council planning decisions to be given greater weight before VCAT; and
- increase permeability requirements especially in special building overlays.

**3. Background**

At the 21 July 2015 Ordinary Council Meeting, Council resolved:

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

(refer to attachments)

**Item 9.8 (cont'd)****4. Local Policies**

Council's local housing policies include the Minimal Change Area Policy and Housing Diversity Area Policy.

The Minimal Change Area Policy includes the following objectives:

- *To protect the low density, vegetated character of minimal change areas.*
- *To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites.*
- *To ensure that the design of new residential development is sensitive to and respectful of the scale of existing residential development on adjoining sites.*

The Housing Diversity Area Policy includes the following objectives:

- *To ensure that the density, mass and scale of residential development is appropriate to the location, role and neighbourhood character of the specific housing diversity area.*
- *To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites.*
- *To ensure that the design of new residential development is sensitive to and respectful of the scale of existing residential development on adjoining sites.*

Although development proposals may meet the numerical requirements of the State Government's multi-dwelling design guidelines (ResCode), they do not always necessarily meet the objectives of Council's housing policies.

**5. VCAT and Local Policy**

Examples exist where VCAT has upheld Council's decisions based on local policy:

**32 Newstead Street, Caulfield**

- Proposal: Construction of two (2) double-storey attached dwellings
- Zone: Neighbourhood Residential Zone
- Policy: Minimal Change Area Policy
- A planning permit was issued by Council though the following condition was appealed by the applicant:

*The master bedroom, its WIR, ensuite and toilet (including hallway) of Unit 2 to be deleted with any changes to the dwelling layout to be within the remaining building envelope to the satisfaction of the Responsible Authority.*

The condition required deletion of a large portion of the first floor of Unit 2 due to non-compliance with Council's Minimal Change Area Policy. This was despite the proposal satisfying ResCode setback standards. It was considered by the Planning Office that the development resulted in adverse visual amenity impacts on the rear yard of an adjoining property.

**Item 9.8 (cont'd)**

- VCAT Decision: The condition was retained
- Reasoning:

*'...It is not the role of the Tribunal to design or redesign a proposal. Alterations to the rear of the first floor of dwelling 2 requires detailed consideration and possibly more design changes to the overall development rather than just deleting some rooms. Given this matter relates only to condition 1(b) and that I find there is an unacceptable visual bulk impact to No. 34, I am going to leave condition 1(b) in the permit. In doing so, I would encourage the Applicant to consider amending its permit to address this impact in a manner that is appropriate but possibly different to the outcome sought by condition 1(b).'*

**4 Lilac Street, Bentleigh East**

- Proposal: Construction of a three (3) storey building above basement carpark comprising ten (10) apartments
- Zone: General Residential Zone
- Policy: Housing Diversity Area Policy
- Relevant refusal grounds (based on policy):

*The proposal does not satisfactorily accord with Council's Housing Diversity Area Policy as the visual bulk and mass of the building would have an adverse impact on the Lilac Streetscape and the adjoining properties. In particular, the following non-compliances are identified;*

- *The density, mass and scale of the development is not appropriate to that of the immediate residential context of the neighbourhood centre;*
- *The development presents an overly dominant appearance to the streetscape;*
- *The development does not adequately take into account its interface with existing residential development on adjoining sites.*

- VCAT Decision: Refusal upheld
- Reasoning:

*'Planning policy at clause 22.07-2 and 22.07-3.1 of the planning scheme still aims for new development to respond to its context. It includes objectives to seek to ensure that the density, mass and scale of residential development is appropriate to the neighbourhood centre. It seeks to avoid development dominating the streetscape and to ensure that the design is sensitive to and respectful of the scale of existing residential development on adjoining sites.*

*I consider that this proposal seeks to achieve too much for this site, bearing in mind its location, size and interfaces. I find that its overall scale is excessive for its context, notwithstanding the fact that it does not exceed the height limit in the zone.'*

**Item 9.8 (cont'd)**6 Prince Edward Avenue, McKinnon

- Proposal: The construction of a three (3) storey building comprising ten (10) dwellings with basement car parking
- Zone: General Residential Zone
- Policy: Housing Diversity Area Policy
- Relevant refusal grounds (based on policy):

*The proposed development is inconsistent with the intent and objectives of Clause 22.07 of the Glen Eira Planning Scheme (Housing Diversity Area Policy) in relation to:*

- *Lack of transition to the adjoining residential properties.*
- *Inadequate side and rear setbacks*
- *Excessive and unreasonable visual bulk impacts on the adjoining residential properties.*
- *Extent of the first and second floor.*
- *Visual dominance of the development within the existing streetscape.*
- VCAT Decision: Refusal upheld
- Reasoning:  
*'... my major concerns about this development do not relate to numeric ResCode standards. Instead they concern the broader concept of neighbourhood character which is referenced in the objectives for many of the ResCode requirements including B1, B6, B13 and B17. They also concern the policy guidance for sites in a residential area within a neighbourhood centre which I have referred to in some detail in the previous section. They also concern those ResCode requirements which are not subject to assessment against a numeric standard but which, when taken together, suggest the proposal is trying to do 'too much' on a single width suburban site.'*

However, examples exist that indicate an inconsistency in VCAT's treatment of Glen Eira's local policies.

36 London Street, Bentleigh

- Proposal: Construction of two double storey attached dwellings
- Zone: Neighbourhood Residential Zone
- Policy: Minimal Change Area Policy
- Relevant refusal grounds (based on policy):

*The proposal is contrary to the purpose of the Neighbourhood Residential Zone as it will not ensure respect for the identified neighbourhood character and will not implement the character elements of the Minimal Change Area Policy (Clause 22.08) of the Glen Eira Planning Scheme. In particular:*

- *The extent of the upper floor and the bulk impacts to the adjoining properties to both east and west.*

**Item 9.8 (cont'd)**

- VCAT Decision: Refusal overturned, Planning Permit issued
- Reasoning:  
*‘... the presentation of the overall building mass, bulk or form including the extent of upper level form does adopt a respectful response to the adjoining single dwelling form to the west and its rear secluded open space. It follows that there is no need to modify this design response further in terms of its response to the west.’*

**4-6 James Street & 15-16 Etna Street, Glen Huntly**

- Proposal: Construction of a three-storey building comprising forty-five (45) dwellings and a basement car park and reduction of the visitor car parking requirement
- Zone: General Residential Zone
- Policy: Housing Diversity Area Policy
- Relevant refusal grounds (based on policy):  
*The proposal does not satisfactorily accord with Council’s Housing Diversity Area Policy as the visual bulk and mass of the building would have an adverse impact on the Etna and James Street streetscapes and the adjoining properties.*
- VCAT Decision: Refusal overturned, Planning Permit issued
- Reasoning:  
*‘... Domus Design Pty Ltd involved a proposed three level mixed-use building within the McKinnon Road shopping strip. Member Keaney observed that the policy context clearly invited an application for intensified development, but felt that:*  
*...the Council had skated over this compliance and delved down into “secondary” or incidental issues of amenity, character and car parking as the basis for denial.*  
*... Similar observations could be made about the Council’s approach to the current application...*  
*My key finding is that there is very strong strategic support for the proposed development and a permit should issue.’*

**2-4 Penang Street, McKinnon**

- Proposal: Construction of a three storey building comprising of twenty-four apartments, above basement car park and reduction of visitor car parking requirements
- Zone: General Residential Zone
- Policy: Housing Diversity Area Policy
- Relevant refusal grounds (based on policy):  
*The proposed development is inconsistent with the purpose of the General Residential Zone of the Glen Eira Planning Scheme as it would not adequately respond to its context and would not respect the existing or preferred neighbourhood character.*

**Item 9.8 (cont'd)**

*The proposal does not satisfy the objectives of Clause 55 of the Glen Eira Planning Scheme (ResCode) as follows:*

- *Clause 55.02-1: Neighbourhood Character: The design does not respect the existing character and does not contribute to the preferred neighbourhood character*
- *Clause 55.02-2: Residential Policy: Due to non-compliance with Council's Housing Diversity Area Policy*
- VCAT Decision: Refusal overturned, Planning Permit issued
- Reasoning:  
*'Whilst the proposed front setbacks were not responsive to the existing buildings in this neighbourhood, we accepted the building being closer to Graham Avenue as it was not the primary street frontage. We found the setbacks and design of the building at the street corner as well as in Penang Street were not entirely acceptable and required modification. We considered that significant changes were required and gave examples of the setbacks necessary from Penang Street. These setback examples have been utilised in the amended plans exactly.'*

**6. Recommendation**

That Council notes this report.

**Crs Hyams/Magee**

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

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

## Attachments



# Office of the Mayor

## Cr Jim Magee

4 August 2015

Hon. Richard Wynne MP  
Minister for Planning  
1 Spring Street  
MELBOURNE 3000

Dear Minister

### The Victorian Civil and Administrative Tribunal's application of Council's planning policies

At the Ordinary Council Meeting of 21 July 2015, Council resolved unanimously:

*\*That Council:*

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

A summary of the above mentioned decisions was reported to Council on 30 June 2015 and 21 July 2015. A copy of those reports is attached for your information.

Council requests that the *Planning and Environment Act* be amended to require VCAT to apply Council's planning policies, rather than only have to consider these documents, when making a decision on an application.

Yours sincerely,

CR JIM MAGEE  
MAYOR

Copy Hon. David Davis MLC  
Mr. Nick Stalcos MP  
Mr. David Southwick MP  
Mr. Steve Dimopolous MP

Mr. Hong Lim MP  
Ms Georgie Crozier MLC  
Mr Phillip Dalidakis MLC  
Ms Margaret Fitzherbert MLC

Ms Sue Pennicuik MLC

### Glen Eira City Council

80 MCGs of parklands  
enough footpaths to reach Sydney  
enough drains to reach Mildura  
enough roads to reach South Australia  
\$500s of town planning projects  
2,000 food safety inspections  
4,000 off-street car spaces  
25,000 tonnes of recycling  
32,000 tonnes of waste  
one million library loans  
care for 4,500 elderly  
services for 8,000 children  
9,000 immunisations  
67 school crossings  
46,000 street trees  
8,500 street lights  
45 sportsgrounds  
47 playgrounds  
and much more

### Glen Eira City Council

Corner Glen Eira and Hawthorn Roads,  
Caulfield, Victoria  
PO Box 42 Caulfield South 3162  
asn 65 952 882 314

Telephone 03 9524 3333  
National Relay Service TTY dial 13 36 77 or  
Speak and Listen 1300 555 727 or  
www.speakandlisten.com.au then enter 03 9524 3333  
Facsimile 03 9523 0339  
Email mail@glenaira.vic.gov.au  
Website www.glenaira.vic.gov.au

Brooklyn • Bundoora East • Brighton East • Carnegie  
Caulfield • Elsternwick • Gardenvale • Glen Huntly  
McKinnon • Murrumbeena • Ormond • St Kilda East



The Hon Richard Wynne MP

Minister for Planning

1 Spring Street  
Melbourne, Victoria 3000  
Telephone: +613 8392 6175  
DX210292

Cr Jim Magee  
Mayor  
Glen Eira City Council  
PO Box 42  
CAULFIELD SOUTH VIC 3162

Ref: MIN005887  
\*\*\*MIN005887\*\*

Dear Cr Magee

**THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL - APPLICATION OF GLEN EIRA PLANNING SCHEME POLICIES**

Thank you for your letter of 4 August 2015, seeking an amendment to the *Planning and Environment Act 1987* (the Act) to require the Victorian Civil and Administrative Tribunal (VCAT) to apply Council's local planning policies rather than just taking them into account.

As you would be aware, section 84B of the Act sets out what VCAT must have regard to, or what it must take into account in determining an application for review under the Act. This includes all the matters that the original decision maker took into account, the relevant planning scheme and the objectives of planning in Victoria as well as other matters.

VCAT steps into the shoes of the decision maker when reviewing a decision of the responsible authority. The Tribunal may determine, in the specific circumstances of the case, how much weight to give to the matters set out in section 84B of the Act. A local planning policy is not specifically referenced in that section, but would be included in the requirement that VCAT take into account the planning scheme and all the matters that the original decision maker took into account.

There is considerable misunderstanding about how policy can be used in a statutory sense and how it can be used to achieve planning objectives. A local planning policy is not a control.

A local planning policy is a guide to decision making in relation to a specific discretion in a zone or an overlay. It helps the responsible authority and VCAT to understand how a particular discretion is likely to be exercised. It is not seen as a mandatory requirement, nor do I consider that it should be mandatory as each proposal should be assessed on its merit against relevant State and local policy objectives. Nevertheless, a local planning policy that is well written, clear and unambiguous can reduce challenges at VCAT and make the whole decision process more transparent.



I appreciate the Council's concern but I am not satisfied that legislative change is appropriate in this instance as other mechanisms such as zone and overlay provisions can be used to achieve Council's objective if strategically justified.

If you have any further queries in relation to this matter, please contact John Phillips, Director, Planning Systems, in the Department of Environment, Land, Water and Planning on (03) 9223 5344.

Yours sincerely



HON RICHARD WYNNE MP  
Minister for Planning

21 / 10 / 2015

**Item 9.9****ELECTIONS 2016  
POSTAL OR ATTENDANCE VOTING**

**File No:**  
**Enquiries: Wendy Mason**  
**Legal and Governance Co-ordinator**

**1. Proposal**

To decide whether voting at the 2016 elections should be conducted by postal vote or attendance vote.

**2. Community Plan**

Governance – to govern the City in a democratic, open and responsible manner in the best interests of the community as a whole.

**3. Background**

Council (in common with other councils in Victoria) is obliged to undertake an election on 22 October 2016.

Under the recently enacted *Local Government Amendment (Improved Governance) Act 2015*, the Victorian Electoral Committee ('VEC') is established as the statutory election service provider to Victorian councils. The VEC has provided Council with detailed estimates of the costs for conducting an election by postal voting and by attendance voting.

Section 41A of the *Local Government Act 1989* provides that voting at a general election must be conducted by the same means, whether attendance or postal voting, as the previous general election was conducted unless a Council has decided at least 8 months before the election day to change the means of conducting the voting.

This means that Council must decide that the election be conducted by attendance or postal voting no later than 22 February 2016.

**4. Cost**

The VEC has provided estimates as follows:

Postal Voting: **\$501,731.38** (ex GST) (up from \$433,642 in 2012 and \$377,717 in 2008)

Attendance Voting: **\$691,988.46** (ex GST) (up from \$524,924 in 2012 and \$496,402 in 2008)

The VEC will commence negotiations on service agreements with councils in January 2016 and finalise these in April 2016. A further report will be submitted around this time to obtain Council's formal approval to enter into the agreement.

Postal voting is significantly more economical both in terms of direct costs payable to the VEC and Council resources, particularly staffing resources.

**Item 9.9 (cont'd)**

**5. Recommendation**

That Council resolves:

(a) that the 2016 election be conducted by postal vote at an estimated cost of \$501,731.38 excluding GST

OR

(b) that the 2016 election be conducted by attendance vote at an estimated cost of \$691,988.46 excluding GST.

**Crs Sounness/Lipshutz**

**That the 2016 election be conducted by attendance vote at an estimated cost of \$691,988.46 excluding GST.**

**The MOTION was put and LOST.**

**Crs Magee/Delahunty**

**That the 2016 election be conducted by postal vote at an estimated cost of \$501,731.38 excluding GST.**

**The MOTION was put and CARRIED.**

**PROCEDURAL MOTION**

**Crs Lipshutz/Magee**

**That an extension of time be granted for tonight's Council Meeting to conclude at 11.00PM.**

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

**Item 9.10**

<b>Glen Eira City Council Financial Report for the period ending 31 December 2015</b>	<b>File No: Enquiries: Peter Swabey Chief Financial Officer</b>
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**1. Proposal**

To receive the Financial Report for the period ending 31 December 2015.

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

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

**3. Key Points**

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

**4. Contents**

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

**5. Recommendation**

That the report be received and noted.

**9.36PM Cr Hyams left the Chamber.**

**Crs Lipshutz/Sounness**

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

**9.38PM Cr Hyams returned to the Chamber.**

**9.39PM Cr Delahunty left the Chamber.**

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

## **Executive Summary**

*for the period ending 31 December 2015*

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

At the end of December 2015, the performance against budget from ordinary activities showed a positive variance of \$4.1M due to higher than anticipated revenue of \$1.99M and savings in operating expenditure of \$2.11M (refer to page 12 for details of the variances).

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

The forecast result expected for the financial year is an operating surplus of \$18.04M compared with the original adopted 2015-16 Annual Budget of \$13.28M.

Any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$1.46M; decrease in operating expenditure of \$3.04M and a net favourable variance in non-operational activities \$251K.

### **c) Liquidity**

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

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

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

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

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

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

#### ***Contributions***

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

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

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

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

The balance of the Open Space Reserve as at 31 December 2015 is as follows:

<b>Description</b>	<b>2015-16 Current Month Actual</b>	<b>2015-16 Year-to-Date</b>
Open Space Contributions Received	\$705,097	\$2,463,360
Open Space Capital Expenditure	(\$117,611)	(\$1,347,331)
<b>Net Movement</b>	<b>\$587,486</b>	<b>\$1,116,029</b>
<b>Opening Balance as at 1 July 2015</b>		<b>\$3,541,640</b>
<b>Closing Balance – Open Space Reserve</b>		<b>\$4,657,669</b>

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

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

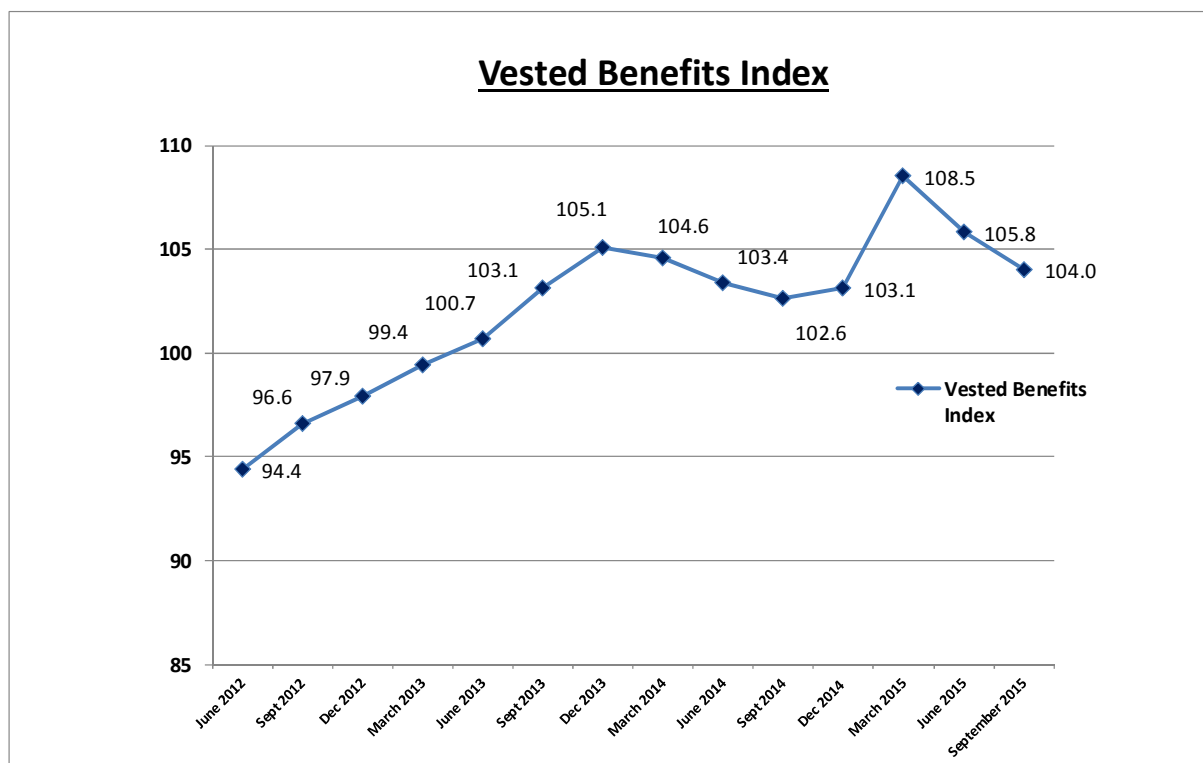
### **e) Superannuation – Defined Benefits Scheme**

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

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

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

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



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

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

#### ***Income from ordinary activities increase of \$1.45M***

The favourable expenditure forecast movement is mainly due to:

- User Fees - increase of \$469K due to higher than anticipated GESAC fees \$205K, Town Planning permit fees \$81K, Residential Aged Care fees \$70K and Subdivision cert fees \$53K.
- Contributions – increase of \$266K based on the timing of Council receiving Open Space Contributions.
- Other income - increase of \$451K due to the liquidation of bank guarantees relating to contractual disputes with the construction of Duncan Mackinnon Pavilion.

#### ***Expenditure from ordinary activities increase of \$68K***

### **g) Capital Works Program**

As at the end of December 2015, total capital works expenditure in 2015-16 is expected to be \$36.41M, represented by:

- New capital works projects as per the 2015-16 Annual Budget \$30.15M
- Capital works funding \$1.9M
- Carry forward expenditure from the 2014-15 financial year \$3.87M
- Forecast increase year to date \$450K.

There are no forecast adjustments for the month of December.

## Financial Strategy

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In previous years the Auditor-General published the results for individual Councils. In 2014-15 the Auditor-General assessed the financial sustainability risk at a sector level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 7 provides indicators for Glen Eira City Council.

### (a) Financial sustainability risk indicators

Indicator	Formula	Description
Net result (%)	Net result / Total revenue	A positive result indicates a surplus, and the larger the percentage, the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. Net result and total revenue is obtained from the comprehensive operating statement.
Liquidity (ratio)	Current assets / Current liabilities	This measures the ability to pay existing liabilities in the next 12 months. A ratio of one or more means there are more cash and liquid assets than short-term liabilities.
Internal financing (%)	Net operating cash flow / Net capital expenditure	This measures the ability of an entity to finance capital works from generated cash flow. The higher the percentage, the greater the ability for the entity to finance capital works from their own funds. Net operating cash flows and net capital expenditure are obtained from the cash flow statement.
Indebtedness (%)	Non-current liabilities / Own-sourced revenue	Comparison of non-current liabilities (mainly comprised of borrowings) to own-sourced revenue. The higher the percentage, the less able to cover non-current liabilities from the revenues the entity generates itself. Own-sourced revenue is used—rather than total revenue—because it does not include capital grants, which are usually tied to specific projects.
Capital replacement (ratio)	Cash outflows for property, infrastructure, plant and equipment / Depreciation	Comparison of the rate of spending on infrastructure with its depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciating rate. This is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations, and borrowing is not an option. Cash outflows for infrastructure are taken from the cash flow statement. Depreciation is taken from the comprehensive operating statement.
Renewal gap (ratio)	Renewal and upgrade expenditure / Depreciation	Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. Ratios higher than 1:1 indicate that spending on existing assets is faster than the depreciating rate. Similar to the investment gap, this is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations, and borrowing is not an option. Renewal and upgrade expenditure are taken from the statement of capital works. Depreciation is taken from the comprehensive operating statement.

## Financial Strategy (continued)

### (b) Financial sustainability risk assessment criteria

The financial sustainability risk of each local council is assessed using the criteria outlined below:

Risk	Net result	Liquidity	Indebtedness	Internal financing	Capital replacement	Renewal gap
<b>High</b>	<b>Negative 10% or less</b> Insufficient revenue is being generated to fund operations and asset renewal.	<b>Less than 0.75</b> Immediate sustainability issues with insufficient current assets to cover liabilities.	<b>More than 60%</b> Potentially long-term concern over ability to repay debt levels from own-source revenue.	<b>Less than 75%</b> Limited cash generated from operations to fund new assets and asset renewal.	<b>Less than 1.0</b> Spending on capital works has not kept pace with consumption of assets.	<b>Less than 0.5</b> Spending on existing assets has not kept pace with consumption of these assets.
<b>Medium</b>	<b>Negative 10%–0%</b> A risk of long-term run down to cash reserves and inability to fund asset renewals.	<b>0.75–1.0</b> Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	<b>40–60%</b> Some concern over the ability to repay debt from own-source revenue.	<b>75–100%</b> May not be generating sufficient cash from operations to fund new assets.	<b>1.0–1.5</b> May indicate spending on asset renewal is insufficient.	<b>0.5–1.0</b> May indicate insufficient spending on renewal of existing assets.
<b>Low</b>	<b>More than 0%</b> Generating surpluses consistently.	<b>More than 1.0</b> No immediate issues with repaying short-term liabilities as they fall due.	<b>40% or less</b> No concern over the ability to repay debt from own-source revenue.	<b>More than 100%</b> Generating enough cash from operations to fund new assets.	<b>More than 1.5</b> Low risk of insufficient spending on asset renewal.	<b>More than 1.0</b> Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

**Financial Strategy (continued)**





























**Monthly Report Relative to Financial Strategy**

Financial Sustainability Risk Indicators	Objective	2014-2015 Actuals	2015-2016 Annual Budget as at 30 June 2016	2015-2016 Annual Forecast as at 30 June 2016	2015-2016 Risk based on Annual Forecast as at 30 June 2016	Comment
<b>(1) Net Result</b>	Generating surpluses consistently of greater than 0%.	9.11%	8.43%	11.34%	Low	Council is generating positive surpluses.
<b>(2) Liquidity</b>	To measure Council's ability to repay short-term liabilities as they fall due. The indicator is to be greater than 1.0.	0.99	0.86	1.12	Low	Council's forecast to 30 June 2016 indicates a Liquidity Ratio of greater than 1.0.
<b>(3) Indebtedness</b>	Lower than 40% relates to the ability to repay debt from own-source revenue.	19.41%	14.70%	17.26%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
<b>(4) Internal Financing</b>	Generating enough cash from operations to fund new assets. The indicator is to be greater than 100%.	116.94%	101.42%	113.20%	Low	Council is generating enough cash from operations to fund new assets.
<b>(5) Capital Replacement</b>	To ascertain the level of risk of insufficient spending on asset renewal. The indicator is to be more than 1.5.	1.62	1.66	1.70	Low	Council operates at a low level of risk with respect to capital replacement.
<b>(6) Renewal Gap</b>	To ensure there is sufficient spending on Council's asset base. The indicator is to be greater than 1.0.	1.21	1.45	1.45	Low	Council spends sufficient funds on its asset base.
Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate.	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,463	\$1,538	\$1,542	Average rates and charges are well below the average of inner metropolitan Councils.	
<ul style="list-style-type: none"> <li>Average Rates and Charges</li> <li>Pensioner Rate Rebate</li> </ul>		\$270	\$270	\$270		
Operating costs per property should be kept as low as possible in order to generate <u>both</u> operating surpluses <u>and</u> lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$2,150	\$2,292	\$2,240		

## Assurance Map

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. Legislation or Standards – Changes generally	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Legislation or Standards – Cost shifting	E							
3. Funding – Shortfalls	H							
4. Contracts – consultant errors	H							Tendering (2013/14) Contract Management (2013/14)
5. Insurance – failure to comply with policy	H							
6. Contracts – indemnities beyond insurance coverage	H							Contract Management (2013/14)
7. Contractors - insurances	H							Contract Management (2013/14)
8. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
9. Terrorist Attack – Lone Wolf	H							Security Protocol Review (2014)
10. IT – security compromised	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14)
11. Advice – incorrect advice provided	H							Statutory Planning (2013/14)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
12. Infrastructure – serious deficiency	H							Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
13. Contracts – wrong authority / process	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
14. Road Management Act / Plan – failure to comply	H							
15. Clayton Landfill – tightening of requirements and fines	H							Clayton Landfill Review (2014/15)
16. Contract Agreements /Partnerships inappropriate relationships entered into	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
17. Clayton Landfill – permanent site closure	H							Clayton Landfill Review (2014/15)
18. Health & Safety – safe & healthy workplace not maintained	H							SafetyMAP recertification (2013/14) OH&S Review (2015/16)
19. Embezzlement	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing)
20. Public Liability General	M							

*\*Reviews performed are ad-hoc and Council may or may not be included in selected sampling Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.*

*Please note that the External Audit process is designed to enable the A-G to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems and processes.*

Level of coverage:  Extensive  Partial  None

# Income Statement

for the period ending 31 December 2015

	2015-16 Year to Date Actual	2015-16 Year to Date Budget	2015-16 Year to Date Variance	2015-16 Year to Date Variance	2015-16 Last Month Forecast	2015-16 Current Month Forecast	2015-16 Current Month Forecast Movement	2015-16 Annual Budget	2015-16 Budget Forecast Variance	2015-16 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
<b>Income</b>										
<b>Income from Ordinary Activities</b>										
General Rates	81,737	81,624	113	0.1%	81,739	81,737	(1)	81,624	113	0.1%
Supplementary Rates	647	550	98	17.8%	599	647	49	550	98	17.8%
Waste and Recycling Charges	13,842	13,777	64	0.5%	14,289	14,296	7	14,232	64	0.5%
Grants (Operating and Capital)	11,277	11,798	(521)	(4.4%)	22,549	22,551	2	23,702	(1,151)	(4.9%)
Interest Received	647	450	197	43.8%	1,042	1,097	55	900	197	21.9%
User Fees	12,655	12,467	188	1.5%	24,848	25,317	469	25,129	188	0.7%
Statutory Fees and Fines	3,577	2,213	1,364	61.6%	5,499	5,646	147	4,282	1,364	31.9%
Contributions - Monetary	2,463	2,363	101	4.3%	4,835	5,101	266	5,000	101	2.0%
Other Income	1,188	805	383	47.6%	1,638	2,089	451	1,605	484	30.2%
<b>Total Income from Ordinary Activities</b>	<b>128,034</b>	<b>126,047</b>	<b>1,986</b>	<b>1.58%</b>	<b>157,038</b>	<b>158,483</b>	<b>1,445</b>	<b>157,024</b>	<b>1,459</b>	<b>0.9%</b>
<b>Expenses</b>										
<b>Expenses from Ordinary Activities</b>										
Employee Costs	34,972	35,818	846	2.4%	67,717	67,749	(33)	69,287	1,537	2.2%
Materials and Consumables	2,603	2,965	362	12.2%	5,599	5,660	(61)	6,023	362	6.0%
Contractor Payments	13,407	13,898	491	3.5%	26,648	26,760	(112)	27,292	532	1.9%
Maintenance	2,831	3,122	291	9.3%	6,539	6,534	4	6,986	452	6.5%
Utility Services	2,092	2,050	(42)	(2.1%)	3,852	3,885	(34)	3,843	(42)	(1.1%)
Insurances	592	740	148	20.0%	909	884	25	1,032	148	14.3%
Other Expenses	1,983	1,874	(109)	(5.8%)	4,192	4,095	97	3,986	(109)	(2.7%)
Grants and Subsidies	517	647	130	20.1%	789	747	42	916	169	18.5%
Borrowing Costs	855	850	(6)	(0.7%)	1,684	1,680	4	1,674	(6)	(0.3%)
<b>Total Expenses from Ordinary Activities</b>	<b>59,853</b>	<b>61,963</b>	<b>2,110</b>	<b>3.4%</b>	<b>117,928</b>	<b>117,996</b>	<b>(68)</b>	<b>121,039</b>	<b>3,043</b>	<b>2.5%</b>
<b>Surplus before non operational activities</b>	<b>68,181</b>	<b>64,084</b>	<b>4,097</b>	<b>6.4%</b>	<b>39,111</b>	<b>40,487</b>	<b>1,376</b>	<b>35,985</b>	<b>4,502</b>	<b>12.5%</b>
<b>Non-operational Activities</b>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	408	240	168	69.9%	622	648	26	481	168	35.0%
Written Down Value of Assets Sold/Disposed	875	765	(110)	(14.4%)	1,754	1,640	113	1,531	(110)	(7.2%)
Depreciation and Amortisation	10,632	10,825	193	1.8%	21,462	21,457	5	21,650	193	0.9%
<b>Surplus for the period</b>	<b>57,082</b>	<b>52,734</b>	<b>4,348</b>	<b>8.2%</b>	<b>16,517</b>	<b>18,038</b>	<b>1,521</b>	<b>13,284</b>	<b>4,754</b>	<b>35.8%</b>
Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.										

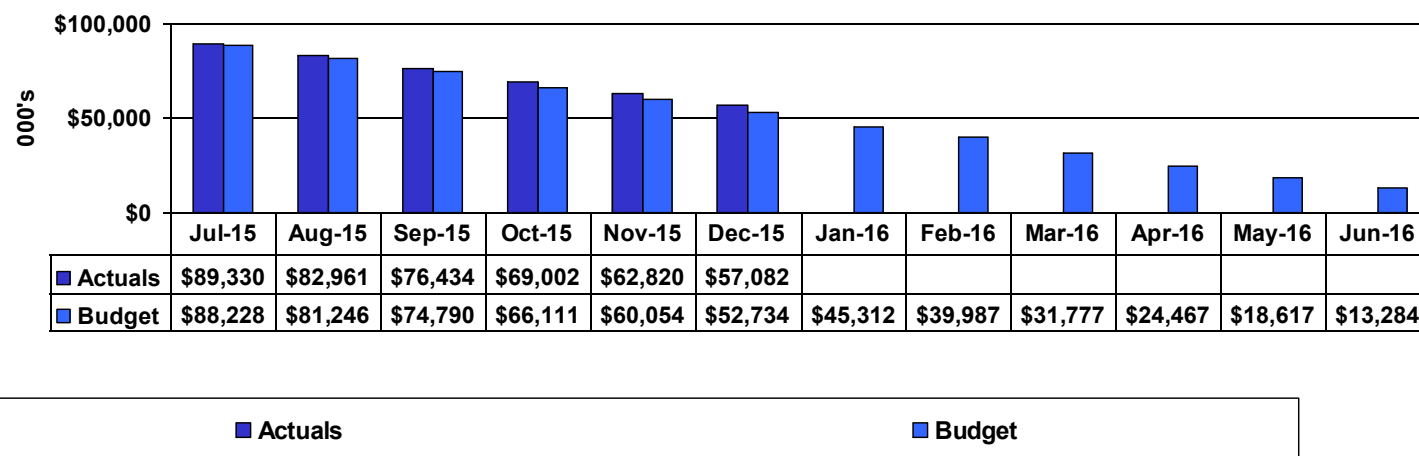
## Balance Sheet

for the period ending 31 December 2015

	Actuals 2014-15 \$ 000's	Annual Budget 2015-16 \$ 000's	Annual Forecast 2015-16 \$ 000's	Year to Date Actual 2015-16 \$ 000's	Previous Month's Actuals \$ 000's
<b>Assets</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	41,404	33,093	48,199	51,154	47,041
Trade and Other Receivables	8,984	8,707	8,984	58,615	69,972
Other Assets	1,309	472	1,309	534	612
<b>Total Current Assets</b>	<b>51,697</b>	<b>42,272</b>	<b>58,492</b>	<b>110,303</b>	<b>117,625</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	1,701,565	1,718,355	1,715,529	1,704,005	1,702,718
Intangible Assets	750	794	750	678	683
Investments in Joint Operations	2,595	2,040	2,595	2,595	2,595
Other Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>1,704,915</b>	<b>1,721,194</b>	<b>1,718,879</b>	<b>1,707,283</b>	<b>1,706,000</b>
<b>TOTAL ASSETS</b>	<b>1,756,612</b>	<b>1,763,466</b>	<b>1,777,371</b>	<b>1,817,586</b>	<b>1,823,626</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	13,732	11,466	13,732	9,386	7,879
Trust Funds and Deposits	24,670	23,909	24,670	33,610	35,394
Provisions	12,692	12,641	12,692	12,587	12,532
Interest-Bearing Liabilities	1,231	1,263	1,231	1,041	1,147
<b>Total Current Liabilities</b>	<b>52,325</b>	<b>49,279</b>	<b>52,325</b>	<b>56,624</b>	<b>56,953</b>
<b>Non-Current Liabilities</b>					
Provisions	1,187	708	1,187	1,260	1,223
Interest-Bearing Liabilities	20,037	18,955	19,037	19,613	19,613
Other Liabilities - Joint Operations	3,352	-	3,352	3,352	3,352
<b>Total Non-Current Liabilities</b>	<b>24,576</b>	<b>19,663</b>	<b>23,576</b>	<b>24,225</b>	<b>24,188</b>
<b>Total Liabilities</b>	<b>76,901</b>	<b>68,942</b>	<b>75,901</b>	<b>80,849</b>	<b>81,141</b>
<b>Net Assets</b>	<b>1,679,711</b>	<b>1,694,524</b>	<b>1,701,470</b>	<b>1,736,737</b>	<b>1,742,484</b>
<b>Equity</b>					
Accumulated Surplus	878,187	891,216	899,946	934,148	940,477
Asset Revaluation Reserve	797,983	801,213	797,983	797,932	797,937
Public Open Space Reserve	3,541	2,095	3,541	4,657	4,070
<b>Total Equity</b>	<b>1,679,711</b>	<b>1,694,524</b>	<b>1,701,470</b>	<b>1,736,737</b>	<b>1,742,484</b>

## Performance Graphs

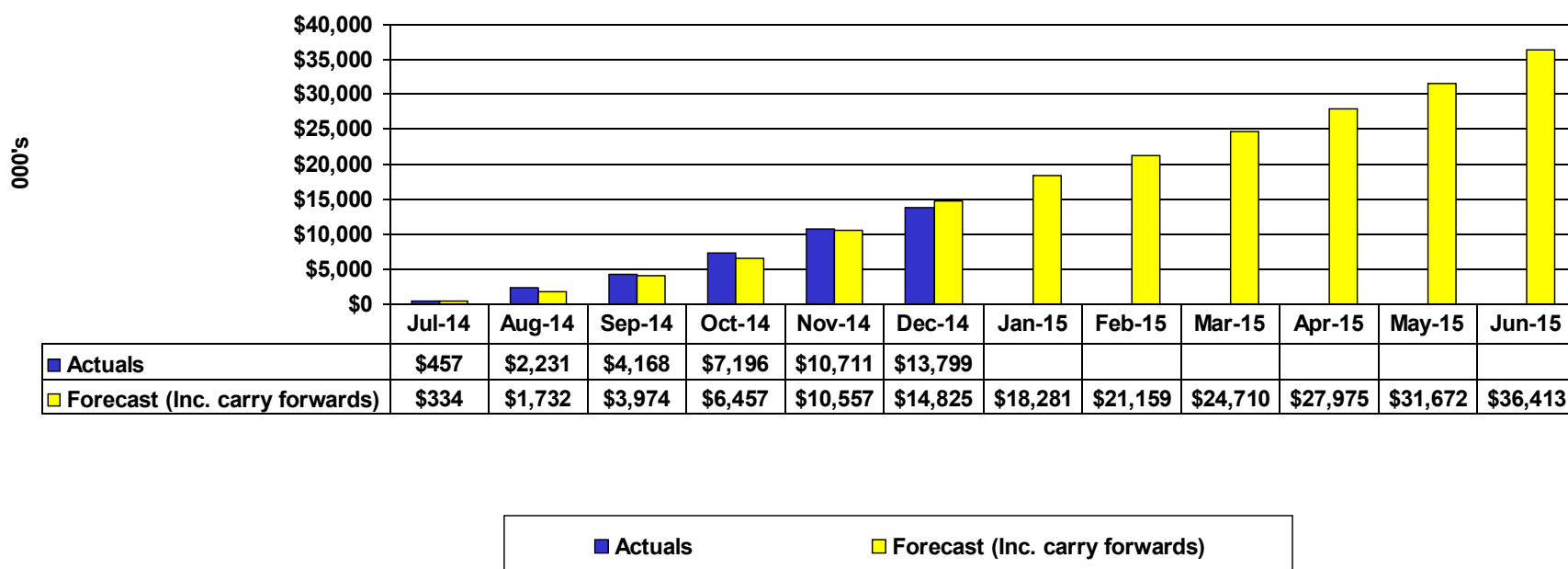
### Financial Performance for the period ending 31 December 2015



The December 2015 year to date financial performance was \$4.35M better than the year to date budget mainly due to:

- Better than anticipated income received for Statutory Fees and Fines \$1.36M, Other Income \$383K, Supplementary and General Rates \$211K, Interest Received \$197K, User Fees \$188K, Contributions-Monetary (Open Space) \$101K and Waste and Recycling Charges \$64K.
- Favourable variances in expenditure items including: Employee Costs \$846K, Contractor Payments \$491K, Materials and Consumables \$362K, Maintenance \$291K, Insurances \$148K and Grants and Subsidies \$130K.
- Unfavourable variances in Grants (Operating and Capital) \$521K and Other Expenses \$109K.

## Capital Works Expenditure for the period ending 31 December 2015

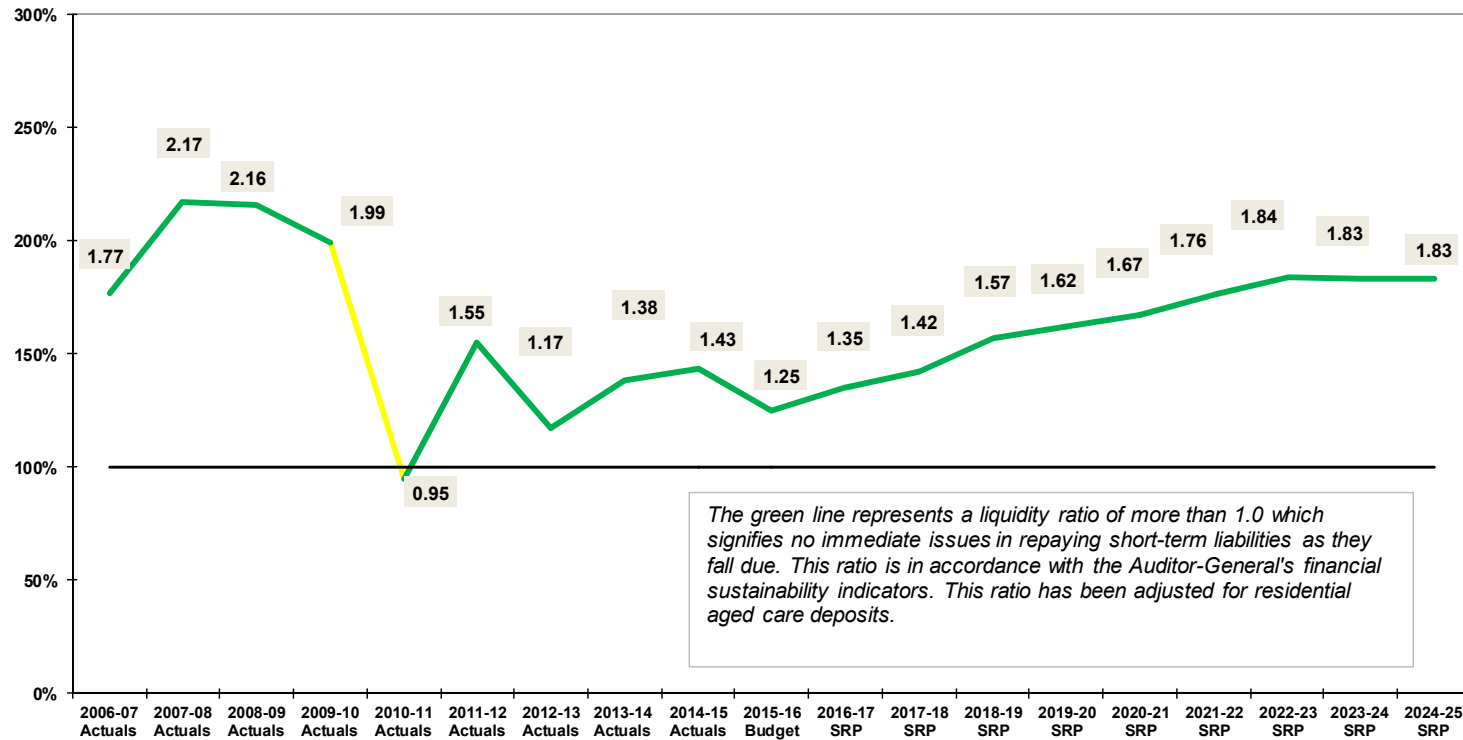


Council's capital expenditure is behind forecast by \$1.03M mainly due to Local Road Resurfacing \$586K, Building Improvements \$389K, Upgrade and Replace Aged Park Furniture \$302K, Glen Eira Sports & Aquatic Centre (GESAC) \$281K and Traffic Engineering \$278K.

Projects which are ahead of budget include: Duncan Mackinnon Pavilion Upgrade \$681K, Open Space Strategy Initiatives \$291K, Centenary Park Car Park Construction \$271K, Shopping Centre Car Park Improvements \$262K, Drainage Improvement \$214K and Road Rehabilitation \$162K.

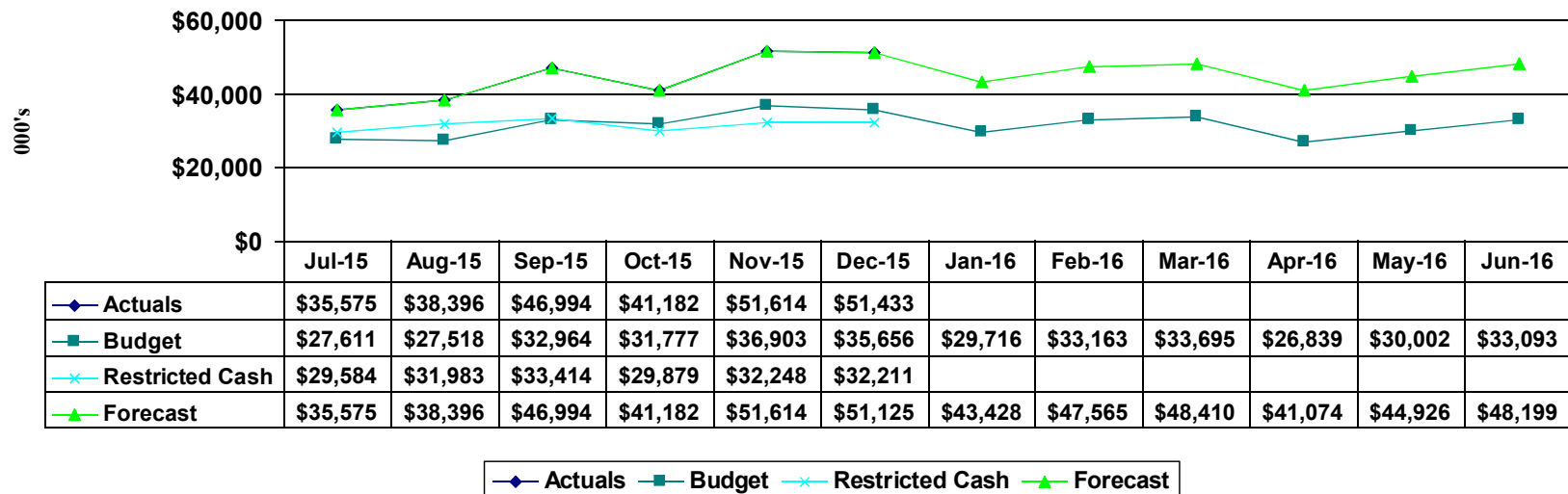
## Liquidity Management

### Adjusted Working Capital Ratio



Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves. Council has fully borrowed \$25m to fund the construction of the Glen Eira Sports and Aquatic Centre (GESAC). Council will continue to have a large investment in capital works projects. The adjusted working capital ratio above expresses the level of current assets the Council has available to meet its current liabilities. This ratio has been adjusted for residential aged care deposits. Council's long-term forecast has the adjusted liquidity ratio remaining around 1 or 100% for the remainder of this Council term and into the next. This means careful monitoring of the cash flow position to ensure current liabilities are adequately covered and that unanticipated or unbudgeted capital or operating expenses are avoided. As at end of December 2015, the Adjusted Working Capital Ratio is 2.88.

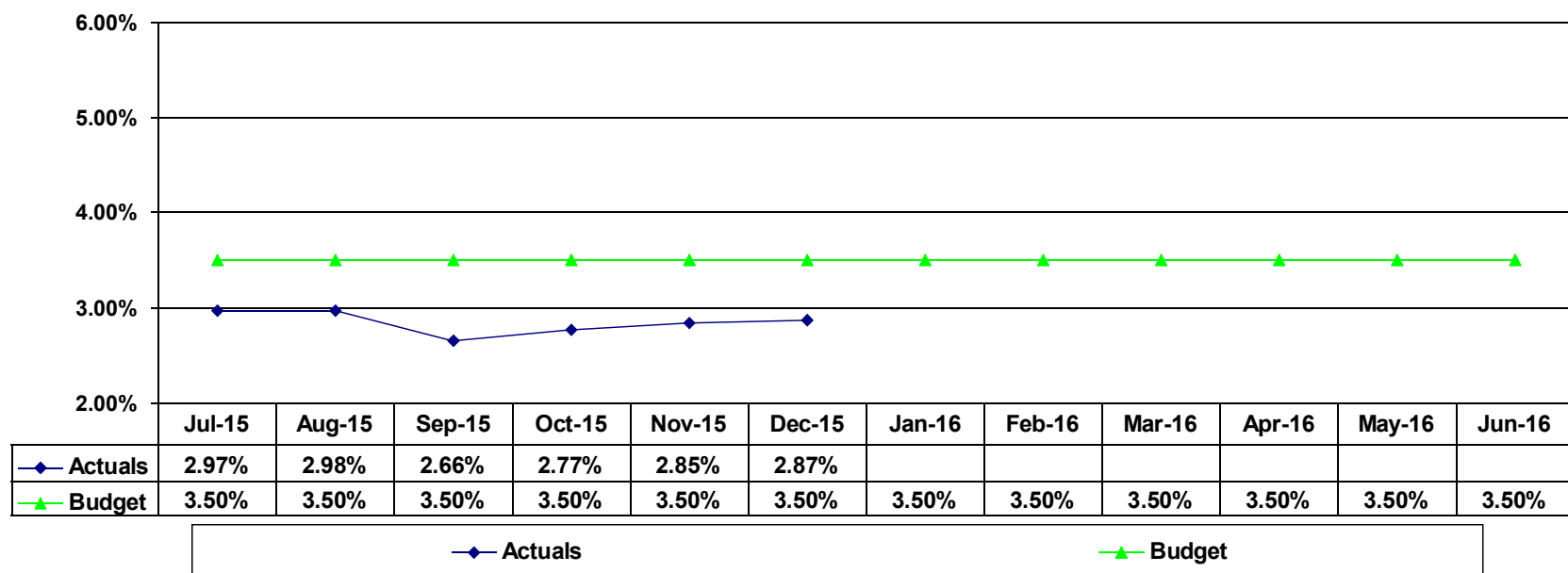
### Cash and Investments Balances for the period ending 31 December 2015



Council's year to date cash balance of \$51.43M is higher than budget for the current month. Council's forecast position to June 2016 of \$48.2M has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 31 December 2015 include: Residential Aged Care Deposits of \$22.98M, Trust Funds and Deposits \$4.1M (including asset protection permits), Open Space Reserve \$4.66M and Fire Services Property Levy \$471K.

**Actual Interest Rate vs Budget Interest Rate**  
*for the period ending 31 December 2015*



Council achieved a lower return of 2.87% against the budget of 3.50%.

## Capital Works Program Expenditure

for period ending 31 December 2015

Description	2015-16 Carry Forwards from 2014-15	2015-16 Adopted Annual Capital Budget	2015-16 Capital Grant Funding	2015-16 Budget Plus 2014-15 Carry Forward	2015-16 YTD Work In Progress	2015-16 YTD Forecast	2015-16 YTD Variance	2015-16 Annual Forecast Projected end of June 2016 expenditure	2015-16 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b><u>CAPITAL WORKS: MUST DO</u></b>									
Information Systems	82,271	748,000	-	830,271	202,359	90,000	112,359	830,271	-
Vehicle Replacements	-	1,021,091	-	1,021,091	340,603	478,078	(137,475)	1,021,091	-
Footpath Replacement	-	1,725,000	-	1,725,000	849,661	862,500	(12,839)	1,725,000	-
Kerb and Channel Replacement	-	160,000	-	160,000	26,470	78,000	(51,530)	160,000	-
Road Rehabilitation	-	3,512,000	-	3,512,000	1,359,230	1,197,500	161,730	3,512,000	-
Drainage Improvement	-	3,500,000	-	3,500,000	1,881,789	1,667,738	214,051	3,554,238	54,238
Local Road Resurfacing	-	1,500,000	-	1,500,000	13,598	600,000	(586,402)	1,500,000	-
Right of Way Renewal	-	255,000	-	255,000	3,990	110,000	(106,010)	255,000	-
Traffic Signal Renewal	-	100,000	-	100,000	-	50,000	(50,000)	100,000	-
Local Area Traffic Management (LATM) Replacement	-	251,000	-	251,000	23,198	85,000	(61,802)	251,000	-
Car Park Rehabilitation	-	560,000	-	560,000	125,832	150,000	(24,168)	560,000	-
Roads to Recovery	-	-	576,000	576,000	185	-	185	822,920	246,920
<b>TOTAL MUST DO</b>	<b>82,271</b>	<b>13,332,091</b>	<b>576,000</b>	<b>13,990,362</b>	<b>4,826,915</b>	<b>5,368,816</b>	<b>(541,901)</b>	<b>14,291,520</b>	<b>301,158</b>
<b><u>CAPITAL WORKS: ROLLING ANNUAL</u></b>									
Building Improvements	123,000	650,000	-	773,000	66,484	455,000	(388,516)	773,000	-
Kitchen Upgrades	-	46,000	-	46,000	22,149	20,000	2,149	46,000	-
Plant Renewal	-	260,100	-	260,100	7,930	-	7,930	260,100	-
Roof Replacement	28,500	135,500	-	164,000	92,222	20,000	72,222	164,000	-
Shopping Centre Car Park Improvements	333,042	550,000	-	883,042	595,408	333,042	262,366	883,042	-
Traffic Engineering	-	1,081,000	-	1,081,000	26,719	305,000	(278,281)	1,081,000	-
Library Materials	-	743,467	61,123	804,590	456,098	433,024	23,074	804,590	-
Building Painting Program	-	128,000	-	128,000	14,842	64,000	(49,158)	128,000	-
Recreation	41,000	700,000	-	741,000	467,546	417,000	50,546	741,000	-
Pool Refurbishment	-	50,000	-	50,000	-	20,000	(20,000)	50,000	-
Bicycle Strategy	97,000	150,000	-	247,000	42,827	147,000	(104,173)	247,000	-
Upgrade and Replace Aged Park Furniture	-	881,000	-	881,000	158,187	460,000	(301,813)	926,000	45,000
Sports Ground Lighting	-	90,000	-	90,000	22,167	22,000	167	90,000	-
Drought Tolerant Grass	-	30,000	-	30,000	9,800	30,000	(20,200)	30,000	-
Park Pathway Lighting	28,000	-	-	28,000	33,850	28,000	5,850	28,000	-
<b>TOTAL ROLLING ANNUAL</b>	<b>650,542</b>	<b>5,495,067</b>	<b>61,123</b>	<b>6,206,732</b>	<b>2,016,229</b>	<b>2,754,066</b>	<b>(737,837)</b>	<b>6,251,732</b>	<b>45,000</b>
Contd. next page									

**Capital Works Program Expenditure  
for period ending 31 December 2015 (continued)**

Description	2015-16 Carry Forwards from 2014-15	2015-16 Adopted Annual Capital Budget	2015-16 Capital Grant Funding	2015-16 Budget Plus 2014-15 Carry Forward	2015-16 YTD Work In Progress	2015-16 YTD Forecast	2015-16 YTD Variance	2015-16 Annual Forecast Projected end of June 2016 expenditure	2015-16 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b><u>CAPITAL WORKS: MAJOR PROJECTS</u></b>									
Centenary Park Pavilion Upgrade	128,482	-	-	128,482	63,764	128,482	(64,718)	128,482	-
Duncan Mackinnon Pavilion Upgrade	91,281	1,363,000	-	1,454,281	2,135,755	1,454,281	681,474	1,454,281	-
Centenary Park Car Park Construction	311,414	-	-	311,414	582,500	311,414	271,086	311,414	-
<b>TOTAL MAJOR PROJECTS</b>	<b>531,177</b>	<b>1,363,000</b>	<b>-</b>	<b>1,894,177</b>	<b>2,782,019</b>	<b>1,894,177</b>	<b>887,842</b>	<b>1,894,177</b>	<b>-</b>
<b><u>CAPITAL WORKS: OPEN SPACE STRATEGY IMPLEMENTATION</u></b>									
Public Toilet Rolling Program	-	550,000	-	550,000	99,608	100,000	(392)	550,000	-
Open Space Strategy Initiatives	35,678	940,000	75,000	1,050,678	1,141,445	850,678	290,767	1,050,678	-
Elsternwick Plaza Improvements	508,513	215,000	-	723,513	570,184	723,513	(153,329)	723,513	-
Shade Sails Rolling Program	-	270,000	-	270,000	-	-	-	270,000	-
Bin Enclosures	-	18,000	-	18,000	7,508	3,000	4,508	18,000	-
Booran Reserve	343,539	3,415,000	585,000	4,343,539	1,086,966	1,200,000	(113,034)	4,343,539	-
<b>TOTAL OPEN SPACE STRATEGY IMPLEMENTATION</b>	<b>887,730</b>	<b>5,408,000</b>	<b>660,000</b>	<b>6,955,730</b>	<b>2,905,711</b>	<b>2,877,191</b>	<b>28,520</b>	<b>6,955,730</b>	<b>-</b>
<b><u>SHORT TERM PROJECTS</u></b>									
Furniture & Fittings	22,344	50,000	-	72,344	32,975	52,344	(19,369)	72,344	-
Information Systems	77,760	-	-	77,760	5,250	77,760	(72,510)	77,760	-
Electronic Variable Message Trailer Sign	-	19,250	-	19,250	17,802	19,250	(1,448)	19,250	-
Heating, Ventilation and Cooling Systems Renewal	150,000	-	-	150,000	128,701	150,000	(21,299)	150,000	-
Building Improvements	104,000	2,346,060	-	2,450,060	588,011	829,756	(241,745)	2,464,305	14,245
Upgrade Audio & Visual Equipment	-	15,000	-	15,000	6,819	15,000	(8,181)	15,000	-
Refurbishment of ILUs	-	100,000	-	100,000	56,729	65,000	(8,271)	100,000	-
Murrumbidgee Youth Play Area	-	-	-	-	(86,730)	-	(86,730)	-	-
Multi-Purpose Sports Court Redevelopment	-	395,000	-	395,000	43,015	-	43,015	395,000	-
Library Electronic and Cash Payment Hardware	-	74,480	-	74,480	12,015	12,000	15	74,480	-
Dial Before You Dig (DBYD) automated response process	-	13,000	-	13,000	3,350	-	3,350	13,000	-
Recreation	71,000	630,000	650,000	1,351,000	152,958	71,000	81,958	1,351,000	-
Glen Eira Sports & Aquatic Centre (GESAC)	1,280,373	412,000	-	1,692,373	44,450	325,352	(280,902)	1,692,373	-
Parks Minor Capital Works	-	200,000	-	200,000	139,400	150,000	(10,600)	290,000	90,000
Outdoor Fitness Stations	-	55,000	-	55,000	60,776	55,000	5,776	55,000	-
Glen Works Depot	8,933	-	-	8,933	-	-	-	8,933	-
Residential Aged Care	-	220,000	-	220,000	62,855	108,000	(45,145)	220,000	-
Upgrade Vaccination Storage Equipment	-	21,748	-	21,748	-	-	-	21,748	-
<b>TOTAL SHORT TERM PROJECTS</b>	<b>1,714,410</b>	<b>4,551,538</b>	<b>650,000</b>	<b>6,915,948</b>	<b>1,268,376</b>	<b>1,930,462</b>	<b>(662,086)</b>	<b>7,020,193</b>	<b>104,245</b>
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>3,866,130</b>	<b>30,149,696</b>	<b>1,947,123</b>	<b>35,962,949</b>	<b>13,799,250</b>	<b>14,824,712</b>	<b>(1,025,462)</b>	<b>36,413,352</b>	<b>450,403</b>

## Debtors

for period ending 31 December 2015

Description	Current 0-30 days	31-60 days	61-90 days	90 + days	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
<b>(a) General Debtors</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>	<b>(\$'000)</b>
Finance & Valuations	651	-	-	2	653	1	709
Buildings and Facilities	-	-	-	-	-	-	-
Planning & Transport	-	-	2	20	22	5	17
Community Relations	63	81	9	3	156	1	155
Arts & Cultural Services	-	-	-	15	15	4	11
Recreational Services	147	12	5	-	164	-	164
Community Services	176	-	1	-	177	-	177
Child Care Centres	33	-	-	1	34	0	34
Residential Aged Care Facilities	187	23	-	5	215	1	214
Home and Community Care	60	17	3	-	80	-	80
Assets and Facilities	12	-	-	-	12	-	12
<b>General Debtors Total</b>	<b>1,329</b>	<b>133</b>	<b>20</b>	<b>46</b>	<b>1,528</b>	<b>12</b>	<b>1,573</b>
<b>(b) Parking</b>	<b>Current 0-3 months</b>	<b>4-6 months</b>	<b>7-12 Months</b>	<b>12 Months +</b>	<b>Total Debtors</b>	<b>Provision for Doubtful Debtors</b>	<b>Net Debt Outstanding</b>
Parking Infringements - Council	925	149	29	20	1,123	112	1,011
Parking Infringements - PERIN	145	203	72	983	1,402	1,262	140
<b>Other Debtors Total</b>	<b>1,070</b>	<b>352</b>	<b>100</b>	<b>1,003</b>	<b>2,525</b>	<b>1,374</b>	<b>1,151</b>
<b>Total Debtors</b>	<b>2,399</b>	<b>485</b>	<b>120</b>	<b>1,049</b>	<b>4,053</b>	<b>1,386</b>	<b>2,724</b>
<p>Council's Parking Debtors for the current period comprise of \$'000</p> <p>:</p> <p>Collection by Council 1,123</p> <p>Collection by PERIN Court 1,402</p> <p><b>Total Parking Debtors \$ 2,525</b></p>							
<b>(c) Rate Debtors</b>	<b>2015-2016 Opening Balance</b>		<b>2015-2016 Year to date</b>				
	<b>\$'000</b>		<b>\$'000</b>				
Arrears Brought Forward	5,235		5,235				
2015-16 Rates & Garbage Generated	95,567		95,567				
2015-16 Fire Services Property Levy	12,735		12,735				
<b>Total Rates &amp; Charges</b>	<b>113,537</b>		<b>113,537</b>				
<b>Adjustments:</b>							
Glen Eira Pension Rebate	(447)		(460)				
State Government Rebate	(1,669)		(1,717)				
Fire Services Property Levy Rebate	(392)		(403)				
Receipts	-		(58,496)				
Interest	-		154				
Supplementary Valuations	-		785				
Adjustments	-		19				
<b>Total Adjustments</b>	<b>(2,508)</b>		<b>(60,118)</b>				
<b>Rates &amp; Charges Balance at Month End</b>	<b>111,030</b>		<b>53,419</b>				

10. **URGENT BUSINESS - Nil**

11. **ORDINARY BUSINESS**

11.1 **Requests for reports from Officers**

(a) **Crs Hyams/Sounness**

That a report be prepared setting out the brief history and characteristics of the Nicholson Street Reserve in Bentleigh prior to the grade separation works, any recent communication Council has received from state government authorities in relation to the status of the Reserve, any information Council has about proposals for the usage of the area by state government authorities and how this reconciles with Council's Open Space Strategy. This report is to come to the February 23 Ordinary meeting of Council.

9.42PM Cr Delahunty returned to the Chamber.

The MOTION was put and CARRIED unanimously.

(b) **Crs Magee/Delahunty**

That a report be prepared on the old Murrumbeena Police station as follows:

1. Council identifies the owner of the building.
2. What possible uses could council see for this building.

The MOTION was put and CARRIED unanimously.

(c) **Crs Sounness/Delahunty**

A report be prepared on the long term greenhouse gas emissions pathway Council is projected to have, the current proportion of GreenPower purchased, implications of increasing the amount purchased as means to reduce emissions, and to offer advice on how to reduce emissions from Council activities.

The MOTION was put and CARRIED unanimously.

**(d) Crs Pilling/Okotel**

**That a report be provided that provides options for a response from Council whereas;**

**A/ a Councillor has made remarks against a section of the community in the Council chamber that are widely viewed as racist,**

**B/ a Councillor has made statements to the media that are widely viewed as false and damaging to the reputation of Council,**

**C/ this report to be presented at the February 23rd meeting.**

**DIVISION**

**Cr Lipshutz called for a DIVISION on the voting of the MOTION.**

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

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

**11.2 Right of reply – Nil.**

**11.3 Councillor questions – Nil.**

**11.4 Public questions to Council – Nil.**

**12. CONSIDERATION OF CONFIDENTIAL ITEMS**

**Crs Lipshutz/Hyams**

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

- 12.1 under s89 (2)(d) “contractual” which relates to the awarding of the contract for 2016.016 Provision of Garden Mowing and Rubbish Removal Services from Private Land**

<b>Number of tenders received</b>	<b>Three</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three</b>
<b>Estimated contract value</b>	<b>\$57,000 to \$287,000 (excl. GST)</b>

- 12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for the supply of electricity for metered sites and public lighting and natural gas for metered sites.**

- 12.3 under s89 (2)(d) “contractual” which relates to the awarding on contract for Tender No. 2016.031 Booran Road Reserve, Design, Manufacture and Delivery of Custom Lighting and Signage**

<b>Number of tenders received</b>	<b>Two (2)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>\$615,000 including GST</b>

- 12.4 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.012 provision of linen and laundry services to Council’s Residential Aged Care Facilities**

<b>Number of tenders received</b>	<b>Three</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three</b>
<b>Estimated contract value</b>	<b>\$340,000</b>

- 12.5 under s89 (2)(d) “contractual” which relates to the awarding of Contract 2016.015 provision of consumable medical goods, nutritional supplements and continence aids for Council’s Residential Aged Care Facilities**

<b>Number of tenders received</b>	<b>Eight</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three</b>
<b>Estimated contract value</b>	<b>\$185,000 per annum</b>

- 12.6 under s89 (2)(a) “personnel” which relates to Council’s Audit Committee.**

**The MOTION was put and CARRIED.**

**PROCEDURAL MOTION**

**Crs Hyams/Sounness**

**That the Council Meeting adjourn for 5 minutes.**

**The MOTION was put and CARRIED.**

**10.17PM the Council Meeting resumed in the presence of:**

**Cr Pilling, Mayor**

**Cr Delahunty**

**Cr Esakoff**

**Cr Hyams**

**Cr Lipshutz**

**Cr Magee**

**Cr Okotel**

**Cr Sounness**

**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****Item 12.1****Crs Hyams/Lipshutz**

1. That Council appoints Sven Andersen, trading as Scenic Surrounds, as the contractor under Tender number 2016.016 in accordance with the Schedule of Rates submitted.
2. That the Contract be prepared in accordance with the Conditions of Contract included in the tender documents.
3. That the Contract be executed in an appropriate manner by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

**Item 12.3****Crs Lipshutz/Delahunty**

1. That Council appoints Major Graphic Signs Pty Ltd (A.C.N 057 943 763) as the contractor under tender number 2016.031 for an amount of \$558,935.00 exclusive of GST (\$614,828.50 including GST) in accordance with the Schedule of Rates submitted.
2. That the Contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the Contract be executed in an appropriate manner by affixing the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

**Item 12.4****Crs Hyams/Esakoff**

- 1. That Council appoints South Pacific Laundry Melbourne Pty Ltd ACN 096 726 760, trading as South Pacific Laundry, as the contractor under Tender number 2016.012 for an amount of \$338,235.25 exclusive of GST.**
- 2. That the Contract be prepared in accordance with the Conditions of Contract included in the tender.**
- 3. That the Contract be executed in an appropriate manner by affixing of the Council Seal.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

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

**Item 12.5****Crs Esakoff/Lipshutz**

- 1. That Council appoints Clifford Hallam Healthcare Pty Ltd, ACN 001 655 554 and Medical Solutions Australia Pty Ltd ACN 126 172 638 as a panel of two contractors for the Consumable Medical Products component of Tender number 2016.015; Clifford Hallam Healthcare Pty Ltd, ACN 001 655 554 and Leef Independent Living Solutions Pty Ltd ACN 606 423 036 trading as Technocare, as a panel of two contractors for the Nutritional Supplements component of Tender number 2016.015; and Ontex Australia Pty Ltd, ACN 130 076 283 as the contractor for the Continence Aids component of Tender number 2016.015; all in accordance with the respective Schedules of Rates submitted.**
- 2. That the Contracts be prepared in accordance with the Conditions of Contract included in the tender.**
- 3. That the Contracts be executed in an appropriate manner by affixing of the Council Seal.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

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

**Crs Hyams/Magee**

**That the meeting be resumed in open Council.**

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

**13. CLOSURE OF MEETING**

The meeting closed at 10.27PM.

CONFIRMED THIS 23 FEBRUARY 2016

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**CHAIRPERSON**