



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

9 AUGUST 2016

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**MINUTES of the ORDINARY MEETING OF THE
GLEN EIRA CITY COUNCIL to be held on TUESDAY, 9 AUGUST 2016**

The meeting opened in the presence of:

**His Worship the Mayor, Councillor Neil Pilling
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Kelvin Ho
Councillor Jamie Hyams
Councillor Michael Lipshutz
Councillor Oscar Lobo
Councillor Jim Magee
Councillor Thomas Sounness**

1. ACKNOWLEDGEMENT

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

2. APOLOGIES - Nil

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

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

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

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Copies of Minutes previously circulated.

Crs Lipshutz/Magee

That the minutes of the Ordinary Council Meeting held on Tuesday 19 July 2016 and Tuesday 26 July 2016 be confirmed.

The MOTION was put and CARRIED unanimously.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS - Nil

6. DOCUMENTS FOR SEALING- Nil

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

8. REPORTS FROM COMMITTEES

a. Advisory Committees

- i. Community Consultation Committee, 22 June 2016
- ii. Community Grants Committee, 24 June 2016
- iii. Arts and Culture Advisory Committee, 27 June 2016
- iv. Community Grants Committee, 5 July 2016

Crs Hyams/Esakoff

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

That the recommendations of the Committees be adopted.

The MOTION was put and CARRIED unanimously.

b. Records of Assembly

- i. 12 July 2016
- ii. 19 July 2016
- iii. 26 July 2016

Crs Lipshutz/Delahunty

That the Record of the above Assembly be received and noted.

The MOTION was put and CARRIED unanimously.



**Community Consultation Committee Meeting
Minutes
22 June 2016**

Purpose:

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

Meeting commenced at: 6:36pm

1. Present and apologies

Present

Cr Jamie Hyams	Chairperson
Cr Kelvin Ho	Councillor
Susan McKenna	Community representative
Gregor Ptok	Community representative
Mark Holding	Community representative
Peter Jones	Director Community Services
Gaye Stewart	Manager Community Development
Mark Riches	Facilitator for Community Plan Public Meetings

Apologies

Cr Oscar Lobo	Councillor
Cr Mary Delahunty	Councillor
Susannah Farfor	Community representative

2. Matters considered

- I. Public meetings approach and questions for Community Plan Consultation
- II. Focus groups and telephone interviews
- III. Promotion of public meetings

3. Public meetings approach and questions for Community Plan Consultation

An overview of the Community Plan was provided:

- Section 125 of the Local Government Act requires that Council prepare and approve a Council Plan within the period of six months after each general election or by the next 30 June, whichever is later.
- The existing plan was developed following an extensive consultation process in 2012 and contains eight strategic objectives for Council.
- The current plan has guided Councils work over the past four years and has been reported annually.

Council has commenced an information gathering process for the plan that will roll out in July and August 2016, and will also draw on information obtained through consultations that have occurred in the last 12 months.

Mark Riches the facilitator of the six public meetings lead discussion on the questions to be posed in the meetings and a proposed meeting approach. Questions to be posed will include:

- What should be the three top priorities for Council?
- What would you like Glen Eira look like in 3 – 5 years?
- What are people in the community talking about?
- What is working well in Glen Eira and what needs to be changed?

It is proposed to have a brief introduction at each meeting and then general discussion leading to the development of themes for more specific discussion. Officers with program knowledge will be in attendance at each meeting to answer questions.

A report on key themes will be presented to the Committee at the next meeting which was proposed for early August 2016.

It was noted that the current Community Plan includes themes that Council has a reasonable sphere of influence over and balances ideas presented with consideration to budget priorities.

4. Focus groups and telephone interviews

Council's consultation phase for the new Community Plan will include commissioned research conducted through 6 focus groups and 500 telephone interviews over July and early August.

The focus groups will be used to develop questions for the survey research so that the themes that emerge can be validated. A stratified random sampling approach is used to ensure the people included represent the demographic profile of the Glen Eira community.

A report will be provided containing the outcomes of the research.

5. Promotion of public meetings

Advertising for the public meetings commenced on 20 June with:

- On-line consultation open on 'Have your Say'
- Email alert to all registered users of 'Have your Say'
- Email sent to all Council service email lists
- Advertisement and link to 'Have your say' on Council website landing page
- Leader Newspapers
- Brochures printed and distributed in the following locations:
 - Service Centre
 - Libraries
 - Children's Centres
 - Maternal and Child Health Centres
 - Senior Citizen Centres
 - Community Brochure holders (11)
 - Community Houses
 - Schools
 - GESAC
 - Local businesses in Elsternwick, Carnegie and Bentleigh

Additional advertising over coming weeks will include:

- Facebook posts
- Weekly advertisement in Leader Newspapers
- Digital screen in libraries and service centre
- On-hold message
- Page three article in July GE News
- Facebook pop-up adds to Facebook users in the Municipality

Public meetings are outlined in the table below.

Date and time	Time	Venue
Wednesday 13 July	7pm-9pm	Bentleigh Senior Citizens Centre, 2 Arthur St, Bentleigh
Thursday 14 July	10am-12pm	Duncan McKinnon Pavilion Corner North and Murrumbeena Roads, Murrumbeena
Monday 18 July	7pm-9pm	East Bentleigh Senior Citizens Centre, 1 Derry St, Bentleigh East
Wednesday 20 July	7pm-9pm	Caulfield Park Pavilion, Balaclava Road, Caulfield North
Monday 25 July	7pm-9pm	Carnegie Library – Boyd Room, 7 Shepparson Avenue, Carnegie
Thursday 28 July	1pm-3pm	DC Bricker Social Room, Beech St, Caulfield South

Action: **Officers to arrange for community meeting brochure to be translated into two key community languages – Mandarin and Greek**

6. General business

Discussion around reaching people to engage them in discussion was explored and members suggested that Council should investigate the possibility of blanket telephone alerts in a given geographic area. Email surveys were also suggested.

Next meeting: Proposed for 10 August at 6:30pm

Meeting closed at 7:47pm



COMMUNITY GRANTS COMMITTEE MEETING MINUTES

24 June 2016

Yarra Yarra Room

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 service and programs.
-

Assembly of Councillors Record

Meeting commenced at 9.35 am.

1. Present and Apologies

Cr Jamie Hyams (Chairperson)
Cr Margaret Esakoff (member) *via audio*
Cr Thomas Sounness (member)
Peter Jones (Director Community Services)
Gaye Stewart (Manager Community Development)
Ana Tsaganos (Team Leader Community Development)
Beverley Rayner (Community Development Officer Community Grants)

2. Declaration of conflict of interest

Cr Esakoff declared a conflict of interest under Section 79 of the *Local Government Act 1989* in relation to applications from Calvary Health Care Bethlehem (two applications), Community Information Glen Eira (CIGE), Knit One Give One Ltd (KOGO) and Mitzvah Day.

Cr Hyams declared a conflict of interest under Section 79 of the *Local Government Act 1989* in relation to the application from Glen Eira Adult Learning Centre Inc (GEALC).

3. Matters considered

- (i) 2015 – 2016 Community Services Grant acquittal status
- (ii) 2016 – 2017 Community Services Grant applications (159)
- (iii) 2016 – 2017 Community Festivals and Events Grant Applications (10)

4. **Cr Hyams was nominated as Chair of the meeting.**

**Moved – Cr Esakoff Seconded - Cr Sounness
The motion was carried unanimously**

5. **Community Services Grant acquittal status 2015-16**

The Committee noted that there were four outstanding acquittals from the 2014/15 Community Grants Program. These will be monitored to determine their status by 30 June 2016.

Action: The Committee recommends that the decision to approve Community Grants will be based on the expectation that the pending acquittals will be received.

6. **Assessment of Community Grant applications 2016-2017**

The Committee assessed ten Community Festivals and Events grant applications from ten Community groups. The following table provides a summary of the Festivals and events applications assessed by the Committee.

Category	No of grant applications submitted 2016-17	Total funds requested 2016-17	Total funds recommended 2016-17
Festivals and Events	10	\$95,230	\$44,000
Total Festivals and Events	10	\$95,230	\$44,000

Action: The Committee recommendations for Community Festivals and Events are fully outlined in the Council report which is part of the 9 August Council agenda.

The Committee assessed 169 Community Services grant applications from 162 community groups. The following table provides a summary of the community grant applications assessed by the Committee.

Category	No of grant applications submitted 2016-17	Total funds requested 2016-17	Total funds recommended 2016-17
Arts and Culture	18	\$72,858	35,067
Active Seniors	48	\$152,236	85,161
Environmental Sustainability	4	\$10,010	5,750
Family, Children & Youth	29	\$151,722	60,722
Health and Wellbeing	40	\$167,113	86,067
Sports and Recreation	20	\$107,512	22,108
Total Community Services	159	\$661,451	294,874

- **Cr Esakoff declared a Conflict of Interest under section 79 of the Local Government Act 1989.**

11.32am telephone contact with Cr Esakoff disconnected.

Calvary Health Care Bethlehem and Community Information Glen Eira (GICE) applications were assessed.

11.35am Cr Esakoff reconnected.

- **Cr Hyams declared a Conflict of Interest under section 79 of the Local Government Act 1989.**

11.57am Cr Hyams left the room.

Glen Eira Adult Learning Centre Inc (GEALC) application was assessed.

11.59am Cr Hyams returned to the room.

- **Cr Esakoff declared a Conflict of Interest under section 79 of the Local Government Act 1989.**

12.08pm telephone contact with Cr Esakoff disconnected.

Knit One Give One Ltd (KOGO) application was assessed.

12.09pm Cr Esakoff reconnected.

- **Cr Esakoff declared a Conflict of Interest under section 79 of the Local Government Act 1989.**

12.19pm telephone contact with Cr Esakoff disconnected.

The Mitzvah Day application was assessed.

12.21pm Cr Esakoff reconnected.

Peter Jones left the room at 12.55pm and returned at 1.05pm.

Action: The Committees recommendations for Community Services Grants will be fully outlined in the Council report which is part of the 9 August Council agenda.

Action: The committee requested that Officers provide further information about the following applications:

- Brighton Cemeterians Inc
- Glen Eira U3A
- Centre Bentleigh Garden Club Inc
- Melanoma Patients Australia
- Tzedek Inc
- Bentleigh Recreation Tennis Club
- Victory Park Tennis Club Incorporated
- Lease agreements

7. General Business

Meeting closed at 1.46pm

Next Meeting – Tuesday 5 July 5.30pm



ARTS AND CULTURE ADVISORY COMMITTEE MEETING Minutes

**6.00pm – 7.00pm
27 June 2016
Ogaki Room**

Purpose:

The role and function of the Advisory Committee is to act as a steering Committee to assist Council by providing recommendations in relation to reviewing and improving arts and culture programs provided by Council to ensure maximum benefit, participation and value to the community.

Assembly of Councillors Record

Present

Cr Margaret Esakoff (Chairperson)*
Cr Jamie Hyams (member)
Peter Jones – Director Community Services
Lauren Bialkower – Acting Manager, Libraries, Arts & Culture

Absent

Cr Oscar Lobo (member)

* Cr Esakoff joined the meeting via telephone.

Matters considered

1. Carols in the Park 2016 – proposal
2. Party in the Park 2017 – proposal
3. Gallery exhibition program 2017 – proposal
4. 'Friends' of the Gallery update
5. Groove & Graze update

The meeting commenced at 6.02pm

1. Carols in the Park 2016 – event proposal

The Committee considered the proposed entertainment for Carols in the Park 2016.

Carols in the Park will be held on Saturday 10 December at Bentleigh Hodgson Reserve in Bentleigh. It will feature a community program for the first 90 minutes before a main concert that incorporates children's entertainment, the arrival of Santa, a headline performer and a choir.

As per customer feedback from last year's event, Officers' recommended a line-up with increased children's entertainment from previous years.

Recommendation: The Committee recommends to Council that the following performers be endorsed for Carols in the Park 2016:

Spencer McLaren, MC
Justine Clarke and Band, Headline performer
The Australian Girls' Choir, Choir
Banana's in Pyjamas Christmas Show, Kid's entertainment
Bouncing Elves, Roving performer

Moved: Cr Esakoff, Seconded: Cr Hyams
The MOTION was put and CARRIED.

2. Party in the Park 2017 – event proposal

Packer Park

The 'Under the Stars' event at Packer Park will again incorporate a feature act, a support act and a 'Sounds of Glen Eira' finalist. The support act will be selected to complement the musical style of the approved feature act.

Recommendation: The Committee recommends to Council that the 'Fabulous Beatle Boys' be endorsed for Party in the Park, Packer Park 2017.

Moved: Cr Esakoff, Seconded: Cr Hyams
The MOTION was put and CARRIED.

Princes Park and Allnutt Park

The on stage performers for Princes Park have been selected for their appeal to younger children and families. The 3rd Annual Glen Eira Idol will also be programmed as part of the main stage entertainment.

The Allnutt Park event will once again incorporate the Pet Expo. On stage programming for both parts of the Allnutt Park event will be staged to complement each other and staggered so all attendees have an opportunity to experience as much on offer as possible.

Recommendation: The Committee recommends to Council that the following performers/shows be endorsed for Party in the Park, Princes Park 2017:

Alex Papps, MC
Trolls, live show
Dora the Explorer, live show
The Stilt Scarecrows, roving performers
Jockey's on Horseback, roving performers

And for Party in the Park Allnutt Park 2017:

Janet McLeod
Paw Patrol
The Cat in the Hat
Corina Caterpillar
The White Rabbitt

Moved: Cr Hyams, Seconded: Cr Esakoff
The MOTION was put and CARRIED.

3. Gallery program 2016 – proposal

Officers tabled to proposed program for the Glen Eira City Council Gallery in 2017. The program features 4 Council-produced exhibitions and 10 Hirer exhibitions:

International Baccalaureate (Hirer)
Interior Worlds (working title) (Council)
Kate Benyon (Hirer)
Glen Eira Artist Society (Hirer)
Glen Eira Cheltenham Art Group (Hirer)
Storytelling Festival (Council)
Twenty Melbourne Artists Society (Hirer)
B'Nai Brith (Hirer)
Isabel Foster (Hirer)
Eleanor Hart (Hirer)
Phil Kreveld (Hirer)
Anne Marie Szelesky (Hirer)
Collection exhibition (Council)
Boyd Women (Council)

Recommendation: The Committee recommends to Council that the proposed 2017 program for the Glen Eira City Council Gallery be endorsed.

Moved: Cr Hyams, Seconded: Cr Esakoff
The MOTION was put and CARRIED unanimously.

4. 'Friends of the Gallery' update

The Committee discussed an update on the 'Friends of the Gallery' concept.

It was noted that the administrative and financial costs involved in achieving Deductible Gift Recipient Status for the Gallery were considerable and may not

warrant the amount of income that could be raised via donations and grants. Officers will further discuss the proposal with the sponsors of the 'Friends of the Gallery'.

5. Groove & Graze Series 2016/2017

The Committee considered a proposal by Officers that a 'pop up bar' be included at the November Groove and Graze event. Should this prove successful the same concept would be considered for the latter 2 events.

As per State legislation, the bar area would be fenced off and photo ID would be required before service from anybody appearing to be under 18 years old. Alcohol would not be sold to anyone who appeared intoxicated. All vendors selling alcohol would meet the legal requirements for responsible service of alcohol.

Recommendation: The Committee recommends to Council that alcohol be made available for purchase at November's Groove and Graze event.

Moved: Cr Hyams, Seconded: Cr Esakoff
The MOTION was put and CARRIED unanimously.

6. Other Business

No other business was raised.

7. Next Meeting

Tuesday 16 August, 5.30pm, Councillor's Room

Meeting closed at 6.37pm



COMMUNITY GRANTS COMMITTEE MEETING MINUTES

Tuesday 5 July 2016

Ogaki room

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 service and programs.
-

Assembly of Councillors Record

Meeting commenced at 5.56 pm.

1. Present and Apologies

Cr Jamie Hyams	(Chairperson)
Cr Margaret Esakoff	present <i>via audio</i>
Cr Thomas Sounness	
Peter Jones	(Director Community Services)
Gaye Stewart	(Manager Community Development)
Beverley Rayner	(Community Development Officer Community Grants)

2. Matters considered

- (i) 2015 – 2016 Grant acquittal status
- (ii) 2016 – 2017 Grant applications summary of funds
- (iii) 2016 – 2017 Grant applications overview
- (iv) 2016 – 2017 Grant applications requested follow-up:
- (v) Further information regarding Sporting club lease arrangements

3. 2015 – 2016 Grant Acquittal status

Acquittals received from all applicants for 2016 -17 grants program.

4. 2016 – 2017 Grant applications – summary of funds to date

<i>Community Grants Program Budget</i>	<i>\$360,000</i>
Less Community Services Recommendations	\$294,874
Less Community Festival and Events Recommendations	\$ 44,000
<u>Less Facility Hire Only allocation reserve for 2016-17</u>	<u>\$ 10,000</u>
Grant Funds Balance	\$ 11,126

5. 2016 – 2017 Grant applications

In total 159 community services applications and ten Festivals and Events applications were assessed. A report on recommendations will be presented at the 9th August 2016 Council Meeting.

6. 2016-17 Grant Applications requested follow-up

The committee had sought additional information on seven applications. Four were recommended for funding.

Recommendation: The Committee recommended supporting –

- **Brighton Cemeterians Inc to purchase a plaque at a cost of \$900.**
- **Centre Bentleigh Garden Club Inc at a total of \$450 for the rental costs of meetings held at the YWCA.**
- **Melanoma Patients Australia for the purchase of a banner at a total cost of \$340.**
- **Tzedek Inc with \$3,500 towards the costs of producing a protective behaviours video for young people from different cultural groups.**

Moved: Cr Sounness

Seconded: Cr Hyams

7. Further information regarding Sporting club lease arrangements

The lease arrangements for Bentleigh, Bowling Club Inc, Bentleigh Recreation Tennis Club, Murrumbeena Tennis Club and Victory Park Tennis Club Incorporated were confirmed.

8. General Business

Remaining funds will be discussed at general assembly in the next rotation

Meeting closed at 6.06pm

Next Meeting: TBA

**Assembly of Councillors
12 July 2016**

Record under S 80 A (2)

Meeting commenced at 7.46PM

A. Present

Cr Neil Pilling, Mayor
Cr Mary Delahunty
Cr Jamie Hyams
Cr Oscar Lobo
Cr Jim Magee
Cr Thomas Sounness

Rebecca McKenzie, CEO
Peter Jones
Peter Swabey
Ron Torres
Samantha Krull
Rachel Ollivier
Robyn Taft
Rocky Camera

Apologies

Cr Margaret Esakoff
Cr Kelvin Ho
Cr Michael Lipshutz

B. Matters considered.

- (i) LXRA Update Presentation
- (ii) Council Papers for the 19 July Council Meeting
 - a) Item 9.1 322- 326 Neerim Road and 17 Elliott Avenue, Carnegie
 - b) Item 9.2 1-9 Claire Street McKinnon
 - c) Item 9.3 VCAT Watch
 - d) Item 9.4 Newstead Street, Caulfield. Car parking conditions.
 - e) Item 9.5 Car Parking in Residential Zones
 - f) Item 9.6 Proposed Sale of Discontinued Road abutting 94 Truganini Road
and 22 Railway Road Carnegie
 - g) Item 9.7 Environmental Sustainability Strategy
 - h) Item 9.8 2015-16 Draft Financial Report. Appointment of 2 signatories.
 - i) Item 9.9 Amendments to the Glen Eira Local Law 2009 - amendment to typography.

j) Item 9.10 Risk Management Policy – amendment to typography.

k) 11 Ordinary Business

11.1 Requests for reports from Officers

11.2 Right of reply

11.3 Councillor questions

8.34PM Cr Pilling and Peter Jones left.

8.35PM Cr Pilling and Peter Jones returned.

(iii) Records of Assembly

(vi) General Business raised by Councillors

(a) Cr Magee – Mackie Road shops hole fixed.

(b) Cr Hyams – Bethlehem Hospital.

(c) Cr Lobo – Local Law issue.

(d) Cr Delahunty – Community Satisfaction Survey.

(e) Cr Delahunty – St James Parade, parking issues.

(e) Cr Sounness – Tennis Grove.

8.53PM The meeting adjourned. Officers left except Robyn Taft and CEO.

9.04PM The meeting resumed in the present of:

Cr Pilling, Mayor

Cr Delahunty

Cr Hyams

Cr Lobo

Cr Magee

Cr Sounness

(f) Councillors – Report on Councillor Conduct.

Finish 10.35PM

Council Pre-Meeting

19 July 2016

Record under S 80 A (2)

Meeting commenced at 6.30PM

A. Present

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

Rebecca McKenzie, CEO
Peter Jones
Peter Swabey
Ron Torres
Samantha Krull
Robyn Taft

B. Matters considered.

- (i) Council Papers for 19 July 2016 consisting of fourteen Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 5 – Petitions – Request for 2 hour parking: Hillside Avenue, Harcourt Avenue, Sylverly Grove, Hartley Avenue, Alfred Street and Gerard Street.
 - (b) Agenda Item 8(a) – Advisory Committees.
 - (c) Agenda Item 9.1 – 322-326 Neerim Road and 17 Elliott Avenue, Carnegie.
 - (d) Agenda Item 9.2 – 1-9 Clare Street, McKinnon.
 - (e) Agenda Item 9.5 – Car Parking in Residential Zones.
 - (f) Agenda Items 10 – Urgent Business.
 - (g) Agenda Item 11.1 – Request for a Report.
 - (h) Agenda Item 11.2 – Right of Reply.

- (i) Agenda Item 9.4 – Public Questions.
- (j) Agenda Item 12.1 – Confidential.

Fin 7.31PM

**Assembly of Councillors
26 July 2016**

Record under S 80 A (2)

Meeting commenced at 6.42PM

A. Present

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

Rebecca McKenzie, CEO
Peter Jones
Peter Swabey
Ron Torres
Samantha Krull
Rachel Ollivier at 8.46pm

B. Matters considered.

- (i) Community Plan Consultation Feedback – a presentation from JWS Research.

7.01PM the meeting adjourned.

8.17PM the meeting resumed in the presence of:

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

- (ii) SRMF Project on Family Violence

8.24PM Cr Ho returned.

8.33PM the meeting adjourned.

8.46PM the meeting resumed in the presence of:

Cr Neil Pilling, Mayor
Cr Mary Delahunty
Cr Jamie Hyams
Cr Kelvin Ho
Cr Michael Lipshutz
Cr Oscar Lobo
Cr Jim Magee

Cr Thomas Sounness
Cr Margaret Esakoff

- (iii) Level Crossing Removal Project - update.
- (iv) Community Grants.
- (v) Planning Scheme Review.
- (vi) General Business raised by Councillors and CEO.
 - (a) Cr Esakoff MAV Motions;
Cr Delahunty – MAV Motions – ILU developments;
Cr Hyams – MAV Motions – Bayside sport; pavilion funding.
 - (b) Cr Lipshutz – nature strips - appearances.
 - (c) CEO, Rebecca McKenzie – CEO & Mayor met with the ombudsman's office – transparency of decision making.
 - (d) Cr Pilling – advised that he and the CEO had met with the Mayor and CEO of Monash Council.
 - (e) Cr Magee – Update on Claire Street McKinnon.

Finish 10.31PM

9. PRESENTATION OF OFFICERS REPORTS

- 9.1 441-495 Inkerman Road, St Kilda East
- 9.2 534-538 North Road, Ormond
- 9.3 198-202 Balaclava Road, Caulfield North
- 9.4 VCAT Watch
- 9.5 Planning Scheme Review
- 9.6 Missing Footpaths in Roads
- 9.7 Community Grants Recommendation
- 9.8 Instrument of Appointment and Authorisation under the Planning and Environment Act 1987
- 9.9 Changes to Delegations from Council to members of staff and the Delegated Planning Committee

9.1: 441-495 Inkerman Road, St Kilda East**Author: Rocky Camera, Manager Town Planning****File No: GE/PP-29111/2016****Attachments: Advertised plans****PURPOSE AND SUMMARY**

To consider a Planning Permit application



PROPOSAL	A four storey building comprising 27 dwellings (for retirement living) and a basement car park
MUNICIPAL STRATEGIC STATEMENT	Minimal Change Area Policy
APPLICANT	Kimberley Gardens Retirement Village Pty Ltd
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> • Neighbourhood Residential Zone Schedule • Special Building Overlay
OBJECTIONS	8

RECOMMENDATION

That Council:

Issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-29111/2016 for the construction of a four storey building comprising 27 retired living units above a basement car park on lot S4, use of the land for accommodation (retirement village) on land affected by the Special Building Overlay in accordance with the grounds contained in the Conclusion of this report.

BACKGROUND

A planning permit was issued on the 23 November 1993 for the use of the rear portion of the subject land as a motel.

A planning permit was issued on the 15 June 2011 for a place of worship on the adjoining property to the west (439 Inkerman Road).

ISSUES AND DISCUSSION

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

Proposal

- Construction of a 4 storey building comprising 27 dwellings (for retirement living) in the north-west portion of the site.
- Use of the land as a 'Retirement Village'
- Basement car parking comprising of 27 car spaces (one for each dwelling) and 2 visitor car spaces. 2 additional visitor car spaces and 1 disabled car space are to be provided adjacent to the existing driveway
- All dwellings consist of two bedrooms
- Communal dining, lounge and theatre room are proposed on the ground floor, and a communal garden is proposed on the third floor
- Maximum overall building height of 12.26 metres (Note: the height does not include the lift overrun or roof plant equipment)

Objectors concerns

- The proposal fails to respond to planning policy
- Loss of neighbourhood character and residential amenity
- Height and scale are inconsistent with the zone
- Visual bulk and dominance of the building when viewed from neighbouring properties and within the streetscape
- Loss of outlook
- Noise from plant equipment
- The development relies on a basement car park already shared with the Synagogue
- The proposed access is inappropriate
- Car parking must be provided for the proposed use without compromising other existing approvals
- Overflow car parking into surrounding streets
- Amenity impacts to adjoining residential properties
- Increased traffic and congestion
- Lack of visitor parking
- The design provides limited opportunity for landscaping

ReferralsTransport Planning

- The proposed 27 retired living units have a car parking requirement of 32 car spaces (one per dwelling and 5 visitor parking spaces). The development provides 32 car spaces which meets the requirement.
- The width of the existing ramp is insufficient and would not allow two-way vehicle passing.
- The design and layout of the proposed basement car park does not meet the State Government guidelines for car parking.

Landscape Officer

- There are 3 large Canary Island Palms spread along the front boundary (and another to the south adjacent to the existing hotel) which have high landscape value due their size and good overall condition (health & structural integrity).
- The basement construction and floors above encroach into the Tree Protections Zone (TPZ's) of the trees in the north-west corner of the site. The basement and ground floor should be redesigned accordingly.
- There were no neighbouring trees within site proximity that would be affected.

Parks Services

- The tree on the nature strip is a semi-mature Green Ash which is in a fair condition and will not be impacted by the proposed development.

Melbourne Water

- No objections subject to conditions.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

The subject land is located within the Neighbourhood Residential zone which sets a mandatory maximum building height of 8 metres. The proposed development is exempt from the mandatory maximum height limit as it is defined as a 'non-residential building'.

The Neighbourhood Residential Zone seeks the following:

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

It is considered that the proposed four storey building is excessive for this location and is inconsistent with the purpose of the Neighbourhood Residential zone.

Council's Non Residential Uses in Residential Zones Policy seeks to encourage non-residential uses in suitable locations, integrate non-residential uses into residential areas with minimal impact to the streetscape and character of the area and to minimise the effect on residential amenity.

A key objective of the Non Residential Uses in Residential Zones Policy is to ensure that:

- *Any buildings are not greater than the mandatory maximum height specified in the relevant residential zone applying to the subject land.*

Whilst the land is located on a secondary road (a preferred location for a non-residential uses), the proposed four storey development fails to respect and maintain the prevailing streetscape character in terms of building height and appearance and is significantly greater than the mandatory maximum height specified in the zone (2 storeys).

Council's Minimal Change Area Policy seeks to protect the low density, vegetated character of minimal changes areas by promoting predominantly single dwellings and two dwelling developments. The design of new residential development should respect the scale of existing residential developments on adjoining sites.

This policy recognises that larger sites may have greater capacity for development. In this case the rear part of the site is already occupied by a 3 storey high hotel. It is noted that the hotel building was approved on the 23 November 1993. This is well before the new residential zones were introduced in August 2013.

It is considered that the proposed building would be highly visible and prominent in its context and when viewed from the wider area and would not respect the preferred low scale and density character of the residential properties to the east.

Council's Aged Persons Housing Policy seeks the following:

- *To guide aged persons housing primarily to locations well served by public transport, shopping and community facilities.*
- *To ensure that the density, mass, height and built form and appearance of aged persons housing is appropriate to its location.*

The proposed development does not comply with Council's Aged Care Housing Policy as the subject land is not located in an area which is well served by public transport, shopping or community facilities. The nearest commercial facilities are located over 500 metres away from the subject land. The nearest public transport (tram) is located over 350 metres away. The proposed four storey building height is not considered appropriate for this location.

Neighbourhood character

There is a three storey apartment building opposite the site (at 338 Inkerman Road – which is located in the City of Port Phillip) and a 3 storey place of worship building directly to the west (439 Inkerman Road) which has a steep pitched roof. These buildings are not reflective of the preferred character for the area given the current zoning and policy provisions. Similarly the introduction of a 4 storey built form into a policy area that encourages predominantly one and two storey dwellings is too drastic a change in terms of height, scale and density.

Height, scale and massing

The development relies too heavily on the height of the place of worship to the west (439 Inkerman Road) as justification for a similar height on the subject site. This building has a quite different form to the proposed building. It is considered inappropriate to use the place of worship building as the starting point for the proposed development when it is an anomaly for Inkerman Road in terms of being a non-residential use that is not reflective of the prevailing low scale character.

Amenity impacts

It is considered that the proposed development would not unreasonably impact the amenity of neighbouring properties. The properties to the west and south-west are occupied by non-residential uses and to the south is the existing hotel. There are residential properties further to the east however the existing driveway and car spaces create a significant buffer and separation between the proposed development and sensitive backyards (in excess of 18 metres).

Landscaping

There are 3 large Canary Island Palms spread along the front boundary (and another to the south adjacent to the existing hotel) which have high landscape value due their size and good overall condition (health & structural integrity). The proposed development will impact onto the two canary island palms located in the north-west corner of the site (adjacent to the front boundary) due to the proximity of the proposed basement and floors above. The impacts onto these trees is not considered appropriate.

Internal amenity

The internal layout and amenity of dwellings within the development is appropriate to serve the living needs of future occupants. Balconies and ground floor courtyards are well proportioned and generously sized.

Car Parking and Traffic

The proposed 27 retired living units have a State Government requirement of 32 car spaces (one per dwelling and 5 visitor parking spaces). The development provides 32 car spaces which meets the requirement.

The design and layout of the basement car park does not meet State Government guidelines with respect to minimum car space dimensions and access aisle widths. This is not considered to be appropriate.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

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

2. Planning Conference (Non Statutory)

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:

- The use and development are inconsistent with Council policy
- Loss of neighbourhood character
- The height, scale and mass of the development is inappropriate
- Overdevelopment of the site
- Loss of outlook from existing dwellings
- Loss of privacy and amenity due to inadequate setbacks
- Overshadowing and overlooking of secluded private open space
- Proposed vehicle access is inappropriate
- On street car parking is already at capacity
- Traffic congestion
- Significant trees have already been removed from the site
- Lack of landscaping opportunities
- Waste collection
- Noise pollution
- Conflicts with other existing uses (Synagogue & Hotel)
- No public transport or activity centre in close proximity
- Loading facilities are inadequate
- Lack of diversity in dwellings
- Density is excessive for this location
- Meeting minimum car parking standards is not acceptable
- The proposed use is unclear and may 'morph' into residential apartments

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

That a Notice of Refusal to Grant a Planning Permit be issued with the following grounds:

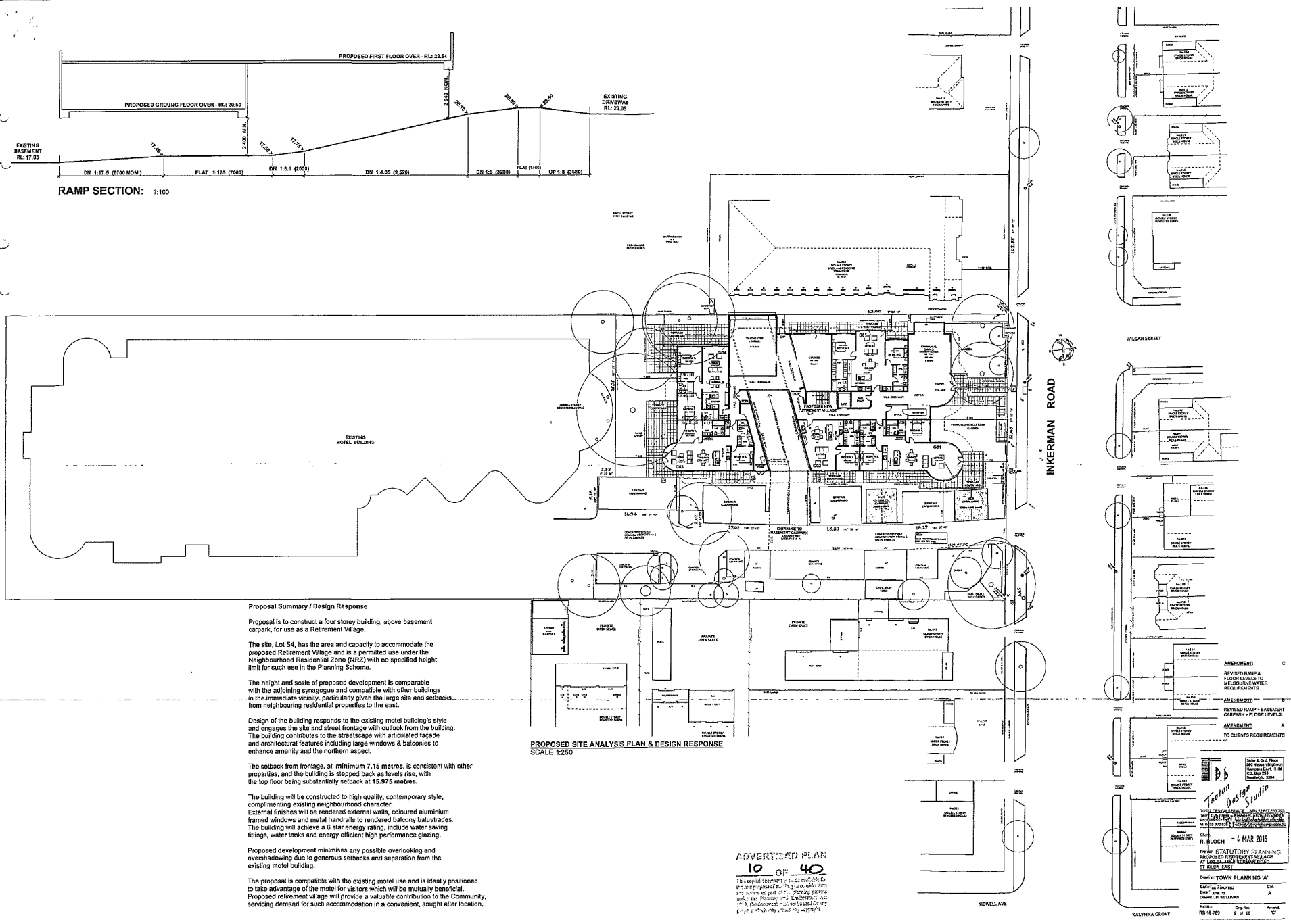
1. The site is not an appropriate location for a non-residential use and the proposal fails to meet objectives of Local Planning Policies for:
 - Non-residential Uses in Residential Zones (Clause 22.02)
 - Minimal Change Areas (Clause 22.08)
 - Aged Persons Housing (Clause 22.10)
2. The proposal is not consistent with the purpose of the Neighbourhood Residential Zone by failing to respect the preferred neighbourhood character.

3. The height and scale of the proposal would be overly dominant within the streetscape and is not sensitive to and respectful of the scale of existing residential development on adjoining land (particular sites to the east of the subject land).
4. The proposed design fails to protect existing trees of significant landscape value.
5. The proposed car park design and layout is not considered safe or practical and does not meet the Design Standards of Clause 52.06 of the Glen Eira Planning Scheme.

Crs Delahunty/Lipshutz

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.





ADVERTISED PLAN
12 OF 40

This advertised plan is made available for the purpose of enabling a person to object to the proposed development as a condition of the Planning and Environment Act 1967. This document must not be used for any other purpose without the written consent of the author.

INKERMAN ROAD

Suite 9, 1st Floor
1401 Heppner Highway
Hempden East, 5163
P.O. Box 255
Hempden, 5164

Tecton Design Studio

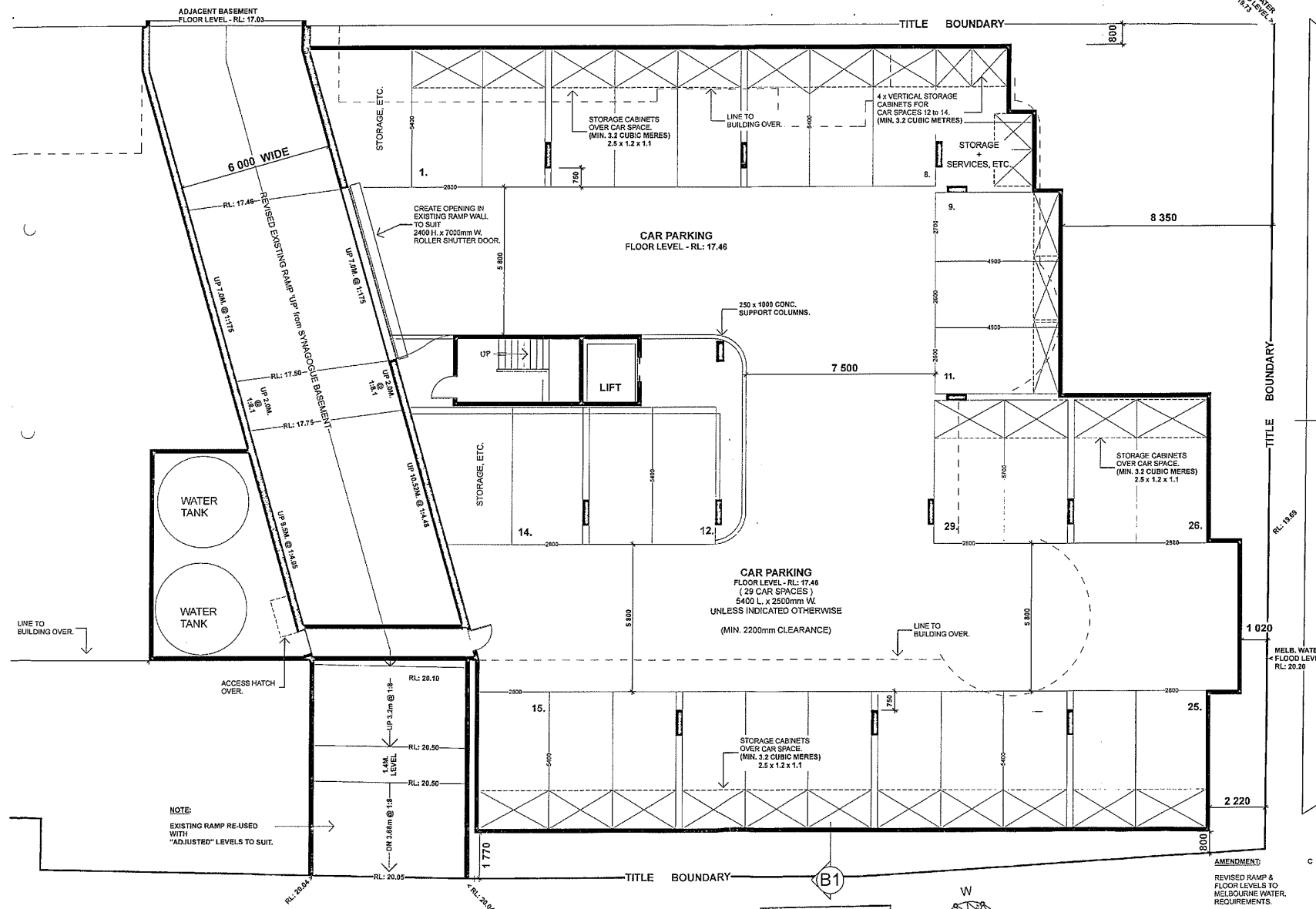
TOTAL DESIGN SERVICE: A\$N 52 667 666 293
Terry D. Sullivan - Architect, A\$N 52 667 666 293
Ph: 5555 5577 www.tectondesignstudio.com
M: 0408 902 636 E: terry@tectondesignstudio.com.au

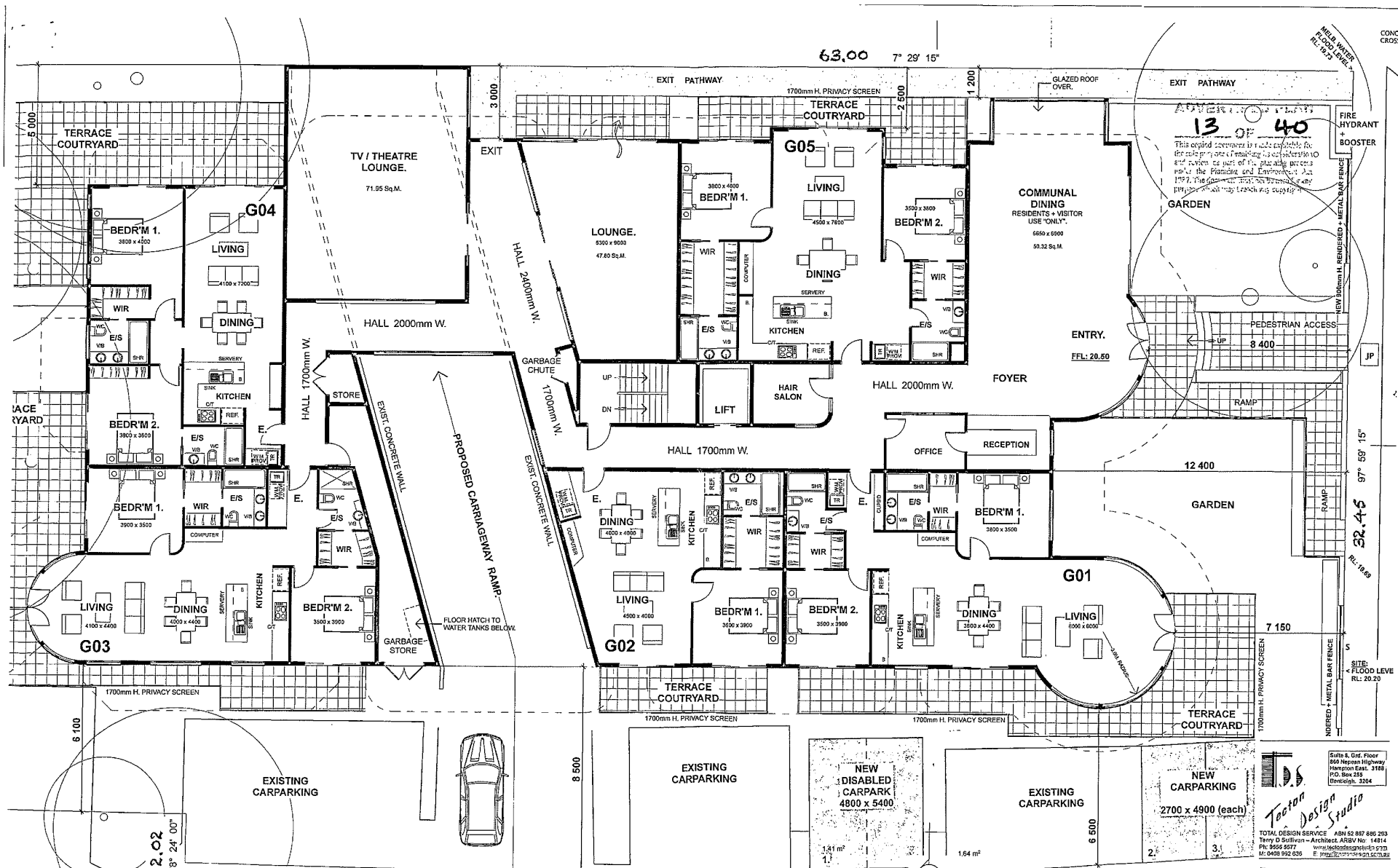
Client:
R. BLOCH

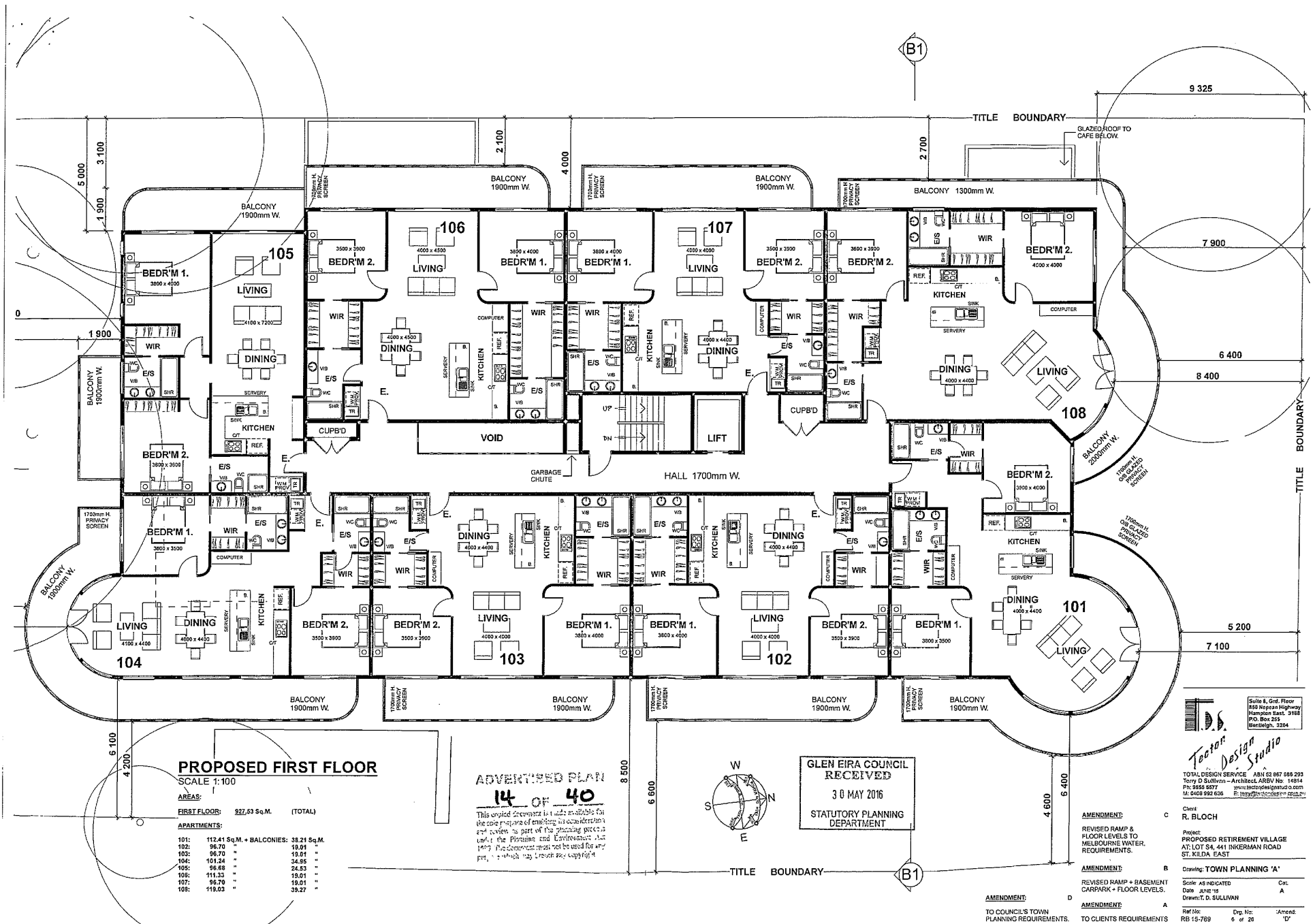
Project:
PROPOSED RETIREMENT VILLAGE
AT LOT 54, 441 INKERMAN ROAD
ST. KILDA EAST

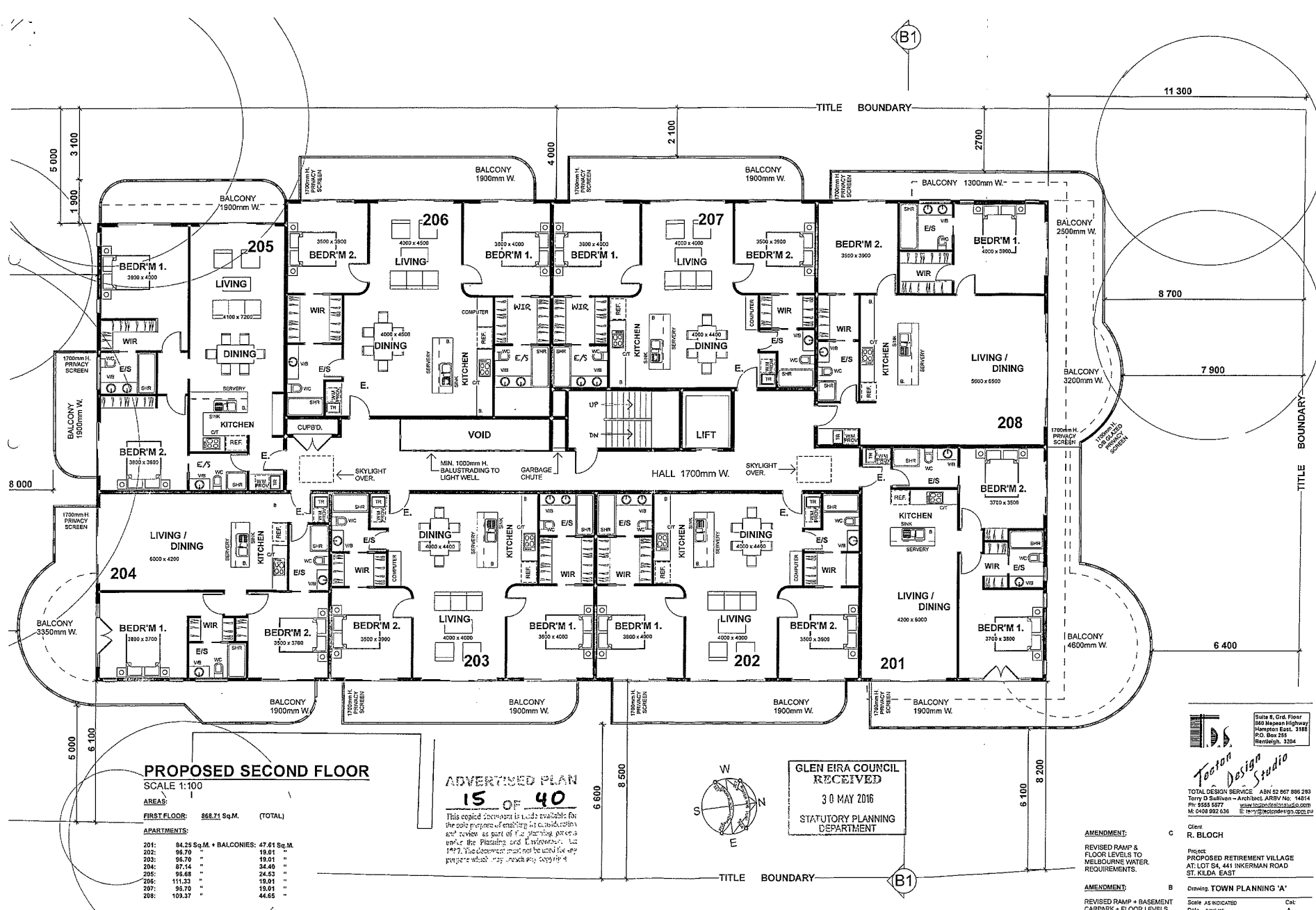
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Scale: AS INDICATED
Date: 15/05/16
Drawn: T. D. SULLIVAN
Cat: A

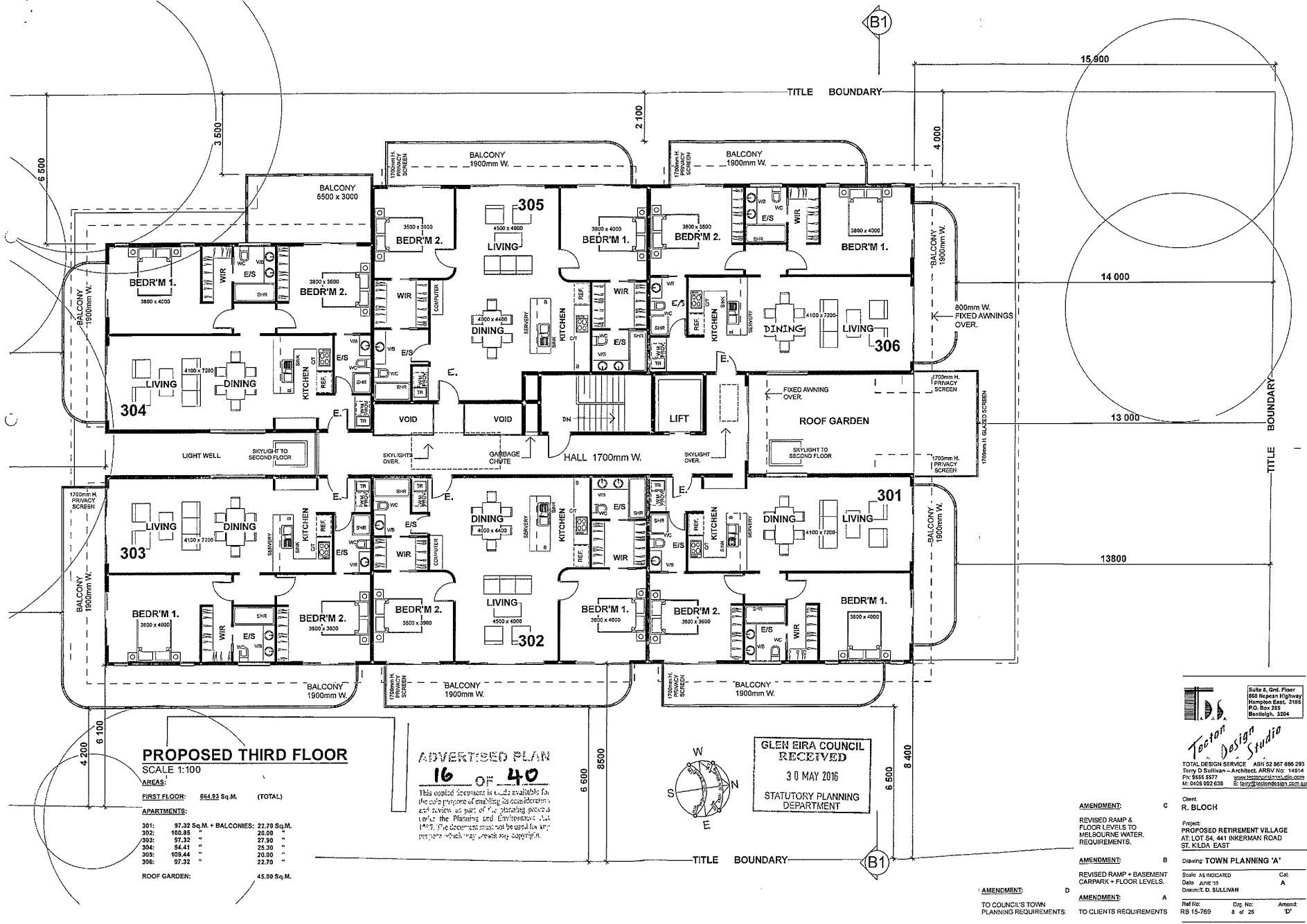
Ref No: RB 15-709
Dwg No: 4 of 26
Issued: 'D'











PROPOSED THIRD FLOOR
SCALE 1:100

AREAS:

FIRST FLOOR: 864.93 Sq.M. (TOTAL)

APARTMENTS:

301:	97.32 Sq.M. + BALCONIES: 22.70 Sq.M.
302:	100.85 " " " " " "
303:	97.32 " " " " " "
304:	94.41 " " " " " "
305:	109.44 " " " " " "
306:	97.32 " " " " " "

ROOF GARDEN: 45.00 Sq.M.

ADVERTISED PLAN

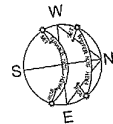
16 OF 40

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**GLEN EIRA COUNCIL
RECEIVED**

30 MAY 2016

**STATUTORY PLANNING
DEPARTMENT**



AMENDMENT:

REVISED RAMP &
FLOOR LEVELS TO
MELBOURNE WATER
REQUIREMENTS.

AMENDMENT:

REVISED RAMP + BASEMENT
CARPARK + FLOOR LEVELS.

AMENDMENT:

TO COUNCIL'S TOWN
PLANNING REQUIREMENTS.

Client:

R. BLOCH

Project:
PROPOSED RETIREMENT VILLAGE
AT LOT 54, 441 INKERMAR ROAD
ST. KILDA, EAST.

Drawing:

TOWN PLANNING 'A'

Scale: AS INDICATED Cat: A

Date: JUNE 15

Drawn: D. SULLIVAN

Rev: No. 1

Rev: No. 1

Rev: No. 1

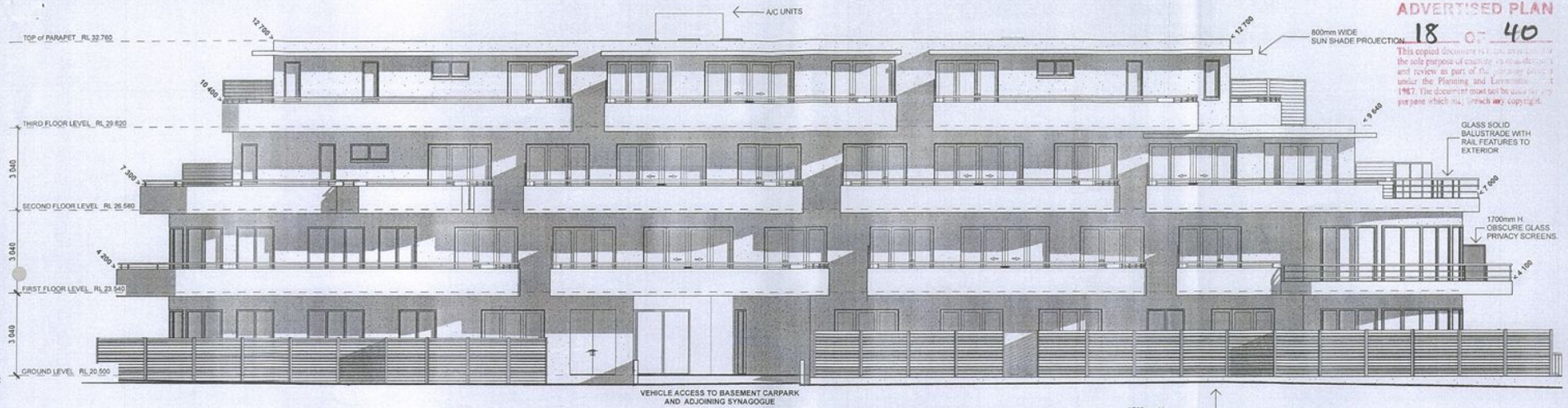
Rev: No. 1

Rev: No. 1

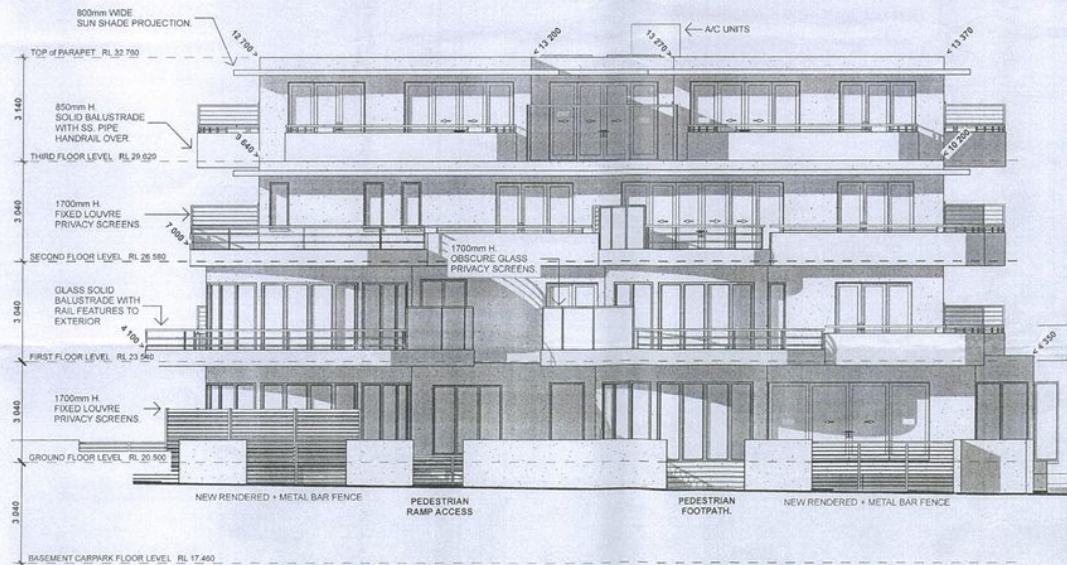
Rev: No. 1

Rev: No. 1

Rev: No. 1



EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

NOTE:
INDICATE WALL HEIGHTS "ABOVE"
NATURAL GROUND LEVEL IN MILLIMETRES.

ADVERTISED PLAN
18 OF 40
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**GLEN EIRA COUNCIL
RECEIVED**
30 MAY 2016
STATUTORY PLANNING
DEPARTMENT

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380 Nepean Highway
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Russhington, 3204
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Terry D Sullivan - Architect, ARBV No. 14814
Ph: 9556 5577
M: 0408 992 636
www.tectondesignstudio.com.au
t.sullivan@tectondesignstudio.com.au

AMENDMENT:

REVISED RAMP &
FLOOR LEVELS TO
MELBOURNE WATER
REQUIREMENTS.

AMENDMENT:

REVISED RAMP & BASEMENT
CARPARK & FLOOR LEVELS.

AMENDMENT:

TO COUNCIL'S TOWN
PLANNING REQUIREMENTS

TO CLIENTS REQUIREMENTS

Client:

R. BLOCH

Project:

PROPOSED RETIREMENT VILLAGE

AT LOT 54, 441 INKERMANN ROAD

ST. KILDA, EAST

Drawing:

TOWN PLANNING 'A'

Scale:

AS INDICATED

Date:

JUNE 16

Drawn by:

T. D. SULLIVAN

Ref No:

RB 15-769

Orig No:

10 of 26

Amend:

10

9.2: 534-538 North Road, Ormond**Author: Rocky Camera, Manager Town Planning****File No: GE/PP-26680/2014/B****Attachments: Advertised plans****PURPOSE AND SUMMARY**

To consider an Application to Amend a Planning Permit.



PROPOSAL	Five (5) storey building comprising 2 shops and 21 dwellings with associated car parking
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area – Ormond Neighbourhood Centre
APPLICANT	New Metro Properties Pty Ltd
PLANNING SCHEME CONTROLS	Mixed Use Zone
OBJECTIONS	2 objections received

RECOMMENDATION

That Council:

Issues a Notice of Decision to Grant an Amendment to Planning Permit GE/PP-26680/2014/B in accordance with the conditions contained in the Conclusion section of this report.

BACKGROUND

Planning Permit No. GE/PP-26680/2014 issued by VCAT on 7 August 2014 allowed for a four storey comprising twenty dwellings, two shops and a reduction of standard car parking requirements and waiver of loading bay requirements.

Amended Planning Permit No. GE/PP-26680/2014/A issued by Council on 20 October 2015 allowed for a modification to the make and model of the car stackers. (Note: No changes were made to the dwellings or shops)

DISCUSSIONProposal

The amended application seeks approval to introduce an additional storey so that the building will total 5 storeys. The additional floor consists of two dwellings. However, as the proposal also seeks to combine two one bedroom dwellings into a single two bedroom dwelling at first floor, there is only an overall increase of one dwelling proposed (which will result in a total of 21 dwellings).

Objectors concerns

Two objections were received raising the following concerns:

- Car parking and traffic pressures.
- Overshadowing.
- Overlooking.
- Noise.

Referrals

Transport Planning

- No objections to the proposed amendments sought.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

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

The subject site is located in a Mixed Use Zone within a Neighbourhood Centre. Council's Housing Diversity Area Policy seeks the following objectives for commercially zoned land in neighbourhood centres:

- *Ensure that the retail function and active frontage of centres is retained on the ground floor.*

- *Ensure that any new residential development is designed and sited to minimise its adverse impacts on adjoining existing residential properties by way of building bulk, overlooking and overshadowing; and*
- *Ensure that residential buildings are encouraged to step down at the rear to achieve a transition to residential areas.*

It is considered that the amended application complies with Council policy by maintaining the active retail function at ground floor. It is also considered that the proposed fifth storey provides an adequate transition to the adjoining school at the rear (south side).

Neighbourhood character

Buildings ranging from single storey to four stories in scale currently exist along North Road within the Commercial and Mixed Use Zone areas. An approval has also been granted for a five storey building just east of the site at 548 & 550-552 North Road. However, construction of this building has not yet commenced.

Height, scale and massing

Given the policy context, existing built form and the emerging character of the along North Road, it is considered that a five storey building is acceptable in this location.

The proposed fifth story will be setback a minimum of 2.5 metres from the street (to the balcony) and 3.5 metres from the rear boundary (to the balcony). The proposed setbacks are considered acceptable and will ensure that the upper floor does not impact onto the streetscape of the school to the rear.

Amenity impacts

Overshadowing from the proposed development complies with the State Government guidelines. Screening of windows and balconies will be provided in accordance with the State Government Guidelines.

Car Parking and Traffic

The proposal benefits from the fact that the approved plans include an additional car space. The approved plans show 23 car spaces at ground floor, however the original permit only required 1 space per dwelling and 2 spaces for the shops (22 spaces total).

As the current proposal seeks to increase the dwelling yield by one two bedroom dwelling, the associated car parking requirement is for one additional car space. This can be provided by the additional car space that already exists. The approved car parking for the shops is to remain as originally approved (one car space per shop).

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)
 - 9 properties notified
 - 41 notices sent (owners and occupiers)
 - 2 signs erected on site
 - 2 objections received

2. Planning Conference (Non Statutory)

3

The Conference, chaired by Cr Sounness, provided a forum where all interested parties could elaborate on their respective views.

The meeting was attended by the permit applicant who emphasised the reasons the application should receive support. The objectors did not attend.

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

That a Notice of Decision to Grant an Amended Planning Permit be issued with the following conditions:

The preamble modified as follows:

The construction of a ~~four~~ **five** storey building for use as 2 shops and ~~20~~**1** dwellings, a reduction of standard car parking requirements associated with the shops and waiver of loading bay requirements

CONDITIONS

Amend planning permit pursuant to Section 75 of the Act be issued as follows:

This Permit was amended pursuant to Section 75 of the Planning and Environment Act 1987 by modifying the wording of the permit preamble and the endorsement of amended plans

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 TP05-12 dated October 2012 and drawn by CH Architects) but modified to show:
 - a. Car parking to be provided at the following minimum rates;
 - 1 car space per dwelling (one or two bedroom)
 - 2 car spaces for the shops (1 per shop)
 - ...Deleted...
 - b. ...Deleted...
 - c. A total of seven bicycle spaces to be provided on-site. The provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority;

- d. The provision of a verandah at ground floor, to be continuous across the frontage and extending to 750mm from the face of the kerb. The height is to match the verandahs of adjoining properties or otherwise to the satisfaction of the Responsible Authority;

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

2. The car parking allocation for the approved development must be:
 - Not less than one (1) car space for each 1 or 2 bedroom dwelling;
 - At least one (1) car spaces for each shop.
 - ...Deleted...
3. Disabled access to the building must be provided to the satisfaction of the Responsible Authority.

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

4. 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.
5. 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.

6. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
7. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
8. The permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.
9. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must comply with AS/NZS 2107:2000.
10. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority

-
11. 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.

12. The existing crossover on North Road must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority. Approval from VicRoads may be required.
13. The mechanical car stackers are to be maintained 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.
14. 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 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.

15. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
16. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until

the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- a. delivery and unloading points and expected frequency;
- b. a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- c. an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- d. any requirements outlined within this permit as required by the relevant referral authorities;
- 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.

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.

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 occupation of the approved development, a permanent sign must be erected by the permit holder in a prominent position on the subject land 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 that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
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 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.

22. Before the commencement of the use/development and any associated buildings and works (other than works for investigation/remediation of the site) hereby approved, an Environmental Site Assessment Report must be submitted to the Responsible Authority containing the following information, as appropriate:

Establish a chronological history of the land uses on the site and identify any uses that may have resulted in contamination of the site. This may include an analysis of historical information including the following:

- Aerial Photographs.
- Street Directories.
- Zoning and Planning Permits.
- Rate records.
- Municipal Records.
- Land Titles.
- How long the land use or activity took place on the subject site and where the site is contaminated.
- A description of the contamination on, under or from the subject site and its extent.

- How any contamination is being managed or may be managed to prevent any detrimental effect on the use and development of the subject site or adjoining land or on buildings and works.

The report is to advise, having regard to the proposed use and/or development permitted under this permit, whether:

- an Environmental Audit is required, or
- Based on a land use history of the site, the proposed development and land use is considered acceptable and no management plan is required.
- Based on a land use history of the site, the proposed development and land use is considered acceptable provided that the conditions in the attached Environmental Management Plan are undertaken.

This report is to be prepared by either a suitably qualified environmental professional (who must be a member of the Australian Contaminated Land Consultants Association) or an environmental auditor approved by the EPA, in accordance with the National Environmental Protection Measure (assessment of site contamination) 1999, as amended. This report is open to peer review at a cost to the permit holder/owner of the land at any time.

If an Environmental Management Plan is required, all conditions in the Environmental Management Plan must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority.

Where there are conditions in an Environmental Management Plan that require, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

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

If the Site Assessment Report concludes that an Environmental Audit is required for the proposed use, the permit holder/owner must submit to the Responsible Authority either:

- A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or

- An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the use.

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

Where there are conditions on a Statement of Environmental Audit that require, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

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

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

Conditions End

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

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- C. 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. Council approved the Open Space Strategy on 8 April 2014. This will guide the future planning, provision, design and management of public open space in Glen Eira from 2013 to 2026. The subject site is located in the Ormond Gap Area 03. The Strategy recommends to *'improve the legibility, safety, accessibility and amenity of the streetscapes in Gap Area 03 with an emphasis on continuing to encourage access to existing open space south of this gap area in McKinnon'*.

Councils Assets Engineering Department advises:

Vehicle Crossing

- The existing vehicle crossing off North Road shall be removed and reinstate to Council standards.

Drainage

- 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.
- All stormwater runoff must be connected to Council drainage network. No uncontrolled stormwater discharge to adjoining properties, footpaths and laneway.
- 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.
- Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.

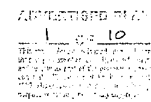
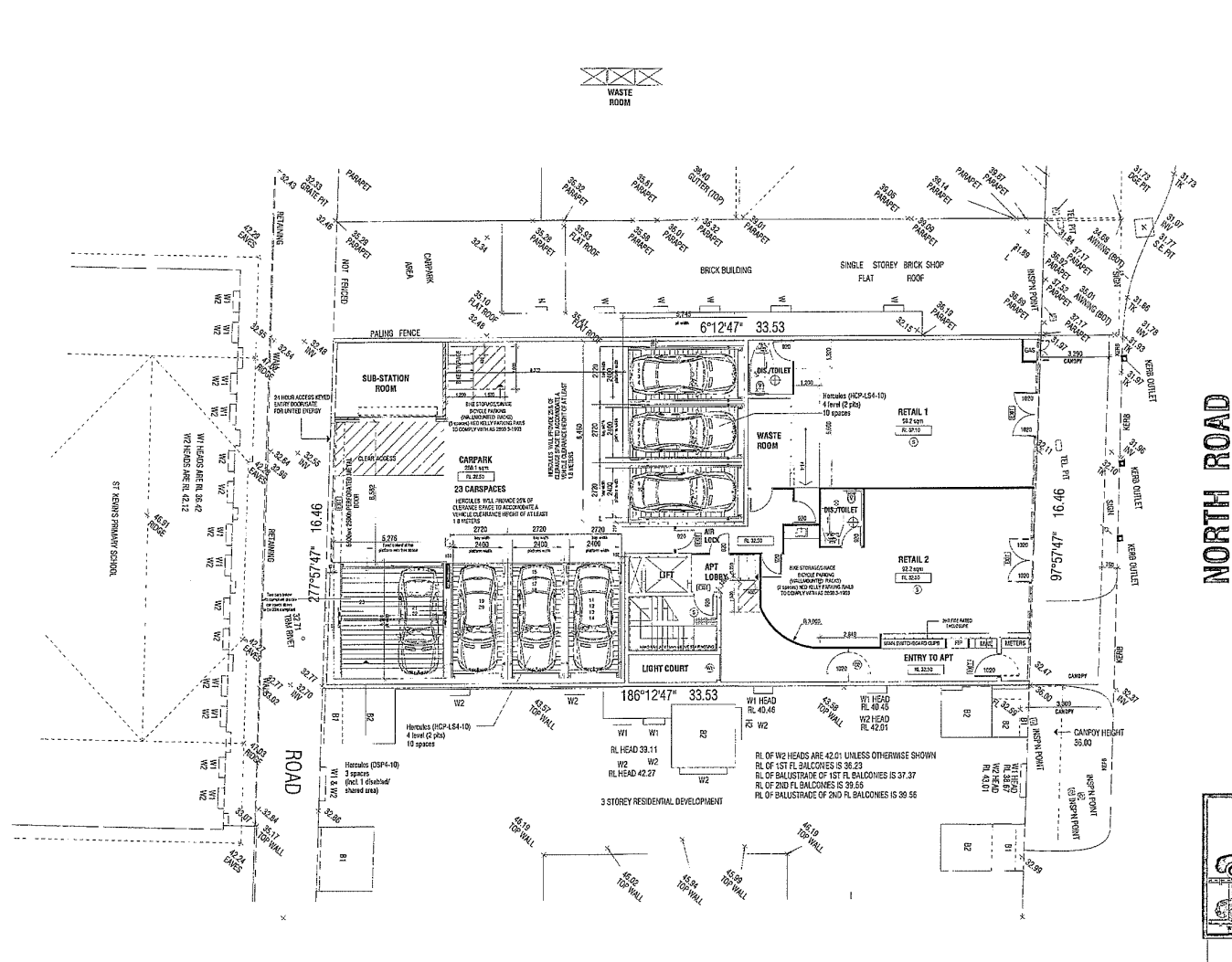
General / Laneway

- Laneway is not lit by Council. Any / All public / private lighting in laneway is to be provided and maintained by the development.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Crs Sounness/Hyams

That the recommendation in the report be adopted.

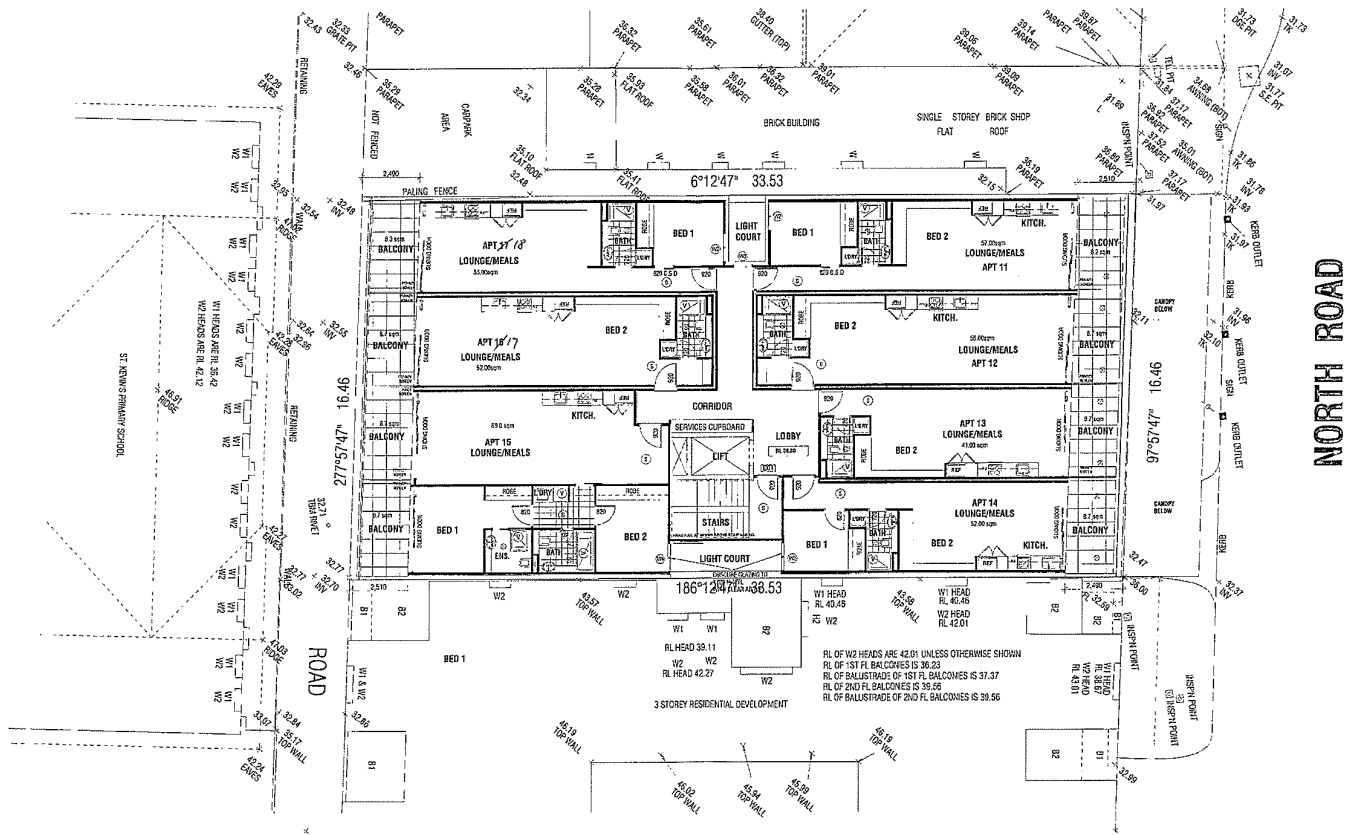
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ENDORSEMENT REV C
PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

05

2 of 10
 The following information is provided for your information only. It is not intended to be used as a basis for any decision. It is the responsibility of the user to verify the accuracy of the information.



FIRST FLOOR PLAN
 SCALE 1:100

Client	Andrew Petryshyn	Building Area	1100	Drawn	1:100 @ A1	Checked	24/02/16
Drawing	Town Planning						

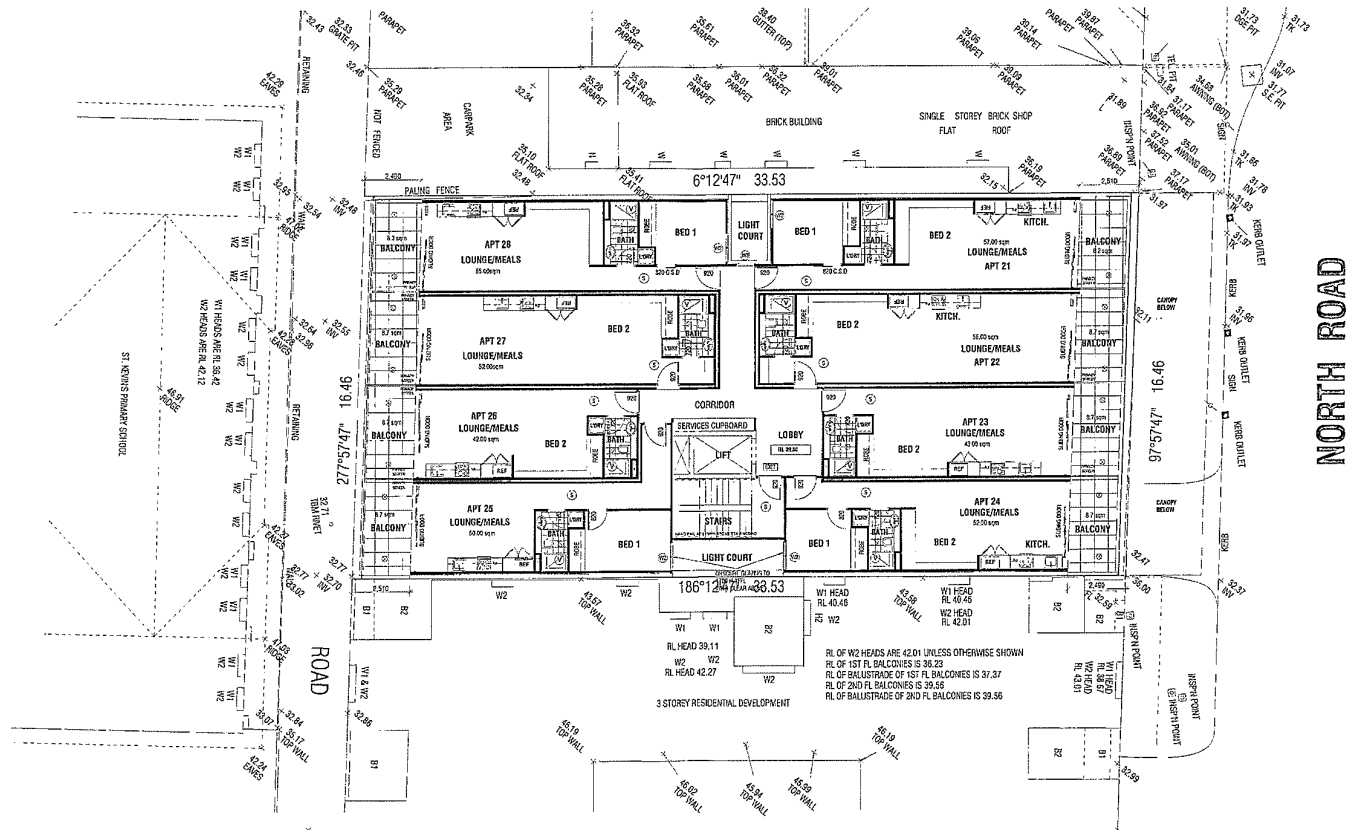
ENDORSEMENT REV C

PROPOSED MIXED USE DEVELOPMENT
 534-538 North Rd,
 Ormond.

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SECOND FLOOR PLAN
SCALE 1:100

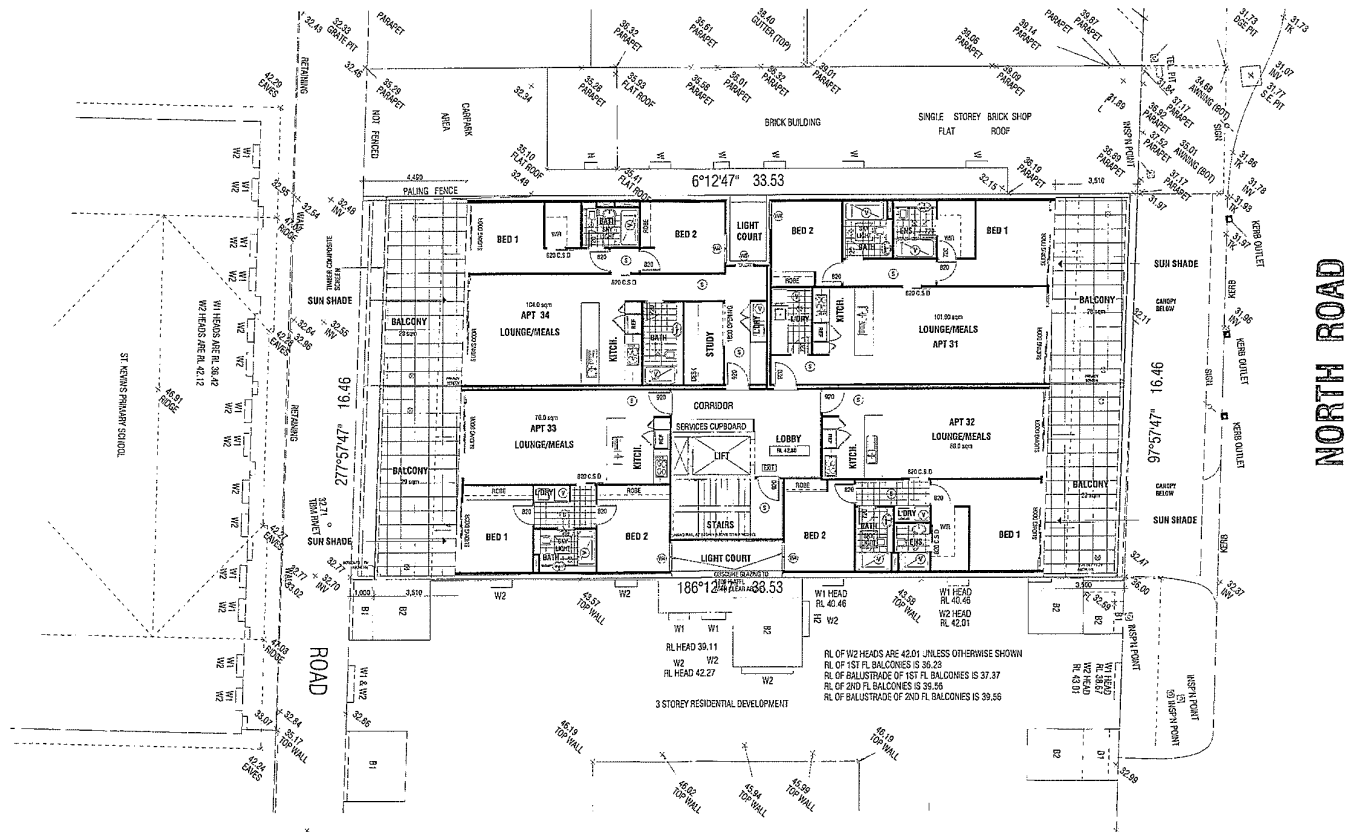


Client:	Approved Notes:	Issue:	Revised/Supersede:	Star:	Building Area:	Drawn:	Checked:
Andrew Petryshyn	These drawings shall not be used without the approval of the client. Any discrepancies shall be reported to the client immediately. These drawings shall not be used without the approval of the client. Any discrepancies shall be reported to the client immediately.					1:100@A1	24/02/16
Building:	Town Planning						

ENDORSEMENT REV C
PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

07

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THIRD FLOOR PLAN
SCALE 1:100

Client:
Andrew Petryshyn
Drawing:
Town Planning

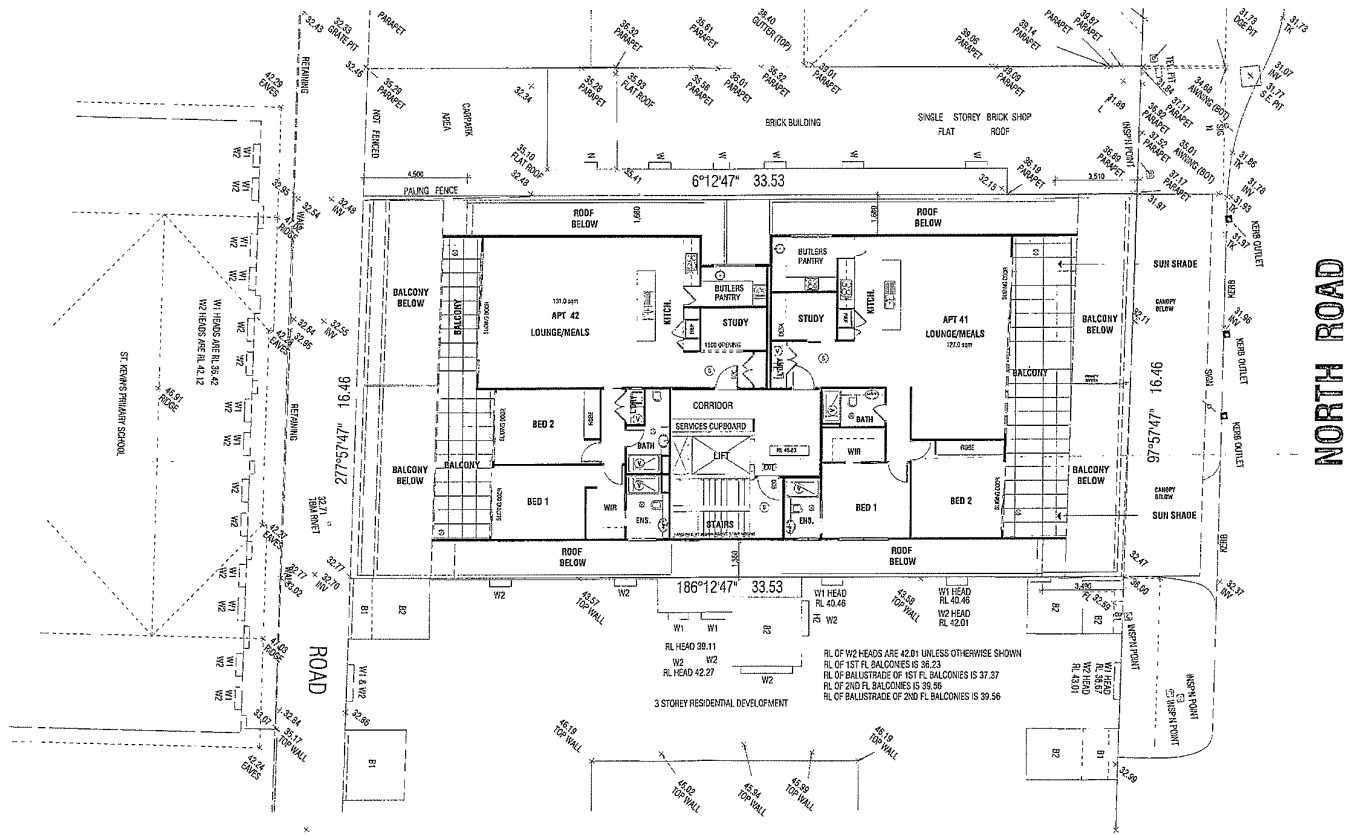
Important Notes:
These drawings must not be used for any purpose other than that for which they were prepared. The user of these drawings shall be responsible for obtaining all necessary permits and for ensuring that the drawings are used in accordance with the relevant legislation. The user shall also be responsible for ensuring that the drawings are used in accordance with the relevant legislation. The user shall also be responsible for ensuring that the drawings are used in accordance with the relevant legislation.

Issue	Revised/Description	Date	Building Area	Drawn	Checked
1					
2					
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ENDORSEMENT REV C
PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

08

5 - 10



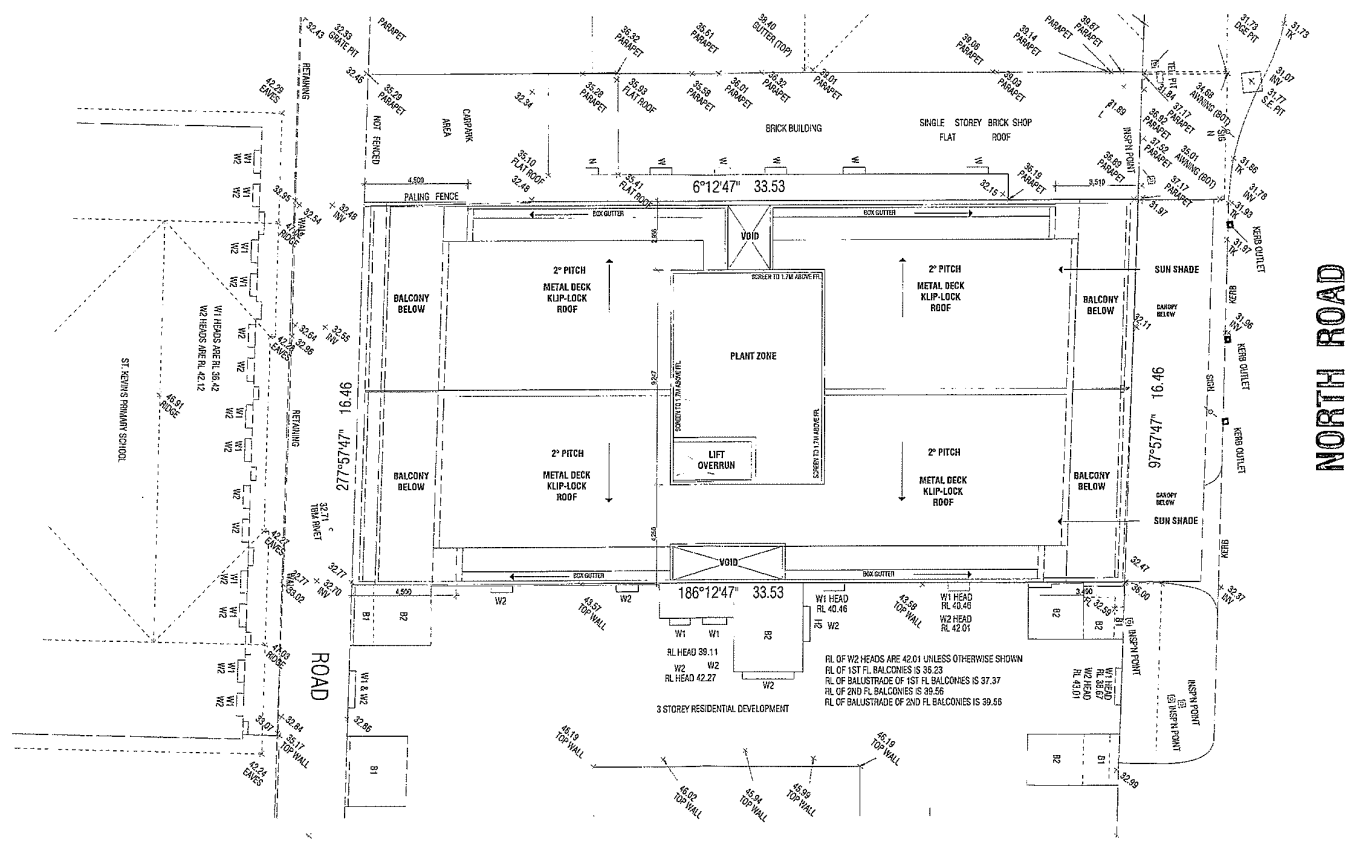
FOURTH FLOOR PLAN
SCALE 1:100

Client	Author/Designer	Date	Building Area	Drawn	Checked
Andrew Petryshyn				Scale: 1:100 @ A1	Date: 24/02/16
Town Planning					

ENDORSEMENT REV C
PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

09

6 10



ROOF PLAN
SCALE 1:100

Client: Andrew Petryshyn	Immediate Action: These drawings must not be used without the written consent of the author.	Copyright in these drawings and associated documentation is owned by Storm Consulting Pty Ltd.	Issue: Revision/Description: Date:	Building Area: Gross: Net:	Checked: Date: Scale: 1:100 @ A1
Drawing: Town Planning	Any discrepancies are to be reported to the author immediately. These drawings must not be altered in any form without the written permission of Storm Consulting Pty Ltd.	Reproduced in part or in whole of these drawings and associated documentation without the permission of Storm Consulting Pty Ltd. will constitute an infringement of copyright. Reproduction for purposes of copyright will be taken in accordance with the provisions of the Copyright Act 1968.			

ENDORSEMENT REV C
PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

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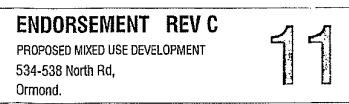
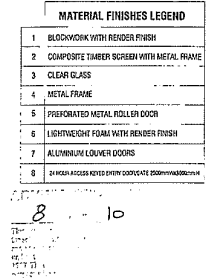
MATERIAL FINISHES LEGEND



ENDORSEMENT REV C

PROPOSED MIXED USE DEVELOPMENT
534-538 North Rd,
Ormond.

10



9.3: 198 - 202 BALACLAVA ROAD, CAULFIELD NORTH*Author: Rocky Camera, Manager Town Planning**File No: GE/PP-23913/2011/B**Attachments: Advertised plans***PURPOSE AND SUMMARY**

To consider an amended Planning Permit application



PROPOSAL	Five (5) storey building comprising 3 shops and 15 dwellings above a basement car park
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area- Caulfield Park Neighbourhood Centre
APPLICANT	Terry Harper Architects
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> Commercial 1 Zone Special Building Overlay
OBJECTIONS	<ul style="list-style-type: none"> 3 objections

RECOMMENDATION

That Council: Issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-23913/2011/B in accordance with the conditions contained in the Conclusion section of this report.

BACKGROUND

Planning Permit No. GE/PP-23913/2011 issued by VCAT on 9 April 2013 allowed for the construction of four (4) storey building comprising 14 dwellings, a shop and an office and a reduction in the associated car parking requirement.

An Amended Planning Permit was issued by Council on 8 April 2015 which allowed for deletion of the office and addition of one dwelling (15 dwellings).

ISSUES AND DISCUSSION

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

Current Proposal

The current application seeks to amend the existing planning permit to introduce an additional storey to the building (totaling 5 storeys). It does not seek to increase the number of dwellings. The overall number of dwellings will remain at fifteen. The three dwellings on the fourth level are proposed to be reconfigured and become double storey dwellings. The layout of the ground floor shops and car spaces remain as previously approved.

Objectors concerns

- Proposed height out of character with the neighbourhood.
- Proposed height is excessive
- Car parking impacts
- Infrastructure
- Increase in density
- Overlooking
- Overshadowing

Referrals

Transport Planning

- Council's Transport Planning Department has reviewed the proposal and do not object to the amended application.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONSZoning and policy context

The subject site is located within the Commercial 1 Zone. The properties to the east and south have the same zoning. Properties immediately to the north (in Stanley Street) are located in the General Residential Zone which allows buildings up to 10.5 metres or 3 storeys.

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 a location where mixed use development (i.e. commercial and residential) such as that proposed is an appropriate design response.

Council's Housing Diversity Area Policy seeks the following objectives for commercially zoned land in neighbourhood centres:

- *Ensure that the retail function and active frontage of centres is retained on the ground floor.*
- *Ensure that any new residential development is designed and sited to minimise its adverse impacts on adjoining existing residential properties by way of building bulk, overlooking and overshadowing; and*
- *Ensure that residential buildings are encouraged to step down at the rear to achieve a transition to residential areas.*

It is considered that the amended application complies with Council policy by maintaining the active retail function at ground floor and ensuring that the proposed fifth level steps down to the rear (north) in order to provide an appropriate transition to the residential property at 4 Stanley Parade.

Neighbourhood character

The surrounding area is currently characterised by single and double storey buildings. However, it is expected that the character of the area will change given that policy direction seeks to target development towards commercial areas.

Height, scale and massing

The additional level is adequately recessed and setback from the levels below so that it will not dominate the streetscape. The proposed uppermost level is setback a minimum of 10.2 metres from the rear property boundary (to the north) and approximately 9.7 metres from the front property boundary (to the south). As such the extension will have limited views from the streetscape fronting Balaclava Road and onto adjoining residential properties to the rear.

Amenity impacts

Given that the proposed setbacks to the rear (northern) boundary are in excess of 9 metres, screening of the windows or balcony of the proposed fifth level are not required under the State Government guidelines. It is noted that screening to the balconies/windows on the lower floors remains in accordance with the previous approved planning permit.

Overshadowing impacts from the proposed development comply with the State Government guidelines.

Car Parking and Traffic

All dwellings will comprise two bedrooms. Every dwelling is allocated 1 car space each and 3 visitor car parking spaces remain on site for the dwellings in accordance with the State Government guidelines. However, it is noted that the 'retreat' area at the uppermost level of Dwelling 301 could feasibly be used as a bedroom. As such, it is recommended that this area be reduced in size in order to ensure that it is not used as a bedroom.

It is noted that the three car spaces have also been provided on site for the shop uses which is in accordance with the previous planning permit issued for the subject land.

Management Plan Requirements

Both a Construction Management Plan and a Waste Management Plan were required to be submitted as part of the previously approved permit. They permit applicant must continue to comply with the requirements of these plans.

COMMUNICATION AND ENGAGEMENT

1. Public Notice (Statutory)

- 6 properties notified
- 36 notices sent (owners and occupiers)
- 4 signs erected on site
- 3 objections received (includes 1 petition with signatures of 9 residents from Stanley Parade)

2. Planning Conference (Non Statutory)

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:

- Concerned about devaluation of residential properties to the rear.
- Precedent set by the approval of a five storey building
- The overall height of the building is not in keeping with the character of the area (including the lift overrun)
- The retreat area of Unit 301 could potentially be used as a bedroom.

Undertakings by the Applicant

- The applicant's representative offered to provide planter boxes along the northern (rear) end of the terrace area for Dwelling 303.

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

That a Notice of Decision to Grant an Amended Planning Permit be issued with the following conditions:

The preamble modified as follows:

The development and use of the land for the purpose of a ~~four~~ **five** storey building (with a basement car park) comprising shops, 15 dwellings, a reduction in the car parking requirements and waiver of the loading bay requirement on land affected by the Special Building Overlay

CONDITIONS

Amend planning permit pursuant to Section 75 of the Act be issued as follows:

This Permit was amended pursuant to Section 75 of the Planning and Environment Act 1987 by modifying the wording of the permit preamble and the modification of Condition 1

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Project 13-09TP01 (Revision N, dated 14/01/16) TP02 (Revision P, dated 16/05/16), TP03 (Revision P, dated 03/03/16), TP03b (dated 03/03/16), TP04 (Revision Q, dated 03/07/16), TP05 (Revision L, dated 03/07/16), prepared by Terry Harper Architects but modified to show:
 - (a) Reduction in the size of the 'retreat' area associated with Dwelling 301 to be no more than 2 metres x 3.8 metres (measured internally) to the satisfaction of the Responsible Authority.

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

2. 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 times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
4. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
5. 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.

6. 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 three (3) car spaces for the shop/s; and
 - Three (3) visitor car spaces marked accordingly.
7. Prior to the commencement of works on the site, the owner/permit holder must prepare and submit in writing a Waste Management Plan for the site with respect to the collection and disposal of waste and recyclables for the dwellings on the site to the satisfaction of the Responsible Authority. The Waste Management Plan must provide for the following:
 - The collection of household waste and recyclables for the dwellings;
 - Designation of methods of collection including the provision for private services;
 - Adequate provision for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles,
 - Details of best practice waste management once operating.
8. 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.
9. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
10. 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.
11. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
12. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that

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

13. Deliveries and dispatches to and from the site (including garbage collection) must only take place between:

7.00 am – 8.00 pm Monday to Saturday;

9.00 am – 8.00 pm Sunday and Public Holidays.

Deliveries and dispatches to and from the site (including garbage collection) must be conducted in a manner which does not cause unreasonable interference with the circulation and parking of vehicles and the safe movement of pedestrians.

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

- (a) Delivery and unloading points and expected frequency;
- (b) 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.

Melbourne Water condition/s

15. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Conditions End

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

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on a different criteria to that adopted for the approval of this Planning Permit.
- C. No resident parking permits will be issued for this development.
- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- E. The 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.

Melbourne Water Footnote/s

- F. Preliminary land and flood information available at Melbourne Water indicates that the above property is not subject to flooding from a Melbourne Water drain or waterway from a storm event which has a 1% chance of occurrence in any given year.

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 116764.

RESOLUTION

Crs Esakoff/Sounness

That Council:

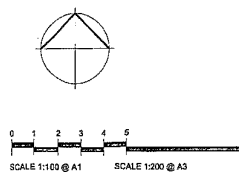
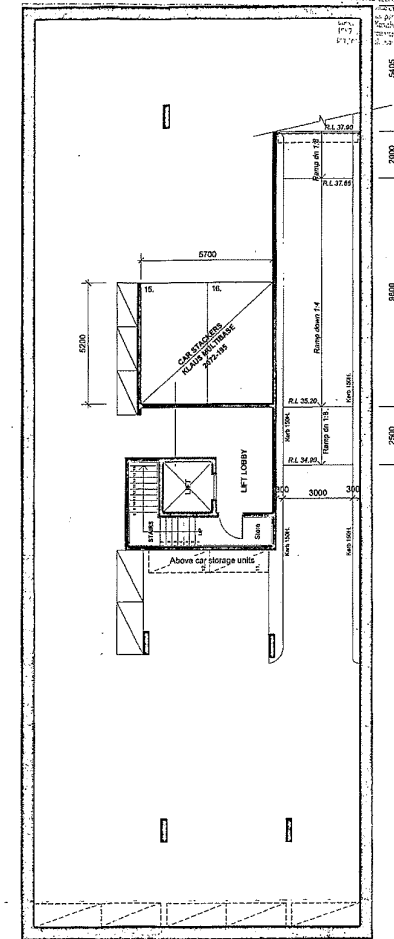
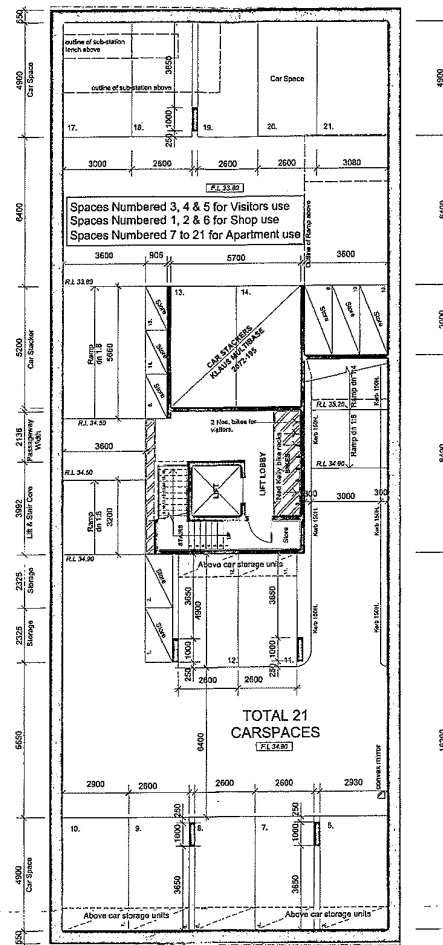
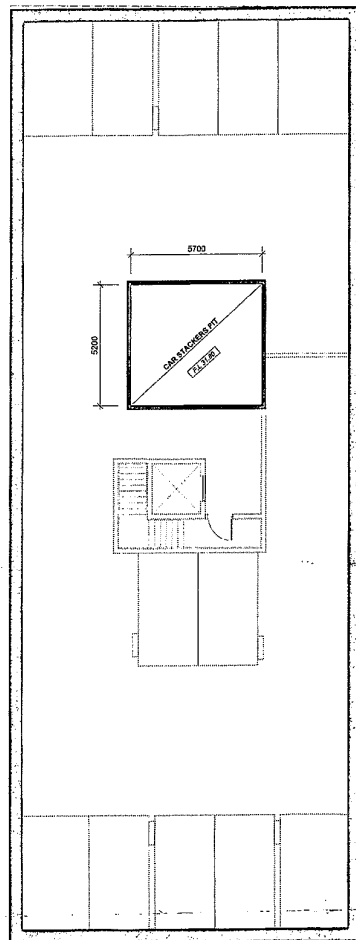
- **Issues a Notice of Refusal for Amended Planning Permit Application No. GE/PP-23913/2011/B in accordance with the following grounds:**

Grounds of Refusal

1. **The proposal is not consistent with State Planning Policies for Urban Design and the Local Planning Policy for Housing and Residential Development as stated in Clauses 15, 16.01-4 and 21.04 of the Glen Eira Planning Scheme as:**
 - **The development fails to respect the built form characteristics of the area;**
 - **The development fails to minimise detrimental impacts on neighbouring properties.**

2. The design and built form of the proposal does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
 - Element 2 – Building Envelope;
 - Element 5 – Building Layout and Design.
3. The proposal does not satisfy the intent and objectives of the Housing Diversity Area Policy (Clause 22.07 of the Glen Eira Planning Scheme) as its height, scale, mass and bulk would be overly dominant within the streetscape and when viewed from adjoining properties.
4. The proposed development is considered to be an overdevelopment of the site due to its excessive height.

The MOTION was put and CARRIED unanimously.



Basement Floor Plan
PROPOSED RETAIL PREMISES AND 15 APARTMENTS
198-202 Balaclava Road, Caulfield

PROJECT: 13-09 DRAWING No.: TP01
REVISION: N 14/01/18 ISSUED FOR ENDORSEMENT.

REVISION No.:

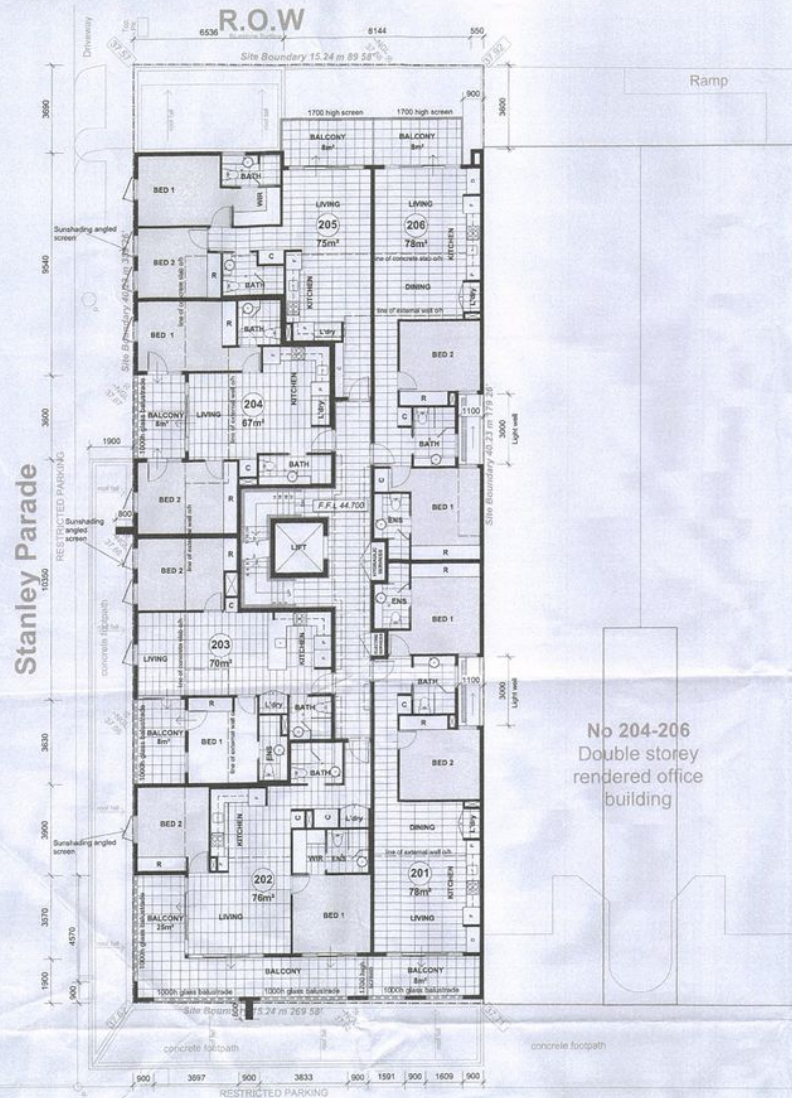
DATE: _____
SCALE _____

08.10.2015
1:100

TERRY HARPER ARCHITECTS

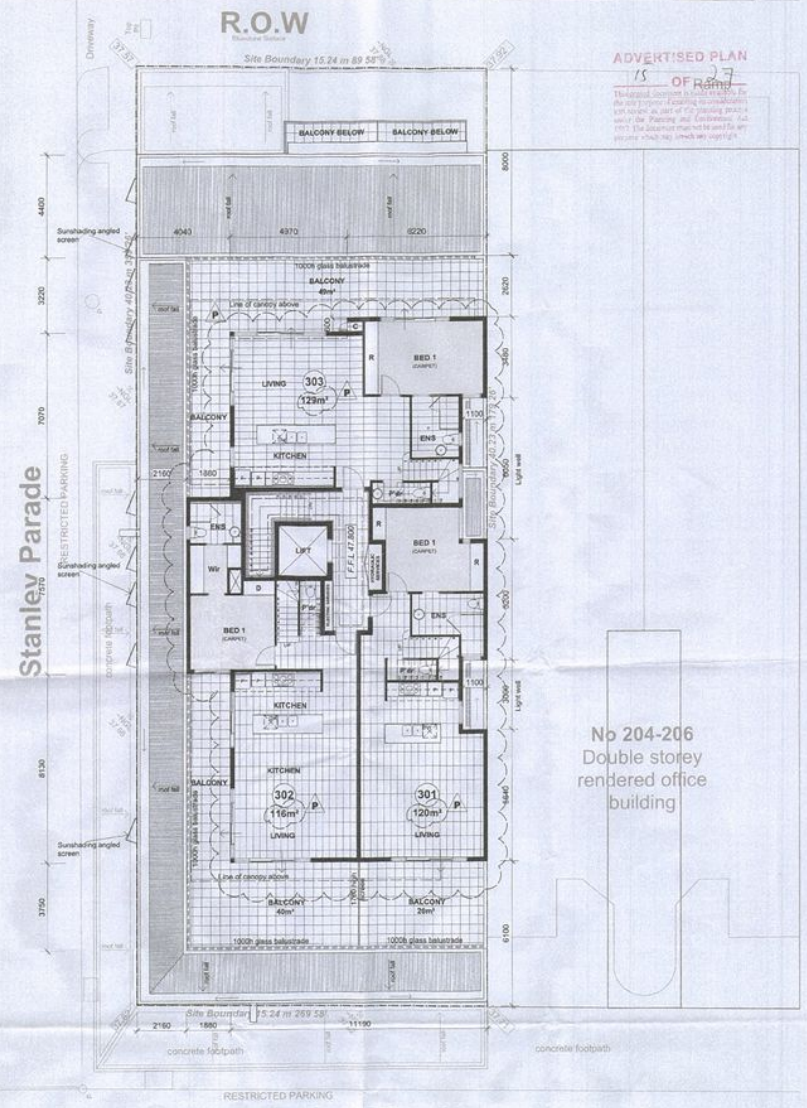
Suite 2 / 86 Wellington Street Cokewood Victoria 3066 t: (03) 9410 5588 f: (03) 9410 5488 e: info@terryharperarchitects.com

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7 APR 2010
STATISTICAL PLANNING
123456789



Balaclava Road

Level Three Floor Plan



Balaclava Road

Level Four Floor Plan

Level 3 & 4 Floor Plan
PROPOSED RETAIL PREMISES AND 15 APARTMENTS
198-202 Balaclava Road, Caulfield

PROJECT: 13-09 DRAWING NO: TP03 REVISION NO: P
REVISION: P 5.3.16 CHANGES TO FOURTH LEVEL AND FIFTH LEVEL ABOVE



TERRY HARPER ARCHITECTS

Unit 2 / 88 Wellington Street Collingwood Victoria 3068

T 03 9419 5558 F 03 9419 5438 E info@terryharperarchitects.com

DATE: 06.10.2015

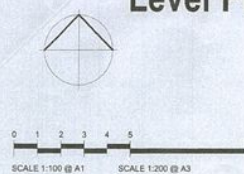
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STATUTORY PLANNING
COUNCIL

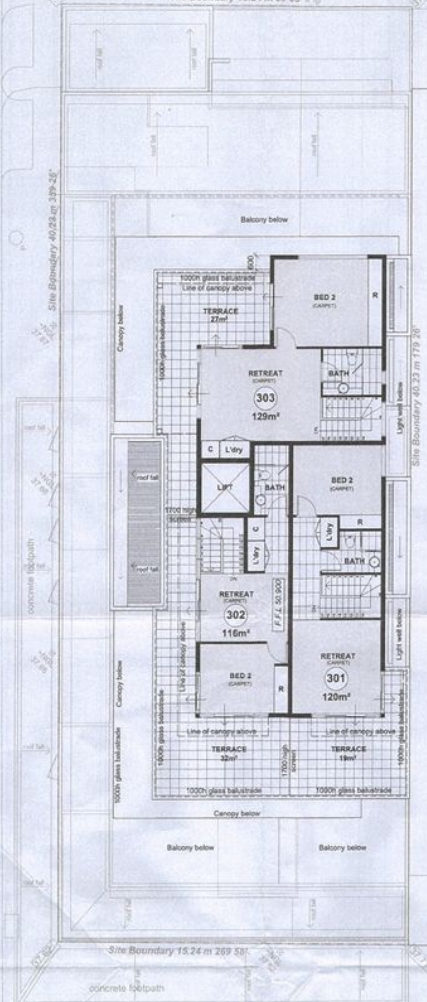
Stanley Parade

Level Five Floor Plan



R.O.W

Site Boundary 15.24 m 89 58°



Nb 204-206
Double storey
rendered office
building

Stanley Parade

Roof Plan

Balaclava Road

Level 5 Floor Plan & Roof Plan PROPOSED RETAIL PREMISES AND 15 APARTMENTS

PROJECT: 13-09
REVISION: TP03b
DATE: 03.03.2016
SCALE: 1:100

TERRY HARPER ARCHITECTS
Suite 2 / 88 Wellington Street Colingwood Victoria 3066
t: 03 9419 5555 f: 03 9419 5488 e: info@terryharperarchitects.com

ADVERTISED PLAN
16 Ramp 27

This is a proposed plan for a building and is not a final plan. It is subject to the approval of the Council and the relevant authorities. It is not to be used for any other purpose without the written consent of the architect.

Nb 204-206
Double storey
rendered office
building

Stanley Parade

RESTRICTED PARKING

R.O.W

Site Boundary 15.24 m 89 58

Ramp

Site Boundary 40.23 m 179 20

No 204-206
Double storey
rendered office
building

concrete footpath

RESTRICTED PARKING

Balaclava Road

Roof Plan

0 1 2 3 4 5
SCALE 1:100 @ A1 SCALE 1:200 @ A3

ADVERTISED PLAN
17 OF 27
This report contains information for the sole purpose of dealing with a consultation and is not to be used for any other purpose. The information is provided for the purpose of the planning process only. It is not to be used for any other purpose.

Roof Plan
PROPOSED RETAIL PREMISES AND 15 APARTMENTS
198-202 Balaclava Road, Caulfield

PROJECT: 13-09 REVISION: TP03c REVISION No.:

THA

TERRY HARPER ARCHITECTS

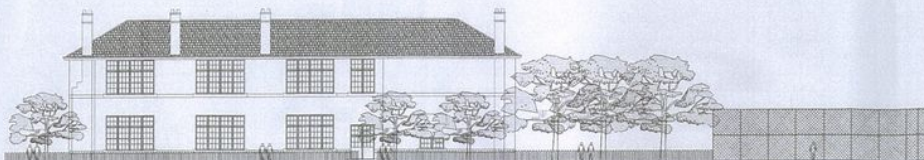
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7 APR 2018
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DEPARTMENT

DATE: 03.03.2018
SCALE: 1:100



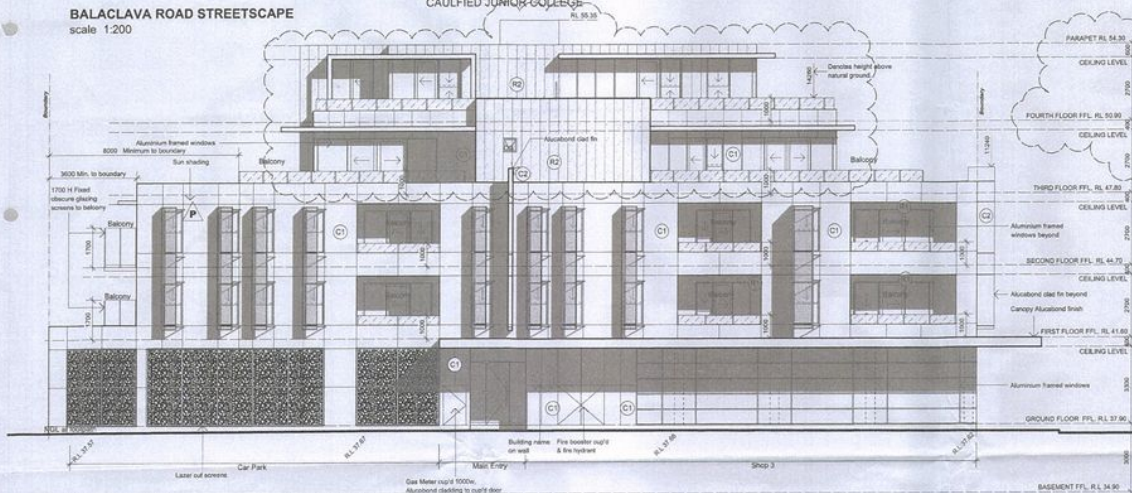
BALACLAVA ROAD STREETSCAPE
scale 1:200

CAULFIELD JUNIOR COLLEGE

STANLEY PARADE

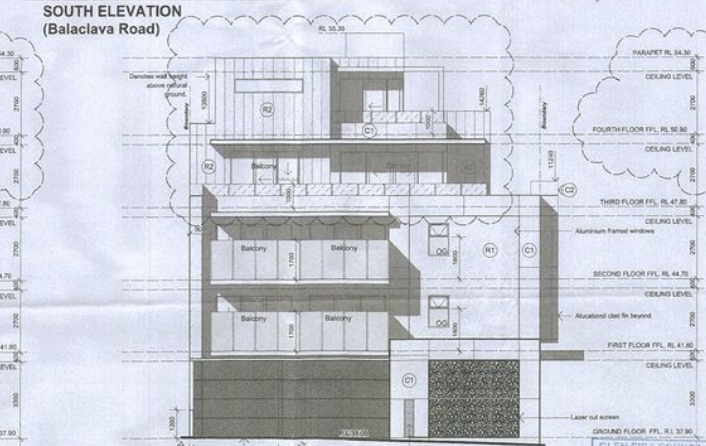
SUBJECT SITE No. 202 BALACLAVA ROAD No. 204-206 BALACLAVA ROAD No. 208-210 BALACLAVA ROAD 212-214 BALACLAVA ROAD

ADVERTISED PLAN
18 OF 27
This official document is made available for the sole purpose of enabling the public to view the plans as part of the planning process. It is not to be used for any other purpose without the written consent of the Council.



WEST ELEVATION
(Stanley Parade)

SOUTH ELEVATION
(Balaclava Road)



EAST ELEVATION



Notes:
- ALL WINDOW FRAMES TO BE RECESSED
- REFER TO EXTERNAL FINISHES SCHEDULE ON SHEET 14 OF 14 (REV. D) FOR FINISHES CORRESPONDING TO CODES.

Elevations
PROPOSED RETAIL PREMISES AND 15 APARTMENTS
196-202 Balaclava Road, Caulfield

PROJECT: 13-09 DRAWING No: TP04 REVISION No: Q
REVISION: Q 3/1/16 CHANGES TO FOURTH LEVEL, AND FIFTH LEVEL ADDED

DATE: 06.10.2015
SCALE: 1:100

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GLEN EIRA COUNCIL
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7 APR 2016
STATUTORY PLANNING
DEPARTMENT

9.4 VCAT WATCH

Author: Rocky Camera - Manager Town Planning

File No: N/A

Attachments: Table of new appeals lodged

PURPOSE AND SUMMARY

To report to Council recent VCAT decisions.

RECOMMENDATION

That Council notes:

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

BACKGROUND

N/A

ISSUES AND DISCUSSION

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.

ADDRESS	309 EAST BOUNDARY ROAD, BENTLEIGH EAST
PROPOSAL	CONSTRUCTION OF TWO 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"> • REDUCTION OF THE SITE COVERAGE TO 50% & • INCREASED SIDE AND REAR SETBACKS THE CHANGES DID NOT ADDRESS THE OFFICER'S ORIGINAL CONCERNS WITH THE PROPOSAL
VCAT DECISION	PERMIT
APPELLANT	AMG ARCHITECTS PTY LTD

“Although attached ‘side by side’ multi-dwelling proposals can present design problems, particularly in relation to the garaging of vehicles and the response to the streetscape, there are advantages for the provision of open space, particularly at the rear of the site. In this case, I find the design response is acceptable in relation to the adjoining dwellings and the streetscape of East Boundary Road. The use of vehicle turntables, although dominant in the use of space within the front setback, is an appropriate response to achieving safe vehicle movement onto this busy road”. VCAT Member – Frank Dawson

- The subject site is located within the Neighbourhood Residential Zone and Minimal Change Area Policy.
- The application was refused on grounds relating to neighbourhood character, lack of landscaping opportunities within the front setback and visual bulk when viewed from adjoining properties. The Planning Office was also not satisfied with the reliance on vehicle turntables within the front setback to allow vehicles to exit the site in a forward direction.
- The Tribunal held that many dwellings along East Boundary Road have devoted large areas of their front setbacks to facilitate the turning of vehicles to allow them to exit in a forward direction. On this basis, the Tribunal held that the provision of turntables and subsequent landscaping opportunities within the front setback were adequate.
- However, the Tribunal held that the proposed dwellings were visually dominant towards the rear of the site when viewed from adjoining secluded private open spaces. The Tribunal determined that increased first floor rear boundary setbacks were required to mitigate the bulk/mass impacts. The Tribunal required both dwellings to be setback a further 1.5 metres from the rear (western) boundary.
- On that basis, the Tribunal directed a permit issue, subject to conditions to reducing the first floor built form.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/A

POLICY AND LEGISLATIVE IMPLICATIONS

N/A

COMMUNICATION AND ENGAGEMENT

N/A

LINK TO COUNCIL PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

N/A

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

ATTACHMENT: TABLE OF NEW APPEALS LODGED

MAJOR CASES

COMPULSORY CONFERENCE	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
9 August 2016	26 September 2016	P1128/2016	795-807 Centre Road & 150 East Boundary Road, Bentleigh East	Modification to the existing permit allowing the construction of a part three and part six storey building. The proposed change seeks to: Increase the number of dwellings from 96 to 108 <ul style="list-style-type: none"> • Alterations to dwelling layouts • Alterations to the basement car park envelope and layout 	C1Z & GRZ	Refusal (Manager)	Refusal (Applicant)
16 August 2016	3 October 2016	P1186/2016	22-26 Riddell Parade, Elsternwick	Construction of a 12 storey building comprising forty dwellings and an office	C1Z	Refusal (Resolution)	Refusal (Applicant)
1 September 2016	17 October 2016	P1311/2016	1032 Dandenong Road, Carnegie	Construction of a nine-storey residential hotel (49 lodging rooms)	C1Z	Refusal (Resolution)	Refusal (Applicant)

PLANNING AND ENVIRONMENT LIST

HEARING DATE	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
31 October 2016	P943/2016	305 Kooyong Road, Elsternwick	Construction of a two-storey medical centre	NRZ	Permit (Resolution)	Conditions (Applicant)
15 November 2016	P1032/2016	20 Cushing Avenue, Bentleigh	Construction of two double storey attached dwellings.	NRZ	Permit (DPC)	Conditions (Applicant)
23 November 2016	P119/2016	315-317 Neerim Road, Carnegie	Construction of a seven-storey building comprising 26 dwellings	C1Z	Refusal (Manager)	Refusal (Applicant)
24 November 2016	P1097/2016	92 Patterson Road, Bentleigh	Construction of a three-storey building comprising a shop, a medical centre and six dwellings	C1Z	Refusal (Manager)	Refusal (Applicant)
25 November 2016	P1100/2016	27 Elizabeth Street, Bentleigh East	Construction of a three-storey building comprising 12 dwellings	RGZ	Refusal (Manager)	Refusal (Applicant)
25 November 2016	P1054/2016	1 Beena Avenue, Carnegie	Construction of five three-storey dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
25 November 2016	P1172/2016	40 Fromer Street, Bentleigh East	Construction of two double-storey dwellings	NRZ	Refusal (DPC)	Refusal (Applicant)
28 November 2016	P1030/2016	2 Farnham Street, Caulfield	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)

30 November 2016	P1142/2016	318 McKinnon Road, McKinnon	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)
2 December 2016	P1168/2016	15 Shrewsbury Street, Bentleigh East	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)
5 December 2016	P1224/2016	16-18 Glen Orme Avenue, McKinnon	Construction of nine dwellings	GRZ	Permit (DPC)	Conditions (Applicant)
7 December 2016	P1225/2016	Unit 1, 62 Lillimur Road, Ormond	Construction of two single-storey dwellings to the rear of the existing dwelling	GRZ	Refusal (Manager)	Refusal (Applicant)
8 December 2016	P1231/2016	2 Rosella Street, Murrumbeena	Construction of three double-storey dwellings	GRZ	Refusal (DPC)	Refusal (Applicant)
16 December 2016	P1266/2016	1170 Dandenong Road, Carnegie	The addition of three dwellings to the existing building (26 dwellings in total)	GRZ	NOD (DPC)	NOD (Objector)

9.5: PLANNING SCHEME REVIEW 2016

Author: Russell Smith Acting Coordinator Strategic
File No: N/A
Attachments: Planning Scheme Review 2016 Report and Work Plan

PURPOSE AND SUMMARY

The purpose of this report is for the Council to consider the Planning Scheme Review 2016 report and its corresponding Work Plan for future Strategic Planning projects. The future projects would form future planning scheme amendments and be subject to the usual amendment processes.

RECOMMENDATION

That Council:

1. Adopts the Planning Scheme Review 2016 report (attachment 1).
2. Adopts the Planning Scheme Review 2016 work plan as an attachment to the planning scheme review report (attachment 2).
3. Forwards the adopted Planning Scheme Review 2016 and Work Plan to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*.

BACKGROUND

The Glen Eira Planning Scheme is a statutory document which sets out objectives, policies and provisions for the use, development and protection of land within the Glen Eira municipal boundary.

The *Planning and Environment Act 1987* under Section 12B requires the planning authority to regularly review the provisions of the planning scheme. The purpose of reviewing the scheme is to enhance the effectiveness and efficiency of the scheme in achieving the:

- Objectives of planning in Victoria
- Objectives and strategies of the planning scheme including the State Planning Policy Framework and Local Planning Policy Framework.

The last planning scheme review undertaken by Glen Eira was in 2010.

COMMUNICATION AND ENGAGEMENT

Council undertook substantial community engagement. A two month consultation period was undertaken from the beginning of April to the end of May. Council exhibited this process through advertisements in the local papers, the Glen Eira News and on the Council website, as well as informing regular planning permit applicants, trader groups, community groups, and public authorities.

Submissions were able to be made online, by email or via post. Also available online were surveys and access to the *Have Your Say* forum. During the consultation period five community workshops were held throughout a number of locations within the municipality which were hosted by an independent facilitator. The workshops were extremely effective for the community to voice their concerns and priorities and all were well attended.

Following on from these workshops and the close of the consultation period a final meeting was held on 15 June 2016 in which key feedback themes were further discussed.

Around 247 people attended the scheduled meetings, 68 people participated via the *Have Your Say* online forum and 122 written submissions were received.

ISSUES AND DISCUSSION

The Review set out a number of themes in its discussion paper to help facilitate discussion relevant to town planning. The themes were:

- Municipal Strategic Statement (MSS) and Local Policies
- Urban Design in Activity Centres
- Environmentally Sustainable Development
- Car Parking and Transport
- Neighbourhood Character
- Heritage

Using the above themes as a starting point, the key issues and opportunities which emerged from the submissions and workshops were:

- Council planning policies are dated and regularly overturned by VCAT. Stronger and clearer policies required.
- Loss of neighbourhood character.
- Traffic and parking issues, particularly in and around activity centres.
- Control of building heights in activity centres (suggested heights ranged from 3 storeys to 20+ storeys).
- Review of Glen Eira's Heritage
- Loss of trees
- Developers should contribute to infrastructure (drainage, roads, parks, community facilities)
- Open Space
- ESD - Loss of water, permeability, underground car parking
- Transitioning of zones
- Structure plans

These issues and opportunities are addressed through the recommended work plan (attachment 2). A brief overview of these projects is listed below:

Structure Plans

For our activity centres, the community feedback strongly indicated that there was a sense of overdevelopment, loss of character, and subsequent impacts on surrounding residential areas. Structure planning was a prominent project called for in the feedback. Structure planning can lead to the development of height restrictions in commercial areas, aid in managing change within activity centres, providing urban design guidelines for new development, potentially provide the Council with cash contributions toward infrastructure upgrades and to consider increasing car parking demands. This could be achieved by creating a cohesive strategic vision for each activity centre.

Community feedback also revealed that the Bentleigh Activity Centre was a significant priority for the community to better manage development through structure planning work. Of our Neighbourhood Centres, Ormond and McKinnon were identified as priorities.

Neighbourhood Character Policy

A loss of neighbourhood character was an issue raised throughout the consultation process. More specifically:

- The need for additional design guidelines within zones
- More landscaping opportunities and vegetation.
- Better transition between developments.
- Curb the rate of growth
- Reduce basement encroachments
- Improve garden character
- Protect backyards
- Reduce hard surfaces in private open space areas
- Front fencing
- Streetscape integration
- Better quality architecture
- Greater front setbacks.

A neighbourhood character policy will provide more clarity on existing character and its protection as well as better defining the preferred character for areas of change. It can also address concerns relating to landscaping areas, providing better transition between different zones, improving the garden character, a reduction in hard surfacing, increased front setbacks in appropriate areas, managing boundary to boundary developments and impacts of upper storey development on neighbouring back yards.

The work plan also recommends that the residential zones support the neighbourhood character policy by including additional neighbourhood character objectives and increased schedule standards to protect and enhance character.

It is recommended that the policy is reinforced through objectives in the Municipal Strategic Statement.

Heritage

The recommended work plan will provide two heritage project updates, an internal project that can be undertaken relatively quickly and a major review which will take more time. The internal project would include a refresh and update of existing heritage policies / documents and to update heritage guidelines so that they are incorporated into the planning scheme. The major update will aim to identify and protect individually significant heritage properties not currently identified for protection or potentially elevate some properties to State significance.

Municipal Strategic Statement (MSS) and Local Planning Policy Review

These projects would identify gaps in the MSS and local policies, refresh existing policies and prepare the housing policies to better support Glen Eira's residential framework, particularly with neighbourhood character. New census data will also be incorporated.

Development Contribution Scheme

The project aims to provide for developer contributions on infrastructure projects such as drainage works. This may include council-wide projects or additionally be utilised where structure planning is being undertaken.

Parking Provisions

Traffic and parking issues particularly in and around activity centres was another significant issue raised throughout the consultation process.

To address this issue it is recommended that various provisions/controls be implemented in activity centres such as:

- Parking precinct plans. These can stipulate higher parking rates in some instances, or clarify the parking rates for various uses where the scheme provides little or no guidance.
- Car parking cash in lieu provisions
- Look at other options to utilise existing parking spaces e.g. shared parking.
- Advocate to the Minister for more stringent car parking controls e.g. mandatory visitor parking provisions.

These are also able to be investigated alongside the structure planning process.

Open Space

Lack of open space in the municipality and minimal private open space provided in new developments was a significant issue raised by the public. The project aims to review developer contributions after new census data is released to potentially provide for a greater contribution from new developments, and potentially identifying more land closer to activity centres. Investigations will also explore ways to better protect existing open space areas from nearby obtrusive development. The work plan also will investigate increasing the private open space requirement for multi-unit developments.

Sustainability

The project would explore requiring a higher level of ESD requirements for significant developments, incentives for highly ESD compliant developments, increased landscaping, open space and tree planting. The Work Plan also provides for the continued advocacy for a Statewide approach to ESD.

Water Sensitive Urban Design (WSUD)

WSUD would introduce measures that decrease stormwater runoff in peak events, increase permeability standards, and reduce basement footprints.

Transition Between Zones

The work plan looks to further refine guidelines in relation to transitioning of scale and bulk between zones this is to be addressed through a combination of a Neighbourhood Character Policy, the implementation of a Design and Development Overlay, and changes to the schedules and objectives of the residential zones.

Special Building Overlay

To provide for accurate mapping to land affected by potential flooding events to minimise risks of damage to properties.

Tree Protection Policy for Development Sites

The community raised concerns about the loss of trees in residential development sites and the limited opportunities for replacement planting with new developments. The work plan incorporates a range of approaches to address this issue. These include:

- Develop a tree conservation/protection policy and include objectives regarding tree protection in the MSS.
- Investigate provisions which impose a design or layout penalty on developments which 'moonscape' a site prior to obtaining a planning permit.
- Introduce basement setbacks which enable the planting of canopy trees tailored to the objectives of each residential zone.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The majority of the recommended projects will be completed by in-house staff. However, some projects, such as the Preferred Neighbourhood Character policy or Structure Plans, will require extensive input from outside specialists.

POLICY AND LEGISLATIVE IMPLICATIONS

The attached Planning Scheme Review and attached work plan fulfills Council's requirements under the *Planning and Environment Act 1987* section 12B to regularly review the provisions of the planning scheme and enhancing the effectiveness and efficiency of the scheme in achieving the objectives of planning in Victoria and the objectives and strategies of the planning scheme including State Planning Policy Framework and Local Planning Policy Framework.

The Planning Scheme Review has been undertaken in accordance with *Planning Practice Note – Review of Planning Schemes*.

Each proposed planning scheme amendment item within the proposed work plan is required to go through the normal planning scheme amendment process as set out under the *Planning and Environment Act 1987*, which means all projects will still need to be authorised and adopted by the Council, and undergo further community consultation.

LINK TO COUNCIL PLANTown planning and development

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The Planning Scheme Review process involved a significant amount of community consultation spanning two months. The community engagement process allowed strong involvement by community members being able to express their issues directly with Councillors and Council staff. Attendances at all community workshops were strong, indicating that the community was actively involved and sought better planning outcomes for their neighbourhoods. Our internal review including looking at VCAT decisions resulted in similarly aligned issues to be addressed through a Work Plan and future planning scheme amendments.

The main thrust and focus of the review was planning for projects that would improve built form and land use outcomes within the municipality, better protect and address significant heritage buildings and provide for appropriate neighbourhood character that balances built form with a well landscaped setting rather than being dominated by built form. The Draft Work Plan includes projects that will address these matters. Structure Plans within our activity centres were considered the most important and pertinent projects for Council to undertake.

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

Crs Pilling/Sounness

That Council:

- 1. Adopts the Planning Scheme Review 2016 report (attachment 1).**
- 2. Adopts the Planning Scheme Review 2016 work plan as an attachment to the planning scheme review report (attachment 2).**
- 3. Forwards the adopted Planning Scheme Review 2016 and Work Plan to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*.**
- 4. Advocates to the Minister for Planning for interim height controls in the Bentleigh and Carnegie activity centres.**

PROCEDURAL MOTION

Crs Delahunty/Sounness

That Cr Magee be granted an additional 5 minutes of speaking time.

The PROCEDURAL MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Crs Delahunty/Lipshutz

That Cr Hyams be granted an additional 2 minutes of speaking time.

The PROCEDURAL MOTION was put and CARRIED unanimously.

Item 9.5 (cont'd)

PROCEDURAL MOTION

Crs Hyams/Lipshutz

That Cr Esakoff be granted an additional 2 minutes of speaking time.

The PROCEDURAL MOTION was put and CARRIED unanimously.

The MOTION was put and CARRIED.



GLEN EIRA
CITY COUNCIL

Glen Eira Planning Scheme Review Report

2016

Glen Eira City Council

Bentleigh

Gardenvale

Bentleigh

Glen Huntly

Brighton East

McKinnon

Carnegie

Murrumbeem

Caulfield

Ormond

Elsternwic

St Kilda

East

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- 1.0 Executive Summary**
 - 1.1 Planning Scheme Review Requirements**
 - 1.2 Background**
 - 1.3 Aims of the Review**
 - 1.4 Key Findings**
- 2.0 Introduction**
 - 2.1 What is a Planning Scheme?**
 - 2.2 State Planning Policy Framework (SPPF)**
 - 2.3 Local Planning Policy Framework (LPPF)**
 - 2.4 Zones and Overlays**
 - 2.5 Particular and General Provisions**
 - 2.6 Reference Documents**
 - 2.7 What is a Planning Scheme Review (PSR) and why is it required?**
- 3.0 Methodology**
 - 3.1 Planning at Glen Eira since 2010**
 - 3.2 Changes to the State Planning Policy Framework (SPPF) and other state strategies 2010-2016**
 - 3.3 Recent changes to the State Zones**
 - 3.4 VCAT decisions**
 - 3.5 Significant Panel Reports**
 - 3.6 The Planning Scheme Review 2016 – A Discussion Paper**
 - 3.7 Community Engagement**
 - 3.8 Internal Consultation**
 - 3.9 Audit of Planning Processes**
- 4.0 Outcomes of the 2016 Review**
 - 4.1 Key Community Feedback Themes**
 - 4.2 Improving the processes of the Statutory Planning Department**

APPENDICES

APPENDIX 1 - Strategic Planning Work Plan 2016

APPENDIX 2 - Local Planning Scheme Amendments Approved 2010-2016

APPENDIX 3 - Glen Eira Planning Scheme Review – A Discussion Paper

**APPENDIX 4 - Summary of Issues – Public Engagement Meetings and
Written Submissions**

**APPENDIX 5 - Detailed comments from Community Engagement
Meetings**

**APPENDIX 6 - Summary of individual submissions and internal Council
department comments**

APPENDIX 7 - Summary of external referral authorities' comments

1.0 Executive Summary

1.1 Planning Scheme Review Requirements

The Planning and Environment Act 1987 (the Act), requires each municipal Council to review their Planning Scheme approximately every 4 years and provide a copy of the review report to the Department of Land, Water and Planning (DELWP).

Council sought an extension of time in which to complete this review. This was due to the number of State Government provision and strategy reviews that are currently being undertaken that could significantly affect the outcomes of this planning scheme review. The Minister for Planning allowed an extension of time to 31 August 2016 under S12B(b) of the Act. In addition, the Minister for Planning recommended that the review have particular regard to the planning provisions for Glen Eira's Activity Centres.

1.2 Background

Previous Review

Council undertook a comprehensive review of the Glen Eira Planning Scheme (GEPS) in 2010. The main projects completed as part of the 2010 Review are discussed in part 3.1 of this Report. A number of projects proposed in the 2010 Review were not commenced due to Council waiting on State Government review outcomes that could greatly affect the structure of policies including the Municipal Strategic Statement. Some of these projects have been brought forward and included in this current Review.

The Wider Context

The Department of Environment, Land, Water and Planning (DELWP) has made available a document entitled *Victoria in Future 2016 – Population and household projections to 2051*. The projections are based on 30 June 2015 population estimates from the Australian Bureau of Statistics (ABS) and incorporate the results of the 2011 Census.

The projections across Victoria and metropolitan Melbourne provide for a continued steady population increase roughly doubling in number from 2011 to 2051. The Greater Melbourne projections see the population increase to 6,058,800 in 2031 from 4,169,400 in 2011.

Projections for Greater Melbourne, 2011 to 2051 (source *Victoria in Future 2016*, page 13)

Total population	2011	2021	2031	2041	2051	Average annual percentage change			
						2011-2021	2021-2031	2031-2041	2041-2051
Greater Melbourne Capital City Area	4,169,400	5,106,700	6,058,800	7,016,000	8,024,100	2.0%	1.7%	1.5%	1.4%

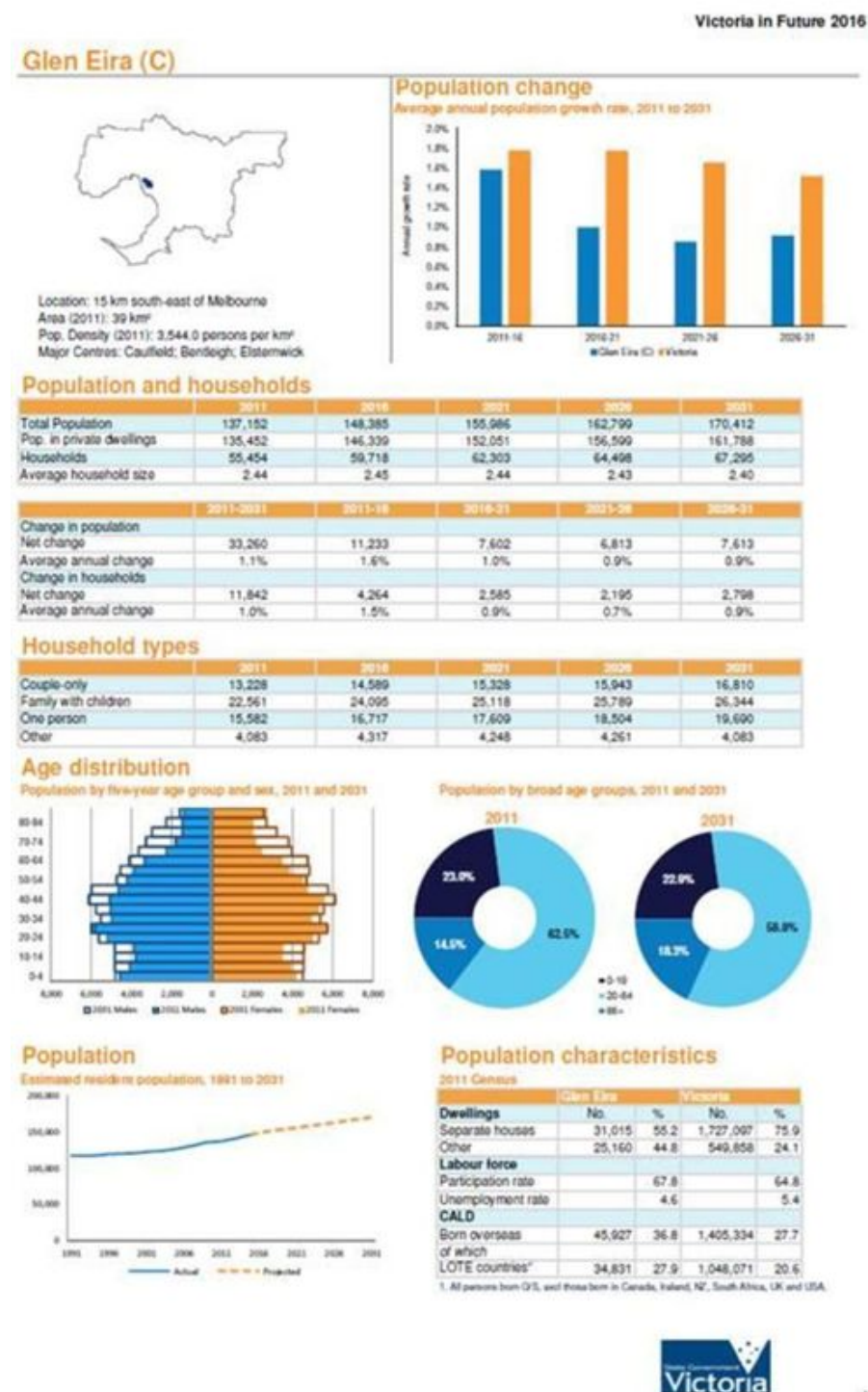
State Government Strategies such as Plan Melbourne, the State Planning Policy Framework and State Government amendment practice notes cater for the projected population increase.

Projections for Glen Eira

Glen Eira, as with Metropolitan Melbourne and Victoria will see an increase in population. The current projections are an increase from the 2011 population of 137,152 people to 170,412 people in 2031.

The following diagram is an extract for Glen Eira which details forecast population change, population and households, household types, age distribution and other population characteristics.

Projections for Glen Eira, 2011 to 2031 (source *Victoria in Future 2016*, one page profiles)



1.3 Aims of the Review

The aims of this Review include:

- creating an effective and efficient planning scheme that achieves the objectives of planning in Victoria;
- undertaking a fair and inclusive review process that takes into account comments from residents, developers and other stakeholders;
- developing a strategically driven planning scheme that is up to date with current issues facing the community;
- development of a *continuous improvement* ethos in the Planning Department;
- reducing unnecessary delays in the planning process;
- reducing the length and improving the clarity of the MSS and local policies.

1.4 Key findings of the Review

The following matters have been identified in this review as being the highest priority to improve the Glen Eira Planning Scheme:

- An update and refresh of the existing Municipal Strategic Statement and Local Planning Policy Framework.
- Provide more sophisticated planning tools to better manage population growth and development pressure; particularly for activity centres.
- Provide for better and clearer neighbourhood character outcomes.
- Refresh and update Heritage controls and supporting documentation.

A full work priority list is included in Appendix 1 of this report.

2.0 Introduction

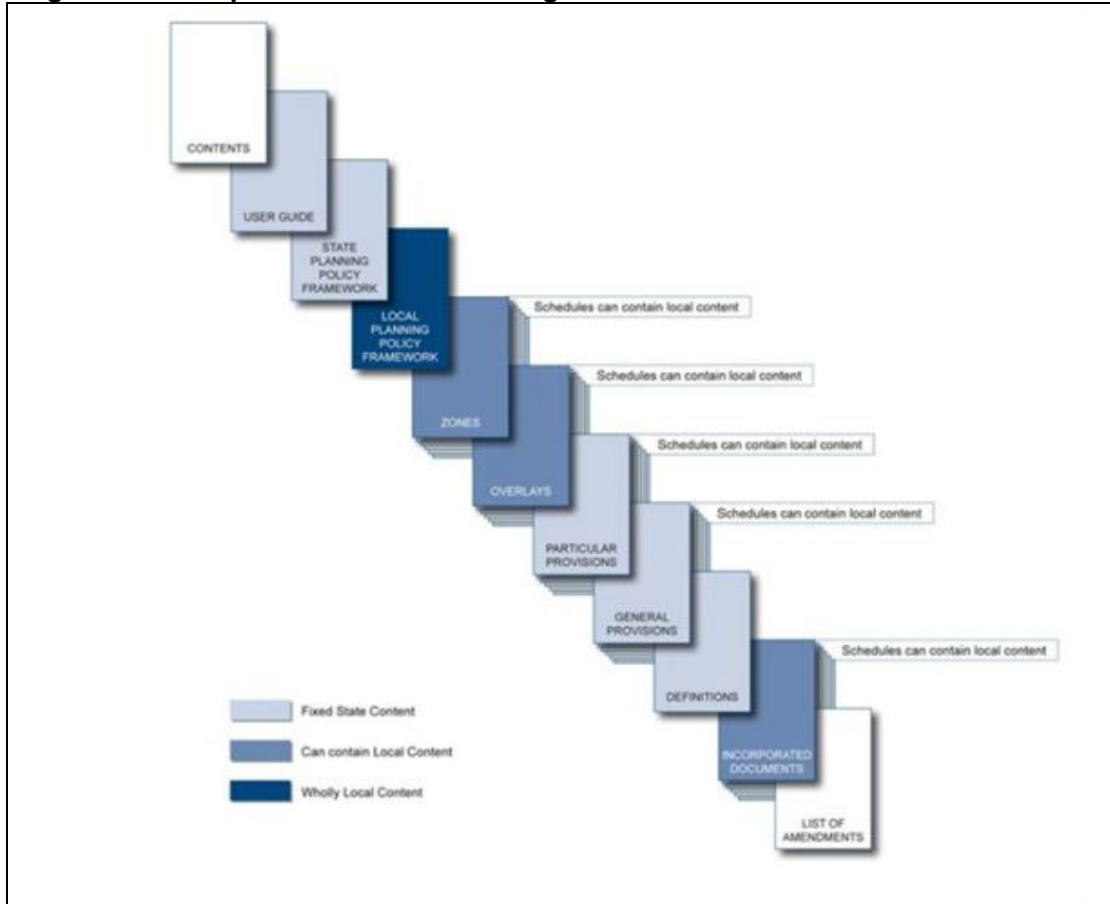
2.1 What is a Planning Scheme?

The Glen Eira Planning Scheme is a legal instrument that guides decisions about land use and development. It includes a range of tools including State and Local policies, zones, overlays and particular provisions that contain directions and controls for all land within the municipality.

Figure 1 provides a list of the various components of a planning scheme. It should be noted that the vast majority of any planning scheme is State mandated with limited scope for local variations.

Approximately 75% of all Victorian planning schemes contain content determined by the State Government. This content cannot be altered by local government.

Figure 1 – Components of the Planning Scheme



2.2 State Planning Policy Framework (SPPF)

The State Planning Policy Framework is the same in every planning scheme in Victoria. It is divided into the following key areas:

- Settlement
- Environmental and Landscape Values
- Environmental Risks
- Natural Resource Management
- Built Environment and Heritage
- Housing
- Economic Development
- Transport
- Infrastructure

2.3 Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework comprises the Municipal Strategic Statement or MSS (Clause 21) and Local Planning Policies (Clause 22). The purpose of the LPPF is to demonstrate how broader State planning policies will be achieved or implemented in a local context.

The MSS provides a statement of the key strategic planning, land use and development objectives for the municipality and sets out strategies and actions for achieving those objectives. The current MSS is structured around the following policy areas:

- Housing and Residential Development
- Business
- Industry
- Institutional and on Residential Uses in Residential Areas
- Public Uses/Community Facilities
- Heritage
- Infrastructure
- Transport
- Open Space

Local Planning Policies are policy statements of intent or expectation about specific types of land uses or development. Current local policies in the GEPS are as follows:

- Heritage Policy
- Non Residential Uses in Residential Zones Policy
- Urban Villages Policy
- Phoenix Precinct Policy
- Housing Diversity Area Policy
- Minimal Change Area Policy
- Student Housing Policy
- Aged Persons Housing Policy
- Child Care Centres Policies
- Public Open Space Contribution Policy

2.4 Zones and Overlays

Council selects zones and relevant overlays for various areas of the municipality. Zones reflect the primary character of land such as residential, commercial or industrial while Overlays form an additional 'layer' over zones to ensure important aspects of the land are managed. There are overlays for heritage, neighbourhood character, flooding, developer contributions, just to name a few. The selection of zones and overlays are made to give effect to the Vision and policy directions of the MSS. Some zones and all overlays contain schedules where more specific local requirements can be set out for the municipality.

2.5 Particular and General Provisions

Particular and General provisions are standardised for every planning scheme and relate to particular uses or development including car parking, signage, petrol stations, subdivision, and multi-dwelling development. In some circumstances Council may include Glen Eira specific information through schedules to various provisions. An example of this is the schedule to the Public Open Space Contribution at Clause 52.01. This schedule contains a developer contribution rate of 5.7% for all subdivisions throughout Glen Eira.

2.6 Reference and Incorporated Documents

Reference documents are included in the Scheme to provide background information and context regarding a policy or provision. Glen Eira has a number of Reference documents. One example is the *Glen Eira Open Space Strategy 2014* which provides background information that led to the development of the *Public Open Space Contribution Policy* at Clause 22.12 of the scheme and the schedule to Clause 52.01 which sets a public open space developer contribution rates of 5.7% for all subdivisions throughout Glen Eira.

Incorporated Documents contain information that affects the operation of the scheme and directly informs decision making. An example of this is the *“Caulfield Mixed Use Area Incorporated Plan”* February 2014 which provides the vision for the area and guidance for the development of this precinct.

2.7 What is a Planning Scheme Review and why is it required?

The purpose of a planning scheme review is to ensure that the planning scheme is effectively and efficiently achieving:

- The objectives of planning in Victoria listed in the *Planning and Environment Act 1987*; and
- The objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

The review must evaluate the planning scheme to ensure that it:

- (a) is consistent in form and content with the directions or guidelines issued by the Minister under Section 7 of the Act;
- (b) sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- (c) makes effective use of State provisions and Local provisions to give effect to State and Local planning policy objectives.

This is an opportunity for Glen Eira to review the future vision for land use and development and, in doing so, identify any gaps and set a work plan for future strategic planning initiatives.

The Municipal Strategic Statement (MSS) and local content of the scheme must be consistent with State Government planning policy and Council's Community Plan.

Glen Eira is currently reviewing the Community Plan. Currently, a series of public meetings are being held in order to develop Council's new Community Plan. This will 'dovetail' with the timing of the planning scheme update for the

MSS to ensure that the most up-to-date Community Plan is referenced in the MSS.

3.0 Methodology

The Planning Practice Note – *“Review of Planning Schemes – Planning and Environment Act 1987 – Section 12B”* and *“Continuous Improvement Review Kit”* – February 2006 have formed the basis for the approach adopted for this review.

In short, the review involved:

- a. An audit of Council's performance in town planning;
- b. A stock take of achievements;
- c. An opportunity to identify and fix gaps;
- d. An opportunity to review and consider future directions;

Community and stakeholder consultation was an important part of this review. Details of the six Community Engagement meetings held throughout the municipality are discussed in Section 3.8 of this report.

Consultation was also carried out with internal stakeholders to assess how the GEPS is achieving the current strategic objectives set out in the MSS and to determine what future refinements may be necessary to improve the overall operation of the scheme.

The 2016 Review takes into account:

- Issues for Glen Eira raised by the local community, stakeholders, Council planning officers and Council;
- New or revised Council strategies;
- Changes to the State Planning Policy Framework and other state strategies;
- Changes to State standard zones;
- VCAT decisions and Panel Reports;
- An audit of the statutory planning processes within Council;

3.1 Planning at Glen Eira since 2010 – The previous Review

The last Planning Scheme Review was carried out in 2010. Dominant themes that emerged from the review were:

- Greater protection for residential areas, including a call for mandatory height controls
- Greater protection of neighbourhood character
- Provisions to manage the transition of development scale between zones.

There were also a number of large strategic projects that were undertaken by Council between 2010 and 2016 that were not noted on the Work plan. These projects are detailed below.

Neighbourhood Character Review

A significant item to come out of the 2010 Review was the need for a Neighbourhood Character review with a view to implementing Neighbourhood Character Overlays at appropriate locations around the municipality. This was achieved through Amendment C87, which was approved in 2013. The amendment introduced the Neighbourhood Character Overlay and Design and Development Overlays over 17 precincts (1500 properties) deemed to be of highly significant character.

MSS

Council commenced a review of the MSS but paused it in anticipation of the release of the State Government review into the Planning Policy Framework. Council's review was commenced in 2013. Since no outcomes or further direction has been provided by the State Government on its Planning Policy Framework project, it is now imperative that Council completes a full review of the MSS. The latest ABS statistics on population and housing will contribute to this review, together with the latest Glen Eira Community Plan.

Local Policies

A number of local planning policies were deleted or revised, including the Monash Medical Centre Policy (deleted), Commercial Centres Policy (deleted), Non Residential Uses in Residential Zones (revised and amended), Student Housing Policy (revised and amended) and the Childcare Centres Policy (revised and amended).

Work has commenced on amalgamating the Minimal Change Policy, Housing Diversity Area Policy and Aged Persons Housing Policy into one comprehensive housing policy. This is yet to be completed and will be brought forward as an important part of the 2016 Work Plan.

The Urban Villages and Phoenix Precinct Policies were not reviewed. Today, these would benefit from a comprehensive update and reinforcement with contemporary provisions.

Appendix 2 provides a comprehensive list of all local planning scheme amendments carried out between 2010-2016. There have been 43 local amendments over this period.

There have also been a number of State based amendments to the scheme, many of which have been significant to Glen Eira. These include the introduction of the reformed residential zones, introduction of new commercial and revised industrial zones, and an updated SPPF to incorporate policies of Plan Melbourne.

Other Major Projects 2010-2016

Virginia Park Industrial Estate

The Virginia Park Industrial Estate was rezoned in June 2011 to enable a transition from industry to a more contemporary business centre. The amendment rezoned a significant parcel of industrial land from Business 3 Zone/Industrial 1 Zone to Business 3 Zone/Business 2 Zone (which was translated into Commercial 1 and 2 Zone through State Government zone changes. A further amendment in 2014 to rezone all of the land to Commercial 1 was unsuccessful.

Caulfield Village

Caulfield Village is a large-scale development project located to the north of the Caulfield Racecourse Reserve. Caulfield Village will comprise a mix of residential dwellings, retail areas including a supermarket and commercial offices. When completed, the development will result in approximately 2,000 dwellings, including a social housing component.

The key controlling document for the future development of Caulfield Village is the 'Caulfield Mixed Use Area Incorporated Plan' which sets out approved building footprints, setbacks and heights.

Reformed Residential Zones

In August 2013 the State Government approved a translation of Glen Eira's longstanding housing policies and boundaries from the former Residential 1 Zone into three zones; the Neighbourhood Residential Zone, the General Residential Zone, and the Residential Growth Zone.

Glen Eira's residential areas are all protected by, amongst others, mandatory maximum height limits.

Additional properties in the Neighbourhood Character Overlay (NCO) and Heritage Overlay

The Independent Panel Member for Amendment C87 (which introduced the Neighbourhood Character Overlay) recommended that a number of additional properties be investigated for protection by the Neighbourhood Character Overlay and Heritage Overlay.

Amendments C107 and C113 facilitated this. Amendment C107 applied the NCO to properties in parts of Moodie Street and Holywood Grove.

Amendment C113 applied the Heritage Overlay to a number of properties in Caulfield North.

Public Open Space Developer Contribution and Public Open Contribution Policy

Council approved its Open Space Strategy in April 2014. The strategy will guide the future planning, provision, design and management of public open space in Glen Eira to 2026.

In March 2015, the Minister approved Amendment C120 which included a new Public Open Space Contribution Policy into the planning scheme and revised the public open space developer contribution for subdivision to a flat rate of 5.7%.

3.2 Changes to the State Planning Policy Framework (SPPF) and other State strategies 2010-2016

Below is a list of significant State planning scheme amendments that affect Glen Eira and have occurred since the 2010 Review.

Amendm ent No.	Description	Gazett ed	Implications for Glen Eira
VC88	Expands the definition of "Restricted Retail Premises" to include a broader range of uses Removes floor space restrictions for "Restricted Retail Premises"	2012	Allows a broader range of uses in areas traditionally set aside for "big box" retailing.
VC90	Review of parking provisions Changes to car parking rates within Clause 52.06, removes parking rates and design from ResCode and introduces a Parking Overlay.	2012	Parking rates must be removed from any local policies. Should Council wish to pursue different rates than those listed within Clause 52.06, a Parking Overlay must be used instead.
VC100	Introduces new Commercial 1 and 2 Zones and amends the Industrial and Mixed Use Zones	2013	See Section 3.4 of this report. Changes to these zones have resulted in a wider list of as-of-right uses in each zone. For

			example, offices are now as of right in the Commercial 1 Zone at ground floor.
VC106	Introduced key policy directions of Plan Melbourne into the planning scheme	2014	Council must ensure the revised LPPF is consistent with Planning Melbourne and the SPPF.
GC6	Removes floor space restrictions in planning schemes following the introduction of reformed commercial zones in Amendment VC100. The floor space caps were removed from zones and overlays in activity centres, commercial centres and employment areas in metropolitan Melbourne planning schemes which currently restrict retail and other associated commercial uses.	2014	This provides less ability for Council to restrict the size of these uses in these areas.
VC114	Introduces the Vic Smart Planning Process. The amendment designates classes of applications that must be determined within 10 days of lodgement. Removes notice requirements and objector appeal rights for these types of applications.	2014	Vic Smart is a progressive reform to cut 'red tape' in planning and make minor applications move through the system in a timely manner.
C141	Inserts an incorporated document titled <i>Level Crossing Removal Project – Centre Road, Bentleigh and McKinnon Road, McKinnon</i> exempting the level crossing removal project from Local planning permission	2015	Removes planning control from Council. No planning permits are required for buildings and works.
GC37	Dandenong Rail Corridor – this amendment includes an incorporated document to facilitate the Caulfield – Dandenong Rail Upgrade.	2016	

Plan Melbourne Refresh

Plan Melbourne is the latest metropolitan-wide land use and transport strategy for Melbourne. It was released in 2014 and outlines a vision for Melbourne's growth to the year 2050. The strategy contains strategic directions for all Councils and has been implemented in the SPPF.

In March 2015, the Victorian Government announced an update to Plan Melbourne (known as Plan Melbourne Refresh), to ensure it meets current expert advice and community expectations.

A consultative review process will produce a renewed Plan Melbourne that provides the long term vision for Victoria's growing population.

This will include identifying further housing opportunities and alternatives, increasing jobs and improving liveability, dealing with a changing climate, integrating public transport and supporting infrastructure investment.

Implications for this Review:

The MSS and local policies should be reviewed to ensure consistency with the new SPPF and directions of Plan Melbourne Refresh when it is finalised.

Better Apartments

The Better Apartments project is a joint initiative of the Department of Environment, Land, Water and Planning (DELWP) and the Office of the Victorian Government Architect (OVGA).

In May 2015, the Better Apartments Discussion Paper was released to the community, government and industry to help shape potential future apartment design guidelines and mechanisms. The discussion paper focused on how to better manage the amenity of apartment living and maintain Victoria's liveability.

Community engagement occurred in 2015 with the release of Discussion Paper and further opportunities for community engagement is planned for mid-2016.

Implications for this Review:

Ensure the MSS and any revised residential policy is consistent with the final outcomes of this project.

Proposed New Planning Policy Framework (PPF)

In July 2013, The Minister for Planning appointed an Advisory Committee to provide advice regarding the content and structure of a revised SPPF arising from recent State policy changes, including the:

- Proposed Metropolitan Planning Strategy;
- Eight Regional Growth Plans;
- Reformed commercial, industrial, residential and rural zones; and
- Development Contributions System.

The Committee's scope was expanded in October 2013 to also provide advice to ensure effective and efficient integration between the local policy framework and the SPPF.

The SPPF Advisory Committee released a draft PPF for comment in March 2014. The draft Planning Policy Framework structure proposes amalgamation of the SPPF and LPPF into a thematic format, essentially allowing for State, Metropolitan and Regional and Local policy on a particular theme to be located and read together.

At this stage the State Government has not provided any further information regarding the review.

Implications for this Review:

If the new format Planning Policy Framework is introduced, it will result in significantly different format planning scheme. Glen Eira, and other Councils, delayed revising its MSS and policy framework while waiting for the outcomes of the PPF review for this reason. Given that three years has passed since this project was commenced and no concrete outcomes have eventuated, Glen Eira should proceed with the review of the MSS based on the current best practice standards.

Development Contributions reform

The State Government has introduced the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 into Parliament. The Bill introduces a new simple, and standardised infrastructure contributions system.

The new system is based on standard levies that are preset for different development settings and land uses. The standard levies are designed to provide for a financial contribution to the delivery of essential local infrastructure required to support new or growing communities.

The department will work with an Implementation Reference Group representing peak industry groups and councils to finalise the details of the new system, such as the levy rates, indexation mechanisms and application criteria, before it commences.

The new system was planned to be introduced early 2016 but has not yet been finalised.

Implications for this Review:

The project will need to be monitored to assess what impacts the new controls will have on current and future developer contribution projects.

Potentially Contaminated Land reform

In October 2014, the Minister for Environment and Climate Change and the Minister for Planning released draft reforms to Victoria's contaminated environments policy and regulatory framework. The project is aimed at providing a new framework for the regulation of potentially contaminated land.

Cleaner Environments – Smarter Urban Renewal sets out of the Government's reform package designed to strengthen risk management and improve safeguards while helping to facilitate redevelopment opportunities across Victoria and within metropolitan Melbourne.

The reform package will be implemented over the next four years and involve a staged approach to implementation and consultation.

Implications for this Review:

The project will need to be monitored to assess what impacts the new system will have on future development that is affected by potentially contaminated land

Town Planning Fees Review

The State Government has commenced a review of Victoria's planning fees. A Regulatory Impact Statement was released on 26 May 2016. Glen Eira ratepayers are currently subsidising planning applications by more than one million dollars each year as planning fees do not cover the total cost of processing developers' application.

Implications for this Review:

Increased fees will significantly benefit Council, particularly in the climate of rate capping. Developers will be required to pay a fairer share of the costs of assessing a planning application or planning scheme amendment.

3.3 Recent changes to the State Zones

Residential Zones

The reformed residential zones were implemented by the State Government in 2013. Glen Eira was the first municipality to implement the new zones on 23 August 2013.

The Minimal Change Policy areas were translated into the Neighbourhood Residential Zone. Similarly, the Housing Diversity Areas were translated into the General Residential Zone, Residential Growth Zone and reformed Commercial Zone.

The residential zones in Glen Eira contain mandatory maximum height limits.

Neighbourhood Residential Zone	8 metres (two storeys)
General Residential Zone	10.5 metres (three storeys)
Residential Growth Zone	13.5 metres (four storeys)

The State Government is currently conducting a review of the Residential Zones.

Implications for this Review:

Glen Eira has completed its review of the new residential zones. Though some community feedback is calling for Council to review the residential zone boundaries, particularly at ‘transition areas’ where two different residential zones meet, it is prudent to wait for the State Government to release its findings before any decision is made about reviewing our own zone locations.

Commercial Zones

In 2013 the State Government introduced new commercial zones into the planning scheme. The former Business 1, 2 and 5 zones were combined to form the Commercial 1 Zone and the former Business 3 and 4 zones were combined to form the Commercial 2 Zone.

Both the Commercial 1 and 2 Zone broadens the range of uses that can be undertaken without the need for a planning permit. The Commercial Zones have no mandatory maximum height limit.

Implications for this Review:

The number of multi-storey mixed use developments in commercial areas has increased greatly over the last 6-10 years. Overdevelopment and heights in the commercial areas of activity centres was a ‘hot topic’ at the Community Engagement meetings. However, there were varied suggestions put forward in terms of appropriate heights (this varied from 3 storeys to 20+ storeys).

Industrial Zones

The State Government also amended the Mixed Use Zone and the Industrial Zones.

The Industrial 3 Zone was amended to remove the default 500 square metre floor area cap for an Office use. The amendment also allowed a supermarket up to 1800sqm and associated shops without a permit.

Implications for this Review:

Glen Eira has very limited areas of Industrial Zoning. Expansion of possible as of right uses in these zones should not have a significant impact on these areas.

3.4 VCAT decisions

A review of VCAT decisions has been undertaken and an analysis of the key issues in relation to the GEPS is listed below.

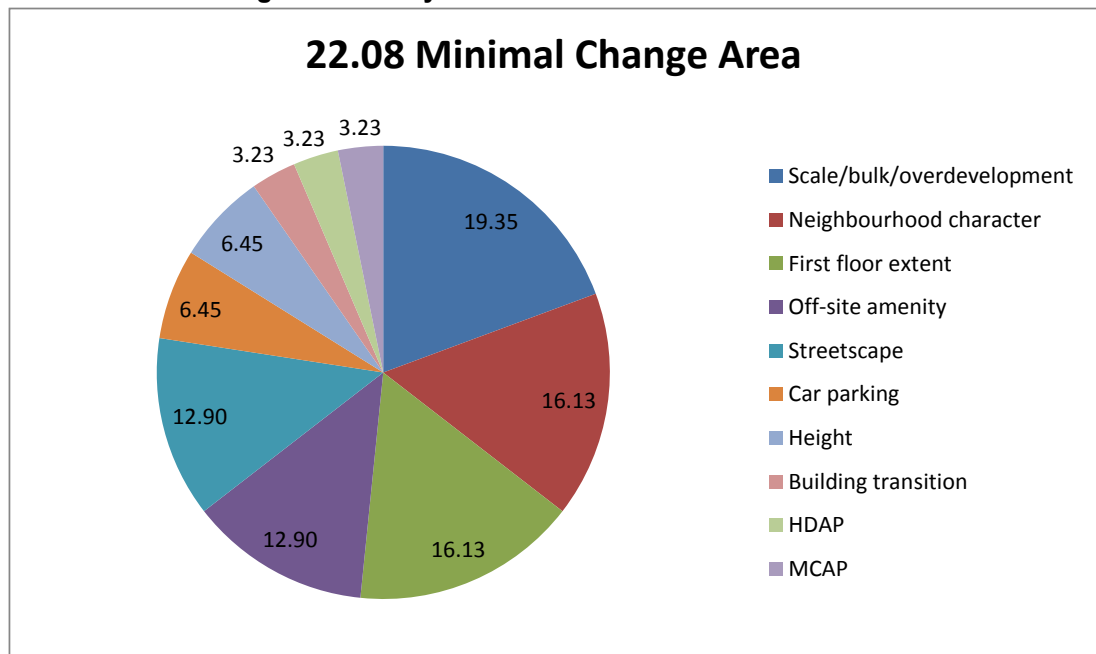
The analysis has been carried out to determine the leading planning and policy issues disputed at VCAT for Glen Eira City Council. A sample of 50 appeals were analysed from the 2014/2015 financial year, after the implementation of the reformed residential zones.

Each appeal was investigated to determine the 'broader issue' that was in dispute. The following list of issues was compiled:

- Basement envelope
- Building transition
- Car parking
- First floor extent
- Front fence
- Height
- Internal amenity
- Neighbourhood character
- Off-site amenity
- Scale/bulk/overdevelopment
- Storage
- Streetscape

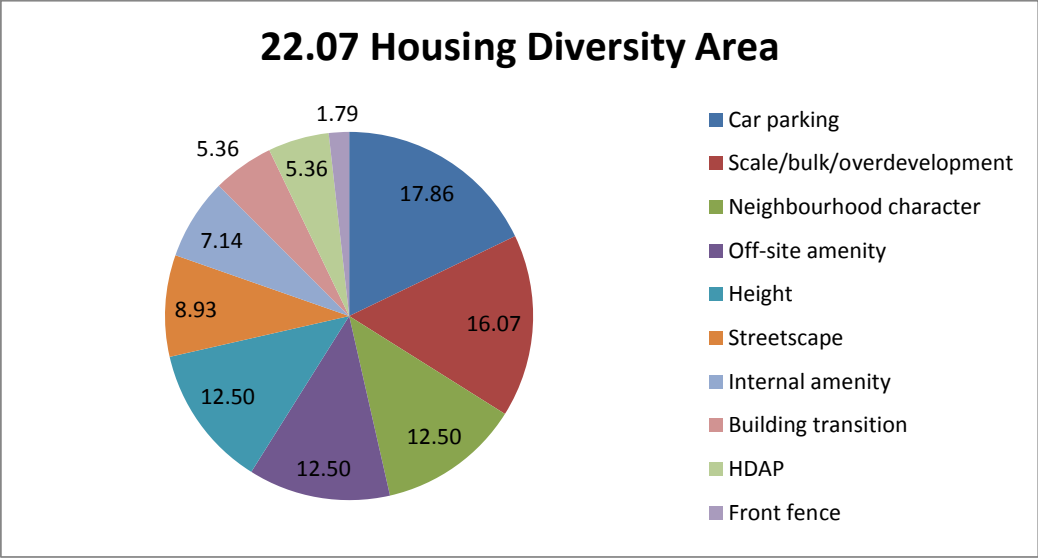
The findings were then broken down into Local Policies and the following trends were identified:

22.08 Minimal Change Area Policy



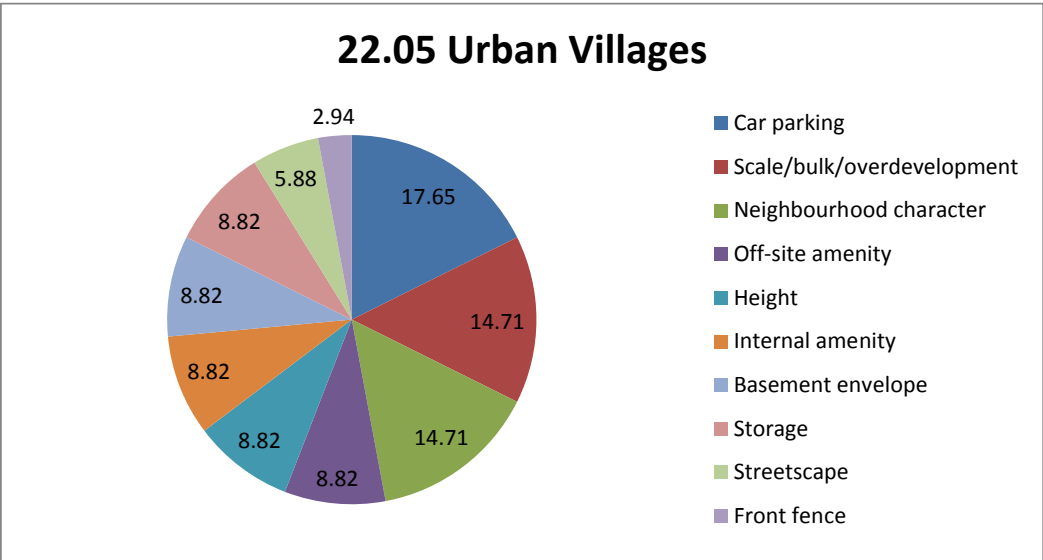
The majority of VCAT Appeals for land affected by the Minimal Change Area Policy were disputing issues based on Scale/Bulk/Overdevelopment (19.35%), Neighbourhood Character (16.13%) and First Floor Extent (16.13%).

22.07 Housing Diversity Area Policy



The majority of VCAT Appeals for land affected by the Housing Diversity Area Policy were disputing issues based on Car Parking (17.86%) and Scale/Bulk/Overdevelopment (16.07%), as well as Neighbourhood Character, Off-site amenity and Height (12.5%).

22.05 Urban Villages Policy



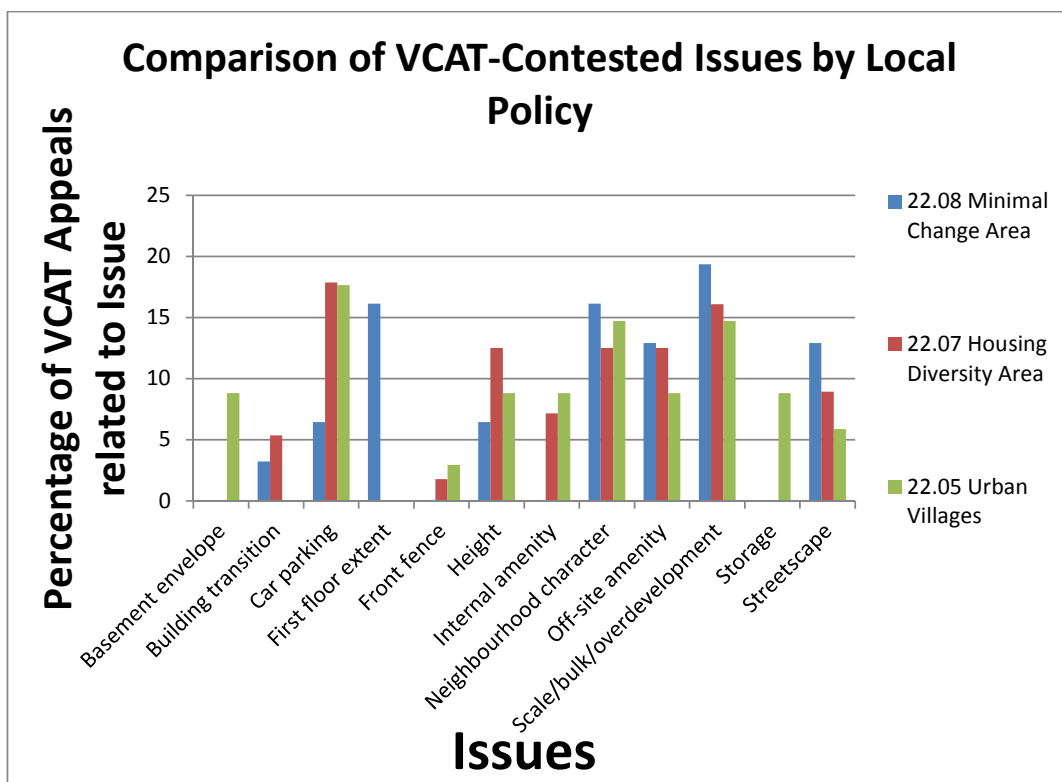
The majority of VCAT Appeals for land affected by the Urban Villages Policy were disputing issues based on Car Parking (17.65%), Scale/Bulk/Overdevelopment (14.71%) and Neighbourhood Character (14.71%).

Analysis of Issues

It is clear from the trends that Neighbourhood Character and Car Parking are leading issues in areas of higher density development (Housing Diversity Areas and Urban Villages). It is also apparent that Scale/Bulk/Overdevelopment are linked to issues regarding Neighbourhood Character.

Housing Diversity Areas and Urban Villages usually surround Activity Centres in a radial fashion, with policies strategically placed to focus development at the centre of an Activity Centre close to public transport hubs. These trends indicate that further policy guidance is required for greater clarity on neighbourhood character outcomes for areas of increased density.

Neighbourhood Character (including Scale/Bulk/Overdevelopment) and First Floor Extent were leading issues within Minimal Change Areas. Clause 22.08 contains multiple objectives to protect existing Secluded Private Open Space areas (back yards) of adjoining properties. As these objectives are often challenged at VCAT, this suggests that the existing policy requires further strengthening to ensure these sensitive areas remain protected.



3.5 Significant Planning Panel Reports

Planning Panels are appointed by the Minister for Planning to consider planning scheme amendments where there have been submissions.

An analysis of reports found that, overall, Glen Eira's amendments are supported by Panel Members as they were considered providing adequate strategic justification and are consistent with State and Local Planning Policy, Ministerial guidelines and Planning Practice Notes.

3.6 "The Planning Scheme Review 2016 – A Discussion Paper"

The 'Glen Eira Planning Scheme Review 2016 – a discussion paper' was prepared to initiate thought and conversation on town planning issues and challenges facing the municipality. The commencement of the Review was advertised to the general public through the *Glen Eira News* and the *Caulfield Glen Eira Leader* and *Moorabbin Leader* in late March 2016. The discussion paper was available on the Council's website and public libraries from 1 April – 31 May 2016. The community and stakeholders were encouraged to attend Community Engagement meetings and make written submissions either online or in writing.

A copy of the Discussion Paper is found at **Appendix 3**.

3.7 Community Engagement

Central to this Review was the involvement of the public and stakeholders through community engagement meetings and online forums. Council directly invited major stakeholders, adjoining municipalities, local traders associations and community groups, property developers and architects (frequent planning applicants) and referral authorities.

Five community engagement meetings were carried out as part of this Review. The meetings were chaired by an external facilitator and were well attended by local residents, local business owners, local developers, Councillors and Council staff. A total of 247 people attended the public meetings. 122 written submissions were received from residents and stakeholders and 68 people participated in the “Have Your Say” online forum.

A sixth Community Engagement meeting was held on 15 June 2016 in which Council officers presented the key planning themes raised by the community, possible projects and suggested improvements to the scheme.

A summary of the issues tabled at public meetings and through written submissions is found at **Appendix 4**.

3.8 Internal Consultation

Council’s relevant internal stakeholders were consulted to identify any issues in the usability of the scheme and what, if any, policy gaps exist.

3.9 Audit of Planning Processes

The Planning Department has seen a significant increase in workload since 2010 and more particularly in the last 18 months. This is in line with Melbourne’s development boom and what other metropolitan Councils are experiencing.

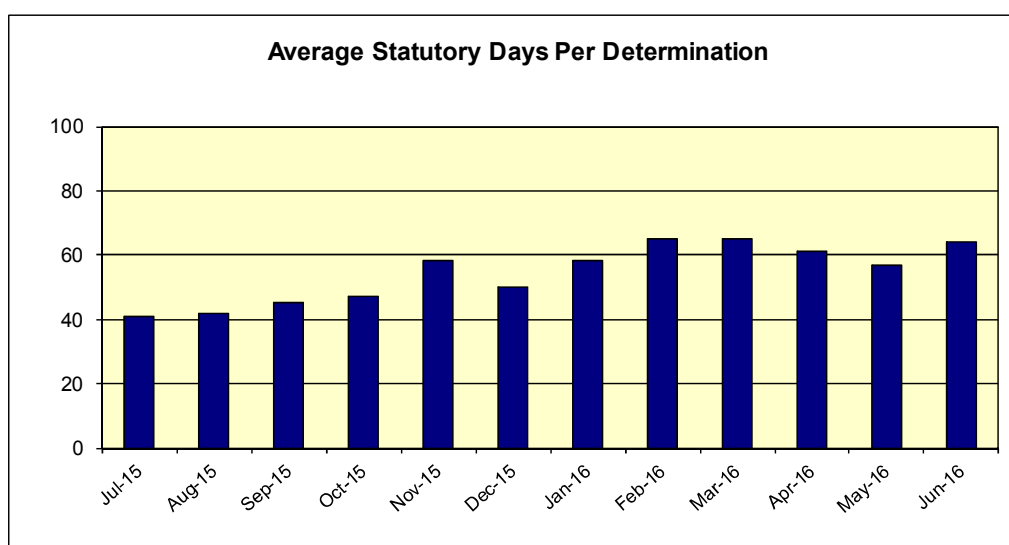
In 2010, the Planning Department had a staff of 32 (including administration, planners, managers and director). This number has increased to 36 in 2016.

Workload – Statutory Planning - applications

The number and complexity of planning applications lodged at Council has increased significantly in the last six years. There has been a 46% increase in applications between 2010 and 2016.

NUMBER OF PLANNING PERMIT APPLICATIONS RECEIVED 2010-2016	
	Applications Received
1 July 2010 – 30 June 2011	1127
1 July 2011 - 30 June 2012	1142
1 July 2012 - 30 June 2013	1059
1 July 2013 - 30 June 2014	1248
1 July 2014 - 30 June 2015	1573
1 July 2015 - 30 June 2016	1647

The graph below indicates that average statutory days per determination for the last financial year.



Applications for Review - VCAT

The table below indicates the number of appeals lodged at VCAT since 2010. The complexity of applications going to VCAT has also increased, resulting in longer hearings.

NUMBER OF VCAT APPEALS 2010-2016	
	Appeals
1 July 2010 – 30 June 2011	114
1 July 2011 - 30 June 2012	166
1 July 2012 - 30 June 2013	184
1 July 2013 - 30 June 2014	85
1 July 2014 - 30 June 2015	157
1 July 2015 - 30 June 2016	229

4.0 Outcomes of the 2016 Review

At the sixth and final public engagement meeting (15 June 2016), participants were asked to rate the importance of possible individual projects. A questionnaire was also available on Council's website for 7 days for any interested member of the public to fill out. This feedback has helped to inform the recommended project work plan (Appendix 1).

4.1 Key Community Feedback Themes

Issues to be addressed through the recommended Work Plan which will result in a number of Strategic Planning projects and Planning Scheme Amendments include:

- Council planning policies are dated and regularly overturned by VCAT. Stronger and clearer policies required.
- Loss of neighbourhood character.
- Traffic and parking issues, particularly in and around activity centres.

- Control of building heights in activity centres (There was a vast difference in heights nominated at different meetings – from 3 storey max to 20+ storey max).
- Review of Glen Eira's Heritage
- Loss of trees
- Developers should contribute to infrastructure (drainage, roads, parks, community facilities)
- Open Space
- ESD - Loss of water, permeability, underground car parking
- Transitioning of zones
- Structure plans

Municipal Strategic Statement

The community expressed that Council planning policies are dated.

The draft work plan recommends that the Municipal Strategic Statement be updated to include new census data, respond to current issues and provide stronger strategic guidance.

In terms of local policies, the work plan recommends to:

- Identify gaps
- Refresh existing policies
- Prepare housing policies to better support Glen Eira's residential framework, particularly with neighbourhood character

Neighbourhood Character

Loss of neighbourhood character was an issue that was raised throughout the consultation process. More specifically:

- The need for additional design guidelines within zones
- More landscaping opportunities and vegetation.
- Better transition between developments.
- Curb the rate of growth
- Reduce basement encroachments
- Improve garden character
- Protect backyards
- Reduce hard surfaces in private open space areas
- Front fencing
- Streetscape integration
- Better quality architecture
- Greater front setbacks.

To address these issues the work plan recommends:

Neighbourhood Character Policy

A Neighbourhood Character Policy is recommended to clarify when protection of existing character is required, and clarity on neighbourhood character design outcomes for 'change areas'.

It is recommended that the policy is reinforced through objectives in the Municipal Strategic Statement.

Residential Zones

The work plan recommends that the residential zones address neighbourhood character by including additional neighbourhood character objectives and increased schedule standards to protect/enhance neighbourhood character.

Traffic and Parking

Traffic and parking issues particularly in and around activity centres was a significant issue raised throughout the consultation process.

To address this issue it is recommended that various provisions/controls be implemented in activity centres such as:

- Parking precinct plans. These can stipulate higher parking rates in some instances, or clarify the parking rates for various uses where the scheme provides little or no guidance.
- Car parking cash in lieu provisions
- Look at other options to utilise existing parking spaces e.g. shared parking.
- Advocate to the Minister for more stringent car parking controls e.g. mandatory visitor parking provisions.

Review of Glen Eira's Heritage

Residents expressed that there is a need to review Glen Eira's Heritage.

It is recommended that:

- the existing Heritage guidelines be updated immediately and incorporated into the planning scheme. This will give them 'statutory weight', particularly when a matter is challenged at VCAT.
- the current list in the planning scheme of individually significant properties be reviewed. Some may need to be removed due to changes to these properties, whilst others may need to be elevated to State significance.
- an inventory of potentially significant properties that are currently unprotected be created. Make recommendations for Local or State heritage protection.

Loss of Trees

The community raised concerns about the general loss of trees and particular in residential development sites. There is also concern that there are often limited opportunities for replacement planting with new developments.

It is recommended that the work plan incorporates a range of approaches to address this issue. These include:

- Development of a tree conservation/protection policy for development sites, and include objectives regarding tree protection in the MSS.
- Investigate provisions which impose a design or layout penalty on developments which 'moonscape' a site prior to obtaining a planning permit.
- Introduce basement setbacks which increase the ability to plant canopy trees, tailored to the objectives of each residential zone.

Developers should contribute to infrastructure

The work plan will propose development contribution schemes for drainage and possibly other infrastructure.

Lack of open Space

Lack of open space in the municipality and minimal private open space provided in new developments was a significant issue raised by the public.

In order to address these concerns the work plan proposes to:

- Review of current public open space developer contributions rate
- Increase the private open space requirement for multi unit developments.

ESD, loss of water, permeability, underground car parking

Feedback revealed a greater desire for environmentally sustainable developments.

It is recommended:

- That a town planning sustainability policy be developed together with ESD objectives in the MSS.
- Investigate possible incentives encouraging ESD for developments.
- Increase opportunities for planting
- Develop a Water Sensitive Urban Design Policy.
- Continue advocacy for a Statewide ESD Policy.

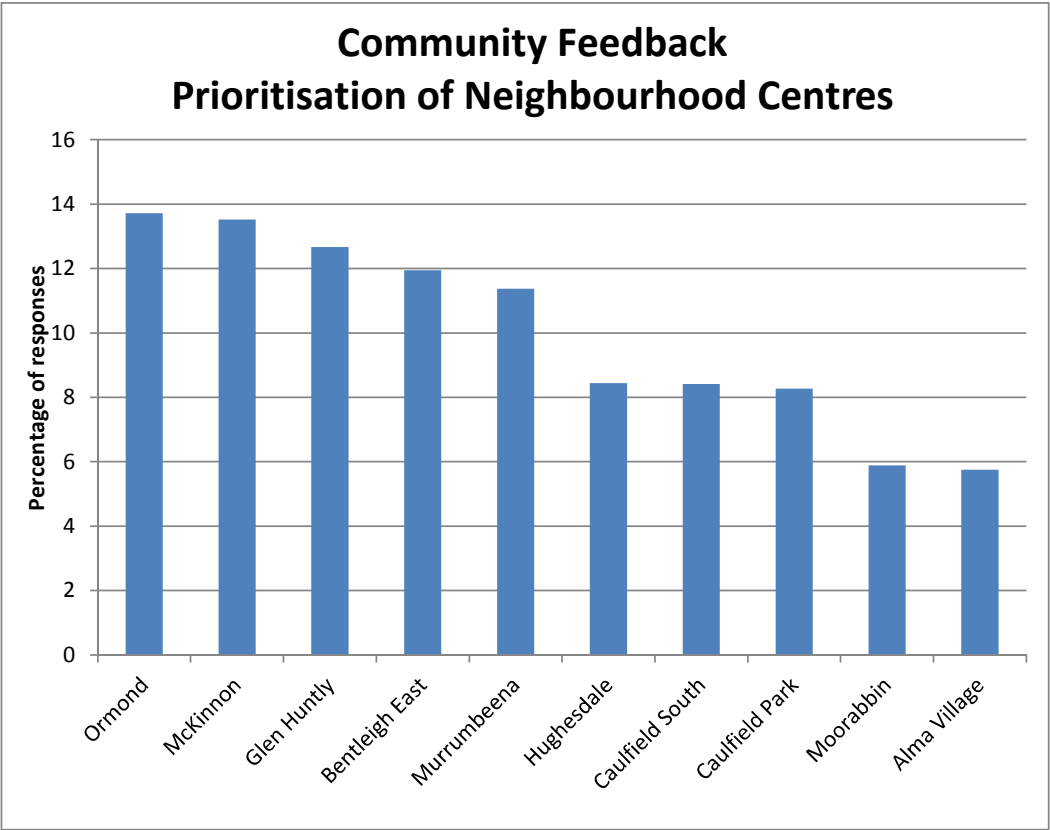
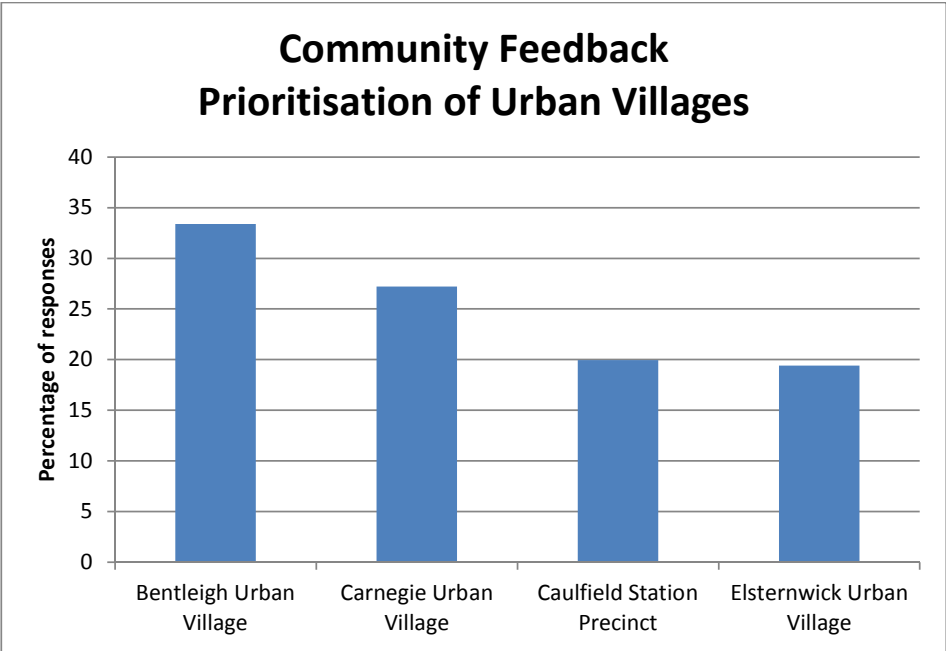
Development transition between zones

This issue can be addressed through a combination of a Neighbourhood Character Policy, the implementation of a Design and Development Overlay, and changes to the schedules and objectives of the residential zones.

Development around activity centres

For our activity centres, a strong theme was a sense of overdevelopment, loss of character, and subsequent impacts on surrounding residential areas.

Structure planning was a prominent project called for in the feedback. Community feedback also revealed that the Bentleigh Activity Centre was a significant priority for the community to better manage development through structure planning work. Of our Neighbourhood Centres, Ormond and McKinnon were identified as priorities.



APPENDIX 1 - Strategic Planning Work Plan 2016

APPENDIX 2 - Local Planning Scheme Amendments Approved 2010-2016

No.	Date	Description	Proposed change
C60	6/7/11	Caulfield Village	Rezone land to Priority Development Zone, road closure overlays, changes to the MSS and Phoenix Precinct Policy
C64	5/5/11	Whole of municipality	Child Care Centre Policy
C67	19/8/10	115-159 Poath Road, Murrumbeena	Rezone land from Business 3 to Business1 and Mixed Use Zone.
C74	30/9/10	365 Hawthorn Road, Caulfield	Rezone land from Business 3 to Business 1
C75	2/6/11	Virginia Park Estate	Rezone Business 3 and Bus 2 +DPO
C76	5/5/11	235-237 Murrumbeena Road, Murrumbeena	S96A application and rezone Business 1
C77	6/1/11	1030-1082 Dandenong Road, 3-8 Egan St And part 15-17 Koornang Road, Carnegie	Rezone to Business 2 and apply an Environmental Audit Overlay
C78	15/5/13	791-793 Warrigal Road, Bentleigh East	Rezone to Business 1
C84	29/8/11	Whole of municipality	Removal of the Development Contributions Plan Overlay (expired)
C85	17/2/11	Various sites	Zoning anomalies
C87	31/1/13	Various sites	Neighbourhood Character Overlays
C88	1/9/11	Various sites	Zoning anomalies
C91	10/5/12	Packer Park, Carnegie	Rezone part of park to PPRZ

C92	8/11/11	Monash Medical Centre, Bentleigh East	Removal of Monash Medical Centre Policy from scheme
C93	28/3/13	Whole of municipality	Removal of Commercial Centres Policy from scheme
C94	22/12/11	Caulfield Village	Fix error in schedule to PDZ
C95	12/9/13	Land on Hawthorn Road to the south of Glen Huntly Road, Caulfield South	Rezone to Business 1, Business 5 and apply an EAO
C97	25/11/12	2a and 2b Sea View Street, Caulfield	Update Heritage Overlay schedule
C98	12/9/13	1B and 1C Tovan Akas Avenue, Moorabbin	Rezone to Residential 1 and apply an Environmental Audit Overlay
C99	27/2/14	Whole of municipality	Review of Student Housing Policy
C100	23/5/13	401-407 Neerim Road, Murrumbeena	Rezone land to Mixed Use Zone
C102	23/4/15	Whole of municipality	Review of Non Residential Uses in Residential Zones Policy
C103	26/7/12	Melbourne Racing Club development	Modify wording in PDZ2
C106	17/7/14	Monash University and environs	Rezone land to Public Use Zone 2
C107	28/5/15	Moodie Street and Hollywood Grove	Neighbourhood Character Overlay and Design and Development Overlay
C110	23/8/13	Whole of municipality	Introduction of new residential zones
C111	16/1/14	Melbourne Racing Club development	Modify wording of PDZ2
C113	5/3/15	Various sites	Apply the Heritage Overlay

C120	12/3/15	Whole of municipality	Open Space Contribution Policy and new schedule to Clause 52.01
C121	14/7/16	14/1681-685 North Road, Ormond	Rezone land to Commercial 2 and apply an Environmental Audit Overlay
C123	14/1/16	Whole of municipality	Review of Child Care Centres Policy
C125	16/7/14	Glen Huntly Reservoir site	Rezone to Public Use Zone 6
C128	25/11/14	11 Princes Avenue, Caulfield East	Rezone land to Public use Zone 2 and remove Public Acquisition Overlay
C130	24/9/15	101-113 and 118 Grange Road + 4 Watsons Grove, Glen Huntly	Apply an Environmental Audit Overlay
C131	4/6/15	Various sites	Removal of the Environmental Audit Overlay where a Certificate has been approved
C135	6/8/15	53 Magnolia Road, Gardenvale	Apply a Public Acquisition Overlay
C139	24/3/16	136-144 Glen Eira Road, Elsternwick	Rezone to Mixed Use Zone and apply An Environmental Audit Overlay
C140	24/3/16	93 Mimosa Road and 11 Mile End Road, Carnegie	Apply the Public Acquisition Overlay
C144	10/3/16	53 Magnolia Road, Gardenvale	Rezone to Public Park and Recreation Zone and remove the PAO

APPENDIX 3 – Glen Eira Planning Scheme Review – A Discussion Paper

(Publication to be attached when submitted to Minister for Planning)

APPENDIX 4 - Summary of Issues – Public Engagement Meetings and Written Submissions

Town Planning Issues	
THEME	COMMENT/ISSUE
MSS and Local Policy	Need for an overarching planning policy for the community (ie: a new MSS with a new vision)
	More limits on size and land area - site coverage and permeable surfaces
	Controls for extent and rate of change - indefinite growth is not sustainable
	What is planning strategy for land along the skyrail?
	Transparency in decision-making
	Data in MSS is out of date (1996 census)
	Want clear guidelines for development in Glen Eira
Urban Design in Activity Centres	Mandatory height limits in activity centres (suggestions varied between limiting heights in commercial areas to 3 stories to allowing much higher buildings in the commercial areas of activity centres)
	Controlling overshadowing, overlooking and wind tunnel effects from taller buildings
	Revisit maximum heights of residential zone within activity centres
	Provide greater development certainty in activity centres with structure plans or urban design frameworks
	More certainty in local policy - VCAT attitude is there is no strong policy for activity centres
	More open space near or within activity centres
	Reduce or control car parking in side streets within activity centres
	Prefer a wider mix of dwelling types in activity centres (3 bedroom apartments) and diversity within buildings for changing demographics
	Respect existing urban context
	More trees in activity centres (lack of greenery in Carnegie)
	Develop a preferred character for apartments with communal open spaces - central courtyards
	There should be an appropriate transition from within activity centres and from the GRZ to the NRZ
	Integration of low cost or social housing in large developments
	Emotional impact of development

	More commercial uses in activity centres (not just shop at ground floor and floors of dwellings above)
	Apartment development on main roads and townhouse development on minor roads
	Pedestrians to take priority over cars
	Disability access
	Provide all required car parking for unit developments (including visitor spaces)
	One way streets in busy areas to reduce traffic congestion
	Treat each centre in isolation - each centre should have a different look and feel - retain suburban identity
	Contributions from developers to pay for more car parking in activity centres
	Manage development and it's impact on the environment
	Eyesore in activity centres - laundry on balconies
	Layout and functionality of apartments
	Review transition zones
	Social impact of development (graffiti, crime, pollution) must be investigated
	GRZ should have 9m height limit
	Schedules should allow for a variety of building designs to allow for diversity
Environmentally Sustainable Design	More open space required and more street trees (reduce heat island effect)
	Tree protection on public and private land
	Setbacks for basement car parking to allow for meaningful planting around properties
	On-site stormwater retention systems for apartment developments with underground parking
	Aesthetics - rubbish collection and storage (waste management)
	Need a Development Contribution Scheme for drainage, roads, etc
	Need an Environment Policy, including protection of solar panels and locations of substations
	More 'green' building controls - increase natural ventilation, energy efficiency
	Increase importance of retaining trees on site for aesthetic reasons and for fauna protection
	No more boundary to boundary development
	A fauna and flora audit to assess what we current have
	Increase public open space levy
	Provide roof top gardens for apartment developments

	Compulsory water tanks (connected to toilets/laundries) and solar panels with battery storage
	Assess the ability of existing infrastructure to cope with growth
	7 star expectations for new buildings
	Communal sharing (eg. Laundries) in apartments
	Enforcement follow up to ensure that trees are planted
	Providing facilities to charge electric cars within buildings
	Limiting non-permeable surfaces in SBO areas
	Water sensitive urban design (WSUD) - capturing and using rainwater, reducing floodwater through on-site stormwater retention systems, rain gardens, etc
	Schedule to zones to increase permeability
	Importance of walkability to centres
	Provision for on-site composting
	ESD Principles - apply to residential and commercial planning provisions (insulation, light, ventilation, building orientation, grey water, etc)
	Additional crossovers decrease greenery in street
	Reflection of heat and light from large buildings
	Ground stability/water table concerns
	Minimum sizes for apartments
	Remove overhead power cables
Access (Car parking & Transport)	
	Narrow streets/congestion within increasing population
	More bike paths, more parking
	Parking precinct plans - Parking Overlay - study to assess future parking needs, application of developer levys for parking
	Effect of level crossing removal on street parking
	Pedestrian bridges over or under major roads
	Improved public transport - reduce the need for cars
	Lack of parking for the elderly (evening restaurant trade)
	Revisit permit zones, time restrictions in various areas

	No parking waivers for unit developments
	Mixed Use buildings should provide more car parking
	Provision of scooter parking
	Justification by traffic engineers that street can cope with increased development, taking all recent approvals into account
	Do not allow car stackers - people don't use them
	Road markings to allow people to park efficiently in parked out streets
	Parking restrictions only on one side in narrow street (with no parking zone on the other)
	Encourage car-share schemes and bicycles
	Underground public car parks and use at grade space for open space or community uses
	Improved safety for cyclists by separating cars and bikes
	Enforce use of garages for parking of cars rather than storage
	More parking behind shops
	Wider footpaths - encourages walking
	Safer access from driveways/basements (sight triangles)
Neighbourhood Character	Streetscape/trees/fencing/architectural themes/style/amenities/open space- creates identity of Glen Eira
	Increase use of native trees
	Use height controls in overlays to protect amenity of the area
	Use a character overlay for precincts
	Excessive hard surfaces, loss of nature strips, street trees
	Limit visibility of washing lines in apartments
	Respect existing neighbourhood character in terms of architecture and gardens. Rescode is ineffective in achieving this
	Do not allow exemptions in Neighbourhood Residential Zone
	Site coverage and loss of backyard - changing the neighbourhood character
	East Bentleigh character being eroded despite compliance with guidelines
	East Bentleigh originally a family friendly suburb
	Community spirit of Bentleigh

	General Residential Zone allows apartments, which undermines character of McKinnon and Glen Huntly
	Reduce GRZ height limit to 9 metres and two storeys
	GRZ - not in short streets
	Developments to provide larger setbacks and smaller basements
	Introduce a fire gap in developments
	Height and the development should be appropriate to street width
	Loss of amenity due to development standards - Overlooking, overshadowing, fence design, etc
	Better placement of windows in new developments
	Preserve existing character - character overlays or policy?
	Locate higher density development in commercial areas
	Oppose major building works in residential streets
	Oppose new developments in designated character areas
	Provide more undercover areas in commercial areas
	Look at main street in Wagga Wagga, good access, canopy trees
	Transition between zones in different areas. Consider streetscape and amenity
	Control single lot developments - avoid large houses
	Allow three dwellings in the NRZ - want more single storey villa units not just large double storey dual occupancy
	Restrict consolidation of lots to a max of two
	Consider existing character not emerging character
	Streetscape and setbacks should be maintained and not diminished
	Police tree protection zones
	50% site coverage in all residential areas
	Housing diversity - a true mix of dwelling types - more 3 or 4 bedroom apartments
	Small residential streets in transitional areas should be protected
	Increase minimum lot size for development
	Provide stronger and clearer guidelines
	Carnegie neighbourhood character has changed forever - character destroyed - poorly planned
	Develop plans for character along the rail corridors

	No commercial development in residential areas
	Clearer decision guidelines
	All residential streets - max of 2 storeys
	Managing the interface between a 4 storey building and neighbouring single storey development
	Heritage significance of areas has been lost due to inappropriate development
Heritage	Review Heritage Management Plan 1996 - review existing heritage areas (update errors in heritage ratings) and also review municipality for new heritage areas
	Review Heritage Policy
	Council should follow heritage assessments (eg. Frogmore)
	Include post-war buildings in a heritage review
	Include hospitals, schools and shopping centres in the review
	Establish an independent board regarding heritage
	Towers at Racecourse should be protected and made visible through permeable fencing
	Council should tighten demolition of properties in Heritage Areas
	Investigate Heritage tree controls
	Ratify draft heritage guidelines from 2002
	Types of roofs and setbacks should be expressly stated in heritage policy
	Shop facades should be retained
	Losing too many heritage buildings to development
	Height limitations in NRZ are resulting in 2 storey flat roof box extensions on heritage buildings
	Heritage protection can be an issue if the owner is not willing to maintain
Other Issues	Access to Council information regarding planning issues
	Review residential zones including transition areas
	Lack of political will by Council in the past for standing up for residents
	Want more frequent reviews of planning by Council
	More communication regarding upcoming changes to the scheme
	Want a wide ranging impact study into development in Glen Eira

	Fauna and flora assessments
	Virginia Park - significant increase in dwellings - impact on local schools
	Capping growth
	Social consequences of development
	Domino effect when neighbours group together to sell property
	Minimum apartment sizes
	Forestation of areas
	There are no incentives for innovative or interesting design - everything looks the same
	Population targets for Glen Eira, Victoria, Australia
	Lack of community consultation before zoning changes

Non-Planning Issues (to be reviewed by other departments of Council)	
	Traffic flow in activity centres and residential areas
	Stringent parking controls
	More loading zones in activity centres
	Better bicycle infrastructure - possible sky bike corridors
	Public car parks should be multi-decked
	Remove trucks and buses from residential streets
	Parking precinct plans for activity centres
	Investigation in to traffic flow around the city
	More parking permit zones and more time restrictions
	No waivers for parking in the musicality
	Provision of parking for scooters
	Don't allow car stackers - people don't use them
	Road markings to help people to park on the road in an efficient manner
	Narrow streets should only have parking on one side of the roadway
	Improve school drop-off/pick-up areas
	Allow car share schemes
	Setbacks of parked cars near road intersection - affecting sightlines

Visibility at roundabouts
Provide pedestrian crossings under roads or over major roads
Restrict type of vehicles allowed to enter a ROW
Council traffic reports to check on the cumulative effect of multiple apartment developments in small streets rather than looking at each development in isolation
Increase parking a GESAC
Review of parking restriction hours around movie theatres and dining areas (2 hour restriction is too restrictive)
Park and Ride' for buses similar to Doncaster
Speed restrictions for motor scooters?
One way streets in activity centres to reduce traffic congestion
reinstate bluestone curbing
Load limits on roads
Canopy trees along major roads (some preference for only native trees, other preference for non-natives (Plane Trees)
More trees in activity centres
Murals around public toilets in McKinnon should be retained/maintained
Join East Caulfield Reserve to Caulfield Racecourse
Plans for character along the rail corridor
Places for children to 'dig in'
Develop wetlands in existing parks
Community wants progress updates about new open space.
Community gardens
Creation of pocket parks in activity centres
Creating a different focus for each activity centre (eg. Organic food)
Greater diversity of shops and other uses within activity centres - 'too many coffee shops and \$2 shops'
Increased security and surveillance in activity centres (particularly around Monash University)
Free access to community meeting rooms and free Wi-Fi in community spaces
More bike racks in shopping centres
Wider footpaths/ permeable footpaths/footpaths that don't radiate heat
Create a better public space around the rotunda in Bentleigh Shopping Centre

Rethink how rubbish is collected - innovative solutions - particularly for large apartment developments
Assess the ability of existing infrastructure to cope with growth - concern for infrastructure
Underground cabling
Providing public bicycles for travelling within the city
Public concern for ground stability and water table
Raingardens in the public domain
Concern for access by emergency services in streets congested with parking
Increase taxi ranks
Reduce ability to cut through residential streets
Policing construction sites where builders park illegally
8am-6pm parking restrictions is not enough
Would like a community bus for elderly to go to GESAC, bank, doctors
Lighting around pedestrian crossings
Hard rubbish collections - must be collected
Traffic calming and management treatments in residential areas
Decorations in shopping centres should be all languages
Mismatch of trees - no coherent policy for beautifying streets

Community Feedback Potential Advocacy Issues
Increasing parking at train stations
Open fencing at Caulfield Racecourse to 'open up' the parkland to the public
Reclaim land from grade separations
Skyrail - effect on existing trees and displacement of long term residents
More public transport infrastructure to and from activity centres
Improve urban design of North Road grade separation area
Review overshadowing rules and landscaping, site coverage and setbacks in ResCode
Increase statutory parking limits in ResCode and 52.06 (medical centres)
Improved links with bus, tram and train timetables
Light rail in strategic places - North Road?

Reviewing the size of parking bays
The existing Murrumbeena and Carnegie Stations should be incorporated in to the new station designs
Overcrowding of secondary schools
Primary schools should have flashing lights for the 40km/hour speed limit in school zones
More buses in Bentleigh East for the ageing population

APPENDIX 5 - Detailed comments from Community Engagement Meetings

COMMUNITY ENGAGEMENT MEETING 1: 18 APRIL 2016

Urban Design in Activity Centres

Issues

- Height limits in activity centres
- Car parking
- Heritage
- Structure plans
- Traffic issues and flow
- Urban design and greater articulation to residential areas
- Heritage structures
- Retaining neighbourhood character
- Governance
- Overdevelopment transport hubs
- Integrated structures
- Residential heights abutting activity centres
- More certainty in policies
- Open space near commercial zoned areas
- Maintaining Local shopping centre feel
- Reducing parking in side streets
- Urban plan analysis
- Creep into residential areas
- More 3 bedroom apartments
- Increase in housing/dwelling diversity – units, townhouses with open space
- Neighbourhood character overlay
- Design and development overlay
- Access to apartment buildings
- Overshadowing and overlooking from larger buildings

Opportunities

- Respecting existing urban context
- Strengthen urban design controls to reduce ambiguity

- Stringent car parking controls
- Better bicycle infrastructure within open space
- With grade separation, increase parking at train stations
- Maintain small businesses
- Increased in measureable policies without ambiguity
- Diversity of buildings for changing demographics

Environmentally Sustainable Development

Issues

- Issues and opportunities – more open space required,
- Introduce tree protection public and private land
- Setbacks for basements as above ground setbacks
- More canopy trees, retain mature trees
- Drainage and permeability – need more
- Aesthetics for rubbish collection and storage
- Developers – need developer contribution schemes
- State and local environment schemes linked
- Rethink how rubbish is collected – innovative approaches
- Need an environment policy, guideline, statement etc resulting from community input
- Increased population drives need for more open space
- Solar solutions for multi-storey, substations and issue
- More opportunities for landscaping
- Lack of access on busy streets
- Focus on design for environmentally sustainable buildings – solar access etc
- Tree protection
- Rubbish user pays system
- Levy on multi storey buildings to offset envt issues
- Environmental ratings for new buildings
- Protection of solar panels from overshadowing
- Creation of passive open space, not just sport
- More green building controls

Access, People and Vehicles

Issues

- Streets too narrow, too much congestion
- Increase statutory car parking limits
- Incorporate access and parking in the design
- Bike paths and parking
- Precinct plans for parking and pedestrians
- Pedestrian bridges over major roads
- No reductions in statutory requirements
- Grade separations and effect on streets around stations
- Parking overlays
- Improvement bus routes
- Increased congestion to population density
- Better traffic flow and developer levy on car parks
- Investigation into traffic flow
- Improved public transport – reduce need for cars
- Lack of parking for elderly in the evening during restaurant trade, community events – safety
- Speeding in residential streets
- More permit zones, more time restrictions
- Bicycle paths
- Increase space between garage and front boundary for additional car space
- No parking waivers for unit developments
- Increase statutory car parking limits
- Developer contributions for car parking in activity centres
- Traffic management for new developments – stricter measures
- Emphasis on pedestrian and cyclist safety

Neighbourhood Character

- Fence heights impede visual
- Increased use of native trees
- Use height overlays to protect amenity
- Use a character overlay for precincts

- Excessive hard surfaces, loss of nature strips, street trees
- More canopy street trees
- Communal laundries in apartments to limit visibility of washing lines
- Schools and other facilities for growing populations
- Better public transport
- Minimise overcrowding
- Construction and traffic management
- Restrict inappropriate development in residential areas
- Respect existing character, ResCode ineffective in achieving this
- Do not allow exemptions to NRZ density limit
- Site coverage and loss of backyard
- East Bentleigh character being eroded despite compliance with guidelines
- EB originally a family friendly suburb
- Need for more canopy trees
- Community spirit of Bentleigh
- General res zone allowing apartments to undermine character of McKinnon and GH

Heritage

- Appropriateness of heritage overlay as the heritage has been lost due to development – significance of heritage has been lost due to demolition of multiple buildings
- Heritage management plan review
- Existing policies should be adhered to
- Why are heritage overlays in NRZ areas?
- Council should follow heritage management reports and independent assessments
- Include post-war buildings in the Heritage Overlay
- Include shopping centres, schools, hospitals and other public buildings in Heritage Overlay
- Review heritage structures more often
- Establish independent board on heritage

Open Discussion

- Overcrowding of secondary schools in the area due to increase in development
- Primary schools should have flashing lights for 40 km/h speed limits in school zones
- Virginia Park – significant increase in dwellings, need more schools in the area
- Bentleigh East is an ageing population – aged care facility on Virginia Park site
- More buses in Bentleigh East for the ageing population – to get to GESAC

COMMUNITY ENGAGEMENT MEETING 2: 2 MAY 2016

Urban Design in Activity Centres

- More leafy areas in commercial areas and neighbourhood centres
- Mandatory height limits in commercial zones x 4
- Canopy trees along major roads
- Open fences at Caulfield Racecourse
- More development around public transport
- Pocket parks in activity centres and where there are no through roads
- Maintaining aesthetics of commercial areas
- Establish an organic focus of shops
- Upgrades to public parks
- Shadowing of residential properties of commercial buildings
- Open up the thoroughfare, make it more accessible
- More trees on main roads and beautification
- More open space
- Develop a preferred character policy, apartments should have atriums and communal open spaces
- Council should purchase properties and develop into open space

- Too many coffee shops
- Transition to residential zones
- Car parking should be softened by trees
- More communication regarding changes

Environmentally Sustainable Development

- More street plantings
- Strategic statement on environmentally sustainable design
- Increase setbacks for basements in GRZ and RGZ x 2
- Tree controls on private land x 2
- Controls of building site
- Retention of trees on sites
- No boundary-to-boundary developments x 2
- Audit of fauna and flora to assess what we currently have
- Vegetation to reduce heat from concrete
- Natural ventilation in new developments
- Increased permeability and less site coverage x 2
- More energy efficiency
- Planting large canopy trees along roads and on new developments
- Increase public open space levy
- Remove fence from Caulfield Racecourse
- Planting mature trees on new sites
- Provision for rooftop gardens
- Compulsory water tanks and solar panels for new developments
- Policies for environmentally sustainable designs
- Green spaces in setbacks
- All equinox's should be considered for overshadowing
- No shadowing of solar panels at all
- Consider seeing sunrise for developments to east of a property
- Review all shadowing rules
- Review types of trees to be planted
- More bicycle paths

<ul style="list-style-type: none"> • Minimum floor space for a one bedroom apartment • Ability of infrastructure to sustain growth 	
<u>Access, People and Vehicles</u> <ul style="list-style-type: none"> • Developers to provide more on site car parking x 2 • No waivers of car parking x 4 (visitors and residential) • Increase parking restrictions in shopping centres • Mixed use buildings should provide more car parking • Additional bike parking • Provision for parking of scooters • Levy of parking space (both private and public) • Traffic congestion in residential streets • Justification by traffic engineers that streets can cope with increased development • Effect of level crossing removals on street parking • Increase in congestion due to apartments x 2 • VCAT should not be able to waive parking requirements x 2 • Reduction of site coverage in GRZ to 50% will reduce traffic congestion, as will increase to setbacks • People don't park in car stackers, spills off to streets • Road markings to assist people to park correctly • Parking restrictions on one side of street in narrow streets • Increased enforcement • Precinct parking plans x 2 • More visibility for cyclists • Fee for developers to waive car parking • Residents should be able to park outside house • Apartment owners should park in their car space • Parking restrictions on both sides of the street • Only residents in the street should get parking permits • More all day parking around train stations • Management of parking permits • Lack of visitor parking permits 	<ul style="list-style-type: none"> • Reduce GRZ limit to 9m and 2 stories • Larger setbacks and smaller basements • Introduce a fire gap on properties • 5 storey limit in commercial areas • Respect current neighbourhood character – the ones that already existed, in terms of architecture and gardens • Height and the development should be appropriate to street width • Loss of amenity due to development standards • Loss of neighbourhood character in existing zones due to inappropriate developments • Frosting of windows • Better placement of windows • Existing character to be preserved • Locate higher density in commercial areas • Load limits on roads • 2 storey developments near stations • No buses down residential streets • Increased setbacks in commercial zones • Oppose major building works in residential streets • Oppose new developments in designated character areas • More friendly environment, join East Caulfield Reserve to Caulfield Racecourse and make stables around that area • More undercover areas in commercial areas • Look at main street in Wagga Wagga, good access, canopy trees
<u>Neighbourhood Character</u> <ul style="list-style-type: none"> • Don't go beyond what current infrastructure can cope with 	<u>Heritage</u> <ul style="list-style-type: none"> • Commission a new heritage survey – does not protect heritage adequately • Community should pay for any benefit they obtain at detriment of property owner if new heritage protection introduced. • However if value goes up from heritage protection this complicates matters

- Limits owners from putting their own house on the block
- Council should introduce a comprehensive and clear policy on heritage matters
- Consider insurance premiums as a part of this as they may go up
- Towers at Caulfield Racecourse should be more visible
- Council tightens demolition of properties in a heritage overlay

Open Discussion

Issues

- Parking
- Flora and fauna assessments
- Expansion to what level
- Capping growth
- Social consequences
- Bentleigh Urban Village?
- Canopy along major roads to make areas greener – hide height of development
- Preservation of heritage places
- Change GRZ1 to 9m height limit
- Understanding where local council and state government have responsibility
- Inappropriately sited developments in GRZ – not on short streets
- Capacity of schools – McKinnon Secondary College
- Absence of green on house lots – site coverage and ramifications on water and oxygen
- Rate of growth – what controls are there regarding this?
- Sustainable developments

Opportunities

- Car parking and Transport
- Urban design in activity centres
- Environmentally sustainable design
- Neighbourhood character
- Heritage

- Municipal Strategic Statement

COMMUNITY ENGAGEMENT MEETING 3: 4 MAY 2016

Urban Design in Activity Centres

- Maximum heights in commercial zones – 4 stories
- Lower heights for residential areas
- More loading zones in commercial areas
- Parking issues
- Poor urban design
- Double decker public parking
- Removing trucks from residential streets to access commercial facilities
- Structure
- Lack of greenery in Carnegie
- Decrease in 1 and 2 bedrooms dwellings
- Integration of low cost housing in major developments
- Investigate context of development
- More community consultation
- Greater balance between local government and state vision
- Wide ranging impact study into developments
- Sense of community and wellbeing
- Emotional impact of developments
- Greater transition between zone heights
- Height
- More commercial uses in larger buildings before they become dwellings
- Better look and feel, increase setbacks
- Security – more people in the area
- Spread of activity centres – containing to main roads
- Greenery
- Retaining façade and character
- Protect and maintain public gardens – not currently but must

<p>ensure in future</p> <ul style="list-style-type: none"> • Retaining level of vegetation where plants have been remove – no net decrease • Improving streetscape using variety of trees • Structure plans in each activity centre – each have their own characteristics • Sufficient on-site car parking • Recognising other forms of transport – regional transport corridors • 3 storey on main roads only, 2 storey in residential streets • Clear distinct between apartments and residential streets • Pedestrians take priority over cars • Separate parking from activity centres • Car parking near transport hubs – focus on disability access • Retain green spaces and allow people to connect in active recreation spaces, get people out of their house • Less ambiguous Council guidelines • Community meeting rooms and free Wi-Fi in community spaces • Underground pedestrian crossings 	<ul style="list-style-type: none"> • No dark tile roofs • Water catchment for toilet flushing, watering garden • No overshadowing of existing solar panels • More green spaces in developments • Composting areas • More separation of waste • Impact of clothes dryers • Water tanks in designs • Protection of canopy trees for fauna • Protection of existing vegetation • Enforcement of trees to be planted • Increase in private open space and increase setbacks for larger trees • Location of services to be confined within development – better design • Community gardens of roof tops • Enhancing opportunities for flora and fauna • Minimum star rating – 7 stars • Storm water retention systems to mitigate flood impacts – reduce impact on infrastructure • Minimum apartment size • Providing facilities to charge electric cars • Electric buses – reduce pollution • Significant tree register • Effect on wildlife of increase in development • Environmental sustainable development plan – encompass all of the above and increase certainty and clarity of planning • Private collection of bins for multi-units – avoid 20 bins on the street
<p><u>Environmentally Sustainable Development</u></p> <ul style="list-style-type: none"> • 7 star expectations for all buildings • Communal sharing in apartments • Rooftop gardens • Developing wetlands at existing reserves • More gardens in open space • Follow up inspections post development (2 years) to ensure trees are planted x 2 • Separate bicycle paths • Purchase of private land for open space • Sustainable building materials • Underground cabling • Greater setback for basement car parks • Increase permeability x 2 	<p><u>Access, People and Vehicles</u></p> <ul style="list-style-type: none"> • No inner city feel – maintain off street parking for residential and commercial areas • More bicycle parking and infrastructure

- More public transport
- Discourage car stackers
- Improve school drop-off areas
- More car share vehicles and bicycles
- Multi-storey car parks at railway stations
- Underground car parks and use spaces as community areas
- Use areas along railway lines
- Additional driveways to get more vehicles off street
- Underground paths to get to railway station
- Car borrowing schemes – for utes, trucks and cars
- Encourage motorised bikes
- Railway to go underground at Murrumbeena/Carnegie/Hughesdale
- More residential parking restrictions – used for community, not railway commuters as this is causing accidents
- More visitor parking in new developments
- Permit zones for existing residents
- Access for emergency services due to traffic congestion
- Improved links between bus/tram and train timetables
- Traffic diversions to keep people on main roads and not side streets
- Transport hubs – more spaces for buses at stations to run services more often
- Bicycle parking
- Implementation of parking precinct plans and overlays
- Improve traffic management
- Setbacks of parked cars to main roads – affecting sightlines
- Greater controls of car parking at train stations – non-commuter use
- 2 bedroom apartments should have 2 parking spaces
- Improving safety for cyclists – separate cars and cyclists
- Encourage more walkers – make experience for them safer
- More visitor parking in developments
- Enforcement of parking restrictions

- Increased storage space in dwelling so they will use garage for car
- Increased traffic after level crossing removals – investigate
- Visibility at roundabouts
- Sufficient disabled and elderly parking in centres
- More space for buses
- Restricting types of vehicles in ROW
- Reducing danger of crossovers
- Encourage parents to walk children to schools
- Council policing parking

Neighbourhood Character and Heritage

- Importance of maintaining beautiful gardens
- Maintaining old trees in parks
- Incorporating old Murrumbeena station with new one (Museum)
- Transition between zones in different areas – consider streetscape and amenity
- Heritage at forefront at planning
- Significant or non-significant buildings should be all considered
- Streetscape/trees/fencing/themes/style/amenities/open space – creates identity of Glen Eira, attracts diversity and reinvestment in community
- Heritage overlays need to be reviewed, including investigating tree controls
- Minimum lot size to define the garden character, architecture
- Overlays need to be protected for character of the area
- Overshadowing/overlooking, setbacks, fence designs
- Opaque windows for apartment buildings
- Strengthening of heritage policies x 2
- Control single lot developments – avoid large houses
- State government should remove private buildings
- All properties should be covered by neighbourhood

<p>character or heritage overlay</p> <ul style="list-style-type: none"> • Sense of community being lost • Revisit neighbourhood character overlays • Retain front facades and made inside of house modern • Murrumbeena/Carnegie station should be utilised as heritage buildings • Californian bungalows should be retained • 2 storeys in residential areas • Restricted heights in RGZ • Make parking one side only in smaller streets to encourage community use • 3 dwellings in NRZ • Tree register in planning scheme • Increased side, front and rear setbacks • Restricting apartments on 2 consolidated blocks • Protect distinctive homes in the suburbs • Consider existing character not emerging character • Neighbourhood character – sense of community, seeing your neighbours • Diverse gardens • Streetscape and setbacks should be maintained, not decreased • Revisit 2011 Neighbourhood Character Review • Protect old shops and buildings in commercial areas • Avoid concrete jungles • Police building sites, tree protection zones to avoid damage 	<ul style="list-style-type: none"> • Appropriate transition between zones • Heritage as a predominant factor • 3 storey developments confined to the main roads only • Domino effect where adjoining neighbours all sell to developers – limit consolidation of sites • All residential streets to 2 storeys • Biodiversity and permeability • Clear definition of characterisation, neighbourhood character and heritage • Impact to infrastructure from development • Adequacy of infrastructure to cope with new buildings • Each unit must have a car space • Screening solar panels and hot water services – visual pollution • More diverse development in design and layout • Minimum size requirements for a one bedroom apartments • Less on-street parking – more access for people and pedestrians • No parking permits for multi-unit developments • Hard rubbish from apartments must be collected with 10 days (local law) • Importance of private and community/recreational open space in new developments • Increase in open space contribution for all developments • Introduction of a developer contribution for infrastructure, urban design • Increase setbacks for basement parking and building to allow trees to grow • Importance of residents objections rather than VCAT decisions - MSS • Safety and community security within the neighbourhood • Traffic management and traffic calming treatments in residential streets/community areas for diverse traffic • Excavation of sites before building to get extra height of a
<p><u>Open Discussion</u></p> <ul style="list-style-type: none"> • Car parking concentrated in commercial areas, better use of the land • Neighbourhood character being diminished by 3 storey buildings – design, articulation • Height restrictions for all areas of Glen Eira (residential, commercial) • De-forestation of the municipality 	

- new building
- Access to washing and drying space to avoid using balconies – who enforces body corporate rules?
- Pressure on telecommunications infrastructure

COMMUNITY ENGAGEMENT MEETING 4: 18 MAY 2016

Urban Design in Activity Centres

- Traffic management and car parking – basements in commercial buildings
- Bike racks in shopping centres
- Enough car parking for each dwellings
- Maximum 4 storeys in commercial areas
- No policy for affordable housing, particularly young people
- Light and bright activity centres – 3 storey height limits to avoid shadowing
- Lifts for multiple tenancy
- Wider footpaths
- Precinct structure plans and modelling
- Design and development overlays for good design
- Vegetation included in planning scheme
- One way streets to reduce traffic congestion
- Parking is a major issue – developments must provide secure, ample and accessible parking
- Height restrictions – 4 storeys on main roads
- Respect zone boundaries
- Reclaimed land from grade separations
- Security and surveillance for activity centres
- More access for disabled persons in activity centres
- Treat activity centres in isolation – each should be treated differently – personality of the place (height etc)
- Rotunda opportunities in Centre Road
- More open space in activity centres

- More footpaths and bike paths
- More permeable surface instead of concrete for footpaths
- Review urban design around Caulfield Station and Monash University, Racecourse
- Review streetscape
- Rubbish bins on side of the road
- More family sized apartments
- Minimum sizes of one bedroom apartments
- More landscaping and less overhang of balconies
- Open space to increase using levy to purchase properties
- Introduction of particular provisions for vegetation

Environmentally Sustainable Development

- All new developments should have green roofs and solar panels
- Significant tree register
- Community gardens and open space
- Increased permeability
- Water retention
- Limiting non-permeable surfaces in SBO areas
- Orientation of buildings, open space to maximise light
- Impose policies of WDS and S
- Green area to be incorporated in every build
- Zone schedules to increase permeability
- West facing overhangs
- New plantings to be cared for
- Trees x 5
- Clothes drying to be considered
- ESD means to use the earth to not jeopardise future for children
- Preserving existing landscape
- Ability to walk to community areas
- Choice of tree species is important
- Solar panels, water tanks compulsory
- Building design to maximise environmental sustainability

- Private and community gardens
- Water collection
- Footpaths that don't radiate heat
- Compost
- Population density has impact on resources
- Bicycles for short distance travel
- Any development should consider daylight of existing neighbouring properties for them to install solar panels
- Rubbish collection and reducing rubbish/compacting on site and not relying on Council collections – private collections for multi-unit dwellings
- Environment to be used for water heating
- Battery packs in new developments
- 7 star installation in new builds x 2
- Double glazing windows
- Better designs to include central courtyards
- Water runoff should be captured and stored underground
- Capturing rainwater
- Raingardens such as in South Melbourne
- Increase use of canopy trees around new developments to create shade
- Limit consolidation of sites – maximum 2 sites
- Power cables underground
- Identity for Glen Eira – we don't have a heart in Caulfield
- Establish new small villages
- Blue stone channel to allow water to go through it
- ESD apply to residential and commercial local planning provisions
- ESD to be looked at during planning application stage for insulation, light, cross ventilation, window orientation, building orientation, orientation of open space (private), good solar access

Access, People and Vehicles

- More dense the population, less people are going to be able

to drive, will use other methods

- Mobility scooters are becoming a hazard
- Cars are parked along roads which is becoming a hazard
- Parking outside schools and child care centres is difficult
- Study to assess future parking needs
- Separating pedestrian and car traffic
- Street furniture placement should be looked at
- Use more smaller cars and electric cars
- Limit to what areas can sustain
- More parking behind shops in Centre Road, possibly underground
- Quota for development parking, not using street parking
- Increase frequency of public transport
- Limit trucks on local roads
- Noisy rail signals at night, soundproof buildings nearby
- Noise of helicopters
- Visitor car spaces and ratio to be increased
- Bike racks at stations and shopping centres
- Overhead bike tracks
- Council traffic reports to count car traffic for each and every new development before providing recommendation to Planning department
- Proper counting of bedrooms in new developments for parking purposes (do not allow to call a study or retreat etc)
- No hoarding until development approved
- Developers should be levied for bike paths and tram routes
- Increase parking at GESAC
- Increase taxi ranks
- Multi storey parking lots for large developments
- More congestion due to driverless cars
- Communal bike sharing
- Maximising disabled access for buildings and streets
- Light rail in strategic places
- More car sharing availability

<ul style="list-style-type: none"> • One way streets where large developments occur • Parking overlays in activity centres • More bike tracks • Reduce ability to cut through on residential streets • More stringent parking provisions and less ability to be overturned at VCAT • Larger garages • Permit parking on streets with existing dwellings • Wider footpaths on both sides of the street • Canopy above footpaths 3m high • Separation of bikes and cars • Better sightlines • 10 minute frequency bus routes connecting with trains • Too cheap to drive to stations/activity centres • Car ownership showing little sign of reducing • Car still necessary so more public transport linkage required • More traffic controls near Dandenong Road • Policing construction sites where builders park illegally 	<p>who use it eg markets, family areas</p> <ul style="list-style-type: none"> • New development should preserve neighbourhood character • Open space preserves neighbourhood character • Front fences assist neighbourhood character • Setbacks currently define neighbourhood character – should expand definition • Neighbourhood character includes social, use • Small residential streets on boundaries of higher density zones should be protected • Limit lot consolidation • More single storey villa units • Materials used • Murals around public toilets in McKinnon should be maintained • Driveways should not be included in open space calculations • Stop multi developments in side streets and where zones meet
<p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> • Reduce GRZ to 2 storey • Should not settle for second best development • Site coverage of 50% in all residential areas • Query use of professional in residential areas • Housing diversity is important – this should be maintained. A true mix of dwelling types • Residential streets should have single dwellings or dual occupancies • More 3 and 4 bedroom apartments • More neighbourhood overlays • Good design • Caulfield Park – neighbourhood character for some • Local buildings eg local pub created neighbourhood character which is being lost when they are replaced • Communities are the neighbourhood character – the people 	<p><u>Heritage</u></p> <ul style="list-style-type: none"> • Anomalies – not protection houses worthy of protection and are protecting houses that are not worthy • Heritage should encompass an area • Ratify draft heritage guidelines from 2002 • Update errors in heritage overlay • Type of roofs and setbacks should be expressly stated • Façade of shops should be maintained • Character of Glen Eira is reduced • Review Heritage guidelines <p><u>Open Discussion</u></p> <p>Issues</p> <ul style="list-style-type: none"> • Three storey buildings are bulky – need articulation and to reduce overlooking, should only be townhouses not apartments • More feedback from Traffic Department – more traffic counts

- Development is causing traffic problems
- Council should levy developers for road maintenance, sewerage, storm water etc
- Parking
- Maintenance of heritage properties
- Unsightly blocks due to time for planning application
- Managing interface between 3-4 storey buildings and single storey houses in between
- Built environment looks similar due to codes, no incentives for good design
- Clarity/relevance of heritage overlays with development occurring – how to determine which houses have protection?
- Ratify draft heritage guidelines
- No population targets for Glen Eira, Victoria, Australia
- Footpaths are replaced in white, streetscape presentation, need more trees, celebration decorations should be in all language

Opportunities

- Canopy our major roads with trees – can't see the development
- Caulfield Racecourse fence should be replaced by open railings
- Population policy for Glen Eira
- Set type of dwellings available
- What is the vision for Glen Eira?
- Three storey buildings destroy neighbourhood character
- Physical modelling where we can hold people
- Mismatch of trees – no coherent/effective policy for beautifying streets
- Democratic process for increasing population
- Population is exceeding plan/evaluate on what is happening on the ground
- Tree protection policy

- Increase permeability of new developments
- Review zones – more protection on borders of GRZ and NRZ, in small side streets – Transitions
- Strengthen wording of policy

COMMUNITY ENGAGEMENT MEETING 5: 25 MAY 2016

Urban Design in Activity Centres

- Greater diversity of use within activity centres
- Retain suburban identity so they don't all look the same
- Streetscape
- Strategically placed taller buildings
- Mandatory commercial height limits
- More parking in Carnegie and Bentleigh
- Contributions from developers to provide more parking
- Portion of space for community use
- More visitor car parking
- Developers to contribute to open space with a levy
- Character of suburb will be affected by development – entertainment needs will change as residents change
- Levy for developers to provide car parking
- Variety of retail in shopping centres
- Safety for bicycles on main roads, bike parking
- Poor traffic flow for residential areas
- Are new developments adding value to activity centres?
- VCAT attitude towards Council policy
- Transition zones from activity centres to neighbourhood areas are not effective
- Residential homes in activity centres should be considered
- Train line through Carnegie and Murrumbeena
- Wind tunnel effect of high buildings
- Setbacks and overshadowing in commercial areas
- More office space in commercial centres
- More public transport infrastructure to and from the activity

<p>centres</p> <ul style="list-style-type: none"> • Need for an overarching structure plan for the community • Manage development and its impact to the environment • Preserve public space • Street setbacks in activity centres, shops down below don't allow for setbacks • Eyesore in activity centres – laundry on balconies • Grade separation in North Road – improve urban design • Mandatory height limits in commercial areas – 10.5 metres or around 3 stories • Should be a height limit, not limit of levels • VCAT consideration of local amenity • Sky rail and effect of existing trees • Congestion of streets due to commuter parking • Management of community facilities • More canopy trees • Abuse of parking limits in activity centres • Social housing • Traffic congestion • Access to Council and information regarding planning and Council's response to issues raised • Layout and functionality of apartments • What makes an Urban Village successful? Individuality, access • Grade separations will increase speed and flow of traffic – must be considered • Safety concerns in Caulfield uni area • Look and feel – waste not collected • Too many restaurants, not enough parking • Controlling uses in commercial zones • Review transition of zones • All activity centres to be allocated resources move evenly • Displacement of residents due to skyrail • Standards of developments must be raised 	<ul style="list-style-type: none"> • Social impact – graffiti, crime, pollution to be investigated • Lack of political will by Council in the past for standing up for residents in planning area • Concerns over height restrictions • Too much change in Carnegie • Chronic lack of confidence regarding Carnegie • Lack of parking – overflow into side streets • No design for parking restrictions in activity centres • Mandatory 5 storey height limit • No clear guidelines for development in town planning • More limits on size and land area – site coverage • More frequent reviews of planning by Council <p><u>Environmentally Sustainable Development</u></p> <ul style="list-style-type: none"> • More open spaces – communicate progress about open space projects • Include setbacks for basements as part of policy • Consider tree planting for neighbouring properties – don't want a big tree overshadowing neighbours • Flooding and permeability • Waste removal • Stopping loss of open space where developers take backyards or laneways • Solar panels for apartments • 6 star energy rating for developments • Efficient use of solar for design • Best practice approach, not hands off • More trees • More natural lights in apartments and open windows • Open space developer contributions are not spent on improvements • More congestion in streets caused by parking restrictions • More open space • Harvesting stormwater requirements • Environmental codes on developments – double glazing,
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<p>insulation</p> <ul style="list-style-type: none"> • Air conditioners built in • Quality of buildings – not built to last • Access to and within buildings for people with disability and for cyclists • Prescriptive requirements for grey water, double glazing, solar panel, more insulation, green roofs, design to reduce heating/cooling • Places for children to dig in • Community gardens to increase green space • Native trees for street trees • Council to improve community knowledge of ESD principle • Additional crossovers decrease greenery • Percent of permeability requirement • Increase pollution and reduced neighbourhood character, more noise of trains due to sky rail • Reflection of heat and light by large developments • Reduce waste and dispose responsibility • Solar power equitable access • Targets for energy, water and solar hot water • Vegetation to soften buildings • Habitats for birds • Rooftop gardens • Inadequate permeable soil – basement car parks • Suitability for different demographics eg children etc • More street trees • Moon scaping – bad • Inadequate solar access • Ground stability and water table concerns • Minimum sizes for apartments • Diversity of number of bedrooms within buildings • Controls for extent and rate of growth – indefinite is not sustainable • Trees and plants 	<ul style="list-style-type: none"> • Bin collections in commercial areas – reduce number of bins • Developments should contribute to neighbourhood amenity • Remove overhead wires • Energy efficient housing • More bike paths • Electric car charge stations • Encourage recycling in apartments • More spacing between developments and houses – access to northern light • Council to follow up tree planting requirements post development <p><u>Access, People and Vehicles</u></p> <ul style="list-style-type: none"> • Ageing population –implications for access • Increase of railway passengers in side streets • Council allowing large developments with inadequate parking spaces • Safety in increased congestion • Drop off/pick up areas at stations • Sky rail issues – safety, noise during construction • Buses at roundabouts have issues • No consideration of electric cars • Moving station to other side on road at Hughesdale • Noise, pollution during construction • Not enough car spaces in apartments, stackers not used or big enough • Access from driveways is an issue • Services that cannot access streets due to car parking, garbage/street sweepers/emergency services • Development is not assessed cumulatively • Information supplied to authorities is not always accurate • Exits from basement car parks does not allow for pedestrian and cyclist safety • Safety around school zones, lengthen no parking areas • Apartments to have more parking
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- Flexibility with transport – should be easier to get to Chadstone
- Cultural shift of how we use transport
- Speeding through residential areas
- Improving bike access to local community areas
- Insufficient parking in Carnegie on all counts
- No car parking waivers in whole municipality
- More stringent car parking requirements for all areas
- No parking permits for Caulfield Village
- More parking restrictions – 8am-6pm restriction is not enough
- Community bus to go to doctors, banks, GESAC
- More policing of tradies parking in streets, breaking trees – they are not restricted
- Advertise restrictions on builders on hoardings
- Lighting around pedestrian crossing
- More assurance that paths are kept clear and safe during building
- Car parking is about access – nose to tail stackers are not used
- Increase station car parking
- Bike paths should be more accessible
- Regular review of parking restrictions and flow on effects
- Review of car parking hours and local activities eg dinner, movies
- Review size of parking bays
- Other parking bays could be increased with redesign
- Car parking waivers are given out too freely
- Increase in car parking and bike parking at shops, station and park
- Parking at railway station is an issue
- Park and ride for buses like Doncaster
- Caulfield parking is not good
- Encourage people to walk to stations – footpaths must be of

a high standard

- Speed restrictions for motor scooters
- Developer contributions for car parking
- More basement car parking so ground level can be used as green space
- Medical centre parking is insufficient for patients and staff
- Bike paths for pedestrians – ensure safety of pedestrians
- State government car parking standards are insufficient

Neighbourhood Character

- Large trees 50+ years old and attract birdlife – protect and add to them
- ResCode standards to be reviewed for landscaping, site coverage, setbacks
- Minimum lot size for developments
- Stronger and clearer guidelines – very hard to define
- Streetscape views should be considered
- Carnegie neighbourhood character has changed forever and poorly planned and old character is destroyed
- Plans for character along rail corridor
- Strategies for reducing impact of development on amenity
- No commercial development in a residential area
- Setbacks of existing building should be maintained
- Trees should be planted
- Noise created by parks is an issue
- Heritage protections can be an issue if owner not willing to maintain
- Frogmore house was demolished after application by future owners. Council should stick to heritage recommendation/plans
- New houses rebuilt are not in keeping with the character, area changes over time
- Nature strips with trees is neighbourhood character
- Impact on modern styles on period styles
- Erosion of overlay areas

- More neighbourhood character overlays
- Street planting should increase to take edge off development
- Greater recognition of fitting in with existing character
- Maintain level of neighbourhood character zones in the municipality
- Transition between zones, happens too quickly
- Many aspects to neighbourhood character, colour, size, vegetation, setbacks, heritage, design
- Constraining development based on buildings in close proximity – shouldn't just be based on zones
- Clearer decision guidelines
- More sympathetic to neighbouring buildings

Heritage

- Losing a lot of heritage buildings
- Protect what we have left
- A review of Heritage Management Plan
- Heritage has changed in 20 years – changing priorities
- Protect good examples of each era
- Height limitations of 2 storey which is reflected in box style buildings – drives poor housing design
- Should have pitched roofs and eaves
- Californian bungalow and federation housing needs preserving
- Undeveloped site should be protected
- Review heritage overlays and protecting houses with space around them
- Protect heritage properties – no development where there is a heritage overlay
- Development should be earmarked for GRZ
- Extend heritage overlay to include distinctive architectural buildings
- Diversity and good representations of all periods in our history

- Old is relative and each style has its fans
- Heritage does not prevent change just gives guidelines

Open Discussion

Issues

- Overdevelopment
- Targets for increased density – have we reached them?
- 6 years since last review – reasons for it?
- State government car parking provisions are totally inadequate
- Canopy trees
- Loss of residential amenity due to loss of character in Carnegie
- Historic tree register
- Functionality of apartments in medium/high density development – dwelling diversity, accommodating a range of different people
- Movement of people due to congestion – encouraging other forms of transport
- Lack of accessible public open space (400-500m)
- Planning strategy for homes along the new railway corridor
- Greater protection of NRZ
- Infrastructure, storm water, sewerage provisions
- Variety of designs to allow for diversity
- Privacy – overlooking and overshadowing
- Parking and congestion in residential streets
- Number of units allowed on a site
- Site coverage – not enough room for landscaping, permeability. Single dwelling site coverage as well
- Clarity and consistency for ResCode
- Security of character and heritage overlays
- Transparency of decision-making
- Drainage
- Lack of community consultation before changes
- Current transition zones are inadequate

- Height restrictions in Urban Villages and consistency with what is currently there
- Amount of development on a block of land – lack of diversity and site coverage
- Some units should have area for children to play
- Overlooking of a single dwelling – opaque glass, cannot object
- Rubbish collection for increased density
- Clarity about VCAT
- Data in MSS is out of date

APPENDIX 6 - Summary of individual submissions and internal Council department comments

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
Mandatory heights in commercial zones	ESD regulations required for internal amenity	Do not allow reduction of car parking requirements	Existing neighbourhood character should hold more weight	Full heritage review required	Height limits lead to poor design outcomes	Heritage Policy (22.01): objective should be to retain and conserve all significant and contributory buildings and discourage demolition.	DPCO for infrastructure	Introduce minimum apartment sizes	Continued monitoring of VCAT decisions	Redevelop Caulfield racecourse
Overdevelopment	Increase permeability to 50 percent	Increase parking in new developments	Loss of neighbourhood character	Too many heritage buildings being demolished	Review zones – specifically height limits	Heritage Policy (22.01): should include post war era buildings	Carry out infrastructure upgrades (drainage)		More frequent MSS review required	Zone 10% of Caulfield racecourse affordable land
Too many apartments	Use Nightingale model in Glen Eira	Parking and traffic congestion occurring in activity centres	Neighbourhood character policies must be made clearer	Regular reviews required	Review zones – specifically boundaries	Heritage Clause 21.10: introduce Heritage incentives program	Review SBO			Include Indigenous and affordable zoning in the planning scheme
Poor urban design outcomes	Encourage ESD	Levy car parking reductions	Greater housing diversity required	Create 'watch list' of threatened heritage buildings	Rezone eastern end of Blackwood Street from GRZ to NRZ - current GRZ conflicts with NCO on land	Clause 21.12 (Transport): include subsections of walking and cycling, public transport, the road system, parking,				
Introduce maximum building heights in activity centres - four storeys	Community gardens	Too many driveways approved, limiting on-street parking	Reduce site coverage, including basement footprints	Place 2 Sagamore Crt, Caulfield North in the Heritage Overlay		Clause 21.12 (Transport): expand to include an objective and a strategy for each sub	The developer levy must be spent on improved open space in the area of development.			

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
						section				
Height limits – max 3 or 4 storeys along main roads	Biodiversity corridors	Too many single garages	Increase permeability to 50 percent	Place Montgomery House in the Heritage Overlay	Introduce density parameters	Clause 21.12 (Transport): title should be 'Transport and Accessibility' and clause should promote use of public transport and accessibility (convenience, safety, affordability, DDA compliant)				
Introduce Structure Plans	Walkability to all necessities	Poor accessibility to main thoroughfares	Consult with Australian Institute of Architects re: design standards	Heritage Policy (22.01): objective should be to retain and conserve all significant and contributory buildings and discourage demolition.	Any proposed rezoning should undergo public notification	Update MSS				
Introduce Urban Design Framework plans	Sustainable housing	Encourage higher land use densities and mixed use developments near major public transport stations and high-quality public transport	Greater control of building material standards required	Heritage Policy (22.01): should include post war era buildings	33 Browns Road should be rezoned to NRZ	Scheme is not aligned with State policies				

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
		routes								
Introduce density parameters	Reduce plastic bag usage in shopping centres	Any new public transport routes, or changes to existing routes achieve greatest community benefit	Neighbourhood character includes trees, gardens and amenity	Heritage Management Plan should be introduced to the Planning Scheme	15 Prince Edward Avenue to be rezoned from GRZ to NRZ	Minimum apartment sizes (60sqm for 2 bedrooms)				
Commercial part of a building that abuts a residential property should be 2 storeys in height.	Encourage zero waste culture	PTV are keen to assist with any new parking overlays	Building boom has caused loss of neighbourhood character high rise developments, overshadowing, traffic congestion, balconies displaying washing, and loss of trees.	Heritage Clause 21.10: introduce Heritage incentives program	Increase transition between housing densities	Preferred policy outcomes need to be clearer				
The key issues affecting activity centres are traffic, car parking, height, and types of uses. A layered and progressive	Limit dwelling size	PTV supportive of 52.06	Consider consolidation of sites to enable designers to balance the need for more housing, with the aspiration of making something attractive to look at and live in.	Consider schools, hospitals, places of worship, shopping precincts and trees in the Heritage Overlay	NRZ should be three dwellings/lot	Increase permeability to 50 percent				

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
setback of building form would be a better outcome.										
	Flexibility in subdivision direction and size	PTV recommends that any application for 30+ dwellings be referred to PTV via s.52		Views of non-heritage developments from Heritage properties should be considered	NRZ should be expanded	Update demographics in MSS				
	Mandate some specific species plantings	Parking Precinct Plan for Bentleigh		Heritage review required	Rezone Daley and Mitchell Street from RGZ to NRZ	Increase focus on public transport				
	Incorporate green roofs	Do not waive loading bay requirements		Retain facades and build new dwelling behind	Amend RGZ: decrease height limit and introduce greater side setback requirements	Allow a tiny house community in Glen Eira				
	Stipulate higher star energy ratings progressively	Introduce parking acquisition overlays		All buildings should be graded depending on the year they were constructed eg Grade 3 = built since 1984, Grade 2 = 1934-1984, Grade 1 = less than 1934	Rezone Chestnut Street to GRZ	Greater focus on ageing population required				
	Waive neighbourhood character requirements for green	Parking plans required for activity centres		Clear preferred neighbourhood character statements in Heritage Overlays	Four storeys in residential zones is inappropriate: maximum two storeys	Greater housing diversity required to cater to ageing residents				

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
	buildings									
	Introduce ESD policy	Discourage use of car stackers		Developments do not respect surrounding heritage buildings	Rezone 52 Ercildoune Street Caulfield from NRZ to GRZ	Introduce incentives for appropriate housing for aged residents				
	Developments should use building materials that are environmentally sustainable	Residents near train stations still own cars		No Heritage Overlays in RGZ		Noise pollution to be addressed in high density areas				
		Don't allow waiving of car parking requirements in new developments.		Introduce a Heritage Panel instead of an Advisor		Review MSS specifically in regard to Virginia Park and Bosch site at 16 Griffiths Ave – consideration of future designation of the precinct required, industrial use is becoming obsolete				
		Discourage residents driving to the train station by charging them a high rate for car parking.		Heritage Overlay/policy needs to be updated and ratified. Council should	The RGZ1 needs a strategy or plan on how the impact of the zone would be managed in terms of	Increase landscaping requirements for developments				

Urban Design in Activity Centres	ESD	Car Parking/ Transport/ Access	Neighbourhood Character	Heritage	Residential Zones	MSS + LPP	Infrastructure	High density development	Monitoring and Review	Caulfield Racecourse
				commission a new heritage overlay to preserve streetscape and prevent demolition of dwellings. I want to see Council make this a priority in its planning scheme review.	neighbourhood character, amenity of neighbours, review of facilities/amenities to meet the population demands. Otherwise will result in deterioration in the quality housing/environment/community and amenity.					
		Need to look at other modes of transport than just the motor vehicle especially in the activity centres.		Increase the maximum height limit to 9 metres in the NRZ which is also covered by the Heritage Overlay and Neighbourhood Character Overlay, to allow for pitched roofs with higher floor to ceiling height at ground floor.	RGZ1 zones need to be smaller and distributed in more urban activity centres such as Glen Huntly, Murrumbeena, Hughesdale etc	Incorporate social and low-cost housing into the planning scheme				

APPENDIX 7 - Summary of external referral authorities' comments

Authority	Comments
Public Transport Victoria (PTV)	<p>Clause 21.12 (Transport): include subsections of walking and cycling, public transport, the road system, parking, freight.</p> <p>Clause 21.12 (Transport): expand to include an objective and a strategy for each sub section</p> <p>Clause 21.12 (Transport): title should be 'Transport and Accessibility' and clause should promote use of public transport and accessibility (convenience, safety, affordability, DDA compliant)</p> <p>Encourage higher land use densities and mixed use developments near major public transport stations and high-quality public transport routes</p> <p>Any new public transport routes, or changes to existing routes achieve greatest community benefit</p> <p>Ensure public transport and cycling infrastructure is considered in all new road projects</p> <p>PTV are keen to assist with any new parking overlays</p> <p>Supportive of 52.06</p> <p>Recommends that any application for 30+ dwellings be referred to PTV via s.52</p>
Environment Protection Authority (EPA)	<p>Victoria's population is projected to increase to 10 million by 2051.</p> <p>Planning policy amendments will need to seriously consider projected population growth.</p> <p>While the majority of growth will occur in the fringes of Melbourne, there will also be implications for industry and residential growth in regional Victoria.</p> <p>Population growth, regional population centres and expanding townships is resulting in residential development closer to existing industrial and agricultural activities creating problems for residents and businesses and often requiring regulatory intervention from the EPA and other authorities.</p> <p>The importance of encroachment of residential development into industrial areas.</p> <p>As the population increases, waste management also presents significant issues in the future e.g.;</p> <ul style="list-style-type: none"> • Odour from landfills affecting nearby residents. • Landfill gas migration • Encroachment of residential development into landfill buffers • Allocating land for materials recycling and other similar land uses. <p>EPA recommends that the above be considered for inclusion into planning policy where relevant.</p>

ATTACHMENT 2

Planning Scheme Review 2016 – Work Plan

Project	Purpose and Provisions	Topics the project will cover	Anticipated time frames to completion
Structure Plans	<p><u>Purpose</u></p> <p>To provide structure plans for activity centres. To provide for building heights and detailed design guidelines within activity centres. To investigate developer contribution opportunities for infrastructure within activity centres. To investigate opportunities for more effective movement of pedestrians and traffic, and management of parking.</p> <p><u>Provisions</u></p> <p>MSS Structure plan. Urban Design Framework Design and Development Overlay Local Policy Development Contributions Overlay Parking Overlay Zones</p>	<p>Mandatory building heights in commercial areas. Managing change/transition in development intensity. Design guidance within activity centres. Provide Council with cash to contribute to infrastructure upgrades. Need for a broad strategic vision for activity centres. Increasing Car parking demands.</p>	<p>Complete first 3 structure plans within 4 years.</p> <p>Ongoing – continue with structure plans each taking ~ 1- 2 years to complete.</p>
Neighbourhood character policy	<p><u>Purpose</u></p> <p>To provide clarity on the existing character and its protection. To provide clarity on neighbourhood character objectives for <i>change areas</i> and how change will be managed.</p> <p><u>Provisions</u></p> <p>MSS Local policy Neighbourhood Character Overlay Schedules to the Residential Zones Design and Development Overlay Urban Design Framework Structure Plan</p>	<p>Neighbourhood character statements for all residential areas. More landscaping opportunities and protection of vegetation. Better development transitions between different zones. Excessive basement sizes Improved garden character and open space provision. Reduction in hard surfaces. Front fencing. Streetscape integration. Higher quality architecture outcomes. Increased front setbacks in appropriate locations. Increased side and rear setbacks for ground and upper floors. Opportunities for tree planting. Managing boundary to boundary developments and impact of upper-floors on neighbouring back yards.</p>	<p>2 to 3 years.</p>
Heritage Internal Review	<p><u>Purpose</u></p> <p>To update and refresh existing heritage policies / documents. To update heritage guidelines.</p> <p><u>Provisions</u></p> <p>MSS Heritage Local Policy</p>	<p>Provide updated and clearer documents. Heritage design standards with statutory weight.</p>	<p>3 - 12 months.</p>

Project	Purpose and Provisions	Topics the project will cover	Anticipated time frames to completion
	Heritage Overlay		
Heritage Major Review	<p><u>Purpose</u></p> <p>To identify and protect individually significant heritage properties currently not identified within planning scheme. Update heritage guidelines.</p> <p><u>Provisions</u></p> <p>Heritage Overlay (Local or Victorian Heritage Register) Heritage Study</p>	Heritage protection for significant buildings/sites not currently captured by heritage overlay.	2 to 3 years
Municipal Strategic Statement update	<p><u>Purpose</u></p> <p>To incorporate up-to-date census data. To respond to current planning issues and provide broad strategic guidance. To reinforce existing policies and provisions.</p>	<p>Capture current land use and development issues facing the municipality. Respond to future work program. Update the strategic land use/development vision for the municipality. Gaps in local policy.</p>	1 to 2 years
Local Planning Policy Review	<p><u>Purpose</u></p> <p>To identify any policy gaps. To refresh existing policies. To better support Glen Eira's residential zone framework, particularly with regard to neighbourhood character.</p> <p><u>Provisions</u></p> <p>MSS Local Policies</p>	<p>Strengthen effectiveness of local policies. Develop new policies where gaps are identified.</p>	2 to 3 years
Development Contribution Scheme	<p><u>Purpose</u></p> <p>To provide for developer contribution requirements within the planning scheme for drainage upgrade works and other infrastructure</p> <p><u>Provisions</u></p> <p>Local Policy Development Contribution Overlay Structure Plan</p>	Response to the impact development has on public infrastructure such as drainage, community facilities, open space, car parking.	2 years
Parking Provisions	<p><u>Purpose</u></p> <p>To investigate various provisions in activity centre areas and implement into the Planning Scheme.</p> <p><u>Provisions</u></p>	Traffic and parking issues, particularly in and around activity centres.	3-4 years

Project	Purpose and Provisions	Topics the project will cover	Anticipated time frames to completion
	Structure Plan Car Parking Overlay Parking Precinct Plan		
Open Space	<p><u>Purpose</u></p> <p>To review developer contribution levy after new census data released. To provide greater protection to public spaces from adjoining development. To impose greater amounts of open space for residential developments.</p> <p><u>Provisions</u></p> <p>Local Policy Particular Provisions. Schedules to the Residential Zones. Structure Plan</p>	<p>The effect of increasing population. The impact of significant overshadowing and visually obtrusive developments on open space. The need for a greater level of amenity for future residents, provide more areas for the planting of trees and to increase permeable surfaces.</p>	2-3 years
Sustainability Policy	<p><u>Purpose</u></p> <p>To investigate possible incentives for ESD for significant developments. To increase opportunities for landscaping opportunities, open space and tree planting.</p> <p><u>Provisions</u></p> <p>MSS Local Policy Structure Plans Schedule to residential zones</p>	<p>Consideration of the upcoming State-wide provisions. In the absence of State-wide provisions, investigate greater ESD requirements for significant developments.</p>	2 – 3 years
Water Sensitive Urban Design (WSUD)	<p><u>Purpose</u></p> <p>To introduce measures that decrease stormwater runoff in peak events. To increase permeability standards. To reduce basement footprints</p> <p><u>Provisions</u></p> <p>MSS Local Policy Development Contribution Overlay</p>	<p>Provide relief for existing drainage infrastructure Oversized basement footprints.</p>	2 – 3 years
Transition Between Zones	<p><u>Purpose</u></p> <p>To provide for adequate provision of transition between zones.</p>	<p>Visual bulk, height and setbacks.</p>	2- 3 years

Project	Purpose and Provisions	Topics the project will cover	Anticipated time frames to completion
	<u>Provisions</u> Local Policy Design and Development Overlay Schedules to the residential zones Structure Plan		
Special Building Overlay	<u>Purpose</u> To provide accurate mapping to land affected by potential flooding events. <u>Provisions</u> Special Building Overlay Development Contribution Overlay	Revised Melbourne Water flood mapping	2- 3 years
Tree Protection Policy for development sites	<u>Purpose</u> To strengthen the conservation of significant trees on development sites through increased open space standards and setbacks for basements. <u>Provisions</u> MSS Local policy. Schedule to residential zones	Loss of trees and ability for appropriate space for replanting. Concerns about the loss of trees in residential development sites and the limited opportunities for replacement planting with new developments. Excessive basement sizes.	2- 3 years

9.6: MISSING FOOTPATHS IN ROADS**Author: Manager Infrastructure Assets****Reviewed by: Director Infrastructure, Environment and Leisure****File No:****Attachments: Nil**

PURPOSE AND SUMMARY

At its Ordinary meeting held on 7 June 2016, Council resolved that :

“A report be prepared on the provision by Council of concrete footpaths outside houses where currently no footpaths exist.

and that:

The report should address the following points:

- a) Requirements for Council under the Disability Discrimination Act for the provision of footpaths in residential roads;*
- b) Regardless of the answer to (a), what the cost would be of providing such footpaths, and what process or processes could be used to do so.”*

RECOMMENDATION

That Council:

- i. Notes that there is no mandatory minimum technical compliance standard under the Disability Discrimination Act that can be referred to in relation to the provision of on road public footpaths.
- ii. Notes that the total cost of providing all missing on road footpaths in the municipality is estimated at \$4.3 million.
- iii. Endorses the reallocation of \$250,000 funds in 2017-18 from the annual footpath capital renewal and replacement program to construct missing footpaths.
- iv. Endorses the construction of missing footpaths as prioritised below, subject to community consultation and demonstration of substantial community support:
 - Provision of footpath links in the Glen Eira Walking Strategy (2014-2017) and Priority Walking Routes;
 - Provision of footpaths to address discontinuities in the path network that are a barrier to connectivity with other links;
 - Provision of footpath links on one side of the road as a minimum;
 - Provision of footpaths in courts where none exist.

BACKGROUND

The footpath network

The on road footpath network in Glen Eira consists of 848km of hard surfaced footpaths and bike/pedestrian shared paths. It includes the footpaths in strip shopping centres. The footpaths in public parks are excluded.

The management of Council's footpath network on local, arterial and state roads is an important part of Council's physical infrastructure responsibility. Most footpaths in the residential streets are concrete, some are asphalt or pavers. Asphalt footpaths are generally installed in shopping precincts, as these are areas of high use and frequently impacted by utility authorities works.

The on- road footpath network includes:

TYPE	AREA (m ²)	PROPORTION OF TOTAL	LENGTH (km)
Concrete	1,404,700	94.6%	823
Asphalt	70,100	4.7%	21
Segmental & other ¹	9,700	0.7%	4
Total	1,484,400	100%	848

Since the enactment of the Road Management Act 2004, Council inspects, maintains and repairs its network of on road footpaths to meet the legislative requirements of the Council Road Management Plan. Council also undertakes a four yearly condition survey for footpath valuations and to plan the allocation of funds for renewal/replacement of footpaths in poor condition. Council currently spends \$1.725million annually on the footpath repair and renewal program.

ISSUES AND DISCUSSION

Missing footpaths

It is known that there are roads and streets in the city that do not have footpaths along the entire length on both sides. There are also streets with no footpaths at all. This usually relates to historic conditions and the planning and development decisions made at the time of subdivision.

In order to be specific in our measures, desktop audits of these missing footpath sections in the city have been classified into three categories.

¹ Segmental includes brick pavers and the like.

Streets with:

- a) A single sided footpath with no footpath on the other side (single sided);
- b) A single sided footpath with a break of footpath on the same side (discontinuous); and
- c) No footpath at all (none).

TYPE	LENGTH (m)	QUANTITY (m ²)	ESTIMATE (\$)
Single sided	12,122	18,183	\$1,909,215
Discontinuous	6,180	9,270	\$973,350
None (on both sides)	9,068	13,602	\$1,428,210
TOTAL	27,370	41,055	\$4,310,775

The 27.37km of missing footpaths is 3.23% of the current on road footpath network.

Even though the first residents chose to purchase these properties without footpaths, expectations change over time and Council does receive a small number of requests to provide these footpaths.

Construction of new footpaths

Footpaths have been constructed over the years through the following means:

- By developers of land subdivisions as a requirement of town planning permits.
- Council obtaining grants through the State or Federal governments.
- Council raised funds through Special Rate or Special Charge Schemes (under the Local Government Act 1989) levied against benefitting properties.
- Council funding works through general rates.

Council does not normally fund the installation of new footpaths in residential streets.

Special Charge Schemes

Council has on occasion, when requested by residents to construct a new footpath in their street, proposed implementing a Special Charge Scheme (SCS) for abutting owners to contribute to the construction of the missing footpath.

The SCS would determine which benefitting rateable property owners need to contribute to the Scheme, and Council's contribution (if any). Council's contribution depends on likely level of community use of the footpath, but is unlikely to exceed half the total cost. The Scheme can only proceed if the majority of people agree to contribute.

Owners have not supported such a Scheme, arguing that they have paid rates over many years and Council should therefore fund the works. In recent times, Special Charge Schemes have not proceeded beyond the initial Council conducted resident surveys.

Glen Eira Walking Strategy (2014-2017) and Priority Walking Routes

The strategy identifies missing footpath links through determination of priority pedestrian walking routes. This refers to discontinuities in the path network which are of strategic significance. The priority walking routes identify the missing footpath links by evaluating

criteria associated with safety, security and barriers to walking around schools, shopping centres, parks and transport interchanges. The estimated cost of constructing the missing footpath links in the priority walking routes is \$332,000.

There is no requirement to provide concrete footpaths outside houses where currently no footpaths exists other than in the priority walking routes some of which include opposite houses in residential streets.

Disability Discrimination Act 1992 (DDA)

On the question whether the DDA cover 'access to the footpath', the information on the Human Rights Commission web site is that:

"A footpath would come under the definition of "premises" and would therefore be covered by section 23 of the DDA:

premises include:

- a structure, building, aircraft, vehicle or vessel: and*
- a place (whether enclosed or built on or not); and*
- a part of premises (including premises of a kind referred to in paragraph (a) or (b)).*

However, the premises standards only apply to buildings covered by various building classifications found in the Building Code of Australia. Public footpaths do not have building classification , so while they are covered by the definition of 'premises' they are not subject to the Premises Standards, but remain subject to the general non-discrimination provisions of the DDA. This means that there is no mandatory minimum technical compliance standard under the DDA that can be referred to in relation to footpaths.

It is unlikely that Councils have a legislative obligation to provide footpaths to minimum technical standards in residential streets. Where new footpaths are provided for public use, the Commission considers that the use of Australian Standards is good practice for Councils to follow where practicable, in meeting DDA guidelines.

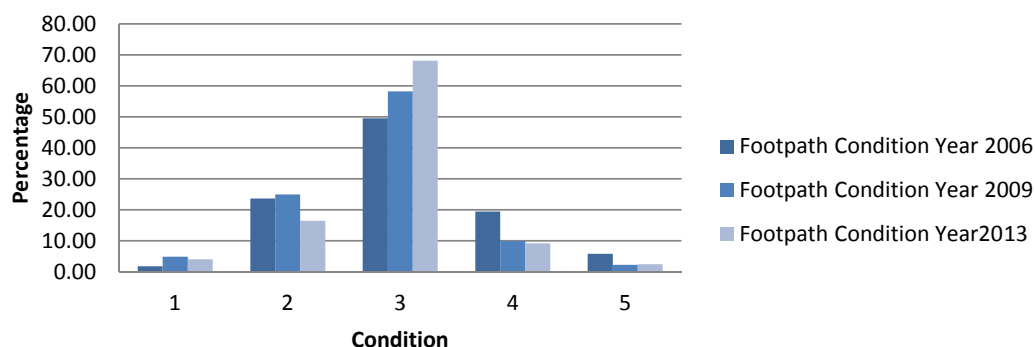
FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

A preliminary estimate to construct all 27.37km of missing on-road footpaths would cost approximately \$4.3million. It is not likely that all missing footpaths opposite houses would need construction. Some streets are not suitable, being narrow, and some abutting owners would prefer to retain the street amenity afforded by not having a concrete path.

In recent years, Council has increased its annual allocation on its footpath renewal and replacement program. At present it is at \$1.725million. Balancing the requirement to invest in new footpath works against the renewal needs of existing footpath assets is a key Asset Management issue.

The nature of how sections of footpaths get replaced by Council means that most footpath segments comprises of a patchwork of new and old sections. The consequence is the average condition of footpath segments trends towards the median (3) "good" using five-point system. (1 is excellent and 5 is poor).

The results are shown in the graph below.



Overall, the footpath condition trend shows good improvement since 2006 with the weighted average footpath condition improving from 3.04 to 2.90 (around 5 percent improvement).

As a consequence of Council's increased funding levels there are now fewer footpath sections in poor condition and many more in good condition.

The improved trend in the condition of Council's footpath network suggests funding levels could potentially be reviewed. Council could spend a little less on renewing footpaths to free up some funding to construct missing footpaths on a prioritised framework basis over the next 3 to 5 years. A 15% allocation or \$250,000 whichever is higher, for new footpaths from the capital renewal budget is considered appropriate. The priority framework is to target initially on funding the missing paths in the Priority Walking Routes of the Glen Eira Walking Strategy.

POLICY AND LEGISLATIVE IMPLICATIONS

Disability Discrimination Act 1992

As discussed above

Glen Eira Disability Action Plan 2013 – 2016

Priority Four – to ensure (new) footpaths, carparks and bike paths are accessible to people with disabilities.

Glen Eira Walking Strategy (2014-2017) and Priority Walking Routes

To target the missing footpath links as discussed above.

Road Management Act 2004

To ensure that (new) footpaths are inspected, maintained and repaired in accordance with the Council Road Management Plan

Local Government Act 1989

Section 163 on the administration of Special Charge Schemes.

COMMUNICATION AND ENGAGEMENT

Community Development on DDA requirements and Glen Eira Disability Action Plan.

Transport Planning on the Glen Eira Walking Strategy and the Priority Walking Routes.

LINK TO COUNCIL PLAN

Theme 7: Sustainable community assets and infrastructure – To enhance and develop sustainable community assets and infrastructure to meet the needs of current and future generations.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Providing new footpaths outside houses where currently no footpaths exist could be considered by Council under the following options:

- i. Option 1: Assess new requests under the Special Charges Scheme as undertaken to date.
- ii. Option 2: Construct missing footpaths on a priority basis and in 2017-18 reallocate \$250,000 of funds from the annual footpath capital renewal and replacement program. The proposed priority assessment could be based on:
 - Priority Walking Routes
 - Discontinuities in the path network that is a barrier to connectivity with other links
 - Provision of footpath links at least on one side of the road as a minimum.
 - Provision of footpaths in dead end courts where none exist

Under schedule 10 of the Local Government Act 1989, Council is not obliged to provide footpaths to the general public as a matter of access rights. If footpaths are provided for public use, then it is good practice for Council to adopt the Australian Standards in meeting DDA requirements.

Item 9.6 (cont'd)

DECLARATIONS OF INTEREST

Cr Lipshutz declared a Conflict of Interest in this item on the basis that he lives in a street with no footpath.

8.45PM Cr Lipshutz left the Chamber.

8.45PM Cr Delahunty left the Chamber.

Crs Hyams/Esakoff

That the recommendation in the report be adopted.

8.47PM Cr Delahunty returned to the Chamber.

The MOTION was put and CARRIED unanimously.

8.54PM Cr Lipshutz returned to the Chamber.

9.7 COMMUNITY GRANTS RECOMMENDATIONS

Author: *Gaye Stewart Manager Community Development and Care*

File No: 16/1614434

Attachments: *Community Services Grants Recommendations – Attachment 1*
 Festival and Events Grants Recommendations – Attachment 2
 Community Services Grants Recommendations – Attachment 3
 Community Services Grant Recommendation – Attachment 4

PURPOSE AND SUMMARY

To seek endorsement of the 2016-2017 Community Grant recommendations outlined in Attachments 1 to 4.

RECOMMENDATION

- A. That Council endorse the Community Services Grants recommendations in Attachment 1 and the Festivals and Events Grants recommendations in Attachment 2 excluding all references to Calvary Health Care Bethlehem, Community Information Glen Eira, Knit One Give One Ltd, Mitzvah Day and Glen Eira Adult Learning Centre Inc.
- B. That the Council endorse Calvary Health Care Bethlehem, Community Information Glen Eira, Knit One Give One Ltd and Mitzvah Day in Attachment 3.
- C. That the Council endorse Glen Eira Adult Learning Centre Inc. in Attachment 4.

BACKGROUND

Council's 2016-2017 Community Grants Program received 169 applications consisting of the following:

- 159 Community Services Grant applications from 153 not-for-profit community groups and organisations requesting \$661,451 in funding; and
- 10 Community Festivals and Events Grant applications requesting \$95,230 in funding.

Officers considered all applications against the grant criteria and guidelines and developed recommendations for Council's Community Grants Committee.

The Committee, consisting of Cr Jamie Hyams (Chairperson), Cr Margaret Esakoff and Cr Thomas Sounness, met on 24 June 2016 and 5 July 2016 to consider officer recommendations and make recommendations to Council.

ISSUES AND DISCUSSION

The recommendations to Council were undertaken in several parts due to conflict of interest declared by Councillors.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The total amount of funding recommended for Community Services Grants in 2016-2017 is \$298,844. This represents funding of one hundred and thirty-four (134) grants to one hundred and twenty-eight (128) organisations.

The total amount of funding recommended for Festivals and Events Grants in 2016-2017 is \$44,000. This represents funding of six (6) grants to six (6) organisations. The Community Grants budget is a total of \$360,000 annually. A portion of the budget (\$10,000) is reserved and allocated across the year for incidental Facilities Only Grants.

POLICY AND LEGISLATIVE IMPLICATIONS

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

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

COMMUNICATION AND ENGAGEMENT

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

LINK TO COUNCIL PLAN

The Community Grants Program aligns with the Glen Eira Community Plan under *Theme 8: Community building and engagement*.

The Community Grants Program meets the strategic objective, "To build a strong connected community that actively participates and engages with Council to improve outcomes for the community."

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The Community Grants Program in 2016-2017 was delivered according to set policy, guideline and procedure requirements.

The final recommendations to council are outlined in Attachment 1 to 4.

The final figures for the Community Grants Program 2016/2017 are:

- Community Services Grants recommendations \$298,844
- Community Festival and Events Grants recommendations \$44,000

Item 9.7 (cont'd)

Crs Hyams/Sounness

That recommendation A. in the report be adopted.

The MOTION was put and CARRIED unanimously.

Crs Hyams/Sounness

That recommendation B. in the report be adopted.

DECLARATIONS OF INTEREST

Cr Esakoff declared a Conflict of Interest in this item under s78B of the Local Government Act, indirect conflict, as she is the Vice President of the Committee of Management for Community Information Glen Eira and a Member of the Ethics Committee for Calvary Health Care Bethlehem.

9.02PM Cr Esakoff left the Chamber.

The MOTION was put and CARRIED unanimously.

9.03PM Cr Esakoff returned to the Chamber.

Crs Esakoff/Sounness

That recommendation C. in the report be adopted.

DECLARATIONS OF INTEREST

Cr Hyams declared a Conflict of Interest in this item under s78 of the Local Government Act as he is on Committee of Management for Glen Eira Adult Learning Centre.

9.03PM Cr Hyams left the Chamber.

The MOTION was put and CARRIED unanimously.

9.04PM Cr Hyams returned to the Chamber.

**COUNCIL MEETING – 9 AUGUST 2016
COMMUNITY GRANTS RECOMMENDATIONS 2016-17**

Community Services Grants 2016-17

	Applicant	Funding Description	Amount Funded
1	10th Caulfield Scout Group	To contribute towards expenses associated with providing disadvantaged youth access to sports equipment for climbing and hiking activities (including six hike packs).	\$1,500.00
2	Access Inc	To contribute towards expenses in running a "Pop-Up Café" to provide people with a disability work place experience.	\$5,500.00
3	Association of former inmates of Nazi Concentration Camps and Ghettos from the former Soviet Union	To assist with expenses associated with running multicultural older adult program activities.	\$1,000.00
4	Australian Forum of Russian Speaking Jewry Inc	To support facility hire of the Auditorium for a Gala concert and hire of DC Bricker Pavilion monthly for cultural / educational seminars.	\$2,300.00
5	Australian Friendship Circle	To assist with costs associated with running a new weekly home visitation program run by volunteers.	\$5,500.00
6	Bayside Auxiliary, Royal Flying Doctor Service	To contribute towards facility hire costs of the Rotunda, Bentleigh, to operate street stalls throughout the year.	\$700.00
7	Bentleigh Bayside Parkinson's Peer Support Group	To contribute towards establishing an ongoing program of dances to support the Parkinson's group.	\$1,000.00
8	Bentleigh Chinese Community Association	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
9	Bentleigh Chinese Senior Support Group Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
10	Bentleigh East Kindergarten (Glen Eira Kindergarten Association - GEKA)	To contribute towards upgrading the play area to ensure children's safety and the development of motor skills.	\$3,000.00
11	Bentleigh Garden Club	To assist with expenses associated with running a community gardening club for older adults.	\$450.00
12	Bentleigh Kindergarten (GEKA)	To support the creation of a fairy garden for play and environmental education.	\$3,000.00
13	Bentleigh Ladies Probus Club	To assist with subsidising operating costs for older adult activities.	\$1,000.00
14	Bentleigh West Kindergarten Inc	To contribute towards reducing energy consumption and operating costs of the kindergarten through the purchase of LED lighting and a low energy fridge.	\$1,300.00
15	Bentleigh West Kindergarten Inc	To support the creation of play equipment for children in collaboration with Bentmoor Men's Shed.	\$2,700.00
16	Bentmoor Community Men's Shed	To assist with a "Men's Health Day" and safety equipment for the Men's Shed.	\$2,328.00
17	B'nai B'rith Anti Defamation Commission	To contribute towards "Click Against Hate", an educational cyber-bullying program (specifically funding towards content management).	\$2,000.00

Community Services Grants 2016-17 continued

Attachment 1

	Applicant	Funding Description	Amount Funded
18	B'nai B'rith Victoria Inc	To assist with facility hire of the Auditorium for an annual music competition; the "Victoria Jewish Youth Eisteddfod".	\$1,200.00
19	B'nai B'rith Victoria Inc (Fellowship Group)	To provide monthly concerts for older adults in Glen Eira.	\$2,500.00
20	Brady Road Kindergarten Inc (GEKA)	To contribute towards a shade sail to increase the amount of shade provided in the outdoor area.	\$3,000.00
21	Brighton Cemeterians Inc	To support the purchase of a plaque for a historical grave at Brighton Cemeterians.	\$900.00
22	C Care	To contribute towards a program that delivers meals to socially isolated members of the community by volunteers.	\$5,500.00
23	Camp Sababa Inc	To support 'weekend getaways' for young people with a disability.	\$2,000.00
24	Carnegie 3 Year Old Activity Group Inc	To assist with facility hire of Carnegie Children's Multipurpose room for running a multi-cultural playgroup.	\$1,500.00
25	Carnegie Kindergarten (GEKA)	To contribute towards the creation of a sustainable outdoor nursery.	\$3,000.00
26	Carnegie Murrumbeena Senior Citizens	To assist with expenses associated with an end of year function.	\$500.00
27	Carnegie Neighbourhood Watch	To assist with facility hire of Packer Park meeting room for quarterly meetings to discuss crime prevention.	\$198.00
28	Carnegie Rostrum Club 68	To assist with facility hire of the Boyd room Carnegie to run public speaking club activities.	\$2,370.00
29	Caulfield Community Toy Library	To assist with purchasing sensory and active toys for the toy library.	\$4,500.00
30	Caulfield Cricket Club Inc	To contribute towards the purchase of netting cabinets at Caulfield Park.	\$2,500.00
31	Caulfield Over 50s Dance Group Inc	To assist with Auditorium hire on a weekly basis to run a ballroom dance program for older adults.	\$7,500.00
32	Caulfield South Kindergarten (GEKA)	To contribute towards expense s with replacing tap and drink area.	\$3,129.50
33	Caulfield Tzofim Onnot Scouts Group	To support expenses associated with running a scout group (specifically funding towards cooking pots, shade sail, and frypans).	\$2,034.00
34	Centre Bentleigh Garden Club Inc	To support expenses associated with running an older adult's garden club (specifically funding towards hall hire).	\$450.00
35	Centre Road Kindergarten	To contribute towards toys, tools and plants to improve the sand and garden play areas.	\$3,000.00
36	Circolo Pensionati Italiani Di Bentleigh Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
37	City of Glen Eira Band Inc	To support the band with costs associated with transporting music equipment.	\$2,000.00
38	City of Moorabbin Historical Society Inc	To assist with ongoing operational expenses for Box Cottage museum.	\$1,700.00
39	Coatesville Sporting Association Inc	To assist with subsidising the cost of children from low socio-economic families to participate in netball.	\$800.00

Community Services Grants 2016-17 continued

Attachment 1

	Applicant	Funding Description	Amount Funded
40	DJ Coakley East Bentleigh Senior Citizen's Club Inc	To assist with expenses associated with running multicultural older adult program activities.	\$3,000.00
41	Elsternwick Toddlers Playgroup	To contribute towards updating the sandpit and shade sail covers in the play area.	\$1,500.00
42	Ethnic Discussion club	To assist in developing multicultural information bulletins and to conduct seminars.	\$1,000.00
43	Friends of Caulfield Park	To assist with facility hire of the Caulfield Park Bandstand for the 2016-17 bandstand concert series.	\$2,280.00
44	Gladys E.Machin Senior Citizens Club	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
45	Glen Eira Amateur Football Club	To contribute towards the facility hire of the Packer Park Pavilion, Community Hall.	\$3,500.00
46	Glen Eira Artists' Society Inc	To assist with facility hire of the Glen Eira Art Gallery and to contribute to the Society's art programs.	\$2,500.00
47	Glen Eira Cheltenham Art Group Inc	To assist with facility hire of the Glen Eira Art Gallery to celebrate the groups 54th anniversary.	\$750.00
48	Glen Eira Chinese Senior Citizens Club Inc	To assist with expenses associated with running multicultural older adult program activities and facility hire of Auditorium.	\$3,942.00
49	Glen Eira City Choir	To assist with the facility hire of the Auditorium for rehearsals and an annual Choir concert.	\$3,503.00
50	Glen Eira Combined Probus Club Inc	To assist with the expenses in running older adult program activities, including meetings, guest speakers and monthly outings.	\$2,500.00
51	Glen Eira Historical Society Inc	To assist with the collection, preservation and promotion of the history of Glen Eira and its residents; including facility hire of the Boyd Room, Carnegie.	\$3,500.00
52	Glen Eira Italian Senior Citizen Club	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
53	Glen Eira Police Senior Citizens Register	To contribute towards administration expenses to recruit new volunteers.	\$1,000.00
54	Glover Street Kindergarten (GEKA)	To contribute towards the garden decking stage and adjoining pathways.	\$3,000.00
55	Greek Cyprian Senior Citizens Community of Glen Eira Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
56	Greek Elderly Club of Caulfield	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
57	Greek Senior Citizens Association of Moorabbin Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
58	Greek Senior Citizens Club of Carnegie and Murrumbeena Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
59	Greek Senior Citizens of Southern Eastern Region & Districts	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
60	Greek Women's Senior Citizens Club of McKinnon Rhea Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
61	GriefLine Community and Family Services Inc	To assist with the expenses in facilitating a community education program on grief and loss topics.	\$5,000.00
62	Hashomer Hatzair Inc	To support expenses for programs and camps with activities that involve group construction projects.	\$367.50

Community Services Grants 2016-17 continued

Attachment 1

	Applicant	Funding Description	Amount Funded
63	Healthy Tourism Senior Citizens Russian Club "Vigor", Ensemble "Nostalgia"-Women Group	To assist with expenses associated with running multicultural older adult program activities.	\$1,500.00
64	Holy Cross - St Joseph Playgroup	To contribute towards the enhancement of the garden and play area.	\$1,417.00
65	Inner South East Melbourne Australian Breastfeeding Association group	To assist with facility hire of the Glen Huntly Maternal and Child Health Centre and Boyd Room, Carnegie, for breastfeeding information group sessions.	\$1,623.00
66	Italian Pension Club of Kingston Inc	To assist with expenses associated with running multicultural older adult program activities	\$2,000.00
67	Italian Senior Citizens Group of Moorabbin Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
68	Italian Senior Citizens Recreation Group of Caulfield	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00
69	Jewish Care Victoria	To assist with facility hire of the Auditorium for an event for "International Day for People with a Disability".	\$1,176.00
70	Jewish Holocaust Centre Inc	To support the publishing of an anthology chronicling stories of 80 child survivors of the Holocaust.	\$3,000.00
71	Jewish Holocaust Centre Inc	To assist with the running a social support group "Thursday Social Club" on a monthly basis (including speakers and a light lunch) for Holocaust survivors and the local community.	\$2,000.00
72	Jewish Taskforce Against Family Violence Inc	To contribute towards running a cyber-safety forum titled "Growing Up Online".	\$2,300.00
73	KG Putt Senior Citizens Club	To assist with expenses associated with running multicultural older adult program activities.	\$3,000.00
74	Kondia Limnos Senior Citizens Club	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
75	Let's Connect Inc	To assist with expenses associated with running multicultural older adult program activities.	\$1,000.00
76	LIDER school Inc	To assist with facility hire of Auditorium for the school's 10 year anniversary to perform the musical "Nutcracker".	\$917.00
77	LIDER school Inc	To assist with facility hire of the Auditorium to celebrate "Grandparents' Day".	\$917.00
78	Maltese La Vallette Association Inc	To assist with expenses associated with running multicultural older adult program activities.	\$1,000.00
79	Melanoma Patients Australia	To contribute towards the purchase of a banner to promote the group.	\$340.00
80	Melbourne Bipolar Network	To contribute towards conducting bipolar support groups and mental health awareness nights.	\$1,500.00
81	Menorah Magazine	To contribute towards the publication and distribution of the ethnic magazine "Menorah".	\$1,000.00
82	Moorabbin Area Toy Library	To assist with annual utility costs and toy collection rejuvenation.	\$4,500.00
83	Multicultural Nature Guides Victoria Inc	To assist with expenses associated with providing social support services to older adults.	\$500.00
84	Murrumbeena Football Netball Club	To assist with facility hire of Murrumbeena Park Pavilion.	\$4,406.40

Community Services Grants 2016-17 continued
Attachment 1

	Applicant	Funding Description	Amount Funded
85	Murrumbeena House Occasional Care Group Inc	To assist with rent and marketing of the group to the community.	\$1,500.00
86	Murrumbeena Kindergarten Inc	To contribute towards indoor play equipment and toys.	\$241.50
87	Murrumbeena Netball Club Inc	To support coaching and player training clinics to develop current players and attract new members.	\$2,000.00
88	Murrumbeena Playgroup	To contribute towards the purchase of storage sheds and play equipment required for a move to a new location.	\$5,000.00
89	Nadezhda Russian Seniors Citizens Club	To assist with expenses associated with running multicultural older adult program activities.	\$3,000.00
90	National Council of Jewish Women (Victoria) Community Services Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,000.00
91	Neighbourhood Watch GE135	To assist with monthly facility hire of Town Hall meeting rooms and printing of newsletter.	\$2,500.00
92	New Hope Foundation Inc	To contribute to a multicultural women's day celebration, "Cafe Bazaar Multicultural Women's Day 2017", at Moorleigh Senior Citizens Centre.	\$2,500.00
93	Oakleigh Coptic Senior Social Club Inc.	To assist with expenses associated with running multicultural older adult program activities.	\$500.00
94	Open Hands Project: Carnegie Church of Christ	To contribute towards the operating costs of a weekly community meal program for disadvantaged people in the local area.	\$1,750.00
95	Ormond Anglican Church	To contribute towards expenses associated with a community food drive, collecting non-perishable food for distribution to local agencies.	\$540.00
96	Ormond Community Church of Christ	To contribute towards running a local "Café Night Jam", a café style amateur performing arts program.	\$2,000.00
97	Ormond Community Kindergarten	To contribute towards bicycle storage and playground enhancement.	\$3,000.00
98	Ormond Senior Citizens Club Inc	To contribute towards a health and wellbeing program for older adults.	\$1,000.00
99	Orrong Rd Kindergarten (GEKA)	To contribute towards the upgrade and redesign of sandpit and pathways.	\$3,000.00
100	Polish Senior Citizens Club of Caulfield	To assist with expenses associated with running multicultural older adult program activities.	\$1,500.00
101	Probus Club of Bentleigh East (C) Inc	To assist with expenses associated with running multicultural older adult program activities.	\$1,000.00
102	Probus Club of Bentleigh Inc	To assist with expenses in running older adult program activities.	\$1,000.00
103	Probus Club of Moorleigh Inc (Mens)	To assist with subsidising day trips as part of the club's older adult program activities.	\$1,000.00
104	Russian Cultural & TV Association INC Sputnik	To assist with facility hire of the Auditorium for a concert and for audio equipment to support the production of two weekly Russian language programs on C31 television.	\$2,917.00
105	Sandbelt Ladies Probus Club Inc	To assist with expenses associated with running older women's program activities.	\$1,000.00
106	Shalom Association	To assist with facility hire of the Auditorium to stage three events for the Russian speaking community.	\$3,500.00

Community Services Grants 2016-17 continued
Attachment 1

	Applicant	Funding Description	Amount Funded
107	Shnei Ohr Chabad Learning Centre Inc	To contribute towards expenses associated with providing visiting services and social engagement programs for older multicultural adults.	\$2,500.00
108	Soloukhin Russian Literature Society Inc	To assist with facility hire of the Auditorium to celebrate Russian war veterans' contribution to liberation from Nazi Germany.	\$1,000.00
109	South Eastern Multiple Birth Association (Victoria) Inc (SEMBA)	To assist with the purchase of breast feeding equipment to enhance the support program.	\$2,946.00
110	South Oakleigh Wildlife Shelter	To contribute towards operational costs of the group in providing community education and towards the rescue of animals within Glen Eira.	\$4,000.00
111	St Catharine's Anglican Church	To contribute towards expenses associated with running a community meals program, providing free meals twice a month.	\$2,500.00
112	St John Ambulance (VIC) Inc - Glen Eira Division	To contribute towards the purchase of CPR equipment and software to improve training courses.	\$2,248.00
113	St Kilda Steiner Kindergarten	To contribute towards the upgrade of the garden and water play area.	\$3,000.00
114	St Peter's Cancer Support Group	To assist with expenses associated with providing a monthly support group for those impacted by cancer.	\$500.00
115	St Vincent De Paul Society - Bentleigh/Moorabbin	To contribute towards the delivery of food assistance to disadvantaged families.	\$3,000.00
116	The Argos & District Australian Greek Citizens Club of Kastoria Inc.	To assist with expenses associated with running multicultural older adult program activities.	\$500.00
117	The Club of Bards Song "The Southern Cross"	To assist with facility hire of the Theatre to run three performances.	\$1,353.00
118	The Holland Foundation	To assist with expenses in running an on-site employment training program for long term unemployed people.	\$3,000.00
119	The Trustee for the NCJW(Victoria) Social Support Trust	To assist with facility hire and expenses associated with running the "Caring Mums" program to provide emotional support to pregnant women and new mothers (specifically funding towards updates to the training manual).	\$2,000.00
120	Tony's Cafe Soup Kitchen	To contribute towards running an outreach program providing a weekly meal and food parcels through volunteers.	\$4,000.00
121	Tribe: Let My People Know	To assist with the launch of "Tribe", a customisable mobile platform that connects Jewish people to relevant Jewish experiences/events.	\$400.00
122	Tzedek Inc	To contribute towards the production of a protective behaviours education video, "Project J-Safe", for children and youth.	\$3,500.00
123	U3A Moorleigh Inc	To assist with the hire the gym at Moorleigh and upgrading classroom equipment for U3A programs (specifically funding towards a projector). . .	\$3,000.00
124	Uniting Church - Elsternwick and Caulfield South (St John's)	To support a youth theatre program, "Fresh Theatre for Social Change", targeting children and youth.	\$5,000.00

Community Services Grants 2016-17 continued**Attachment 1**

	Applicant	Funding Description	Amount Funded
125	VAJEX Australia Inc	To contribute towards facility hire of the Auditorium for a commemorative ANZAC Service for Jewish residents and the wider community.	\$917.00
126	Victorian Association of WW2 Veterans from former SU	To assist with expenses associated with running an older adult program for WW2 Veterans and facility hire of the Auditorium.	\$1,772.50
127	Victorian Masters Athletics - Glen Eira	To contribute towards facility hire of Duncan Mackinnon Athletics Track and facilities.	\$2,500.00
128	Washington Park Cricket Club	To contribute towards the replacement of club room furniture at Packer Park.	\$2,500.00
129	Yachad Senior Citizens Club Inc	To assist with expenses associated with running multicultural older adult program activities.	\$2,500.00

Festivals and Events Grants 2016-17

	Applicant	Funding Description	Amount Funded
1	Cancer Council Victoria	To assist with staging the "Murrumbeena Relay For Life" event including facility hire.	\$8,000.00
2	Carnegie Main Street	To assist with staging the "Carnegie Christmas Fun Day" event, including facility hire.	\$6,500.00
3	Chabad House of Caulfield	To contribute towards the cost of facility hire of Caulfield park to stage "Chanukah in the Park".	\$10,000.00
4	Kadimah, Jewish Cultural Centre and National Library	To assist with expenses associated with staging the "In One Voice" festival.	\$10,000.00
5	Ormond Traders Association Inc	To assist with staging the "Ormond Community Festival".	\$7,000.00
6	Rotary Club of Bentleigh Moorabbin Central	To contribute towards the Bentleigh Sunday Community Market's "Celebrating the cultural diversity and community of Bentleigh" event.	\$2,500.00

Community Services Grants 2016-17

	Applicant	Funding Description	Amount Funded
1	Calvary Health Care Bethlehem	To assist with facility hire of the Auditorium to celebrate the 75th year of Calvary Health Care Bethlehem in Caulfield.	\$1,760.00
2	Community Information Glen Eira Inc	To support professional development sessions for volunteer groups and organisations through the Volunteer Managers Network.	\$2,500.00
3	Knit One Give One Ltd (kogo)	To contribute towards freight expenses of distributing kogo knitted goods to local community partners.	\$2,000.00
4	Mitzvah Day	To contribute towards organising the annual "Mitzvah Day" event.	\$4,000.00

Community Services Grants 2016-17

	Applicant	Funding Description	Amount Funded
1	Glen Eira Adult Learning Centre Inc	To contribute towards the implementation of "WELLvember", a series of health and wellbeing workshops to promote wellness and community connectedness.	\$5,000.00

**9.8 INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE
PLANNING AND ENVIRONMENT ACT 1987**

Author: *Karen Rabel, Legal & Governance Officer*

File No:

Attachments: *A, B & C Instrument of Appointment and Authorisation*

PURPOSE AND SUMMARY

To appoint Council officers by resolution as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987* ("Act").

RECOMMENDATION

That in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* Council resolves that:

- (1) the members of staff referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
- (2) the Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remain in force until Council determines to vary or revoke them; and
- (3) the Instruments be signed and sealed.

BACKGROUND

The Instruments provide for councils to appoint officers by resolution, pursuant to section 147(4) of the Act and may, where relevant, include the general appointment provision in section 232 of the *Local Government Act 1989* to commence proceedings in a council's name.

Authorisations are required for members of staff whose duties require them to enforce the Act.

ISSUES AND DISCUSSION

Not applicable

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Not applicable

POLICY AND LEGISLATIVE IMPLICATIONS

Not applicable

COMMUNICATION AND ENGAGEMENT

Not applicable

LINK TO COUNCIL PLAN

Governance – to deliver strong local leadership and governance in an open and responsible manner in the best interest of the community.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Not applicable

Crs Lipshutz/Hyams

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Attachment "A"**S11A Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this Instrument "**officer**" means –

Keith Franklyn, Manager Community Safety and Compliance

By this Instrument of Appointment and Authorisation Glen Eira City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 9 August 2016.

The seal of Glen Eira City Council was hereto affixed in the presence of:

..... Councillor

..... Chief Executive Officer

Attachment "B"**S11A Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this Instrument "**officer**" means –

John Bordignon, Planning and Building Compliance Manager

By this Instrument of Appointment and Authorisation Glen Eira City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 9 August 2016.

The seal of Glen Eira City Council was hereto affixed in the presence of:

..... Councillor

..... Chief Executive Officer

Attachment "C"**S11A Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this Instrument "**officer**" means –

Ronald Torres, Director Planning and Place

By this Instrument of Appointment and Authorisation Glen Eira City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or the officer ceases to be an employee of Glen Eira City Council.

This Instrument is authorised by a resolution of Glen Eira City Council on 9 August 2016.

The seal of Glen Eira City Council was hereto affixed in the presence of:

..... Councillor

..... Chief Executive Officer

9.9 CHANGES TO DELEGATIONS FROM COUNCIL TO MEMBERS OF STAFF AND THE DELEGATED PLANNING COMMITTEE

Author: Diana Vaynrib, Legal and Governance Officer

File No:

Attachments:

'A' Instrument of Delegation to Staff – Planning and Environment Act 1987

'B' Instrument of Delegation to Staff – Road Management Act 2004

'C' Instrument of Delegation to Staff – Other Legislation

'D' Instrument of Delegation to Staff – Delegated Planning Committee

PURPOSE AND SUMMARY

To revoke and replace specified existing delegations and create new delegations of certain powers, duties and functions of Council to Council staff.

RECOMMENDATION

THAT Council :

1.1 *Planning and Environment Act 1987*

In exercise of the powers conferred by section 98(1) of the *Local Government Act* 1989 and under section 188 of the *Planning and Environment Act 1987*, Council resolves:

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 1.1(b) coming into effect;
- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'A';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

1.2 *Road Management Act 2004*

In exercise of the powers conferred by section 98(1) of the *Local Government Act* 1989 and section 118(1) of the *Road Management Act* 2004 Council resolves:

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 1.2(b) coming into effect;
- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'B';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (iii) remains in force until Council determines to vary or revoke it.

1.3 *Other Legislation*

In exercise of the powers conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in attachment 'C' Council resolves:-

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 1.3(b) coming into effect;
- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'C';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

1.4 Delegated Planning Committee

In exercise of the powers conferred by 188 of the *Planning and Environment Act 1987* and sections 86 and 87 of the *Local Government Act 1989*, Council resolves:

- (a) that the existing Instrument of Delegation from Council to the DPC be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 1.4(b) coming into effect;
- (b) that there be delegated to the DPC the powers and functions set out in the attached Instrument of Delegation (as amended) marked 'D'.
- (c) (c)the powers, discretions and authorities conferred on the DPC by the Instrument of Delegation must be exercised in accordance with the purpose, exceptions, conditions and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed; and
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the common seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

BACKGROUND

Changes to four of the existing Instruments of Delegations are required as a result of amendments to legislation, the repeal of legislation, changes to the organisational structure within Council and to improve the administration of Council functions.

There are no changes to the Instrument of Delegation – Council to staff – *Food Act 1984*. This Instrument will be part of the next review of Council Delegations.

Instrument of Delegation – Council to members of staff - *Planning and Environment Act 1987* ('PEA')

Amendments are shown in WORD track changes at attachment 'A'.

Amendments have been made to the PEA to allow for infrastructure plans to be included in a planning scheme.

The *Planning and Environment (Fees) Interim Regulations 2014* have been revoked and replaced with the *Planning and Environment (Fees) Interim Regulations 2015*. Council's powers and duties under these Regulations remain the same. These Regulations will expire on 14 October 2016.

Other changes reflect changes to organisational structure within Council.

Instrument of Delegation – Council to members of staff – *Road Management Act 2004* ('RMA')

Amendments are shown in WORD track changes at attachment 'B'.

The Road Management (General) Regulations 2016 have replaced the Road Management (General) Regulations 2005.

Other changes reflect changes to organisational structure within Council.

Instrument of Delegation – Council to members of staff – other legislation

Amendments are shown in WORD track changes at attachment 'C' and reflect changes to organisational structure within Council.

Instrument of Delegation – Council to the Delegated Planning Committee ('DPC')

Amendments are shown in WORD track changes at attachment 'D' and reflect changes to organisational structure within Council.

ISSUES AND DISCUSSION

N/a

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

N/a

POLICY AND LEGISLATIVE IMPLICATIONS

N/a

COMMUNICATION AND ENGAGEMENT

N/a

LINK TO COUNCIL PLAN

Governance – to deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

N/a

Item 9.9 (cont'd)

Crs Lipshutz/Delahunty

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

“A”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff – *Planning and Environment Act 1987*

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the powers conferred by section 188 of the *Planning and Environment Act* 1987 and section 98(1) of the *Local Government Act* 1989, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that ~~a~~-references in the Schedule are as follows:

'CStatP' means Coordinator ~~Statutory Town~~ Planning;

'CStratP' means Coordinator Strategic Planning;

'~~DIELDAF~~' means ~~Director Infrastructure, Environment and Leisure~~ Director Assets and Facilities;

'~~DPPT~~' means Director Planning and ~~Transport~~ Place;

'ESC' means Engineering Services Coordinator;

'~~MCF~~' means Manager City Futures;

'MIA' means Manager Infrastructure Assets;

'~~MOGCMCSC~~' means Manager ~~Community Safety and Operations~~ Civic Compliance;

'~~MTStatP~~' means Manager ~~Town Statutory~~ Planning

'~~MBCCPBCM~~' means ~~Manager Planning and Building & Civic Compliance~~ Manager;

'PSO' means Planning Support Officer;

'PTO' means Planning Technical Officer;

'PTP' means Principal Town Planner;

'SP' means Subdivision Planner;

'Specific Planning Officers' means ~~DPPT~~, ~~CStatP~~ CPTP, CStratP, ~~MBCCPBCM~~, MCF, MCSC ~~MOGC~~, MStatP MTP, PTO, PTP, SP, STP, SupP and TP;

'STP' means Senior Town Planner;

'StratP' means Strategic Planner;

'SupP' means Supervising Planner; and

'TP' means Town Planner.sa

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 9 August 2016 ~~21 July 2015~~; and

- 3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy adopted by Council; or:

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful decision, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
Council was affixed hereto in)
the presence of:)

.....Councillor

.....Chief Executive Officer

1
SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	Power to prepare an amendment to the Victoria Planning Provisions.	Specific Planning Officers	If authorised by the Minister.
s.4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister.	Specific Planning Officers	
s.4H	Duty to make amendment to Victoria Planning Provisions available.	Specific Planning Officers	
s.4I	Duty to keep Victoria Planning Provisions and other documents available.	Specific Planning Officers	
s.8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A.	Specific Planning Officers	
s.8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme.	Not delegated	
s.8A(5)	Function of receiving notice of the Minister's decision.	Specific Planning Officers	
s.8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days.	DPT DPP MStatPMTIP	
s.8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district.	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons.	Specific Planning Officers	
s.12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s.19 of the <i>Planning and Environment (Planning Schemes) Act</i> 1996).	Specific Planning Officers	
s.12B(1)	Duty to review planning scheme.	DPTDPP MStatP <u>MTP</u>	
s.12B(2)	Duty to review planning scheme at direction of Minister.	DPTDPP MStatP <u>MTP</u>	
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay.	DPTDPP MStatP <u>MTP</u>	
s.14	Carry out duties of the Responsible Authority as set out in subsections (a) to (d).	Specific Planning Officers	
s.17(1)	Duty of giving copy amendment to the planning scheme.	Specific Planning Officers	
s.17(2)	Duty of giving copy s.173 agreement.	Specific Planning Officers	
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18	Duty to make amendment etc available.	Specific Planning Officers	
s.19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to take any other steps necessary to tell anyone who may be affected by the amendment about its preparation.	DPT DPP MStatMTP	
s.19	Function of receiving notice of preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	Power to apply to Minister for exemption from the requirements of s.19.	Specific Planning Officers	
s.21(2)	Duty to make submissions available.	Specific Planning Officers	
s.21A(4)	Duty to publish notice in accordance with section.	Specific Planning Officers	
s.22	Duty to consider all submissions.	Specific Planning Officers	
s.23(1)	After considering submissions, change amendment, refer to a panel or abandon amendment.	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel.	Specific Planning Officers	
s.23(2)	Power to refer to a panel submissions which do not require a change to the amendments.	Not delegated	
s.24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D).	Specific Planning Officers	
s.26(1)	Power to make report available for inspection.	Specific Planning Officers	
s.26(2)	Duty to keep report of panel available for inspection.	Specific Planning Officers	
s.27(1)	Duty to consider panel's report.	Not delegated	
s.27(2)	Power to apply for exemption if panel's report not received.	Not delegated	
s.28	Duty to advise the Minister if abandoning an amendment.	Specific Planning Officers	The power to make a decision to abandon an amendment cannot be delegated.
s.29	Power to adopt amendment	Not delegated	
s.30(4)(a)	Duty to say if amendment has lapsed.	Specific Planning Officers	
s.30(4)(b)	Duty to provide information in writing upon request.	Specific Planning Officers	
s.32(2)	Duty to give more notice if required.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.33(1)	Duty to give more notice of changes to an amendment.	Specific Planning Officers	
s.36(2)	Duty to give notice of approval of amendment.	Specific Planning Officers	
s.38(5)	Duty to give notice of revocation of an amendment.	Specific Planning Officers	
s.39	Function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT.	Specific Planning Officers	
s.40(1)	Function of lodging copy of approved amendment.	Specific Planning Officers	
s.41	Duty to make approved amendment available.	Specific Planning Officers	
s.42	Duty to make copy of planning scheme available.	Specific Planning Officers	
s.46AS(ac)	Power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria.	Not delegated	
<u>s.46GF</u>	<u>duty to comply with directions issued by the Minister</u>	<u>DPP</u> <u>MTP</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DPP MTP	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	DIEL DPP MIA MTP	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	DIEL DPP MIA MTP	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	DIEL DPP MIA MTP	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	DIEL DPP MIA MTP	must be done in accordance with Local Government Act 1989

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	DIEL DPP MIA MTP	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3)(a) and (b)	DIEL DPP MIA MTP	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	DIEL DPP MIA MTP	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	DIEL DPP MIA MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	DIEL DPP MIA MTP	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	DIEL DPP MIA MTP	where council is a collecting agency or development agency
s.46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	Specific Planning Officers	
s.46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	Specific Planning Officers	
s.46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	Specific Planning Officers	Power to reduce or waive infrastructure levy is limited to DIEL , DAF , DPP , MStat , MTP
s.46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid or agreement is in place, prior to issuing building permit.	Specific Planning Officers	
s.46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46P(1)	Power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured.	Specific Planning Officers	
s.46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> DPT MIA MStatP <u>MTP</u>	
s.46Q(1)	Duty to keep proper accounts of levies paid.	Specific Planning Officers	
s.46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services or facilities <u>on behalf of development agency or plan preparation costs incurred by a development agency.</u>	Specific Planning Officers	
s.46Q(2)	Duty to apply levy only for a purpose relating to the provision of <u>plan preparation costs or</u> the works, services and facilities in respect of which the levy was paid etc.	Specific Planning Officers	
s.46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> DPT MStatP <u>MTP</u>	Only applies when levy is paid to Council as a 'development agency.'

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	Duty to pay amount to current owners of land in the area <u>if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a).</u>	DPT <u>MStatP</u> <u>MTP</u>	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s.46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan.	Specific Planning Officers	Must be done in accordance with Part 3.
s.46Q(4)(e)	Duty to expend that amount on other works etc.	DPT	With the consent of, and in the manner approved by, the Minister.
s.46QC	Power to recover any amount of levy payable under Part 3B.	Specific Planning Officers	
<u>s.46QD</u>	<u>duty to prepare report and give a report to the Minister.</u>	<u>DIEL</u> <u>DPT</u> <u>MIA</u> <u>MTP</u>	<u>Where council is a collecting agency or development agency.</u>
s.49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	PSO Specific Planning Officers	
s.49(2)	Duty to make register available for inspection.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(4)	Duty to amend application.	Specific Planning Officers	
s.50(5)	Power to refuse to amend application.	Specific Planning Officers	
s.50(6)	Duty to make note of amendment to application in register.	PSO Specific Planning Officers	
s.50A(1)	Power to make amendment to application.	PSO Specific Planning Officers	
s.50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given.	Specific Planning Officers	
s.50A(4)	Duty to note amendment to application in register.	PSO Specific Planning Officers	
s.51	Duty to make copy of application available for inspection.	Specific Planning Officers	
s.52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	Specific Planning Officers	
s.52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme.	Specific Planning Officers	
s.52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant.	Specific Planning Officers	
s.52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant.	Specific Planning Officers	
s.52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected.	Specific Planning Officers	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	Specific Planning Officers	
s.52(3)	Power to give any further notice of an application where appropriate.	Specific Planning Officers	
s.53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it.	Specific Planning Officers	
s.53(1A)	Power to require the applicant to give the notice under section 52(1AA).	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	Power to require the applicant to provide more information.	Specific Planning Officers	
s.54(1A)	Duty to give notice in writing of information required under s.54(1).	Specific Planning Officers	
s.54(1B)	Duty to specify the lapse date for an application.	Specific Planning Officers	
s.54A(3)	Power to decide to extend time or refuse to extend time to give required information.	Specific Planning Officers	
s.54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s.54A(3).	Specific Planning Officers	
s.55(1)	Duty to give copy application, together with the prescribed information to every referral authority specified in the planning scheme.	Specific Planning Officers	
s.57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	DPPT MStatMTP	
s.57(3)	Function of receiving name and address of persons to who notice of decision is to go.	Specific Planning Officers	
s.57(5)	Duty to make available for inspection copy of all objections.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57A(4)	Duty to amend application in accordance with applicant's request, subject to s.57A(5).	Specific Planning Officers	
s.57A(5)	Power to refuse to amend application.	Specific Planning Officers	
s.57A(6)	Duty to note amendments to application in register.	PSO Specific Planning Officers	
s.57B(1)	Duty to determine whether and to whom notice should be given.	Specific Planning Officers	
s.57B(2)	Duty to consider certain matters in determining whether notice should be given.	Specific Planning Officers	
s.57C(1)	Duty to give copy of amended application to referral authority.	PSO Specific Planning Officers	
s.58	Duty to consider every application for a permit.	Specific Planning Officers	
s.58A	Power to request advice from the Planning Application Committee.	DPT MStatMTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60	Duty to consider certain matters.	Specific Planning Officers	
s.60(1A)	Power to consider certain matters before deciding an application.	Specific Planning Officers	
<u>s.60(1B)</u>	<u>Duty to consider number of objectors in considering whether use or development may have significant social effect.</u>	<u>Specific Planning Officers</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application.	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i) there has been no objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application has not been referred to the Council or the Delegated Planning Committee (DPC) for determination. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or ii) an application is for use of land for gaming machines; or iii) an application is for extension of time for tennis court illumination beyond 10.00pm; or iv) a proposal involves dwellings exceeding one level, except where the delegate is DPP or MStatPMT who may grant a permit allowing a double storey development. <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral or authority has directed refusal; or <p>the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit.	Specific Planning Officers	
s.61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to grant of permit.	Specific Planning Officers	
s.61(3)(b)	Duty to refuse to grant the permit without the Minister's consent.	Specific Planning Officers	
s.61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant.	Specific Planning Officers	
s.62(1)	Duty to include certain conditions in deciding to grant a permit.	Specific Planning Officers	
s.62(2)	Power to include other conditions.	Specific Planning Officers	
s.62(4)	Duty to ensure conditions are consistent with subsections (a), (b) and (c).	Specific Planning Officers	
s.62(5)(a)	Power to include a permit condition to implement an approved development contributions plan.	Specific Planning Officers	
s.62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant.	Specific Planning Officers	
s.62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with s.62(5) or s.46N.	Specific Planning Officers	
s.62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a).	Specific Planning Officers	
s.63	Duty to issue the permit where made a decision in favour of the application (if no one has objected).	Specific Planning Officers	
s.64(1)	Duty to give notice of decision to grant a permit to applicant and objectors.	Specific Planning Officers	
s.64(3)	Duty not to issue a permit until after the specified period.	Specific Planning Officers	
s.64(5)	Duty to give copy of decision on an application that is exempt under planning scheme from the requirements of s.64(1), s.64(2) and s.64(3) to objectors.	Specific Planning Officers	
s.64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit.	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see section 75A.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s.57.	Specific Planning Officers	
s.66(1)	Duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities.	Specific Planning Officers	
s.66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	Specific Planning Officers	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority.
s.66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	Specific Planning Officers	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit.
s.66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s.64 or s.65.	Specific Planning Officers	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included in the permit.
s.69(1)	Function of receiving application for extension of time of permit.	Specific Planning Officers	
s.69(1A)	Function of receiving application for extension of time to complete development.	Specific Planning Officers	
s.69(2)	Power to extend time.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70	Duty to make copy permit available for inspection.	PSO Specific Planning Officers	
s.71(1)	Power to correct certain mistakes.	Specific Planning Officers	
s.71(2)	Duty to note corrections in register.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	Power to decide to grant amendment subject to conditions.	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i) there has been no objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application has not been referred to the Council or the Delegated Planning Committee (DPC) for determination. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or ii) an application is for use of land for gaming machines; or iii) an application is for extension of time for tennis court illumination beyond 10.00pm; or iv) a proposal involves dwellings exceeding one level, except where the delegate is DPPT or MStatPMTP who may grant a permit allowing a double storey development.
s.74	Duty to issue amended permit to applicant if no objectors.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	Specific Planning Officers	
s.76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	PSO Specific Planning Officers	
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority.
s.76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit.
s.76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s.64 or s.76.	Specific Planning Officers	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s.76D	Duty to comply with direction of Minister to issue amended permit.	Specific Planning Officers	
s.83	Function of being respondent to an appeal.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83B	Duty to give or publish notice of application for review.	Specific Planning Officers	
s.84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	CStratP DPT MStatP MTP	The power may only be exercised by the delegate where: i) no objections have been lodged; and ii) the application is generally in compliance with existing policy or guidelines.
s.84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit.	Specific Planning Officers	
s.84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit.	Specific Planning Officers	
s.84(6)	Duty to issue permit on receipt of advice within 3 working days.	Specific Planning Officers	
s.86	Duty to issue a permit at order of VCAT within 3 working days.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	CStratP DPT MOCCMCSC MStatP MBCGPBCM SupP	
s.90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	Specific Planning Officers	
s.91(2)	Duty to comply with the directions of the VCAT.	Specific Planning Officers	
s.91(2A)	Duty to issue amended permit to owner if VCAT so directs.	Specific Planning Officers	
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90.	Specific Planning Officers	
s.93(2)	Duty to give notice of VCAT order to stop development.	Specific Planning Officers	
s.95(3)	Function of referring certain applications to the Minister.	Specific Planning Officers	
s.95(4)	Duty to comply with an order or direction.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	Specific Planning Officers	
s.96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land.	DPT DPP	
s.96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	Specific Planning Officers	
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C.	Specific Planning Officers	
s.96F	Duty to consider panel's report under s.96E.	Not delegated	
s.96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s.23 of the <i>Planning and Environment (Planning Schemes) Act</i> 1996).	Specific Planning Officers	
s.96H(3)	Power to give notice in compliance with Minister's direction.	Specific Planning Officers	
s.96J	Power to issue permit as directed by the Minister.	Specific Planning Officers	
s.96K	Duty to comply with direction of the Minister to give notice of refusal.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate.	Specific Planning Officers	
s.97C	Power to request Minister to decide the application.	Not delegated	
s.97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	Specific Planning Officers	
s.97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	Specific Planning Officers	
s.97G(6)	Duty to make a copy of permits issued under s.97F available for inspection.	Specific Planning Officers	
s.97L	Duty to include Ministerial decisions in a register kept under s.49.	Specific Planning Officers	
s.97MH	Duty to provide information or assistance to the Planning Application Committee.	DPTDPP MStat MTP	
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	DPTDPP MStat MTP	
s.97O	Duty to consider application and issue or refuse to issue certificate of compliance.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	Specific Planning Officers	
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	Specific Planning Officers	
s.97Q(4)	Duty to comply with directions of VCAT.	Specific Planning Officers	
s.97R	Duty to keep register of all applications for certificate of compliance and related decisions.	Specific Planning Officers	
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	Specific Planning Officers	
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	Specific Planning Officers	
s.101	Function of receiving claim for expenses in conjunction with claim.	Specific Planning Officers	
s.103	Power to reject a claim for compensation in certain circumstances.	DPTDPP	
s.107(1)	Function of receiving claim for compensation.	Specific Planning Officers	
s.107(3)	Power to agree to extend time for making a claim.	DPTDPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.114(1)	Power to apply to VCAT for an enforcement order.	DPTDPP MOCCMCSC MStatP MTP MBCCPBCM SupP	
s.117(1)(a)	Function of making a submission to VCAT where objections are received.	Specific Planning Officers	
s.120(1)	Power to apply for an interim enforcement order where s.114 application has been made.	DPTDPP MOCCMCSC MStatP MTP MBCCPBCM SupP	
s.123(1)	Power to carry out work required by enforcement order and recover costs.	DPTDPP	
s.123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s.123(1).	DPTDPP	Except Crown land
s.129	Function of recovering penalties.	DPTDPP MOCCMCSC MStatP MTP MBCCPBCM	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	Power to allow person served with an infringement notice further time.	DPT DPP MStat P MTP MCSC PBCM	
s.133	Power to appoint authorised officer to enter land to carry out specific functions.	DPT DPP	
s.149A(1)	Power to refer a matter to VCAT for determination.	CStat PCTP DPT DPP MOCC MCSC MStat P MTP MBCC PBCM SupP	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement.	CStratP DPT DPP MStat P MTP PTP SupP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement incurred by the panel in carrying out its function unless the Minister directs otherwise under subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4).	DPTDPP MStatP <u>MTP</u>	
s.171(2)(f)	Power to carry out studies and commission reports.	DPTDPP	
s.171(2)(g)	Power to grant and reserve easements.	DPTDPP	
s.173	Power to enter into agreement covering matters set out in s.174	DAFDIEL DPTDPP	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority.	DAFDIEL DPTDPP ESC MOCCMCSC MIA MStatP <u>MTP</u> MBCCPBCM	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or the Responsible Authority.	DAFDIEL DPTDPP ESC MOGGMCS MIA MStatP MTP MBCCPBCM	
s.177(2)	Power to end a s.173 with the agreement of all those bound by an covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAFDIEL MOGGMCS MStatP MTP MBCCPBCM	
s.178	Power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAFDIEL DPTDPP	
s.178A(1)	Function of receiving application to amend or end an agreement.	Specific Planning Officers	
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1).	CStatP CTP DPTDPP MStatP MTP PTP SupP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	CStat <u>CTP</u> DPT <u>DPP</u> MStat <u>MTP</u> PTP SupP	
s.178A(5)	Power to propose to amend or end an agreement.	DPT <u>DPP</u>	
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	Specific Planning Officers	
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	Specific Planning Officers	
s.178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end.	Specific Planning Officers	
s.178C(4)	Function of determining how to give notice under s.178C(2).	Specific Planning Officers	
s.178E(1)	Duty not to make decision until after 14 days after notice has been given.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	CStat PCTP DPT DPP MStat MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different to the proposal.	CStat PCTP DPT DPP MStat MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(2)(c)	Power to refuse to amend or end the agreement.	CStat PCTP DPT DPP MStat MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	CStat PCTP DPT DPP MStat MTP PTP SupP	After considering objections, submissions and matters in s.178B.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CStat <u>PCTP</u> DPT <u>DPP</u> MStat <u>MTP</u> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	CStat <u>PCTP</u> DPT <u>DPP</u> MStat <u>MTP</u> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178E(3)(d)	Power to refuse to amend or end the agreement.	CStat <u>PCTP</u> DPT <u>DPP</u> MStat <u>MTP</u> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b).	Specific Planning Officers	
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or 3(d.)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178F(4)	Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to VCAT has been determined or withdrawn.	Specific Planning Officers	
s.178G	Duty to sign amended agreement and give copy to each party to the agreement.	DPT <u>DPP</u>	
s.178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement.	DPT <u>DPP</u>	
s.178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	DPT <u>DPP</u> MStat <u>P</u> <u>MTP</u>	
s.179(2)	Duty to make available for inspection copy agreement.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA Specific Planning Officers	
s.181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> DPT <u>DPP</u> MStat <u>P</u> <u>MTP</u>	
s.181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	DPT <u>DPP</u> MStat <u>P</u> <u>MTP</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	DPTDPP MStatP <u>MTP</u>	
s.182	Power to enforce an agreement.	DAFDIEL DPTDPP MOCGMCS MStatP <u>MTP</u> MBCCPBCM	
s.183	Duty to tell Registrar of Titles of ending/amendment of agreement.	DAFDIEL Specific Planning Officers	
s.184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision.	DPTDPP MStatP <u>MTP</u>	
s.184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application has been made to VCAT for review of a failure to amend or end an agreement.	DPTDPP MStatP <u>MTP</u>	
s.184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement.	DPTDPP MStatP <u>MTP</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision.	DPT DPP MStatP MTP	
s.184G(2)	Duty to comply with a direction of VCAT.	Specific Planning Officers	
s.184G(3)	Duty to give notice as directed by VCAT.	Specific planning Officers	
s.198(1)	Function to receive application for planning certificate.	Specific Planning Officers	
s.199(1)	Duty to give planning certificate to applicant.	Specific Planning Officers	
s.201(1)	Function of receiving application for declaration of underlying zoning.	Specific Planning Officers	
s.201(3)	Duty to make declaration.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make a decision relating to the conduct of a mediation before VCAT, including a decision to settle the mediation.	Specific Planning Officers	<ol style="list-style-type: none"> Where Council is a party to a mediation before VCAT. If the matter has previously been subject to a determination by Council or Delegated Planning Committee, can only be exercised if, in the opinion of DPTDPP, MStatP^{MTP} or SupP the matter being mediated is of a minor nature and the intent of the Council's or Delegated Planning Committee's decision is not compromised; or If the matter has previously subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPTDPP, MStatP^{MTP} or SupP if the decision to settle the mediation involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.
-	Determine that a matter be considered at a mediation before VCAT.	CStratP DPTDPP MStatP ^{MTP} SupP	
-	Power to decide, in relation to any planning scheme or permit that a specified thing has or has not been done to the satisfaction of Council.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of consent.	Specific Planning Officers	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit.	Specific Planning Officers	
-	Power to give written authorisation in accordance with a provision of a planning scheme.	Specific Planning Officers	
s.201UAB(1)	Function of providing the Growth Areas Authority with information relating to any land within municipal district.	DPT DPP MStatP MTP SupP	
s.201UAB(2)	Function to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible.	DPT DPP MStatP MTP SupP	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s.54 of the Act.	Specific Planning Officers	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Specific Planning Officers	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	Specific Planning Officers	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 20154 (THESE REGULATIONS EXPIRE ON 1 46 OCTOBER 201 65).			
Column 1	Column 2	Column 3	Column 4
	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	CStat PCTP DPT DPP MStat MTP	
r.17	Power to waive or rebate a fee relating to an amendment of a planning scheme.	CStat PCTP DPT DPP MStat MTP	
r.18	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17.	CStat PCTP DPT DPP MStat MTP	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
13 – 19.03, 21-22.04-4, 31 - 37, 41, 42.02, 42.03, 43.01, 45.01, 45.03, 45.06, 51, 52.04, 52.05, 52.06-2 – 52.06-5, 52.07-52.27, 52.29-52.30, 54-55, 61-64, 67	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
43.04-3	<ul style="list-style-type: none"> Power to allow a Development Plan to be prepared and implemented in stages. Power to amend a Development Plan. 	Not delegated	Power can only be exercised by Delegated Planning Committee or Council.
52.01 – 52.02, 56, 65, 66	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
52.06-1	<ul style="list-style-type: none"> Power to reduce or waive car parking. Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5. 	Specific Planning Officers	<p>The power to reduce or waive car parking specified in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.</p> <p>An application involving a reduction of more than ten car spaces may only be determined by DPTDPP or MStatPMT -</p>
52.28	Power to grant permit for gaming machines.	Not delegated	Can only be exercised by Delegated Planning Committee or Council

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
19.04, 43.04-1, 52.03	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions in relation to brothel and Sexually Explicit Adult Entertainment Venue applications, development plan approvals, specific sites and exclusions.	Not delegated	Can only be exercised by Delegated Planning Committee or Council

“B”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff – *Road Management Act 2004*

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the powers conferred by section 118(1) of the *Road Management Act* 2004 and section 98(1) of the *Local Government Act* 1989, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that ~~a~~ references s in the Schedule are as follows to:
 - 'CCC' means Coordinator Civic Compliance;
 - 'DIELDAF' means Director Infrastructure, Environment and Leisure Assets and Facilities;
 - 'DPPT' means Director Planning and Transport Place;
 - 'GMPESS' Group Manager Property, Environment and Sustainability Environmental Strategy and Services;
 - 'GMMPIRGMPI' means Group Manager Major Projects and Infrastructure Renewal;
 - 'MBCCPBCM' means ~~Manager~~ Planning and Building and Civic Compliance Manager;
 - 'MW' means Manager Works;
 - 'MIA' means Manager Infrastructure Assets; and
 - 'MOCCMCSC' means Manager Community Safety and Operations Civic Compliance.
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 9 August 2016~~21 July 2015~~; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy adopted by Council; or:
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise, or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
 Council was affixed hereto in)
 the presence of:)

..... Councillor

..... Chief Executive Officer

SCHEDULE

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(1)	Power to declare a road by publishing a notice in the Government Gazette.	Not delegated	Obtain consent in circumstances specified in section 11(2).
s11(8)	Power to name a road or change the name of a road by publishing a notice in Government Gazette.	Not delegated	
s11(9)(b)	Duty to advise Registrar.	DAFDIEL	
s11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning Sustainability and Environment of declaration etc.	DAFDIEL	Clause subject to section 11(10A).
s11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning Sustainability and Environment or nominated person.	DAFDIEL	Duty of coordinating road authority
s12(2)	Power to discontinue road or part of a road.	DAFDIEL	Duty of coordinating road authority.
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance.	DAFDIEL	Power of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s12(5)	Duty to consider written submissions received within 28 days of notice.	DAFDIEL	Duty of coordinating road authority Where it is the discontinuing body. Unless subsection (11) applies.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	Function of hearing a person in support of their written submission.	DAFDIEL	Function of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(7)	Duty to fix day, time and place of meeting under subsection (6) and to give notice.	DAFDIEL	Duty of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(10)	Duty to notify of decision made.	DAFDIEL	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister.
s.13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	DAFDIEL	Power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate.
s.14(4)	Function of receiving notice from VicRoads.	DAFDIEL	
s.14(7)	Power to appeal against decision of VicRoads.	DAFDIEL	
s.15(1)	Power to enter into arrangement with another road authority or utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of	DAFDIEL	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	public transport.		
s.15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	DAFDIEL	
s.15(2)	Duty to include details of arrangement in public roads register.	DAFDIEL MIA	
s.16(7)	Power to enter into an arrangement under s.15.	DAFDIEL	
s.16(8)	Duty to enter details of determination in public roads register.	DAFDIEL	
s.17(2)	Duty to register public road in public roads register.	DAFDIEL MIA	Duty of coordinating road authority.
s.17(3)	Power to decide that a road is reasonably required for general public use.	DAFDIEL DPTDPP	Power of coordinating road authority.
s.17(3)	Duty to register a road reasonably required for general public use in public roads register.	DAFDIEL MIA	Duty of coordinating road authority.
s.17(4)	Power to decide that a road is no longer reasonably required for general public use.	DAFDIEL DPTDPP	Power of coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(4)	Duty to remove road no longer reasonably required for general public use from public roads register.	DAFDIEL	Duty of coordinating road authority.
s.18(1)	Power to designate ancillary area.	DAFDIEL	Power of coordinating road authority, and obtain consent in circumstances specified in s.18(2).
s.18(3)	Duty to record designation in public roads register.	DAFDIEL	Duty of coordinating road authority.
s.19(1)	Duty to keep register of public roads in respect of which Council is the coordinating road authority.	DAFDIEL MIA	
s.19(4)	Duty to specify details of discontinuance in public roads register.	DAFDIEL	
s.19(5)	Duty to ensure public roads register is available for public inspection.	DAFDIEL MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	Function of replying to request for information or advice.	DAFDIEL	Obtain consent in circumstances specified in s.11(2).
s.22(2)	Function of commenting on proposed direction.	DAFDIEL	
s.22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DAFDIEL MIA	
s.22(5)	Duty to give effect to a direction under this section.	DAFDIEL MIA	
s.40(1)	Duty to inspect, maintain and repair a public road.	DAFDIEL MW	
s.40(5)	Power to inspect, maintain and repair a road which is not a public road.	DAFDIEL MW MIA GMES SGMPES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DAFDIEL MW GMMPIRGMPI MIA	
s.42(1)	Power to declare a public road as a controlled access road.	Not delegated	Power of coordinating road authority and Schedule 2 also applies
s.42(2)	Power to amend or revoke declaration by notice published in Government Gazette.	DAFDIEL	Power of coordinating road authority and Schedule 2 also applies.
s.42A(3)	Duty to consult with VicRoads before road is specified.	DAFDIEL	Where Council is coordinating road authority. If road is a municipal road or part thereof.
s.42A(4)	Power to approve Minister's decision to specify a road as a specified freight road.	DAFDIEL	Where Council is coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road.
s.48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	DAFDIEL	Where Council is— the responsible road authority, infrastructure manager or works manager.
s.48M(3)	Function of consulting with the Secretary for purposes of developing guidelines under s.48M.	DAFDIEL	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.48N	Duty to notify the <u>relevant authority</u> Secretary of the location of the bus stopping point and action taken by Council.	DAFDIEL MIA	
s.49	Power to develop and publish a road management plan.	DAFDIEL	
s.51	Power to determine standards by incorporating the standards in a road management plan.	DAFDIEL	
s.53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan.	DAFDIEL	
s.54(2)	Duty to give notice of proposal to make a road management plan.	DAFDIEL	
s.54(5)	Duty to conduct a review of road management plan at prescribed intervals in accordance with the regulations.	DAFDIEL	
s.54(6)	Power to amend road management plan in accordance with the regulations.	DAFDIEL	
s.54(7)	Duty to incorporate the amendments into the road management plan.	DAFDIEL MIA	
s.55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	DAFDIEL	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	Power to consent to conduct of works on road.	<u>CCC</u> DAFDIEL DPTDPP MOCC <u>MCSC</u> MIA MBCC <u>PBCM</u>	Where Council is the coordinating road authority.
s.63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	DAFDIEL DPTDPP MIA MW	Where Council is the infrastructure manager.
s.64(1)	Duty to comply with clause 13 of Schedule 7.	DAFDIEL DPTDPP MIA	Where Council is the infrastructure manager or works manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MW	
s.66(1)	Power to consent to structure etc.	<u>CCC</u> DAFDIEL DPTDPP MOCC <u>MCSC</u> MIA MW MBCC <u>PBCM</u>	Where Council is the coordinating road authority.
s.67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill.	<u>CCC</u> DAFDIEL DPTDPP MOCC <u>MCSC</u> MIA MW	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MBCC <u>PBCM</u>	
s.67(3)	Power to request information.	<u>CCC</u> DAF <u>DIEL</u> DPT <u>DPP</u> MOCC <u>MCSC</u> MIA MW MBCC <u>PBCM</u>	Where Council is the coordinating road authority.
s.68(2)	Power to request information.	<u>CCC</u> DAF <u>DIEL</u> DPT <u>DPP</u> MOCC <u>MCSC</u> MIA	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MW <u>MBCCPBCM</u>	
s.71(3)	Power to appoint an authorised officer.	DAFDIEL DPTDPP	
s.72	Duty to issue an identity card to each authorised. officer	DAFDIEL DPTDPP	
s.85	Function of receiving report from authorised officer.	DAFDIEL DPTDPP GMESSGMPES MIA MW	
s.86	Duty to keep register re s.85 matters.	DAFDIEL DPTDPP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		GM ESS GMP PES MW	
s.87(1)	Function of receiving complaints.	DA F D I E L D P T D P P GM ESS GMP PES MW MIA	
s.87(2)	Duty to investigate complaint and provide report.	DA F D I E L D P T D P P GM ESS GMP PES MIA MW	
s.96(1)	Power to authorise institution of legal proceedings.	CCC DA F D I E L	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		DPTDPP MBCCPBCM MCSC	
s.112(2)	Power to recover damages in court.	DAFDIEL DPTDPP	
s.116	Power to cause or carry out inspection.	DAFDIEL DPTDPP GMESSGMPES MW	
s.119(2)	Function of consulting with VicRoads.	DAFDIEL DPTDPP MW MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	Power to exercise road management functions on arterial road (with the consent of VicRoads).	DAFDIEL MIA MW GMMPIRGMPI	
s.120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s.120(1).	DAFDIEL DPTDPP MW	
s.121(1)	Power to enter into an agreement in respect of works.	DAFDIEL DPTDPP MW	
s.122(1)	Power to charge and recover fees.	DAFDIEL DPTDPP MW MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MBCC PBCM MCSC	
s.123(1)	Power to charge for any service.	DAFDIEL DPTDPP MW	
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads.	DAFDIEL DPTDPP	
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads.	Not delegated	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	Not delegated	
Schedule 2 Clause 4	Function of receiving details of proposal from VicRoads.	DAFDIEL DPTDPP	
Schedule 2 Clause 5	Duty to publish notice of declaration.	DAFDIEL DPTDPP	
Schedule 7	Duty to give notice to relevant coordinating road	DAFDIEL	Where Council is the infrastructure manager or

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 7(1)	authority of proposed installation of non-road infrastructure or related works on a road reserve.	DPTDPP MW	works manager.
Schedule 7 Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road.	DAFDIEL DPTDPP MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 9(1)	Duty to comply with request for information form a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	DAFDIEL DPTDPP MW	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.
Schedule 7 Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	DAFDIEL DPTDPP MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 10(2)	Where Schedule 7 clause 10(1) applies, duty to, Where possible, conduct appropriate consultation with persons likely to be significantly affected.	DAFDIEL DPTDPP MW	Where Council is the infrastructure manager or works manager.
Schedule 7	Power to direct infrastructure manager or works	DAFDIEL	Where Council is the coordinating road

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 12(2)	manager to conduct reinstatement works.	DPTDPP MW MIA	authority.
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed.	DAFDIEL DPTDPP MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	DAFDIEL DPTDPP MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 12(5)	Power to recover costs.	DAFDIEL DPTDPP MW	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MIA	
Schedule 7 Clause 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2).	DAFDIEL DPTDPP MW MIA	Where Council is the works manager.
Schedule 7 Clause 13(2)	Power to vary notice period.	DAFDIEL DPTDPP MW	Where Council is the coordinating road authority.
Schedule 7 Clause 13(3)	Duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1).	DAFDIEL DPTDPP MW	Where Council is the infrastructure manager.
Schedule 7 Clause 16(1)	Power to consent to proposed works.	DAFDIEL DPTDPP MIA	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(4)	Duty to consult.	DAFDIEL DPTDPP MIA	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
Schedule 7 Clause 16(5)	Power to consent to proposed works.	DAFDIEL DPTDPP MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent.	DAFDIEL DPTDPP	Where Council is the coordinating road authority.
Schedule 7 Clause 16(8)	Power to include consents and conditions.	DAFDIEL DPTDPP	Where Council is the coordinating road authority.
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal.	DAFDIEL DPTDPP	Where Council is the coordinating road authority.
Schedule 7 Clause 18(1)	Power to enter into an agreement.	DAFDIEL	Where Council is the coordinating road authority.
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works.	DAFDIEL DPTDPP	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 19(2) and (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred.	DAFDIEL DPTDPP	Where Council is the coordinating road authority.
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure.	DAFDIEL DPTDPP MIA	Where Council is the coordinating road authority.
Schedule 7A Clause 2	Power to cause street lights to be installed on roads.	DAFDIEL DPTDPP MIA	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
Schedule 7A Clause 3(1)(d)	Power to pay installation and operation costs of street lighting – where road is not an arterial road.	DAFDIEL MIA	Where Council is the responsible road authority.
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	DAFDIEL MIA	Where Council is the responsible road authority.
Schedule 7A Clause 3(1)(f)	Duty to pay installation and percentage of operation Costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4.	DAFDIEL MIA	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs).

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 2005			
Note: these regulations are due to expire on 20 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 3018 (1)	Duty to conduct reviews of road management plan.	DAF DIEL	
r.302(1)	Duty to ensure that standards and priorities in road management plan are appropriate.	DAF DIEL	
r. 302 (2)	Duty to give public notice of review of road management plan and publish such notice.	DAF	
r. 3029 (52)	Duty to produce a written report on a review and make the report available.	DAF DIEL	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DIEL	where council is the coordinating road authority
r. 10303	Duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act.	DAF DIEL	
r.13(1)	Duty to publish notice of amendments to road management plan	DIEL	where council is the coordinating road authority
r. 306 (2)13(3)	Duty to record on its road management plan details of an amendment.	DAF DIEL	
r. 501 (1)16(3)	Power to issue permit.	CCC DAF DIEL	Where Council is the coordinating road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 2005 Note: these regulations are due to expire on 20 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MOCC MCSC MIA DPT DPP MBCC PBCM	
r.501(4)	Power to charge fee for issuing a permit under r.501(1).	DAF DPT MOCC MIA MBCC	Where Council is the coordinating road authority.
r.503 18(1)	Power to give written consent re to person to drive on road a vehicle which is likely to cause damage to road.	DAF DIEL	Where Council is the coordinating road authority.
r.508(1)	Duty to consider certain matters when considering giving consent to structure, etc. under s.66(1).	DAF DPT MOCC MIA MBCC	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 2005			
Note: these regulations are due to expire on 20 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 508 23(23)	Power to make submissions to Tribunal.	DPT DPP MBCG PBCM	Where Council is the coordinating road authority.
r.23(4)	<u>power to charge a fee for application under section 66(1) Road Management Act</u>	<u>CCC</u> <u>DIEL</u> <u>DPP</u> <u>MCSC</u> <u>MIA</u> <u>PBCM</u>	<u>Where council is the coordinating road authority.</u>
r. 509 25(1)	Power to remove object, refuse, rubbish or other material left on road	<u>CCC</u> DAF DIEL DPT DPP GMES SGMPES MOCC MCSC MIA MW	Where Council is the coordinating road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 2005			
Note: these regulations are due to expire on 20 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MBCC PBCM	
r. 50925 (2)	Power to sell or dispose of destroy things removed from road or part of road (after first complying with r. 50925 (3).	DAFDIEL DPTDPP	Where Council is the coordinating road authority.
r. 50925 (54)	Power to recover in Magistrates' Court expenses incurred from person responsible.	DAFDIEL	

ROADS MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.1 59	Power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works.	DA <u>FDI</u> <u>EL</u>	Where Council is the coordinating road authority and consent given under s.63(1) of the Act.
r.22(2)	Power to waive whole or part of fee in certain circumstances.	DA <u>FDI</u> <u>EL</u>	Where Council is the coordinating road authority.

“C”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff –

Domestic Animals Act 1994, Heritage Act 1995, Rail Safety (Local Operations) Act 2006, Residential Tenancies Act 1997, Environment Protection Act 1970 and Residential Tenancies Act 1997, Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that ~~a~~-references s in the Schedule are as follows~~to~~:
 - 'CCC' means Coordinator Civic Compliance;
 - 'DIELDAF' means Director Infrastructure, Environment and Leisure~~Director Assets and Facilities~~;
 - 'DPP' means Director- Planning and Transport~~Place~~;
 - 'EHO' means Environmental Health Officer;
 - 'MBP' means Manager Buildings & Properties;
 - 'MIA' means Manager Infrastructure Assets;
 - 'MOCCMCSC' means Manager Community Safety and Operations, ~~Civic~~-Compliance;
 - 'MPH' means Manager Public Health;
 - 'MST' means Manager Strategic Transport;
 - 'MTStatP' means Manager Town-Statutory Planning;
 - 'MBCCPBCM' means Manager Planning and Building ~~& Civic~~-Compliance Manager;
 - and
 - 'SEHO' means Senior Environmental Health Officer.
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 9 August 2016~~21 July 2016~~; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is
affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy adopted by Council; or:

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
Council was affixed hereto in)
the presence of:)

.....Councillor

.....Chief Executive Officer

1
SCHEDULE

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41A(1)	Power to declare a dog to be a menacing dog.	<u>CCC</u> MOCC <u>MCSC</u> MBCC <u>PBCM</u>	Council may delegate this power to an authorised officer.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.53M(3)	Power to require further information.	EHO MPH SEHO	
s.53M(4)	Duty to advise applicant that application is not to be dealt with.	EHO MPH SEHO	
s.53M(5)	Duty to approve plans, issue permit or refuse permit.	EHO MPH SEHO	Refusal must be ratified by Council or it is of no effect.
s.53M(6)	Power to refuse to issue septic tank permit.	EHO MPH SEHO	Refusal must be ratified by Council or it is of no effect.
s.53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c).	MPH SEHO	Refusal must be ratified by Council or it is of no effect.

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	Power to sub-delegate Executive Director's functions.	DP <u>P</u> †	Must obtain Executive Director's written consent first.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	Duty to comply with a direction of the Safety Director under this section.	DAFDIEL MIA	Duty of Council as a utility under s.3.
s.33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section.	DAFDIEL MIA	Duty of Council as a road authority under the <i>Road Management Act 2004</i> .
s.34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1).	DAFDIEL MIA	Duty of Council as a utility under s.3.
s.34C(2)	Function of entering into safety interface agreements with rail infrastructure manager.	DAFDIEL MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed.	DAFDIEL MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34D(2)	Function of receiving written notice of opinion.	DAFDIEL MIA	Where Council is the relevant road authority.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(4)	Function of entering into safety interface agreement with infrastructure manager.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34E(1)(a)	Duty to identify and assess risks to safety.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in section.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s.34D(2)(a).	DA <u>F</u> <u>DI</u> <u>EL</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s.34D(2)(a).	DA <u>F</u> <u>DI</u> <u>EL</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DA <u>F</u> <u>DI</u> <u>EL</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.
s.34H	Power to identify and assess risks to safety as required under s.34B, s.34C, s.34D, s.34E or s.34F in accordance with subsections (a)-(c)	DA <u>F</u> <u>DI</u> <u>EL</u> MIA MST MStat <u>PMTP</u>	Where Council is the relevant road authority.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34I	Function of entering into safety interface agreements.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA MStat <u>P</u> <u>M</u> <u>T</u> <u>P</u>	Where Council is the relevant road authority.
s.34J(2)	Function of receiving notice from Safety Director.	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA	Where Council is the relevant road authority.
s.34J(7)	Duty to comply with a direction of the Safety Director given under s.34J(5).	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA	Where Council is the relevant road authority.
s.34K(2)	Duty to maintain a register of items set out in subsections (a)-(b).	DA <u>F</u> <u>D</u> <u>I</u> <u>E</u> <u>L</u> MIA	Where Council is the relevant road authority.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	Function of receiving notice regarding an unregistered rooming house.	EHO <u>MCSC</u> MPH <u>MBCC</u> <u>PBCM</u> SEHO	
s.142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district.	EHO <u>MCSC</u> MPH <u>MBCCPBCM</u> SEHO	
s.142G(2)	Power to enter certain information in the Rooming House Register.	EHO <u>MCSC</u> MPH <u>MBCCPBCM</u> SEHO	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142GI(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry.	EHO MBCC MCSC MPH PBCM SEHO	
s.252	Power to give tenant a notice to vacate rented premises if subsection (1) applies.	MBP	Where Council is the landlord.
s.262(1)	Power to give tenant a notice to vacate rented premises.	MBP	Where Council is the landlord.
s.262(3)	Power to publish its criteria for eligibility for the provision of housing by Council.	MBP	
s.518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements.	MCSC MBCC PBCM	
s.522(1)	Power to give a compliance notice to a person.	MCSC MBCC PBCM	
s.525(2)	Power to authorise an officer to exercise powers in s.526 (either generally or in a particular case).	MCSC MBCC PBCM	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.525(4)	Duty to issue identity card to authorised officers.	<u>MCSC</u> MBCCPBCM	
s.526(5)	Duty to keep record of entry by authorised officer under s.526.	<u>MCSC</u> MBCCPBCM	
s.526A(3)	Function of receiving report of inspection.	<u>MCSC</u> MBCCPBCM	
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case).	<u>MCSC</u> MBCCPBCM	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	Function of entering into a written agreement with a caravan park owner.	<u>MCSC</u> MPH <u>MBCC</u> <u>PBCM</u> SEHO	
r.11	Function of receiving application for registration.	EHO <u>MOCCMCSC</u> MPH <u>MBCC</u> <u>PBCM</u> SEHO	
r.13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations.	MOCCMCSC MPH MBCCPBCM SEHO	
r.13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MOCCMCSC MPH MBCCPBCM SEHO	
r.13(4) and 13(5)	Duty to issue a certificate of registration.	MOCCMCSC MPH MBCCPBCM SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15(1)	Function of receiving notice of transfer of ownership.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	
r.15(3)	Power to determine where notice of transfer is displayed.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	
r.16(1)	Duty to transfer registration to new caravan park owner.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(2)	Duty to issue certificate of transfer of registration.	MOCC MCSC MPH MBCC PBCM SEHO	
r.17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration.	EHO MPH MBCC PBCM SEHO	
r.18	Duty to keep register of caravan parks.	MOCC MCSC MPH MBCC PBCM SEHO	
r.19(4)	Power to determine where the emergency contact person's details are displayed.	EHO MOCC MCSC MPH MBCC PBCM SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(6)	Power to determine where certain information is displayed.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	
r.22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner.	<u>MOCCMCSC</u> <u>MBCCPBCM</u>	
r.22A(2)	Duty to consult with relevant emergency services agencies.	<u>MOCCMCSC</u> <u>MBCCPBCM</u>	
r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures.	EHO <u>MOCCMCSC</u> MPH <u>MBCCPBCM</u> SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings.	EHO MOG MCSC MPH MBCC PBCM SEHO	
r.25(3)	Duty to consult with relevant floodplain management authority.	EHO MOG MCSC MPH MBCC PBCM SEHO	
r.26	Duty to have regard to any report of the relevant fire authority.	EHO MOG MCSC MPH MBCC PBCM SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a moveable dwelling.	EHO MPH SEHO	
r.39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe.	EHO MOCC MCSC MPH MBCC PBCM SEHO	
r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe.	EHO MOCC MCSC MPH MBCC PBCM SEHO	
r.40(4)	Function of receiving installation certificate.	EHO MOCC MCSC MPH MBCC PBCM SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling.	EHO MOCC MCSC MPH MBCC PBCM SEHO	
Schedule 3 Clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling.	EHO MOCC MCSC MPH MBCC PBCM SEHO	

“D”

Glen Eira City Council

INSTRUMENT OF DELEGATION

Delegated Planning Committee (DPC)

Glen Eira City Council (“Council”) delegates to the committee established by resolution of Council passed on 20 September 2011 and known as the **Delegated Planning Committee** (“Committee”), the powers, discretions and authorities set out in the Schedule and declares that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on 9 August 2016
~~21 July 2015~~.
2. The delegation:
 - 2.1 comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts.
3. The purposes of the Committee are set out in the Schedule.
4. There be delegated to the Committee the powers, duties and functions set out in the attached Schedule.
5. The Committee is required to meet at a time and place determined by it or if not determined by it, as determined by the Chairperson.
6. The Chairperson of the Committee is the person occupying the position of Director Planning and PlaceTransport or Manager Statutory Town Planning or the person acting in either of those positions.
7. If the Chairperson nominated in preceding clause 6 is absent from a meeting of the Committee, the members will appoint a Chairperson for that meeting.
8. A quorum of the Committee is two members.
9. All members of the Committee have voting rights.
10. The Committee shall reach all decisions by way of majority of votes in accordance with the following rules:
 - 10.1 each member of the Committee present must vote;
 - 10.2 each member of the Committee is entitled to one vote; and
 - 10.3 if there is an equality of votes the Chairperson shall be entitled to a second vote.

11. Each member must disclose at the commencement of each meeting of the Committee any conflict of interest regarding any items appearing on the agenda.
12. If any member of the Committee has a conflict of interest in any item of business arising before the Committee, that member must, whilst the matter is being considered or any vote is being taken in relation to the matter, leave the room and notify the Chairperson that he or she is doing so and must remain outside the room or other area in view or hearing of the room until notified that he or she may return.
13. The members of the Committee are:
 - 13.1 Chief Executive Officer;
 - 13.2 Director Planning and ~~Place~~Transport;
 - 13.3 Coordinator Strategic Planning;
 - 13.4 ~~Manager Planning and~~ Building ~~and Civic~~ Compliance ~~Manager~~;
 - 13.5 ~~Coordinator~~Manager Traffic, Parking and ~~Safety~~Prosecutions;
 - 13.6 Manager ~~Statutory Town~~ Planning;
 - 13.7 Manager ~~Community Safety and Operations~~Civic Compliance;
 - 13.8 Strategic Planner;
 - 13.9 Subdivision Planner;
 - 13.10 Supervising Planner (VCAT);
 - 13.11 Urban Designer;
 - ~~13.12 Coordinator Town Planning Enforcement;~~
 - ~~13.13~~13.12 Planning Enforcement Officer;
 - ~~13.14~~13.13 Coordinator ~~Statutory Town~~ Planning; ~~and~~
 - ~~13.14~~ Manager Strategic Transport; ~~and~~
 - 13.15 ~~Manager City Futures.~~

The seal of the Glen Eira City Council)
 was affixed hereto in the presence of:)

_____ Councillor

_____ Chief Executive Officer

Delegated Planning Committee

SCHEDULE

Powers and functions

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council.

Purpose

To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Exercise any of Council's powers, discretions and authorities if in the opinion of the Director Planning and ~~Transport Place~~ or Manager ~~Statutory Town~~ Planning :
 - 1.1 There has been significant objection/s in terms of substance or number received to an application, amendment or any other matter;
 - 1.2 An application including amending plans for an application or permit constitutes a significant departure from policy;
 - 1.3 The application, planning scheme amendment or any other matter should be dealt with by Council because of its significance or nature.
2. Exercise any of Council's powers, discretions or authorities if in the opinion of the Committee the exercising of the power, discretion or authority should be decided by Council.
3. Exercise the powers which, under Section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.

10. URGENT BUSINESS - Nil**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****(a) Cr Delahunty/Magee**

That a report be produced on the progress of the Ministerial commitments regarding the Caulfield Racecourse Reserve.

That the production of this report solicit and include the communication regarding the working group report to the Minister. Specifically any information regarding the completion of the report, the recommendations and the timing of any actions.

The MOTION was put and CARRIED unanimously.

(b) Cr Sounness/Hyams

That a report be prepared which follows up on Item 9.4 of the Ordinary Council Meeting of 21 May 2013 which reported on the condition and maintenance of identified significant red gum trees on Council land around Glen Eira.

The MOTION was put and CARRIED unanimously.

11.2 Right of reply - Nil**11.3 Councillor questions - Nil****11.4 Public questions to Council**

From: G Brown
Subject: Ormond Railway Station

“When is the Council going to be up front and inform residents about the proposed Mixed User development over the Ormond Railway Station. Newham Grove is covered by a heritage overlay, not a proposed 13 story development along side the road. Recent contact with Council denies knowledge which I believe is NOT truthful (if so, not in line with your Code of Conduct).”

The Mayor read Council's response. He said:

"The State Government is responsible for any development at railway stations.

The Level Crossing Standing Advisory Committee has been appointed by the Minister for Planning to provide advice and recommendations on proposed developments at railway stations where level crossings have been removed.

Should the Minister for Planning refer a development to the Committee, a four week public exhibition process will be initiated. During this time, written submissions can be lodged with Planning Panels Victoria. This will be followed by a public hearing.

With the Advisory Committee's process, a local Council will have the same ability to make a submission and attend a public hearing, as any other stakeholder or member of the community.

Beyond the State Government's official public announcement, Glen Eira City Council is unaware that any development has been referred by the Minister for Planning to the Level Crossing Standing Advisory Committee.

Mr Brown can obtain updates on Ormond Railway Station by contacting Planning Panels Victoria on 9223 5317."

From: R Thompson
Subject: LXRA Caulfield - Dandenong

"Regarding the level crossing removal project - Caulfield to Dandenong

Have Council or council officers received tree retention plans from the LXRA or State Government for the rail corridor in the City of Glen Eira?
If so, can they please be made available to the public?"

The Mayor read Council's response. He said:

"Council officers have sighted and reviewed in detail the State Government's level crossing removal project team's plans to remove trees on road ways and have been working hard to make sure that as many trees as possible are protected. These documents are the property of the LXRA and Council is not able to make these documents available to the public. We recommend that you direct your request to the LXRA as they may be able to assist you."

From: R Thompson
Subject: Public Questions

"What effective controls do the Glen Eira City Council have in place to ensure that the personal information of those asking Public Questions is protected and not disclosed or published in the Ordinary Council Meeting Minutes."

The Mayor read Council's response. He said:

"The process for submitting public questions to Council is managed in accordance with the Glen Eira City Council Local Law 2009 together with Guidelines for Public Question Time adopted by Council. Local Law 232

requires that questions bear the questioner's name, address, date and telephone number.

Public questions submitted to a public forum such as a Council meeting are public in their nature, however, Council has generally followed a practice that only the questioner's name will be recorded in minutes of Council meetings.

Council's practice is to include in Council minutes the first initial and surname of the person asking the question together with the actual question. Due to a change in Council personnel Council did not follow the usual practice in its most recent minutes for the public questions on 19 Jul, 2016. However, these minutes have now been revised to delete the full address details of the questioner to comply with past practice.

The Local Government Act 1989 requires the minutes of Council meetings to contain details of the proceedings and resolutions made. Council is of the view that the Privacy and Data Protection Act 2014 does not preclude the publication of the questioner's name and address in the Council minutes."

From: R Manaszewicz
Subject: Booran Road Reservoir development

"Council has admitted that the Booran Road Reservoir development is \$600,000 over budget. Could council please itemise the cost for each item contributing to this over expenditure and the reasons for this? Also, why were the plans for the Reserve altered without community consultation and how much extra did these new designs cost to implement?"

The Mayor read Council's response. He said:

"Council has admitted that the Booran Road Reservoir development is \$600,000 over budget. Could council please itemise the cost for each item contributing to this over expenditure and the reasons for this?"

The reservoir is a unique site and the development of this into open space presented some challenges given the many unknowns including soil conditions and old services. Maintaining sections of the reservoir wall and other infrastructure are seen as important elements that will give the space a unique feature and reflect the history of the site. The original project estimate was developed in 2014 during the concept stage. The additional costs relate to the final landscape and lighting works, which were competitively tendered and are commercial in confidence.

Also, why were the plans for the Reserve altered without community consultation and how much extra did these new designs cost to implement?

The plans presented to the community as part of the Glen Huntly Reservoir Redevelopment consultation were conceptual and were designed to demonstrate what could be achieved on the site and gauge community response. This evolved from an initial consultation which considered a range of uses including sporting fields, mixed use areas and native gardens.

The final detailed plans are consistent with the layout endorsed by Council and supported by the majority of the community. The departure from these plans

have been the retention of the sluice gates (along Booran Road) which were seen as an important opportunity to maintain a part of the site's history."

From: R Manaszewicz
Subject: Planning Scheme Review

Could council please explain and define the following terms which are present in the planning scheme review -

1. "significant developments"
2. "commercial areas"
3. "neighbourhood character statements"

The Mayor read Council's response. He said:

"Significant developments" are developments larger in scale or cost to a standard or minor development. This would typically cover, amongst others, multi-level, apartment developments.

"Commercial areas" refers to land within a Commercial Zone or Mixed Use Zone.

"Neighbourhood character statements", in the context of the PS review, refers to the setting out of statements which provide clarity on existing character and its protection, or which provide clarity on neighbourhood character objectives for change areas and how change will be managed."

From: J Walker
Subject: Planning Scheme Review Forum

"Glen Eira Council has conducted forums so residents could say what reforms in planning they would like to see. The officers report on the planning scheme review has proposed many of the residents suggestions but says that reforms will be delayed indefinitely, in effect disenfranchising the residents (see Item 9.5 Council Meeting Agenda 9 August 2016).

1. (a) Is the impetus for these proposed delays coming from the council planning administration, and/or
 - (b) the CEO, or
 - (c) the councillors, or
 - (d) is it a collective agreement between councillors and administration?"

The Mayor read Council's response. He said:

"The officer report does not claim that the planning scheme reforms will be delayed indefinitely.

Attachment 2 to the Report contains a list of projects/reforms which were informed through the community engagement process. More importantly, the list contains anticipated completion timeframes for each project or reform.”

From: N Brewster
Subject: Public Questions

“Given the long winded excuses supporting the limiting of public questions last meeting and how councillors responded quickly. Why then haven't i received a reply to my email dated 11/07 to councillor Pilling. I have heard back from Nick Stakios MP and councillor Lobo. A month is ridiculous without even acknowledging receipt.”

The Mayor read Council's response. He said:

“A response was emailed to you on 15 July 2016. A further copy is attached for your reference.”

From: N Brewster
Subject: Cr Lobo

“Given council has refused to make the report into councillor behaviour public, was Cr Lobo exonerated?”

The Mayor read Council's response. He said:

“The report you refer to has been designated as confidential by a resolution of the Council, and the confidentiality extends to the content of the report.”

From: C Dickson
Subject: Skyrail

“GC37 states that prior to commencement of the Skyrail project an Environmental Management Strategy (EMS) should be developed together with local Councils - Section 4.2.1. Has Council participated in the preparation of this document as required by GC37? And what aspects of the document did Council consider when approving the removal of trees along Girdwood and Lorne St? Can Council please provide residents with a copy of this document.”

This question was taken on notice.

From: M Ridgeway
Subject: Trees

“Has the Glen Eira City Council granted permission for the elevated rail to be built on Council Land and for the mature trees to be removed to make way for a haulage road when access can be obtained on the northern side of the tracks?”

The Mayor read Council's response. He said:

“With regard to permission for construction of the elevated rail, the State Government Minister for Planning is authorised to make all the planning decisions on these projects.

Council has not given permission to construct the project on Council land, however as the project has been declared by the Premier of Victoria as under the Major Transport Project Facilitation Act 2009 on 28 July 2016, the LXRA could have the ability to acquire, access and carry out works on public land for the project without Council approval.

At this stage, Council has not been notified of how or when this might occur.

With regard to tree removal, Council's Parks Services team has reviewed in detail the State Government's LXR Project team's plans to remove trees on road ways and have been working hard to make sure that as many trees as possible are protected.

In the Girdwood Avenue area, there are no options that would prevent removal of the trees on the railway side of the street. Access for haulage is not the main reason the trees need to be removed, as the trees are either under the planned elevated rail track or so close to it that they will not survive construction works.

The permit issued in Girdwood Avenue was considered under the Road Management Act and issued with conditions. Council is bound to reasonably assess and issue permits for works on Council managed roads and it must consider permits within the bounds of the Act.

From: N Varvodic
Subject: Practices

“At the last Council Meeting I asked if it was a breach of the Code of Conduct for a Councillor to call another person a F**Kwit.

Council responded: “The use of that language would be inconsistent with the standards the council has set for itself as outlined in Councillor Code of Conduct.”

I consider your response to be evasive, arrogantly disdainful and showing a lack of respect to ratepayers by the Council and the new CEO.

Is it correct to say the answer to my question is YES?

As Council is aware of an admission by a Councillor whilst on duty that they called a person of South Asian background and appearance who has worked in arab countries a F**Kwit, what action under the Councillor Code of Conduct has the Mayor or Council initiated against that Councillor?

Is the action commensurate with the eagerness shown in pursuing Cr Lobo?”

The Mayor read Council's response. He said:

“The incident to which you refer was reviewed as part of Ms O'Brien QC's advice to Council. I have already communicated widely the outcome of that

review and advice. The review explored the contribution of a number of Councillors to the incident, including Cr Lobo. Conduct expectations, and the mechanism for responses to complaints, apply equally to all Councillors. I do not feel that Cr Lobo's ethnicity or work history are relevant to this issue."

From: C Dickson
Subject: Skyrail

"Has Council sold, transferred or in anyway other way granted permission, for the land or airspace of the Council Road Reserve land along Girdwood Ave and Lorne St to be used for Skyrail? To date has Council, or it's officers, received any correspondence from the LXRA as to how this land will be dealt with given current plans show the elevated structure will sit over Council land, or it's airspace, to abut the road edge."

The Mayor read Council's response. He said:

"With regard to permissions for use of the road reserve in Girdwood Avenue and Lorne Street, Council has issued an asset consent permit with conditions under the Road Management Act. Council is bound to reasonably assess and issue permits for works on Council managed land and roads. If Council does not assess applications for permits within 20 working days, they are issued by default and with no conditions imposed.

The Minister for Planning in State Government is authorised to make all the planning decisions on these projects.

Council is trying to influence where it can to get better outcomes for the community.

With regard to the correspondence relating to use of this land, on 5 August 2016 the Level Crossing Removal Authority (LXRA) wrote to Council confirming that the Caulfield Dandenong Rail Upgrade Project was declared by the Premier of Victoria as "a Project to which the Major Transport Project Facilitation Act 2009, other than Parts 3 and 8 of the Act, applies".

The powers and functions available under the Act that could be used by the LXRA includes:

- acquisition and compensation associated with realigning the rail corridor boundary within the road reserves associated with Lorne Street and Girdwood Avenue;
- accessing and carrying out works on public land for the purposes of the project;
- road management powers available including opening, realigning, improving, constructing or closing roads for the purposes of the project.

At this stage, these powers and functions have not yet been exercised by the LXRA and Council has not been notified of any intent."

From: K Herman
Subject: Project

“We respectfully request the council postpone the vote for this project to hear the concerns of the hundreds of families effected by this potential project. Can we postpone the vote for one month to have a dialogue about this project?”

This question was taken on notice.

From: M Ridgeway
Subject: LXRA

“How will Council address the issue of the LXRA making significant traffic management changes in Lorne Street and Girdwood Avenue Carnegie without consulting residents or Council - how do we access our houses safely if we are parking on the wrong side of the street, where will bins be placed for pick up and drop off and how can we enter Grange Road without the benefit of boom gates/traffic lights creating gaps to enter the road?”

This question was taken on notice.

12. CONSIDERATION OF CONFIDENTIAL ITEMS

PROCEDURAL MOTION

Cr Esakoff/Hyams

That standing orders be suspended.

The PROCEDURAL MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Cr Hyams/Lipshutz

That standing orders be resumed.

The PROCEDURAL MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Cr Hyams/Lipshutz

That the meeting be extended for one hour.

The PROCEDURAL MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Cr Hyams/Lipshutz

That standing orders be suspended.

The PROCEDURAL MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Cr Lipshutz/Hyams

That standing orders be resumed.

The PROCEDURAL MOTION was put and CARRIED unanimously.

Item 12 (cont'd)

Crs Lipshutz/Delahunty

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”.

The MOTION was put and CARRIED unanimously.

Crs Lipshutz/Delahunty

That the meeting be resumed in open Council.

The MOTION was put and CARRIED unanimously.

13. CLOSURE OF MEETING

The meeting closed at 10.12 pm.

CONFIRMED THIS TUESDAY 30 AUGUST 2016

CHAIRPERSON