



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 24 NOVEMBER 2020

AGENDA

**Meeting to be streamed
live via Council's website
at 7.30pm**

*"The role of a Council is to provide good governance
in its municipal district for the benefit and
wellbeing of the municipal community."*

- S8(1) Local Government Act 2020

Councillors:

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Jim Magee
Councillor Sam Parasol
Councillor Neil Pilling
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

Chief Executive Officer: Rebecca McKenzie

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1. ACKNOWLEDGEMENT

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin Nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

2. APOLOGIES

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors are 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 Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors are now invited to indicate any such conflict of interest.

PROCEDURAL MOTION

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Wednesday 25 November 2020 at 7.30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes, if the Mayor is unable for any reason to attend the Council meeting of part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time the Mayor will resume as Chair after the result of the vote has been declared.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS

Copies of Minutes previously circulated.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 13 October 2020 and the Special Council Meeting held on 9 November 2020 be confirmed.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

Nil

7.2 Records of Assembly**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 20/182561

Attachments: 1. 6 October 2020 Assembly [↓](#)
2. 13 October 2020 Pre-Meeting [↓](#)
3. 20 October 2020 [↓](#)

RECOMMENDATION

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

1. 6 October 2020
2. 13 October 2020 Pre-meeting
3. 20 October 2020

**Assembly of Councillors
Tuesday 6 October 2020**

Assembly Meeting held remotely commenced at 6.46pm

A. Present

Cr Margaret Esakoff, Mayor
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Clare Davey
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Rebecca McKenzie, CEO
Simon Thomas
Ron Torres
Peter Swabey
Peter Jones
Paul Wood
Matt Slavin
Dale Boughtwood
James Kearney
Keith Franklyn
John Vastianos
Andrew Barden
Janice Pouw

Matters considered

1. Apologies – Nil
 2. Declarations of Conflict of Interest
 3. Rippon Lea Estate Access Agreement and Proposed Deliverables
 4. Major Projects Program – Status Report
 5. Council Reserves, Borrowings and Strategic Projects
- 6.42pm Cr Sztrajt entered the virtual Assembly
7.02pm Cr Athanasopoulos left the virtual Assembly and re-entered at 7.04pm.
7.21pm Cr Hyams left the virtual Assembly
6. Selwyn Street Cultural Precinct
 7. Glen Eira Multi-deck car parks – Update
 8. Beth Weizmann Jewish Community Centre
 9. 371-377 Hawthorn Road and 3 Olive Street, Caulfield South

10. General Business
 - a) Manager Urban Strategy –7 Selwyn Street, Elsternwick
 - b) Cr Clare Davey – EE Gunn Reserve
 - c) Cr Joel Silver – Planning application re Ministerial intervention
 - d) Cr Jim Magee
 - Window location, planning application Warragul Road, Bentleigh East
 - Balcony screening, townhouse St Georges Avenue, Bentleigh East
 - e) Cr Margaret Esakoff – Retention of goal posts on ovals

Assembly adjourned at 8.23pm and resumed at 8.34pm

Present

Cr Margaret Esakoff, Mayor
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Clare Davey
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

11. Draft Ordinary Council Meeting Agenda – 13 October 2020
 - Item 7.1 – Advisory Committee Minutes
 - Item 7.2 – Records of Assemblies of Councillors
 - Item 8.1 – VCAT Watch
 - Item 8.2 – COVID-19 – Amended Stimulus Package to Support Businesses,
- 8.42pm – Cr Hyams entered the virtual Assembly
- Item 8.3 – 2019-2020 Annual Report
 - Item 8.4 – Amendment to the 2020 Council Meeting Cycle
 - Item 8.5 – Appointment of Acting Chief Executive Officer
 - Item 8.6 – Councillor End of Term Acknowledgement

Assembly finished at 9.01pm

Pre-Meeting Agenda

13 October 2020

Remote Meeting commenced at 6.48pm

A. Present

Cr Margaret Esakoff
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Clare Davey
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Officers

Rebecca McKenzie - CEO
Peter Jones
Simon Thomas
Ronald Torres
Peter Swabey
Andrew Barden
Janice Pouw
Alexandra Fry

B. Matters considered

1. Apologies – Nil
2. Disclosure of Conflicts of Interest – Nil
3. Item 10.5 – Written public question to Council
4. Item 8.2 – COVID-19 Amended Stimulus Package to Support Businesses, Residents & Community Groups

The pre-meeting concluded at 7.04pm

Assembly of Councillors Tuesday 20 October 2020

Assembly Meeting held remotely commenced at 6.49pm

A. Present

Cr Margaret Esakoff, Mayor
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Clare Davey
Cr Jamie Hyams
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Rebecca McKenzie, CEO
Peter Jones
Niall McDonagh
Peter Swabey
Ron Torres
Alexandra Fry
Janice Pouw
Matt Slavin
Amanda Haycox

Matters considered

1. Apologies - Nil
2. Amendment C184 - Consideration of submissions

6.51pm Cr Magee entered the Assembly

3. Murrumbena Community Hub Project Update
4. General Business
 - Cr Silver – Street sweeping
 - Director Corporate Services – Property acquisition update.
 - Director Planning, Place and Sustainability – VCAT hearing for 430-434 Neerim Rd.
 - Cr Hyams
 - o Circular to the community on hard rubbish availability and recent Local law changes.
 - o Elsternwick heritage overlay website update
 - o Councillor communications from election day
 - Cr Esakoff – No smoking signage

Assembly finished at 7.29pm

8. OFFICER REPORTS (AS LISTED)**8.1 219-229 BALACLAVA ROAD, CAULFIELD NORTH**

Author: Zachary Van Grondelle, Principal Urban Planner

Trim No: 20/1181185

Attachments: 1. 219-229 Balaclava Road, Caulfield North - Advertised plans [↓](#)
2. 219-229 Balaclava Road, Caulfield North - Clause 58 Apartment [↓](#)

PURPOSE AND SUMMARY

This report provides Council with an assessment of planning application GE/DP-33514/2020 at 219-229 Balaclava Road, Caulfield North for construction of a seven storey mixed use building containing retail, office and dwellings, use of the land as dwellings, alteration of access to road in a Road Zone Category 1 and a reduction in the number of car parking spaces.

The key considerations are whether the design and built form of the seven storey building is appropriate with regard to the context of the area, whether the layout of the dwellings will provide acceptable amenity for future occupants, whether the building will result in any adverse amenity impacts, whether the vehicle crossing onto Balaclava Road provides for safe access to and from the land and whether there is sufficient car and bicycle parking on site.

As part of the process, the application was advertised to the surrounding community and 15 objections were received including on grounds that relate to the scale of the building, off site amenity concerns, impacts to nearby properties protected by Heritage Overlay controls, and traffic issues.

The application was referred to the Department of Transport in their capacity as a determining referral authority. Their scope of consideration is the appropriateness of the access to and from Balaclava Road. The Department of Transport has not objected to the proposal.

The application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, the purpose and decision guidelines of the Commercial 1 Zone, the Housing Diversity Areas Policy and the design standards for apartment developments at clause 58 of the Glen Eira Planning Scheme.

The proposal is well resolved and is located in an area where mixed use development that includes higher density residential is encouraged and the building performs well in relation to the design and siting requirements of the Glen Eira Planning Scheme. It includes a new vehicle crossing from Balaclava Road that the relevant roads authority has confirmed is appropriate and contains sufficient parking spaces for cars and bicycles. It is recommended that Council supports the proposal.

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application GE/DP-33514/2020 at 219-229 Balaclava Road, Caulfield North for construction of a seven storey mixed use building containing retail, office and dwellings, use of the land as dwellings and alteration of access to road in a Road Zone Category 1, in accordance with the following conditions:

Amended Plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as TP1.01-3.02, revision B, dated 21 May 2020 and prepared by CHT Architects, but further modified to show:
 - (a) The balconies of dwellings 104, 105, 106, 204, 205 and 206 setback 1m from the eastern title boundary and the eastern edges of the balconies screened by either:
 - i. Having permanently fixed screens to at least 1.7m above floor level and be no more than 25 per cent transparent, or
 - ii. With a screening device (ie. planter box or other alternative screening device) that limits overlooking from the balconies to the ground level of the adjoining land, to the satisfaction of the Responsible Authority.
 - (b) A permanently fixed privacy screen to at least 1.7 metres above floor level and no more than 25 per cent transparent to prevent overlooking between adjoining balconies associated with dwellings 104, 105 and 106; 204, 205 and 206; 301 and 302; 303 and 304 (either side of the light well); 402 and 403; and 503 and 503, or otherwise to the satisfaction of the Responsible Authority.
 - (c) Additional material variation on the south and west facing walls of the development (adjacent to 67 Hawthorn Road) to reduce the extent of the sheer concrete walls. The additional material variation for these walls could include a patterned concrete finish or other textural material to the satisfaction of the Responsible Authority.
 - (d) Annotation on the plans for the provision of signage in the basement warning of the low height clearance for parking spaces below the substation.
 - (e) Annotation on the plans for the provision of flashing warning lights at the entrance of the car lift as recommended in the Traffic Report prepared by Ratio and dated 21 April 2020.
 - (f) Details of the make of car stacker and car lift and any requirements of the Car Stacker and Lift System Management Plan required by Condition 11.
 - (g) Annotation on the plans of the recommendations contained within sections 4.1, 4.2 and 4.3 of the Acoustic Report prepared by Octave Acoustics and dated 15 April 2020.
 - (h) The Waste Management Plan prepared by SALT amended to include the following:
 - i. The provision of a food organic recycling service.
 - ii. Consideration of additional space requirements for a future fourth glass recycling stream
 - iii. Details of the location of where the appropriately drained bin wash down area would be located within the bin room, as referenced within the Waste Management Plan.

- (i) Changes required by Department of Transport in accordance with Conditions 20 to 23.

Development and use not to be altered

- 2. The development and layout and description of the uses as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.
- 3. As part of the ongoing consultant team, CHT Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised to the satisfaction of the Responsible Authority.

Landscaping requirements

- 4. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) Details of the planter box construction.
 - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; and quantities of each plant.
 - (c) A detailed maintenance schedule for all vegetation within the planter boxes and any other vegetation that forms part of the Landscape Plan.
- 5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
- 6. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.

Management plans

- 7. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
 - (a) Delivery and unloading points and expected frequency.
 - (b) Truck haulage routes, circulation spaces and queuing lanes.
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner.

- (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities.
 - (g) Construction activity must only occur between the hours of 7.00am and 6.00pm, Monday to Friday, 7.00am to 1.00pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff.
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
8. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
11. Before the building is occupied, a Car Stacker and Lift System Management Plan (CSLSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CSLSMP must show:
- (a) Allocation of car spaces according to vehicle size and type.
 - (b) Ongoing maintenance of the car stacker and lift system.
 - (c) Platform width of each space.
 - (d) Instructions to owners and occupiers about the operation of the car stacker and lift system.
 - (e) Communicating to prospective residents about the availability of car stacker spaces and sizes.
12. The provisions, recommendations and requirements of the endorsed Car Stacker and Lift System Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Section 173 Agreement

13. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:

- (a) The owner will construct the side laneway along the western side of the development in accordance with plans and specifications to the satisfaction of Glen Eira City Council and complete the works before the occupation of the building.
- (b) The owner will maintain the side laneway for not less than one year after the date of its completion to the satisfaction of Glen Eira City Council.
- (c) The owner will set aside the land identified as 'proposed laneway residential car park entrance' with a minimum height clearance of 4.0m as a carriageway easement in favour of the Glen Eira City Council.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Parking and access arrangements

- 14. No fewer than one car parking space for each one or two bedroom dwelling; two car parking spaces for each dwelling with three or more bedrooms; four spaces for the retail uses; and two spaces for the office use must be provided on the land to the satisfaction of the Responsible Authority.
 - 15. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) fully constructed.
 - (b) properly formed to such levels that may be used in accordance with the plans.
 - (c) surfaced with an all weather surface or seal coat (as appropriate).
 - (d) drained and maintained in a continuously usable condition.
 - (e) line marked to indicate each car space, loading bay and/or access lane.
 - (f) clearly marked to show the direction of traffic along access lanes and driveways.
- All to the satisfaction of the Responsible Authority.
- 16. All future purchasers and tenants of the dwellings must be notified of the low height clearance of the parking spaces below the substation.
 - 17. No fewer than 11 bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
 - 18. Before the building is occupied, the permit holder must construct at no cost to Council the existing laneway along the western boundary of the site. The works to the laneway must be constructed and drained to the satisfaction of the Responsible Authority.
 - 19. Before the building is occupied, the permit holder must construct at no cost to Council, drainage works between the development and the Council nominated point of discharge, to the satisfaction of the Responsible Authority.

Department of Transport requirements (Conditions 20 to 23)

- 20. Prior to the commencement of works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions must be provided. The plans must be generally in accordance with the plans date stamped 06/04/2020 and annotated TP1.03 Revision A but modified to show:

- (a) An accessway crossover that is 6.4m wide (including the existing the laneway) with the eastern edge angled at 60 degrees to the edge of Balaclava Road at least for the first 3.0m with 3.0m radial turnout.
 - (b) The ingress and egress to be left-in / left-out only, supported by traffic island and signage.
 - (c) Relocated position of an existing parking / No Stopping sign.
 - (d) Relocated position of the tram signal as approved by Yarra Trams.
21. Prior to the commencement of use the crossover and driveway and associated works are to be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Head, Transport for Victoria.
22. The permit holder must avoid disruption to tram operation along Balaclava Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
23. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit expiry

24. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

Asset Engineering notes

- 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 must be submitted to Council for approval before any works start.

- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the proposed driveway/laneway onto the existing laneway. Such a system may include either:
 - A trench grate (150mm minimum internal width) located within the proposed laneway/driveway and/or;
 - Shaping the laneway/driveway so that water is collected in a grated pit on the property and connect to internal drainage system.
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
- The existing footpath levels must not be altered or modified to accommodate any DDA compliance.
- An Asset Protection Permit must be obtained from Council Engineering Services Department before the development starts.
- All relevant Engineering Permits must be obtained before any development starts within the Road Reserve and or stormwater connection to Council drainage network.

Department of Transport notes

- With respect to the accessway and crossover, the consent of both Council (in its capacity as a road authority) and the Head, Transport for Victoria is required under the *Road Management Act 2004* and the *Road Safety (Traffic Management) Regulations 2019*.
- With respect to the relocation of the tram signal the Yarra Tram contacts are:
 - Sean Kelloway, Advisor Traffic Engineering, Email: Sean.Kelloway@yarratrams.com.au
 - Massoud Majidi, Manager Agency Business Unit.

Application number	GE/DP-33514/2020
Address	219-229 Balaclava Road, Caulfield North
Title details	Land in Plan of Consolidation 355273V
Restrictions on title	None
Proposal	Construction of a seven storey mixed use building containing retail, office and dwellings, use of the land as dwellings, alteration of access to road in a Road Zone Category 1 and a reduction in the number of car parking spaces.
Zoning and Overlay Controls	Commercial 1 Zone Parking Overlay (Student housing in specific areas)

THE PROPOSAL

The application proposes the construction of a seven storey mixed use building containing retail, office and dwellings, use of the land as dwellings, alteration of access to road in a Road Zone Category 1 and a reduction in the number of car parking spaces. Specific details of the proposal include:

- Demolition of the existing buildings on the land (no planning permit).
- Construction of a seven storey building with two basement levels It would include a three storey podium, three additional levels setback from each boundary and a recessed top level:
 - The basements would contain car and bicycle parking facilities and storage cages.

- The ground floor would contain 374.5sqm of retail floorspace, 76.5sqm of office floorspace, additional car and bicycle parking facilities, a loading bay and a waste storage area.
- Levels one to six would contain dwellings consisting of 18 x 2 bedroom apartments, 11 x 3 bedroom apartments and 1 x 4 bedroom apartment.
- A total of 51 car parking spaces are provided, including one electric car charging station. 44 car parking spaces would be provided to the dwellings, being two spaces more than the statutory rate. Four car parking spaces would be provided for the retail use, being a reduction of nine spaces, and two car parking spaces would be provided for the office, which satisfies the statutory rate for offices.
- A total of 11 bicycle parking spaces are provided for the development, being one space more than the statutory rate.
- Use of land as dwellings in the Commercial 1 Zone as the frontage at ground level exceeds 2m.
- Alteration of access to Balaclava Road by creating a new vehicle crossing. This will enable access to the basement car park via a car lift.

The following is a render of the proposal as viewed from Balaclava Road:



WHY IS A PLANNING PERMIT REQUIRED AND WHAT NEEDS TO BE CONSIDERED?

The following sets out why a planning permit is required based on the applicable planning controls in the Glen Eira Planning Scheme (Scheme); what the applicable decision guidelines require to be considered and a list of the relevant policies and provisions in relation to this application.

Applicable planning controls and the relevant decision guidelines

Commercial 1 Zone

Under the provisions of the Commercial 1 Zone at Clause 34.01 of the Glen Eira Planning Scheme (Scheme), a planning permit is required to:

- Use land for dwellings where the frontage at ground floor level exceeds 2m (clause 34.01-1).
- Construct a building or construct or carry out works (clause 34.01-4).

The applicable decision guidelines include:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Use

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads. The interim use of those parts of the land not required for the proposed use.*

Buildings and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandah, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 58.*

Clause 52.06 (Car parking)

Under the provisions of clause 52.06 (Car parking) of the Scheme, the total number of car parking spaces required is 57 (being 42 for the dwellings, 13 for the retail use and 2 for the office). The application proposes 51 onsite car parking spaces. Clause 52.06 enables consideration of a lesser rate based on the following factors:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*

- *Public car parks intended to serve the land.*
- *On street parking in non-residential zones.*
- *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other relevant consideration.*

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

Under the provisions of clause 52.29 of the Scheme, a planning permit is required to create or alter access to a road in a Road Zone, Category 1. A planning permit is therefore required to alter the existing vehicle crossing to Balaclava Road, which is defined as a Road Zone, Category 1.

The applicable decision guidelines include:

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

Relevant planning policies to consider as part of the application

The relevant Scheme policies for this proposal include:

- Clause 11.02-1S (Supply of urban land)
 - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- Clause 13.05-1S (Noise abatement)
 - *To assist the control of noise effects on sensitive land uses.*

- Clause 15 (Built environment and heritage)
 - *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
 - *To create a distinctive and liveable city with quality design and amenity.*
 - *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
 - *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*
 - *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- Clause 17 (Economy)
 - *To strengthen and diversify the economy.*
- Clause 18 (Transport)
 - *To create a safe and sustainable transport system by integrating land use and transport.*
 - *To promote the use of sustainable personal transport.*
 - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
 - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*
 - *To ensure an adequate supply of car parking that is appropriately designed and located.*
- Clause 21.04 (Housing and residential development)
 - *To ensure a greater diversity of housing to meet future housing needs.*
 - *To improve and protect the liveability, neighbourhood character and amenity of Glen Eira.*
 - *To promote environmental, social and economic sustainability.*
 - *To stimulate and improve the vitality of Glen Eira's commercial centres.*
 - *To improve access to housing for residents with special housing needs.*
 - *To ensure integrated neighbourhood planning of Glen Eira's suburbs*
- Clause 21.06 (Business)
 - *To maintain a mix of commercial centres that cater for the needs of the Glen Eira community.*
 - *To enhance and further develop urban villages and neighbourhood centres as the focus for community life.*
 - *To encourage competitive retail outlets in viable, lively and interesting strip shopping centres.*
 - *To maintain pleasant and safe public environments in commercial centres in partnership with business.*
 - *To encourage more local employment and attract more local spending in partnership with business.*

- *To encourage the restructuring of local and smaller centres where retail use is declining.*
- Clause 21.12 (Transport)
 - *To advocate and encourage the provision of a safe, convenient and efficient transportation network which meets the needs of Glen Eira's residents, businesses and through traffic.*
 - *To encourage increased access and use of public transport.*
 - *To ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers.*
- Clause 22.07 (Housing Diversity Area Policy)
 - *To encourage housing diversity in preferred strategic locations that have good access to public transport, commercial, community, educational and recreational facilities.*
 - *To promote a range of housing types, comprising of a mix of single dwellings, two dwelling developments and other forms of multi-unit development.*
 - *To promote a diversity of dwelling layouts and sizes.*
 - *To ensure that the density, mass and scale of residential development is appropriate to the location, role and neighbourhood character of the specific housing diversity area.*
 - *To ensure that key development sites contribute to the provision of housing diversity in Glen Eira.*
 - *To ensure that key development sites that are located in close proximity to fixed public transport or commercial areas are developed for multi-unit development.*
 - *To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites.*
 - *To ensure that the design of new residential development is sensitive to and respectful of the scale of existing residential development on adjoining sites.*
- Clause 45.09 (Parking Overlay)

The subject site is located in the Parking Overlay, however a planning permit is not required under this provision.
- Clause 58 (Apartment developments)
 - To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
 - To encourage apartment development that is responsive to the site and the surrounding area.

This clause sets a series of 'objectives; that must be met, 'standards' that should be met and 'decision guidelines' that must be considered before deciding if an application meets the objective. An assessment against this clause is contained as an attachment to this report.

Other relevant matters

In addition to the above requirements, the assessment must have regard to the general decision guidelines at clause 65 of the Scheme, matters set out at section 60 of the *Planning and Environment Act 1987*. These are embedded in the assessment of the application.

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. It sets out that “*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*”.

THE CONTEXT

The subject site is located on the southern side of Balaclava Road, approximately 30m to the east of the Hawthorn Road and Balaclava Road intersection. The lot is irregular in shape with a frontage to Balaclava Road of 23.37m, a maximum depth of 50.29m and an overall area of approximately 1060sqm. The location of the site is shown in the map below:



The land is generally flat with a slight fall from east to west. It is currently developed with a two storey commercial building known as the 'Lido Chambers'.

The subject site is located within the Caulfield Park Neighbourhood Activity Centre. This is a mixed use area with shops, cafes and restaurants, medical and professional services and dwellings. The area has undergone substantial change over recent years with a number of redevelopments of up to seven storeys in height extending along both Hawthorn Road and Balaclava Road.

Opposite the subject site to the north is Caulfield Park. To the east of the subject site is a double storey commercial building and then St Aloysius Church. To the west of the subject site is a laneway and a single storey café. Behind the subject site is a seven storey mixed use building.

The site benefits from legal access from the laneway which extends along the western boundary of the site. This laneway is included on Council's road register and provides connection to Balaclava Road. It also services the rear of lots facing 53-61 Hawthorn Road.

There are no restrictions or encumbrances registered on the Certificate of Title.

THE PROCEDURAL REQUIREMENTS

Consultation and engagement

Notice of the application was given in June 2020, including by mail to the owners and occupiers of directly adjoining and nearby properties and the display of a notice on the land. At the time of writing the report, 15 objections have been received identifying the following concerns:

- Amenity impacts including overshadowing, loss of daylight, overlooking, construction noise and loss of views to the park.
- The design is not appropriate including the height, visual bulk, poor response to the neighborhood character and quality of materials.
- It would impact on the view lines to St Aloysius Church and overshadow the church.
- It would not provide for equitable development opportunities to the east and west.
- It would result in increased traffic, impact the availability of on-street parking, would present a safety issue and is inappropriate to require use of the laneways to access the car park.
- It does not respect the heritage value of the site.
- The loss of the existing business.
- Health and safety of future residents of high density developments.

A planning conference was chaired by former Cr. Silver and attended by the representatives of the applicant and a number of objectors.

The applicant sought to address one concern following the planning conference by offering to screen south facing windows of dwellings 107, 207, 305, 405 and 505 to limit the perception of overlooking to the north facing balconies at 67 Hawthorn Road. The distance separating the windows from the balconies is approximately 13m. As the decision maker, Council must be satisfied that there is a proper planning reason to include such a condition. Given that the distance is more than 9m, being the common distance in which to protect amenity in residential zones, it would not be reasonable to require these windows to be screened. If a permit is granted, the permit holder may elect to include screening on these windows, however there is no planning reason for Council to require this addition.

Comments from referral authorities and Council departments

Statutory referrals

The application was required to be referred to Department of Transport as a determining referral authority in relation to the alteration of access to the Road Zone. Department of Transport did not object to the proposal subject to conditions that require modifications to the design of the accessway onto Balaclava Road and for protection of other assets. These are included within the recommendation.

Advice from Council departments

The following advice from other Council Departments has been provided:

Council area	Comments
Strategic Transport	The layout of parking areas and the reduction of the retail parking requirement is supported.
Asset Engineering	The use and widening of the laneway is supported.
Parks Services	The proposal is supported subject to the inclusion of conditions requiring a landscaping plan.
Waste	There is no objection to the proposal subject to the inclusion of food organic recycling system within the building and by giving consideration to space requirements for glass recycling as part of their Waste Management Plan.
Heritage Advisor	While the site is not located in a heritage overlay, it is in proximity to the St Aloysius Church which is a heritage building. Council's Heritage Advisor has raised concerns about the relationship of the building to the church.

Cultural heritage

The site is located in an area of Aboriginal Cultural Heritage Sensitivity, however a Cultural Heritage Management Plan is not required as the site has been subject to significant ground disturbance as detailed in the Preliminary Aboriginal Heritage Test, completed by Benchmark Heritage Management Pty Ltd and certified by an authorised delegate of the Department of Premier and Cabinet on 31 January 2020.

ISSUES AND DISCUSSION

A planning permit is required for the following reasons:

- To use land for dwellings
- To construct the building
- To alter the access to Balaclava Road, which is identified as a Road Zone Category 1
- To reduce the number of car parking spaces for the retail component

The planning controls each contain a purpose and decision guidelines and the following assessment will respond to relevant requirements along with other matters required to be considered under the Scheme and the *Planning and Environment Act 1987*.

This will be done by responding to the following questions:

- Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?
- Is the proposal consistent with the purpose of the Commercial 1 Zone?
- Is the design and built form acceptable?
- Are the transport arrangements acceptable, including quantum of parking, layout and appearance of parking areas and the effects of traffic to be generated by the proposal?
- Are there any car parking and transport issues?
- Are there any other matters that require consideration including outstanding objector concerns?

Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?

The proposal satisfies the various land use and development objectives within the Planning Policy Framework, providing an acceptable level of compliance with the relevant policies within the Scheme and is considered to provide an appropriate scale of development in relation to the surrounding built form context as well as an appropriate mix of land uses.

Caulfield Park is a neighbourhood centre which has a role to support increased density and to provide greater diversity of housing. In terms of the hierarchy of centres within Glen Eira, neighbourhood centres sit second to the Urban Villages of Carnegie, Bentleigh and Elsternwick and the Phoenix Precinct surrounding Caulfield Station as identified in the Housing Diversity Area Policy at clause 22.07 of the Scheme. It is an area where substantial change is anticipated.

The surrounding context of the neighbourhood centre must be taken into account when considering a proposal. In commercial areas within the neighbourhood centres the policy encourages an activated retail ground floor frontage with residential uses including apartment style developments at first floor level and above and a built form that is reflective of the scale, character and physical size of the neighbourhood centre. The proposal displays these characteristics.

The key aspects of the proposal that demonstrate that the development achieves an appropriate outcome in relation to the Planning Policy Framework are as follows:

- State and local policies seek to create a more consolidated, sustainable city (clause 11.01-1R), to create opportunities for the consolidation, redevelopment and intensification of existing urban areas (clause 11.02-1S), to build up activity centres as a focus for high-quality development, activity and living (clause 11.03-1S), to ensure density, mass and scale of residential development is appropriate to the location, role and neighbourhood character of the specific housing diversity area and to ensure that key development sites contribute to the provision of housing diversity and where they are located in close proximity to fixed public transport or commercial areas, are developed for multi-unit development (clause 22.07-2).
- The subject site is a large land holding of 1060sqm which enables greater development opportunity without unreasonable amenity impacts to other land.
- It has excellent access to fixed public transport and is in a commercial area.
- It matches the scale of development within the neighbourhood centre, which has a number of developments at seven storeys in height, including directly behind the subject site.

Based on these factors, the proposal is considered to appropriately respond to the Planning Policy Framework, subject to a detailed assessment of the quality of the design and whether it causes any unreasonable amenity impacts.

Is the proposal consistent with the purpose of the Commercial 1 Zone?

The purpose of the Commercial 1 Zone is to respond to the Municipal Planning Strategy and Planning Policy Framework, to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

The proposal directly aligns with the purpose as it contains office and retail at ground level and dwellings above. The scale of the building at seven storeys is the same as the most recent developments in this centre, including the height of the building directly behind it and therefore the density compliments the built form character and the role and scale of this centre.

Is the design and built form acceptable?

The subject site is visually prominent, with unobscured views from Caulfield Park and across the adjoining church grounds to the east. The proposed seven storey building would be visible from various points, including the intersection of Hawthorn and Balaclava Roads, the Hawthorn Road commercial area and in both directions along Balaclava Road. Therefore, it is important that the design and built form is of a high quality.

The design of the building includes a three storey podium with a recessed tower above. The height of the podium is consistent with the emerging character in this neighbourhood centre, while the overall height of the building also matches more recent development at seven storeys, noting that the upper level is substantially setback to reduce its appearance from within the public realm.

Large sandblasted concrete arches define the podium form and the arches contain either a window frame or define the edge of a balcony. This softens the appearance of the podium and creates visual interest. It appears as a very sculptural form in all views from the public realm and is considered a high quality design response. The frontage at ground level has a minimal amount of service cupboards, which is a good outcome, as it maximises the commercial frontage.

The three levels above the podium are setback an average of 2.65m from all boundaries and contain a strong bronze metal frame around the otherwise highly glazed facades. The top floor is setback 10m from the frontage and 6m from the eastern side and has limited visibility from the public realm. The podium, tower and recessed top level provide an appropriate scale transition to the adjoining sites, while also recognising the emerging scale of this neighbourhood centre.

Where the development is visible from the public realm, it is generally well designed, however there are aspects on the southern and western facades that will appear as sheer concrete walls. They will have oblique views from the public realm and from the dwellings at 67 Hawthorn Road. It is understood that these walls have been left in a concrete finish to allow for the future development of adjoining land. It is still important that they present in a well formed and cohesive way to ensure that the visual amenity of the area is maintained. The recommendation includes a condition for additional material variation for these walls such as a patterned concrete finish or other textural material. Subject to this condition, the design would be appropriate.

St Aloysius Church is in close proximity to the subject site and the church is covered by Heritage Overlay 77 (St. Aloysius Church, 233 Balaclava Road, Caulfield North). The significance of the church is due its early English gothic style, however the significance is diminished by the removal of its original Pymont stone spire.

Although the proposed development will be taller than the church, the church will still retain a strong prominence within the streetscape due to the openness of the grounds around the building. Views of the church from along Balaclava Road will not be unreasonably affected with the proposed building in place, as the prominence of the church is largely apparent when directly in front of it. As such, it is considered that the proposed development will not

diminish the significance of the church but will sit alongside it as a well designed modern addition within the varied streetscape.

There is reasonable opportunity for future landscaping on the balconies of each dwelling and several planter boxes are proposed which will provide some softening of the building. It is recommended that a landscaping plan be required as a condition of permit which includes details of the planter box construction, details of the planting and how the landscaping will be maintained.

Overall the form of the building as it presents to the public realm is elegant, it uses high quality materials and would present as a positive addition to the streetscape, particularly when viewed from Caulfield Park. The quality of the architecture is very high and to ensure that the building is realised to this quality, a condition is included as part of the recommendation requiring the project architect to be retained (or another architect to the satisfaction of Council).

Does the proposal cause unacceptable amenity impacts?

Offsite amenity

The decision guidelines for the Commercial 1 Zone require consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone. While the building setback objective at clause 58.04-1 seeks to ensure that buildings are set back from side and rear boundaries to avoid direct views into habitable room windows and private open space of new and existing dwellings.

The level of protection from overlooking and overshadowing is therefore not as high as in residential zones with no defined standard of measurement.

All of the directly adjoining land is within the Commercial 1 Zone, except for a small portion of the land to the east, being the church land.

In relation to the adjoining land in the Commercial 1 Zone, the setback of the proposed building is designed to ensure that there is no unreasonable overlooking into habitable room windows and private open space. The only habitable room windows and areas of private open space are on the apartment building to the south. Where habitable room windows or private open space has an interface between the two buildings, they are offset by at least 13m. This is considered generous.

There is no test for overshadowing of private open space of dwellings within the Commercial 1 Zone. It is noted that there will be some shadow cast over the north facing balconies at 65 and 67 Hawthorn Road in the morning, however the separation between the buildings ensures that this would be a reasonable outcome. The balconies will receive solar access throughout the afternoon due to their uninterrupted north western aspect.

The properties to the west of the subject site front Hawthorn Road and do not have a sensitive interface with the subject site. Because of this context, there are no amenity impacts as a result of the proposed development, including overlooking and overshadowing.

The amenity of the church land, being small portion of the land to the east that is in a residential zone, would not be unreasonably impacted by the proposed development. While the land includes a dwelling that appears to be linked to the church, it does not contain habitable room windows along the elevation with the subject site. It's area of private open

space is to the rear of the dwelling and is 9m away from the shared boundary. As such there will be no unreasonable overlooking of habitable room windows and private open space, and overshadowing would be limited to the afternoon.

Internal amenity – design standards

Clause 58 of the Scheme sets out several tests regarding the internal amenity of proposed apartments. The development is compliant insofar as:

- 56% of the dwellings satisfy the accessibility requirements (which meets the minimum requirement of 50%).
- Each dwelling has adequate internal and external storage. In several cases the internal storage capacity exceeds the standard requirements.
- All bedrooms and living areas satisfy the space and depth requirements. In many cases bedrooms and living spaces exceed the standard requirements.
- All habitable room windows are provided with adequate solar access.
- 53% of the dwellings (16 out of 30) have dual aspect and appropriate natural ventilation, which exceeds the standard requirement of 40%
- An adequate private open space area has been provided for each dwelling. In many cases the size generously exceeds the requirements.

It is noted that several of the balconies adjoin each other which will cause overlooking issues between balconies. A condition is included as part of the recommendation to install a privacy screen between balconies.

Internal amenity - site layout and environmentally sustainable design (ESD)

All dwellings are accessed off a central ground floor lobby. This is a safe arrangement, and convenient as it provides direct access to the parking areas and to the street. All internal corridors have a natural light source, which is a positive aspect.

A centralised waste chute is provided on all floors and leads to a bin room at ground level. A Waste Management Plan has been provided which details private collection arrangements however on review by Council's Waste Officer, some addition aspects have been required as part of the recommendation, including the provision of a food organic recycling service, consideration of additional space requirements for a future fourth glass recycling stream and details of the location of where the appropriately drained bin wash down area would be located within the bin room. Subject to these inclusions, the waste management arrangements are considered acceptable.

Some dwellings may be impacted by noise from the tram along Balaclava Road and from noise generated by the car lift and car stackers. An acoustic report has been provided which recommends various treatments to the glazing and mechanical parking which will help to attenuate the noise. These measures have been included as a condition of permit.

Regarding the ESD aspects of the proposal, the following attributes are noted:

- The average annual maximum cooling load of the proposed dwellings is 15.9 MJ/M². This is well below the maximum standard of 21 MJ/M².
- Of the thirty dwellings proposed, 11 are north facing. The remaining 19 dwellings face either east or west, with no dwellings facing south. This will ensure that each dwelling receives excellent solar access.
- The development is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best

Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).

- An 8000 litre water tank has been provided underneath the basement to recycle water.

Overall, the proposed development does not result in unreasonable amenity impacts either to any adjoining property or for the future occupants of the building.

Are the transport arrangements acceptable, including quantum of parking, layout and appearance of parking areas and the effects of traffic to be generated by the proposal?

The statutory requirement of car parking spaces is 57 and the proposal includes 51 car parking spaces. This includes 44 spaces for the dwellings (surplus of two spaces), 4 spaces for the retail premises (being a reduction of nine spaces), two spaces for the office (being the statutory rate) and one additional electric vehicle space. The statutory requirement of bicycle parking spaces is 11 and the proposal includes 12 bicycle parking spaces which exceeds the statutory rate.

In relation of the reduction of car parking associated with the retail use, on the basis of the decision guidelines at clause 52.06 of the Scheme, there is compelling justification to agree the reduction on the basis of:

- The statutory rate for the dwellings has been exceeded by two spaces and is met for the office.
- The reduction is associated with the retail use. The two tenancies would each have two parking spaces.
- Empirical assessment confirms that the retail parking allocation is sufficient for staff parking and that car parking occupancy survey indicates that there is available car parking spaces in the surrounding streets to accommodate the customer car parking demand.
- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The majority of the demand will be short-stay and this can be met on street.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- There is a car parking credit associated with the existing use.
- The addition of an electric vehicle charging station is considered a positive communal aspect to this proposal.
- Bicycle parking is provided within the basement and ground level and exceeds the statutory requirement.

Layout and appearance of car parking

The residential and office parking is provided in a two level basement, accessed off the laneway which abuts the western boundary. The laneway is proposed to be widened by using land on the subject site. The retail car spaces and loading area is provided at ground level, accessed via the laneway which adjoins the site to the south. The car parking areas are internal to the building and an integral part of the building design. The layout and access arrangements of the car parks meet the relevant design standards at clause 52.06 of the Scheme.

The proposal has been reviewed by Council's Strategic Transport Officer who has made a number of suggestions including the inclusion of a Car Stacker and Lift System Management

Plan, the provision of signage to warn of reduced heights where the substation extends into the car parking spaces and the provision of warning lights at the entrance the car lift.

The layout of the parking areas are considered to be satisfactory, subject to these requirements.

Widening of laneway (western boundary)

The existing laneway along the western boundary is proposed to be widened to a dual carriageway, using the subject site. Above the ground floor, the upper levels of the proposal will cantilever over the extended laneway, to the western boundary. The use of the laneway for access to the site and the headroom clearance above the widened part of the laneway is acceptable. The cost associated with the construction of the laneway and reconstruction of the existing laneway will be at the expense of the permit holder. A Section 173 Agreement will be required to ensure the construction of the laneway, to maintain it for at least one year and for the land to be set aside as a carriageway easement in favour of Glen Eira City Council.

The Department of Transport has also required changes to the plans as part of their approval. These changes include a widening of the crossover to 6.4m and a 'left in / left out' condition. The applicant has confirmed that these changes are acceptable and will not cause significant amendment to the plans. On this basis, Department of Transport has agreed the alteration of access to Balaclava Road in their capacity as a determining referral authority.

Traffic generation

The development is estimated to generate up to 20 vehicle movements during the weekday AM and PM peak hour periods. This is not expected to result in unreasonable impact to the operation of the road network. It will also ensure that the car lift queue times will not likely result in a back up of cars along Balaclava Road.

Overall the transport arrangements are considered acceptable.

Are there any other matters that require consideration including outstanding objector concerns?

Equitable development opportunities for adjoining land

Submission have been received with concern that the proposal does not provide for equitable development opportunity to some adjoining properties. The sites will be addressed below:

- 231 Balaclava Road (commercial building directly adjoining to the east)

The proposed development does not include any windows or balconies on the boundary with this property and therefore it which will retain equitable development opportunities for this site. While dwelling 303 has a balcony constructed along the common boundary, its primary aspect is to the north, so it will not be unreasonably impacted by any future redevelopment at 231 Balaclava Road.

- 233 Balaclava Road (St Aloysius Church directly adjoining at the rear eastern part of the site)

This land is in the General Residential Zone and may be developed in the future. The proposed development contains windows and balconies that are positioned along the common boundary at the rear of the site. This does not provide a good equitable development opportunity. It is recommended that the balconies of dwellings 104, 105, 106, 204, 205 and 206 should be setback from the eastern boundary by 1m to provide a greater level of equity and for screening to be provided to improve the development opportunity on the adjoining site. This is included as a condition as part of the recommendation.

- 55 Hawthorn Road (adjoining site to the west)

There are windows and balconies located along the western boundary of the proposed development. A laneway separates 55 Hawthorn Road from the subject site which provides an acceptable gap to ensure equitable development opportunities for this adjoining site.

Outstanding objector concerns

The majority of the objector concerns have been addressed in the report and the following address the outstanding objector concerns:

- Amenity impacts from construction noise and loss of views to the park.

A condition of the permit would require a Construction Management Plan which specifies allowable construction times that are consistent with EPA requirements. In terms of views to the park, the Scheme provides no protection of views and therefore this matter cannot be taken into consideration.

- The loss of the existing business.

The purpose of a planning application is to consider the acceptability of how land may be used or developed. It does not offer any opportunity to protect an existing use.

- Health and safety of future residents of high density developments.

There is no evidence to suggest that there will be a shift away from apartment living due to the COVID19 Pandemic. The proposed apartments meet the layout and design requirements.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The proposal is for a mixed use development in the Caulfield Park Neighbourhood Activity Centre. It is of height and scale that fits with the emerging character and is of a high design quality. It will provide a diversity of housing and achieve good environmentally sustainable design outcome. The proposal provides for an appropriate number of car and bicycle parking spaces and includes a communal electric car charging space.

Overall the proposal has a high degree of compliance with the relevant provisions of the Glen Eira Planning Scheme and is recommended that a Notice of Decision to Grant a Planning Permit be issued.

RESIDENTIAL DEVELOPMENT

219-229 BALACLAVA ROAD, CAULFIELD NORTH

NO.	SHEET NAME	Current Revision
TP0.00	COVER SHEET	B
TP0.10	SITE PLAN	B
TP1.01	BASEMENT 2	B
TP1.02	BASEMENT 1	B
TP1.03	GROUND FLOOR PLAN	B
TP1.04	LEVEL 1	B
TP1.05	LEVEL 2	B
TP1.06	LEVEL 3	B
TP1.07	LEVEL 4	B
TP1.08	LEVEL 5	B
TP1.09	LEVEL 6	B
TP1.10	LEVEL ROOF	B
TP2.01	NORTH ELEVATION	B
TP2.02	SOUTH ELEVATION	B
TP2.03	EAST ELEVATION	B
TP2.04	WEST ELEVATION	B
TP3.01	SECTION A - A	B
TP3.02	SECTION B - B	B
TP4.01	SPRING EQUINOX - 9AM	B
TP4.02	SPRING EQUINOX - 10AM	B
TP4.03	SPRING EQUINOX - 11AM	B
TP4.04	SPRING EQUINOX - 12PM	B
TP4.05	SPRING EQUINOX - 1PM	B
TP4.06	SPRING EQUINOX - 2PM	B
TP4.07	SPRING EQUINOX - 3PM	B
TP4.11	SHADOW DIAGRAM - EXISTING	B
TP4.12	SHADOW DIAGRAM - PROPOSED	B
TP5.00	BETTER APARTMENT DESIGN STANDARD ASSESSMENT SUMMARY	B
TP5.01	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.02	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.03	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.04	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.05	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.06	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.07	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.08	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.09	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP5.10	BETTER APARTMENT DESIGN STANDARD ASSESSMENT	B
TP6.00	DEVELOPMENT SUMMARY	B

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44 Colindale Street
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Colindale VIC 3066
Telephone 03 9347 1344
info@chtarchitects.com.au
enquiries@chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balaclava Road, Caulfield North

Client
Eskay Constructions Pty Ltd

No.	Date	Revised
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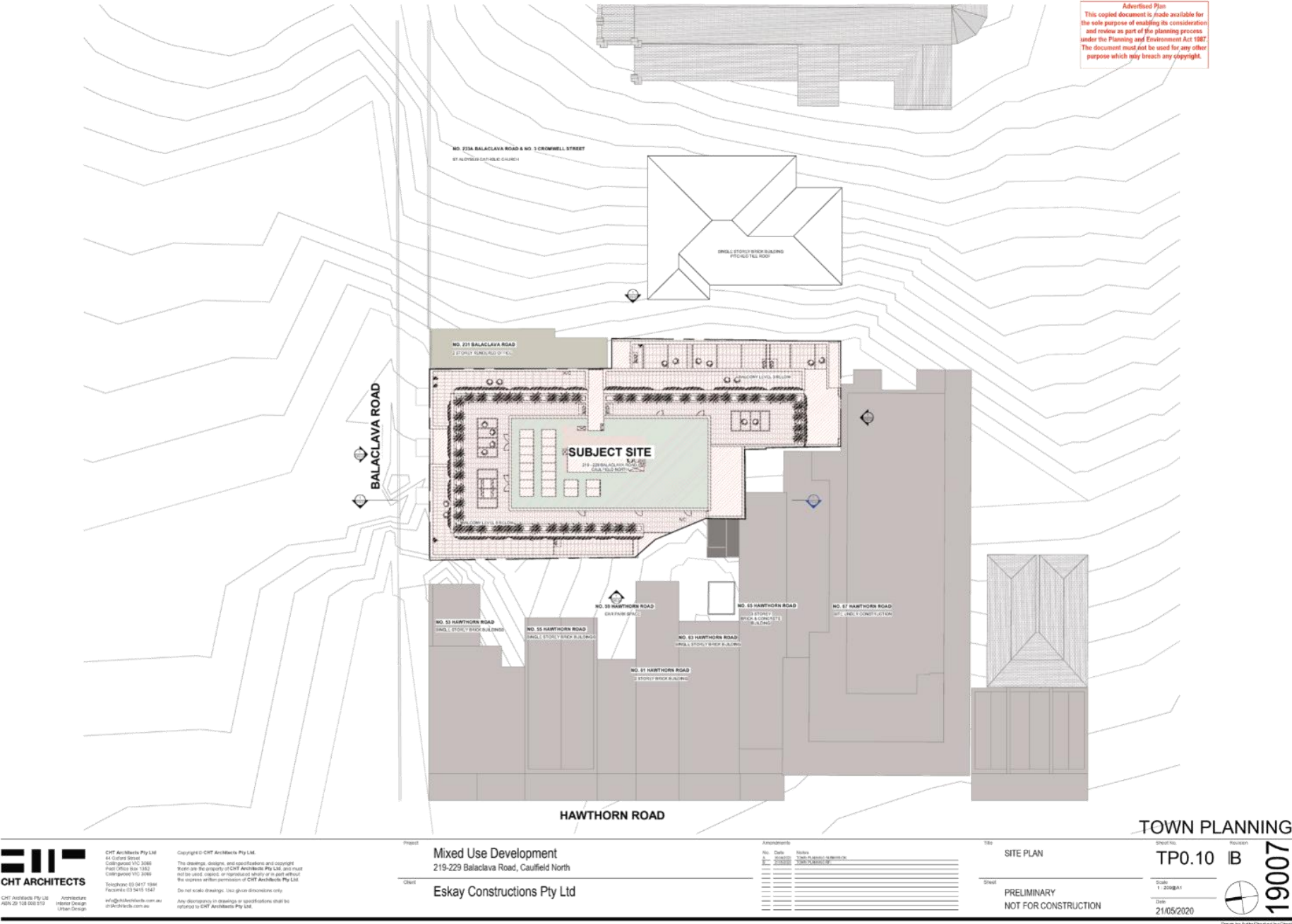
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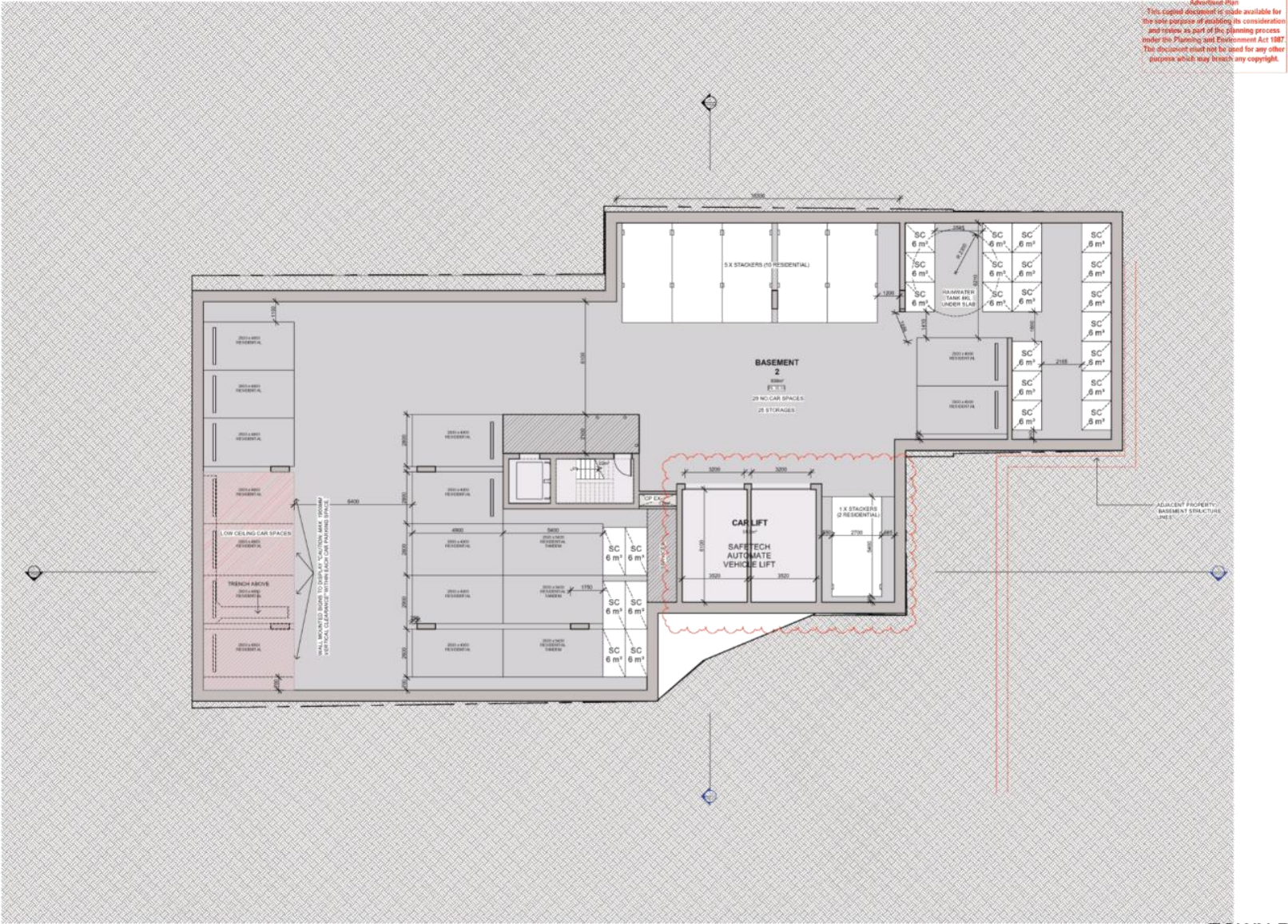
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Fax 03 958 1389
info@chtarchitects.com.au
www.chtarchitects.com.au

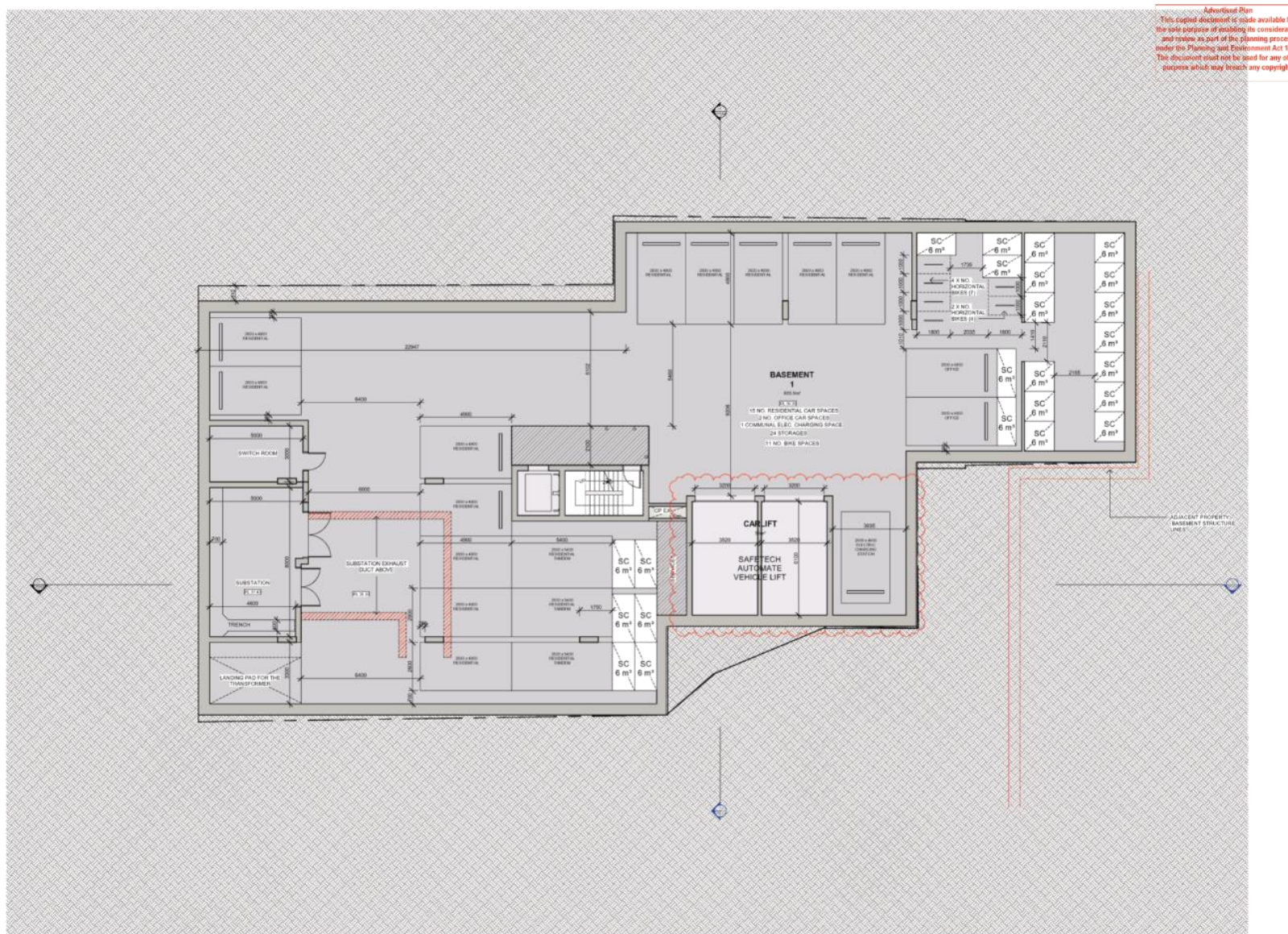
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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

No.	Date	Revised
1	21/05/2020	Issue for Planning Submission
2	21/05/2020	Issue for Construction
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CHT Architects Pty Ltd
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Architecture
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CHT Architects Pty Ltd
44 O'Connell Street
Collingswood VIC 3068
Part Office Box 1352
Collingswood VIC 3068

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Facsimile 03 9415 1647

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Project
Mixed Use Development
219-229 Balaclava Road, Caulfield North

Eskay Constructions Pty Ltd

Amendments		
No.	Date	Notice
5	30/04/2021	TRINITY PARISH OF NEWBOSTON
6	27/04/2021	TRINITY PARISH OF NEWBOSTON
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BASEMENT 1

Sheet

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TP1.02 IB

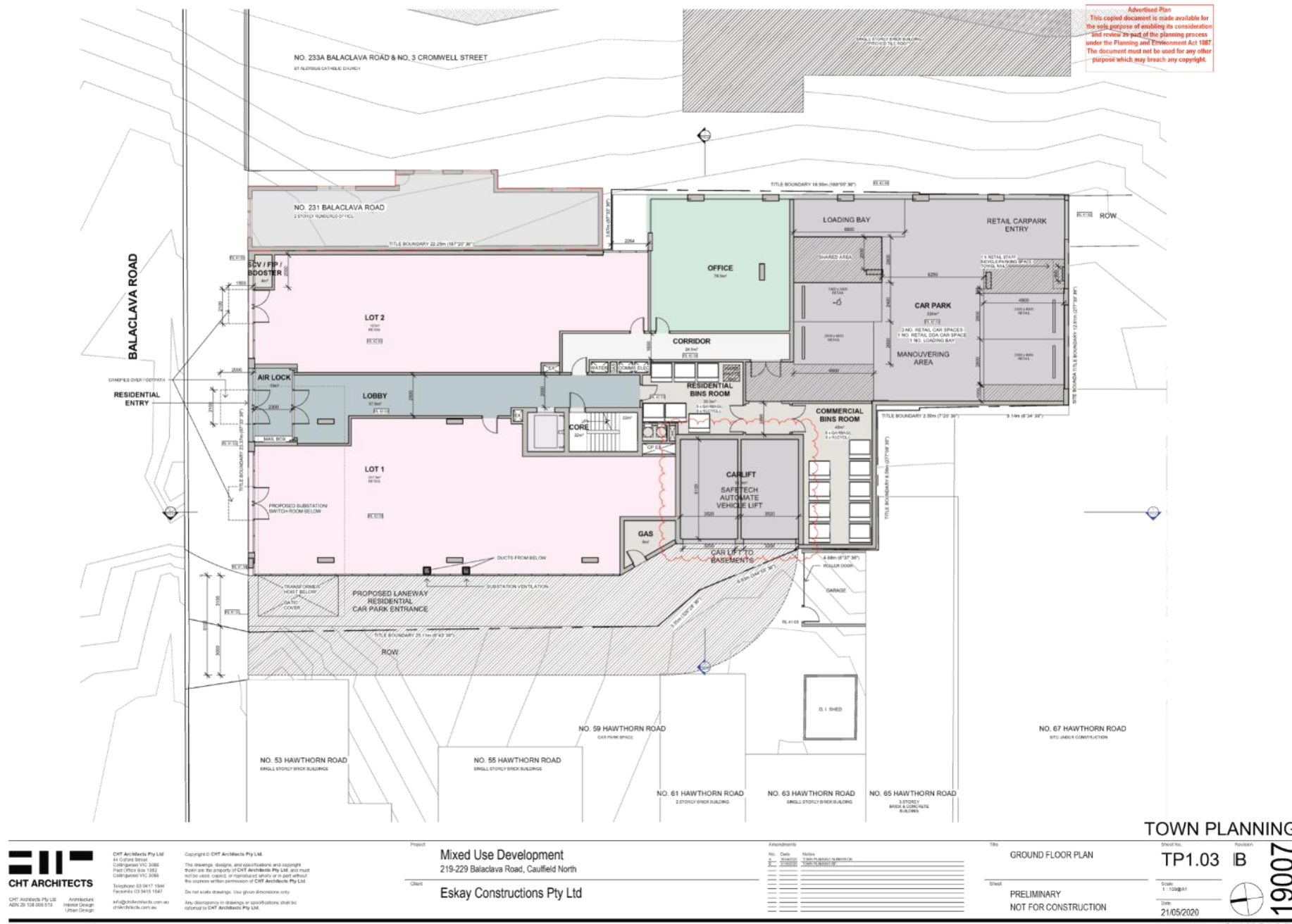
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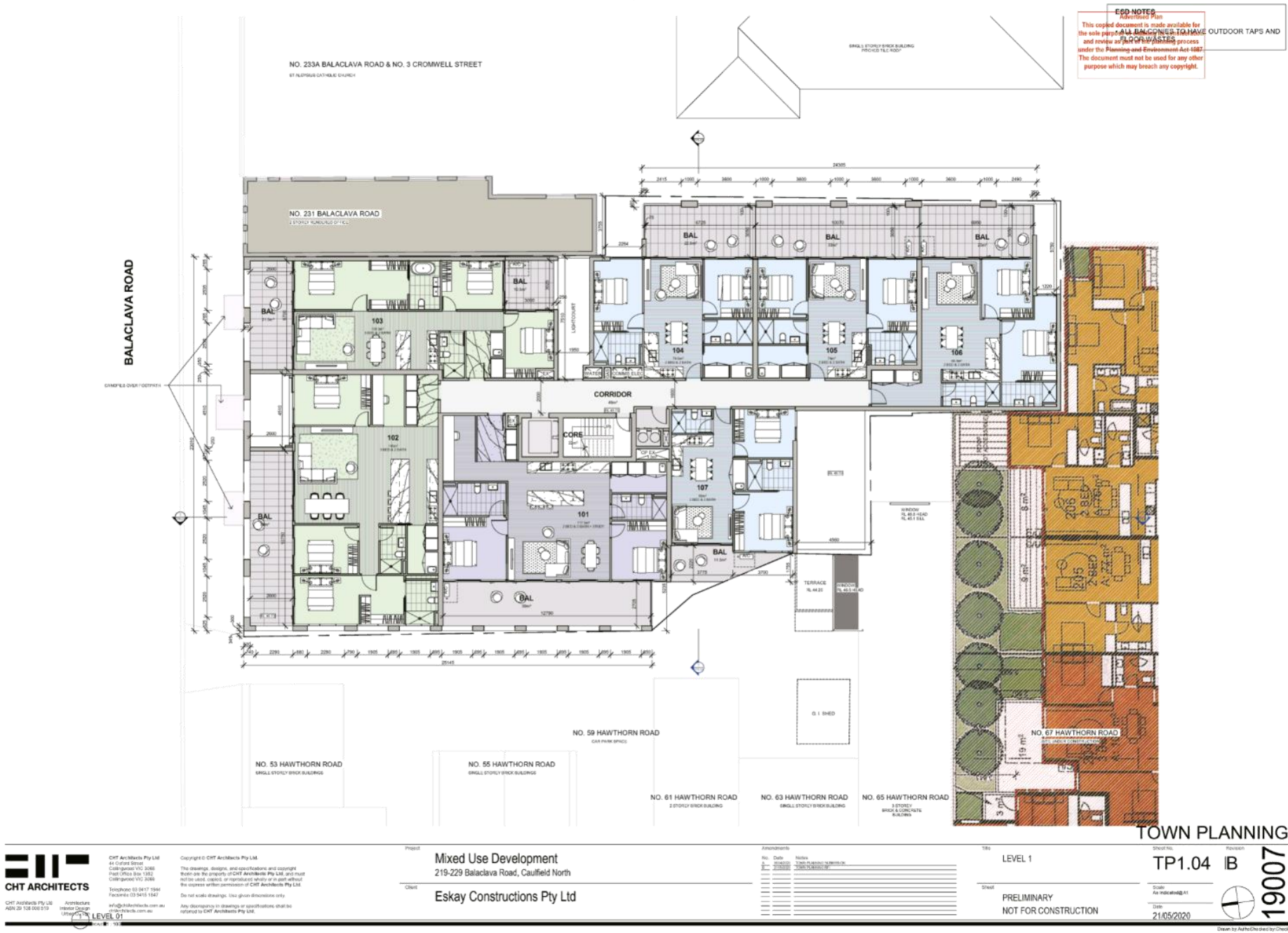
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219-229 Balaclava Road, Caulfield North
 Client: **Eskay Constructions Pty Ltd**

No.	Date	Revised
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2	21/05/2020	2.000 TO BALANCE TO HAVE OUTDOOR TAPS AND
3	21/05/2020	3.000 TO BALANCE TO HAVE OUTDOOR TAPS AND
4	21/05/2020	4.000 TO BALANCE TO HAVE OUTDOOR TAPS AND
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10	21/05/2020	10.000 TO BALANCE TO HAVE OUTDOOR TAPS AND

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 Title: **PRELIMINARY**
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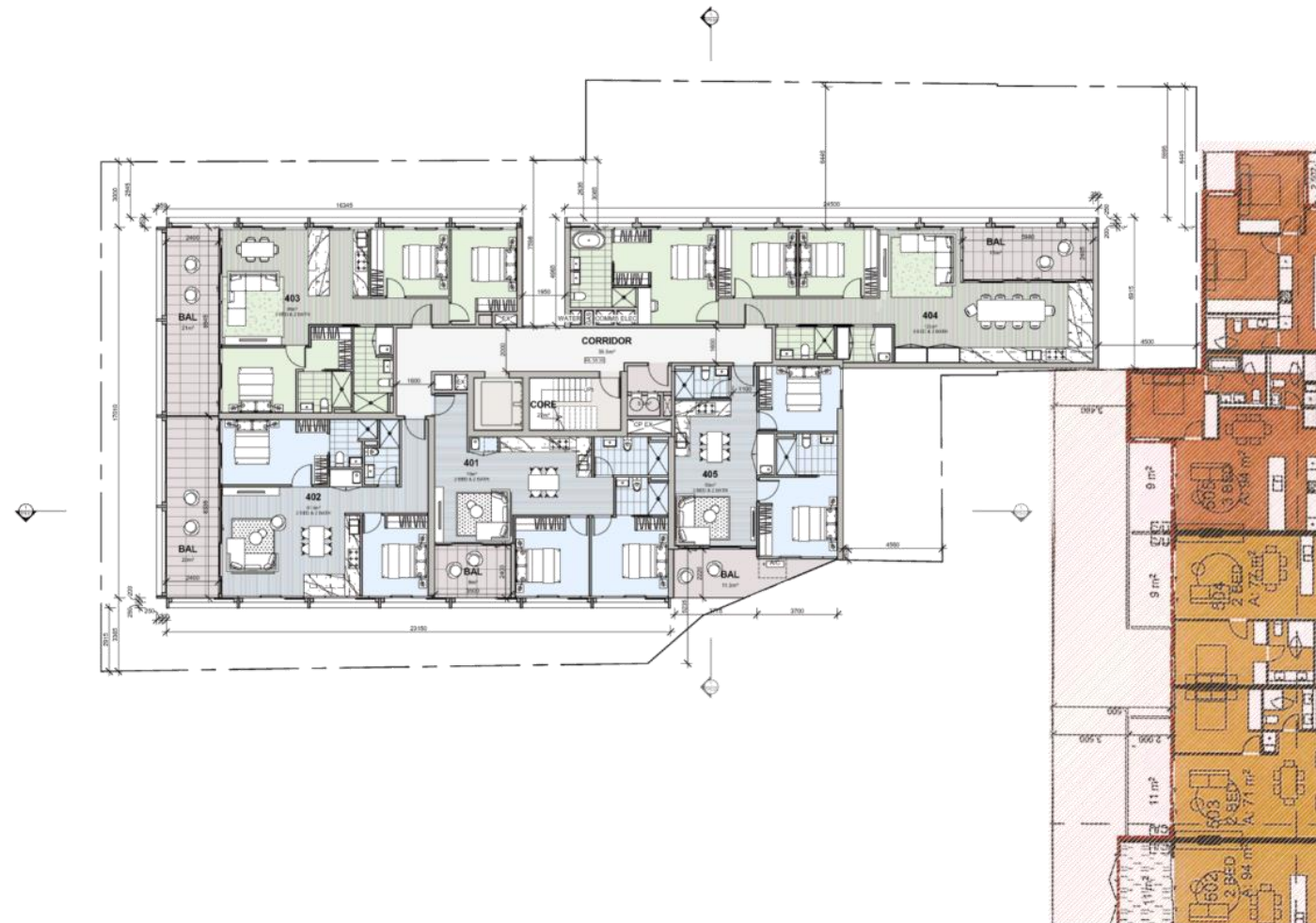
Project: **Mixed Use Development**
 219-229 Balacava Road, Caulfield North
 Client: **Eskay Constructions Pty Ltd**

No.	Date	Revised
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2	21/05/2020	2. Checked by: [Name]
3	21/05/2020	3. Approved by: [Name]
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5	21/05/2020	5. [Blank]
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10	21/05/2020	10. [Blank]

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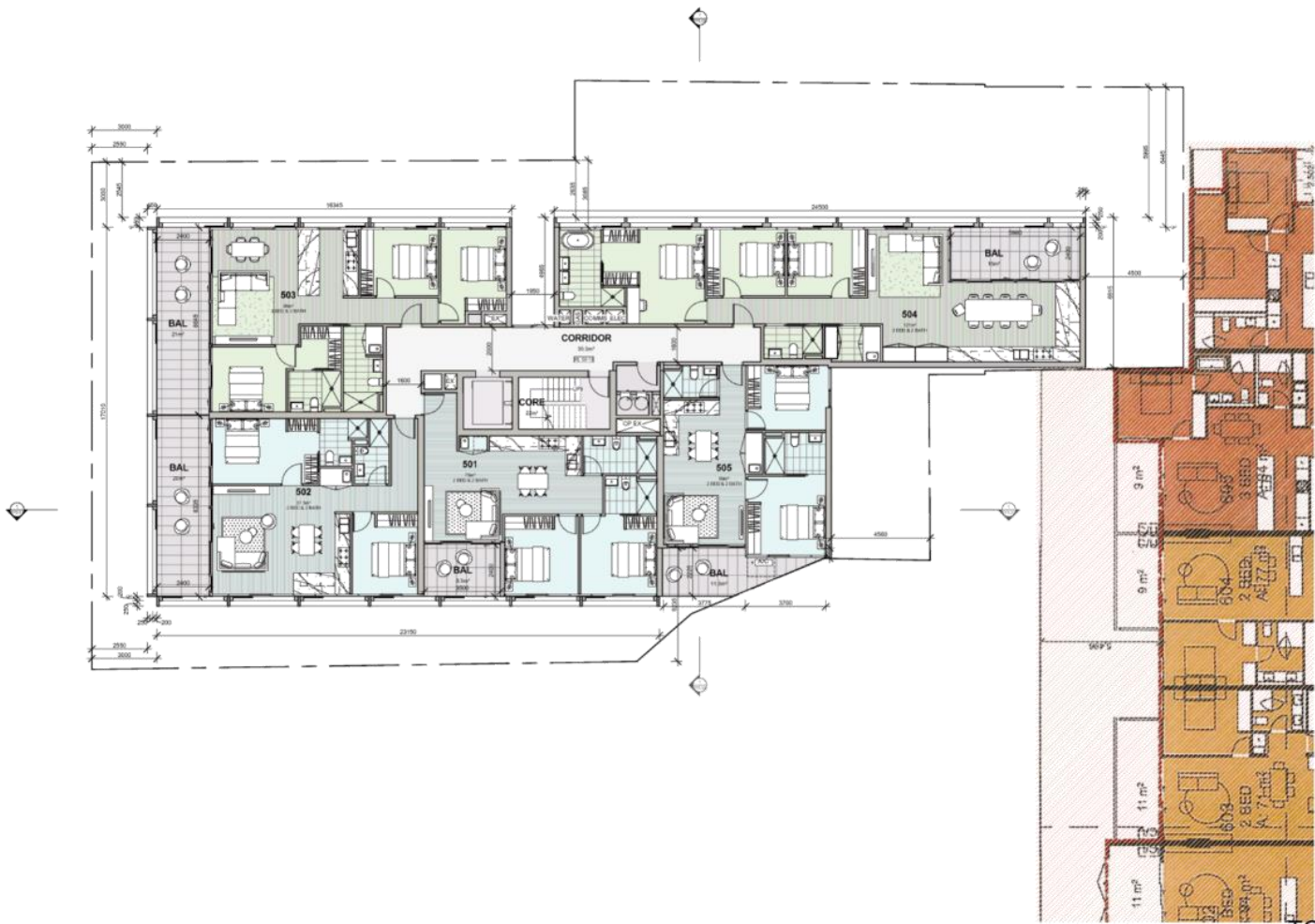
Project: **Mixed Use Development**
 219-229 Balacava Road, Caulfield North
 Client: **Eskay Constructions Pty Ltd**

No.	Date	Revised
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3	21/05/2020	3. Final Design Development
4	21/05/2020	4. Final Design Development
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8	21/05/2020	8. Final Design Development
9	21/05/2020	9. Final Design Development
10	21/05/2020	10. Final Design Development

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 Sheet: **PRELIMINARY**
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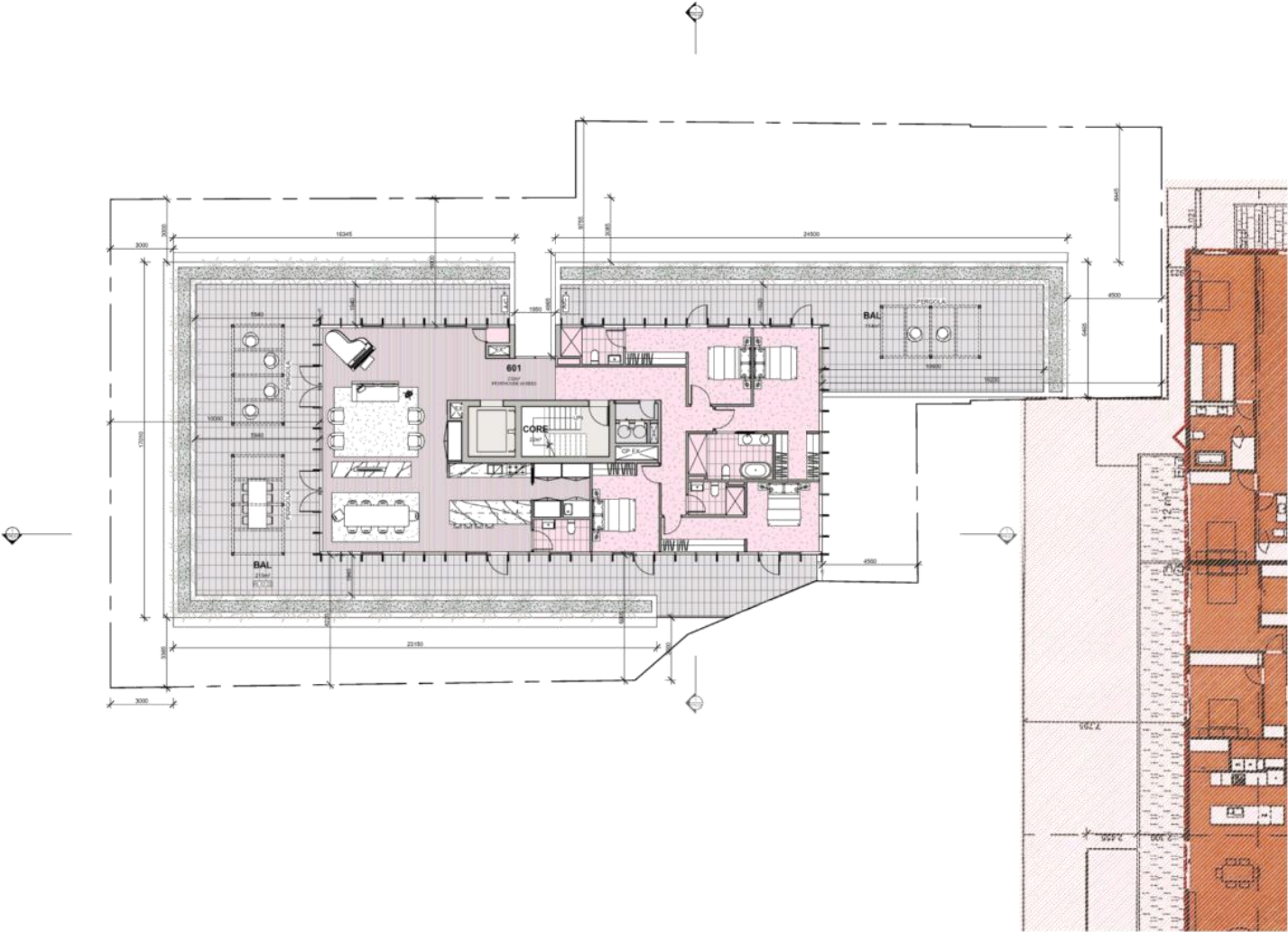
Project: **Mixed Use Development**
219-229 Balaklava Road, Caulfield North
Client: **Eskay Constructions Pty Ltd**

No.	Date	Revised
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3	21/05/2020	Revised
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5	21/05/2020	Revised
6	21/05/2020	Revised
7	21/05/2020	Revised
8	21/05/2020	Revised
9	21/05/2020	Revised
10	21/05/2020	Revised

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Title: **PRELIMINARY NOT FOR CONSTRUCTION**

TOWN PLANNING
Sheet No. **TP1.08 IB**
Date: **21/05/2020**
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Project: Mixed Use Development
219-229 Balacava Road, Caulfield North

Client: Eskay Constructions Pty Ltd

Amendments

No.	Date	Notes
1	21/05/2020	Issue for Review & Approval
2	21/05/2020	Issue for Review & Approval
3	21/05/2020	Issue for Review & Approval
4	21/05/2020	Issue for Review & Approval
5	21/05/2020	Issue for Review & Approval
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Sheet No. 108

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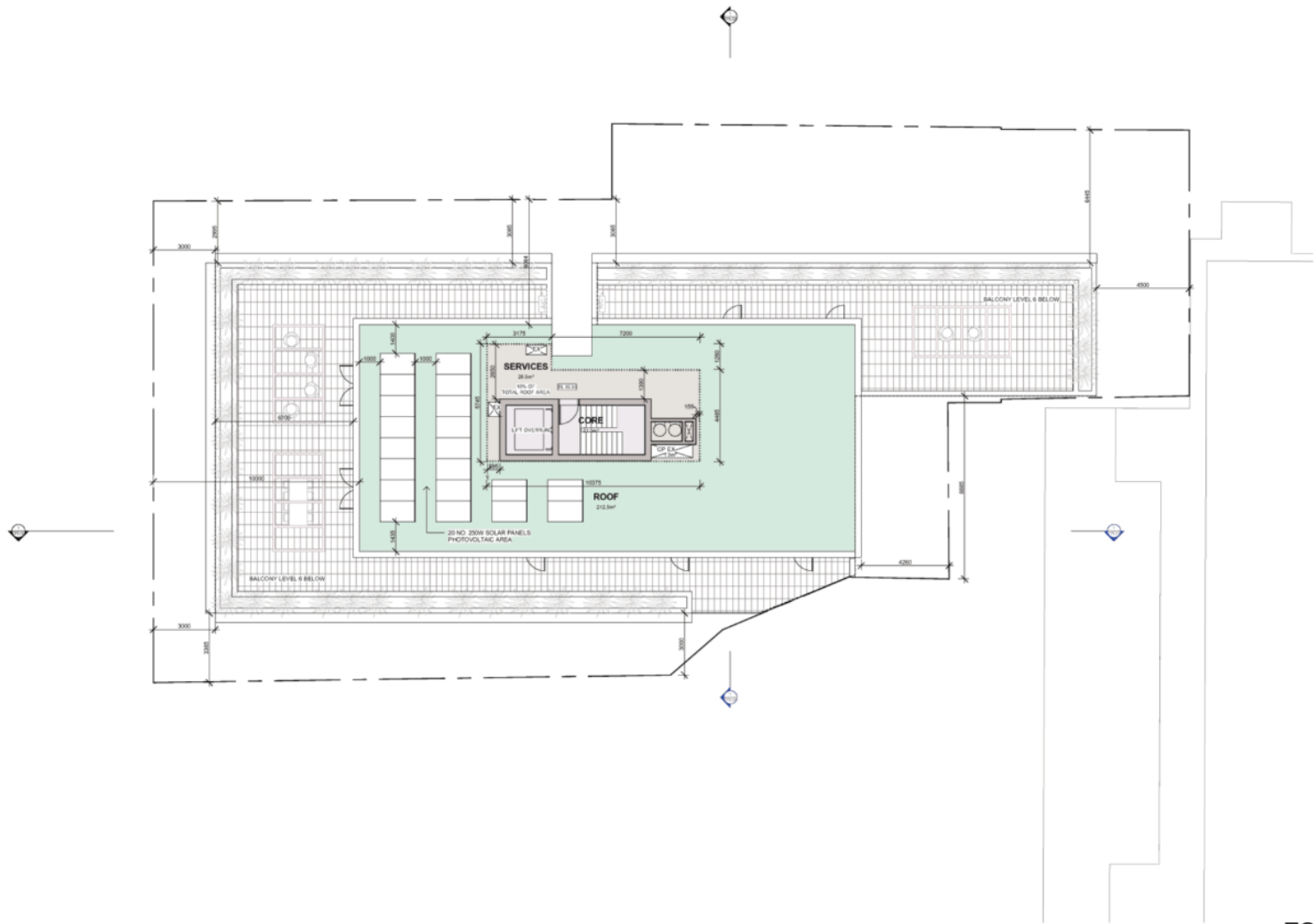
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Item 8.1 – Attachment 1 – Page 45

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Project: Mixed Use Development
219-229 Balaclava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

Revisions	
No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
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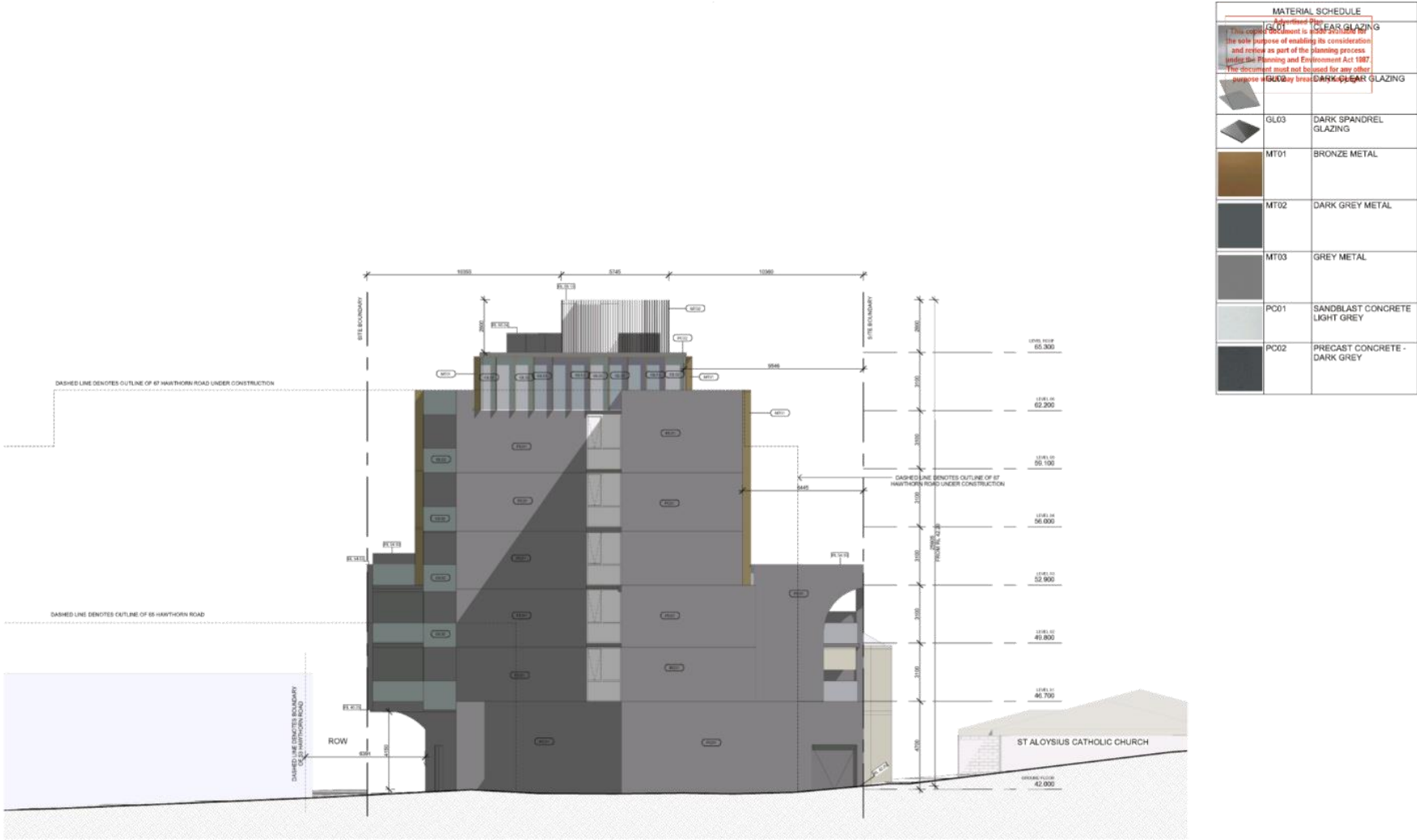
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TP1.10	IB
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Date	21/05/2020

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	GL03 DARK SPANDREL GLAZING
	MT01 BRONZE METAL
	MT02 DARK GREY METAL
	MT03 GREY METAL
	PC01 SANDBLAST CONCRETE LIGHT GREY
	PC02 PRECAST CONCRETE - DARK GREY





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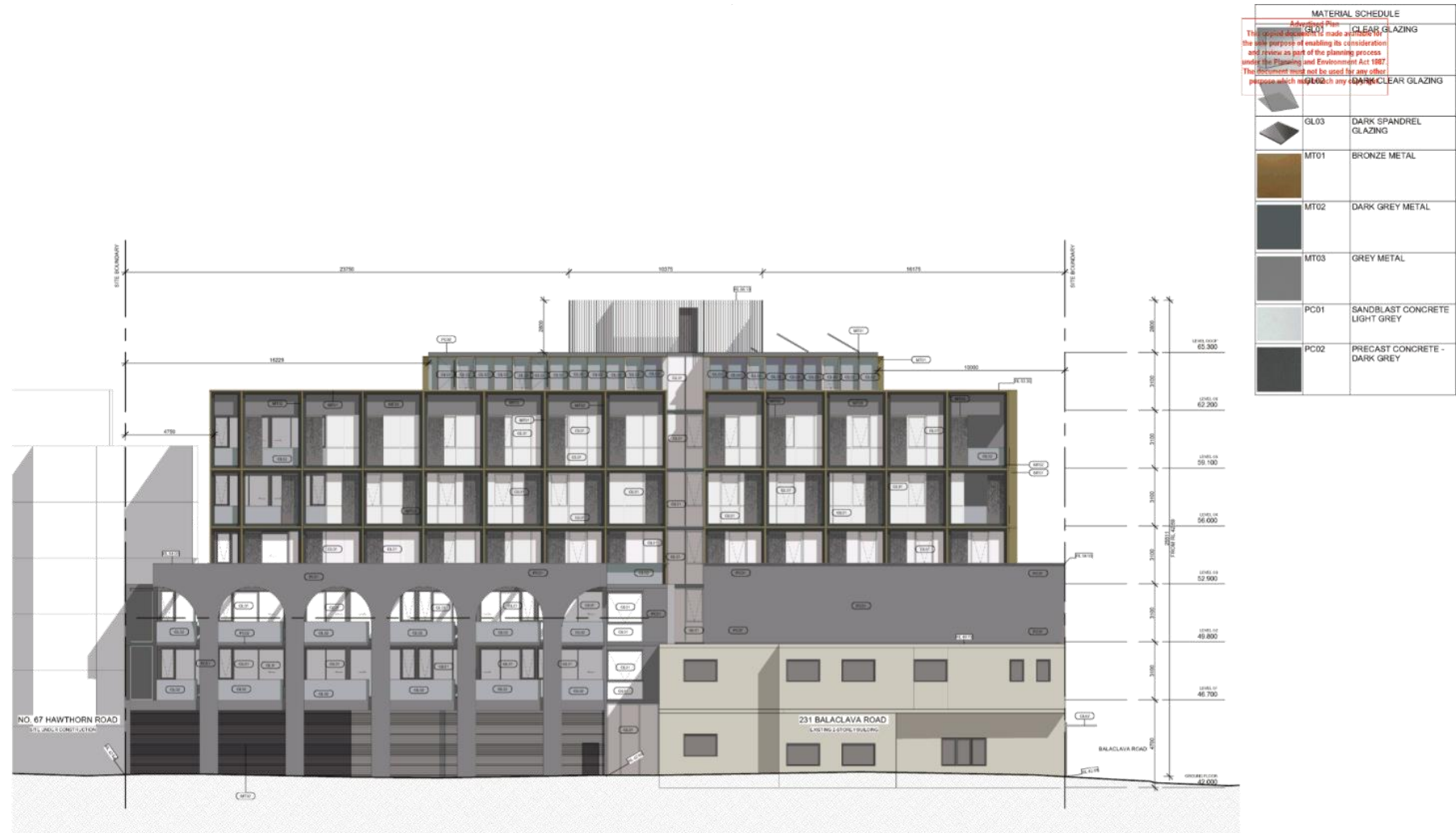
Project: Mixed Use Development
219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

No.	Date	Revised
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2	21/05/2020	21/05/2020
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Title: SOUTH ELEVATION
Sheet: PRELIMINARY
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STREET NO. TP2.02
IB
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CHT Architects Pty Ltd
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CHT Architects Pty Ltd
44 Colston Street
Collingwood VIC 3066
Phone 03 9415 1332
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Telephone 03 9417 1884
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Project
Mixed Use Development
219-229 Balaclava Road, Caulfield North

Client
Eskay Constructions Pty Ltd

Amendments

No.	Date	Issue
1	21/05/2020	Issue for Planning Submission
2	21/05/2020	Issue for Planning Submission
3	21/05/2020	Issue for Planning Submission
4	21/05/2020	Issue for Planning Submission
5	21/05/2020	Issue for Planning Submission
6	21/05/2020	Issue for Planning Submission
7	21/05/2020	Issue for Planning Submission
8	21/05/2020	Issue for Planning Submission
9	21/05/2020	Issue for Planning Submission
10	21/05/2020	Issue for Planning Submission

Title
EAST ELEVATION

Sheet
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TOWN PLANNING

Sheet No.
TP2.03

Revision
IB

Scale
1:1000

Date
21/05/2020

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MATERIAL SCHEDULE	
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GL02	GLASS GLAZING
GL03	DARK SPANDREL GLAZING
MT01	BRONZE METAL
MT02	DARK GREY METAL
MT03	GREY METAL
PC01	SANDBLAST CONCRETE LIGHT GREY
PC02	PRECAST CONCRETE - DARK GREY

TOWN PLANNING

TP2.04 IB

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Date
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No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
4	21/05/2020
5	21/05/2020
6	21/05/2020
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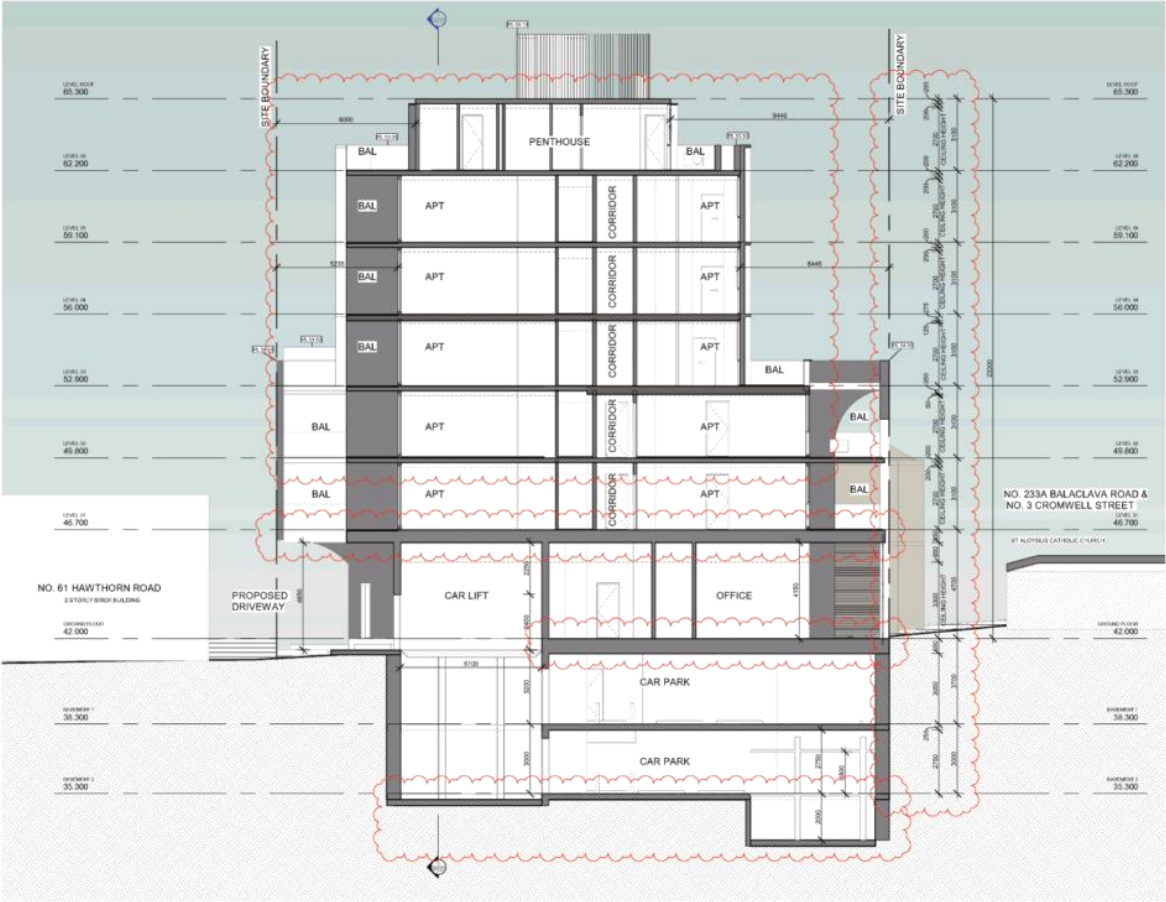
Project
Mixed Use Development
219-229 Balaclava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

Revisions	
No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
4	21/05/2020
5	21/05/2020
6	21/05/2020
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9	21/05/2020
10	21/05/2020

Section
SECTION A - A
Sheet
PRELIMINARY
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STREET NO.
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Project: Mixed Use Development
219-229 Balaclava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

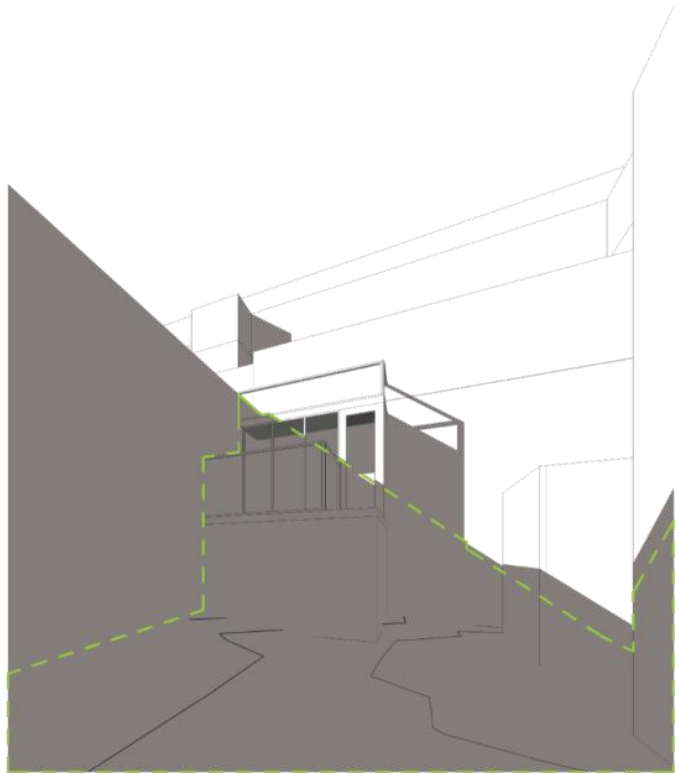
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2	21/05/2020
3	21/05/2020
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10	21/05/2020

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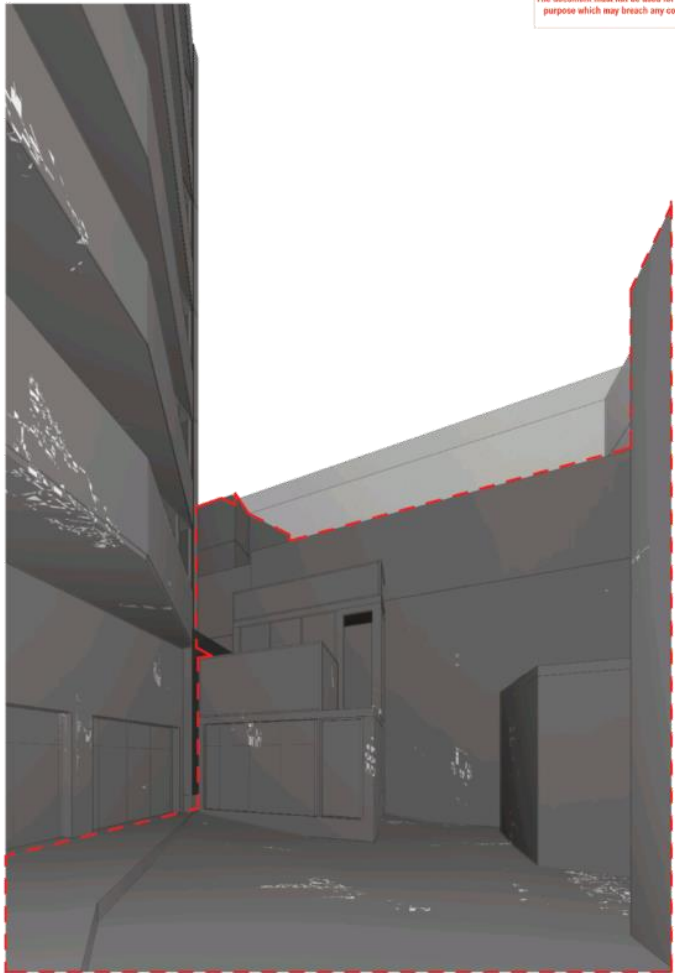
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Revision: B
Scale: 1:100 at A1
Date: 21/05/2020

19007

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1 SPRING EQUINOX - 9AM (EXISTING)



2 SPRING EQUINOX - 9AM (PROPOSED)



CHT Architects Pty Ltd
4th Floor, 100 Sturt Street
Melbourne VIC 3000
Phone: 03 9417 1000
Fax: 03 9417 1001
Email: info@chtarchitects.com.au
www.chtarchitects.com.au

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219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

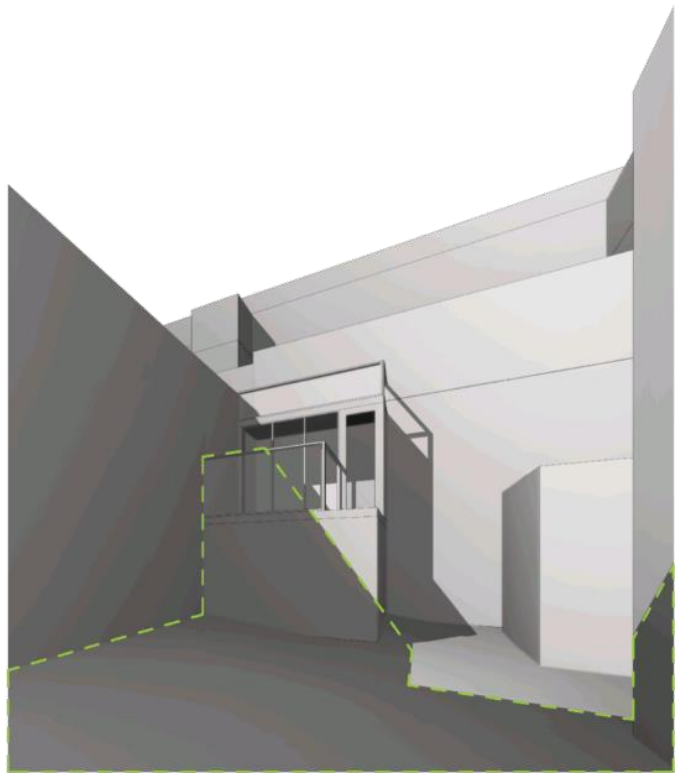
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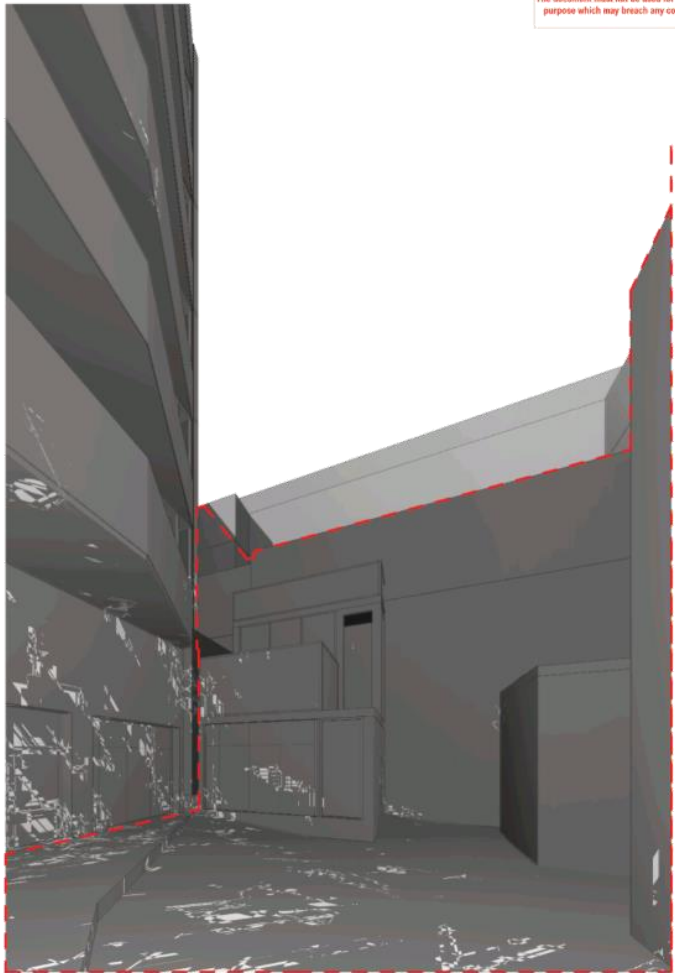
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Revision IB
Scale: 1:100
Date: 21/05/2020

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44 Colson Street
Caulfield VIC 3168
Phone 03 958 1333
Caulfield VIC 3168
Telephone 03 958 1333
Fax 03 958 1333
info@chtarchitects.com.au
chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balaclava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

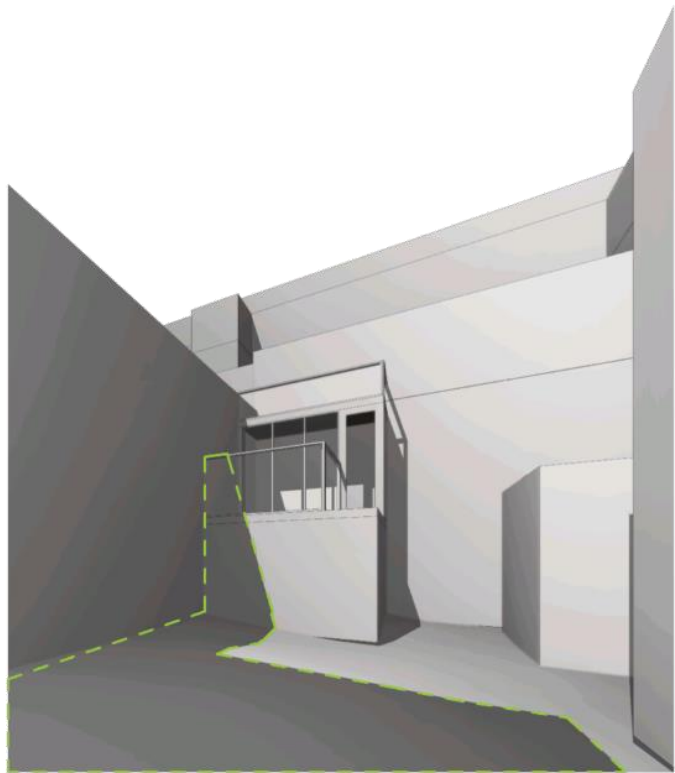
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No.	Date
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2	21/05/2020
3	21/05/2020
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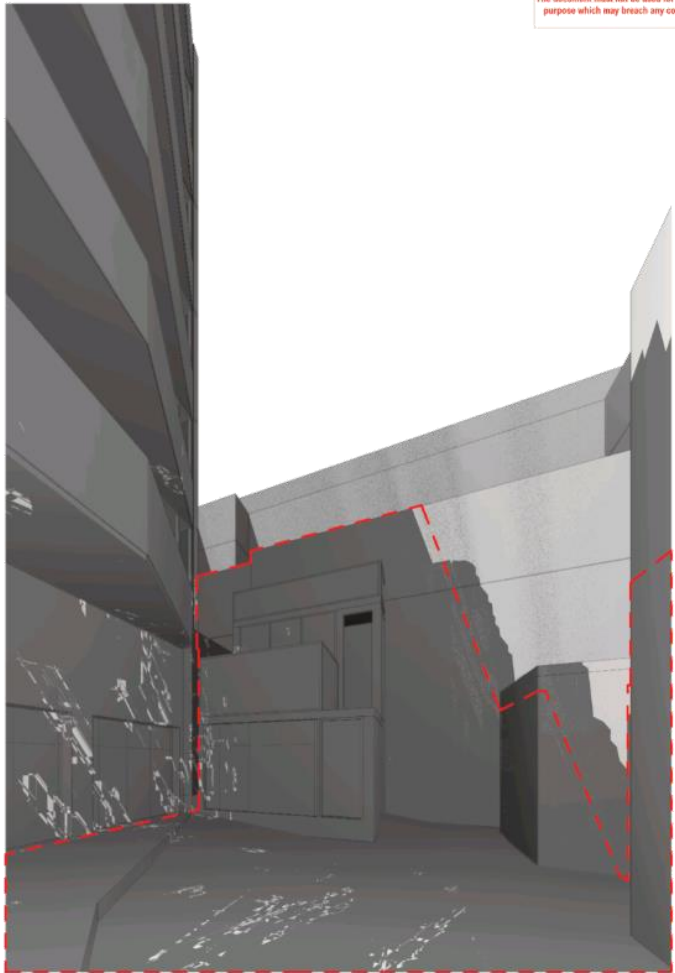
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Revision
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Scale
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Date
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2 SPRING EQUINOX - 11AM (PROPOSED)

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ARCHITECTURE
INTERIOR DESIGN
URBAN DESIGN

CHT Architects Pty Ltd
44 Colson Street
Caulfield VIC 3168
Phone 03 958 1333
Caulfield VIC 3168

Telephone 03 958 1333
info@chtarchitects.com.au
chtarchitects.com.au

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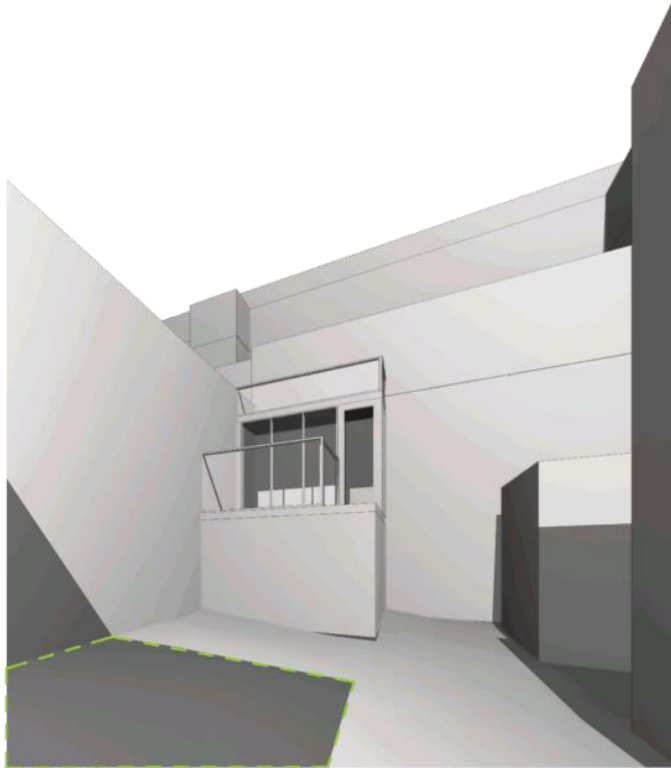
Project
Mixed Use Development
219-229 Balacava Road, Caulfield North

Client
Eskay Constructions Pty Ltd

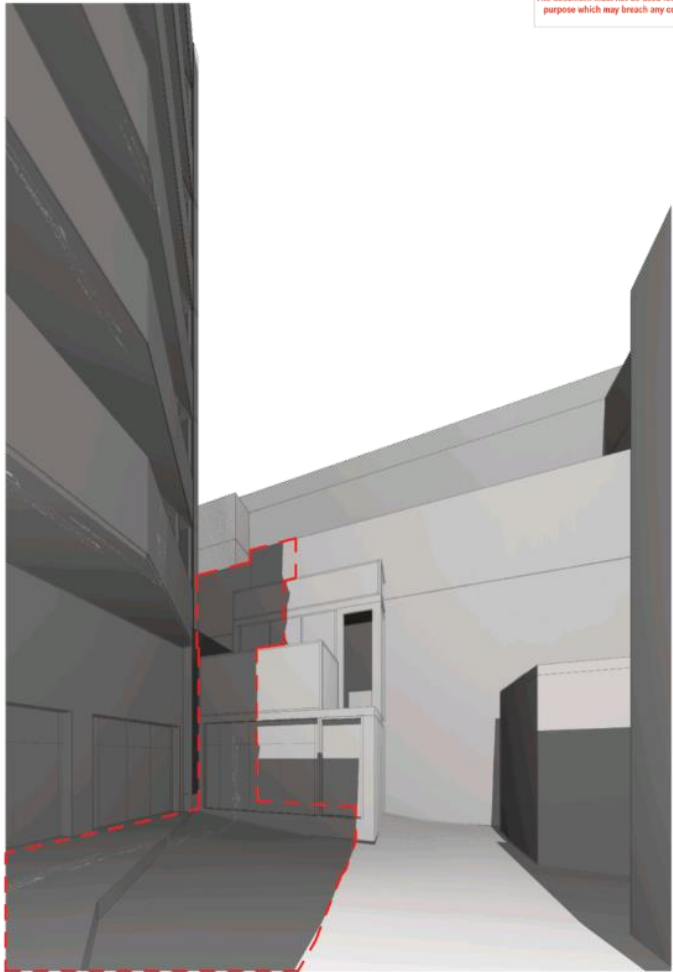
No.	Date	Revised
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2	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
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4	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
5	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
6	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
7	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
8	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
9	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH
10	21/05/2020	219-229 BALACAVA ROAD, CAULFIELD NORTH

Title	Sheet No.	Revision
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PRELIMINARY NOT FOR CONSTRUCTION	Scale @A1	Date 21/05/2020

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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

Amendments		
No.	Date	Notes
1	21/05/2020	Initial Design
2	21/05/2020	Final Design
3	21/05/2020	Final Design
4	21/05/2020	Final Design
5	21/05/2020	Final Design
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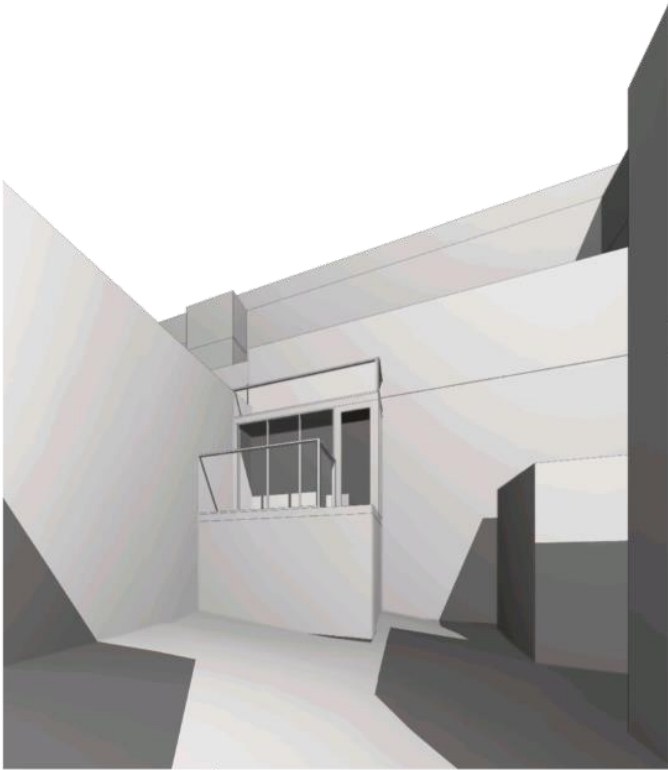
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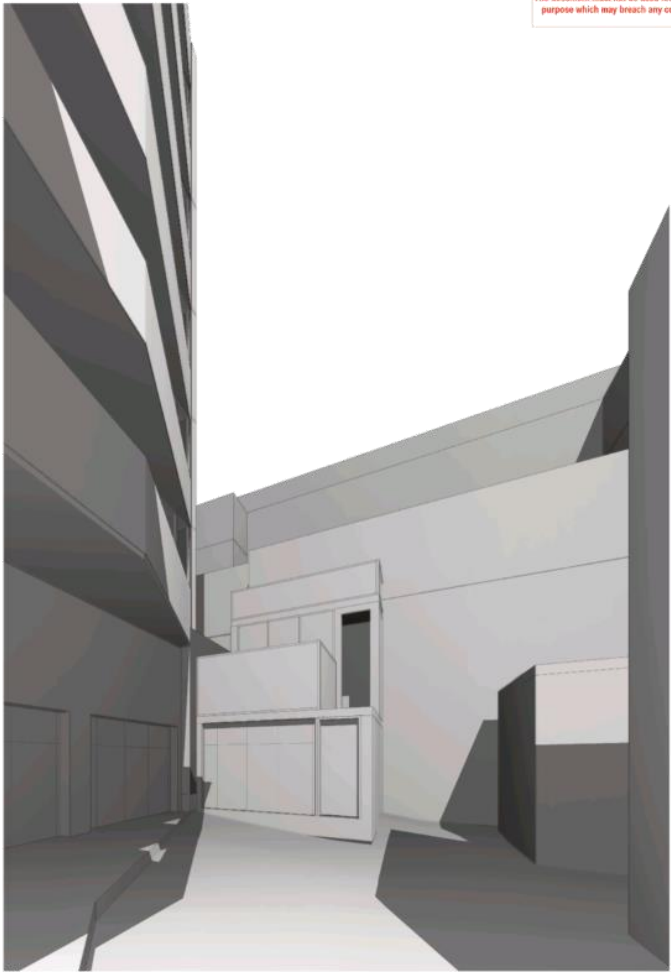
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CHT Architects Pty Ltd
44 Colson Street
Caulfield VIC 3168
Phone 03 958 1333
Caulfield VIC 3168
Telephone 03 958 1333
Fax 03 958 1333
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chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

No.	Date	Revised
1	21/05/2020	Initial
2	21/05/2020	21/05/2020
3	21/05/2020	21/05/2020
4	21/05/2020	21/05/2020
5	21/05/2020	21/05/2020
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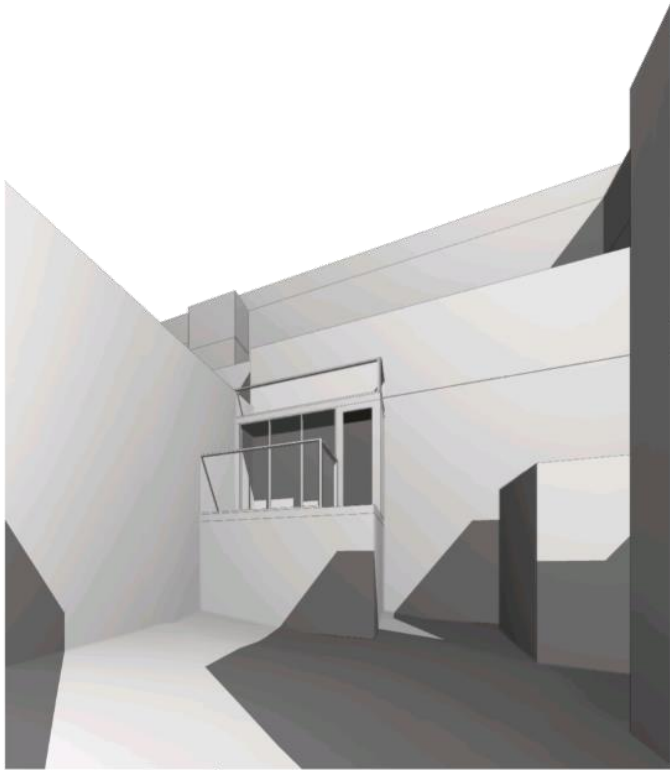
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Sheet No.
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Revision
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Date
21/05/2020

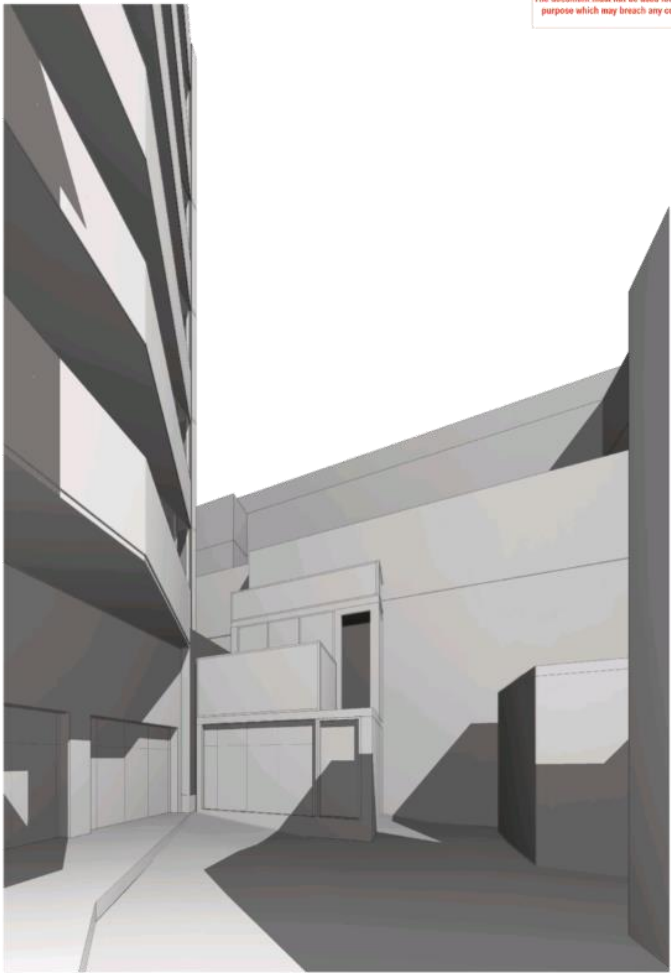
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44 Colson Street
Caulfield VIC 3168
Phone 03 958 1333
Caulfield VIC 3168
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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
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No.	Date	Revised
1	21/05/2020	Initial
2	21/05/2020	21/05/2020
3	21/05/2020	21/05/2020
4	21/05/2020	21/05/2020
5	21/05/2020	21/05/2020
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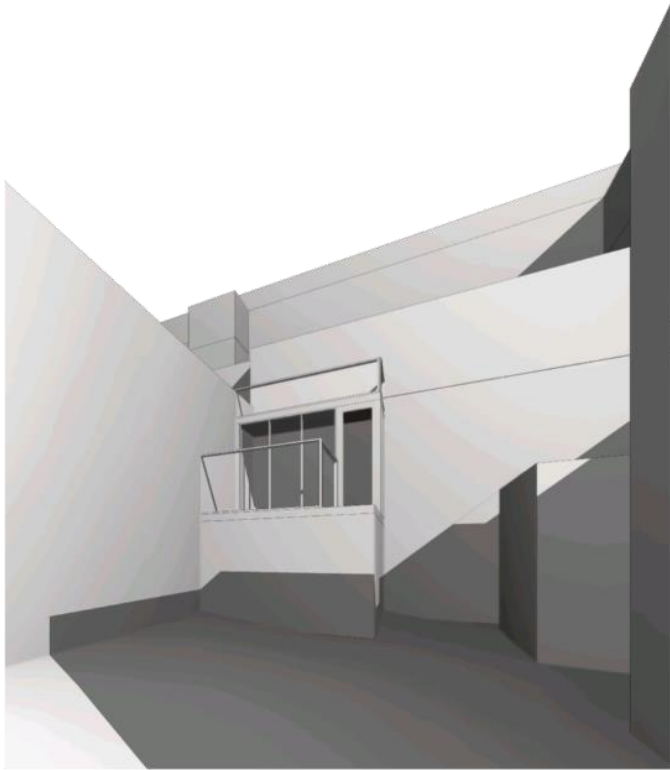
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Revision
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Date
21/05/2020

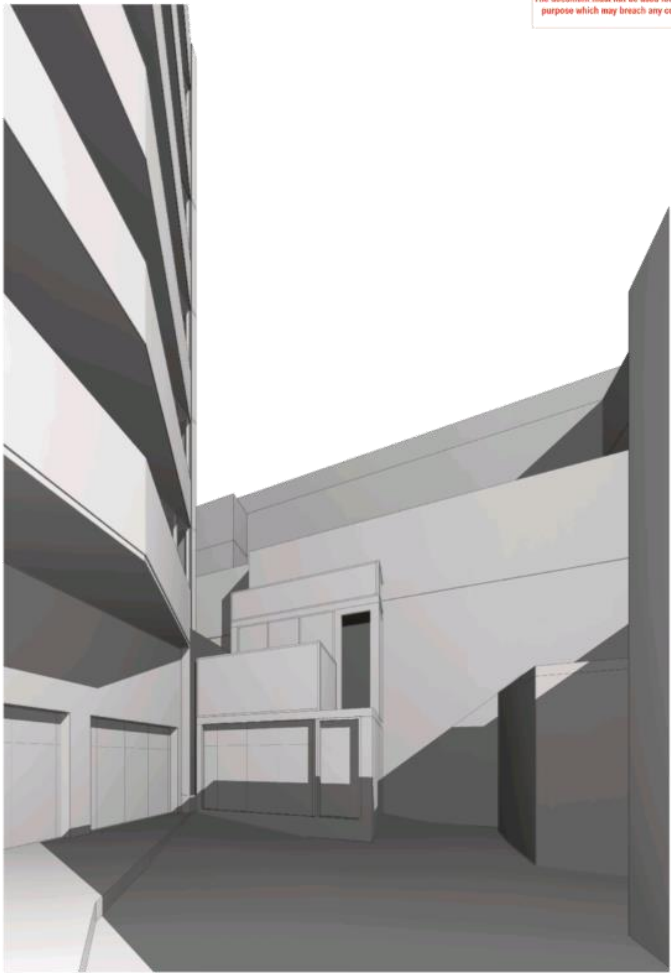
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2 SPRING EQUINOX - 3PM (PROPOSED)

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44 Colindale Street
Colindale VIC 3086
Phone 03 9388 1333
Colindale VIC 3086
Telephone 03 9388 1333
Fax 03 9388 1333
info@chtarchitects.com.au
chtarchitects.com.au

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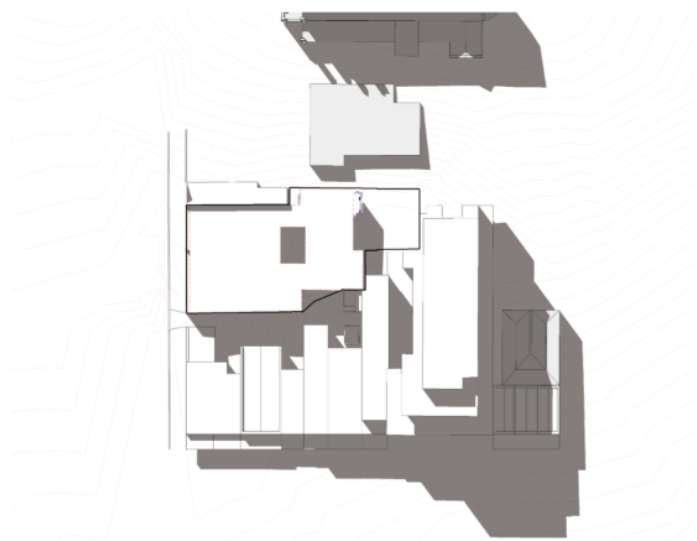
Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

No.	Date	Revised
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2	21/05/2020	Final Design
3	21/05/2020	Final Design
4	21/05/2020	Final Design
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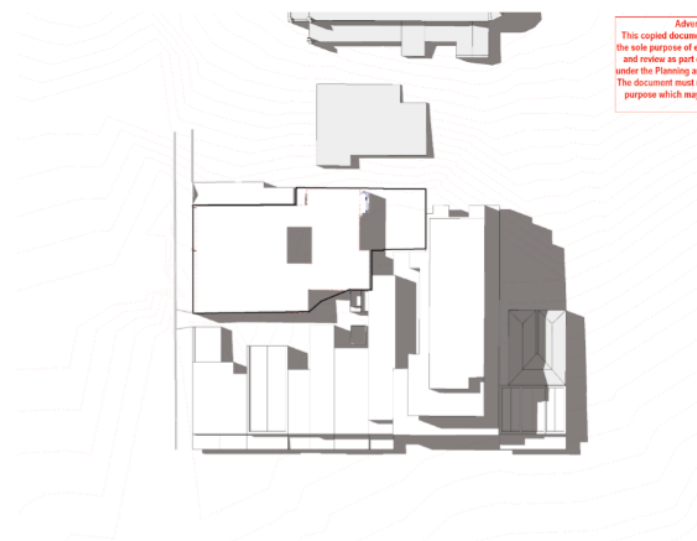
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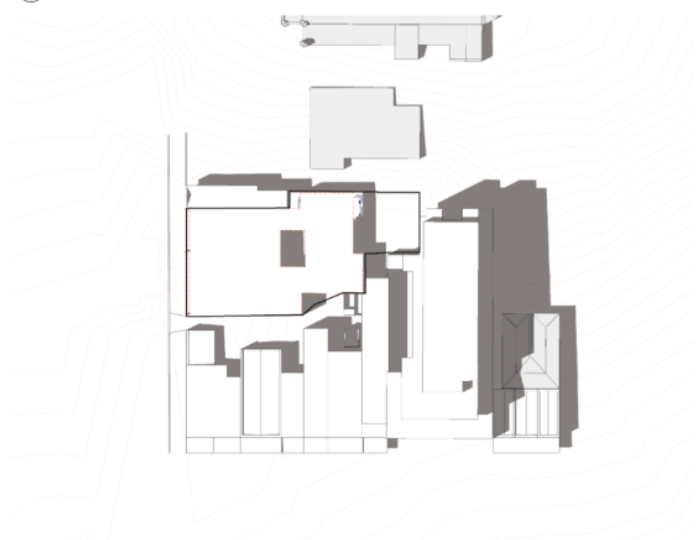
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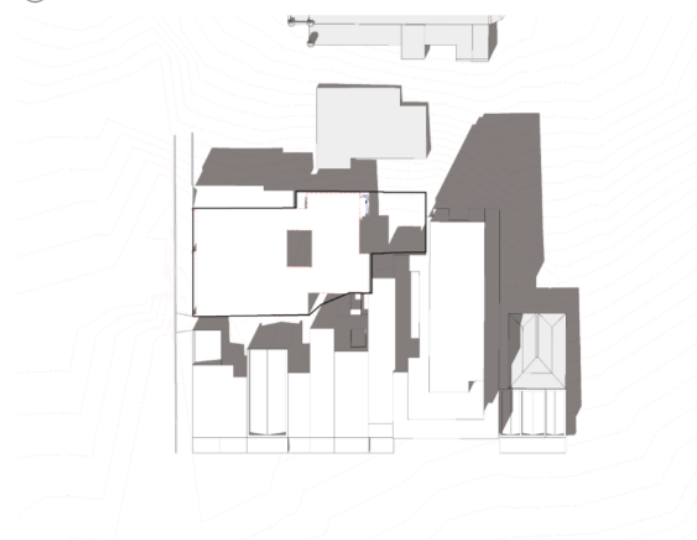
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Scale: 1:500



3 S-SPRING EQUINOX - 1PM (EXISTING)
Scale: 1:500



4 S-SPRING EQUINOX - 3PM (EXISTING)
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Caulfield North VIC 3168
Phone 03 9581 1332
Caulfield North VIC 3168
Telephone 03 9417 1944
Facsimile 03 9415 1442
info@chtarchitects.com.au
chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North

Client
Eskay Constructions Pty Ltd

Revisions	
No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
4	21/05/2020
5	21/05/2020
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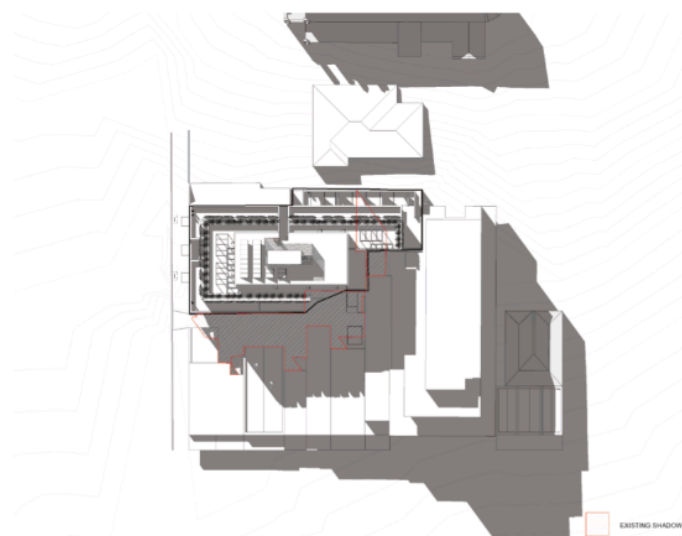
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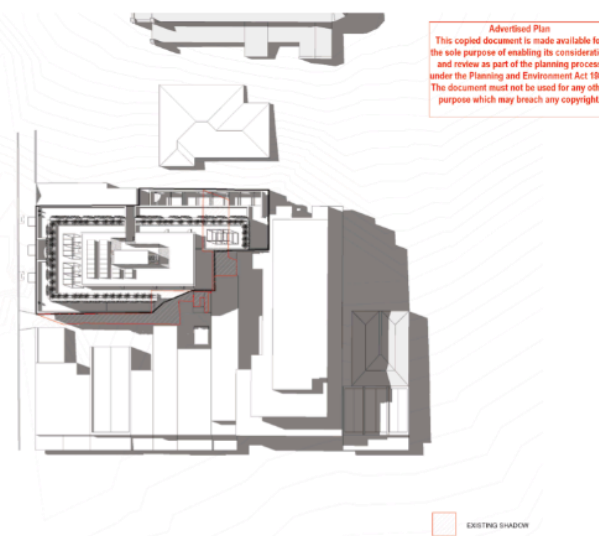
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TOWN PLANNING

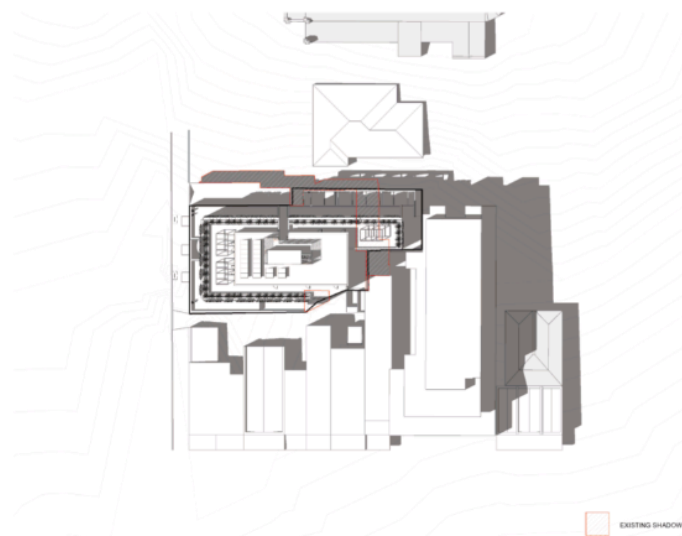
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Revision 19007
Date 21/05/2020



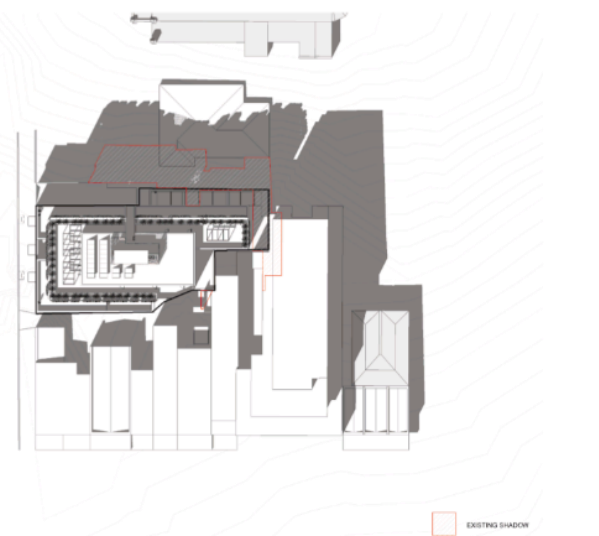
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2 S-SPRING EQUINOX - 11AM
Scale 1:500



3 S-SPRING EQUINOX - 1PM
Scale 1:500



4 S-SPRING EQUINOX - 3PM
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ABN 29 108 006 513
Architecture
Interior Design
Urban Design

CHT Architects Pty Ltd
44 Colwell Street
Caulfield VIC 3168
Phone 03 9594 1332
Caulfield VIC 3168
Telephone 03 9594 1332
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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

Amendments	
No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
4	21/05/2020
5	21/05/2020
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10	21/05/2020

Title
SHADOW DIAGRAM - PROPOSED
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

TOWN PLANNING
Sheet No.
TP4.12 IB
Revision
Scale
1:500@A1
Date
21/05/2020

19007

Drawn by: Auto/Checked by: Clerk

STANDARD 'D17' ACCESSIBILITY...		
Unit Type	Unit Description	STANDARD 'D17' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	NO
TYPE 05	2 BED & 2 BATH	NO
TYPE 06	2 BED & 2 BATH	NO
TYPE 07	2 BED & 2 BATH	NO
TYPE 08	2 BED & 2 BATH	YES
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	NO
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
17
50%
57%

STANDARD 'D20' STORAGE ASSESSMENT		
Unit Type	Unit Description	STANDARD 'D20' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	YES
TYPE 05	2 BED & 2 BATH	YES
TYPE 06	2 BED & 2 BATH	YES
TYPE 07	2 BED & 2 BATH	YES
TYPE 08	2 BED & 2 BATH	YES
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
30
100%
100%

STANDARD 'D25' ROOM DEPTH...		
Unit Type	Unit Description	STANDARD 'D25' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	YES
TYPE 05	2 BED & 2 BATH	YES
TYPE 06	2 BED & 2 BATH	YES
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TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
30
100%
100%

STANDARD 'D27' CROSS VENTILATION		
Unit Type	Unit Description	STANDARD 'D27' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	NO
TYPE 05	2 BED & 2 BATH	NO
TYPE 06	2 BED & 2 BATH	NO
TYPE 07	2 BED & 2 BATH	YES
TYPE 08	2 BED & 2 BATH	NO
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	NO
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	NO
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
16
40%
53%

STANDARD 'D19' P.O.S ASSESSMENT		
Unit Type	Unit Description	STANDARD 'D19' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	YES
TYPE 05	2 BED & 2 BATH	YES
TYPE 06	2 BED & 2 BATH	YES
TYPE 07	2 BED & 2 BATH	YES
TYPE 08	2 BED & 2 BATH	YES
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
30
100%
100%

STANDARD 'D24' ROOM SIZES...		
Unit Type	Unit Description	STANDARD 'D24' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	YES
TYPE 05	2 BED & 2 BATH	YES
TYPE 06	2 BED & 2 BATH	YES
TYPE 07	2 BED & 2 BATH	YES
TYPE 08	2 BED & 2 BATH	YES
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
30
100%
100%

STANDARD 'D26' WINDOWS ASSESSMENT		
Unit Type	Unit Description	STANDARD 'D26' COMPLIANT?
TYPE 01	2 BED & 2 BATH + STUDY	YES
TYPE 02	3 BED & 2 BATH	YES
TYPE 03	3 BED & 2 BATH	YES
TYPE 04	2 BED & 2 BATH	YES
TYPE 05	2 BED & 2 BATH	YES
TYPE 06	2 BED & 2 BATH	YES
TYPE 07	2 BED & 2 BATH	YES
TYPE 08	2 BED & 2 BATH	YES
TYPE 09	3 BED & 2 BATH	YES
TYPE 10	3 BED & 2 BATH	YES
TYPE 11	3 BED & 2 BATH	YES
TYPE 12	2 BED & 2 BATH	YES
TYPE 13	3 BED & 2 BATH	YES
TYPE 14	3 BED & 2 BATH	YES
TYPE 15	PENTHOUSE (4 BED)	YES

TOTAL NO. OF APARTMENTS
TOTAL NO. OF COMPLIANT APARTMENTS
% COMPLIANCE REQUIRED
% COMPLIANCE ACHIEVED

30
30
100%
100%

STANDARD 'D7' COMMUNAL OPEN SPACE ASSESSMENT	
TOTAL NO. OF APARTMENTS	30
REQUIRED MINIMUM AREA OF COMMUNAL OPEN SPACE	0m²
AREA OF COMMUNAL OPEN SPACE ACHIEVED	0m²

OVERALL DEVELOPMENT BADS COMPLIANCE ASSESSMENT			
STANDARD 'D7' COMPLIANT	STANDARD 'D17' COMPLIANT?	STANDARD 'D19' COMPLIANT?	STANDARD 'D20' COMPLIANT?
YES	YES	YES	YES
D21	D22	D23	D24
STANDARD 'D24' COMPLIANT?	STANDARD 'D25' COMPLIANT?	STANDARD 'D26' COMPLIANT?	STANDARD 'D27' COMPLIANT?
YES	YES	YES	NO
D24	D25	D26	D27



CHT Architects Pty Ltd
44 Colwell Street
Colwell Street VIC 3066
Ph: 03 9471 1000
Fax: 03 9471 1001

Telephone: 03 9471 1000
Email: info@chtarchitects.com.au
Website: www.chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

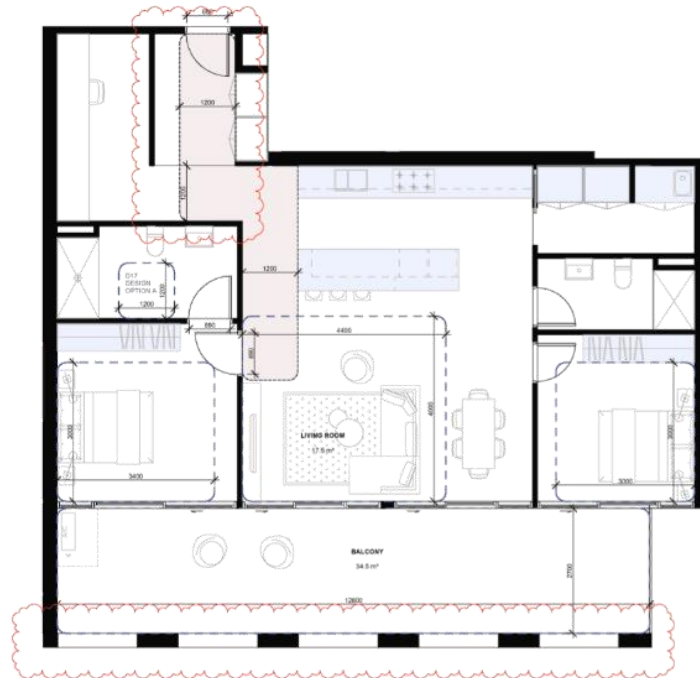
No.	Date	Issue
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2	10/05/2020	Revised
3	10/05/2020	Revised
4	10/05/2020	Revised
5	10/05/2020	Revised
6	10/05/2020	Revised
7	10/05/2020	Revised
8	10/05/2020	Revised
9	10/05/2020	Revised
10	10/05/2020	Revised

Title
BETTER APARTMENT DESIGN
STANDARD ASSESSMENT
SUMMARY
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.
TP5.00
Revision
B
Scale
As indicated at A1
Date
21/05/2020

19007

Drawn by: Authored/checked by: Checked



1 APARTMENT TYPE 01

Scale: 1:50

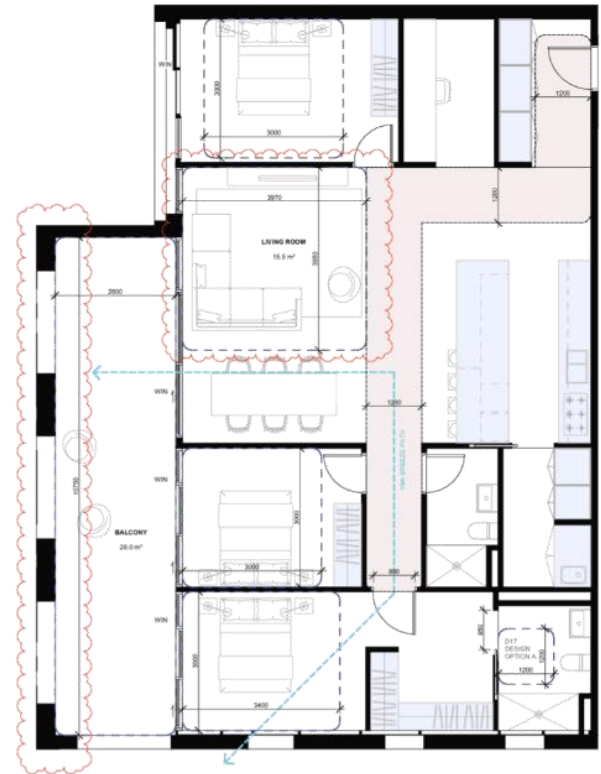


UNIT TYPE: 2 BED & 2 BATH + STUDY
AREA: 116.9m² + 38m² (balcony)
APT: 101, 201

TYPE 01 INTERNAL STORAGE SCHEDULE

CUPBOARD	4 m³
ISLAND BENCH	2 m³
KITCHEN BENCH	3 m³
LAUNDRY	2 m³
WARDROBE	8 m³
TOTAL INTERNAL STORAGE	29 m³

APARTMENT TYPE 01 - B.A.S. ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD 101 COMPLIANT	STANDARD 101A COMPLIANT	STANDARD 101B COMPLIANT	STANDARD 101C COMPLIANT	STANDARD 101D COMPLIANT	STANDARD 101E COMPLIANT	STANDARD 101F COMPLIANT
2 BED & 2 BATH + STUDY	2	YES	YES	YES	YES	YES	YES	NO



2 APARTMENT TYPE 02

Scale: 1:50



UNIT TYPE: 3 BED & 2 BATH
AREA: 145m² + 38m² (balcony)
APT: 102, 202

TYPE 02 INTERNAL STORAGE SCHEDULE

CUPBOARD	9 m³
ISLAND BENCH	3 m³
KITCHEN BENCH	2 m³
LAUNDRY	2 m³
WARDROBE	12 m³
TOTAL INTERNAL STORAGE	29 m³

APARTMENT TYPE 02 - B.A.S. ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD 101 COMPLIANT	STANDARD 101A COMPLIANT	STANDARD 101B COMPLIANT	STANDARD 101C COMPLIANT	STANDARD 101D COMPLIANT	STANDARD 101E COMPLIANT	STANDARD 101F COMPLIANT
3 BED & 2 BATH	2	YES	YES	YES	YES	YES	YES	YES

NOTES: Advertised Plan
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CEILING HEIGHTS:
LIVING AREAS: MINIMUM 2.1M CEILING HEIGHT
BED + BATH: MINIMUM 2.0M CEILING HEIGHT
under the Planning and Environment Act 1987.
The doors must not be used for any other purpose.
APARTMENT ENTRANCES:
BATHROOMS DOORS AND MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBBLES STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD 101 COMPLIANT
	STANDARD 101 NOT COMPLIANT
	STANDARD 101A COMPLIANT
	STANDARD 101B COMPLIANT
	STANDARD 101C COMPLIANT
	STANDARD 101D COMPLIANT
	STANDARD 101E COMPLIANT
	STANDARD 101F COMPLIANT
	STANDARD 101 NOT COMPLIANT
	TOTAL APARTMENT
	STANDARD 101 NOT APPLICABLE



CHT ARCHITECTS PTY LTD
ABN 29 108 008 513

CHT Architects Pty Ltd
44 Colwell Street
Caulfield VIC 3166
Phone: 03 9511 1100
Fax: 03 9511 1101
Email: info@chtarchitects.com.au
Website: www.chtarchitects.com.au

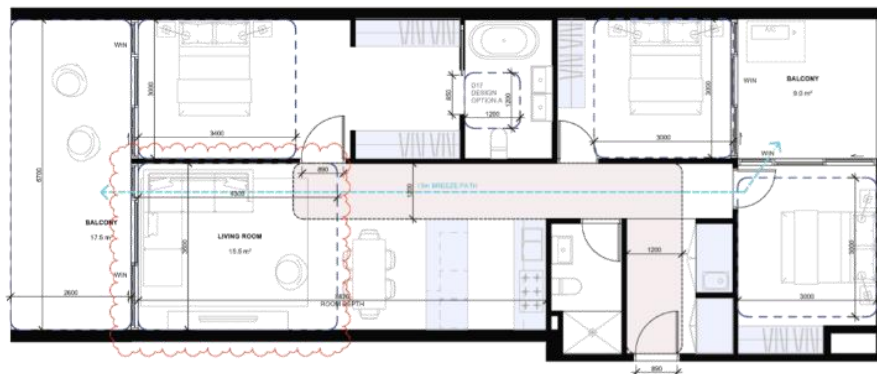
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219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

No.	Date	Issue
1	10/05/2020	ISSUED FOR CONSTRUCTION
2	10/05/2020	ISSUED FOR CONSTRUCTION
3	10/05/2020	ISSUED FOR CONSTRUCTION
4	10/05/2020	ISSUED FOR CONSTRUCTION
5	10/05/2020	ISSUED FOR CONSTRUCTION
6	10/05/2020	ISSUED FOR CONSTRUCTION
7	10/05/2020	ISSUED FOR CONSTRUCTION
8	10/05/2020	ISSUED FOR CONSTRUCTION
9	10/05/2020	ISSUED FOR CONSTRUCTION
10	10/05/2020	ISSUED FOR CONSTRUCTION

Sheet No. TP5.01
Revision B
Scale: 1:50 at A1
Date: 21/05/2020
Title: BETTER APARTMENT DESIGN STANDARD ASSESSMENT
Status: PRELIMINARY NOT FOR CONSTRUCTION

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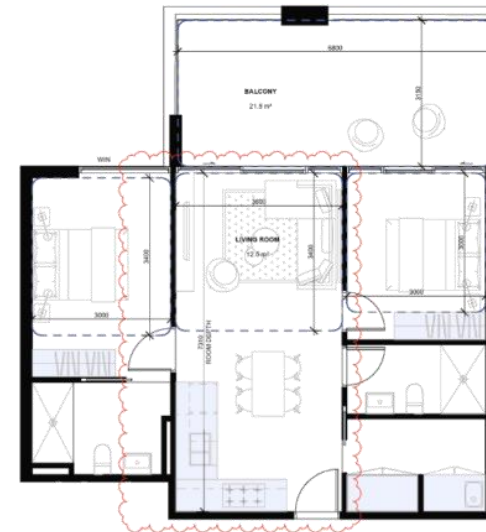
1 APARTMENT TYPE 03
Unit 1: 50

UNIT TYPE: 3 BED & 2 BATH
AREA: 108m² + 17m² (balcony)
APT: 103, 104

TYPE 03 INTERNAL STORAGE SCHEDULE

CUPBOARD	2 m ²
ISLAND BENCH	1 m ²
KITCHEN BENCH	1 m ²
LAUNDRY	3 m ²
WARDROBE	13 m ²
TOTAL INTERNAL STORAGE	21 m ²

APARTMENT TYPE 03 - BADS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD T01 COMPLIANT	STANDARD T02 COMPLIANT	STANDARD T03 COMPLIANT	STANDARD T04 COMPLIANT	STANDARD T05 COMPLIANT	STANDARD T06 COMPLIANT	STANDARD T07 COMPLIANT
3 BED & 2 BATH	1	YES	YES	YES	YES	YES	YES	YES



2 APARTMENT TYPE 04
Unit 1: 50

UNIT TYPE: 2 BED & 2 BATH
AREA: 74.5m² + 21m² (balcony)
APT: 106, 108

TYPE 04 INTERNAL STORAGE SCHEDULE

CUPBOARD	3 m ²
ISLAND BENCH	1 m ²
KITCHEN BENCH	1 m ²
LAUNDRY	2 m ²
WARDROBE	6 m ²
TOTAL INTERNAL STORAGE	14 m ²

APARTMENT TYPE 04 - BADS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD T01 COMPLIANT	STANDARD T02 COMPLIANT	STANDARD T03 COMPLIANT	STANDARD T04 COMPLIANT	STANDARD T05 COMPLIANT	STANDARD T06 COMPLIANT	STANDARD T07 COMPLIANT
2 BED & 2 BATH	1	YES	YES	YES	YES	YES	YES	YES

NOTES: Advertised Plan
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CEILING HEIGHTS:
- LIVING AREAS: MINIMUM 2.1M CEILING HEIGHT
- BED & BATH: MINIMUM 2.0M CEILING HEIGHT
- UNDER FLOORING AND CLOSETING: 2.0M
The above dimensions must not be used for any other purpose.
APARTMENT ENTRANCES:
- APARTMENT ENTRANCES, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBBLES STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD T01 COMPLIANT
	STANDARD T02 COMPLIANT
	STANDARD T03 COMPLIANT
	STANDARD T04 COMPLIANT
	STANDARD T05 COMPLIANT
	STANDARD T06 COMPLIANT
	STANDARD T07 COMPLIANT
	STANDARD T01 NOT COMPLIANT
	STANDARD T02 NOT COMPLIANT
	STANDARD T03 NOT COMPLIANT
	STANDARD T04 NOT COMPLIANT
	STANDARD T05 NOT COMPLIANT
	STANDARD T06 NOT COMPLIANT
	STANDARD T07 NOT COMPLIANT
	TOTAL APARTMENT COMPLIANT
	STANDARD T01 NOT COMPLIANT



CHT ARCHITECTS Pty Ltd
ABN 59 128 008 513

CHT Architects Pty Ltd
44 Colston Street
Caulfield VIC 3168
Ph: 03 9594 1100
Caulfield VIC 3168
Tel: 03 9594 1100
Fax: 03 9594 1100
Email: info@chtarchitects.com.au
www.chtarchitects.com.au

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219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

No.	Date	Issue
1	10/05/2020	ISSUED FOR TENDER
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3	10/05/2020	ISSUED FOR TENDER
4	10/05/2020	ISSUED FOR TENDER
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6	10/05/2020	ISSUED FOR TENDER
7	10/05/2020	ISSUED FOR TENDER
8	10/05/2020	ISSUED FOR TENDER
9	10/05/2020	ISSUED FOR TENDER
10	10/05/2020	ISSUED FOR TENDER

Sheet No. TP5.02
Revision B
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Checked by: [Name]
Title: BETTER APARTMENT DESIGN
STANDARD ASSESSMENT
Preliminary
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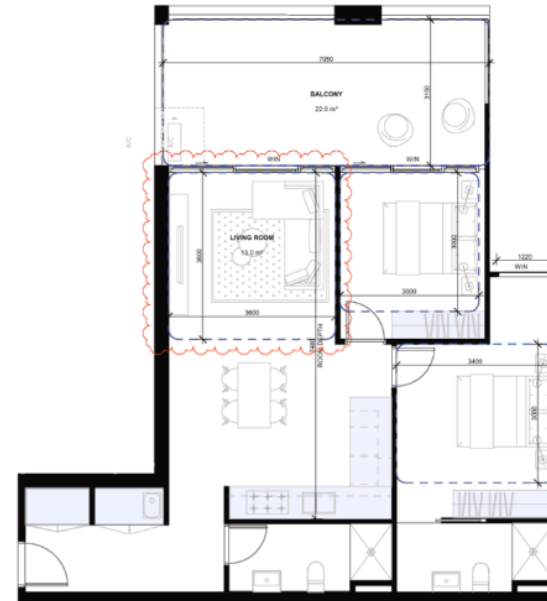
1 APARTMENT TYPE 05
Scale: 1:50

UNIT TYPE: 2 BED & 2 BATH
AREA: 87m² + 32m² (Balcony)
APT: 108, 208

TYPE 05 INTERNAL STORAGE SCHEDULE

CUPBOARD	3 m³
ISLAND BENCH	1 m³
KITCHEN BENCH	1 m³
LAUNDRY	2 m³
WARDROBE	6 m³
TOTAL INTERNAL STORAGE	14 m³

APARTMENT TYPE 05 - BACS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT
2 BED & 2 BATH	2	NO	YES	YES	YES	YES	YES	NO



2 APARTMENT TYPE 06
Scale: 1:50

UNIT TYPE: 2 BED & 2 BATH
AREA: 87m² + 32m² (Balcony)
APT: 108, 208

TYPE 06 INTERNAL STORAGE SCHEDULE

CUPBOARD	3 m³
ISLAND BENCH	1 m³
KITCHEN BENCH	2 m³
LAUNDRY	3 m³
WARDROBE	7 m³
TOTAL INTERNAL STORAGE	15 m³

APARTMENT TYPE 06 - BACS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT	STANDARD DTV COMPLIANT
2 BED & 2 BATH	2	NO	YES	YES	YES	YES	YES	NO

NOTES: Advertised Plan
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CEILING HEIGHTS
LIVING AREAS: MINIMUM 2.1M CEILING HEIGHT
BED + BATH: MINIMUM 2.0M CEILING HEIGHT
The floors must not be used for any other purpose.
APARTMENT ENTRANCE DOORS, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBBLES STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD DTV COMPLIANT
	STANDARD DTV NOT COMPLIANT
	STANDARD DTV COMPLIANT
	STANDARD DTV COMPLIANT
	STANDARD DTV COMPLIANT
	STANDARD DTV COMPLIANT
	STANDARD DTV COMPLIANT
	STANDARD DTV NOT COMPLIANT
	TOTAL APARTMENT
	STANDARD DTV NOT APPLICABLE



CHT ARCHITECTS Pty Ltd
ABN 29 108 006 513
Architecture
Interior Design
Urban Design

CHT Architects Pty Ltd
44 Colwell Street
Collingwood VIC 3066
Phone: 03 9417 1333
Collingwood VIC 3066
Telephone: 03 9417 1344
Facsimile: 03 9417 1347
info@chtarchitects.com.au
chtarchitects.com.au

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219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

No.	Date	Revised
1	10/05/2020	ISSUED FOR TENDER
2	10/05/2020	ISSUED FOR TENDER
3	10/05/2020	ISSUED FOR TENDER
4	10/05/2020	ISSUED FOR TENDER
5	10/05/2020	ISSUED FOR TENDER
6	10/05/2020	ISSUED FOR TENDER
7	10/05/2020	ISSUED FOR TENDER
8	10/05/2020	ISSUED FOR TENDER
9	10/05/2020	ISSUED FOR TENDER
10	10/05/2020	ISSUED FOR TENDER

Title: BETTER APARTMENT DESIGN
STANDARD ASSESSMENT
Sheet: PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.: TP5.03
Revision: B
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Date: 21/05/2020
at A1

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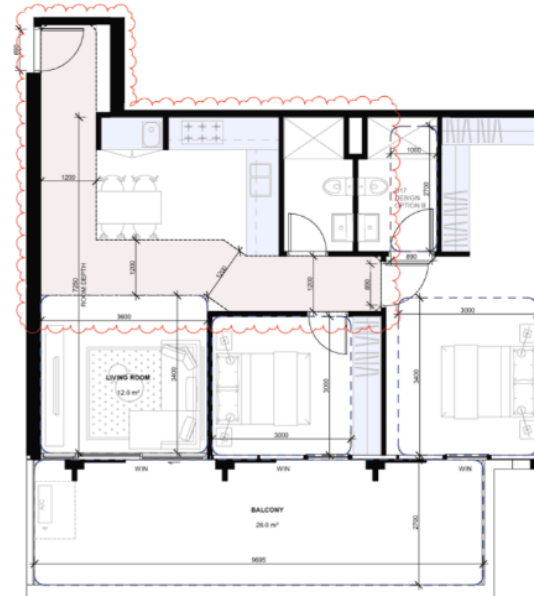
1 APARTMENT TYPE 07
scale 1:50

UNIT TYPE: 2 BED & 2 BATH
AREA: 60.9m² + 1.1m² (balcony)
APT: 107, 207, 305, 405, 505

TYPE 07 INTERNAL STORAGE SCHEDULE

ISLAND BENCH	1 m³
KITCHEN BENCH	1 m³
LAUNDRY	4 m³
WARDROBE	7 m³
TOTAL INTERNAL STORAGE	12 m³

APARTMENT TYPE 07 - BACS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD D17 COMPLIANT?	STANDARD D18 COMPLIANT?	STANDARD D19 COMPLIANT?	STANDARD D20 COMPLIANT?	STANDARD D21 COMPLIANT?	STANDARD D22 COMPLIANT?	STANDARD D23 COMPLIANT?
2 BED & 2 BATH	5	NO	YES	YES	YES	YES	YES	YES



2 APARTMENT TYPE 08
scale 1:50

UNIT TYPE: 2 BED & 2 BATH
AREA: 64.9m² + 2.0m² (balcony)
APT: 301, 401, 501

TYPE 08 INTERNAL STORAGE SCHEDULE

KITCHEN BENCH	2 m³
LAUNDRY	2 m³
WARDROBE	12 m³
TOTAL INTERNAL STORAGE	16 m³

APARTMENT TYPE 08 - BACS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD D17 COMPLIANT?	STANDARD D18 COMPLIANT?	STANDARD D19 COMPLIANT?	STANDARD D20 COMPLIANT?	STANDARD D21 COMPLIANT?	STANDARD D22 COMPLIANT?	STANDARD D23 COMPLIANT?
2 BED & 2 BATH	3	YES	YES	YES	YES	YES	YES	NO

NOTES: Advertised Plan
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CEILING HEIGHTS
LIVING AREAS - MINIMUM 2.1m CEILING HEIGHT
BED + BATH - MINIMUM 2.0m CEILING HEIGHT
under the Planning and Environment Act 1987.
The doors must not be used for any other purpose.
ALL APARTMENT ENTRANCE DOORS, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBBLES STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D17 COMPLIANT
	STANDARD D17 NOT COMPLIANT
	STANDARD D18 COMPLIANT
	STANDARD D18 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD D19 NOT COMPLIANT
	STANDARD D20 COMPLIANT
	STANDARD D20 NOT COMPLIANT
	STANDARD D21 COMPLIANT
	STANDARD D21 NOT COMPLIANT
	STANDARD D22 COMPLIANT
	STANDARD D22 NOT COMPLIANT
	STANDARD D23 COMPLIANT
	STANDARD D23 NOT COMPLIANT

TOTAL APARTMENT
STANDARD D23 NOT APPLICABLE



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Mixed Use Development
219-229 Balaclava Road, Caulfield North
Client
Eskey Constructions Pty Ltd

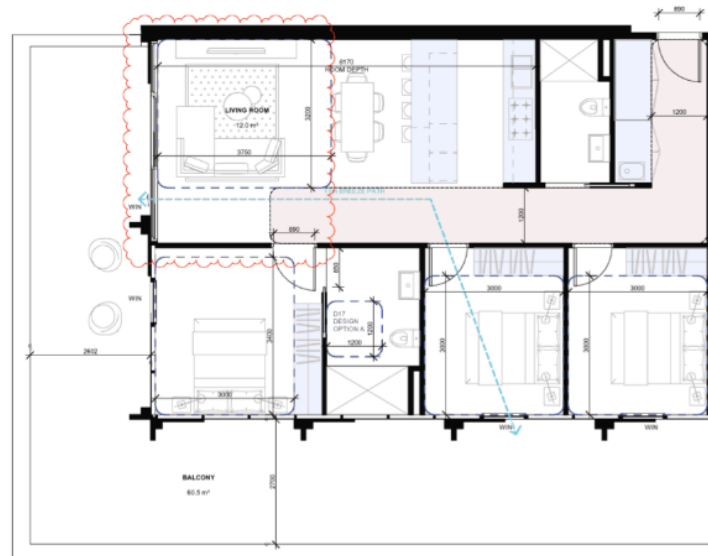
No.	Date	Revised
1	21/05/2020	ISSUED FOR REVIEW
2	21/05/2020	FOR CONSTRUCTION

Title
**BETTER APARTMENT DESIGN
STANDARD ASSESSMENT**
Sheet
**PRELIMINARY
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NOTES: Advertisized Plan
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LIVING AREAS - MINIMUM 2.7M CEILING HEIGHT
BED + BATH - MINIMUM 2.4M CEILING HEIGHT
under the Planning and Environment Act 1987.
The plans must not be used for any other
purpose.
DOORS:
ALL APARTMENT ENTRANCE DOORS, ACCESSIBLE
BATHROOMS DOORS & MASTER BEDROOM DOORS
SHALL PROVIDE A CLEAR OPENING WIDTH OF AT
LEAST 850mm & IN THE CASE OF DESIGN OPTION B,
SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBLESS STEP
FREE SHOWERS & IN THE CASE OF DESIGN OPTION B,
SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D17 COMPLIANT
	STANDARD D17 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD E22 COMPLIANT
	STANDARD E24 COMPLIANT
	STANDARD E25 COMPLIANT
	STANDARD E26 COMPLIANT
	STANDARD E27 COMPLIANT
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	TOTAL ASPECT APARTMENT STANDARD E25 NOT APPLICABLE

1 APARTMENT TYPE 09
SCALE: 1/50



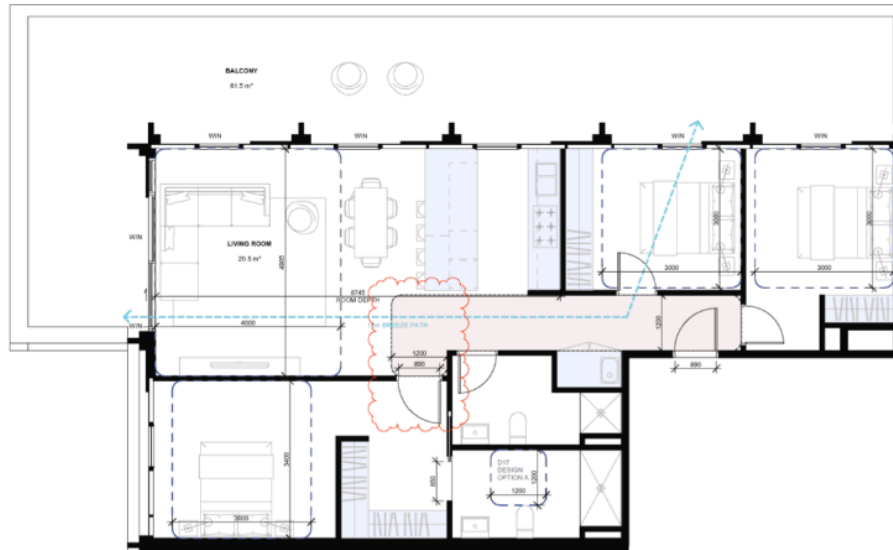
UNIT TYPE: 3 BED & 2 BATH
AREA: 101.5m² = 80m² (balcony)
APT: 302

TYPE 09 INTERNAL STORAGE SCHEDULE

CUPBOARD	4 m³
ISLAND BENCH	2 m³
KITCHEN BENCH	2 m³
LAUNDRY	2 m³
WARDROBE	10 m³
TOTAL INTERNAL STORAGE	19 m³

APARTMENT TYPE 09 - BADS ASSESSMENT TABLE

DESCRIPTION CLASSIFICATION	QTY	STANDARD 117 COMPLIANT?	STANDARD 119 COMPLIANT?	STANDARD 128 COMPLIANT?	STANDARD 134 COMPLIANT?	STANDARD 135 COMPLIANT?	STANDARD 136 COMPLIANT?	STANDARD 137 COMPLIANT?
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1 APARTMENT TYPE 10
SCALE: 1 : 50

UNIT TYPE: 3 BED & 2 BATH
AREA: 116m² + 62m² (balcony)
APT: 303

TYPE 10 INTERNAL STORAGE SCHEDULE

ISLAND BENCH	2 m ³
KITCHEN BENCH	2 m ³
LAUNDRY	2 m ³
WARDROBE	14 m ³
TOTAL INTERNAL STORAGE	20 m ³

APARTMENT TYPE 10 - BADS ASSESSMENT TABLE							
DESCRIPTION	QTY	STANDARD D17 COMPLIANT?	STANDARD D18 COMPLIANT?	STANDARD D20 COMPLIANT?	STANDARD D24 COMPLIANT?	STANDARD D26 COMPLIANT?	STANDARD D27 COMPLIANT?

NOTES: Advertised Plan
This certified document is made available for the public.

CEILING HEIGHTS
LIVING AREAS - MINIMUM 2.7M CEILING HEIGHT
BED + BATH - MINIMUM 2.4M CEILING HEIGHT
Under the Planning and Environment Act 1987.










The **DOORS** must not be used for any other purpose.

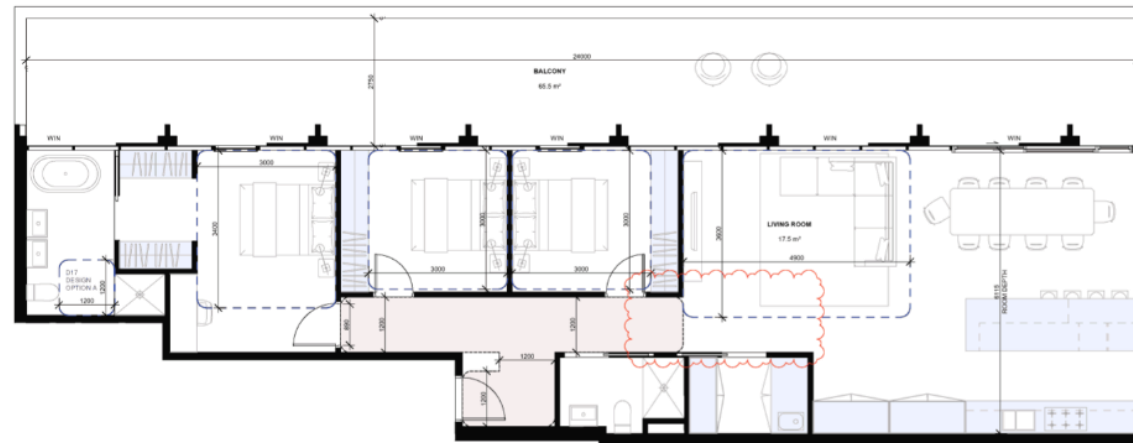
ALL APARTMENT ENTRANCE DOORS, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 650mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL ADULTS

ALL APARTMENT SHOWERS TO BE HOBLESS STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D17 COMPLIANT
	STANDARD D17 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD D20 COMPLIANT
	STANDARD D24 COMPLIANT
	STANDARD D25 COMPLIANT
	STANDARD D27 COMPLIANT
	STANDARD D27 NOT COMPLIANT
	TOTAL ASPECT-APARTMENT STANDARD D25 NOT APPLICABLE



1 APARTMENT TYPE 11 SCALE: 1:50

UNIT TYPE: 3 BED & 2 BATH
 AREA: 121m² + 65m² (balcony)
 APT 104

TYPE 11 INTERNAL STORAGE SCHEDULE

CUPBOARD	8 m³
ISLAND BENCH	3 m³
KITCHEN BENCH	2 m³
LAUNDRY	3 m³
WARDROBE	15 m³
TOTAL INTERNAL STORAGE	32 m³

APARTMENT TYPE 11 - BADS ASSESSMENT TABLE							
DESCRIPTION	QTY	STANDARD T1-T7 COMPLIANT	STANDARD T8 COMPLIANT	STANDARD T9 COMPLIANT	STANDARD T10 COMPLIANT	STANDARD T11 COMPLIANT	STANDARD T12 COMPLIANT
3 BED & 2 BATH	1	YES	YES	YES	YES	YES	NO

NOTES: Admitted Plan
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 CEILING HEIGHTS
 LIVING AREAS: MINIMUM 2.1M CEILING HEIGHT
 BED + BATH: MINIMUM 2.0M CEILING HEIGHT
 The floors must not be used for any other purpose.
 ACCESSIBLE APARTMENT ENTRANCES
 BATHROOMS DOORS, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
 ALL APARTMENT SHOWERS TO BE HOBLESS STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND	
	STANDARD T1-T7 COMPLIANT
	STANDARD T8 COMPLIANT
	STANDARD T9 COMPLIANT
	STANDARD T10 COMPLIANT
	STANDARD T11 COMPLIANT
	STANDARD T12 COMPLIANT
	STANDARD T13 COMPLIANT
	STANDARD T14 COMPLIANT
	STANDARD T15 COMPLIANT
	STANDARD T16 COMPLIANT
	STANDARD T17 COMPLIANT
	STANDARD T18 COMPLIANT
	STANDARD T19 COMPLIANT
	STANDARD T20 COMPLIANT
	STANDARD T21 COMPLIANT
	STANDARD T22 COMPLIANT
	STANDARD T23 COMPLIANT
	STANDARD T24 COMPLIANT
	STANDARD T25 COMPLIANT
	STANDARD T26 COMPLIANT
	STANDARD T27 COMPLIANT
	STANDARD T28 COMPLIANT
	STANDARD T29 COMPLIANT
	STANDARD T30 COMPLIANT
	STANDARD T31 COMPLIANT
	STANDARD T32 COMPLIANT
	STANDARD T33 COMPLIANT
	STANDARD T34 COMPLIANT
	STANDARD T35 COMPLIANT
	STANDARD T36 COMPLIANT
	STANDARD T37 COMPLIANT
	STANDARD T38 COMPLIANT
	STANDARD T39 COMPLIANT
	STANDARD T40 COMPLIANT
	STANDARD T41 COMPLIANT
	STANDARD T42 COMPLIANT
	STANDARD T43 COMPLIANT
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	STANDARD T45 COMPLIANT
	STANDARD T46 COMPLIANT
	STANDARD T47 COMPLIANT
	STANDARD T48 COMPLIANT
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	STANDARD T92 COMPLIANT
	STANDARD T93 COMPLIANT
	STANDARD T94 COMPLIANT
	STANDARD T95 COMPLIANT
	STANDARD T96 COMPLIANT
	STANDARD T97 COMPLIANT
	STANDARD T98 COMPLIANT
	STANDARD T99 COMPLIANT
	STANDARD T100 COMPLIANT



CHT ARCHITECTS PTY LTD
 ABN 29 128 008 513
 Architecture
 Interior Design
 Urban Design

CHT Architects Pty Ltd
 44 Colwell Street
 Coleraine VIC 3966
 Phone: 03 5470 1155
 Coleraine VIC 3966
 Telephone: 03 5471 1944
 Facsimile: 03 5470 1847
 info@chtarchitects.com.au
 chtarchitects.com.au

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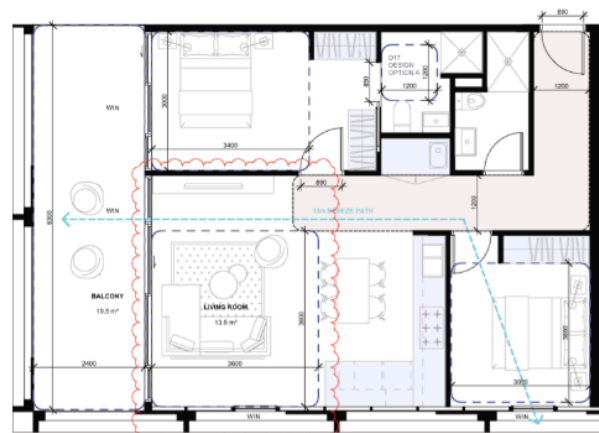
Project: Mixed Use Development
 219-229 Balacava Road, Caulfield North
 Client: Eskay Constructions Pty Ltd

No.	Date	Issue
1	10/05/2020	ISSUED FOR TENDER
2	10/05/2020	ISSUED FOR TENDER
3	10/05/2020	ISSUED FOR TENDER
4	10/05/2020	ISSUED FOR TENDER
5	10/05/2020	ISSUED FOR TENDER
6	10/05/2020	ISSUED FOR TENDER
7	10/05/2020	ISSUED FOR TENDER
8	10/05/2020	ISSUED FOR TENDER
9	10/05/2020	ISSUED FOR TENDER
10	10/05/2020	ISSUED FOR TENDER

Title: BETTER APARTMENT DESIGN
 STANDARD ASSESSMENT
 Sheet: PRELIMINARY
 NOT FOR CONSTRUCTION

Sheet No.: TP5.07
 Revision: B
 Scale: 1:50 at A1
 Date: 21/05/2020

19007



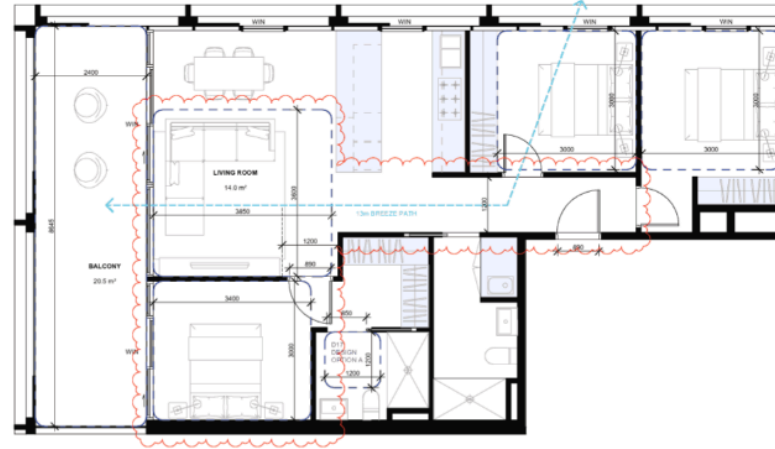
1 APARTMENT TYPE 12
SCALE 1:50

UNIT TYPE: 2 BED & 2 BATH
AREA: 89m² + 110m² (balcony)
APT: 402, 302

TYPE 12 INTERNAL STORAGE SCHEDULE

ISLAND BENCH	1 m³
KITCHEN BENCH	2 m³
LAUNDRY	3 m³
WARDROBE	7 m³
TOTAL INTERNAL STORAGE	13 m³

APARTMENT TYPE 12 - BADS ASSESSMENT TABLE							
DESCRIPTION	QTY	STANDARD D17 COMPLIANT	STANDARD D18 COMPLIANT	STANDARD D19 COMPLIANT	STANDARD D20 COMPLIANT	STANDARD D21 COMPLIANT	STANDARD D22 COMPLIANT
2 BED & 2 BATH	2	YES	YES	YES	YES	YES	YES



2 APARTMENT TYPE 13
SCALE 1:50

UNIT TYPE: 3 BED & 2 BATH
AREA: 109m² + 200m² (balcony)
APT: 403, 303

TYPE 13 INTERNAL STORAGE SCHEDULE

ISLAND BENCH	2 m³
KITCHEN BENCH	2 m³
LAUNDRY	2 m³
WARDROBE	13 m³
TOTAL INTERNAL STORAGE	19 m³

APARTMENT TYPE 13 - BADS ASSESSMENT TABLE							
DESCRIPTION	QTY	STANDARD D17 COMPLIANT	STANDARD D18 COMPLIANT	STANDARD D19 COMPLIANT	STANDARD D20 COMPLIANT	STANDARD D21 COMPLIANT	STANDARD D22 COMPLIANT
3 BED & 2 BATH	2	YES	YES	YES	YES	YES	YES

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CEILING HEIGHTS
ALL ROOMS ARE AT A MINIMUM 2.1M CEILING HEIGHT
BED & BATH AT A MINIMUM 2.0M CEILING HEIGHT
under the Planning and Environment Act 1987
The doors must not be used for any other purpose.
APARTMENT ENTRANCES
ALL APARTMENT ENTRANCES, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBBLES STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D17 COMPLIANT
	STANDARD D17 NOT COMPLIANT
	STANDARD D18 COMPLIANT
	STANDARD D18 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD D19 NOT COMPLIANT
	STANDARD D20 COMPLIANT
	STANDARD D20 NOT COMPLIANT
	STANDARD D21 COMPLIANT
	STANDARD D21 NOT COMPLIANT
	STANDARD D22 COMPLIANT
	STANDARD D22 NOT COMPLIANT
	TOTAL APARTMENT COMPLIANT
	STANDARD D22 NOT COMPLIANT

19/07/2020 2:19:30 PM



CHT ARCHITECTS Pty Ltd
ABN 29 128 000 513

CHT Architects Pty Ltd
44 Colwell Street
Colwell VIC 3066
Ph: 03 9477 1044
Fax: 03 9477 1045
Email: info@chtarchitects.com.au
Website: www.chtarchitects.com.au

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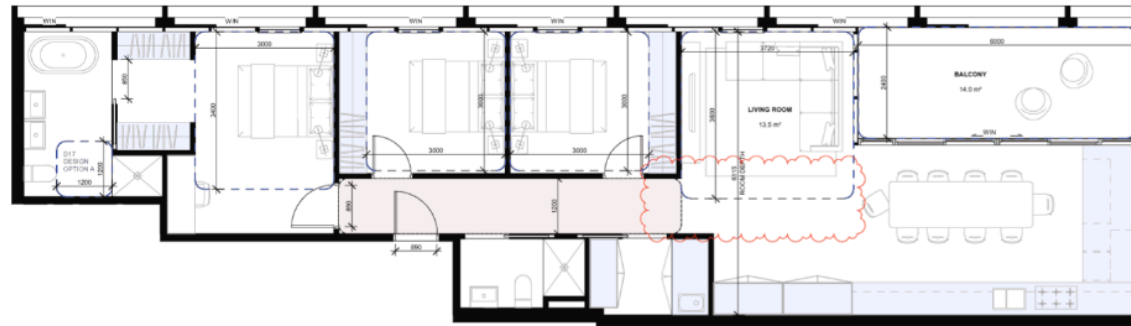
Project: Mixed Use Development
219-229 Balacava Road, Caulfield North
Client: Eskay Constructions Pty Ltd

No.	Date	Revised
1	19/07/2020	Initial
2	21/05/2020	Revised
3	21/05/2020	Revised
4	21/05/2020	Revised
5	21/05/2020	Revised
6	21/05/2020	Revised
7	21/05/2020	Revised
8	21/05/2020	Revised
9	21/05/2020	Revised
10	21/05/2020	Revised

Title: BETTER APARTMENT DESIGN
STANDARD ASSESSMENT
Sheet: PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No: TP5.08
Revision: B
Scale: 1:50
Date: 21/05/2020

19007



1 APARTMENT TYPE 14

UNIT TYPE: 2 BED & 2 BATH
AREA: 122m² + 147m² (balcony)
APT: 404, 504

TYPE 14 INTERNAL STORAGE SCHEDULE

CUPBOARD	7 m³
ISLAND BENCH	2 m³
KITCHEN BENCH	4 m³
LAUNDRY	3 m³
WARDROBE	15 m³
TOTAL INTERNAL STORAGE	32 m³

APARTMENT TYPE 14 - BADS ASSESSMENT TABLE								
DESCRIPTION	QTY	STANDARD D17 COMPLIANT?	STANDARD D18 COMPLIANT?	STANDARD D19 COMPLIANT?	STANDARD D20 COMPLIANT?	STANDARD D21 COMPLIANT?	STANDARD D22 COMPLIANT?	STANDARD D23 COMPLIANT?
ENTRY & BATH	1	YES	YES	YES	YES	YES	YES	YES

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CEILING HEIGHTS
ALL ROOMS ARE AT A MINIMUM 2.1M CEILING HEIGHT
BED + BATH AT A MINIMUM 2.0M CEILING HEIGHT
The doors must not be used for any other purpose.
APARTMENT ENTRANCES
ALL APARTMENT ENTRANCES, ACCESSIBLE BATHROOMS DOORS & MASTER BEDROOM DOORS SHALL PROVIDE A CLEAR OPENING WIDTH OF AT LEAST 850mm & IN THE CASE OF DESIGN OPTION B, SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBLESS STEP FREE SHOWERS & IN THE CASE OF DESIGN OPTION B, SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D17 COMPLIANT
	STANDARD D17 NOT COMPLIANT
	STANDARD D18 COMPLIANT
	STANDARD D18 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD D19 NOT COMPLIANT
	STANDARD D20 COMPLIANT
	STANDARD D20 NOT COMPLIANT
	STANDARD D21 COMPLIANT
	STANDARD D21 NOT COMPLIANT
	TOTAL APARTMENT COMPLIANT
	STANDARD D22 NOT COMPLIANT



CHT Architects Pty Ltd
ABN 29 128 006 513
Architecture
Interior Design
Urban Design

CHT Architects Pty Ltd
44 Colwell Street
Caulfield VIC 3166
Ph: 03 9594 1155
Caulfield VIC 3166
Telephone: 03 9417 1944
info@chtarchitects.com.au
chtarchitects.com.au

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Project
Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

No.	Date	Issue
1	10/05/2020	ISSUED FOR TENDER
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3	10/05/2020	ISSUED FOR TENDER
4	10/05/2020	ISSUED FOR TENDER
5	10/05/2020	ISSUED FOR TENDER
6	10/05/2020	ISSUED FOR TENDER
7	10/05/2020	ISSUED FOR TENDER
8	10/05/2020	ISSUED FOR TENDER
9	10/05/2020	ISSUED FOR TENDER
10	10/05/2020	ISSUED FOR TENDER

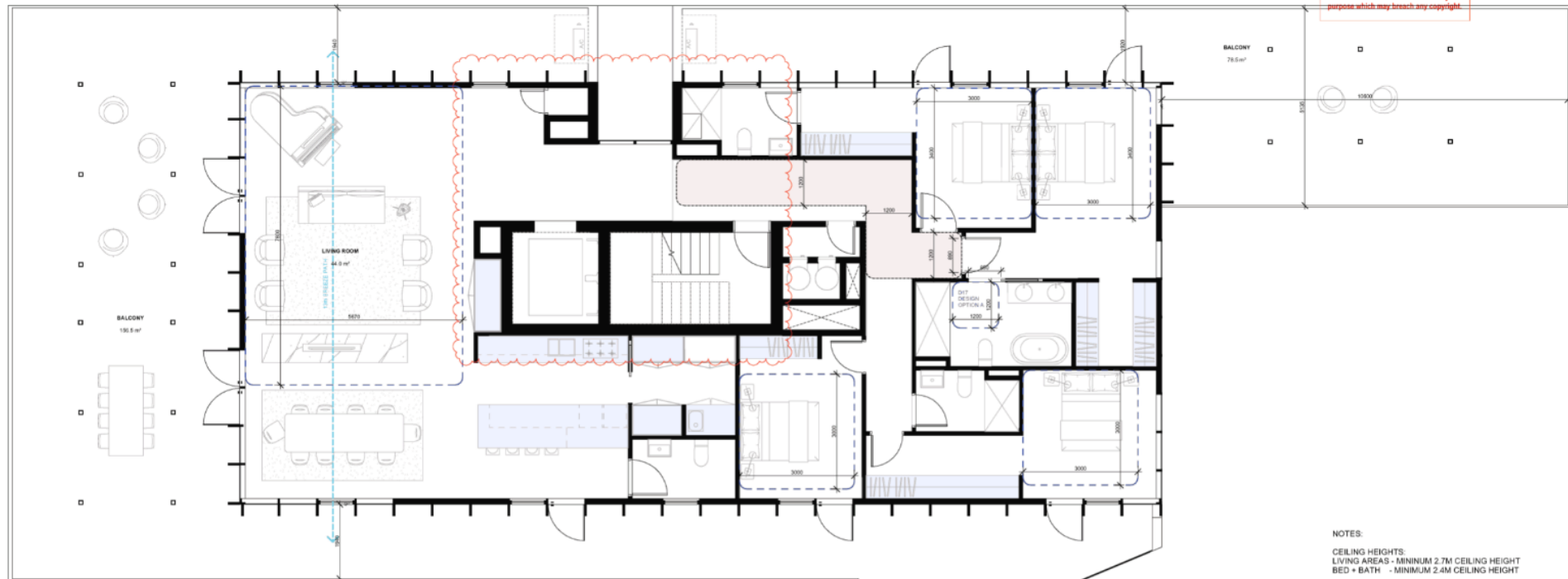
Title
**BETTER APARTMENT DESIGN
STANDARD ASSESSMENT**
Sheet
**PRELIMINARY
NOT FOR CONSTRUCTION**

Sheet No.
TP5.09
Scale
1:50
Date
21/05/2020

Revision
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19007

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NOTES:

CEILING HEIGHTS:
LIVING AREAS - MINIMUM 2.7M CEILING HEIGHT
BED + BATH - MINIMUM 2.4M CEILING HEIGHT

DOORS:
ALL APARTMENT ENTRANCE DOORS, ACCESSIBLE
BATHROOMS DOORS & MASTER BEDROOM DOORS
SHALL PROVIDE A CLEAR OPENING WIDTH OF AT
LEAST 850mm & IN THE CASE OF DESIGN OPTION B,
SHALL BE FITTED WITH READILY REMOVABLE HINGES.

SHOWERS:
ALL APARTMENT SHOWERS TO BE HOBLESS STEP
FREE SHOWERS & IN THE CASE OF DESIGN OPTION B,
SHALL HAVE A REMOVABLE SCREEN.

LEGEND

	STANDARD D11 COMPLIANT
	STANDARD D11 NOT COMPLIANT
	STANDARD D19 COMPLIANT
	STANDARD D20 COMPLIANT
	STANDARD D24 COMPLIANT
	STANDARD D25 COMPLIANT
	STANDARD D26 COMPLIANT
	STANDARD D27 COMPLIANT
	STANDARD D27 NOT COMPLIANT
	CLIN ABSPCT APARTMENT STANDARD D29 NOT APPLICABLE

1 APARTMENT TYPE 15
SCALE: 1/32

UNIT TYPE: 4 BED PENTHOUSE
AREA: 230.5m² + 216m² (balcony)
APT: 601

TYPE 15 INTERNAL STORAGE SCHEDULE

CUPBOARD	8 m ³
ISLAND BENCH	3 m ³
KITCHEN BENCH	2 m ³
LAUNDRY	2 m ³
WARDROBE	22 m ³
TOTAL INTERNAL STORAGE	38 m ³

APARTMENT TYPE 15 - BADS ASSESSMENT TABLE

DESCRIPTION	GFI	STANDARD D1 COMPLANT?	STANDARD D2 COMPLANT?	STANDARD D3 COMPLANT?	STANDARD D4 COMPLANT?	STANDARD D5 COMPLANT?	STANDARD D6 COMPLANT?	STANDARD D7 COMPLANT?
STANDARD D1 COMPLANT	F	YES	YES	YES	YES	YES	YES	YES



CHT Architects Pty Ltd
ABN 29 108 006 513
Architecture
Interior Design
Urban Design

CHT Architects Pty Ltd
44 Oxford Street
Collingwood VIC 3066
Post Office Box 1262
Collingwood VIC 3066

Telephone 03 9417 1941
Facsimile 03 9416 1847
info@chiArchitects.com.au
chiArchitects.com.au

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Project

Mixed Use Development
219-229 Balaclava Road, Caulfield North

Client

Eskay Constructions Pty Ltd

Amendments

[illegible]

BETTER APARTMENT DESIGN STANDARD ASSESSMENT

576

PRELIMINARY
NOT FOR CONSTRUCTION

SPENCER No.

Sheet No. **TP5.10** Revision **B**

Scale

Scale
1 : 50
Date
21/05/2020

Revision

Revision
B

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SITE COVERAGE	
SITE AREA (m²)	1060m²
SITE COVERAGE (m²)	945m²
SITE COVERAGE (%)	89%

TP - GFA (EXCLUDING BALCONIES)	
LEVEL	AREA
BASEMENT 2	1013 m²
BASEMENT 1	1013 m²
GROUND FLOOR	942 m²
LEVEL 01	953 m²
LEVEL 02	939 m²
LEVEL 03	835 m²
LEVEL 04	590 m²
LEVEL 05	590 m²
LEVEL 06	591 m²
LEVEL ROOF	262 m²
TOTAL GFA	7727 m²

TP - APARTMENT MIX		
UNIT TYPE	NUMBER	MIX %
2 BED & 2 BATH	16	53%
2 BED & 2 BATH + STUDY	2	7%
3 BED & 2 BATH	11	37%
PENTHOUSE (4 BED)	1	3%
TOTAL UNITS	30	100%

TP - BALCONY AREAS	
LEVEL	AREA
GROUND FLOOR	297 m²
LEVEL 01	244 m²
LEVEL 02	232 m²
LEVEL 03	293 m²
LEVEL 04	111 m²
LEVEL 05	112 m²
LEVEL 06	351 m²
LEVEL ROOF	234 m²
TOTAL BALCONY	1874 m²

TP - APARTMENT BREAKDOWN	
UNIT TYPE	NUMBER
LEVEL 01	
2 BED & 2 BATH	4
2 BED & 2 BATH + STUDY	1
3 BED & 2 BATH	2
	7
LEVEL 02	
2 BED & 2 BATH	4
2 BED & 2 BATH + STUDY	1
3 BED & 2 BATH	2
	7
LEVEL 03	
2 BED & 2 BATH	2
3 BED & 2 BATH	3
	5
LEVEL 04	
2 BED & 2 BATH	3
3 BED & 2 BATH	2
	5
LEVEL 05	
2 BED & 2 BATH	3
3 BED & 2 BATH	2
	5
LEVEL 06	
PENTHOUSE (4 BED)	1
TOTAL UNITS	30

TP - NSA (EXCLUDING BALCONIES)	
LEVEL	AREA
LEVEL 01	676 m²
LEVEL 02	674 m²
LEVEL 03	508 m²
LEVEL 04	445 m²
LEVEL 05	444 m²
LEVEL 06	232 m²
TOTAL NSA	2978 m²

TP - NLA (RETAIL)	
USE	AREA
GROUND FLOOR	
RETAIL	374.9 m²
TOTAL NLA	374.9 m²

TP - NLA (OFFICE) INCLUDING AMENITIES	
USE	AREA
GROUND FLOOR	
OFFICE	76.4 m²
TOTAL NLA	76.4 m²

CAR PARKING SCHEDULE	
LEVEL	COUNT
RETAIL	
GROUND FLOOR	4
	4
RESIDENT	
BASEMENT 1	15
BASEMENT 2	29
	44
OFFICE	
BASEMENT 1	2
	2
ELECTRICAL CHARGING STATION	
BASEMENT 1	1
	1
TOTAL CARPARKS	51

BIKE PARKING SCHEDULE	
LEVEL	COUNT
RESIDENTIAL	
BASEMENT 1	11
RETAIL	
GROUND FLOOR	1
TOTAL BICYCLE PARKS	12



CHT Architects Pty Ltd
ABN 59 158 000 513
Architecture
Interior Design
Urban Design

CHT Architects Pty Ltd
44 Colindale Street
Colingwood VIC 3066
Phone 03 9415 1332
Colingwood VIC 3066
Telephone 03 9417 1984
Facsimile 03 9415 1647
info@chtarchitects.com.au
chtarchitects.com.au

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Mixed Use Development
219-229 Balacava Road, Caulfield North
Client
Eskay Constructions Pty Ltd

Amendments	
No.	Date
1	21/05/2020
2	21/05/2020
3	21/05/2020
4	21/05/2020
5	21/05/2020
6	21/05/2020
7	21/05/2020
8	21/05/2020
9	21/05/2020
10	21/05/2020

Title
DEVELOPMENT SUMMARY
Sheet
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TOWN PLANNING

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TP6.00
Revision
IB
Scale
1:1000A1
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21/05/2020

19007

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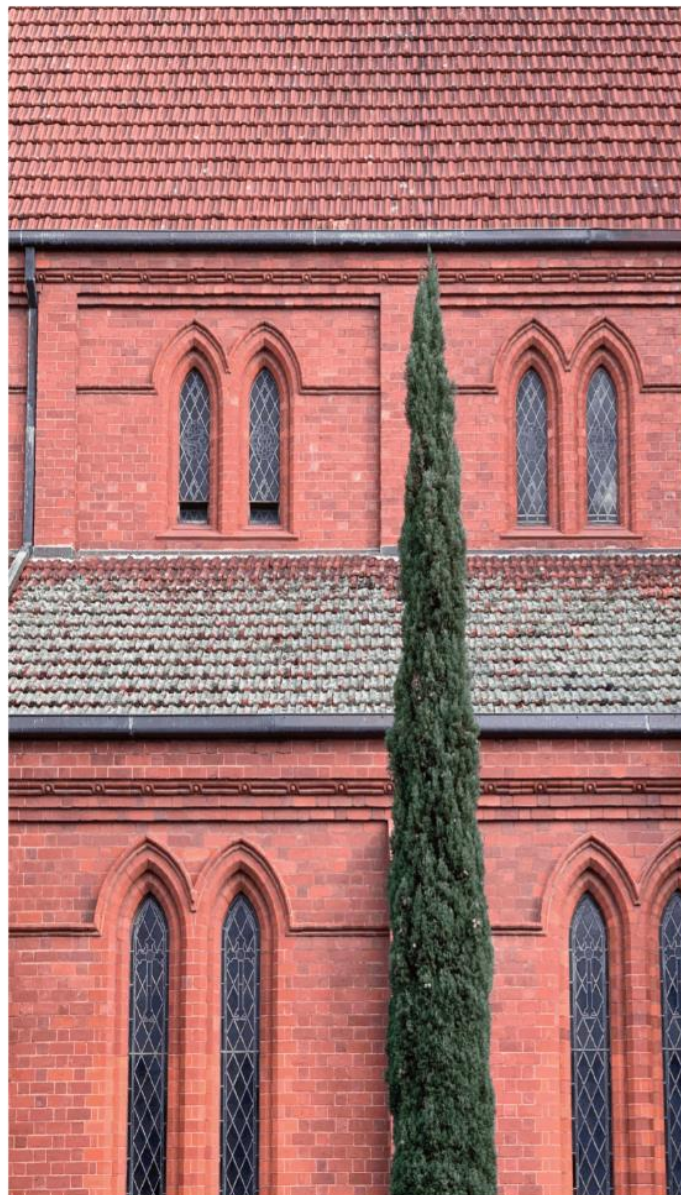
CHT ARCHITECTS

44 Oxford Street,
Collingwood VIC 3066

P.O. Box 1352
Collingwood VIC 3066

T 03 9417 1944
F 03 9415 1847
E info@chtarchitects.com.au
W chtarchitects.com.au

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01. Content

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- 02.02 Site Photos

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- 03.02 Opportunities & Constraints
- 03.03 Local context - St Aloysius Catholic Church

04. ARCHITECTURE PRECEDENT

- 04.01 Architecture Precedent
- 04.02 Architecture Precedent

05. MASSING

- 05.01 Massing Diagram - Site response
- 05.02 Massing Diagram - Site response
- 05.03 Facade development - Facade study from St Aloysius Catholic Church
- 05.04 Facade development - Street facade

06. RENDERS

- 06.01 View from Hawthorn road
- 06.02 View from Caulfield park
- 06.03 View from Balaclava road
- 06.04 front facade close up

07. SITE SURVEY

08. ARCHITECTURAL DRAWINGS

TOWN PLANNING

19007 - 219-229 BALACLAVA ROAD CAULFIELD NORTH

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01.00 Introduction

PROJECT SUMMARY

Site Area	1060 m ²
Development	Mixed Use Development
Location	Caulfield North

PROJECT TEAM

Client	ESKAY Constructions Pty Ltd
Architect	CHT Architects
Town Planner	URBIS
Traffic Consultant	RATIO
ESD Consultant	GIW Environmental solutions
Waste Management	SALT3
Structure Consultant	EDGE Consulting Engineers
Landscape Consultant	-



PROPOSAL FOR ARCHITECTURAL SERVICES

CLIENT
ESKAY Constructions Pty Ltd

SUBJECT SITE
219-229 Balaclava Road Caulfield North

DATE
26 NOVEMBER 2019



02.01 Site Location



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02.02 Site Photo



VIEW 1 - OPPOSITE OF SITE - CAULFIELD PARK



VIEW 3 - FRONT OF SITE



VIEW 4 - ADJACENT OF SITE - ST ALOYSIUS CATHOLIC CHURCH



VIEW 2 - SUBJECT SITE - VIEW FROM BALACLAVA ROAD



VIEW 5 - REAR OF SITE



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03.01 Opportunities & Constraints

- Primary Access
- Secondary Access
- ||||| Tram Route
- Pedestrian Access



TOWN PLANNING

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Potential Viewline



8

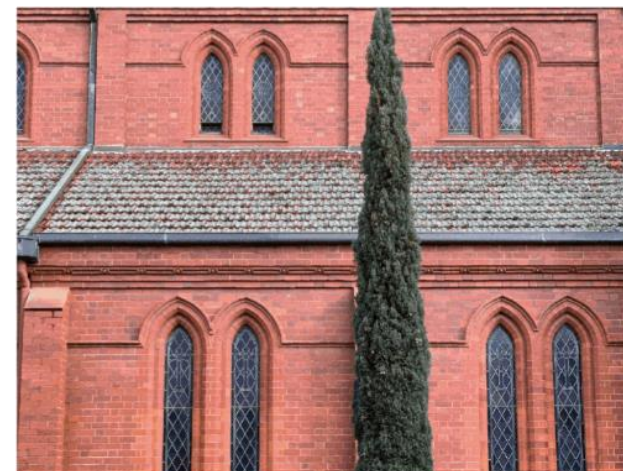
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03.02 Opportunities & Constraints



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03.03 Local context - St Aloysius Catholic Church



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04.01 Architecture precedent



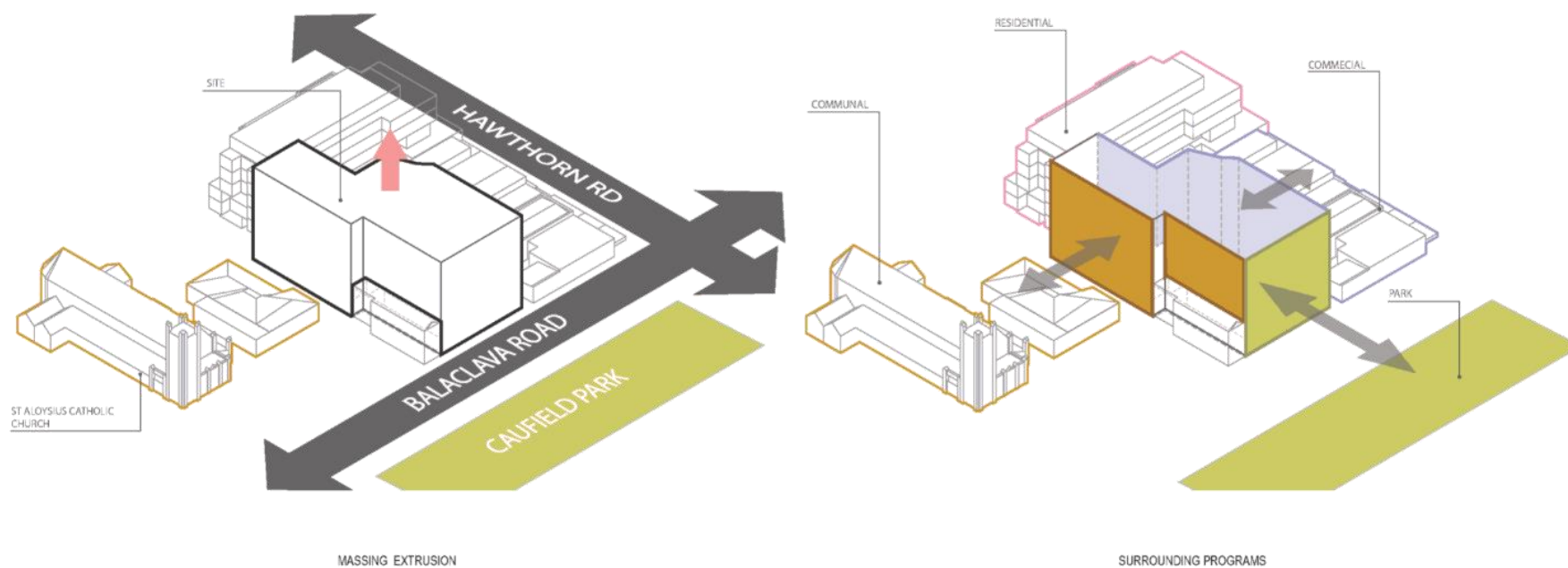
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04.02 Architecture precedent



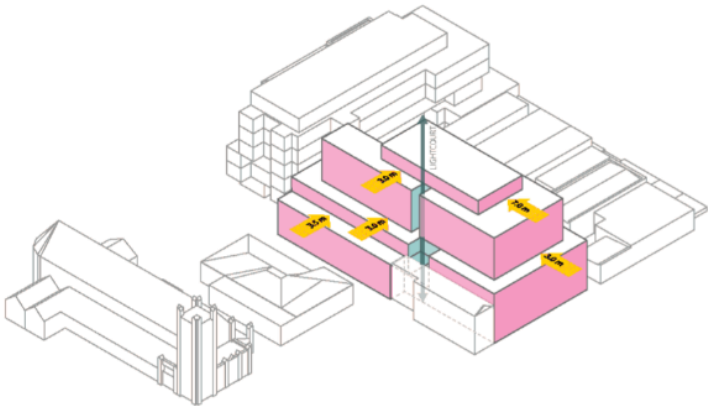
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05.01 Massing diagram - Site response

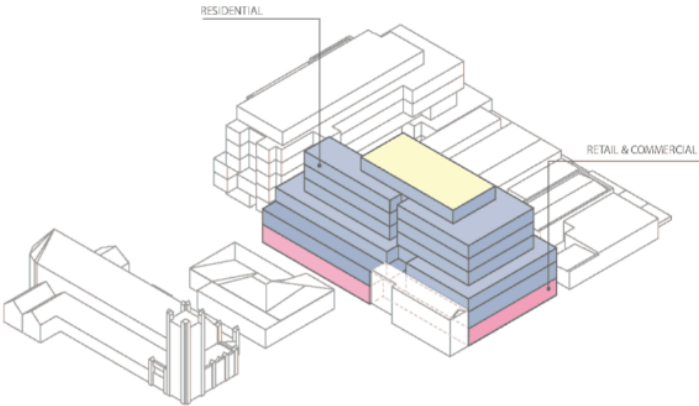


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05.02 Massing diagram - Site response



SETBACK & CUT

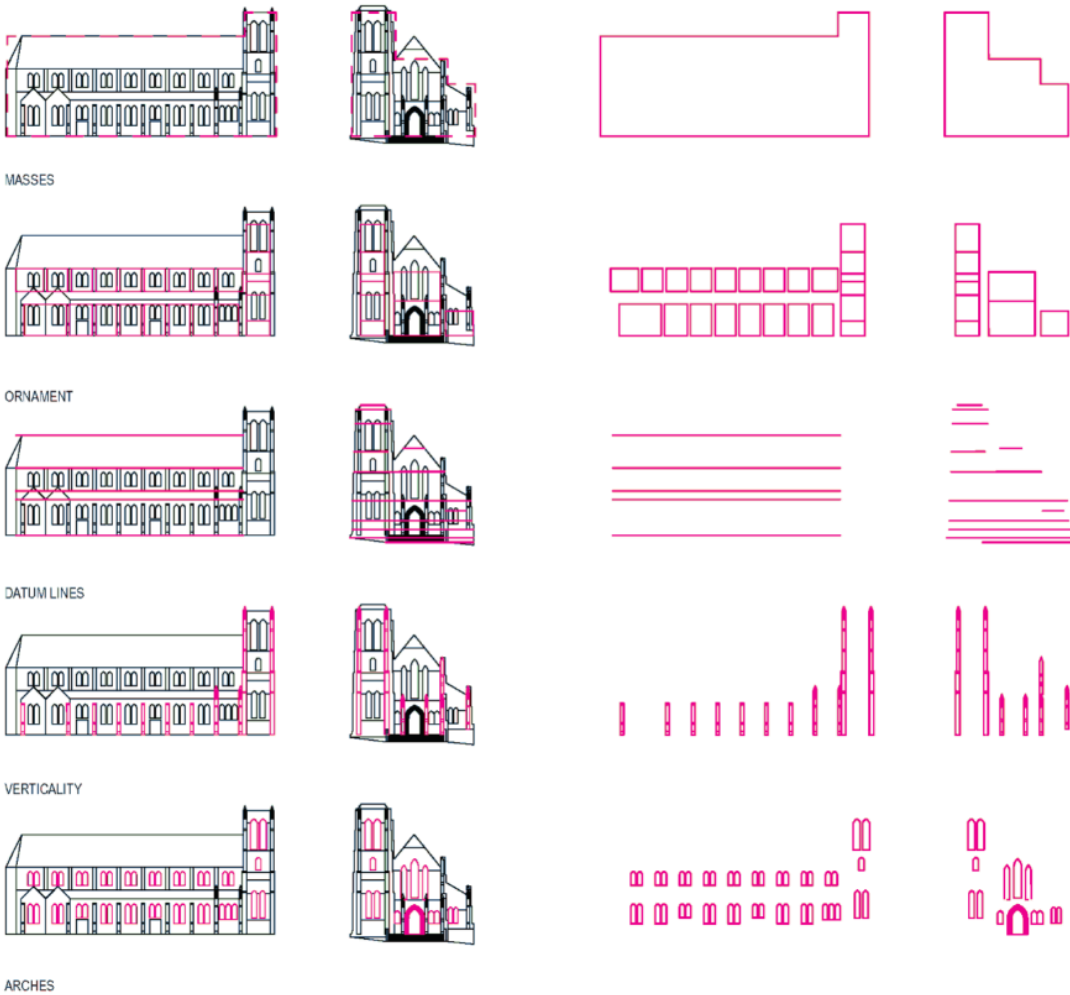


BUILDING PROGRAMS



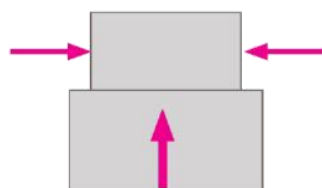
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05.03 Facade development - facade study from St Aloysius Catholic Church

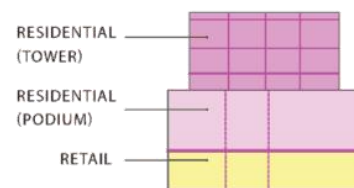


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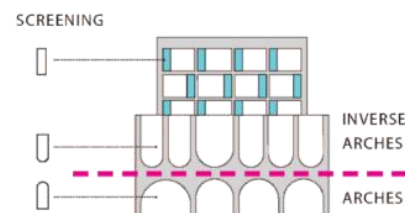
05.04 Facade development - Street facade



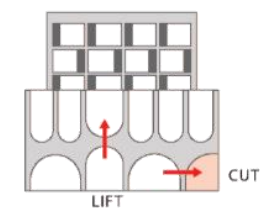
3 STOREY STREET WALL
WITH SETBACKS



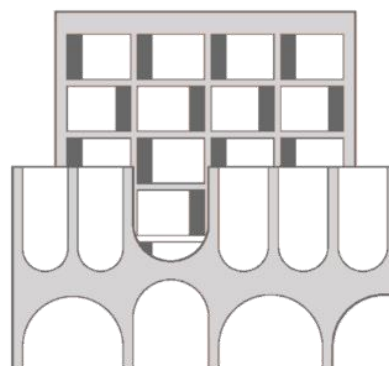
PROGRAMS



OPENING & SHADING



DESIGNATED MAIN ENTRY
AND DRIVEWAY



STREET FACADE

06.01 Render

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06.01 Render

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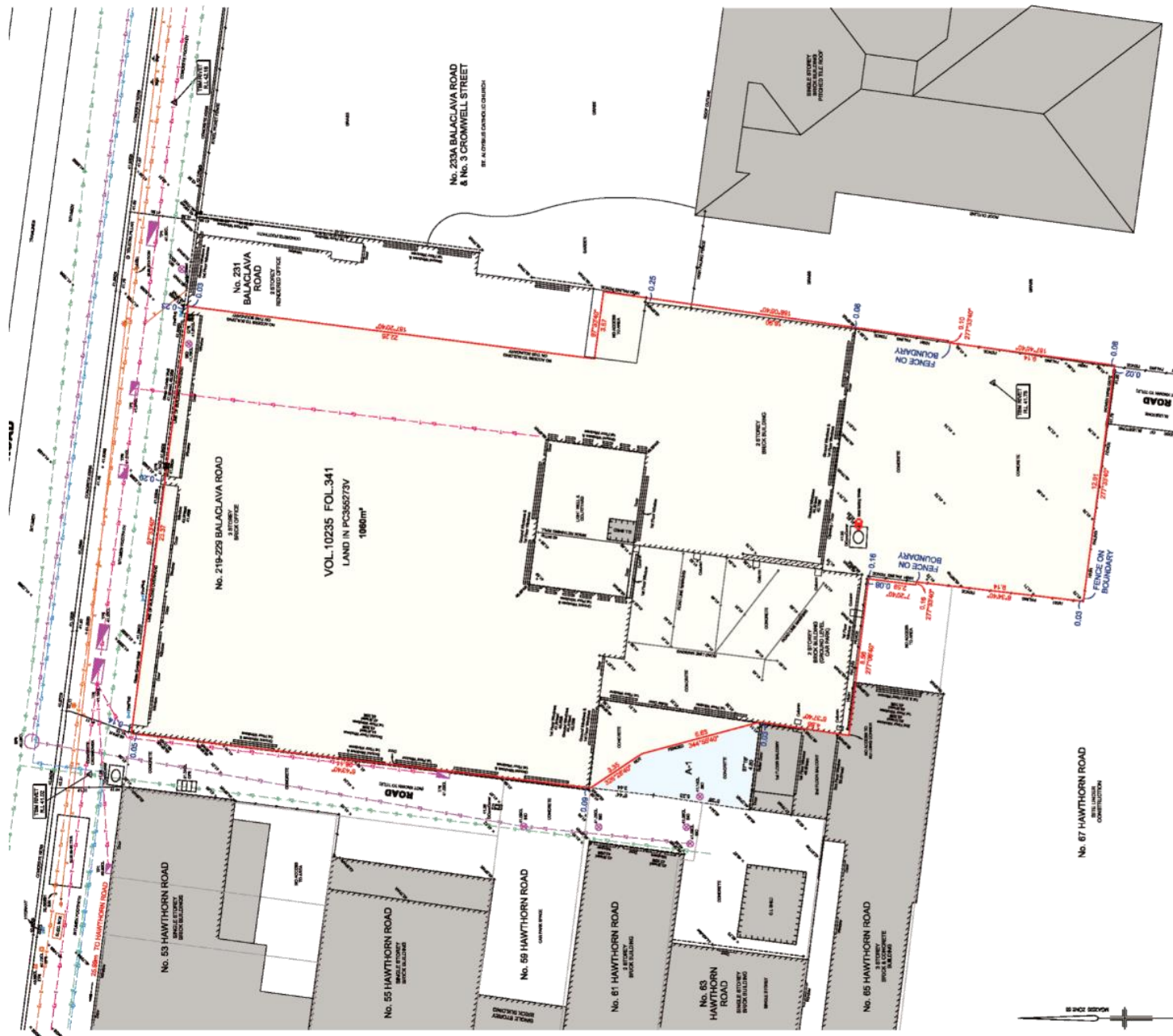
21

[REDACTED]

08.00 Site survey

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PLAN OF FEATURES
219-329 BALACALA
CAULFIELD NORTH

DATE 13-Dec-08
REF 23363
c.dwyer@rpsinc.com.au

RPS CONSULTING
LEVEL 6, 44/0 ELLEN
MELBOURNE VIC
(03) 8660 3000
SURVEY@REEDSCONSIL.COM.AU
WWW.REEDSCONSIL.COM.AU

EASEMENTS AND RESTRICTIONS:
EASEMENTS SHOWN SHOULD BE READ IN CONJUNCTION WITH THE TITLE.

 LAND UNDER SURVEY

 A-1 CARRIAGEWAY EASEMENT

 BUILDINGS / STRUCTURES

LINE STYLES:

	FENCE
	INVERT OF CHANNEL BUILDING (MASONRY/OTHER)
	TOP OF BANK
	TOE OF BANK
	OVERHEAD ELECTRICITY

UNDERGROUND UTILITIES:

27.50C.	COVER LEVEL
27.50F.	FLOOR LEVEL
28.50AR	PARAPET
28.50BY	INVERT OF CHANNEL
27.27L	LIP OF CHANNEL
27.20SC	SPOT ON CONCRETE
27.199B	SPOT ON BITUMEN
27.46FB	EDGE OF BITUMEN
27.44CB	CENTRE OF BITUMEN

ATIONS:
VERTICAL DIMENSIONS SHOULD BE VERIFIED ON SITE AND
NOT SCALED FROM THIS DRAWING OR TAKEN FROM THE
DIGITAL DATA WHICH CREATES IT.
DATE OF SURVEY: 04/12/2018
SURROUNDING CADASTRAL TITLE BOUNDARIES ARE
DERIVED FROM VICOMP DIGITAL DATA.

THE POSITIONS OF SERVICES SHOWN HAVE BEEN TAKEN FROM AUTHORITIES RECORDS, ALL AUTHORITIES STATE THAT THE POSITIONS OF SERVICES SHOWN ARE NOT GUARANTEED TO BE COMPLETELY ACCURATE. CANNOT BE GUARANTEED THEREFORE IT IS ESSENTIAL THAT THE EXACT POSITION OF UNDERGROUND CATEGORIES IS PROVIDED BY CAREFUL SURVEY AND INFORMATION UNDER APPROVAL OF RELEVANT AUTHORITIES.

LINE TYPES

—	UG DRAINAGE SERVICE
—	UG ELECTRICITY SERVICE
—	UG GAS SERVICE
—	UG SEWER SERVICE
—	UG TELECOM SERVICE
—	UG TRAFFIC SIGNAL
—	UG WATER SERVICE
—	UG DATA TRANSMISSION

SYMBOLS:

DOWN PIPE	TRAFFIC SIGNAL PIT
DRAINAGE COVER	TRAFFIC SIGNAL
SOIL ENTRY PIT	TELECOM PIT
WATER MAIN	TELECOM POLE
GAS WATER	UNCLASSIFIED
ELECTRICITY PIT	FIRE PLUG
LIGHT POLE	WATER METER
TELECOM PIT	SPINKER
TELECOM POLE	STOP VALVE
SEWER PIT	MEASURED TREE
SEWER VENT	VIEW FROM AERIAL
POLE POST	PHOTO
STAY	

[illegible]

09.00 Architecture drawings

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CHT ARCHITECTS

44 Oxford Street,
Collingwood VIC 3066

P.O. Box 1352
Collingwood VIC 3066

T 03 9417 1944
F 03 9415 1847
E info@chtarchitects.com.au
W chtarchitects.com.au

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**Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North**

Urban Context		
<p>Clause 58.02-1 Urban context objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard D1</p> <p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p>Complies</p> <p>As detailed in the Council report.</p>
<p>Clause 58.02-2 Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p>Standard D2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>Complies</p> <p>As detailed in the Council report.</p>
<p>Clause 58.02-3 Dwelling diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard D3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</p>	<p>Complies</p> <p>The proposal includes 20 x two bedroom dwellings, 9 x three bedroom dwellings and 1 four bedroom dwelling. The layouts include a range of sizes.</p>
<p>Clause 58.02-4 Infrastructure objectives</p>	<p>Standard D4</p>	<p>Complies</p>

Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>The development is able to connect to all reticulated services and is not expected to exceed the capacity of these services. The applicant will be required to negotiate any service connection requirements directly with the service provider.</p>
<p>Clause 58.02-5 Integration with the street objective</p> <p>To integrate the layout of development with the street.</p>	<p>Standard D5</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The orientation of the building is to Balaclava Road and provides good pedestrian and vehicle links that maintain local accessibility.</p> <p>There is no front fencing provided.</p> <p>The proposal is opposite Caulfield Park and its design is appropriate to this interface. It will provide a well designed building façade with passive surveillance opportunities from the new dwellings.</p>

Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

Site layout and building massing																				
<p>Clause 58.03-1 Energy efficiency objectives</p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p>	<p>Standard D6</p> <p>Buildings should be:</p> <ul style="list-style-type: none">• Oriented to make appropriate use of solar energy.• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p> <p>Table D1 Cooling load</p> <table><thead><tr><th>NatHERS climate zone</th><th>NatHERS maximum cooling load MJ/M² per annum</th></tr></thead><tbody><tr><td>Climate zone 21 Melbourne</td><td>30</td></tr><tr><td>Climate zone 22 East Sale</td><td>22</td></tr><tr><td>Climate zone 27 Mildura</td><td>69</td></tr><tr><td>Climate zone 60 Tullamarine</td><td>22</td></tr><tr><td>Climate zone 62 Moorabbin</td><td>21</td></tr><tr><td>Climate zone 63 Warrnambool</td><td>21</td></tr><tr><td>Climate zone 64 Cape Otway</td><td>19</td></tr><tr><td>Climate zone 66 Ballarat</td><td>23</td></tr></tbody></table> <p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy)</i></p>	NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum	Climate zone 21 Melbourne	30	Climate zone 22 East Sale	22	Climate zone 27 Mildura	69	Climate zone 60 Tullamarine	22	Climate zone 62 Moorabbin	21	Climate zone 63 Warrnambool	21	Climate zone 64 Cape Otway	19	Climate zone 66 Ballarat	23	<p>Complies</p> <p>The average annual maximum cooling load of the proposed dwellings is 15.9 MJ/M². This is below the maximum standard of 21 MJ/M².</p> <p>Of the 30 dwellings proposed, 11 have their private open space and main living areas facing directly north, 14 have their private open space and main living areas facing east or west with uninterrupted solar access, none are south facing and 5 have their private open space and main living area facing west (107, 207, 305, 405 and 505) which may be partially overshadowed by the proposed building in the mornings. This arrangement will ensure that all dwellings receive excellent solar access.</p> <p>The submitted Sustainability Management Plan (prepared by GIW Environmental Solutions, Revision B) should be endorsed as part of the permit.</p>
NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum																			
Climate zone 21 Melbourne	30																			
Climate zone 22 East Sale	22																			
Climate zone 27 Mildura	69																			
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Climate zone 62 Moorabbin	21																			
Climate zone 63 Warrnambool	21																			
Climate zone 64 Cape Otway	19																			
Climate zone 66 Ballarat	23																			
<p>Clause 58.03-2 Communal open space objective</p> <p>To ensure that communal open space is accessible, practical.</p>	<p>Standard D7</p> <p>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, which ever is lesser.</p>	<p>Not applicable</p>																		

Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

attractive, easily maintained and integrated with the layout of the development.	<p>Communal open space should:</p> <ul style="list-style-type: none"> • Be located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. • Be designed to protect any natural features on the site. Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. 	
<p>Clause 58.03-3 Solar access to communal outdoor open space objective</p> <p>To allow solar access into communal outdoor open space.</p>	<p>Standard D8</p> <p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>	Not applicable
<p>Clause 58.03-4 Safety objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard D9</p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies</p> <p>The dwelling entry is centrally located and easily identifiable from the street front. It is well lit, safe and accessible.</p> <p>There is no planting that would create an unsafe space.</p> <p>The car parking areas are secured within the building and will have appropriate lighting.</p> <p>There are no private spaces that may be used as a public thoroughfare.</p>
<p>Clause 58.03-5 Landscaping objectives</p>	Standard D10	Complies subject to condition

Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

<p>To encourage development that respects the landscape character of the area.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</p>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Be responsive to the site context. • Protect any predominant landscape features of the area. • Take into account the soil type and drainage patterns of the site and integrate planting and water management. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. • Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration. • Maximise deep soil areas for planting of canopy trees. <p>Development should provide for the retention or planting of trees, where these are part of the urban context.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should provide the deep soil areas and canopy trees specified in Table D2. If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green facades. 	<p>No deep soil area has been provided and there is little landscaping proposed across the site, other than indicative planter boxes on each balcony.</p> <p>The existing conditions on the site do not provide any landscaping, and generally private land in this neighbourhood centre does not have a high level of landscaping.</p> <p>The standard allows for alternatives to deep soil planting, including the provision of planter boxes. A condition would be included for a landscape plan to detail the species, maintenance and upkeep of the landscaping and the likes. Subject to this condition, the proposal is considered to comply with the landscaping objective.</p>
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Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

	<p>Table D2 Deep soil areas and canopy trees</p> <table> <tr> <th>Site area</th><th>Deep soil areas</th><th>Minimum tree provision</th></tr> <tr> <td>750 - 1000 square metres</td><td>5% of site area (minimum dimension of 3 metres)</td><td>1 small tree (6-8 metres) per 30 square metres of deep soil</td></tr> <tr> <td>1001 - 1500 square metres</td><td>7.5% of site area (minimum dimension of 3 metres)</td><td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td></tr> <tr> <td>1501 - 2500 square metres</td><td>10% of site area (minimum dimension of 6 metres)</td><td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td></tr> <tr> <td>>2500 square metres</td><td>15% of site area (minimum dimension of 6 metres)</td><td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td></tr> </table> <p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p>	Site area	Deep soil areas	Minimum tree provision	750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil	1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil	1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil	>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil	
Site area	Deep soil areas	Minimum tree provision															
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<p>Clause 58.03-6 Access objective</p> <p>To ensure the number and design of vehicle crossovers respects the urban context.</p>	<p>Standard D11</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies</p> <p>The width of the accessway complies with the standard.</p>															
<p>Clause 58.03-7 Parking location objectives</p>	<p>Standard D12</p> <p>Car parking facilities should:</p>	<p>Complies</p>															

Clause 58 – Apartment Developments Assessment
219-229 Balaclava Road, Caulfield North

<p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway</p>	<p>There are two car parking areas which are both close and convenient to the dwelling lift and stairwell, secure and suitably ventilated. The accessway is not located adjacent to dwelling windows.</p>
<p>Clause 58.03-8 Integrated water and stormwater management objectives</p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>Standard B13</p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). • Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas 	<p>Complies</p> <p>The submitted Sustainable Management Plan demonstrates that the development is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines and also provides for an 8000 litre water tank underneath the basement.</p>

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Amenity impacts		
<p>Clause 58.04-1 Building setback objectives</p> <p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<p>Standard D14</p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. • Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. • Ensure the dwellings are designed to meet the objectives of Clause 58. 	<p>Complies</p> <p>Development within this neighbourhood centre is constructed boundary to boundary. The proposal maintains this character however includes setbacks on all elevations from level 3 up.</p> <p>This is consistent with the character of the area, particularly the newly developed building of the same scale as this building.</p> <p>The layout provides good access to daylight for all dwellings and a great outlook, ensuring appropriate internal amenity.</p>
<p>Clause 58.04-2 Internal views objective</p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>	<p>Standard D15</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>	<p>Complies subject to a condition</p> <p>There will be possible views into private open space between the balconies 104, 105 and 106; 204, 205 and 206; 301 and 302; 303 and 304; 402 and 403; and 502 and 503. A 1.7m screen is recommended to be installed between these balconies to prevent overlooking.</p>
<p>Clause 58.04-3 Noise impacts objectives</p> <p>To contain noise sources in developments that may affect existing dwellings.</p>	<p>Standard D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p>Complies subject to a condition</p> <p>There are no sensitive rooms adjoining the lift core. All mechanical plant is provided on the roof and enclosed so will not cause unreasonable noise impacts. There is concern that the dwellings immediately above the car stacker (107) may be</p>

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To protect residents from external and internal noise sources.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Table D3 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

impacted by noise from the stackers. There is also concern that the dwellings fronting Balaclava Road will be affected by noise associated with the tram. An acoustic report has been provided which recommends various treatments to the glazing of the dwellings and the car stacker to mitigate noise from these sources. It is recommended to incorporate these recommendations into the design, as part of any permit issued.

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	Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	
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Onsite amenity and facilities																							
<p>Clause 58.05-1 Accessibility objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	<p>Standard D17</p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. <p>Table D4 Bathroom design</p> <table> <tr> <th></th><th>Design option A</th><th>Design option B</th></tr> <tr> <td>Door opening</td><td>A clear 850mm wide door opening.</td><td>A clear 820mm wide door opening located opposite the shower.</td></tr> <tr> <td>Door design</td><td>Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. </td><td>Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. </td></tr> <tr> <td>Circulation area</td><td>A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap. </td><td>A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area. </td></tr> <tr> <td>Path to circulation area</td><td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td><td>Not applicable.</td></tr> <tr> <td>Shower</td><td>A hobless (step-free) shower.</td><td>A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.</td></tr> <tr> <td>Toilet</td><td>A toilet located in the corner of the room.</td><td>A toilet located closest to the door opening and clear of the circulation area.</td></tr> </table>		Design option A	Design option B	Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.	Door design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 	Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.	Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.	Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.	Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.	<p>Complies</p> <p>56 per cent of the dwellings (ie. 17 dwellings) are designed to meet the needs of people with limited mobility. This exceeds the standard.</p>
	Design option A	Design option B																					
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.																					
Door design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 																					
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Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.																					
<p>Clause 58.05-2 Building entry and circulation objectives</p>	<p>Standard D18</p> <p>Entries to dwellings and buildings should:</p>	<p>Complies</p>																					

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<p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	<ul style="list-style-type: none"> • Be visible and easily identifiable. • Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> • Clearly distinguish entrances to residential and non-residential areas. • Provide windows to building entrances and lift areas. • Provide visible, safe and attractive stairs from the entry level to encourage use by residents. • Provide common areas and corridors that: <ul style="list-style-type: none"> - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines. 	<p>All dwellings are accessed off a central lobby and provide for a sense of personal address. There is a natural light source at each level.</p> <p>The non-residential entries are separated from the dwelling entries.</p>
<p>Clause 58.05-3 Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents new.</p>	<p>Standard D19</p> <p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>	<p>Complies</p> <p>All apartments satisfy the private open space standards. In many cases the requirement is generously exceeded.</p>

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	<p>Table D5 Balcony size</p> <table> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum dimension</th></tr> <tr> <td>Studio or 1 bedroom dwelling</td><td>8 square metres</td><td>1.8 metres</td></tr> <tr> <td>2 bedroom dwelling</td><td>8 square metres</td><td>2 metres</td></tr> <tr> <td>3 or more bedroom dwelling</td><td>12 square metres</td><td>2.4 metres</td></tr> </table>	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres	3 or more bedroom dwelling	12 square metres	2.4 metres				
Dwelling type	Minimum area	Minimum dimension															
Studio or 1 bedroom dwelling	8 square metres	1.8 metres															
2 bedroom dwelling	8 square metres	2 metres															
3 or more bedroom dwelling	12 square metres	2.4 metres															
<p>Clause 58.05-4 Storage objective</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>Standard D20</p> <p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p> <p>Table D6 Storage</p> <table> <tr> <th>Dwelling type</th><th>Total minimum storage volume</th><th>Minimum storage volume within the dwelling</th></tr> <tr> <td>Studio</td><td>8 cubic metres</td><td>5 cubic metres</td></tr> <tr> <td>1 bedroom dwelling</td><td>10 cubic metres</td><td>6 cubic metres</td></tr> <tr> <td>2 bedroom dwelling</td><td>14 cubic metres</td><td>9 cubic metres</td></tr> <tr> <td>3 or more bedroom dwelling</td><td>18 cubic metres</td><td>12 cubic metres</td></tr> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	<p>Complies</p> <p>Each dwelling has adequate internal and external storage. In several cases the internal storage capacity exceeds the standard requirements.</p>
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling															
Studio	8 cubic metres	5 cubic metres															
1 bedroom dwelling	10 cubic metres	6 cubic metres															
2 bedroom dwelling	14 cubic metres	9 cubic metres															
3 or more bedroom dwelling	18 cubic metres	12 cubic metres															

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Detailed design		
<p>Clause 58.06-1 Common property objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Standard D21</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>The proposal clearly delineates communal and private areas. Common property is functional and capable of efficient management.</p>
<p>Clause 58.06-2 Site services objectives</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Standard D22</p> <p>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Complies</p> <p>Site services are accessible from the frontage and designed to be an integral part of the building design. They are partially screened from view by the architectural framing of the building.</p> <p>Mailboxes are within the airlock entry and this is of an appropriate size for this development. They are convenient and accessible.</p>
<p>Clause 58.06-3 Waste and recycling objectives</p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p>	<p>Standard D23</p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> Waste and recycling enclosures which are: <ul style="list-style-type: none"> Adequate in size, durable, waterproof and blend in with the development. Adequately ventilated. Located and designed for convenient access by residents and made easily accessible to people with limited mobility. Adequate facilities for bin washing. These areas should be adequately ventilated. 	<p>Complies subject to a condition</p> <p>Waste will be managed by private collection. Bin storage rooms are located at ground level within the building and in a convenient location to the collection point. They are separated into a residential bin room and a commercial bin room. The Waste Management Plan has been reviewed by Council's Waste Officer who has recommended some additional aspects in the plan including the provision of food organic recycling system consideration to space requirements for glass recycling.</p>

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<p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<ul style="list-style-type: none"> • Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. • Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. • Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. • Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> • Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019). • Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	
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Internal amenity																				
<p>Clause 58.07-1 Functional layout objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<p>Standard D24</p> <p>Bedrooms should:</p> <ul style="list-style-type: none"> • Meet the minimum internal room dimensions specified in Table D7. • Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <p>Table D7 Bedroom dimensions</p> <table> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> <tr> <td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr> <tr> <td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr> </table> <p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.</p> <p>Table D8 Living area dimensions</p> <table> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> <tr> <td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr> <tr> <td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	<p>Complies</p> <p>All bedrooms and living areas comply. In many cases bedrooms and living spaces exceed the standard requirement.</p>
Bedroom type	Minimum width	Minimum depth																		
Main bedroom	3 metres	3.4 metres																		
All other bedrooms	3 metres	3 metres																		
Dwelling type	Minimum width	Minimum area																		
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																		
2 or more bedroom dwelling	3.6 metres	12 sqm																		
<p>Clause 58.07-2 Room depth objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p>	<p>Standard D25</p> <p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. 	<p>Complies</p> <p>All residential levels have a floor to ceiling height of 2.7 metres. Where the living areas have a depth greater than 6.75 metres, the kitchen is at the rear of the space and the depth does not exceed 9 metres in any instance.</p>																		

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	The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	
Clause 58.07-3 Windows objective To allow adequate daylight into new habitable room windows.	Standard D26 Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window. 	Complies All windows comply with this standard.
Clause 55.07-4 Natural ventilation objectives To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.	Standard D27 The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40 per cent of dwellings should provide effective cross ventilation that has: <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. The breeze path is measured between the ventilation openings on different orientations of the dwelling.	Complies 53 per cent of the dwellings (ie. 16 dwellings) have cross ventilation. This exceeds the standard requirement.

8.2 255-257 TUCKER ROAD, ORMOND

Author: *Julian Berzins, Senior Urban Planner*

Trim No: *20/1280539*

Attachments: *1. 255-257 Tucker Road, Ormond - Advertised plans [↓](#)*

PURPOSE AND SUMMARY

This report provides Council with an assessment of planning application GE/CP-33677/2020 at 255-257 Tucker Road, Ormond for use and development of the land as a child care centre and a reduction in the number of car parking spaces.

The key considerations are whether the use and development of the child care centre is appropriate and whether there would be any unreasonable impacts to the availability of car parking in the area due to the reduced number of car spaces.

As part of the process, the application was advertised to the surrounding community and 18 objections were received including on grounds of noise and disturbance, the siting of the building, increased traffic and congestion, there being an oversupply of child care centres in the area and pedestrian safety.

The application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, including the Child Care Centres Policy which identifies a number of performance based criteria relating to preferred locations, the siting of buildings, hours of operation, parking and land scape treatment. The assessment also considers the car parking provision and layout acceptable having regard to the requirements of the car parking provisions outlined in the Glen Eira Planning Scheme.

The proposal performs well in relation to the provisions of the Glen Eira Planning Scheme and it is recommended that Council supports the proposal.

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for Application GE/CP-33677/2020 at 255-257 Tucker Road, Ormond for use and development of the land as a child care centre and a reduction in the number of car parking spaces in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as TP00, TP01, TP02, TP03, TP04 and TP05 prepared by Insite Architects, but further modified to show:
 - (a) A Landscape Plan in accordance with condition 3.
 - (b) An updated Waste Management Plan in accordance with condition 6.
 - (c) Provision of a minimum of two bicycle parking spaces external to the building and for one of the spaces to support an e-bicycle in accordance with the requirements of AS 2890.1.
 - (d) Details of the acoustic fence along the western boundary annotated on the plans in accordance with the recommendations of the Acoustic Report prepared by Renzo Tonin and Associates and dated 7 October 2019.
 - (e) A Parking Management Plan in accordance with condition 18.

Development not to be altered

2. The development and layout and description of the uses as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Landscaping requirements

3. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority and no trees are to be located within an easement. The landscape plan must show:
 - (a) The location of all landscaping works to be provided on the land.
 - (b) The locations of any trees to be retained or removed from the land (including details of species and size).
 - (c) The location of any trees on neighbouring land within three metres of the development (including details of species and size).
 - (d) A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and details of surface finishes of pathways and driveways.
 - (e) Enhanced planting within the landscaped areas including:
 - i. The provision of dense shrub planting within the landscape strips adjacent to either side of the car park entrance to provide a softer interface and

- visual buffer to the street. The landscaping should taper down to the sight triangle areas.
- ii. The provision of landscaping within the corner splay on the eastern side of the driveway which is to be maintained to a height not greater than 0.9m.
- (f) Details of the irrigation system to be used on land following completion of the landscaping works.
 - (g) The provision of advanced canopy trees (minimum 2m tall when planted except with the prior written consent of the Responsible Authority) in the following areas:
 - Five trees within the Logan Avenue setback; and
 - Four trees along the western boundary of the land; or
 - Nine trees in locations to the satisfaction of the Responsible Authority.
 - (h) Trees are not to be sited over easements.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.

Management plan requirements

6. Before the development starts, an updated Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the WMP prepared by SALT and dated 9 July 2020, including the following:
- (a) The provision of two, 240 litre bins
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
8. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
- (a) Delivery and unloading points and expected frequency.
 - (b) Truck haulage routes, circulation spaces and queuing lanes.
 - (c) Details how traffic and safe pedestrian access will be managed, including during the drop off and pick up times of the McKinnon Primary School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner.
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities.

- (g) Construction activity must only occur between the hours of 7.00 am and 6.00 pm, Monday to Friday, 7.00 am to 1.00 pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff.
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
9. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Restriction on the use of the land

- 10. The use must only operate between the hours of 6.30am to 6.30pm, Monday to Friday, except with the prior written consent of the Responsible Authority.
- 11. Notwithstanding condition 6, the use may operate between 6.00am and 3.00pm on Saturdays at a frequency of not more than six times in a calendar year.
- 12. No more than 84 children may be present on the land at any one time, except with the prior written consent of the Responsible Authority.

General requirements

- 13. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction of the Responsible Authority.
- 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building, except with the prior written consent of the Responsible Authority.
- 15. Before the use starts, the acoustic fence as shown on the endorsed plans must be installed and then permanently maintained to the satisfaction of the Responsible Authority.

Car and bicycle parking requirements

- 16. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) fully constructed
 - (b) properly formed to such levels that may be used in accordance with the plans
 - (c) surfaced with an all weather surface or seal coat (as appropriate)
 - (d) drained and maintained in a continuously usable condition
 - (e) line marked to indicate each car space, loading bay and/or access lane
 - (f) clearly marked to show the direction of traffic along access lanes and drivewaysall to the satisfaction of the Responsible Authority.

17. Before the use starts, the vehicular crossing must be constructed to a commercial type crossing with splays to Council standards and to the satisfaction of the Responsible Authority. Any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
18. Before the use starts, a Car Parking Management Plan (CPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CPMP will be endorsed and will then form part of the permit. The CPMP must be drawn to scale and dimensioned. The plan must include:
 - (a) How the allocation of car spaces will be managed, including the provision of staff parking during the operating hours and the provision of 13 visitor spaces during the morning and afternoon peak periods.
 - (b) Which car spaces will be occupied by staff.
 - (c) Availability of pickup parking during the middle of the day.
 - (d) Arrangements for delivery vehicles.
 - (e) Methods to encourage use of bicycles and shared transport arrangements.
 - (f) Intended education of visitors and staff about the Car Parking Management Plan, such as through an orientation session or the like.
19. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Permit expiry

20. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.
 - (c) The use is not started within four years of the date of this permit.
 - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes:

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

Asset Engineering requirements

- You require consent to Erect a Building or Structure Over Easement as part of the Building permit process for the proposed parking spaces located over the easement that runs along the southern boundary.
- 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 before any works start.
- Engineering Services encourage using rainwater tanks for storage and reuse for toilet and irrigation purpose and for stormwater detention.
- All onsite stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The onsite drainage system must prevent discharge from driveway onto the footpath. Such a system may include either:
 - Trench grate (150mm minimum internal width) located within the property and/or
 - Shaping the driveway so that water is collected in a grated pit on the property.
- Any firefighting equipment for the building must be within title boundary.
- An Asset Protection Permit must be obtained from Council's Engineering Services Department before the development starts.
- All relevant Engineering Permits must be obtained before any works start within the Road Reserve or drainage is connected to the legal point of discharge.

Application number	GE/CP-33677/2020
Address	255-257 Tucker Road, Ormond
Title details	Lot 1 and Lot 2 on PS018227
Proposal	Use and development of the land as a child care centre and a reduction in the number of car parking spaces
Zoning and Overlay Controls	Neighbourhood Residential Zone, Schedule 1 (Minimal Change Areas)

THE PROPOSAL

The application proposes the use and development of the land as a child care centre and a reduction in the number of car parking spaces required under the planning scheme. Specific details of the proposal include:

- Demolition of the existing buildings and removal of five trees (no planning permit is required for these aspects of the proposal).
- Construction of two storey building with a ground floor area of 469sqm, a first floor area of 126sqm and an overall height of 7.7m for use as a child care centre.
- The use to occur between the hours of 6:30am–6:30pm, Monday to Friday with occasional open days on weekends.
- A maximum of 84 children at any one time.
- Pedestrian and vehicle access will be from Tucker Road with 15 car parking spaces provided including one accessible space.
- Provision of outdoor play areas wrapping around the building and additional landscaping.

WHY IS A PLANNING PERMIT REQUIRED AND WHAT NEEDS TO BE CONSIDERED?

The following sets out why a planning permit is required based on the applicable planning controls in the Glen Eira Planning Scheme (Scheme); what the applicable decision guidelines require to be considered and a list of the relevant policies and provisions in relation to this application.

Applicable planning controls and the relevant decision guidelines

Neighbourhood Residential Zone

Under the provisions of the Neighbourhood Residential Zone at clause 32.09 of the Glen Eira Planning Scheme (Scheme), a planning permit is required to:

- Use land as a child care centre (clause 32.09-2)
- Construct a building or construct or carry out works for a use in Section 2 (clause 32.09-9)

The applicable decision guidelines include:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone:*
 - *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off-street car parking*

- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Non-residential use and development

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

Clause 52.06 (Car parking)

Under the provisions of clause 52.06 (Car parking) of the Scheme, the specified number of car parking spaces for a child care centre is 0.22 spaces to each child. Based on the proposed 84 children, this equates to 18 spaces. The application proposes 15 car parking spaces. Clause 52.06 enables consideration of a lesser rate based on the following factors:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other relevant consideration.*

Relevant planning policies to consider as part of the application

The relevant Scheme policies for this proposal include:

- Clause 11.02-1S (Supply of urban land)
 - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- Clause 13.05-1S (Noise abatement)
 - *To assist the control of noise effects on sensitive land uses.*
- Clause 15 (Built environment and heritage)
 - *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
 - *To create a distinctive and liveable city with quality design and amenity.*
 - *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
 - *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*
 - *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- Clause 17 (Economy)
 - *To strengthen and diversify the economy.*
- Clause 18 (Transport)
 - *To create a safe and sustainable transport system by integrating land use and transport.*
 - *To promote the use of sustainable personal transport.*
 - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
 - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*
 - *To ensure an adequate supply of car parking that is appropriately designed and located.*
- Clause 19.02-2S (Education facilities)
 - *To assist the integration of education and early childhood facilities with local and regional communities.*
- Clause 21.08 (Institutional and non-residential uses in residential areas)
 - *To ensure that non-residential uses are successfully integrated into residential zones with minimum impact and minimum loss of residential amenity.*
- Clause 21.12 (Transport)
 - *To advocate and encourage the provision of a safe, convenient and efficient transportation network which meets the needs of Glen Eira's residents, businesses and through traffic.*
 - *To encourage increased access and use of public transport.*

- *To minimise the adverse effects of vehicular traffic, especially in Glen Eira's residential areas.*
- *To ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers.*
- Clause 22.11 (Child care centres policy)
 - *To encourage child care centres to locate in strategic locations that have good access to public transport, commercial, community, educational and recreational facilities.*
 - *To encourage the design, location and form of child care centres which are compatible with the surrounding built form environment.*
 - *To ensure that traffic generated by the use does not adversely impact the street and the locality.*
 - *To minimise the impacts of noise, overlooking, overshadowing, car parking and traffic on the surrounding neighbourhood.*
 - *To maintain the garden character of the neighbourhood.*

Other relevant matters

In addition to the above requirements, the assessment must have regard to the general decision guidelines at clause 65 of the Scheme, matters set out at section 60 of the *Planning and Environment Act 1987*. These are embedded in the assessment of the application.

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. It sets out that "*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*".

THE CONTEXT

Subject site and surrounding area

The subject site is located on the corner of Tucker Road and Logan Avenue, Ormond, approximately 150m to the south of North Road. It consists of two lots with an overall frontage of 42.42m to Tucker Road and 33.53m to Logan Avenue. It has an overall area of approximately 1422sqm. The location of the site is shown in the map below:



The subject site is currently developed with a single storey dwelling at 255 Tucker Road and a medical centre at 257 Centre Road.

To the south of the subject site is the McKinnon Primary School. To the west is a single storey dwelling fronting Logan Avenue. On the opposite side of Tucker Road and Logan Avenue to the east and north of the site are single and double storey dwellings. The Tucker Reserve, containing a number of sporting facilities is located to the south east of the site.

There are no restrictions or encumbrances registered on the certificate of title for the land, however there are drainage easements along the southern and western boundaries.

Relevant planning history

There have been a number of applications for minor alterations to buildings within the immediate surrounding area however these have no bearing on the current application.

THE PROCEDURAL REQUIREMENTS

Consultation and engagement

Notice of the application was given in August 2020, including by mail to the owners and occupiers of directly adjoining and nearby properties. At the time of writing the report, 18 objections have been received identifying the following concerns:

- Too many child care centres in immediate area
- Increased traffic, parking and congestion
- Increased traffic will reduce pedestrian safety (children attending McKinnon Primary School).

- Accuracy of traffic data collected
- Noise
- Inaccuracies in the submitted application
- Inadequate setbacks adjacent to Tucker Road
- Removal of existing trees
- Reduction of property values.

A planning conference was chaired by the Manager Urban Planning and attended by the applicant and ten objector parties. No changes were made to the application as a result of the planning conference. The key issues that were reiterated at the planning conference included that there is no need for an additional child care centre, that its scale would result in unacceptable traffic impacts and impact availability of on-street car parking.

Comments from referral authorities and Council departments

The application was not required to be referred to any statutory authority under Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the Glen Eira Planning Scheme.

The following advice from other Council Departments has been provided:

Council area	Comments
Strategic Transport	The proposal is supported subject to the applicant installing a minimum of two bicycle parking spaces, with at least one that is able to accommodate an e-bike to encourage alternate transport modes.
Asset Engineering	The proposal is supported subject to requirements relating to the easements that run along the western and southern boundaries. It is noted that consent to erect a building or structure over easement will be required as part of the building permit process.
Waste	The proposed Waste Management Plan is supported subject to minor modifications to the total number of bins proposed which has been updated in the recommended conditions.

Cultural heritage

The site is not in an area of Aboriginal Cultural Heritage Sensitivity and therefore a Cultural Heritage Management Plan is not required.

ISSUES AND DISCUSSION

A planning permit is required to use land as child care centre; to construct the building; and to reduce the number of car parking spaces associated with a child care centre. The assessment will consider the following questions:

- Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?
- Is the proposal consistent with the purpose of the Neighbourhood Residential Zone?
- Is the proposal appropriate in the local neighbourhood context with regard to its compatibility with residential uses; the need to serve the local community; the scale and intensity of the use; the built form; acceptability of landscaping and refuse collection facilities?

- Does the proposal unreasonably overshadow existing roof top solar energy facilities?
- Are the transport arrangements acceptable, including quantum of car parking, layout and appearance of parking areas and the effects of traffic to be generated by the proposal?
- Are there any other matters that require consideration including outstanding objector concerns?

Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?

The Planning Policy Framework recognises the need for education and early childhood facilities to be integrated with local communities (clause 19.02-2S) and specifically within residential zones with minimum impact and minimum loss of residential amenity (clause 21.08). This helps to enable 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home (clause 15.01-4R).

Further to this, Council's child care centres policy (clause 22.11) seeks to integrate these facilities into residential areas whilst minimising their impacts on the amenity of adjoining and nearby dwellings and protecting neighbourhood character and provides a series of management requirements to protect amenity and character. These will be discussed further in the report.

The principle of the proposal is supported by the Planning Policy Framework.

Is the proposal consistent with the purpose of the Neighbourhood Residential Zone?

The purpose of the Neighbourhood Residential Zone is primarily to support residential development of single or double storey scale, but also to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. Development must respect identified neighbourhood character.

Council's Child Care Centres Policy at clause 22.11-2 of the Scheme encourages the location of child care centres near schools and pre-schools and along main and secondary roads. Tucker Road is identified as a secondary road and the site is directly adjacent to the McKinnon Primary School and therefore the proposal meets the key local criteria.

The aspiration of creating 20 minute neighbourhoods (clause 15.01-4R) gives support to this proposal. While it is noted that there are other child care centres along and around Tucker Road, its location will provide choice and greater placement availability to the local community.

The proposal is therefore consistent with the purpose of the Neighbourhood Residential Zone

Is the proposal appropriate in the local neighbourhood context with regard to its compatibility with residential uses; the scale and intensity of the use; the built form; acceptability of landscaping and refuse collection facilities?

Compatibility with residential uses

The child care centre will have limited impact on the amenity of residential properties and has been designed to address amenity concerns.

It is located on Tucker Road, which is a key north-south link road through the municipality and only has one abutting residential property. Access to the subject site is therefore from the higher order road, avoiding local streets.

The building has been designed with setbacks from all boundaries. This reduces the visual appearance of the building from residential properties and ensures that there is no unreasonable overlooking to the adjoining residential property.

The site maintains trees along the western boundary and the applicant has advised that the proposal will include a 2m high timber paling acoustic fence. This will reduce the impact of noise from children playing in the outdoor areas. This will be included as a condition as part of the recommendation.

The scale and intensity of the use

The child care centres policy (clause 22.11) suggests appropriate hours of operation being 7.00am and 6.30pm, Monday to Friday however provides that these hours may be varied depending on the location of the proposed development and its proximity to sensitive residential areas.

The proposal seeks to operate between 6:30am–6:30pm, Monday to Friday with occasional open days on weekends. This is considered reasonable in this context given its access from the link road and limited immediate residential properties abutting the subject site. Occasionally the child care centre is proposed to open on Saturdays for open days. Given this is not a habitual event, this is considered reasonable and will be conditioned to allow up to six to occur in any year.

The built form

The height and scale of the proposed building respects the adjoining residential property to the west and the broader character of this part of Tucker Road which includes the McKinnon Primary School, Tucker Reserve and single and double storey dwellings.

The building is well set back from all boundaries and is consistent with the siting and built form recommendations within the child care centres policy (clause 22.11).

The architectural style of the proposal includes materials that will complement the surrounding area, including a render finish and colorbond roofing. It will have a permeable 1.8m high front fence that provides the necessary security but allows views into the centre. The design of the centre will fit well within the residential area.

The acceptability of landscaping and refuse collection facilities

The proposal has included indicative landscaping on the development plans. The areas are broadly in line with policy expectations and the recommendation includes a requirement for a Landscape Plan to be submitted including the provision of canopy trees and boarder planting. This will result in an acceptable landscape outcome while also ensuring the usability of the space for the child care centre.

On the basis of the above, it is considered that the proposal is appropriate in the local neighbourhood context.

Does the proposal unreasonably overshadow existing roof top solar energy facilities?

The site is adjacent to a car park at the McKinnon Primary School and therefore will not overshadow any existing roof top solar energy facilities.

Are the transport arrangements acceptable, including quantum of car parking, layout and appearance of parking areas and the effects of traffic to be generated by the proposal?

The statutory requirement of car parking spaces is 18 and the proposal includes 15 car parking spaces. There is no requirement in the Scheme to provide bicycle parking facilities. On the basis of the decision guidelines at clause 52.06 of the Scheme, there is compelling justification to agree to the reduction on the basis of:

- *The availability of alternative car parking in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other relevant consideration.*

Council's Strategic Transport Planner has reviewed the application and is satisfied that the relevant criteria for parking demand has been met. They consider it appropriate and reasonable to require two bicycle parking spaces be provided including one space for an e-bicycle.

They have also considered the increased traffic volumes associated with the use and are satisfied that the road network will not be unreasonably compromised or require modifications to support the increased car movements. They are satisfied that the design of the car park is suitable for pedestrian safety and while it provides six parking spaces for staff in a tandem arrangement, the remaining nine car spaces will meet the needs for drop off and pick up of children.

To ensure the car park is managed appropriately, a Car Parking Management Plan forms part of the recommendation to specify the allocation of staff parking, drop off areas and approaches to education for both visitors and staff of the centre.

On the basis of the above, it is considered that the transport arrangements are appropriate.

Are there any other matters that require consideration including outstanding objector concerns?

The majority of the objector concerns have been addressed in the report, however it is noted that concern has been raised about inaccuracies in the documents submitted with the application, including the relevant planning provisions, the site location, etc. These have been noted by the officer assessing the application, however their assessment has only considered the matters that are required to be taken into account based on the layout of the proposal and the provisions of the Glen Eira Planning Scheme. Other objector concerns relate to devaluation of property however this is not a matter that can be considered as part of the planning process.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The proposed use and development of the child care centre is of a reasonable scale and design which will respect the character of the surrounding area. It has been designed to limit amenity impacts to adjoining properties. Whilst some changes have been recommended, these are all minor changes to refine the plans and provide some additional information.

The proposal is consistent with the intent and objectives of the Planning Policy Framework, including that the car parking provision and layout is considered acceptable having regard to the requirements of the car parking provisions outlined in the Glen Eira Planning Scheme.

In considering the decision guidelines and the purpose for which a planning permit is required, it is considered appropriate to issue a Notice of Decision to Grant a Permit.

Advertised Plan
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PROPOSED CHILDCARE CENTRE

255-257 TUCKER ROAD, ORMOND VIC



SHEET NUMBER	SHEET NAME	ISSUE	CURRENT REVISION DESCRIPTION	DATE
TP01	SITE ANALYSIS	4	TOWN PLANNING ISSUE	2017/02/01
TP02	SITE PLAN	4	TOWN PLANNING ISSUE	2017/02/01
TP03	GROUND FLOOR PLAN	4	TOWN PLANNING ISSUE	2017/02/01
TP04	FIRST FLOOR PLAN	4	TOWN PLANNING ISSUE	2017/02/01
TP05	ELEVATIONS	4	TOWN PLANNING ISSUE	2017/02/01

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p.o. box 288 ivanhoe 3079
1 (03) 9499 6174
www.insitearchitects.com.au

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PROPERTY

TOWN PLANNING ISSUE

DRAWING TITLE: COVER SHEET
PROJECT: Proposed Childcare Centre (84 places)
ADDRESS: 255-257 Tucker Road, Ormond VIC
CLIENT: Allaf Project Management
FILE: C:\Users\Carly\Documents\00000252_CoverSheet_TP_CoverSheet.insitearchitects.com.au\insite
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SIZE: A1
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NO.	REVISION	DATE
1	TOWN PLANNING ISSUE	2017/02/01
2	TOWN PLANNING ISSUE	2017/02/01
3	TOWN PLANNING ISSUE	2017/02/01
4	TOWN PLANNING ISSUE	2017/02/01

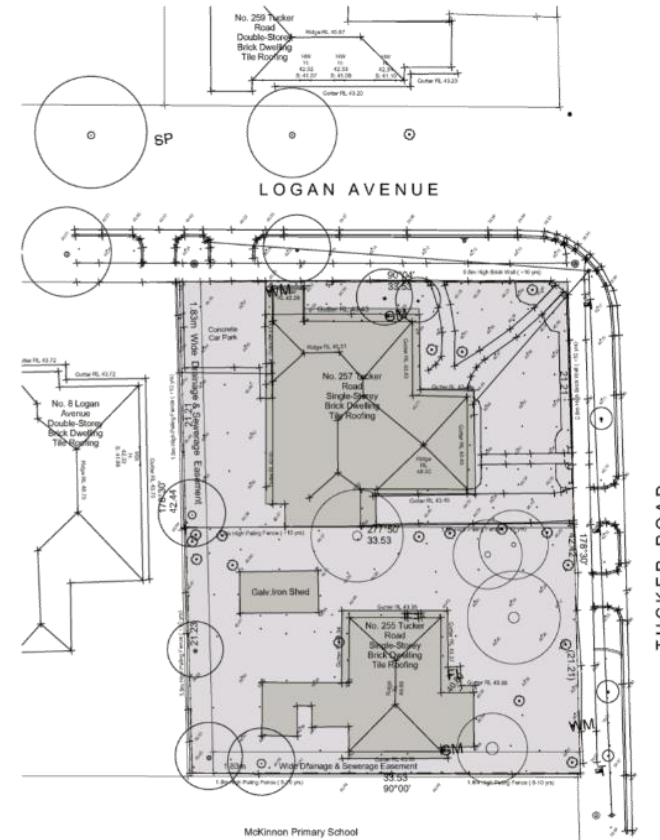
DRAWING NO. **TP00** /4



1 SITE CONTEXT not to scale

SITE ANALYSIS

- SUBJECT SITE CONSISTS OF TWO ADJOINING LOTS No. 256 AND No. 257
- NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)
- CORNER SITE SITUATED ON INTERSECTION OF TUCKER ROAD AND LOGAN AVENUE
- BOTH LOTS CURRENTLY HAVE A SINGLE STOREY RESIDENCE. THERE ARE CURRENTLY TWO VEHICLE CROSSINGS TO TUCKER ROAD AND ONE TO LOGAN AVENUE.
- THE SUBJECT SITE'S SOUTH BOUNDARY IS SHARED WITH MCKINNON PRIMARY SCHOOL.
- THE WESTERN BOUNDARY IS SHARED WITH A DOUBLE STOREY RESIDENCE.
- THE SITE IS 100M SOUTH OF NORTH ROAD WHERE THERE IS A BUS ROUTE.
- CRANFORD TRAIN STATION (FRANKSTON LINE) IS WITHIN 100M FROM THE SITE.
- MCKINNON SECONDARY COLLEGE IS LESS THAN 1000M FROM THE SUBJECT SITE.



2 EXIST. CONDITIONS PLAN 1 : 200

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ADDRESS:
CLIENT:
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NOTE:

SITE ANALYSIS
Proposed Childcare Centre (84 places)
255-257 Tucker Road, Ormond VIC
Allaf Project Management

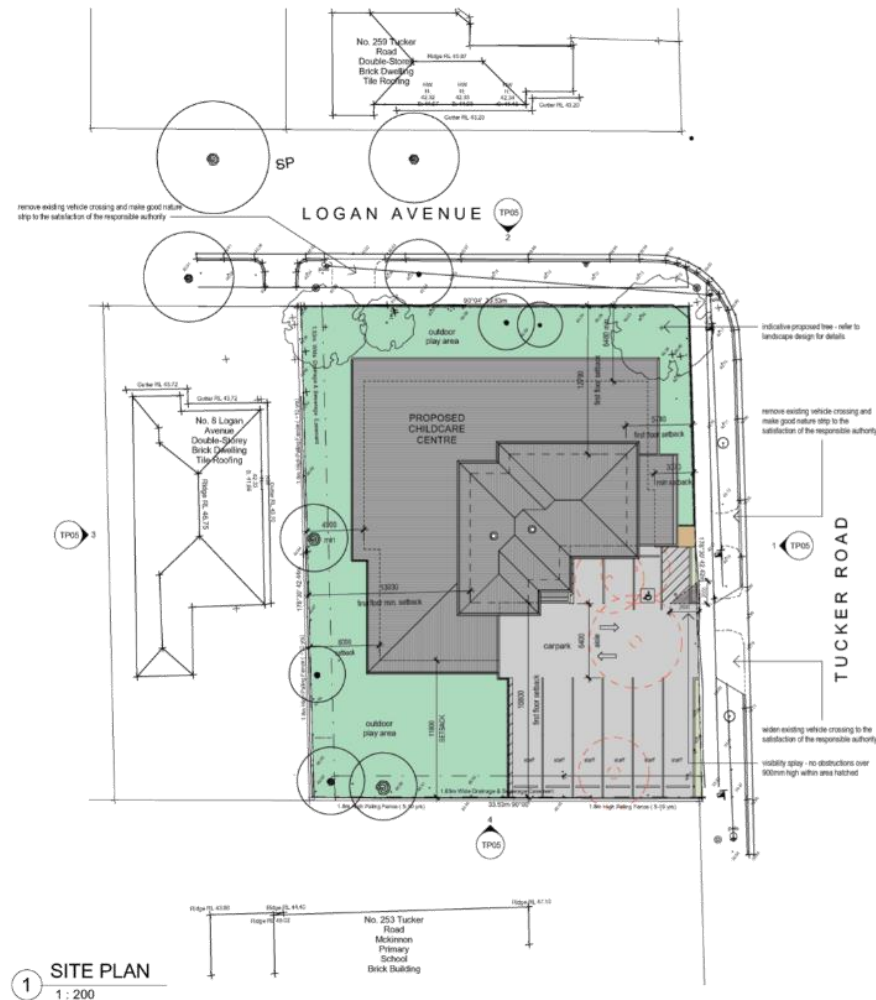
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Drawing: TP01
Date: 20/11/2020
Author: J. Williams
Checked: J. Williams
Drawn: J. Williams
Scale: 1:200
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NO.	REVISION	DATE
1	ISSUED FOR COUNCIL REVIEW	20/11/2020
2	ISSUED FOR COUNCIL REVIEW	20/11/2020
3	ISSUED FOR COUNCIL REVIEW	20/11/2020
4	ISSUED FOR COUNCIL REVIEW	20/11/2020

DRAWING NO.
TP01 /4

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DESIGN RESPONSE

- PROPOSAL CONSISTS OF A DOUBLE STOREY CHILDCARE CENTRE FACILITATING 84 PLACES
- FIRST FLOOR IS PURELY OPERATIONAL WITH ALL GROUP ROOMS LOCATED ON THE GROUND FLOOR
- NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ) ALLOWS FOR CHILDCARE CENTRE
- PROPOSED CARPARK TO TUCKER ROAD UTILISES EXISTING VEHICLE CROSSING (INDENTED) WITH TWO ADDITIONAL CROSSINGS TO BE REMOVED AND NATURE STRIP RE-INSTATED
- CHILDCARE CENTRE COMPLIES WITH THE NEIGHBOURHOOD MAXIMISATION PRIMARY SCHOOL
- BUILDING DESIGN IS SYMBIOTIC WITH THE NEIGHBOURHOOD CHARACTER AND IMMEDIATE SURROUNDS. PITCHED ROOFS WITH A BLEND OF DOMESTIC MATERIALS AND ARTICULATED FORM CREATES A RESIDENTIAL FEEL TO THE BUILDING
- WESTERN FIRST FLOOR WINDOW PLACEMENT CONSIDERATE OF ADJOINING RESIDENCE AND AVOIDS POSSIBLE OVERLOOKING
- SHORT FALL OF THREE PARKING REQUIREMENTS FOR 82 CHILD CONSIDERED ACCEPTABLE GIVEN AMPLE STREET PARKING AND IDENTIFIED PEAK USAGE TIMES
- BUILDING SETBACK OFF ALL BOUNDARIES WITH A CLEARLY IDENTIFIABLE ENTRANCE TO TUCKER ROAD
- SETBACKS ALSO ALLOWING FOR LANDSCAPING TO INCLUDE SIGNIFICANT CANOPY TREES WITHIN THE PLAYSCAPE YARDS

AREA ANALYSIS

TOTAL SITE AREA 1432m²
SITE COVERAGE 596.1m² (41.7%)
(maximum 50% allowed)
PERMEABLE AREA 521.5m² (36.0%)
(minimum 25% required)
GROSS FLOOR AREAS
GROUND LEVEL 484.2m²
FIRST FLOOR 133.8m²
PARKING REQUIREMENTS - 0.22 per CHILD
16 BAYS REQUIRED
15 BAYS PROVIDED (includes 1 accessible)
OUTDOOR PLAY SPACE
REQUIRED 588m²
PROVIDED 588.2m²

CHILDCARE CENTRE ANALYSIS

OPERATION HOURS 6.30am - 6.30pm
(set up to four open days per year on the weekend)
GROUP ROOM 1 5-12 months 12 PLACES 3 STAFF
GROUP ROOM 2 24-36 months 12 PLACES 3 STAFF
GROUP ROOM 3 24-36 months 18 PLACES 4 STAFF
GROUP ROOM 4 36+ months 22 PLACES 2 STAFF
GROUP ROOM 5 36+ months 22 PLACES 2 STAFF
TOTALS 66 PLACES 2 STAFF (manager & cook)
16 STAFF

NOTE

Survey information taken from Land Survey prepared by MMS for ALLAF Properties dated 25/06/2019

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TOWN PLANNING ISSUE

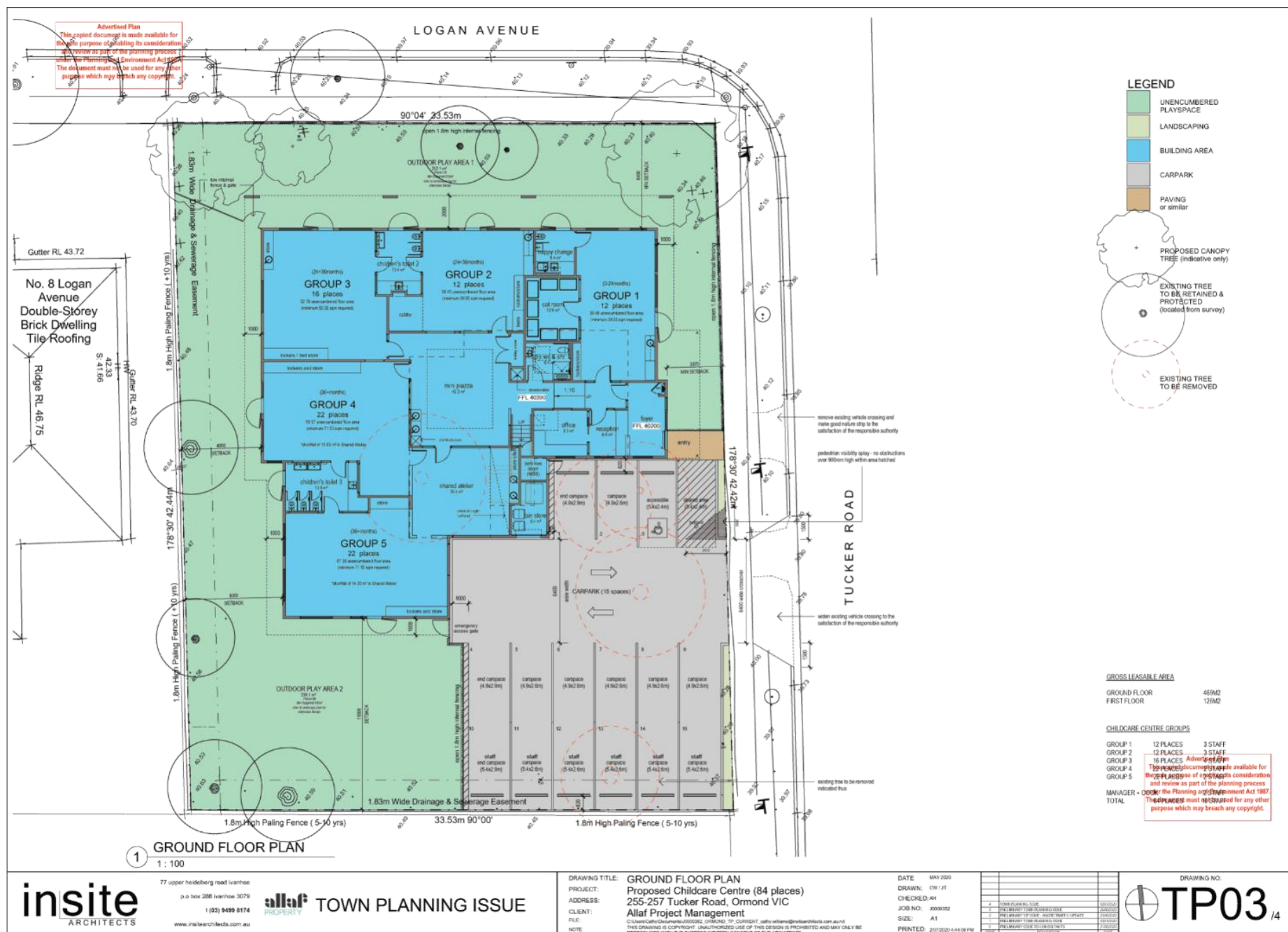
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PROJECT: Proposed Childcare Centre (84 places)
ADDRESS: 255-257 Tucker Road, Ormond VIC
CLIENT: Allaf Project Management

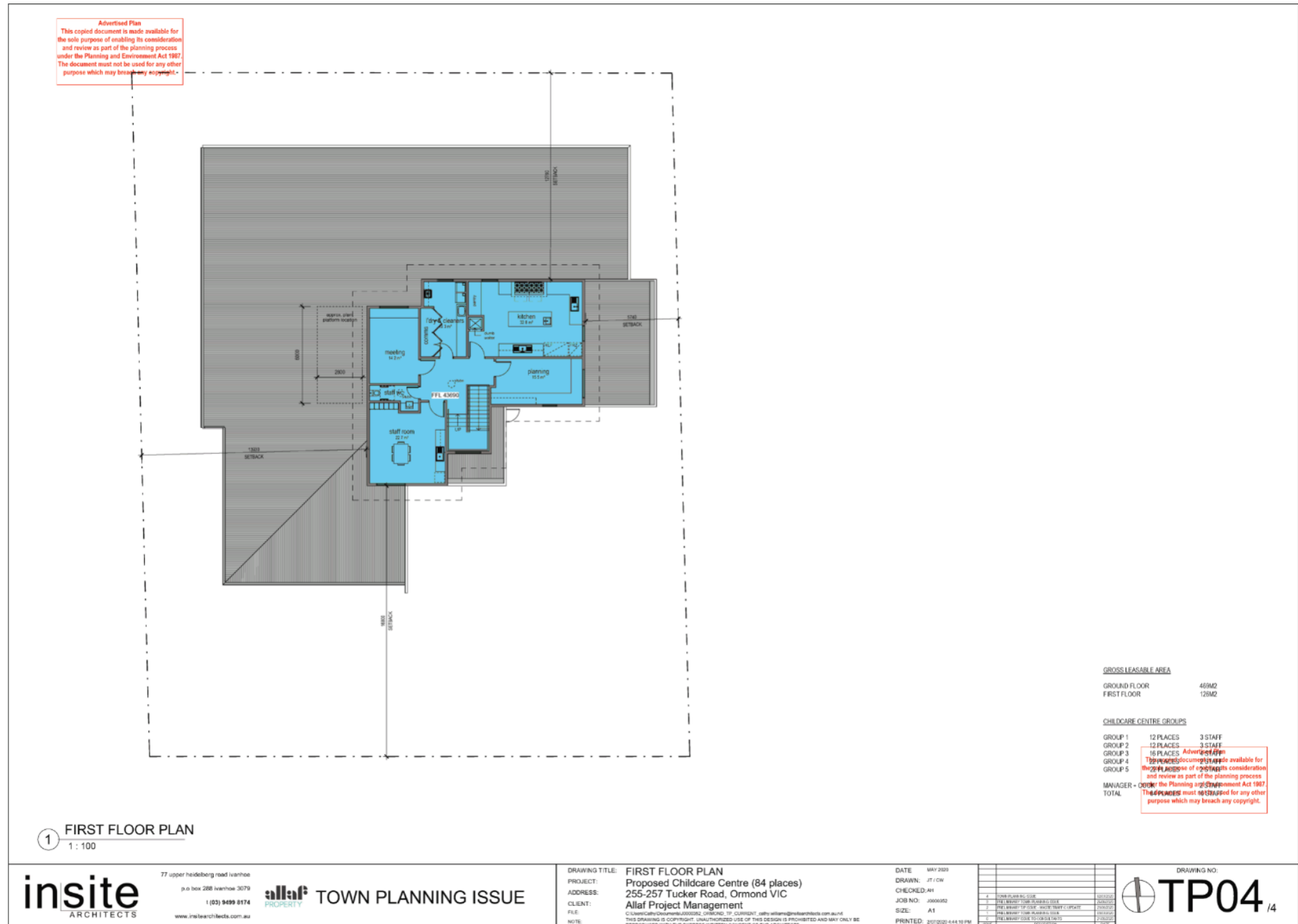
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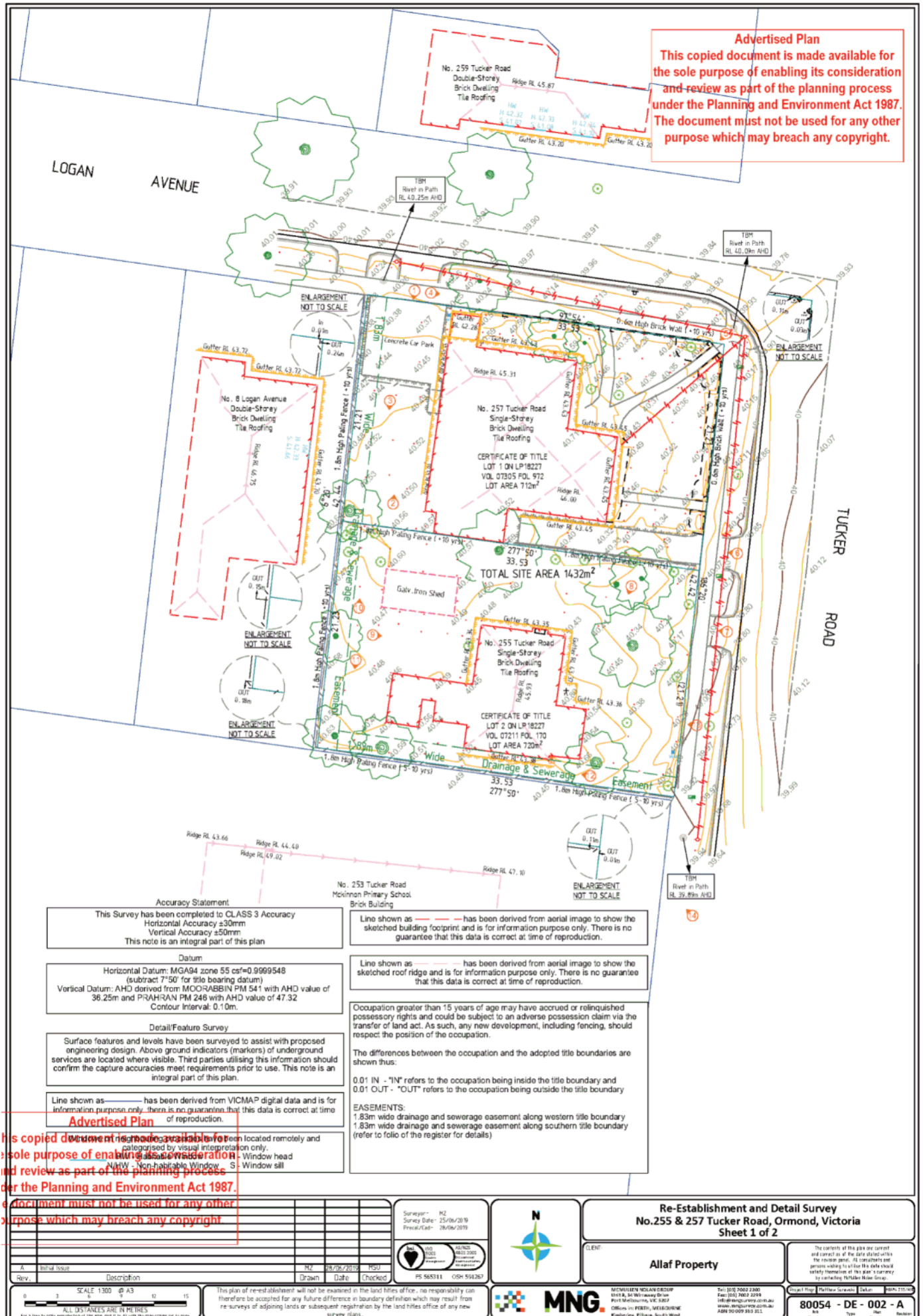
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2	FOR PRELIMINARY REVIEW ONLY	20/10/20	CW	AW
3	FOR PRELIMINARY REVIEW ONLY	20/10/20	CW	AW
4	FOR PRELIMINARY REVIEW ONLY	20/10/20	CW	AW

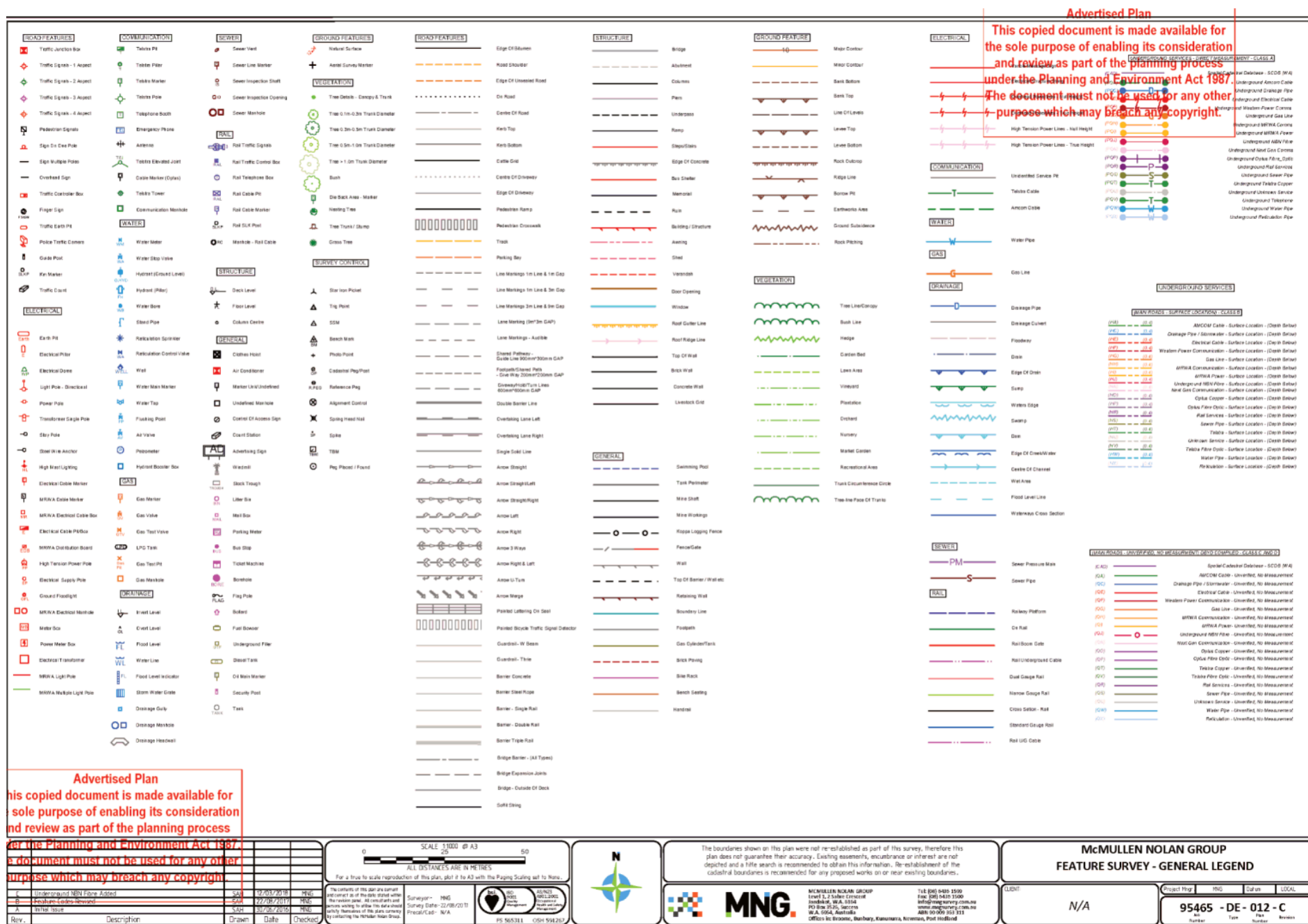
DRAWING NO. **TP02** /4











8.3 909 NEPEAN HIGHWAY, BENTLEIGH

Author: Anthony Adams, Principal Urban Planner

Trim No: 20/1292427

Attachments: 1. 909 Nepean Highway, Bentleigh - Advertised Plans [↓](#)

PURPOSE AND SUMMARY

This report provides Council with an assessment of planning application GE/PP-33684/2020 at 909 Nepean Highway, Bentleigh for the use of the land for a bottle shop to sell liquor.

The key considerations are whether the use as a bottle shop and its sale of liquor is appropriate in relation to the purpose and decisions guidelines of the Commercial 2 Zone and the licensed premises 'particular provision'.

As part of the process, the application was advertised to the surrounding community and 17 objections were received including on grounds that it would result in amenity impacts (noise, litter and anti-social behaviour) and that it would result in increased traffic. Other comments suggested that there was an oversupply of licensed premises in the area and had concern with operational aspects such as the hours of operation and how staff parking would be regulated.

The application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, including the zone and licensed premises particular provision which provides support for the use in this location. It is noted that car parking is provided in accordance with the requirements of the Glen Eira Planning Scheme.

On balance, the proposal is considered to appropriately address the relevant provisions of the Glen Eira Planning Scheme and it is recommended that Council supports the proposal.

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-33684/2020 for the use of the land for a bottle shop to sell liquor at 909 Nepean Highway, Bentleigh, in accordance with the following conditions:

Endorsed plans

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

Layout not to be altered

2. The layout and description of the use as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.
3. The sale of packaged liquor from the premises must only occur within the area shown on the endorsed plan and must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Restrictions on the use

4. The use including for the sale of packaged liquor must only operate between the hours of 9.00am and 9.00pm on Monday to Saturday, 10.00am and 9.00pm on Sunday, 12.00pm and 9.00pm on Anzac Day and no sales on Good Friday and Christmas Day except with the prior written consent of the Responsible Authority.
5. The use must be managed so that the amenity of the area is not detrimentally affected though the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any buildings, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
6. Noise levels generated from the use must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2) or any other equivalent or applicable State or relevant policy.
7. All security alarms or similar devices installed on the land must be of a silent type.
8. No external sound amplification equipment or loudspeakers are to be used for announcements, broadcasts, playing of music or a similar purpose.

9. Before the use starts, a Patron and Amenity Management Plan (PAMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the PAMP will be endorsed and will then form part of the permit. The PAMP must include following:
- (a) Hours of operation.
 - (b) Staffing arrangements including numbers and working hours.
 - (c) Staff training in the 'Responsible Serving of Alcohol'.
 - (d) Mandatory signage and evidence of age documentation.
 - (e) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - (f) Details of any measures to work with neighbours and other residents in the nearby area to address complaints and general operational issues.
 - (g) Any other measures to be undertaken to mitigate against amenity impacts from the licensed premises.
 - (h) Provision of CCTV within the car parking area.

Deliveries and waste management

10. The provisions, recommendations and requirements of the endorsed Patron and Amenity Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
11. The loading and unloading of goods from vehicles must only be carried out on the land or common property and must not disrupt the circulation and parking of vehicles on the land and must only be undertaken between the hours of 8.00am and 6.00pm on Monday to Sunday, except with the prior written consent of the Responsible Authority.
12. Waste and recyclables must only be collected between the hours of 8.00am and 6.00pm on Monday to Sunday, except with the prior written consent of the Responsible Authority.
13. Provision must be made on the land or the common property for the storage of waste and recyclables. This area must be screened from public view and be maintained in a clean condition and without offensive odour to the satisfaction of the Responsible Authority.

Car parking

14. No fewer than 13 car parking spaces must be provided on the land or the common property to the satisfaction of the Responsible Authority.

Permit expiry

15. This permit will expire if one of the following circumstances applies:

- (a) The use is not started within two years of the date of this permit.
- (b) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes

- This planning permit represents the planning approval for the use of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- The sale of liquor on the premises for consumption off the premises will require approval from the Victorian Commission for Gambling and Liquor Regulation.

Application number	GE/PP-33684/2020
Address	909 Nepean Highway, Bentleigh
Title details	Lot 2 on SP021008N
Proposal	Use of the land as a bottle shop and to sell liquor
Zoning and Overlay Controls	Commercial 2 Zone

THE PROPOSAL

The application proposes the use of the land for a bottle shop and to sell liquor. Specific details of the proposal include:

- The existing vacant building will be changed to a bottle shop and does not propose any buildings or works.
- The bottle shop would have a total floor area of 410 square metres, of which 288 square metres will be accessible to customers.
- It is proposed to sell liquor under a Packaged Liquor Licence to be obtained from the Victorian Commission for Gambling and Liquor Regulation (VCGLR).
- The proposed operating hours would be 9.00am to 11.00pm on Monday to Saturday, 10.00am to 11.00pm on Sunday and 12.00pm to 11.00pm on Anzac Day.
- A total of 13 car spaces would be available in the car park which is located on common property. This meets the statutory requirement
- No advertising signs are proposed as part of this application.

WHY IS A PLANNING PERMIT REQUIRED AND WHAT NEEDS TO BE CONSIDERED?

The following sets out why a planning permit is required based on the applicable planning controls in the Glen Eira Planning Scheme (Scheme); what the applicable decision guidelines require to be considered and a list of the relevant policies and provisions in relation to this application.

Applicable planning controls and the relevant decision guidelines

Commercial 2 Zone

Under the provisions of the Commercial 2 Zone at clause 34.02 of the Scheme, a planning permit is required to use the land as a bottle shop.

The applicable decision guidelines include:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Use

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*

Clause 52.27 ('Particular Provision' for Licensed Premises)

Under the provisions of clause 52.27 of the Scheme, a planning permit is required to use land to sell liquor if a licence is required under the *Liquor Control Reform Act 1998*.

The applicable decision guidelines include:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Relevant planning policies to consider as part of the application

The relevant Scheme policies for this proposal include:

- Clause 11.02-1S (Supply of urban land)
 - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- Clause 13.05-1S (Noise abatement)
 - *To assist the control of noise effects on sensitive land uses.*
- Clause 17 (Economy)
 - *To strengthen and diversify the economy.*
- Clause 18 (Transport)
 - *To create a safe and sustainable transport system by integrating land use and transport.*
 - *To promote the use of sustainable personal transport.*
 - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
 - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

- *To ensure an adequate supply of car parking that is appropriately designed and located.*
- Clause 21.06 (Business)
 - *To maintain a mix of commercial centres that cater for the needs of the Glen Eira community.*
 - *To encourage competitive retail outlets in viable, lively and interesting strip shopping centres.*
 - *To maintain pleasant and safe public environments in commercial centres in partnership with business.*
 - *To encourage more local employment and attract more local spending in partnership with business.*
 - *To encourage the restructuring of local and smaller centres where retail use is declining.*
- Clause 21.12 (Transport)
 - *To minimise the adverse effects of vehicular traffic, especially in Glen Eira's residential areas.*
 - *To ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers.*
- Clause 52.06 (Car parking)
 - *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*

Other relevant matters

In addition to the above requirements, the assessment must have regard to the general decision guidelines at Clause 65 of the Scheme, matters set out at Section 60 of the *Planning and Environment Act 1987*. These are embedded in the assessment of the application.

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. It sets out that “*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*”.

THE CONTEXT

Subject site and surrounding area

The subject site is located on the north eastern side of Nepean Highway, Bentleigh, between Howell Street and North Avenue. It has a frontage of approximately 11m and a depth of approximately 40, with an overall area of 410sqm. The location of the site is shown in the map below:



The site is currently developed with a single storey building which is vacant. It was previously used as a carpet sales shop. The subject site shares a common area car park with two other buildings and has rights to use 13 of the car parking spaces. The car parking area is accessed via an existing vehicle crossover from the Nepean Highway service road.

This surrounding area is mixed in character. Nepean Highway contains convenience restaurants including the adjoining Hungry Jack's, motor vehicle sales, bulky goods sales, trade supplies, goods hire and other services. To the rear along Howell Street are single and double-storey dwellings and multi-unit developments.

Moorabbin Train station is located approximately 600 metres to the south of the site.

There are no restrictions or encumbrances registered on the certificate of title for the land.

Relevant History

Planning Permit MBN/2202 was issued by the City of Moorabbin on 19 September 1983 for "The erection of buildings and works thereon in accordance with the attached endorsed plan and the use thereof for the purpose of a Café and Take-Away Food Premises". The endorsed plans showed a Wendy's Restaurant (now Hungry Jack's) at 903 Nepean Highway and two warehouses at 909 and 911 Nepean Highway

This permit has been amended three times since it was first granted.

The current operating hours for Hungry Jack's under Planning Permit MBN/2202/C are:

- Monday to Wednesday: 6am to 10:30pm;
- Thursday: 6am to 11:30pm;
- Friday and Saturday: 6am to 12am;
- Sunday: 6am to 10pm; and
- Public Holidays: 6am to 12am.

It is acknowledged that the Hungry Jack's premises has had previous complaints about adverse impacts on the amenity of the nearby residential area partly because of anti-social behaviour and public disturbances connected to patrons attending a nightclub at 973 Nepean Highway. Since the closure of the nightclub in 2005 and the enforcement of Hungry Jack's operating hours, the incidence of anti-social behaviour and public disturbances has declined.

THE PROCEDURAL REQUIREMENTS

Consultation and engagement

Notice of the application was given in August 2020, including by mail to the owners and occupiers of directly adjoining and nearby properties. At the time of writing the report, 17 objections have been received identifying the following concerns:

- Increased traffic
- Increased noise
- Increased litter
- Increased anti-social behaviour
- Adverse impact on residential amenity
- CCTV cameras should be installed
- Staff should park at the rear of the car park
- Closing time should be 8pm or 9pm, not 11pm
- There are only 46 on-site car spaces, not 48 (entitlement is 12, not 13)
- There are 9 other liquor outlets in the area that are not listed by the applicant
- There is no justification for another liquor sales outlet

A planning conference was chaired by the Manager Urban Planning and attended by seven of the objector parties. The applicant agreed at the planning conference to make the following changes:

- That the premises close each night at 9.00pm
- That a Patron and Amenity Management Plan be provided to deal with such matters as patron behaviour, management of complaints, use of CCTV within the car parking areas and the responsible service of alcohol.

These changes have been reflected in the recommendation.

Comments from referral authorities and Council departments

The application was not required to be referred to any statutory authority under Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the Glen Eira Planning Scheme. No specialist advice is required from any other Council department.

Cultural heritage

The site is in an area of Aboriginal Cultural Heritage Sensitivity. A retail premises/shop is defined as a 'high impact activity' under the *Aboriginal Heritage Regulations 2018*. This would normally mean that a Cultural Heritage Management Plan (CHMP) would be required. However, a CHMP is not required because the land has been subject to 'significant ground disturbance' given that the site has already been developed with commercial buildings, a carpark, fences, signs and landscaping. Accordingly, the proposal is exempt from the need for a CHMP as the significant ground disturbance removes it from the 'high impact activity' category.

ISSUES AND DISCUSSION

A planning permit is required for the following reasons:

- To use land for a bottle shop in the Commercial 2 Zone of the Scheme; and

- To use land to sell liquor under clause 52.27 (Licensed Premises) of the Scheme.

The planning controls each contain a purpose and decision guidelines and the following assessment will respond to relevant requirements along with other matters required to be considered under the Scheme and the *Planning and Environment Act 1987*.

This will be done by responding to the following questions:

- Does the proposal respond to the Planning Policy Framework?
- Is the proposed land use appropriate?
- Does the proposal cause unacceptable amenity impacts?
- Are there any car parking and transport issues?
- Are there any other matters that require consideration including outstanding objector concerns?

Does the proposal respond to the Planning Policy Framework?

Several relevant policies support the proposed bottle shop and liquor sales uses relating to:

- Clause 11.03-1 (Activity Centres), where shopping is a focus and economic activity is encouraged.
- Clause 17.01-1 (Diversified Economy), as the proposal will help to strengthen and diversify the economy by providing employment in the retail sector.
- Clause 17.02-1 (Business), which seeks to locate commercial facilities in existing activity centres, provide new convenience shopping facilities to provide for the needs of the local population within, or adjacent to, existing commercial centres and provide small-scale shopping opportunities that meet the needs of local residents and workers in convenient locations such as this site fronting the Nepean Highway.

The proposed bottle shop would be located within an identified 'peripheral sales' area in the Business (clause 21.06) section of the Scheme. The use is consistent with the types of uses envisaged in peripheral sales areas which also include larger format retailing premises. The proposal is consistent with the relevant objective and strategy which, respectively, encourage competitive retail outlets in viable, lively and interesting strip shopping centres and ensure that new land uses are able to be accommodated in existing commercial centres.

On this basis, the principle of locating the use within this commercial area is supported by the Planning Policy Framework.

Is the proposed land use appropriate?

There are two important parts of the Scheme applicable to the assessment of the bottle shop and the sale of liquor, namely the purpose and decisions guidelines of the Commercial 2 Zone and the particular provision in relation to licensed premises.

The proposed bottle shop is consistent with the purposes of the Commercial 2 Zone which includes "*to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses*".

The use of the premises is supported by the Planning Policy Framework, provides a retail use that will support economic vitality and sits within a strip of similar types of uses.

It would not unreasonably affect the safety and amenity of adjacent, more sensitive uses. This will be discussed further in report, however it is noted that while there are dwellings located to the rear along Howell Street, the site does not have direct access to this street. This will ensure that all customers will access the premises from the Nepean Highway service road reducing movement through residential areas.

The proposal is not for a bar, it provides only for the retailing of liquor. This is similar in function to other shops and retailing uses. The hours of operation are considered reasonable and patron management will be able to be managed in a way that does not unreasonably impact the amenity of the area. This will be supplemented with a condition requiring a Patron and Amenity Management Plan.

The purpose of particular provision in relation to licensed premises is “*to ensure that licensed premises are situated in appropriate locations and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered*”.

The location of the proposed bottle shop in a Commercial 2 Zone that is part of a linear commercial strip with a mixture of land uses and with vehicle access from the Nepean Highway is appropriate. Furthermore, the amenity of the surrounding area would not be unreasonably affected.

Whilst there are other bottle shops nearby, they are not in such close proximity that would create a cluster and have a cumulative impact on the amenity of the area.

The proposed use as a bottle shop is therefore considered acceptable.

Does the proposal cause unacceptable amenity impacts?

Objections have been received regarding the adverse impacts of the bottle shop on the amenity of the area due to noise, litter, anti-social behaviour and public disturbances. There are many factors that reduce the impact to amenity of nearby residential properties and amenity more generally.

As mentioned, there is no direct vehicle or pedestrian access to Howell Street and the entrance to the bottle shop is located towards the front of the land away from any residential property.

In responding to the objections, the applicant has proposed an earlier closing time of 9.00pm. This will assist in minimising impact in the evening and reduce the potential for undesirable interactions between the bottle shop and Hungry Jack’s customers (eg. drinking and eating within the car park). As noted, this forms part of the recommendation.

Whilst approval is recommended, the planning permit will be subject to detailed conditions aimed at effectively managing the potential off-site impacts of the bottle shop, including regulating the servicing and waste collection times, placing restrictions on the playing of music and ensuring noise does not exceed EPA allowances (clause 13.05-1S).

In addition to the recommended conditions, all Packaged Liquor Licences issued by the VCGLR are subject to a condition that requires licensees to comply with the Packaged Liquor Code of Conduct. The Code of Conduct requires licensees to develop a set of House Rules for the licensed premises. The purpose of the House Rules is to set out the

responsibilities and obligations of staff in the sale and supply of liquor in accordance with established responsible service of alcohol principles.

On the basis of these requirements, the use is not expected to cause unacceptable amenity impacts.

Are there any car parking and transport issues?

The quantum of 13 car parking spaces is acceptable based on the provisions at clause 52.06 of the Scheme. While the provisions set out that the specified number of car spaces for a shop is 4 per 100sqm of leasable floor area, which in this case would be 16 spaces, it also says that a permit is not required to reduce the number of car spaces for a new use of an existing building if the following requirements are met:

- *The building is in the Commercial 2 Zone;*
- *The gross floor area of the building is not increased; and*
- *The reduction does not exceed 10 car parking spaces.*

As these requirements are met, a planning permit is not required for a reduction of car parking.

- In terms of traffic generation, the Nepean Highway service road can cater for this volume and it is considered unlikely that there would be a significant increase in traffic and parking in Howell Street given that vehicle access to the site is solely from the service road, with the bottle shop entry door directly facing the common property car park.

Overall the car parking and transport matters are acceptable.

Are there any other matters that require consideration including outstanding objector concerns?

The majority of the objector concerns have been addressed in the report, however it is noted that concern has been raised about the number of car parking spaces available on the land. The original planning approval (Reference MBN/2202) required 47 spaces be provided in a shared arrangement with 24 allocated what is now the Hungry Jack's premises, and 23 to the two other tenancies which includes the subject land and the shop at 911 Nepean Highway. The current recommendation requires that 13 spaces are always provided for the bottle shop. This will not compromise or conflict with the original car parking allocation under permit MBN/2202.

While the recommendation addresses amenity impacts through various conditions, it is noted that the operator of the bottle shop also requires approval from VCGLR who may specify their own requirements to manage amenity impact.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Having regard to the relevant planning policies, the applicable decision guidelines and the purpose for which a planning permit is required, it is appropriate to recommend approval for this application. A bottle shop is a suitable use for the site and its amenity impacts can be managed through permit conditions and the requirements of the VCGLR liquor licence.

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Site context plan: 909 Nepean Highway Bentleigh 3204 (Lot 2 SP21008) (marked with red peg) Proposal: Use of land for a Bottle shop, Use of land for the sale of liquor pursuant to a Packaged liquor licence to be issued under the Liquor Control Reform Act 1998, and Reduction (by 3 spaces out of 16) of associated car parking requirements



Written Site context description

The neighbourhood contains a mix of land uses, with retail (convenience restaurants, restricted retail premises, car sales etc) and transport (road or parking) uses along Nepean Highway, and residential uses (mainly traditional houses in residential areas) away from this road. Along Nepean Highway, "Hungry Jack's" adjoins the site's to the northwest; "Costume Wonderland" to its southeast. The dwelling nearest to the site (at 4 Howell Street) adjoins the rear of site.

A map of the existing licensed premises within 500m of the site is included in the Liquor Plan letter, which also lists the individual location of each one.

Substantial public parking is located near the site, along the Nepean Highway service road.

The locations of the residential uses nearest the site are shown in the above photo, with residential areas marked with larger blue pegs. Not all dwellings are individually marked. Each peg may represent more than one dwelling. Residential use has been identified by observation only and there may be some other dwellings not identified.

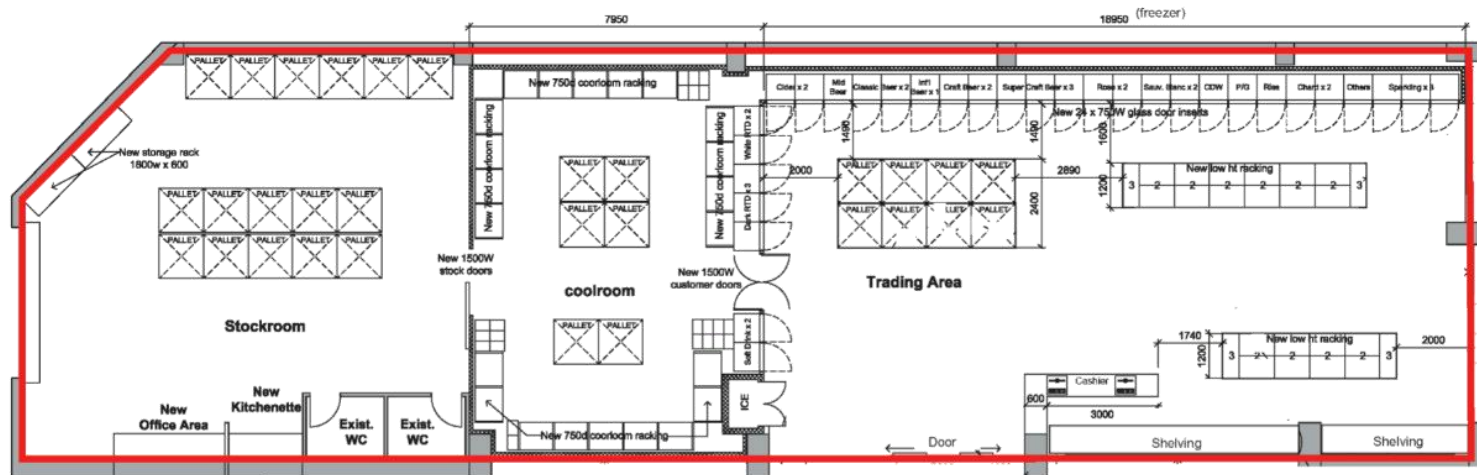


The site



Oblique aerial photo (from south) showing the site (identified with red peg) in context of adjoining development





LIQUOR PLAN

SCALE 1:125 @ A3

Red line delineates area in which liquor will be sold or consumed (licensed area)

Advertised Plan
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ANALYSIS

31 x Fridge Doors
11 x Wall Shelf Units - Full height
10 x Double-sided Gondola Units
+ 4 x Display Ends

AREAS

Shoppable Coolroom = 83.3
Store Room / Office = 122.8sqm
Trading Area = 204.4sqm
Total Trading Area = 287.7sqm
Total Internal Area = 410.5sqm

RACKING LEGEND

- | | |
|----|--|
| 1 | 900W x 600D x 2000H Wall Racking |
| 1A | 1200W x 600D x 1000H Wall Racking |
| 2 | 1200W x 1200D x 1400H Double-sided Gondola |
| 3 | 1200W x 450D x 1400H Gondola Display Ends |
| 4 | 900W x 400D x 2000H Coolroom Racking |
| 5 | 900W x 750D x 2000H Coolroom Racking |

WALL LEGEND

- | | |
|---|--------------------|
|  | Existing Wall |
|  | New Walls |
|  | New Coolroom Panel |



LOCALITY MAP

SCALE : NTS

REV	AMENDMENTS	BY	DATE
A	FIRST ISSUE	KB	11.04.00
B	COUNTER CHANGE	KB	26.06.00



NOTE:
THIS DRAWING IS FOR DESIGN GUIDANCE ONLY.
FIGURED DIMENSIONS ARE TO TAKE PRECEDENCE OVER
SCALE.
FINAL DETAILS MUST MEET SITE CONDITIONS, THE
REQUIREMENTS OF ALL RELEVANT AUTHORITIES,
APPLICABLE AUSTRALIAN STANDARDS AND THE BUILDING
CODE OF AUSTRALIA.
THE SUBLIDER/CONTRACTOR MUST VERIFY ALL
DIMENSIONS AND CONDITIONS ON SITE PRIOR TO
ORDERING MATERIALS/SEGMENT AND COMMENCING
CONSTRUCTION.
THIS DRAWING IS THE PROPERTY OF ALUM PTY LTD AND
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CELLARBRATIONS SS

LOCATION

909 NEPEAN HIGHWAY
BENTLEIGH VIC 3204

CLIENT
C/- ALM PTY LTD

**CONCEPT PLAN
OPTION 1**

OPTION 1	
NAME	DATE

SCALE 1:125 @ A3	DRAWN KB	DATE 12.06.20
PROJECT NO. ★★★★★	DRAWING NO. SK-01	ISSUE B
SITE AREA:		
TOTAL	410.5sqm	TRADING 287.7sqm

8.4 75A AND 75B KOORNANG ROAD, CARNEGIE

Author: Lucy Bond, Urban Planner

Trim No: 20/1295892

Attachments: 1. 75A-75B Koornang Road, Carnegie - Advertised plans [↓](#)

PURPOSE AND SUMMARY

This report provides Council with an assessment of planning application GE/CP-33639/2020 at 75A-75B Koornang Road, Carnegie for the construction of a covered seating area to the rear of the existing building, use of part of the land for the sale and consumption of liquor and a reduction in the number of car parking spaces associated with a hotel use.

The key considerations are the suitability of the design of the structure, whether the sale and consumption from the land is acceptable in relation to the purpose and decisions guidelines of the licensed premises particular provision and whether the reduction in car parking would unreasonably impact the availability of parking in this part of Carnegie.

As part of the process, the application was advertised to the surrounding community and ten objections were received including on grounds that it would result in amenity impacts including noise disturbance and light spill to surrounding residential properties and would not provide sufficient car parking.

The application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, including the Commercial 1 Zone, Design and Development Overlay and the car parking and licensed premises 'particular provisions'.

On balance, it is considered that the proposal will add vitality to the retail centre and incorporates sufficient acoustic attenuation measures to prevent unreasonable impact to the amenity of nearby residential properties. Given the location within the Carnegie Activity Centre, with its access to public transport, public car parking and alternative transport modes, a full reduction of car parking can be supported.

The proposal is considered to appropriately address the relevant provisions of the Glen Eira Planning Scheme and it is recommended that Council supports the proposal.

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-33639/2020 for the construction of a covered seating area to the rear of the existing building, use of part of the land for the sale and consumption of liquor and a reduction in the number of car parking spaces associated with a hotel use at 75A-75B Koornang Road, Carnegie, in accordance with the following conditions:

Amended plans

1. Before the development or the use of the land for the sale and consumption of liquor starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as Drawings 1-3 and prepared by Ratio (dated 1 August 2020), but further modified to show:
 - (a) The acoustically treated walls extending along the north, south and west sides of the Atrium covered seating area shown on the floor plans and elevations.
 - (b) Elevation of the bin store structure.

Layout not to be altered

2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.
3. The sale and consumption of liquor from the premises must only occur within the area shown on the endorsed plan and must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Restrictions on the use

4. The sale and consumption of liquor must only occur between the hours of 7.00am and 10.00pm on Monday, 7.00am and 12.00am (the following day) on Tuesday to Thursday, 7.00am and 1.00am (the following day) on Friday to Sunday, except with the prior written consent of the Responsible Authority.
5. Notwithstanding condition 4, the sale and consumption of liquor in the outdoor areas at the rear of the land (identified as Beer Garden, Atrium and Courtyard) must only occur between the hours of 7.00am and 10.00pm on Monday to Sunday. The outdoor areas at the rear must not be occupied by patrons after 10.00pm, except with the prior written consent of the Responsible Authority.
6. No more than 300 patrons may be present on the land at any one time, including no more than 60 patrons within the Atrium and 40 patrons within the Beer Garden/Courtyard at any one time, except with the prior written consent of the Responsible Authority.
7. No live music is permitted within the outdoor areas at the rear of the land and any amplified music must cease by 10.00pm.

8. Noise levels generated from the use must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2) or any other equivalent or applicable State or relevant policy.
9. Before the use of the land for the sale and consumption of liquor starts, all acoustic attenuation measures and noise control strategies recommended in the Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 1 July 2020, must be implemented and thereafter permanently maintained to the satisfaction of the Responsible Authority.
10. Within two months of the use starting, an updated acoustic report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 8 and that the required level of noise attenuation has been achieved in accordance with the endorsed Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 1 July 2020, or if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).
11. Provision must be made on the land for the storage of waste and recyclables. This area must be screened from public view and be maintained in a clean condition and without offensive odour to the satisfaction of the Responsible Authority.
12. Before the use of the land for the sale and consumption of liquor starts, the disused/redundant vehicle crossing must be removed and the area reinstated with footpath and kerb and channel to the satisfaction of the Responsible Authority.

Permit expiry

13. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.
 - (c) The use of the land for the sale and consumption of liquor is not started within four years of the date of this permit.
 - (d) The use of the land for the sale and consumption of liquor is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.

- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- The sale of liquor on the premises for consumption off the premises will require approval from the Victorian Commission for Gambling and Liquor Regulation.
- The use of the land may require approval and/or registration by Council's Public Health Department.

Application number	GE/CP-33639/2020
Address	75A-75B Koornang Road, Carnegie
Title details	Lots 1 and 2 on Title Plan 711770V
Proposal	Construction of a covered seating area to the rear of the existing building, use of part of the land for the sale and consumption of liquor and a reduction in the number of car parking spaces associated with a hotel use
Zoning and Overlay Controls	Commercial 1 Zone Design and Development Overlay, Schedule 9 (Carnegie Activity Centre) Parking Overlay, Schedule 2 (Student housing in specific areas)

THE PROPOSAL

The application proposes the construction of a covered seating area to the rear of the existing building, use of part of the land for the sale and consumption of liquor and a reduction in the number of car parking spaces associated with a hotel use. Specific details of the proposal include:

- Construction of covered seating area at the rear of the land. This structure would have a maximum height of 4.07m, a width of 10m and a length of 20.11m. It would contain an outdoor bar in the south west corner.
- The use of the existing ground floor of the two brick buildings and the rear courtyard as a hotel. A planning permit is not required for the use as a hotel.
- The sale and consumption of liquor from the site with a maximum of 300 patrons at any one time and to operate between the hours of 7.00am and 10.00pm on Monday, 7.00am and 12.00am (the following day) on Tuesday to Thursday, 7.00am and 1.00am (the following day) on Friday to Sunday.
- The area associated with the sale and consumption of liquor would include the footpath to the front of the land and cover the full ground floor internal and external areas of the land.
- No provision of onsite car parking, requiring a statutory reduction of 25 spaces.
- The provision of 20 bicycle spaces on the northern side of the site and accessed from Koornang Road. This is an oversupply of two bicycle spaces based on the statutory rate.

WHY IS A PLANNING PERMIT REQUIRED AND WHAT NEEDS TO BE CONSIDERED?

The following sets out why a planning permit is required based on the applicable planning controls in the Glen Eira Planning Scheme (Scheme); what the applicable decision

guidelines require to be considered and a list of the relevant policies and provisions in relation to this application.

Applicable planning controls and the relevant decision guidelines

Commercial 1 Zone

Under the provisions of the Commercial 1 Zone at clause 34.01 of the Glen Eira Planning Scheme (Scheme), a planning permit is required to construct a building or construct or carry out works. The applicable decision guidelines include:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas*

Buildings and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandah, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*

Design and Development Overlay, Schedule 9 (Carnegie Activity Centre)

Under the provisions of the Design and Development Overlay at clause 43.02 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The applicable decision guidelines include:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay, including:*
 - *Whether development responds to the design objectives set out in Clause 1.0 to the schedule.*
 - *The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.*
 - *Whether the design and form of buildings supports the housing and economic needs of the Carnegie Activity Centre.*
 - *Whether proposed buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.*
 - *Whether proposed buildings are sensitively designed to avoid views into secluded private open spaces and habitable room windows of dwellings on adjacent land.*
- *The provisions of any relevant policies and urban design guidelines.*

- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*

For the purpose of the Design and Development Overlay, the site is located in Precinct 5 (Shoptop (heritage/character)).

Clause 52.06 (Car parking)

Under the provisions of clause 52.06 (Car parking) of the Scheme, the specified number of car parking spaces for a hotel is 3.5 per 100sqm. Based on the proposed 734sqm, this equates to 25 spaces. The application proposed no on site car parking. Clause 52.06 enables consideration of a lesser rate based on the following factors:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other relevant consideration.*

Clause 52.27 (Licensed Premises)

Under the provisions of Clause 52.27 of the Scheme, a planning permit is required to use land for the sale or consumption of liquor if a licence is required under the *Liquor Control Reform Act 1998*.

The applicable decision guidelines include:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

It is noted that the subject site is also within a Parking Overlay at clause 45.09 of the Scheme. This provision is only applicable to proposals for student accommodation.

Relevant planning policies to consider as part of the application

The relevant Scheme policies for this proposal include:

- Clause 11.02-1S (Supply of urban land)
 - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- Clause 13.05-1S (Noise abatement)
 - *To assist the control of noise effects on sensitive land uses.*
- Clause 17 (Economy)
 - *To strengthen and diversify the economy.*
- Clause 18 (Transport)
 - *To create a safe and sustainable transport system by integrating land use and transport.*
 - *To promote the use of sustainable personal transport.*
 - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
 - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*
 - *To ensure an adequate supply of car parking that is appropriately designed and located.*
- Clause 21.06 (Business)
 - *To maintain a mix of commercial centres that cater for the needs of the Glen Eira community.*
 - *To encourage competitive retail outlets in viable, lively and interesting strip shopping centres.*
 - *To maintain pleasant and safe public environments in commercial centres in partnership with business.*
 - *To encourage more local employment and attract more local spending in partnership with business.*

- *To encourage the restructuring of local and smaller centres where retail use is declining.*
- Clause 21.12 (Transport)
 - *To minimise the adverse effects of vehicular traffic, especially in Glen Eira's residential areas.*
 - *To ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers.*
- Clause 22.05 (Urban Village Policy)
 - *To enhance and further develop urban villages as the focus for community life*
 - *to encourage competitive retail outlets in viable, lively and interesting strip shopping centres*
- Clause 43.02 (Design and Development Overlay, Schedule 9)
 - *To preserve and enhance the low scale character of the Koornang Road shopping strip.*
 - *To preserve and enhance the low scale residential areas in Carnegie.*
 - *To encourage well designed mixed-use development, that supports the housing and economic needs of the Carnegie activity centre.*
 - *To ensure an appropriate design response to sensitive interfaces, such as heritage or low-scale residential sites and open space.*
 - *To encourage developments in urban renewal areas and on strategic sites that provide a significant benefit to the Carnegie community.*
- Clause 52.06 (Car parking)
 - *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
 - *To support sustainable transport alternatives to the motor car.*
 - *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
 - *To ensure that car parking does not adversely affect the amenity of the locality.*

Seriously entertained planning scheme amendments

Planning Scheme Amendment C184 (Bentleigh and Carnegie Activity Centres) proposes to implement permanent planning controls to give effect to the Carnegie Structure Plan. At this stage there is an interim Design and Development Overlay that contains the relevant considerations for this matter.

Planning Scheme Amendment C190 (Carnegie and Bentleigh Structure Plan Heritage Review) proposes the site be included within a heritage overlay. The proposed development is located at the rear of the land and is single storey in height. It would not impact the significance of the proposed heritage place or precinct.

Other relevant matters

In addition to the above requirements, the assessment must have regard to the general decision guidelines at Clause 65 of the Scheme, matters set out at Section 60 of the

Planning and Environment Act 1987. These are embedded in the assessment of the application.

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. It sets out that “*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*”.

THE CONTEXT

Subject site and surrounding area

The subject site is located on the western side of Koornang Road approximately 300m to the south of the intersection of Koornang Road and Dandenong Road. It has a frontage of 20.11m to Koornang Road and a depth of 45.72m with an overall area of approximately 919sqm. The location of the site is shown in the map below:



The subject site is developed with a double storey building that was constructed in 1939 as a bank. The building was most recently used as an education centre but is now vacant at the ground level. The first floor contains a dwelling.

The site does not have any marked car parking but appears capable of having nine cars parked in the rear courtyard. There is an existing crossover on the northern side of the site provided access to Koornang Road.

The subject site is located in the centre of the Carnegie Activity Centre and is approximately 130m to the south of the Carnegie Station.

The immediate surrounding uses include restaurants and retail premises common to strip shopping centres. The majority of the restaurants have liquor licenses.

Directly adjoining to the rear of the subject site is a double storey block of flats at 3 Kokaribb Road. There are no windows that face the subject site and the rear of the site adjacent to the common boundary is used for car parking. To the north west of the subject site is double storey block of flats at 1 Kokaribb Road and to the south west of the subject site is a Council owned car park.

- There are no restrictions or encumbrances registered on the certificate of title for the land, however there are drainage easements along the southern and western boundaries.

Relevant planning history

There have been five permit applications for the site dating back to 1983. They include a building extension to the rear, internal works and the erection and display of signs.

THE PROCEDURAL REQUIREMENTS

Consultation and engagement

Notice of the application was given in August 2020, including by mail to the owners and occupiers of directly adjoining and nearby properties. At the time of writing the report, ten objections have been received identifying the following concerns:

- The lack of onsite car parking, and the inadequacies of the car parking survey supplied by the applicant.
- Noise impacts on surrounding residential properties from the venue and from patrons.
- Concerned that a lack of screening on the southern boundary will result in light spill, noise and patrons being able to look into the bedrooms at 81 Koornang Road.

A planning conference was chaired by Cr.Pilling and attended by the applicant and number objectors. The concerns outlined in the written objections were reiterated. No changes to the proposal was made as a result of the planning conference.

Comments from referral authorities and Council departments

The application was not required to be referred to any statutory authority under Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the Glen Eira Planning Scheme.

The following advice from other Council Departments has been provided:

Council area	Comments
Strategic Transport	Is satisfied that the reduction of car parking spaces is acceptable on the basis of the car parking demand assessment consideration and given the oversupply of bicycle parking.
City Futures	The site is identified for heritage overlay protection under proposed Amendment C190. The proposed works are to the rear of the site and would not affect the significant historic bank building. Council's City Futures Department supports the proposal, given it will allow the adaptive reuse of the heritage building and ensure its ongoing viability.

Cultural heritage

The site is not in an area of Aboriginal Cultural Heritage Sensitivity and therefore a Cultural Heritage Management Plan is not required.

ISSUES AND DISCUSSION

A planning permit is required for the following reasons:

- To construct a covered seating area to the rear of the existing building (clauses 34.01-4 and 43.02-2)
- To use land to sell or consume liquor (clause 52.27)
- To reduce (including reduce to zero) the number of car parking spaces (clause 52.06-3)

The planning controls each contain a purpose and decision guidelines and the following assessment will respond to relevant requirements along with other matters required to be considered under the Scheme and the *Planning and Environment Act 1987*. This will be done by responding to the following questions:

- Does the proposal respond to the Planning Policy Framework?
- Are the proposed works appropriate?
- Does the proposal cause unacceptable amenity impacts?
- Are the transport arrangements acceptable, including the quantum of car and bicycle parking?
- Are there any other matters that require consideration including outstanding objector concerns?

Does the proposal respond to the Planning Policy Framework?

It must firstly be acknowledged that under the provisions of the Commercial 1 Zone, a planning permit is not required to use the land as a hotel, however a planning permit is required for the sale and consumption of liquor from within the hotel.

There is strong policy support for a hotel that serves alcohol within this activity centre:

- The purpose of the Commercial 1 Zone is to create vibrant mixed-use commercial centres for retail, office, business entertainment and community uses.
- Clause 17 (Economic development) of the Scheme encourages development that meets the communities' needs for retail, entertainment, office and other commercial services. It aims to locate commercial facilities in existing activity centres which is exactly where this proposed hotel would be located.
- Clause 21.06 (Business) of the Scheme identifies and encourages the enhancement of the Carnegie Urban Village. The proposed venue is located in the heart of the activity centre and it will further complement the largely restaurant and retailing focus of the centre that is enjoyed by the community.

Urban Villages aim to be our most vibrant centres and sit as a higher order role with the hierarchy of activity centres. The policy basis for Council's Urban Villages at clause 22.05 of the Scheme seeks to attract people to the centre throughout the day and evening hours, adding to the vibrancy and supporting the ongoing economic viability of the centre. This is

consistent with the policy which recommends that the area could become more successful with increased night time activities.

The sale and consumption of liquor is considered under a particular provision at clause 52.27 of the Scheme. A purpose of this provision is “*to ensure that licensed premises are situated in appropriate locations*”. It is considered that the Planning Policy Framework in the Scheme directs these uses to the Urban Villages/Major Activity Centres.

On a principle approach, the proposal responds well to the Planning Policy Framework subject to other considerations detailed in the report, including any offsite amenity impacts and car parking considerations.

Are the proposed works appropriate?

The construction of the covered seating area is considered acceptable and responds well to the decision guidelines outlined for the Commercial 1 Zone and the Design and Development Overlay.

The proposed building is located at the rear of the site and will be hidden from street view behind the existing double storey building. It is single storey and recessive in appearance. Waste would be stored in a purpose built enclosure and a condition requiring details of its appearance form part of the recommendation.

The Design and Development Overlay seeks to manage the change in Carnegie. Its purpose is primarily to ensure appropriate building heights and setbacks are maintained. The proposal is considered to provide a good response to the Design and Development Overlay as it is low scale, preserves the existing heritage building, and has had regard to the sensitive interface to the west as the structure tapers down to 3m on this rear boundary. It has also been acoustically treated to protect this sensitive interface (which is discussed further below).

While the existing building is proposed to be included in a heritage overlay, the proposed covered seating area would not impact upon the significance of the building or precinct.

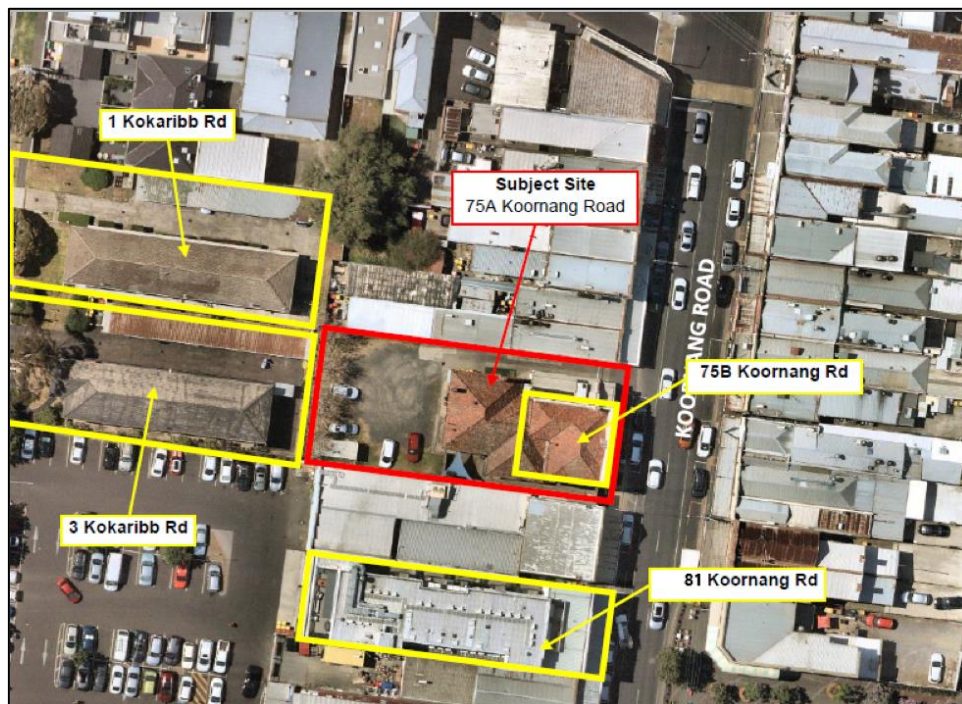
Overall the proposed works are appropriate.

Does the proposal cause unacceptable amenity impacts?

Amenity considerations have been well considered as part of the proposal. The application includes an acoustic report that details many recommendations to ensure that noise and disturbance is reasonable.

Saying this however, it must be acknowledged that residential uses within commercial centres cannot expect the same level of amenity protection as you would expect within a predominantly residential area.

The acoustic report has assessed the impact of noise emissions associated with the proposed use on the residential properties at 1 and Kokaribb Road and 75B and 81 Koornang Road. The location of these properties is shown below.



The report identifies that most noise would come from mechanical services, patrons and music playing from indoor and outdoor spaces. A condition is included to implement the recommendations of the acoustic report and this includes:

- Types of mechanical equipment that would best achieve compliance with EPA noise requirements.
- A limit of 60 patrons in the Atrium and 40 patrons in the Beer Garden/Courtyard.
- No use of the Atrium and Beer Garden/Courtyard after 10.00pm.
- Acoustic attenuation of the walls of the covered seating area.
- Floor and ceiling construction techniques.
- Implementation of management plans.
- Communication with patrons relating to expectations when leaving the venue.
- Music levels limited within internal and external areas.
- Music to be played through a device with spectrum shaping capabilities to minimise the potential for any low frequency bass.
- Post operation review to ensure compliance with the requirements.

Another concern from an objector was the possibility of people being able to look at the three storey apartment building at 81 Koornang Road from the Beer Garden. They are concerned about amenity in relation to light, noise and views. The apartments are located approximately 15 metres from the site and it is considered that the separation is sufficient to ensure a reasonable level of amenity. This beer garden would also be closed from 10.00pm every night of the week which further minimises impacts.

The use of the land as a hotel with outdoor areas is expected to generate some noise. The noise associated with this use is considered reasonable for this urban setting and zone.

Are the transport arrangements acceptable, including the quantum of car and bicycle parking?

The statutory requirement of car parking spaces is 25 and the proposal includes no car parking spaces. There is a statutory requirement to in the Scheme to provide 18 bicycle parking spaces and 20 have been provided. On the basis of the decision guidelines at clause 52.06 of the Scheme, there is compelling justification to agree the reduction on the basis of:

- The availability of alternative car parking in the locality of the land, including efficiencies gained from the consolidation of shared car parking spaces in public car parks.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Empirical assessments of car parking demand for similar hotel establishments

The applicant submits that the following factors are particularly relevant in considering the reduction:

- The site has very good access to the metropolitan public transport network, which will reduce the dependence on private motor vehicle use in gaining access to and from the site.
- Multi-purpose trips will reduce the demand for car parking, noting the sites location within the Carnegie Activity Centre.
- The site has very good access to nearby bicycle infrastructure, therefore supporting cycling as a primary mode of travel for those working or visiting the development.
- Many patrons are anticipated to use Taxis and ride sharing service such as Uber to access the site.
- The parking surveys indicate that there is generally spare off-site parking in the area available for staff/customers of the proposal. The availability of longer term parking for staff during the middle of the day on weekdays is somewhat limited and this will encourage the use of alternate modes of transport at these times.
- Local and state planning policies encourage the use of sustainable transport services as the primary mode of transport and to minimise the adverse impacts of vehicular traffic, which will be achieved as a result of the absence of car parking.

These factors are accepted and based on the Planning Policy Framework, there is a clear expectation to encourage forms of transport other than cars to connect people with services and goods. Clause 18.01-1S lists objectives and strategies for the use of sustainable transport and networks. This includes improvements to public transport, walking and cycling networks. Clause 18.02-1S encourages the use of walking and cycling as a form of sustainable personal transport.

Council's Strategic Transport Planner has reviewed the proposal and has no objection to the reduction of car parking. It is also noted that at present, there are no formal parking spaces on the site and the upstairs dwelling on the land does not currently have access to an onsite parking space.

On the basis of the factors listed above, the transport arrangements are acceptable, including the reduction of car parking and the quantum of quantum of car and bicycle parking.

Are there any other matters that require consideration including outstanding objector concerns?

- While the recommendation addresses amenity impacts through various conditions, it is noted that the operator of the hotel also requires approval from the Victorian Commission for Gaming and Liquor Regulation who may specify their own requirements to manage amenity impact.

All matters that are required to be considered have been addressed throughout the report and within the recommendation.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

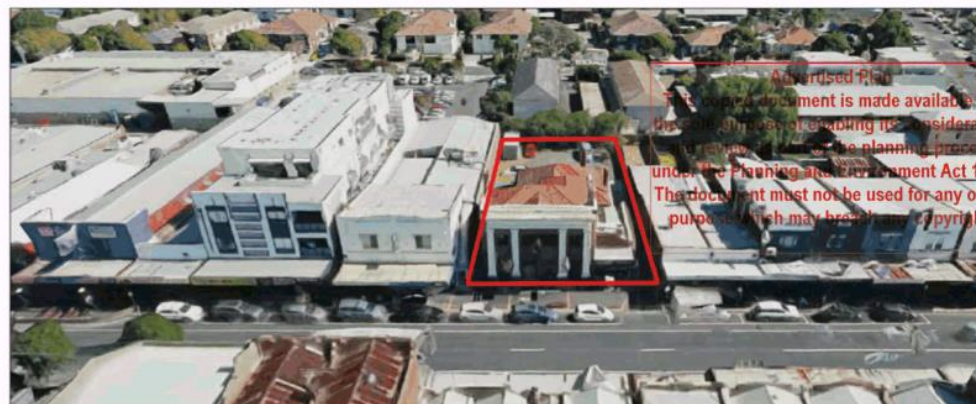
CONCLUSION

The proposal is considered to be suitable for the site and will add vitality and vibrancy to the Carnegie Activity Centre. The recommendation includes conditions to ensure there is no unreasonable amenity impacts. In considering the Planning Policy Framework, decision guidelines and the purpose for which a planning permit is required, it is recommended that a Notice of Decision to Grant a Planning Permit be issued.



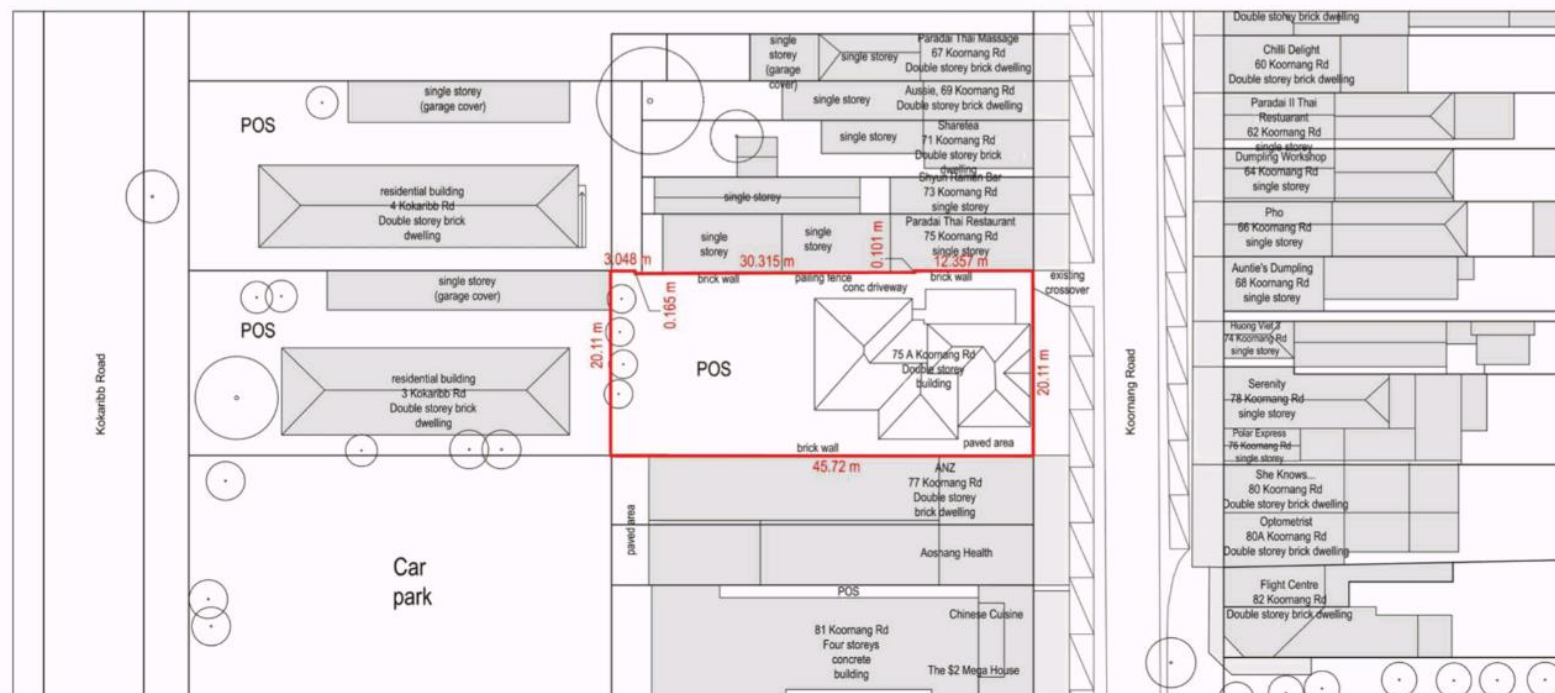
Location Plan / Zoning NTS

PUZ6
 RGZ1
 C1Z
 MUZ1
 PUZ4



Koorang Rd. NTS

Site Plan 1:500 @ A3



ratio:

ratio:consultants
 8 Gwynne Street
 Cremorne VIC 3121
 ABN 93 983 380 225

Ratio.com.au
 T +61 3 9429 3111
 F +61 3 9429 3011
 mail@ratio.com.au

PROJECT ADDRESS:
 75A Koorang Road, Carnegie

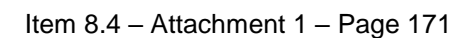
CLIENT:
 Tina Goudie

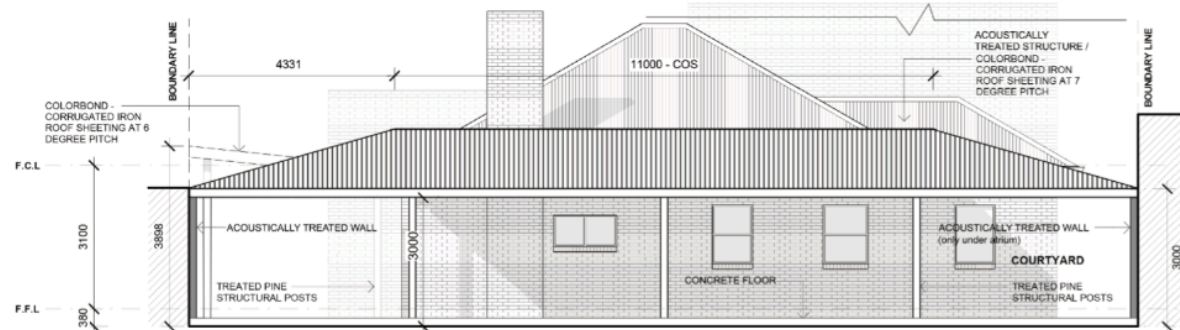
DRAWING TITLE:
 Site Plan

PROJECT NO.
 16962P
 SCALE:
 1:500 @ A3
 DRAWN:
 AUW
 CHECKED:
 CH
 DATE:
 01/08/2020

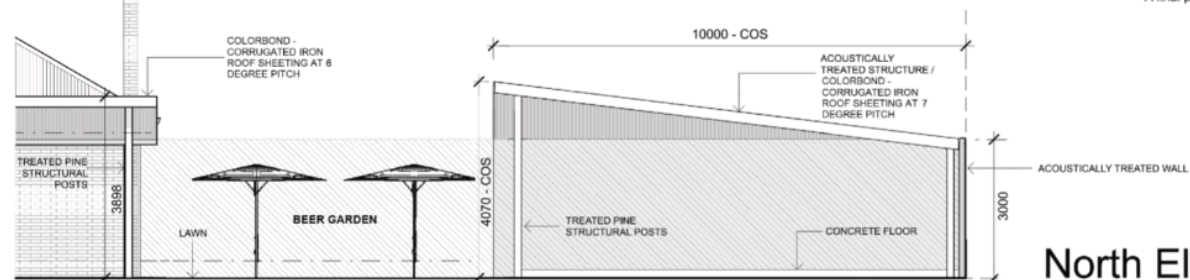


1 of 3

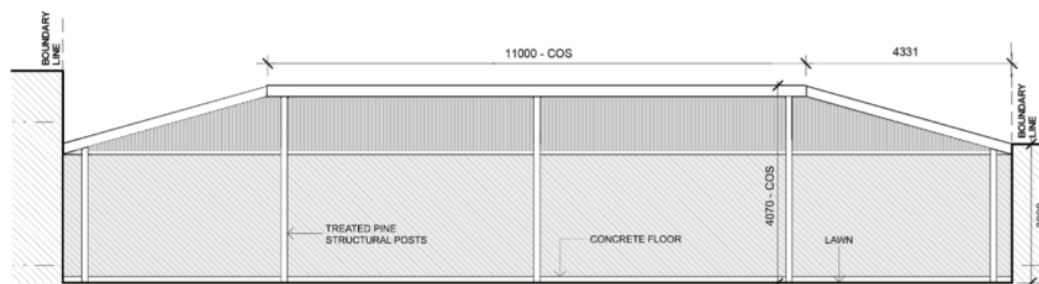




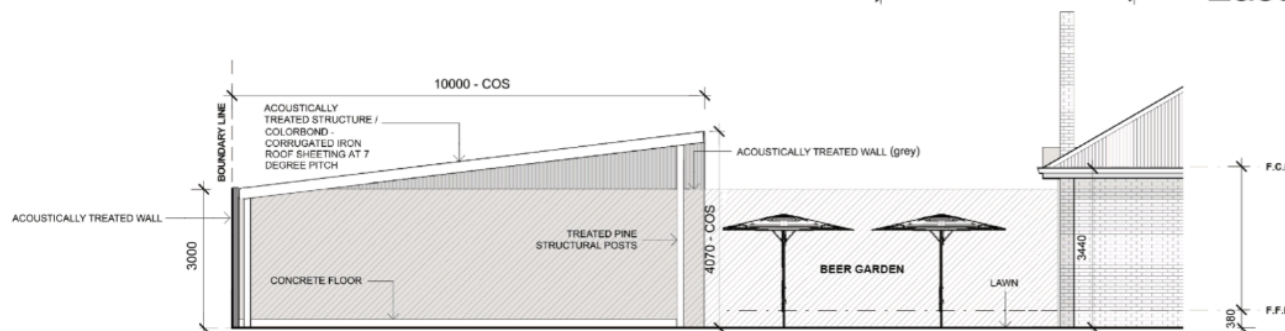
West Elevation



North Elevation



East Elevation



South Elevation

NOTES

ATRIUM CONSTRUCTION:

- Western end of the atrium to be a minimum of 3000mm high. The eastern end must be a minimum of 4000mm high.
 - Roof section to include internal and external waterproofing in accordance with the Planning Process
- Coefficient (NRC) of 0.7. Suitable for the proposed use of the building under the Planning and Environment Act 1987.
- Autex, Atkar, Supawood, Soundproofing, etc. The document must not be used for any other purpose, which may breach any copyright.
- Alternatively, the underside of the panels will consist of 100mm thick 300gsm polypropylene fibrous insulation and faced with perforated sisalation / metal.
- The roof sheeting and walls must be constructed of materials with a minimum surface weight of 6kg/m² which will likely be achieved by a 0.8mm thick corrugated sheet.
 - There must be no gaps between the wall sheets, roof sheets, or at the junction between the roof and wall components.

A final proposal should be reviewed and approved by an acoustic consultant.

Advertised Plan
This copied document is made available for the sole purpose of enabling its consideration and review as part of the planning process under the Planning and Environment Act 1987. The document must not be used for any other purpose which may breach any copyright.

ratio:

ratio:consultants
8 Gwynne Street
Cremorne VIC 3121
ABN 93 983 380 225

Ratio.com.au
T +61 3 9429 3111
F +61 3 9429 3011
mail@ratio.com.au

PROJECT ADDRESS:

75A Koornang Road, Carnegie

CLIENT:

Tina Goudie

DRAWING TITLE:

Elevations

PROJECT NO.	16962P
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SCALE:

DRAWN:

AUW
CHECKED:

	CH
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	BOARD
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3 of 3

8.5 15-23 MAYFIELD STREET, ST KILDA EAST

Author: *Jessie Wu, Senior Urban Planner*

Trim No: *20/1296021*

Attachments: 1. *15-23 Mayfield Street, St Kilda East - Advertised plans* [↓](#)

PURPOSE AND SUMMARY

This report provides Council with an assessment of an amended planning application GE/PP-20646/2008/B at 15-23 Mayfield Road, St Kilda East. The existing permit allows “the use and development of the Subject Land as an Education Centre, Early Learning Centre and Place of Worship and waiver of car parking, in a Neighbourhood Residential Zone”. The proposed amendment includes works within the schoolyard to enable limited minibus access to and from the land from Rockbrook Road.

The key considerations are whether the works are appropriate and whether the bus access along Rockbrook Road would result in unreasonable amenity impact to the surrounding residential properties or impact the operation of the road network.

As part of the process, the application was advertised to the surrounding community and 19 objections were received including one group objection. The objections raise concerns regarding safety risk to children playing on the street, traffic and congestion impacts, disturbance from bus frequency.

The application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, including the Planning Policy Framework and the purpose and decision guidelines of the Neighbourhood Residential Zone. The proposal is considered acceptable in relation to the provisions of the Glen Eira Planning Scheme and it is recommended that Council supports the amended proposal.

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit for GE/PP-20646/2008/B to allow minibus pickup and drop off to occur from Rockbrook Road in association with the school and alterations to the fence at 15-23 Mayfield Street, St Kilda East, in accordance with the following amendments to the permit:

1. Addition of a new condition 12(a) to read as follows:

Before any minibuses are permitted to access and egress the land from Rockbrook Road as allowed under amended permit GE/PP-20646/2008/B, a supplementary Traffic Management Plan for the Rockbrook Road minibus access, prepared by a suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:

- (a) Details in relation to the bus drop off / pick up area, including:
 - Nominated person/employee who will oversee the drop off/pick up area.
 - Information showing all the buses will be able to safely turnaround within the site.
 - Specification of the number of staff proposed to oversee the drop off/pick zone.
 - Proposed instructions to parents/guardians for the use of the drop off/pick up area in Mayfield Street during drop off and instructions that access to the site is not available at any time from Rockbrook Road.
- (b) Details of the movements, including:
 - A limit on 12 vehicle movements a day, except with the prior written consent of the Responsible Authority.
 - Buses are limited in size to a standard minibus with no more than 24 seats, except with the prior written consent of the Responsible Authority.
 - How the vehicular access to the school will be managed in Rockbrook Road to prevent pedestrian access to the site from Rockbrook Road.
 - Operational procedure of the sliding gate.
 - Overall traffic impact to the surrounding road networks.

When approved, the supplementary Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the supplementary Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The supplementary Traffic Management Plan may be varied from time to time, including it being consolidated within the Traffic Management Plan endorsed under Condition 12, with the prior written consent of the Responsible Authority.

2. Existing Condition 17 which reads "*There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance only*" to be amended to allow for bus access. The wording of the condition would read:

There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance or bus access only.

The full set of conditions would then read as follows:

1. Within three months of the date of this amended permit, amended plans prepared 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 accurately depict:

- (a) the built form conditions of the land, including the location of permanent and temporary car parking areas and access as at 26 April 2018 which is generally in accordance with the most recently endorsed plan for the whole of the site; and
- (b) details of landscaping of the land, including:
 - i. the botanic names of plants;
 - ii. landscape strip adjacent to the southern boundary, and
 - iii. metre wide landscape strip along the northern (rear) boundary).

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. All existing vegetation shown on the endorsed plan(s) must be suitably marked and must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
4. The site shall be landscaped and thereafter maintained as shown on the endorsed plans to the satisfaction of the Responsible Authority.

Primary School and Early Learning Centre

5. The number of students to be accommodated on the land shall not exceed 475 pupils at any one time.

Operating hours

6. The Education Centre and Early Learning Centre must only operate between the following hours, except with the prior written consent of the responsible authority:
 - Monday - Friday: 7.30am - 6.30pm
 - Saturday and Sunday: Closed

Additional activities and uses (which are not ancillary to the Education Centre and Early Learning Centre) described in the endorsed Prescribed Activities Management Plan (Prescribed Activities) may operate outside of those hours. However, these Prescribed Activities must only operate within the relevant hours of operation nominated in the Prescribed Activities Management Plan or otherwise with the written consent of the responsible authority.

Prescribed Activities Management Plan

7.
 - (a) The Hall and Multi-purpose room and Synagogue must only be used by students attending the Primary School and Early Learning Centre on the land in accordance with the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority;
 - (b) The Hall and Multi-purpose room and Synagogue must only be used by any other persons on the land in accordance with the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority;

8. A Prescribed Activities Management Plan must be submitted to the Responsible Authority for approval which is generally in accordance with [Attachment B of the Tribunal's orders dated 26 April 2018] and include the following information:
- (a) a site plan which identifies the hall, synagogue and multi-purpose room constructed on the site, which form part of the Gandel Besen House Campus;
 - (b) timings and locations for various Prescribed Activities; and
 - (c) the College's record keeping and reporting obligations in respect of the Prescribed Activities;
9. Activities and uses described in the Prescribed Activities Management Plan may only occur or operate on the land in accordance with the restrictions and conditions described in the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority.
10. When approved, the Prescribed Activities Management Plan shall be endorsed to form part of this permit. The conditions in the Prescribed Activities Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Prescribed Activities Management Plan may be varied with the written consent of the Responsible Authority.

Site Amenity Management Plan

11. Within six (6) months of the date of this amended permit, a Site Amenity Management Plan must be prepared and submitted to the satisfaction of the Responsible Authority. The Site Amenity Management Plan must include:
- (a) Details of the measures which will be implemented to minimise any off-site amenity impacts, including:
 - i. Coordination of larger events involving more than 100 attendees at any one time ("Larger Events"), including Prescribed Activities occurring on the site, to minimise the total number of visitors to the site (particularly for events which are likely to attract more vehicular movements);
 - ii. Plan the annual calendar of events to try and allow for one or two nights per week where there are very limited Prescribed Activities or extra-curricular events (if possible); and
 - iii. Processes by which Council will be notified at the start of each calendar year of Larger Events which are planned to occur.
 - (b) A protocol for collection of waste from the school.
 - (c) A process for notifying local residents of Larger Events, including 24 hour notification via email to those who have provided details and live locally.
 - (d) A protocol for the operating of the guardhouse in order to minimise noise levels for local residents.
 - (e) Details of noise mitigation measures which will be implemented, including:
 - i. A noise assessment prepared by a suitably qualified acoustic engineer which addresses the following:
 - (1) upgrade of the boundary fence between the subject site and 25 Mayfield Street to a 2.1 metre acoustically rated fence;
 - (2) noise mitigation measures which will reduce the noise emanating from the guard house and security gates at the front of the subject site (provided that such measures do not breach the College's security protocols); and

- (3) noise mitigation measures to reduce noise emanating from waste collection and delivery services occurring at the rear of site, in proximity to 25 Mayfield Street
- (f) A programme for the implementation of the acoustic measures as recommended by the acoustic engineer (eg within 3 months of receiving the recommendations) as well as:
 - i. a reporting mechanism to confirm that acoustic measures have been implemented; and
 - ii. a process for ongoing monitoring and review to ensure that noise levels are not unreasonable having regard to EPA's guidance.
- (g) A complaints handling process, including:
 - i. The assignation of responsibility to one employee for responding to complaints;
 - ii. A mechanism for receiving complains, such as a complaints hotline;
 - iii. A process for review of the Site Amenity Management Plan in response to complaints received as part of a continued improvement approach.
- (h) Details of the site maintenance programme and protocol for maintenance workers, which includes:
 - i. Hours of maintenance;
 - ii. How the maintenance programme has been planned to minimise residential amenity impacts (eg having regard to coordinating with other Prescribed Activities); and
 - iii. A protocol for maintenance workers, including preferred car parking location, directing heavy vehicles and equipment from parking in front of the kindergarten (within the subject site) to the extent practicable, and consideration of noise levels on Sundays.

When approved, the Site Amenity Management Plan shall be endorsed to form part of this permit. The conditions in the Site Amenity Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Site Amenity Management Plan may be varied with the prior written consent of the Responsible Authority.

Traffic Management Plan

12. Within six (6) months of the date of this amended permit, a Traffic Management Plan prepared by a suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:
- (a) Details in relation to the drop off / pick up area, including:
 - nominated person/employee who will oversee the drop off/pick up area;
 - specification of the number of staff proposed to oversee the drop off/pick zone;
 - confirmation of a left turn only traffic restriction from the drop off/pick up zone;
 - proposed instructions to parents/guardians for the use of the drop off/pick up area during drop off and pick up and use of this area for carparking outside of these times (including for after school and holiday programs);
 - (b) Details in relation to the use of all on-site carparking, including:
 - hierarchy of use of the carparks which will be dependent on event size;
 - details of on-site car parking to be provided during School Council Committee Meetings;
 - circumstances of when the hardcourt area will be made available (eg for certain events and Prescribed Activities);

- traffic management arrangements which will be put in place to manage the temporary car parking arrangement.
- (c) Details of measures which will be put in place to:
 - i. discourage maintenance workers from parking in front of the kindergarten (within the subject site) to the extent practicable;
 - ii. ensure loading and unloading of vehicles and delivery of goods occurs on site; and
 - iii. direct staff to park on the site in the first instance and direct overflow staff parking not to occur on Mayfield Street.
- (d) Details of the communication arrangements relating to traffic management, including:
 - nominating the stakeholder for communication, including parents / guardian, teachers, students, visitors and nearby residents;
 - publishing a copy of the Traffic Management Plan on the College's website;
 - measures which will be implemented to encourage staff, parents, guardians and visitors to the site to comply with the requirements of the Traffic Management Plan;
 - measures which will be implemented to discourage parents / guardians from leaving cars idling in the street during pick up and drop off times; measures which will be implemented to maximise the use of car parking on site (including the hardcourt area) for larger events, including Prescribed Activities which are expected to attract more than 100 attendees;
 - encouraging all parents to utilise the Kiss & Drop Zone for pick-ups and drop-offs (including for after school and holiday programs); and
 - placing prominent signs at the reception area and a notice on the College's website to the effect that parking in residential streets is regulated by Glen Eira City Council and is subject to enforcement.
- (e) Details of a complaints management system for traffic and car parking matters, including:
 - assigning responsibility to one employee for responding to complaints;
 - a mechanism for receiving complains, such as a complaints hotline;
 - a process for review of the Traffic Management Plan in response to complaints received as part of a continued improvement approach.
- (f) Details of any contingency traffic management arrangements which can be used if a larger event is held on the site (ie events that may be permitted via secondary consent which are in excess of those uses allowed under the permit and the Prescribed Activities Management Plan);
- (g) Maintenance of a complaints register of all car parking complaints received from local residents and providing a copy of this register to the Responsible Authority as part of the annual reporting arrangements specified in the Site Amenity Management Plan.

When approved, the Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Traffic Management Plan may be varied from time to time with the prior written consent of the Responsible Authority.

- 12(a) Before any minibuses are permitted to access and egress the land from Rockbrook Road as allowed under amended permit GE/PP-20646/2008/B, a supplementary Traffic Management Plan for the Rockbrook Road minibus access, prepared by a

suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:

- (a) Details in relation to the bus drop off / pick up area, including:
 - Nominated person/employee who will oversee the drop off/pick up area.
 - Information showing all the buses will be able to safely turnaround within the site.
 - Specification of the number of staff proposed to oversee the drop off/pick zone.
 - Proposed instructions to parents/guardians for the use of the drop off/pick up area in Mayfield Street during drop off and instructions that access to the site is not available at any time from Rockbrook Road.
- (b) Details of the movements, including:
 - A limit on 12 vehicle movements a day, except with the prior written consent of the Responsible Authority.
 - Buses are limited in size to a standard minibus with no more than 24 seats, except with the prior written consent of the Responsible Authority.
 - How the vehicular access to the school will be managed in Rockbrook Road to prevent pedestrian access to the site from Rockbrook Road.
 - Operational procedure of the sliding gate.
 - Overall traffic impact to the surrounding road networks.

When approved, the supplementary Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the supplementary Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The supplementary Traffic Management Plan may be varied from time to time, including it being consolidated within the Traffic Management Plan endorsed under Condition 12, with the prior written consent of the Responsible Authority.

Melbourne Water Conditions

- 13. At least 21 days prior to commencement of works, a site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water. (Condition required by Melbourne Water)
- 14. Any extended floor level must be no lower than the existing floor level. (Condition required by Melbourne Water)
- 15. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses. (Condition required by Melbourne Water)

Other Conditions

- 16. 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.

17. There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance or bus access only.

Permit expiry

18. This permit will expire if the use is discontinued for a period of two years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Application number	GE/PP-20646/2008/B
Address	15-23 Mayfield Street, St Kilda East
Title details	Land in Plan of Consolidation 163200J
Proposal	<p>Amendment to the existing planning permit that allows:</p> <ul style="list-style-type: none"> The use and development of the Subject Land as an Education Centre, Early Learning Centre and Place of Worship and waiver of car parking, in a Neighbourhood Residential Zone. <p>The amendment proposes works to allow limited minibus access to and from the land on Rockbrook Road.</p> <p>The proposal necessitates an amendment to the wording of condition 17 to include access by bus.</p>
Zoning and Overlay Controls	Neighbourhood Residential Zone, Schedule 1 (Minimal Change Areas) Special Building Overlay

THE PROPOSAL

The specific details of the proposal include:

- Removal of the existing timber fence and gate at the end of Rockbrook Road (no permit required).
- Construction of a fence and an automatic sliding gate to enable access to and from Rockbrook Road via a new 3.6m wide crossover (no permit required).
- Minor works internal to the school including modifications to garden beds, paving and walkways.
- Modifications to condition 17 to enable bus access to and from the land.

The proposal seeks to facilitate a dedicated minibus service for the school to transport students between the subject site and the other school campuses. Students would be dropped off and picked up from the subject site and it is proposed that three minibuses will leave from the school in the morning and return at the end of the school day via Rockbrook Road.

The existing multipurpose court on the western side of the school ground would be modified to facilitate the pick up and drop off and will have space for three minibuses. They will be able to enter and exit the site in a forward direction.

A secure remote controlled access gate will provide entry for the buses only and no other vehicle or pedestrian would be permitted from Rockbrook Road. The access to the school campus, parent pick up and drop off area will continue to occur from Mayfield Street as per the existing arrangement.

The proposal does not change the existing number of students or staff allowed on the site at any one time.

WHY IS AN AMENDED PLANNING PERMIT REQUIRED AND WHAT NEEDS TO BE CONSIDERED?

The existing planning permit needs to be amended because it currently has a condition that restricts access from Rockbrook Road other than for emergency or maintenance purposes. The existing condition 17 reads as follows:

- *There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance only.*

A planning permit has been approved for the use and development of the Subject Land as an Education Centre, Early Learning Centre and Place of Worship and waiver of car parking, in a Neighbourhood Residential Zone.

The restricted access to Rockbrook Road was included as a condition on the original permit.

Neighbourhood Residential Zone

The use of the land as an Education Centre, Early Learning Centre and Place of Worship all required a planning permit under the Neighbourhood Residential Zone. The granting of the original permit confirms that right.

The scope of consideration is whether the modification to condition 17 and the minor works are acceptable with regard to the decision guidelines of the Neighbourhood Residential Zone. These are detailed below:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone:*
 - *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off-street car parking*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Non-residential use and development

- *In the local neighbourhood context:*
 - *Whether the use or development is compatible with residential use.*
 - *Whether the use generally serves local community needs.*

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

Relevant planning policies to consider as part of the application

The relevant Scheme policies for this proposal include:

- Clause 11.02-1S (Supply of urban land)
 - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- Clause 13.05-1S (Noise abatement)
 - *To assist the control of noise effects on sensitive land uses.*
- Clause 15 (Built environment and heritage)
 - *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
 - *To create a distinctive and liveable city with quality design and amenity.*
 - *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
 - *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*
 - *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- Clause 18 (Transport)
 - *To create a safe and sustainable transport system by integrating land use and transport.*
 - *To promote the use of sustainable personal transport.*
 - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
 - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*
- Clause 19.02-2S (Education facilities)
 - *To assist the integration of education and early childhood facilities with local and regional communities.*
- Clause 21.08 (Institutional and non-residential uses in residential areas)
 - *To ensure that non-residential uses are successfully integrated into residential zones with minimum impact and minimum loss of residential amenity.*
- Clause 21.12 (Transport)

- *To advocate and encourage the provision of a safe, convenient and efficient transportation network which meets the needs of Glen Eira's residents, businesses and through traffic.*
 - *To encourage increased access and use of public transport.*
 - *To minimise the adverse effects of vehicular traffic, especially in Glen Eira's residential areas.*
- Clause 22.02 (Non-Residential Uses in Residential Zones Policy)
 - *Encourage the location of non-residential uses in "preferred locations" including main or secondary roads and on corner sites with vehicular access from a service or side road (see map on page 2 of policy for locations of main and secondary roads in Glen Eira).*
 - *Consider other locations where it can be demonstrated that residential amenity will not be unreasonably compromised.*
 - *Direct uses to locations where there will be minimal impact on the local amenity, including through the introduction of traffic and parking of cars.*
 - *Promote these uses within easy walking distance of public transport*
 - *Discourage the location of non-residential uses on local streets.*

Other relevant matters

In addition to the above requirements, the assessment must have regard to the general decision guidelines at clause 65 of the Scheme, matters set out at section 60 of the *Planning and Environment Act 1987*. These are embedded in the assessment of the application.

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. It sets out that "*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*".

THE CONTEXT

The subject site is located on the north side of Mayfield Street, approximately 230m east of Hotham Street. The site is rectangular in shape with a primary frontage to Mayfield Street of 118.5m, a depth of 100.3m, and an overall site area of 11800sqm. The location of the site is shown in the map below:



The subject site is occupied by Mount Scopus Memorial College, Gandel Besen House Primary School Campus and Szalmuk Early Learning Centre.

Secure fencing is provided around the perimeter of the subject site as a security measure for staff and students. The fencing includes an electric access gate to Mayfield Street for vehicles accessing the onsite carpark, and the drop off and pick up zone. A high paling fence extends across the Rockbrook Road interface to the school.

The surrounding area is residential in character containing single and multi-dwelling developments typically of a single and double storey scale.

Relevant planning history

A number of different planning permits have been issued for use and development of the land at 15-23 Mayfield Street, St Kilda East. In 2018, all existing permits were consolidated into the one planning permit (GE/PP-20646/2008/A). The amended planning permit allows *"The use and development of the subject land as an Education Centre, Early Learning Centre and Place of Worship and waiver of car parking, in a Neighbourhood Residential Zone"*. There are a number of conditions on the permit which regulate the use including condition 12 that requires a Traffic Management Plan.

When the permits were consolidated, a Section 173 Agreement was registered on the Certificate of Title extinguishing any future claims to existing use rights over the subject land as at 26 April 2018. The Section 173 Agreement does not have any bearing on the current application.

THE PROCEDURAL REQUIREMENTS

Consultation and Engagement

Notice of the application was given in September 2020, including by mail to the owners and occupiers of directly adjoining and nearby properties. At the time of writing the report, 19 objections have been received, including one group objection, identifying the following concerns:

- Safety risk to young children playing in a quiet cul-de-sac
- Traffic and congestion
- Removal of street parking
- Risk of becoming another pickup and drop off point for parents and students
- The frequency of the buses may increase in the future
- Decrease in property value
- Noise caused by additional larger vehicles in the street

A planning conference was chaired by the Councillor Esakoff and attended by the applicant and number objectors. The concerns detailed within the written objections were reiterated. No changes were made to the proposal as a result of the planning conference.

Comments from referral authorities and Council departments

The application was not required to be referred to any statutory authority under Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the Glen Eira Planning Scheme.

The following advice from other Council Departments has been provided:

Council area	Comment
Strategic Transport	The application including the access from Rockbrook Road and layout of parking areas for the minibuses is supported.
Asset Engineering	No objection to the proposed crossover.

ISSUES AND DISCUSSION

The scope of consideration for the application is the acceptability of allowing access to the land for buses from Rockbrook Road and the minor works to be undertaken to the school. The assessment will respond to relevant requirements required to be considered under the Scheme and the *Planning and Environment Act 1987*. This will be done by responding to the following questions:

- Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?
- Is the proposal consistent with the purpose of the Neighbourhood Residential Zone?
- Is the proposal appropriate in the local neighbourhood context?
- Are the transport arrangements acceptable, including the layout and appearance of parking areas and the effects of traffic to be generated by the proposal?
- Are there any other matters that require consideration including outstanding objector concerns?

Does the proposal respond to the Municipal Planning Strategy and the Planning Policy Framework?

There is strong support within the Scheme to assist the integration of education and early childhood facilities with local and regional communities (clause 19.02-2S). The use of the subject land has been long established in the community. The key consideration is whether the changes proposed to enable bus drop off and pickup from the land via Rockbrook Road would be reasonable in relation to amenity and traffic impact.

Council's Non-Residential Uses in Residential Zones Policy at clause 22.02 of the Scheme seeks to minimise amenity impacts of non-residential uses and facilities and contains strategies to ensure that residential amenity will not be unreasonably compromised, including through the introduction of traffic and parking of cars.

The proposal would have three minibuses to transfer a limited number of students between the subject site and other school campuses. Vehicle movements would be limited to three vehicles departing and returning in the morning and afternoon. This would result in 12 vehicle movements a day along Rockbrook Road

The frequency of the vehicle movement is considered low and is anticipated will have a negligible impact on the operation of Rockbrook Road and the surrounding road network.

The minibuses would be stored on site within the school grounds and will already be in position each school morning. On-street carparking along Rockbrook Road would not be reduced. The area at the front of the existing gate to Rockbrook Road is currently restricted as a "No Parking" area, hence the new crossover entrance will not reduce existing kerb side parking.

There is no increase in the intensity of the use in terms of staff or student numbers or hours of operation as result of the minibus services. The existing permit conditions will continue to manage any other off-site amenity impacts.

To ensure that amenity is protected, a supplementary Traffic Management Plan will be required to address this use, including restricting the use to a minibus sized vehicle and by placing a maximum cap of 12 movements a day to and from the land.

On this basis, the proposal responds appropriately to the Municipal Planning Strategy and the Planning Policy Framework.

Is the proposal consistent with the purpose of the Neighbourhood Residential Zone?

The purpose of the Neighbourhood Residential Zone is primarily to support residential development of single or double storey scale, but also to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. Development must respect identified neighbourhood character.

The minor buildings and works that require a planning permit are internal to the site and do not impact upon neighbourhood character or result in impact to the amenity of residential properties.

In terms of the access to the land for buses from Rockbrook Road, this would not unreasonably impact amenity given the limited number of trip movements a day.

On this basis, the proposal responds well to the provisions of the Neighbourhood Residential Zone.

Is the proposal appropriate in the local neighbourhood context?

The works that require planning approval are minor and limited to the internal parts of the school. They will enable the use of the existing multipurpose court for bus drop off, pickup and parking. This is considered appropriate in relation to the local neighbourhood context.

While the proposal includes a new fence, crossover and automatic security gate to Rockbrook Road, these are exempt from needing a planning permit at clause 62.02 of the Scheme. The fence is however considered to be an appropriate design for the school and its relationship with Rockbrook Road.

On balance, the proposed amendments and associated buildings and works would not cause any unreasonable amenity impacts to the adjoining residential properties.

Are the transport arrangements acceptable, including the layout and appearance of parking areas and the effects of traffic to be generated by the proposal?

Council's Strategic Transport Planner has reviewed the suitability of access from Rockbrook Road, traffic capacity of the street, layout of the bus parking areas and the turning area of the minibuses within the school courtyard.

Rockbrook Road is capable of safely accommodating the volume of movements within minibuses. The swept path diagram demonstrates that vehicle access arrangements meet the requirements in the Scheme and the relevant Australian Standards. The design and layout of the parking area is considered appropriate.

An objective at clause 18 of the Scheme seeks to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure. While the proposal would enable limited school bus movement along Rockbrook Road, it does so in a way that is efficient and safe and makes the most of the existing infrastructure.

On this basis, the proposal is considered to provide an acceptable outcome in relation to transport arrangements, layout and appearance of parking area and effects of traffic.

Are there any other matters that require consideration including outstanding objector concerns?

The majority of the objector concerns have been addressed in the report, however the following concerns will be separately addressed:

- Safety risk to young children playing in a quiet cul-de-sac

Rockbrook road is a local road with speed limit of 50km/h which allows for two-way traffic flow. Whilst the Rockbrook Road frontage on subject site is not currently in active use, there is an existing vehicle access at this frontage and permit condition 17 currently states: *"There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance access only"*. The proposed amendment is not expected to create any greater safety risk for young children.

- Risk of becoming another pickup and drop off point for parents and students

Pickup and drop off will continue to occur from the designated area on Mayfield Street. The security gate on Rockbrook Road will be controlled by the bus driver. The remaining conditions on the planning permit restrict access for pickup and drop off for parents and students.

- Noise caused by additional larger vehicles in the street

This frequency of the vehicle movement is considered low and is anticipated to have minimal noise impact to Rockbrook Road.

- Devaluation of property

This is not a matter that can be considered as part of the planning process.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

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

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

In considering the decision guidelines and the purpose for which an amended planning permit is required, it is considered appropriate to issue a Notice of Decision to Grant an Amended Planning Permit.

Proposed New Fence Works for Mount Scopus Memorial College
15 Mayfield Street, Rockbrook Rd St Kilda East VIC 3183

TOWN PLANNING

MAY 2020

A000	COVER SHEET	NTS
A100	LOCALITY PLAN	1:500
A101	EXISTING CONDITIONS & DEMOLITION PLAN	1:500
A210	PROPOSED SITE PLAN	1:200
A220	PLAN, ELEVATIONS FENCE SECTION DETAIL	1:100; 1: 20

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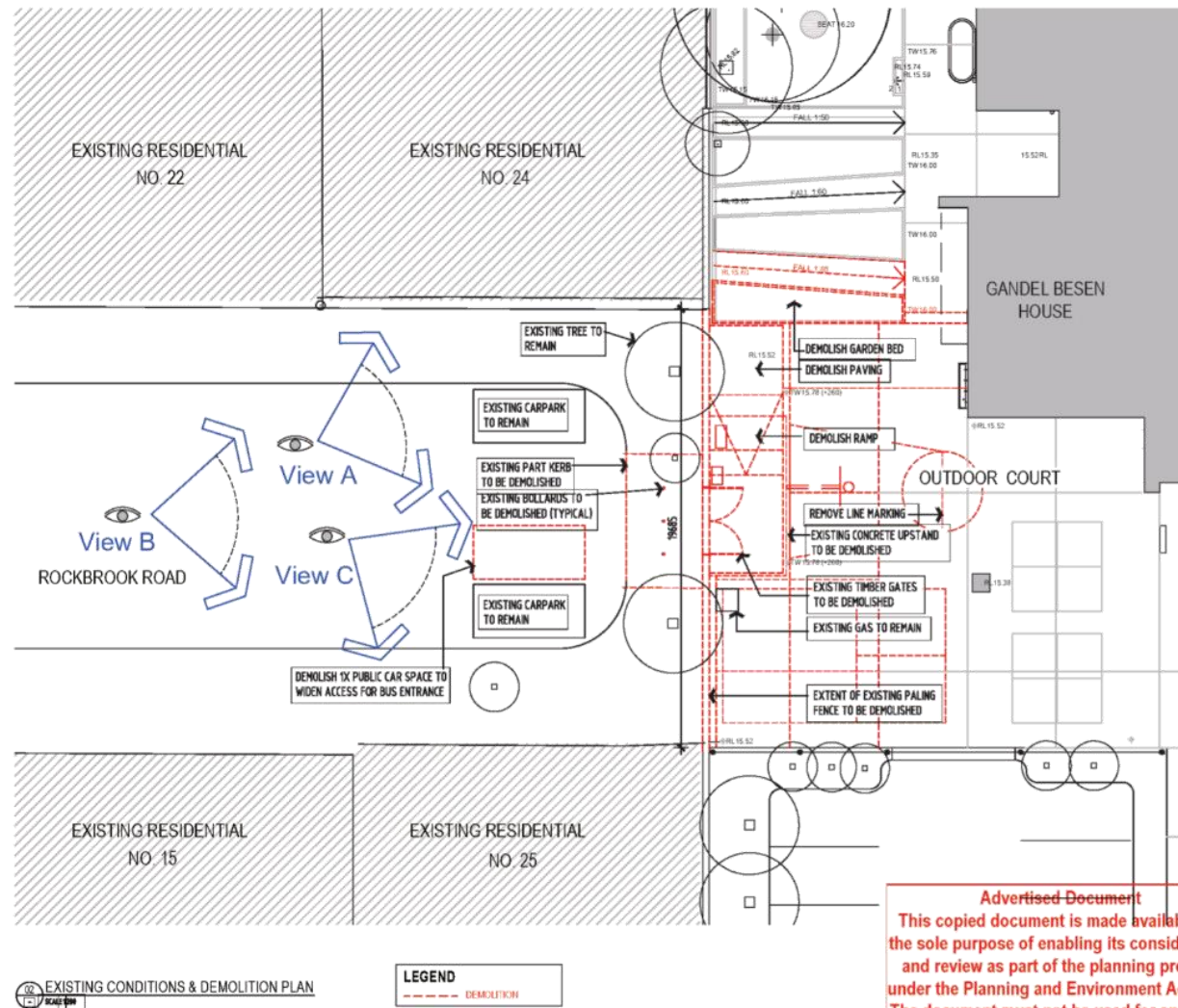
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2	[Revision 2]	[Date]												

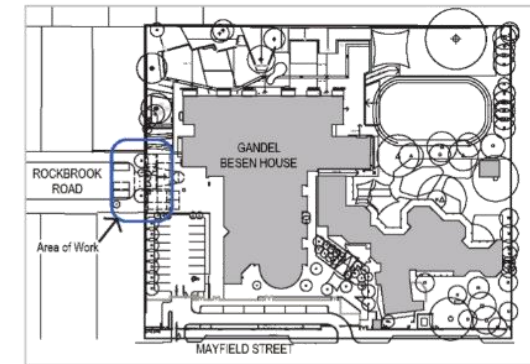


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Q1 KEY PLAN
SCALE 1/8" = 1'-0"



View A

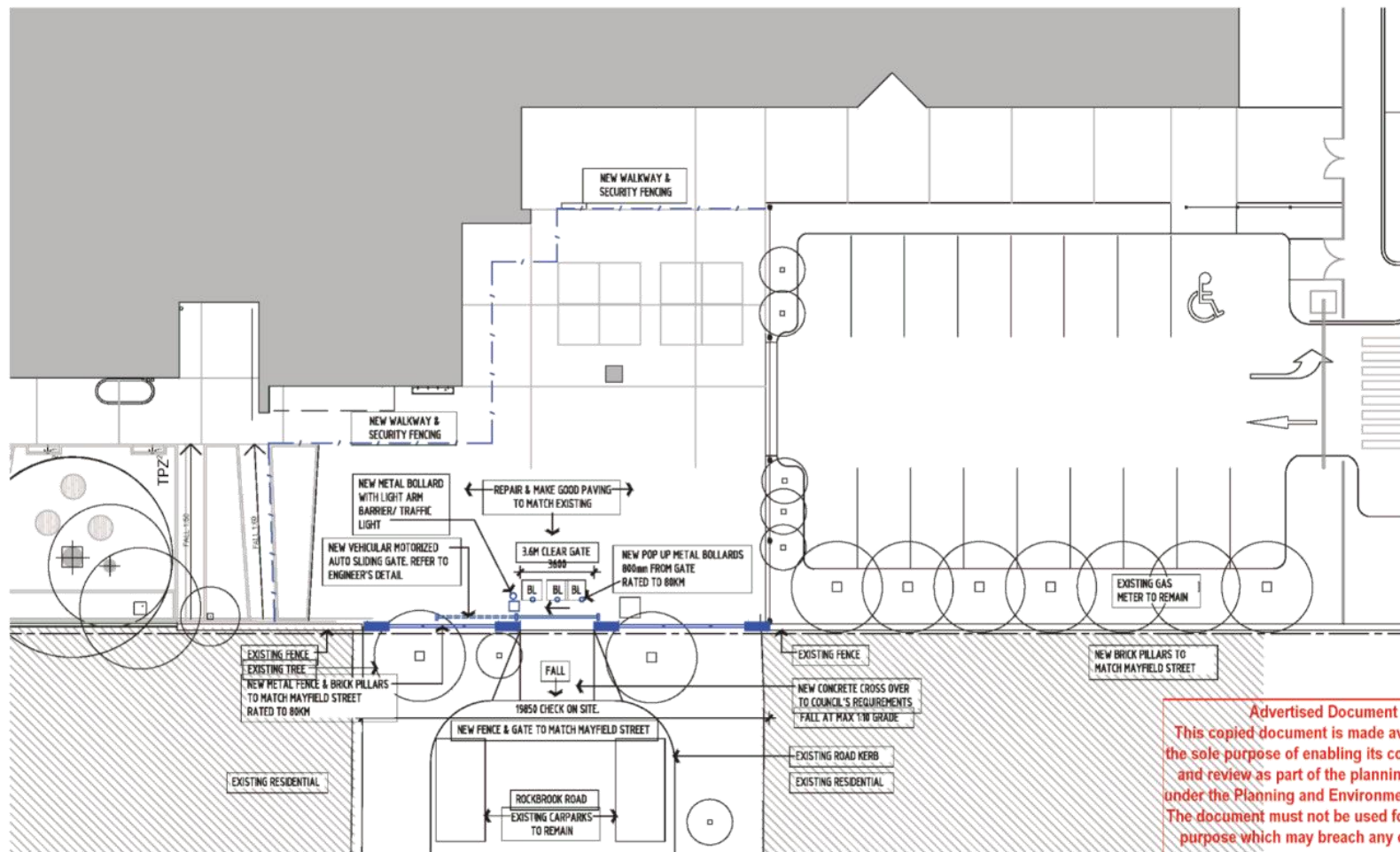


View B



View C

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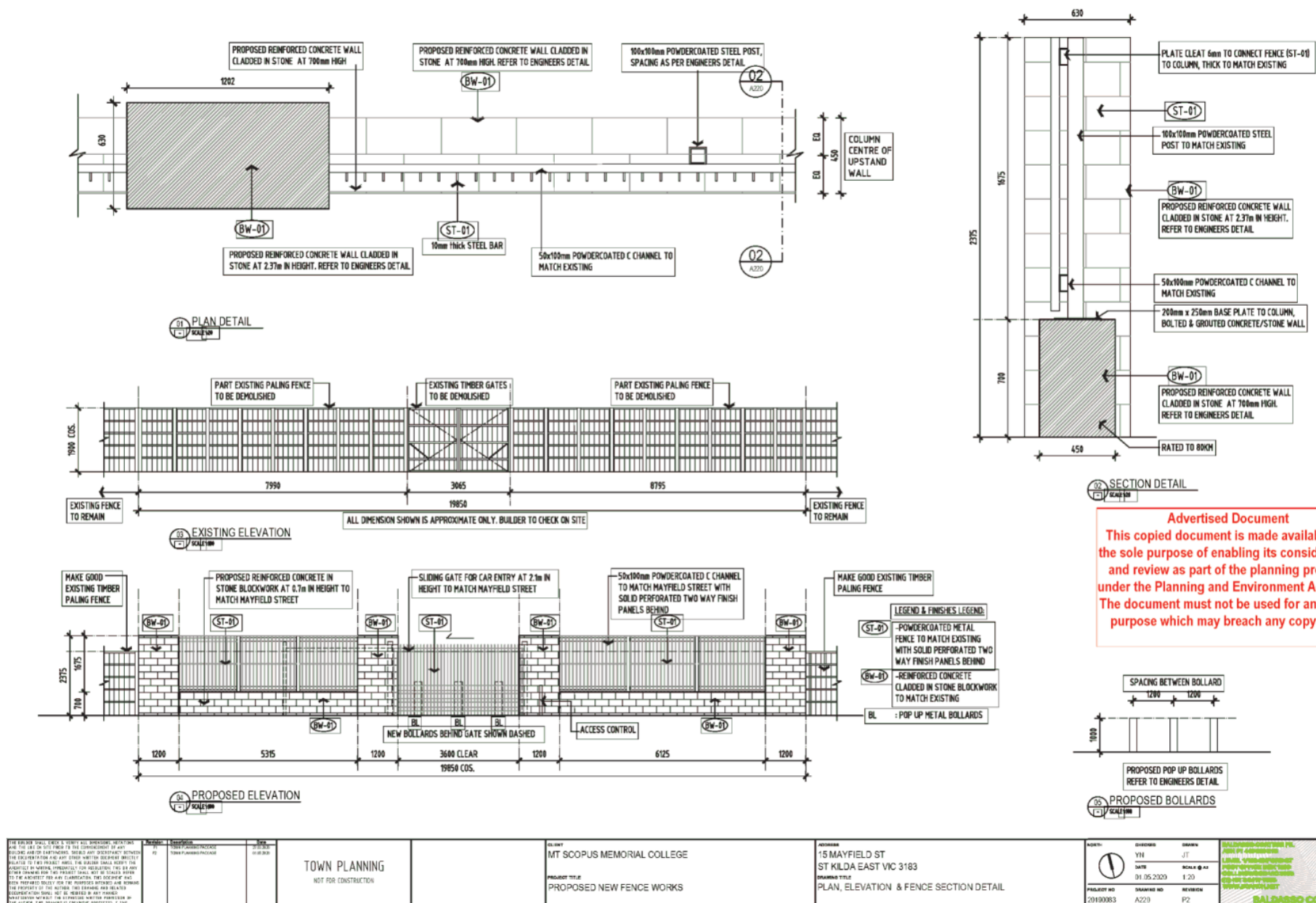
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01 PROPOSED PLAN

LEGEND

— PROPOSED WORKS

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8.6 VCAT WATCH

Author: Kristian Cook, Coordinator Urban Planning

Trim No: 20/1276482

Attachments: 1. VCAT Watch - Attachment - 24 November 2020 [↓](#)

PURPOSE AND SUMMARY

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

RECOMMENDATION

That Council notes the applications currently before and the recent decisions of the Victorian Civil and Administrative Tribunal.

BACKGROUND

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

ISSUES AND DISCUSSION

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

Since the previous report there have been appeals lodged against four Council decisions. There have been four new decisions with three reached via consent. Two of the decisions are discussed below:

Address	6-8 Bevis Street, Bentleigh East
Proposal	Construction of a three-storey building containing 22 dwellings.
Council decision	Refusal
VCAT decision	Refusal

This site is the subject of two previous applications that were both refused by Council with these decisions upheld by VCAT.

The most recent matter was heard at a three-day hearing starting on 10 February 2020. On 6 April 2020, the Tribunal issued an interim order advising that whilst they considered a three-storey building could be achieved on the site, they still had concerns with the building's presentation to Bevis Street and to the secluded private open space area of number 10A Bevis Street, Bentleigh East. More specifically, the Tribunal considered that the following changes were needed to resolve these issues:

- The setbacks of the top floor to Bevis Street increased to achieve a strongly recessed form when viewed from the Bevis Street frontage;
- The deletion of the sloping walls and associated roof elements to both the north and west sides of the top floor;
- The deletion the master bedroom and bathroom of Dwelling 20;
- The deletion of the overhang to the courtyard of Dwelling 6; and
- The vertical recesses along both street frontages increased in size.

As part of the interim order, the Tribunal invited the applicant to further amend their plans to resolve the above issues. The applicant accepted this invitation and circulated amended plans that sought to respond to the above requirements.

The hearing was reconvened on 7 October 2020 where all parties were provided an opportunity to make further submissions in response to the further amended plans.

In determining the application, the Tribunal was satisfied that the further amended plans had resolved its issues set out above, except for the increased setbacks for the top floor to Bevis Street. In determining what would be the acceptable setback, the Tribunal observed the setbacks provided for a recent development at 12-14 Quinns Road, Bentleigh East:

“In terms of the second-floor level, however, a substantial setback is required. The size of this proposal and its robust detailing will mark the corner of Bevis and Filbert streets regardless, without needing a bold third level. The Quinns Road development has a top-floor setback of 14.5 metres that effectively minimises the visual impost of the third level. We consider that a similar setback on this proposal would achieve a suitable recession. This would require the deletion of Dwellings 17 and 18.”

The further amended plans provided the top floor setbacks of 14.5m, however this resulted in only the partial deletion of Dwellings 17 and 18. The deletion of Dwellings 17 and 18 would have required setbacks of 15.7m to 19.8m. Notwithstanding this, the 14.5m resulted in a recessive top floor.

In determining its decision on the further amended plans, the Tribunal considered that the applicant had misinterpreted their recommendation by applying the 14.5m setbacks of the Quinns Road development. The Tribunal advised that this reference was more “illustrative” rather than prescriptive. Ultimately, the Tribunal was not satisfied that the uniform 14.5m setbacks was an appropriate response given the subject site’s location on a corner, a key point of difference to the Quinns Road development. It appears that the Tribunal’s intention was for the entire deletion of Dwelling’s 17 and 18.

On this basis, the Tribunal upheld Council’s refusal.



Figure 1 – Aerial view of subject site and surrounding area

Address	371-377 Hawthorn Road and 3 Olive Street, Caulfield South
Proposal	Construction of a six-storey building comprising apartments and a supermarket, use of the land to sell liquor, alteration of access to a road in a Road Zone, Category 1 and reduction in the number of on-site bicycle spaces.
Council decision	Refusal
VCAT decision	Permit by consent

This site is the subject of a previous application that was refused by Council, and which was upheld by VCAT. The key issue for VCAT refusing the previous application was the setbacks of the tower section of the building to the respective side streets (Olive and Larch Street). VCAT did not raised concerns with the height of the building at seven-storeys.

Following the VCAT refusal, a new application was lodged that was largely the same development except for increased setbacks in response to VCAT's concerns. However, the proposed setbacks did not match that specified by VCAT, so the application was refused by officers under delegation.

The current VCAT appeal was the subject of two compulsory conferences (mediation) on 12 and 19 October 2020, where the applicant proposed an offer to delete the fifth floor (the level below the top floor). Officers were satisfied that the reduction in the building height by one level, whilst retaining the recessive top floor, would result in an appropriate built form outcome consistent with the intent of the previous VCAT decision. Residents also agreed to the offer and the matter was settled with VCAT directing that a planning permit be issued for a six-storey building with a supermarket and dwellings.

The first VCAT refusal is also subject to a review at the Supreme Court. This was set down for a hearing commencing 24 November 2020 for 2 days, however the applicant requested an adjournment to those dates to enable the second VCAT matter to be processed before the Supreme Court hearing. Council consented to the adjournment and the matter is now set down for a directions hearing in November, which is to determine a new hearing date should the applicant continue to pursue this review. However, as a planning permit has now been issued, they are likely to withdraw the Supreme Court matter.



Figure 2 – Aerial view of subject site and surrounding area

UPDATE ON VCAT HEARING PROCESSES

VCAT continues to undertake all hearings and compulsory conferences via telephone, video platform or by way of written submissions. This is to address the impacts of the Covid-19 pandemic.

COMMUNICATION AND ENGAGEMENT

There has been no communication or engagement for this report.

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The report provides an update of the applications before VCAT and the recent decisions made by the Tribunal.

APPLICATIONS BEFORE AND RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL							
Address	VCAT Reference	Description of proposal	Type of appeal	Zone	Council decision	Decision delegate	Hearing date
179 Booran Road, Caulfield	P1505/2020	Construction of a four storey building comprising 16 dwellings, shop and office and reduction of the car parking requirements.	s80 (Conditions)	C1Z	NOD	Council	26/3/2021
12 Wheeler Street, Ormond	P1333/2020, P1367/2020 and P1386/2020	Construction of four dwellings on a lot and buildings and works on land affected by a Special Building Overlay	s82 (Objector) – Three individual appeals lodged.	GRZ1	NOD	Council	11/6/2021
7 Selwyn Street, Elsternwick	P1539/2020, P1637/2020 and P1637/2020	Demolition of the existing building, construction of an up to nine storey building, use of the land for offices, a place of assembly, sale and consumption of liquor, reduction of car parking and display of advertising signage on land affected by the Heritage Overlay and Design and Development Overlay.	s82 (Objector) – Three individual appeals lodged.	MUZ1	NOD	Council	24/6/2021
86 Kooyong Road, Caulfield North	P1630/2020	Construction of a four-storey building containing offices on land affected by a Special Building Overlay and a reduction in the car parking requirements.	s82 (Objector)	C1Z	NOD	Council	29/6/2021

MATTERS BEFORE THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (*INCLUDING APPEALS AWAITING A DECISION)

Address	VCAT Reference	Description of proposal	Type of appeal	Zone	Council decision	Decision delegate	Hearing date
42 George Street, Bentleigh East	P489/2020	Construction of two double storey attached dwellings.	s77 (Refusal)	NRZ1	Refusal	Officer	*
217 Nepean Highway, Gardenvale	P250/2020	Construction of a 9 storey building including 21 dwellings and basement parking, buildings and works within the Special Building Overlay, alteration of access to a road in a Road Zone, use of the ground floor as dwellings and reduction of the statutory parking rate for the office and shops	s77 (Refusal)	C1Z	Refusal	Council	*
348-354 Hawthorn Road, Caulfield South	P506/2020	Construction of a 9 storey mixed-use building comprising apartments and a supermarket, use of the land for apartments (frontage greater than 2m), reduction of the car parking requirements and creation and alteration of access to a road in a Road Zone, Category 1	s77 (Refusal)	C1Z	Refusal	Officer	*
679-683 Glen Huntly Road, Caulfield	P741/2020	Construction of an eight storey building (containing 52 apartments), use of the land as dwellings and a reduction of the retail car parking requirement	s77 (Refusal)	C1Z	Refusal	Officer	*
388-394 Hawthorn Road, Caulfield South	P742/2020	Construction of a 7 storey building above basement car parking comprising one retail space and 35 dwellings and the reduction of the car parking requirement (retail only) and alteration of access to a Road Zone Category 1	s77 (Refusal)	C1Z	Refusal	Officer	*
64-68 Lumeah Road, Caulfield North	P1159/2020	2 lot subdivision	s80 (Conditions)	NRZ1	Permit	Officer	*
9-13 Derby Road, Caulfield East	P514/2020	Partial demolition of 9 and 13 Derby Road, construction of a 12 storey mixed use building with a basement, use of the land for Accommodation (Student Housing) and reduction of the car parking requirements for the Student Housing and a Food and Drink Premises, on land affected by the Heritage Overlay	s77 (Refusal)	C1Z	Refusal	Officer	18/11/2020 (Compulsory conference – no hearing date set)
430-434 Neerim Road, Murrumbena	P125/2020	Construction of a nine storey mixed use building, use of the land for a residential building (Student Housing), and a reduction in the statutory car parking requirements	s77 (Refusal)	C1Z	Refusal	Officer	23/11/2020 (5 days)

14-16 Hawthorn Road, Caulfield North	P1250/2020	Construction of a four storey apartment building with associated basement within the General Residential Zone and alterations to an access to a Road Zone Category 1.	s77 (Refusal)	GRZ1	Refusal	Officer	9/3/2021 (4 days)
609-611 South Road, Bentleigh East	P858/2020	Development and use of the land for the purposes of a Child Care Centre, including the display of business identification signage and alteration of access to a road in a Road Zone	s82 (Objector)	NRZ	NOD	Officer	18/3/2021 (1 day)
17 Howe Street, Murrumbena	P918/2020 and P919/2020	Construction of 4 dwellings on land affected by a Special Building Overlay	s82 (Objector)	GRZ2	NOD	Officer	25/3/2021 (1 day)
179 Booran Road, Caulfield	P1505/2020	Construction of a four-storey building comprising 16 dwellings, shop and office and reduction of the car parking requirements.	s80 (Conditions)	C1Z	NOD	Council	26/3/2021
501-503 Hawthorn Road, Caulfield South	P827/2020	Construction of a three storey building containing 16 dwellings over one level of basement car parking	s77 (Refusal)	GRZ2	Refusal	Council	6/4/2021 (3 days)
45 North Avenue, Bentleigh	P771/2020	Construction of three (3) double storey dwellings on a lot	s82 (Objector)	NRZ1	NOD	Officer	8/4/2021 (1 day)
4 Jasmine Street, Caulfield South	P1299/2020	Construction of three double storey dwellings and basement car parking.	s82 (Objector)	GRZ1	NOD	Officer	20/4/2021
3 Waratah Avenue, Glen Huntly	P1066/2020	Construction of a 3-storey apartment building comprising of 8 dwellings above basement car park	S77 (Refusal)	GRZ1	Refusal	Officer	28/4/2021 (1 day)
35 Graham Avenue, McKinnon	P1396/2020	The construction of three double storey dwellings on land affected by the Special Building Overlay.	s82 (Objector)	GRZ1	NOD	Officer	3/6/2021
12 Wheeler Street, Ormond	P1333/2020, P1367/2020 and P1386/2020	Construction of four dwellings on a lot and buildings and works on land affected by a Special Building Overlay	s82 (Objector) – Three individual appeals lodged.	GRZ1	NOD	Council	11/6/2021
7 Selwyn Street, Elsternwick	P1539/2020, P1637/2020 and P1637/2020	Demolition of the existing building, construction of an up to nine storey building, use of the land for offices, a place of assembly, sale and consumption of liquor, reduction of car parking and display of advertising signage on land affected by the Heritage Overlay and Design and Development Overlay.	s82 (Objector) – Three individual appeals lodged.	MUZ1	NOD	Council	24/6/2021
86 Kooyong Road, Caulfield North	P1630/2020	Construction of a four-storey building containing offices on land affected by a Special Building Overlay and a reduction in the car parking requirements.	s82 (Objector)	C1Z	NOD	Council	29/6/2021

RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL									
Address	VCAT Reference	Description of proposal	Type of appeal	Zone	Council decision	Decision delegate	Appeal outcome	Date of VCAT decision	VCAT effect on Council decision
319A Neerim Road, Carnegie	P628/2020	12 lot subdivision	s80 (Conditions)	C1Z	Permit	Officer	Permit amended by consent	30/9/2020	Varied by consent
6-8 Bevis Street, Bentleigh East	P840/2019	Construction of a three-storey building containing 22 dwellings.	s77 (Refusal)	GRZ1	Refusal	Council	Refused	7/10/2020	Affirmed
22 Wheeler Street, Ormond	P678/2020	Construction of three double storey dwellings on a lot.	s77 (Refusal)	GRZ1	Refusal	Officer	Permit by consent	19/10/2020	Set aside by consent
371-377 Hawthorn Road, Caulfield South	P1076/2020	Construction of a six-storey building comprising apartments and a supermarket, use of the land to sell liquor, alteration of access to a road in a Road Zone,	s77 (Refusal)	C1Z	Refusal	Officer	Permit by consent	20/10/2020	Set aside by consent

		Category 1 and reduction in the number of on-site bicycle spaces							
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8.7 PLANNING SCHEME AMENDMENT C197 - HERITAGE CONTROLS FOR FIELD STREET BENTLEIGH

Author: Kate Jewell, Co-ordinator City Strategy and Place Planning

Trim No: 20/1282620

Attachments: 1. Panel report C197 [↓](#)

PURPOSE AND SUMMARY

To consider the report of the Independent Planning Panel in relation to proposed heritage controls (Glen Eira Planning Scheme Amendment C197) and consider the officer recommendations.

Council is not bound by the findings of the Independent Planning Panel, and Council needs to decide whether to adopt the Amendment with or without changes, or whether to abandon the Amendment.

RECOMMENDATION

That Council:

1. notes the officer report regarding Amendment C197 including the Panel Report and officer recommendations;
2. adopts Amendment C197 to the Glen Eira Planning Scheme in accordance with Section 29 (1) of the *Planning and Environment Act 1987* with the changes set out in this report;
3. submits the adopted Amendment C197 to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*;
4. submits the information prescribed under Section 31 of the *Planning and Environment Act 1987* with the adopted amendment;
5. delegates the Manager City Futures the authority to finalise Amendment C197 in accordance with Council's resolution, and make any administrative changes required to correct errors, grammatical changes and maps changes; and
6. advises all submitters to the Amendment of Council's determination in relation to Amendment C197.

BACKGROUND

Council is currently carrying out a suburb-by-suburb heritage review of the entire municipality. This is expected to be completed within the next five or so years. The review involves a qualified heritage consultant inspecting properties throughout each suburb and providing a report to Council that includes recommendations for protection of heritage places or precincts. In the case of Field Street, residents in and around the precinct nominated the area for heritage review. Heritage places can be identified by a heritage consultant, Council staff or the community.

Protection of heritage places is achieved through applying a Heritage Overlay (control) to an individual property or precinct. A Heritage Citation and Statement of Significance is required to be prepared for each place or precinct. These documents provide a history and description of the place and answers the questions – “*What is Significant?*”, “*How is it Significant?*” and “*Why is it significant?*”. An amendment to the Glen Eira Planning Scheme

is required to formally include places or precincts in a Heritage Overlay. The amendment process includes a statutory exhibition period (usually 4 weeks) where the community can make submissions.

A Heritage Overlay (control) does not prohibit development or renovation but sets the parameters to ensure additions to heritage buildings or new builds in heritage areas are done in a sympathetic way that protects the significance of the heritage place. Planning permits are usually required for most external alterations and additions to a place (only a limited number of places have internal heritage controls). Permits are not required for maintenance and repairs.

Council has endorsed an approach to waive planning permit application fees for properties that are part of a Heritage Overlay (where the Heritage Overlay is the only trigger for a planning permit).

One property can have several overlays applied to it, depending on the built and natural environment in which it is located. When contemplating the application of an overlay it is important to ensure that there is not an overlap in overlays. It is often the case that areas which have high heritage value have been previously recognised by other built form controls. These controls can include Neighbourhood Character Overlays (NCO) and Design and Development Overlays (DDO).

Glen Eira Planning Scheme Amendment C197glen (the Amendment) seeks to apply the Heritage Overlay to the Field Street Precinct, Bentleigh (HO188) to implement the findings of the *Citation: Field Street Precinct, Bentleigh, 8 August 2019* (Citation) prepared for Council by Built Heritage Pty Ltd.

The Citation identified that the precinct meets the threshold for local heritage significance recognising it to be of historic significance and aesthetic significance.

The Amendment seeks to include 35 properties in Field Street within the Heritage Overlay (HO188), include the *Statement of Significance: Field Street Precinct, Bentleigh 2019* (Statement of Significance) as a document incorporated into the Glen Eira Planning Scheme and remove the existing Neighbourhood Character Overlay Schedule 3 (NCO3) and Design and Development Overlay Schedule 4 (DDO4) from the Precinct and 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon and make associated changes to those overlay schedules.

Ten submissions were received in response to the exhibition of the Amendment of which nine supported the Amendment or supported it with changes, and one opposed it. The key issues raised in submissions related to:

- the inclusion of the following properties into the Heritage Overlay as they are covered by the existing NCO and DDO and have boundaries on Field Street:
 - 26 Donaldson Street, Bentleigh
 - 235 Jasper Road, Bentleigh
 - 237 Jasper Road, McKinnon
- the exclusion of 27 Field Street, McKinnon from the Heritage Overlay as the house has had a number of modifications to it and it is not in its original state.

In response to submissions, Council proposed post-exhibition changes to the Amendment which sought to retain DDO4 and NCO3 over the properties at 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon. While Council has actively worked to resolve the submissions relating to these

sites and with the owner of 27 Field Street, Bentleigh those submissions remained for the Panel to consider.

Council was the only party to the Hearing which was conducted by videoconferencing and livestreamed to allow interested persons the opportunity to view it.

The report of the Panel was received by Council on 25 September 2020 and published on Council's website on 26 October 2020.

ISSUES AND DISCUSSION

The Panel found that the application of the Heritage Overlay to the Field Street Precinct was strategically justified and consistent with the objectives of the Planning and Environment Act, State and Local Planning Policy.

The Panel went on to opine that the property at 27 Field Street (the opposing submitter's property) displayed the same built form and materiality characteristics as the other significant graded properties in the Precinct, and as such should remain in the Precinct and be graded 'significant'.

The Panel supported the removal of NCO3 and DDO4 from the Precinct as this reduces the application of unnecessary controls which are superseded by using the Heritage Overlay. However, as proposed by Council's post-exhibition changes, the Panel supported the retention of the controls over 26 Donaldson Street, 235 and 237 Jasper Road which have secondary frontages to the Precinct. This will ensure any future development of those sites can be managed in a manner respectful to the built form characteristics present in Field Street.

The result of this step being is that the properties to be covered by the HO will not have a DDO and an NCO also in place. The properties however at 26 Donaldson Street and 235 and 237 Jasper Road will not be in the HO but will continue to be covered by the DDO and NCO.

The recommendations forwarded by the Panel was that Glen Eira Planning Scheme Amendment C197 be adopted as exhibited with the following changes:

- Abandon the deletion of Design and Development Overlay Schedule 4 (DDO4) and Neighbourhood Character Overlay Schedule 3 (NCO3) from 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.
- Amend the Field Street Precinct Statement of Significance to include a new description of 'How is it significant?' and additional linking words under 'Why is it significant?' as shown in the Panel's preferred version of the Statement of Significance in Appendix B.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The fees associated with the submission to the Minister for Planning for approval of Amendment C197 are accommodated within the City Futures current budget.

POLICY AND LEGISLATIVE IMPLICATIONS

Planning Scheme Amendment Process.

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

1. The Minister for Planning must firstly authorise preparation and exhibition of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.

2. If there are no submissions Council can 'adopt' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council. The Panel may make a recommendation to:
 - adopt the amendment
 - abandon the amendment
 - modify the amendment
5. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again, Council's options are to either abandon or adopt the amendment (with or without modifications).
6. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.

The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for public input from interested parties. With regard to the current proposal, Council is at Step 5.

COMMUNICATION AND ENGAGEMENT

The exhibition period was open from 30 January to 2 March 2020 and comprised of:

- Sending letters to owners and occupiers of all affected properties, prescribed ministers and other relevant authorities and stakeholders;
- Publishing a notice in the Moorabbin/Glen Eira Leader local newspaper;
- Publishing a notice of the Amendment in the Government Gazette;
- Uploading the Amendment documentation on Council's and the Department of Environment Land Water and Planning websites; and
- Providing a hard copy available at the Town Hall.

In response to the exhibition, Council received ten submissions:

- 8 submission supported the Amendment;
- 1 submission had 'no comment' (Environmental Protection Authority) and
- 1 submission objected to the Amendment.

LINK TO COUNCIL AND COMMUNITY PLAN

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Glen Eira Planning Scheme amendment C197 has been recognised by the Independent Planning Panel to be consistent with relevant Ministerial Directions and Practice Notes and supported by planning policy. It has been found to be strategically justified and provides net community benefit and sustainable development.

The amendment will preserve a heritage place that is valuable to the Glen Eira community.

Planning and Environment Act 1987

Panel Report

**Glen Eira Planning Scheme Amendment C197glen
Field Street Precinct, Bentleigh Heritage Overlay**

25 September 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

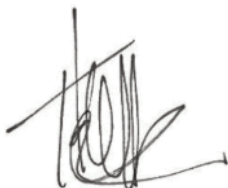
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Glen Eira Planning Scheme Amendment C197glen

Field Street Precinct, Bentleigh Heritage Overlay

25 September 2020



Tim Hellsten, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Amendment	Glen Eira Planning Scheme Amendment C197glen
Citation	<i>Citation: Field Street Precinct, Bentleigh</i>
Council	Glen Eira City Council
DDO4	Design and Development Overlay Schedule 4 (Fences)
DELWP	Department of Environment, Land, Water and Planning
HO188	Field Street Precinct, Bentleigh
NCO3	Neighbourhood Character Overlay Schedule 3 (Interwar Era Significant Character Areas)
PPN01	<i>Planning Practice Note 1: Applying the Heritage Overlay (August 2018)</i>
Statement of Significance	<i>Statement of Significance: Field Street Precinct, Bentleigh 2019</i>

Glen Eira Planning Scheme Amendment C197glen | Panel Report | 25 September 2020

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C197glen
Common name	Field Street Precinct, Bentleigh Heritage Overlay
Brief description	Apply the Heritage Overlay to the Field Street Precinct, Bentleigh (HO188) and make other subsequent changes to the Glen Eira Planning Scheme, including removing the Neighbourhood Character Overlay (NCO3) and Design and Development Overlay (DDO4) from the subject land
Subject land	1-37 (odd) Field Street, McKinnon and 2-30 (even) Field Street, Bentleigh and 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon
Planning Authority	Glen Eira City Council
Authorisation	7 November 2019
Exhibition	30 January to 3 March 2020
Submissions	Number of Submissions: 10 Opposed: 1 1 South East Water 2 Environment Protection Authority 3 Mr Naresh Subramaniam 4 Mr Josh Subramaniam 5 Ms Dawn Subramaniam 6 Mr Malcolm Dow 7 Ms Afroditi Nestoros 8 Ms Bethanie Subramaniam 9 Mr Bryan Drummond 10 Mr Heath Helmore

Panel process

The Panel	Tim Hellsten
Directions Hearing	By Video Conference, 7 July 2020
Panel Hearing	By Video Conference, 22 September 2020
Site inspections	Unaccompanied, 18 June 2020
Parties to the Hearing	Council represented by Ms Madeleine Grimes, Acting Senior Strategic Planner who called heritage evidence from Mr Steven Reeves of Built Heritage Pty Ltd
Citation	Glen Eira PSA C197glen [2020] PPV
Date of this Report	25 September 2020

Executive summary

Glen Eira Planning Scheme Amendment C197glen (the Amendment) seeks to apply the Heritage Overlay to the Field Street Precinct, Bentleigh (HO188) to implement the findings of the *Citation: Field Street Precinct, Bentleigh, 8 August 2019* (Citation) prepared for Council by Built Heritage Pty Ltd.

The Citation identified that the precinct meets the threshold for local heritage significance identified in *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* (PPN01) satisfying Criterion A (historic significance) and Criterion E (aesthetic significance).

The Amendment seeks to include 35 properties in Field Street within the Heritage Overlay (HO188), include the *Statement of Significance: Field Street Precinct, Bentleigh 2019* (Statement of Significance) as a document incorporated into the Glen Eira Planning Scheme and remove the existing Neighbourhood Character Overlay Schedule 3 (NCO3) and Design and Development Overlay Schedule 4 (DDO4) from the Precinct and 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon and make associated changes to those overlay schedules.

Ten submissions were received in response to the exhibition of the Amendment of which nine supported the Amendment or supported it with changes, and one opposed it. The key issues raised in submissions related to:

- the inclusion of the following properties into the Heritage Overlay as they are covered by the existing NCO and DDO and have boundaries on Field Street:
 - 26 Donaldson Street, Bentleigh
 - 235 Jasper Road, Bentleigh
 - 237 Jasper Road, McKinnon
- the exclusion of 27 Field Street, McKinnon from the Heritage Overlay as the house has had a number of modifications to it and it is not in its original state.

In response to submissions, Council proposed post-exhibition changes to the Amendment which seek to retain DDO4 and NCO3 over the properties at 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon. While Council has actively worked to resolve the submissions relating to these sites and with the owner of 27 Field Street, Bentleigh those submissions remained for the Panel to consider.

Council was the only party to the Hearing which was conducted by videoconferencing and livestreamed to allow interested persons the opportunity to view it.

Citation methodology and strategic justification

The Panel considers that the Citation has been prepared in accordance with PPN01 and provides a robust analysis that supports the identification of the Precinct as having local heritage significance, meeting the thresholds of Criterion A and E. The application of the Heritage Overlay to the precinct is strategically justified and consistent with the objectives of the Planning and Environment Act, State and Local Planning Policy.

27 Field Street, Bentleigh

The Panel considers that the dwelling at 27 Field Street displays the same built form and materiality characteristics as the other 'Significant' graded properties in the Precinct. Any

alterations to the dwelling where not readily apparent and do not impact on the buildings grading. It should remain in the Precinct and be graded 'Significant'.

Heritage Overlay curtilage

The Panel supports the basis on which Council, supported by the evidence of Mr Reeves, has established the curtilage of the Field Street Precinct. The Precinct has a high degree of uniformity of built form and is readily apparent and coherent albeit that the dwellings within it display a variety of interwar and post war stylings.

Application of the Neighbourhood Character Overlay and Design and Development Overlay

The Panel supports the removal of NCO3 and DDO4 from the Precinct as this reduces the application of unnecessary controls which are superseded by using the Heritage Overlay. However, as proposed by Council's post-exhibition changes, the Panel supports their retention over 26 Donaldson Street, 235 and 237 Jasper Road which have secondary frontages to the Precinct. This will ensure any future development of those sites can be managed in a manner respectful to the built form characterises present in Field Street.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C197 be adopted as exhibited subject to the following:

- 1. Abandon the deletion of Design and Development Overlay Schedule 4 (DDO4) and Neighbourhood Character Overlay Schedule 3 (NCO3) from 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.**
- 2. Amend the Field Street Precinct Statement of Significance to include a new description of 'How is it significant?' and additional linking words under 'Why is it significant?' as shown in the Panel's preferred version of the Statement of Significance in Appendix B.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to apply a Heritage Overlay to a new precinct, the Field Street Precinct, Bentleigh (HO188) based on the findings of the *Citation: Field Street Precinct, Bentleigh, 8 August 2019* (Citation) prepared for Council by Built Heritage Pty Ltd.

Specifically, the Amendment proposes to:

- amend the Schedule to Clause 43.01 (Heritage Overlay) to include the Field Street Precinct (place and map designation HO188)
- amend Schedule 4 to Clause 43.02 (Design and Development Overlay) to remove reference to Field Street in the Schedule title
- amend Schedule 3 to Clause 43.05 (Neighbourhood Character Overlay) to remove reference to the Field Street in the 'Statement of neighbourhood character' and in the table to section '4.0 Modification to Clause 54 and Clause 55 standards'
- amend the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to include the *Statement of Significance: Field Street Precinct, Bentleigh 2019* (Statement of Significance)
- amend Map No. 3HO to apply a Heritage Overlay to the Field Street Precinct (HO188)
- amend Map No. 3NCO to delete the Neighbourhood Character Overlay (NCO3) from the subject land
- amend Map No. 3DDO to delete the Design and Development Overlay (DDO4) from the subject land.

(ii) The subject land

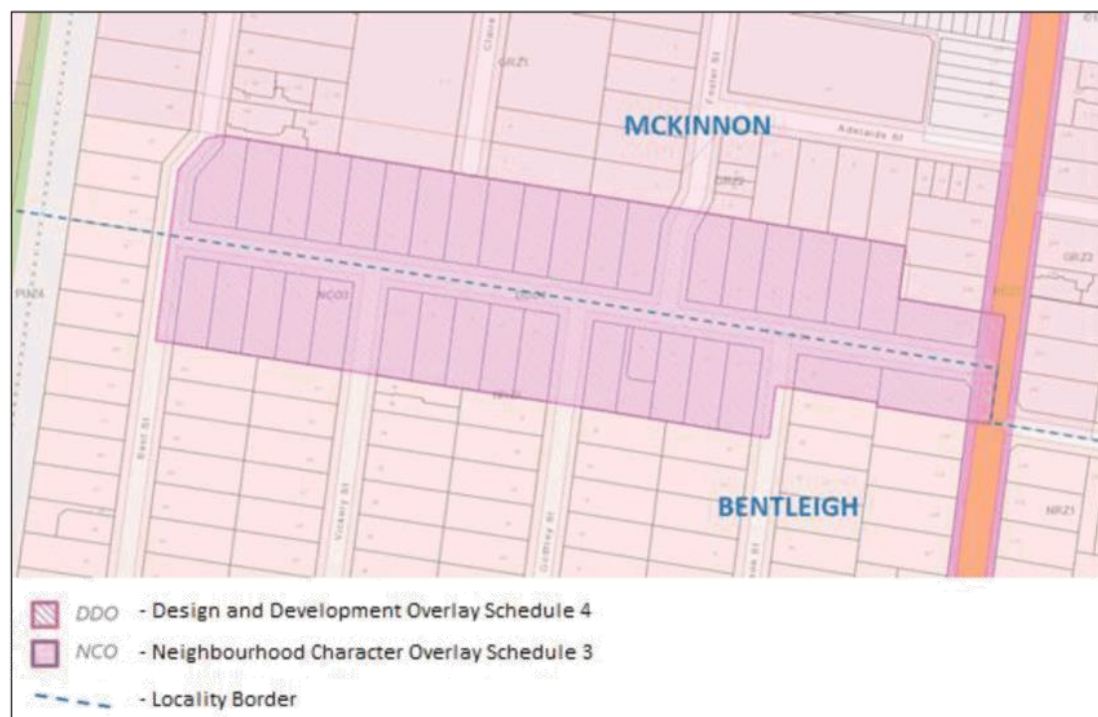
The Amendment applies HO188 (as shown in Figure 1) and removes DDO4 and NCO3 (as shown in Figure 2) from:

- all odd numbered Field Street properties (1-37) on the north side of Field Street, McKinnon¹
- all even numbered Field Street properties (2-30) on the south side of Field Street, Bentleigh.

The Amendment removes the DDO4 and NCO3 only from:

- 26 Donaldson Street, Bentleigh
- 235 Jasper Road, Bentleigh
- 237 Jasper Road, McKinnon.

¹ The centre line of Field Street forms the boundary between the localities of McKinnon and Bentleigh with the north side of the street in McKinnon and the south side in Bentleigh

Figure 1 Proposed Heritage Overlay (HO188)**Figure 2 Extent of deletion of DDO4 and NCO3**

Source: Glen Eira Planning Scheme Amendment C197glen Explanatory Report

1.2 Background

(i) Planning Permit application 32582/2019

On 14 June 2019, Council refused Planning Application No. GE/DP-32582/2019 for the demolition of an existing dwelling and construction of two dwellings and a fence at 12 Field Street Bentleigh following the receipt of 27 objections from neighbouring residents and

landowners. The objections sought the protection of the existing character of the street and a review of the areas for heritage significance.

(ii) Heritage Citation

Built Heritage Pty Ltd was engaged by Council in May 2013 as part of its commitment to review heritage places under its *Council and Community Plan 2017-2021* and in response to community concerns to review the heritage values of the Field Street area. This assessment resulted in the preparation of the *Citation: Field Street Precinct, Bentleigh* (Citation) in August 2019.

The Citation identified that Field Street, Bentleigh as a precinct met the threshold for local significance identified in *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* (PPN01) satisfying Criterion A (historic significance) and Criterion E (aesthetic significance).

The Citation recommended:

- the identification of the Field Street Precinct within the Schedule to Clause 43.01 Heritage Overlay Schedule as a heritage precinct
- the grading of 1-37, 2-22, 26-30 Field Street as 'significant' elements within the precinct
- the grading of 24/24a Field Street as 'non-contributory'.

The exhibited Statement of Significance to be included as an incorporated document by the Amendment is derived from the Citation.

(iii) Authorisation and interim controls

The Amendment was authorised for exhibition by the Department of Environment, Land, Water and Planning (DELWP) under delegation from the Minister for Planning on 7 November 2019 subject to minor documentation change conditions. These matters were addressed by Council prior to exhibition of the Amendment.

An application for interim controls (Glen Eira Planning Scheme Amendment C202) was submitted to DELWP on 3 October 2019. This request is understood to apply to a wider area including Elsternwick. No decision has been made on Amendment C202 as at the date of this Report.

1.3 Summary of issues raised in submissions

Ten submissions were received following the exhibition of the Amendment, of which nine were supportive. Of these, four submissions including the Environment Protection Authority and South East Water supported the Amendment with no qualifications while five submissions sought to extend the HO188 to additional properties. One submission opposed the Amendment.

The key issues related to:

- including 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon into the Heritage Overlay (HO188 precinct)
- excluding 27 Field Street, McKinnon from the HO188 because of changes to it.

1.4 Procedural issues

(i) Post-exhibition changes

Council proposed post-exhibition changes to the Amendment in response to submissions seeking to retain NCO3 and DDO4 over 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road², McKinnon while it undertook a further heritage assessment of nearby areas. These changes are discussed in Chapter 5.

Council provided details of correspondence and telephone conversations with the submitters seeking changes to the Amendment (Document 1). While there appeared to be support for the proposed changes and an understanding of the application of the Heritage Overlay to 26 Donaldson Street, these submissions were not withdrawn.

(ii) Documentation error

Council's Part A submission noted an error in the Council report body and recommendations and minutes of 9 June 2020 which incorrectly identified the property at 237 Jasper Road, Bentleigh as 257 Jasper Road, Bentleigh. The authorisation and Amendment documentation, including the Explanatory Report and mapping however, correctly identified the effected property as 237 Jasper Road, Bentleigh. The Panel notes this error but considers that it does not materially impact on the intent of the Amendment which clearly identifies all properties subject to the Amendment.

(iii) Further notice of the Amendment

On the 28 August 2020, Council sought to postpone the Hearing for two weeks to notify the owners of 26 Donaldson Street, 235 and 237 Jasper Road and 237 Jasper Road of its proposed post-exhibition changes to retain the NCO3 and DDO4 over those properties. Council advised that it had not earlier notified those land owner submitters of the proposed change which while considered a minor change should be undertaken "*for natural justice*". The Panel supported this request and rescheduled the Hearing for the 22 September 2020. No further submissions were received following Council's notification of those land owners.

1.5 The Panel's approach

Only one party (Council) requested to be heard by the Panel. Rather than deal with the matter 'on the papers', the Panel sought to conduct a Hearing by video conference which was livestreamed. This also enable the Panel to conduct the Hearing in a manner that was cognisant of the COVID-19 pandemic which has created challenges with respect to the conduct of the usual face-to-face Hearing format. The health and safety of parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from its site visit, and submissions, evidence and other material

² The minutes of the Council meeting of 6 June 2020 refer to 257 Jasper Road in error.

presented to it during the Hearing. While it has reviewed all material provided it has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- 27 Field Street, Bentleigh
- Curtilage of the Field Street Precinct (HO188).

2 Planning context

Council's Explanatory Report and Part A submission identified that the following provisions of the Act and the Planning Policy Framework were relevant to the Amendment which the Panel has summarised below.

2.1 Victorian Planning Objectives

Section 4(1)(d) of the *Planning and Environment Act 1987* is relevant to the Amendment:

To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

2.2 Planning Policy Framework

Council identified that the following clauses of the Glen Eira Planning Scheme are relevant to the Amendment:

State Planning Policies

Clause 15 (Built Environment and Heritage)

- Clause 15.03-1S (Heritage Conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Retain those elements that contribute importance to the heritage place.
 - Encourage appropriate development that respects places with identified heritage values.

Municipal Strategic Statement and Local Planning Policies

Clause 21 (Municipal Strategic Statement)

- Clause 21.10 (Heritage) which seeks to identify, protect, enhance and promote understanding of Glen Eira's heritage. Relevant objectives are:
 - Protect places identified as having architectural, cultural or historical significance.
 - To encourage retention, preservation and restoration of all of significant and contributory heritage places within Glen Eira.

Clause 22 (Local Planning Policies)

- Clause 22.01 (Heritage Policy) seeks to identify, protect, enhance and promote understanding of Glen Eira's heritage.
- Clause 22.01-2 (Heritage Policy) outlines the objectives for the conservation and protection of heritage places. Relevant objects are:
 - To protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira's development.
 - To encourage retention, preservation and restoration of all significant and contributory places within the City of Glen Eira.
- Clause 22.01-3 (Heritage Policy) sets out a series of policies including:
 - Take into account the statement of significance for a heritage place when making decisions about proposed buildings and works associated with that place

- **Demolition**, it is policy to:
 - Retain significant and contributory buildings.
 - Discourage complete demolition of significant and contributory buildings unless it can be demonstrated to the satisfaction of the Responsible Authority that:
 - The building is structurally unsound and cannot be feasibly repaired or adapted for reuse; and
 - The original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable; and
 - The replacement building displays design excellence; and
 - If located within a heritage precinct, the replacement building clearly and positively supports the ongoing significance of the heritage precinct.
 - Allow the partial demolition of significant and contributory buildings where the fabric to be demolished is of no significance, or for the purpose of additions if the addition will not affect the heritage significance of the building and is sympathetic in its scale and form.
 - Where relevant, ensure an application for demolition is also accompanied by a replacement development proposal.
 - To retain significant trees, and/or garden layouts that have been identified for their historical significance.
- **New Buildings in Heritage Precincts (Residential)**, it is policy to:
 - Ensure proposals are respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings when viewed from the street.
 - Encourage high quality, contemporary design or a simplified interpretation of the architecture of contributory buildings within the precinct to ensure new buildings are distinguishable from original buildings within the area. Discourage side by side development unless this is a dominant typology in the precinct.
- **Front Fences and Gates**, it is policy to:
 - Retain original contributory fences.
 - Ensure that new front fences are constructed in a manner that is sympathetic to and contributes positively to the significance of the heritage place and wider precinct.
 - Ensure that new fences are designed to allow views to the heritage place from the street.
- **Vegetation**, it is policy to:
 - Encourage the retention of culturally significant trees in a heritage place unless:
 - The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
 - The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

- Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

2.3 Other plans and strategies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 1.

Table 1 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity	Direction 4.4 respect our heritage as we build for the future	Policy 4.4.1: Recognise the value of heritage when managing growth and change

(ii) Council and Community Plan 2017-2021

Glen Eira's *Council and Community Plan 2017-2021* is a four-year strategic framework for Council's plans and activities. Theme One 'Liveable and Well Design' outlines Council's commitment to "review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts." Council submitted that the review of the Field Street Precinct contributes to this Council commitment.

2.4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The land is in the Neighbourhood Residential Zone Schedule 1. The purposes of the Zone are:

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

(ii) Overlays

The land is currently subject to the DDO4. The purpose of the Design and Development Overlay is:

- To identify areas which are affected by specific requirements relating to the design and built form of new development.

The design objectives of DDO4 are:

To maintain the character of low front fences that allows unimpeded views to front gardens and dwellings.

To ensure that front and side fences within the building frontage complement the design and materials of the preferred neighbourhood character, prevailing style and scale in the overlay area and the building on the lot.

DDO4 requires a permit for a fence over 0.8 metres - 1.2 metres, depending on location and level of transparency.

The land is also subject to the NCO3. The purposes of the Neighbourhood Character Overlay are:

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

The neighbourhood character objectives of NCO3 are:

To ensure that new buildings and works reflect the statement of neighbourhood character of the area.

To encourage retention of older dwellings that contribute to the valued character of the area.

To maintain the established pattern of front and side setbacks in the street.

To ensure that new dwellings or extensions to existing dwellings respect the dominant building height, form, façade articulation, materials and roof forms of the streetscape.

To ensure that the use of design detail in new buildings complements, rather than mimics, that of the predominant building styles in the street.

To maintain the pattern of low or visually permeable front fencing that creates a sense of openness in the streetscape and allows views of dwellings and into front gardens, and complements the building era and style.

To minimise the loss of front garden space due to car parking and driveways, and minimise the dominance of car parking structures in the streetscape.

NCO3 provides for variations to ResCode standards relating to street setbacks, walls on boundaries, design detail (scale and form, roof pitch, storeys, materials and finishes, façade articulation and siting, second storey setbacks, garages and carports and front fences) to achieve the character objectives.

The land is proposed to be subject to the Heritage Overlay (HO188 Field Street Precinct, Bentleigh). The purposes of the Heritage Overlay are:

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and outbuildings and fences not exempt from notice. The Amendment does not propose to switch on any of these controls.

2.5 Ministerial Directions and Practice Note

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1

Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (PPN01) provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

3 Strategic justification

3.1 The issues

The issues are whether the Amendment:

- is consistent with the relevant Ministerial Directions and Practice Notes
- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is strategically justified.

3.2 Background

(i) Heritage Citation

The Citation includes the following description of Field Street:

The houses along Field Street comprise two rows of dwellings largely dating from the mid-1920s to the early 1940s, with only one property of recent origin. As built, the original houses were all single-storey detached dwellings (although a few have had a discreet second storey added in more recent times) with a consistent scale and setback.

With more than half of the original houses built from 1925 to 1930, they tend to be representative of the prevailing bungalow style ... The street facades of these earlier houses are asymmetrical, with offset front porches, bays of timber-framed windows, and gable ends... Several of the porches incorporate round or segmental arched heads ... Windows tend to be grouped as double or triple sashes, typically double-hung ...

The relatively few houses in Field Street from the late 1930s and '40s are of brick construction ... Roofs, variously hipped or gabled, are clad with red terracotta tile. Some of these later houses have triple-fronted facades ... Of the two houses built in the late 1940s, one (No 22 ...) can be considered as a late manifestation of the pre-war Tudor Revival mode, while the other (No 16) is a simpler triple-fronted house with corner windows and flat roofed porch that payslip service to the pervasive Moderne style, which remained popular into the earlier post-WW2 era.

Most of the original houses in the street retain front fences that are either original or more recent but still sympathetic with the inter-war period. Numerous houses have dwarf walls in either face brick ... or rendered brick ... Several properties ... have simple timber fences with woven wire, while others have picket fences of more recent origin ...

Landscaping of front gardens is also generally sympathetic to the pre-war era, with open lawn areas, perimeter garden beds and low plantings of hedges and shrubs along the street boundary line ...

The only "new" houses in the street are a detached pair strata-titled single-storey dwellings at Nos 24/24a, erected in the early 1990s on the site previously occupied by a house from the early 1950s. The front house (No 24) is a rendered brick dwelling in a faux-Federation style ... The rear house (No 24a), barely visible from the street, is a simpler hip-roofed brick dwelling.

The Citation includes photos (Figure 2) several dwellings which demonstrate the street's built form characteristics.

Figure 3 Field Street Precinct Citation photos

Timber bungalow at 13 Field Street (1925)



Rendered house at 1 Field Street (c1930)



20 Field Street - Streamlined Moderne style (c1941)



22 Field Street - belated Tudor Revival mode (c1949)



Typical bungalow (north side of Field Street)



Typical bungalow (south side of Field Street)

Source: Built Heritage Pty Ltd - Citation: *Field Street Precinct, Bentleigh*

(ii) Statement of Significance**What is significant?**

The Field Street Precinct, encapsulating properties at 1-37 and 2-30 Field Street, Bentleigh, comprises 35 detached dwellings along both sides of the street. This building stock consists almost entirely of single-storey brick and timber houses from the mid-1920s to the late 1930s; two more houses in similar styles appeared in the late 1940s, while the sole property of more recent origin is a pair of strata titled 1990s dwellings at No 24/24a.

Field Street forms part of the large and ambitious Garfield Estate, a 221-lot residential subdivision extending between Jasper Road and the railway line, created in 1924 from the former market gardens of the eponymous Garfield Brothers.

How is it significant?

The Field Street Precinct satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Glen Eira planning scheme:

- Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history.
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

Why is it significant?

The Field Street Precinct is associated with the Garfield Estate, a substantial residential subdivision that was laid out in 1924 and developed rapidly over the next fifteen years. Comprising more than two hundred allotments, the Garfield Estate was one of the largest and most ambitious of several local residential subdivisions created in the 1920s from former market gardens, taking advantage of the electrification of the railway line in 1922. The houses along Field Street, two of which date back as far as 1926, represent the most intact cluster of original pre-war residences within the entire extent of the Garfield Estate. (Criterion A)

The Field Street Precinct is significant as a notably intact inter-war residential streetscape in Bentleigh. Most houses, dating from c1925 to c1935, are demonstrative of the prevailing bungalow idiom of the time: single-storey detached brick or timber dwellings with tiled roofs and asymmetrical facades with front porches. Unified by a consistency of form and materials, they also show individuality through different window, porch and decorative treatments. They are complemented by slightly later brick houses in the Tudor Revival and Moderne idioms. Consistent in scale, form, setback and materials, the houses in Field Street combine to form cohesive inter-war residential streetscape that represents a rare survivor in the Bentleigh area. This is enhanced by their setting, including front gardens with open lawns, garden beds and low plantings along street boundaries, many of which are marked by brick or timber fences that, if not original, are evocative of the inter-war era. (Criterion E)

3.3 Heritage Citation content and methodology

(i) Approach and evidence

Mr Simon Reeves of Built Heritage was called by Council to provide heritage evidence. Mr Reeves prepared the precinct Citation.

His evidence set out the methodology used to prepare the Citation which included:

- fieldwork to record and photograph the dwellings in Field Street and conduct a 'windscreen' survey of surrounding streets
- historical research
- a comparative analysis with streets in the same pre-war subdivision as Field Street
- preparing an initial report that identified:
 - that Field street was created in 1924 with all blocks built on by 1945, with only one dwelling demolished
 - Field Street was more cohesive than other streets in the pre-war subdivision making it a rare survivor of the era
 - Field Street was an ideal candidate as a heritage precinct.
- preparing a full citation which considered nearby Bent Street and was supported by additional historical research, fieldwork (which excluded Bent Street which was considered less cohesive with new building elements) and comparative analysis.

The Citation includes:

- history of the subdivision and early development of Field Street
- description of the precinct
- comparative analysis
- Statement of Significance
- references.

The comparative analysis was undertaken by examining interwar residential development in Bentleigh associated with the Garfield Estate, one of the largest of Bentleigh's inter-war estates, which formed part of a major boom of local subdivision along the railway line. The analysis identified that the 221 lot Estate (bounded by Jasper Road, Field Street, Hayes Street and Bent Street) retains much pre-war building stock, but individual streetscapes display contrasting degrees of cohesion:

The southern fringe of the estate, where blocks are much closer to Bentleigh railway station and thus more desirable for speculation, has witnessed a considerable amount of redevelopment for higher-density living. This includes several blocks of flats erected in the 1950s and '60s (typified by those at No 20 Bent Street and Nos 16, 20, 21 and 25 Vickery Street). Since the 1990s, this pattern has become even more pronounced in the portion of Bent Street south of Bruce Street, where several substantial new residential buildings (including both large houses and blocks of flats) now occupy former bungalow sites at Nos 9, 14, 16, 22, 23, 24, 26, 30 and 36. Elsewhere in the Garfield Estate, pre-war bungalows are interspersed with a smattering of more recent houses. While some, such as 4 Bruce Street and 41a Godfrey Street, are of comparable single-storey scale, most are larger two-storey dwellings, typified by those at 197 Jasper Road, 37 and 55 Godfrey Street, 41 and 59 Bent Street, 1 Bruce Street, 9 and 12 Donaldson Street, and 39, 41, 42A and 58-60 Vickery Street. Of the original pre-war bungalows remain standing in the Garfield Estate, a considerable number have been extended with dominant second storey additions. This is a recurring characteristic of the streets south of Field Street, with numerous examples noted in Vickery Street (eg Nos 29, 33, 46, 48, 51 and 53), Godfrey Street (eg Nos 14, 43, 51, 57) and Donaldson Street (eg Nos 8, 13,

14, 15, 16, 18), as well as a handful in Bruce Streets (Nos 4, 19 and 29) and the northern part of Bent Street (Nos 42, 50 and 51).

Responding to questions from the Panel relating to the comparative analysis, Mr Reeves identified that the Garfield Estate was a significant interwar subdivision in Bentleigh because it was much larger than other subdivisions of the time including the McKinnon, Jones and Marriott Estates. He considered Field Street a “*remarkable survivor*” of the early subdivision and features a virtually intact interwar streetscape and one almost without comparison in Bentleigh.

(ii) Submissions

No submissions questioned the content or manner in which the Citation and Statement of Significance had been prepared.

Council submitted that the Citation had been prepared consistent with PPN01 and provided an appropriate basis for the application of the Heritage Overlay.

(iii) Discussion and findings

The Panel considers that the Citation has been prepared in a manner consistent with PPN01. The Citation is robust and includes the salient elements including comparative analysis and research that underpin its conclusions. While the Panel was initially concerned that the focus of the comparative analysis was relatively small (limited to the Garfield Estate), Mr Reeves clarified that he had also considered the street in the context of other interwar subdivisions and that the Garfield Estate was by far the largest and Field Street among the most intact interwar streetscapes in Bentleigh. The Panel is satisfied that the scale of comparative analysis is appropriate, and that the Precinct is relatively unique in Bentleigh and Glen Eira.

The Panel considers that the Citation supports the conclusion that the Precinct meets the threshold criteria (under Criterion A and E) to a necessary level and that it is a place of heritage significance.

The key elements of the Citation have been included in the exhibited Statement of Significance. The Panel considers that the Statement of Significance has generally been prepared in form consistent with PPN01 although it noted at the Hearing that the ‘How is it significant?’ description is not expressed in an appropriate manner and should more clearly identify the Precinct is significant rather than referring to the application of the Heritage Overlay or the specifics of the identified Hercon criteria. Mr Reeves acknowledged that the description could be amended to a different format while retaining the core elements in the exhibited version:

The Field Street Precinct is significant for its ability to demonstrate a pattern of Glen Eira’s cultural history, and for exhibiting particular aesthetic characteristics.

With support of Council, he produced a revised description with some additional linking words under the heading ‘Why is it significant?’. This version was provided to the Panel in a tracked changes format and included as the Panel’s preferred version of the Statement of Significance in Appendix B.³

³ Document 8

The Panel finds:

- The Citation and Statement of Significance have generally been prepared in a manner consistent with the PPN01 and provide a sufficiently robust basis to identify that the Precinct meets the thresholds of Criterion A and E and is a place of local heritage significance.
- The Statement of Significance should be amended to include a new description of 'How is it significant?' consistent with the format identified in PPN01.

3.4 Policy support

(i) Submissions

Council submitted that the Citation identified that there was something tangible in terms of heritage fabric and significance to manage, consistent with PPN01. It considered that the application of the Heritage Overlay was consistent with section 4(1)(d) of the Act, Clause 15.03-1S and Clause 21.10-2 and PPN01.

Council submitted that the Amendment was also consistent with *Planning Practice Note 91: Using the Residential Zones, 24 December 2019* and that it was appropriate to distinguish between neighbourhood character and heritage; determine heritage significance through recognised criteria; and apply the Heritage Overlay where the objective is to conserve the existing buildings and consistent with the strategic intent of policy where proposed in a residential zone. It submitted that the subject land was not in an area identified for housing change and the application of the Heritage Overlay did not conflict with housing policy objectives.

(ii) Discussion and findings

No submissions were advanced that the Amendment was not supported by planning policy.

The Panel agrees with Council that there is a strong strategic basis for applying the Heritage Overlay underpinned by an appropriate level of analysis. The Amendment responds to the objectives of planning under the Act to conserve and enhance buildings of heritage significance and implements the policies and strategies of Clause 15.03. It also responds to Glen Eira's heritage policy intent as set out in Clauses 21.10 and 22.01. The Amendment will not have any impact on Council's ability to achieve its broader housing policy objectives as the provisions of Clause 22.01 provide a basis for considering development within the Heritage Overlay.

The Amendment will provide an opportunity for an appropriate planning control to be applied, in addition to other considerations, to ensure the future development of these sites is managed consistent with the values of the wider precinct. Accordingly, the Amendment will provide for sustainable development and provide a positive community benefit through the long term recognition and protection of places that are important to the local community.

The Panel finds:

- The Amendment is supported by and implements the relevant sections of the Planning Policy Framework.

3.5 Conclusions and recommendation

The Panel concludes the Amendment:

- is consistent with the relevant Ministerial Directions and Practice Notes
- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is strategically justified
- delivers net community benefit and sustainable development as required by Clause 71.02-3s
- should proceed subject to addressing more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends

Amend the Field Street Precinct Statement of Significance to include a new description of 'How is it significant?' and additional linking words under 'Why is it significant?' as shown in the Panel's preferred version of the Statement of Significance in Appendix B.

4 27 Field Street, Bentleigh

4.1 The issue

The Field Street Precinct Statement of Significance grades 27 Field Street, Bentleigh (Figure 4) as 'Significant'.

Figure 4 27 Field Street, Bentleigh



Source: Council images from Google Street View (Document 6)

The issue is:

- whether 27 Field Street, Bentleigh should be included in the Field Street Precinct (HO188) and graded as 'Significant'.

4.2 Evidence and submissions

Submissions 9 and 10 supported the application of HO188 over the entire Field Street Precinct to protect the character of the street. Submissions 3, 4, 5, 6 and 8 supported the Amendment overall.

Submission 7 opposed HO188 being applied to 27 Field Street on the basis that the existing dwelling was not in its original state.

Mr Reeves' evidence confirmed that the house was erected during 1928 and was a:

... single-storey inter-war weatherboard bungalow with gambrel roof clad in terracotta tiles, incorporating a shingled gablet to the street. Its double fronted street frontage incorporated a full-width verandah with plain timber posts supported by capped brick plinths, and there were boxed windows with timber-framed double hung sashes. All of these elements are demonstrably in accordance with the defining architectural and aesthetic character of the Field Street streetscape, and particularly the earlier houses dating from the second half of the 1920s.

He identified that Submission 7 did not articulate the nature and extent of the dwelling modifications and assumed they "*pertain to the interior or to the rear of the house, as its street frontage remains substantially intact*" and that it remained 'Significant' in his opinion.

4.3 Discussion and conclusion

All properties in the proposed Field Street Precinct are graded Significant other than the more recent development at 24/24a Field Street which are graded 'non-contributory' elements. The Panel agrees with the evidence of Mr Reeves that the dwelling at 27 Field Street clearly displays the heritage characteristics of the precinct namely:

- its single-storey detached built form, scale, asymmetrical façade with offset brick porch and setback
- materiality (timber clad, roof form and use of red terracotta tiles)
- being representative of the prevailing bungalow style from 1925 to 1930.

It does so in a manner consistent with the other Significant graded dwellings in the proposed precinct. Any alterations were not apparent from the primary street view and do not impact on the readily identifiable dwelling form. There is no apparent reason or justification for a lesser grading to be applied or to remove the site from the precinct. To do so would potentially comprise the integrity of the precinct.

The Panel concludes:

- That 27 Field Street, Bentleigh should be included in the Field Street Precinct (HO188) and graded 'Significant'.

5 Curtilage of the Field Street Precinct (HO188)

5.1 The issues

The issues are:

- whether the curtilage of the proposed Field Street Precinct should be extended to include 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon
- whether NCO3 and DDO4 should be retained on 26 Donaldson Street, 235 and 237 Jasper Road.

5.2 Evidence and submissions

Submission 6 supported the application of HO188 over 26 Donaldson Street, 235 and 237 Jasper Road because they were located on the edge of Field Street (and within the NCO which was proposed to be removed) and their inclusion was important to give the “*whole street protection*”. Submissions 3, 4, 5 and 8 sought the same outcome.

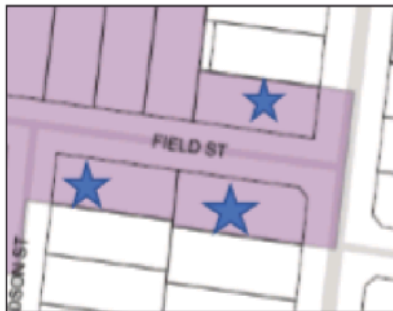
The evidence of Mr Reeves identified that Field Street constituted a cohesive streetscape of houses with their principal elevations to Field Street and that it was appropriate to exclude houses on corner sites with their principal elevations to other streets. He considered that the two houses fronting Jasper Road and 26 Donaldson Street did not make an important contribution to the Field Street streetscape. He identified that:

- 237 Jasper Road was dominated by a substantial hip-roofed second storey addition and a new hip-roofed brick garage built to the property line and did not provide an appropriate termination to the Field Street streetscape and in fact overwhelmed it
- the house at 26 Donaldson Street appeared to be altered with the current rendered brick surfaces was probably recent
- including the three properties would require consideration of the further expansion of the precinct to include other dwellings that might contribute to it (for example 233, 239, 241 and 243 Jasper Road and 20, 22 and 24 Donaldson Street).

In relation to the alignment of the NCO3 with HO188, Mr Reeves considered that there was no imperative for the Overlays to align as they have distinctly different purposes.

Council considered that the Heritage Overlay was the appropriate tool to apply to the precinct to recognise and protect its heritage values and that it was appropriate to remove the NCO3 and DDO4 to avoid an “*an unnecessary additional layer of control to the HO*”. Council’s post-exhibition changes propose to retain the NCO3 and DDO4 on 26 Donaldson Street, 235 and 237 Jasper Road as shown in Figure 5 until further heritage work is undertaken by Council.

Figure 5 26 Donaldson Street, 235 and 237 Jasper Road



Source: Council's Part A submission

5.3 Discussion

The Panel's inspection of the street identified a consistency of built form and materiality, styles represented (mostly from the 1920s and 1930s) roof form and setback (side and street). The Panel noted that while these interwar period dwellings showed some variations of the bungalow style in terms of use of brickwork detailing and rendering and roof arrangements this is common to the prevailing application of the style and its popular variations. While there are some later period (1940s) dwellings including 16 and 22 Field Street they are consistent with many of the Precinct's heritage characteristics (general form, roof pitch and materials and setbacks). While a variety of fence styles are present, they are predominantly low and do not significantly obscure dwellings or impact on the appearance of the Precinct.

The Panel supports the rationale of Mr Reeves to limit the extent of the Field Street Precinct to those properties that have direct frontage to it. While 26 Donaldson Street, 235 and 237 Jasper Road are visually connected to the Precinct, they are located to the eastern end of the Precinct and are altered or arranged so as not to demonstrate its significant heritage characteristics.

The proposed HO188 presents as a cohesive and readily discernible Precinct with all dwellings, other than the more recent development at 24 and 24a, demonstrating the identified heritage characteristics. The Precinct displays a high level of intactness comprising almost all of its original interwar or early post-war dwellings. It is appropriate to include 24 and 24a Field Street in the Precinct. Its development has responded reasonably well to the prevailing street character to the extent that it is visually neutral and does not interrupt or detract from it. The site's location within the centre of the Precinct requires its inclusion to ensure any future development can be managed to protect the integrity of the Precinct.

Council identified that:

... the NCO is used when an area exhibits specific characteristics that need to be protected or changed to achieve a preferred character and the DDO relates to specific design and development outcomes sought (specifically for front fences). The HO is used when a place has cultural heritage value and the objective is to conserve the existing building or buildings.

The Panel supports Council's post-exhibition changes to retain the NCO3 and DDO4 on the properties at 26 Donaldson Street, 235 and 237 Jasper Road and considers that the requirements of those overlays relating to fences, setbacks and design detail including roof forms and materials will ensure any new development at those sites will be undertaken in a manner that are complimentary and respectful to the heritage attributes of HO188. While

Council was not in a position to confirm when a future heritage review would be undertaken to consider the wider application of the Heritage Overlay it is reasonable to maintain the NCO3 and DDO4 on the three dwellings with secondary frontages to Field Street until that work is done. The Panel is comfortable that this change to the Amendment is not acceptable as it retains the existing controls as they apply to these sites and because Council notified the owners of its intention to retain them until further strategic work is undertaken.

Deleting NCO3 and DDO4 from the balance of the HO188 precinct is appropriate to avoid the replication of controls that offer no further protection or guidance than that provided for in the Heritage Overlay. DDO4 only relates to fences. The Panel supports the proposed minor changes to the schedules to NCO3 and DDO4 relating to references to Field Street and notes that this will not impact on 26 Donaldson Street, 235 and 237 Jasper Road. The Panel notes however, that the DDO4 title does not include all streets to which it applies (i.e. Jasper Road), it is clear through mapping where the control applies. This is a matter Council can review at a later time.

5.4 Conclusions and recommendations

The Panel concludes:

- 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon should not be included in the Field Street, Bentleigh Precinct (HO188).
- NCO3 and DDO4 should be retained on the properties at 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.

The Panel recommends:

Abandon the deletion of Design and Development Overlay Schedule 4 (DDO4) and Neighbourhood Character Overlay Schedule 3 (NCO3) from 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.

Appendix A Document list

No.	Date	Description	Provided by
1	3/07/2020	Email - Council correspondence with submitters	Council
2	28/08/2020	Email - Request to defer Hearing for further 2 weeks	"
3	14/09/2020	Council Part A submission and attachments	"
4	"	Expert witness statement of Mr Reeves	"
5	"	Aerial photos and streetscape images	"
6	21/09/2020	Council Part B submission	"
7	22/09/2020	Copy of Authorisation	"
8	"	Statement of Significance changes	"

Appendix B Panel's preferred version of the Field Street Precinct, Bentleigh Statement of Significance

Tracked Added

~~Tracked Deleted~~

Statement of Significance

What is Significant?

The Field Street Precinct, encapsulating properties at 1-37 and 2-30 Field Street, Bentleigh, comprises 35 detached dwellings along both sides of the street. This building stock consists almost entirely of single-storey brick and timber houses from the mid-1920s to the late 1930s; two more houses in similar styles appeared in the late 1940s, while the sole property of more recent origin is a pair of strata titled 1990s dwellings at No 24/24a.

Field Street forms part of the large and ambitious *Garfield Estate*, a 221-lot residential subdivision extending between Jasper Road and the railway line, created in 1924 from the former market gardens of the eponymous Garfield Brothers.

How is it Significant?

The Field Street Precinct is significant for its ability to demonstrate a pattern of Glen Eira's cultural history, and for exhibiting particular aesthetic characteristics.

~~The Field Street Precinct satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Glen Eira planning scheme:~~

- ~~• Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history.~~
- ~~• Criterion E: Importance in exhibiting particular aesthetic characteristics~~

Why is it Significant?

Historically, ~~t~~The Field Street Precinct is associated with the *Garfield Estate*, a substantial residential subdivision that was laid out in 1924 and developed rapidly over the next fifteen years. Comprising more than two hundred allotments, the *Garfield Estate* was one of the largest and most ambitious of several local residential subdivisions created in the 1920s from former market gardens, taking advantage of the electrification of the railway line in 1922. The houses along Field Street, two of which date back as far as 1926, represent the most intact cluster of original pre-war residences within the entire extent of the *Garfield Estate*.
(*Criterion A*)

Aesthetically, ~~t~~The Field Street Precinct is significant as a notably intact inter-war residential streetscape in Bentleigh. Most houses, dating from c1925 to c1935, are demonstrative of the prevailing bungalow idiom of the time: single-storey detached brick or timber dwellings with tiled roofs and asymmetrical facades with front porches. Unified by a consistency of form and materials, they also show individuality through different window, porch and decorative treatments. They are complemented by slightly later brick houses in the Tudor Revival and Moderne idioms. Consistent in scale, form, setback and materials, the houses in Field Street combine to form cohesive inter-war residential streetscape that represents a rare survivor in the Bentleigh area. This is enhanced by their setting, including front gardens with open lawns, garden beds and low plantings along street boundaries, many of which are marked by brick or timber fences that, if not original, are evocative of the inter-war era.
(*Criterion E*)

8.8 GLEN EIRA SUSTAINABILITY REPORT 2019-20

Author: Kim Le Cerf, Manager Climate and Sustainability

Trim No: 20/1287907

Attachments: 1. *Glen Eira Sustainability Report 2019-20* [↓](#)

PURPOSE AND SUMMARY

To report on progress towards the priorities in the *Environmental Sustainability Strategy 2016-2021* through the *Glen Eira Sustainability Report 2019-20*.

RECOMMENDATION

That Council notes the *Glen Eira Sustainability Report 2019-20*.

BACKGROUND

The *Environmental Sustainability Strategy 2016-2021* (ESS) sets out how we will improve environmental sustainability from Council operations and how we will support and advocate on behalf of the community.

A report is prepared annually to track progress against performance indicators for climate change, recycling and waste, biodiversity and water and to highlight key achievements from the year.

ISSUES AND DISCUSSION

Each year an Action Plan is developed to put ESS recommendations into practice. As reported to the Ordinary Council Meeting on 21 July 2020, significant progress has been made against the 98 actions in the ESS 2019-20 Action Plan, with 89 actions complete, eight in progress, and one incomplete.

The *Glen Eira Sustainability Report 2019-20* provides a summary of the key achievements from the implementation of those actions and reports on changes to the sustainability performance indicators. The format of this report has changed from previous year, to a more engaging document to share and celebrate our successes with the community.

Council continues to improve the sustainability performance of our operations and support the community to live more sustainably. This is reflected in the changes to the indicators when compared to 2018-19, such as:

- Greenhouse gas emissions from Council operations decreased by 10 per cent.
- Number of households with rooftop solar systems increased by 438 to a total of 4,995 in Glen Eira.
- Food and garden waste recycling increased by 15 per cent.
- Planted 1,000 more trees, with 43 per cent being indigenous or native species.
- Water consumption from Council operations decreased by 24 per cent.

Key achievements that have led to these results include:

- Installing smart photo electric cells on 205 streetlights, allowing the lights to be remotely dimmed, which has halved electricity use. This project is an Australian first and is now paving the way for other Councils to install smart street lighting technology.

- Adapting our community education program to be delivered online, with 21 free webinars as part of a sustainable living series, in partnership with Cities of Port Phillip, Stonnington and Yarra. Over 1,300 people participated in the series.
- Trialing a weekly green bin, fortnightly red bin collection for approximately 1,000 households in McKinnon and Ormond. Given the success of the trial, this frequency change will now be rolled out across the municipality from 1 July 2021.

Further achievements are detailed in the *Glen Eira Sustainability Report 2019-20*.

Climate Emergency declaration

Significantly Council declared a climate emergency in May 2020, committing to stronger climate action. To support this raised ambition, Council also set new emissions reduction targets of zero net emissions by 2025 for Council operations and zero net emissions by 2030 for the community.

Given the ESS is due to expire in June 2021, Council resolved to develop a new strategy for 2021-2025 to respond to the climate emergency declaration and new emissions reduction targets.

Progress towards emissions reduction targets

Zero net emissions by 2025 for Council operations (previously by 2030)

Emissions from council operations have reduced by 27 per cent since the baseline year of 2014-15.

A key project currently underway is the Local Government Power Purchase Agreement, with Glen Eira joining 46 other councils to purchase 100 per cent renewable electricity from 1 July 2021. This will reduce emissions by a further 67 per cent and Council will be on track to meet the new target of 2025.

Zero net emissions by 2030 for community (previously by 2050)

Emissions from the community reduced by three per cent from 2017-18 to 2018-19. These emissions will be measured again in 2020-21. Given the significant change in the emission reduction target from 2050 to 2030, the new strategy will consider what actions need to be taken to achieve the new target.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Development of the *Glen Eira Sustainability Report 2019-20* report is undertaken using the existing resources.

POLICY AND LEGISLATIVE IMPLICATIONS

This report is part of the monitoring and reporting on Council's *Environmental Sustainability Strategy 2016-2021*.

COMMUNICATION AND ENGAGEMENT

The ESS was adopted in 2016 and was developed based on extensive community engagement and consultation.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Four: Clean and Sustainable

An attractive and sustainable environment for 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

Council has delivered many of the key priorities in the ESS, which is evident by progress against our emissions reduction targets and sustainability performance indicators. This is detailed in the *Glen Eira Sustainability Report 2019-20*.

A significant decision of Council in 2019-20 was the declaration of a climate emergency and the setting of new emissions reduction targets. A new strategy is currently being developed to outline Council's commitment to stronger climate action, building on the progress already made in recent years.



A message from the Mayor

Welcome to our *Glen Eira Sustainability Report 2019–20*. This annual report shows you how we are working towards achieving priorities set out in our *Environmental Sustainability Strategy 2016–2021*.

This *Report* highlights our key achievements over the past 12 months.

On 5 May, I was proud to be part of the City of Glen Eira's declaration of a climate emergency. We also set ambitious new carbon emissions reduction targets of zero net corporate emissions by 2025 and zero net community emissions by 2030.

In 2019–20 we reduced our corporate carbon emissions by 10 per cent, when compared with 2018–19. We also decreased our water usage by 24 per cent.

During the year, we delivered a range of programs including a smart street lighting trial — which was an Australian first; installed 19 solar photovoltaic systems on Council facilities; delivered a successful plastic-free Elsternwick trial; and launched a new *Nature Next Door* citizen science program. We also saw an 11 per cent increase of food scraps recycled in green bins by weight.

This *Report* highlights further sustainability achievements across our four themes of climate change, recycling and waste, biodiversity and water.

We look forward to the next 12 months and working in partnership with the community on strong action on climate change and developing the next *Environmental Sustainability Strategy* with our climate emergency response at its core.

Cr Margaret Esakoff

Glen Eira Mayor



WE DECLARED A CLIMATE EMERGENCY

Glen Eira City Council has joined the growing movement calling for urgent action to address climate change.

We're committed to addressing the local impacts of climate change and calls on the State and Federal Governments for stronger emission reduction targets.

In the past year, we heard from many community members who urged us to commit to stronger climate action and declare a climate emergency.

We'll now build on the great progress we've already made to reduce carbon emissions from our own operations and to support community members to cut their carbon footprint.

To do this, we're developing a new *Environmental Sustainability Strategy* with our ambitious carbon emissions reduction targets at its core.

By working together, we can build a more sustainable world.



Cover image: Mallanbool Reserve, Murrumbidgee.

CLIMATE CHANGE

KEY ACHIEVEMENTS

- Installed smart photo electric cells on 205 street lights, allowing the lights to be remotely dimmed. This was an Australian first.
- Installed solar photovoltaic systems on 19 Council buildings, bringing the total amount of rooftop solar capacity to 1,025kW. That's enough to power 114 homes for one year.
- Upgraded 1,326 street lights to energy-efficient LEDs.
- Joined Climate Emergency Australia to advocate for stronger action on climate change.
- Included an energy-efficient all-electric building in the design for the Carnegie Swim Centre redevelopment. The building can be powered completely by renewable energy.
- Developed a *Parking Policy* that incentivises public transport use and provides for electric vehicle public charging stations.
- Advocated for better public transport routes and connections, including new light rail services and a new premium bus service in Bentleigh East.
- Developed *Walking and Cycling Action Plans*.
- Delivered free energy-efficiency advice and access to trusted installers through the Australian Energy Foundation.
- Offered two bulk-buy programs to enable the community to purchase solar photovoltaic systems (PV). Fifteen solar PVs have been installed through the programs in 2019–20.
- Partnered with three other councils to deliver 21 free sustainable living webinars. More than 1,300 people participated.



Council's average annual electricity use in 2019–20 was 4.7 megawatt hours (MWh) per year up from 4.5 MWh in 2018–19.

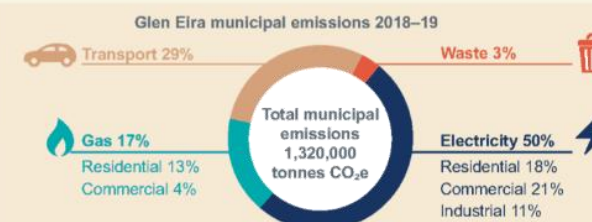
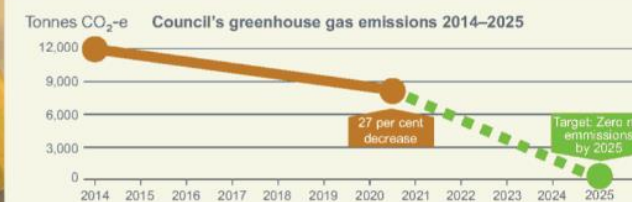
We purchase 1.9 million megawatt hours of GreenPower each year.

REDUCING COUNCIL'S GREENHOUSE EMISSIONS

Between 2012 and 2019, we upgraded 6,600 streetlights to energy-efficient T5 fluorescents and LEDs. An independent analysis found that these upgrades have cut Council's street lighting energy consumption roughly in half.

We've saved \$2.58 million in energy and maintenance costs, and by 2040, cumulative savings will be \$19.02 million. We've also avoided 9,357 tonnes of carbon dioxide. This is equivalent to 2,022 passenger vehicles driven for one year.

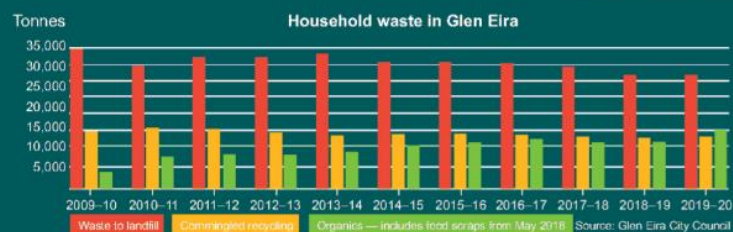
We've reduced corporate greenhouse gas emissions by 27 per cent since our baseline year (2014–15). In 2019–20, Council generated 8,400 tonnes of carbon dioxide.



RECYCLING AND WASTE

KEY ACHIEVEMENTS

- Sent less food and garden waste to landfill in 2019–20 with 15 per cent more food and garden waste recycled through the green bin when compared with 2018–19.
- Diverted an estimated 903 tonnes of food waste from landfill, preventing 1,715 tonnes of carbon dioxide entering the atmosphere.
- Delivered 1,400 kitchen caddies to Glen Eira residents.
- Partnered with 18 local businesses in a plastic-free Elsternwick trial that eliminated 25,446 pieces of single-use plastics.
- Recycled 5.7 tonnes of items deposited in e-waste collection stations across all Glen Eira libraries.
- Published our *Plastic-free Events Guide* to provide alternatives to single-use plastics that are commonly used at events.
- Installed dog agility equipment made from recycled plastic at The Wedge — Pawfield Park, Glen Eira's new dog park.
- Replaced old concrete drains at four sites across Glen Eira. These old drains were crushed and the material used as backfill around the new drains.



Commingled recycling 23%
12,706 tonnes



Food and garden waste 26%
14,737 tonnes

Garbage 51%
27,920 tonnes



Since our food scrap recycling program began in 2018 we have given out more than 16,400 caddies to Glen Eira residents.

Food scrap recycling in 2019–20 accounts for an estimated 903 tonnes of household waste being diverted from landfill.

WEEKLY GREEN BIN AND FORTNIGHTLY RED BIN TRIAL

In May 2018, we introduced food scrap recycling to its existing fortnightly green bin collection service. With food scraps diverted to the green bin and less waste in their red bin, many residents asked us to move to a weekly green bin collection to reduce odours and better support their recycling habits.

A trial to test a weekly green bin and fortnightly red bin collection started on 29 October 2019 for 917 households in McKinnon and Ormond. The trial helped us measure how a change in frequency impacts the total amount of waste we send to landfill and the level of contamination in the green and yellow bins.

We conducted waste audits in March and June 2020 and compared the results with a baseline audit we completed in September 2019 before the start of the trial. The audit results presented below were impressive.



91%
increase in the amount of food scraps in green bins.



11%
increase in food scraps recycled in green bins across Glen Eira.

28%
reduction in the amount of waste sent to landfill.



46%
reduction in the amount of recyclables placed in red bins.



30%
reduction in the amount of contamination in yellow bins.



= 3%
contamination of green bins.

Main Image: Composting food and garden waste

BIODIVERSITY

KEY ACHIEVEMENTS

- Planted 1,000 more trees, including at the new urban forest at Booran Reserve.
- Delivered the *Nature Next Door* citizen science program.
- One hundred and thirty four people joined the *Neighbourhood Sustainable Gardening Program* with garden tours, food swaps, workshops and webinars held.
- Partnered with Caulfield South Community Garden to deliver monthly food swap events and gardening talks.
- Grew 100 River Red Gum seedlings from seeds collected from trees removed as part of the Hughesdale Level Crossing Removal project.
- Held a community workshop on biodiversity values in Glen Eira.
- Provided Indigenous trees and shrubs to 15 local schools as part of *Schools Tree Day 2019*.
- Drafted the Classified Tree Local Law and Classified Tree Register.



Almost half (43%) of all new trees and shrubs planted were indigenous or native species. There are few indigenous and native tree species that are suitable to plant in nature strips, which is where most new plantings occur in Glen Eira.



The community can nominate trees for inclusion in Glen Eira's Classified Tree Register.

Trees placed on the Register are protected from indiscriminate damage and this will ensure that they continue to contribute to the local identity and environment of our City.

NATURE NEXT DOOR CITIZEN SCIENCE PROGRAM

Our *Nature Next Door* citizen science program encourages the community to protect and enhance our biodiversity, and contribute to national scientific data.

The presence of fauna, and certain types of fauna, in certain areas gives us an indication of the health of our environment. Our birds, bees, insects, butterflies and frogs are like a barometer for nature.

Nature Next Door involved a great partnership with the National Trust. We created pollinator observatories at Rippon Lea Estate and ran community workshops, a bird tour and teachers' professional development events. We also offered rentable nature explorer backpacks through our libraries, a biodiversity map and a bug hunt data sheet. State and national citizen science programs, like the *Aussie Backyard Bird Count* and the *Wild Pollinator Count*, were also promoted.

Main image: A praying mantis discovered during the *Nature Next Door* program.

WATER

KEY ACHIEVEMENTS

- Reviewed irrigation watering schedules regularly to reduce the amount of water applied to sportsgrounds that are used less frequently.
- Reviewed our centrally controlled irrigation system and installed new flow sensors.
- Audited underground watering systems and fixed pumps and leaks.
- Trialled Tiff Tuff Couch, a new variety of warm season grass.
- Supported litter prevention community groups, like Love Our Street, by promoting their events and the formation of new groups.
- Installed water-efficient taps and toilets at the new Moorleigh Village Community Shed.
- Included rainwater harvesting and water efficient fixtures in the design for the new Lord Reserve Pavilion.
- Included raingardens in the design of Bentleigh Eat Street to help to capture, filter and clean stormwater.



WATER PURIFICATION IMPROVEMENTS AT BOORAN RESERVE

New water purification technology installed at Booran Reserve in Glen Huntly has reduced both energy and water use.

The new system replaced a chlorine-based system and uses ultraviolet (UV) light to purify the water used in the waterplay fountains.

The new UV system uses less potable water and the number of water change cycles has decreased.

We are balancing water conservation with the provision of safe, interesting and fun waterplay areas. This also allows us to adapt to the local impacts of climate change.



In 2019–20 we decreased our corporate water use by 24 per cent, when compared with 2018–19 usage.

Council's corporate water use 2009–10 to 2019–20



Source: Glen Eira City Council

* 2012–13 increased water use attributed to the opening of Glen Eira Sports and Aquatic Centre's swimming pools.



Average household water use decreased by two per cent in 2019–20.

The average Glen Eira resident uses 172 litres of water per day which is slightly higher than the state target of 155 litres per person per day.



GLEN EIRA
CITY COUNCIL

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield

Mail address: PO Box 42

Caulfield South, 3162

Phone: (03) 9524 3333

Fax: (03) 9523 0339

mail@gleneira.vic.gov.au

www.gleneira.vic.gov.au

National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscc.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

Social media

Glen Eira City Council:

www.facebook.com/GlenEiraCityCouncil

@cityofgleneira:

www.instagram.com/cityofgleneira

Glen Eira arts, gallery and events:

www.facebook.com/gleneiraarts

Glen Eira Leisure:

www.facebook.com/GESACOnline

<https://www.instagram.com/gleneiraleisure>

www.twitter.com/GESACOnline

Glen Eira Libraries and Learning Centres:

www.facebook.com/GlenEiraLibraries

<https://www.instagram.com/gleneirallibraries>

Glen Eira Maternal and Child Health:

www.facebook.com/GlenEiraMaternalandChildHealth

Glen Eira sustainable living:

www.facebook.com/sustainablelivinggleneira

Glen Eira Youth Services:

www.facebook.com/GlenEiraYouthServices

www.instagram.com/gleneirayouthservices

8.9 RIPPON LEA ESTATE ACCESS AGREEMENT

Author: Andrew Barden, Manager, Recreation and Open Space

Trim No: 20/1277280

Attachments: 1. *Rippon Lea Agreement Programs and Events* [↓](#)

PURPOSE AND SUMMARY

The purpose of this report is to outline the terms of a proposed agreement between Glen Eira City Council and the National Trust of Australia (Victoria) (NTAV) and to seek Council's approval to enter into that agreement.

The proposed agreement provides Glen Eira residents with free access to the Rippon Lea Estate gardens in addition to opportunities to participate in a range of additional programs and events that align with Council plans and priorities. This follows a successful three year trial agreement which expires on 22 January 2021.

RECOMMENDATION

That Council:

1. authorise officers to enter into a further three-year agreement with the National Trust of Australia (Victoria)(NTAV); and
2. endorses the payment of \$250,000 per annum to the National Trust of Australia (Victoria)(NTAV) for the next three budget cycles.

BACKGROUND

Rippon Lea Estate is a heritage property that is owned and run by the NTAV. The property located in Elsternwick covers 14 acres, and was once much more extensive but was progressively subdivided in the early 1900's for the surrounding residential areas.

Rippon Lea Estate has extensive gardens and the mature tree canopy contributes significantly to the landscape character of the area. The gardens are popular for events and include large open lawns, feature planting, a lake, a children's playground, kitchen gardens and orchards. While Rippon Lea Estate is an important landmark feature in Glen Eira, it is not publicly owned and is not reserved primarily for recreation purposes.

Under Council's *Open Space Strategy Refresh 2020*, Rippon Lea Estate is located in open space gap area E1. It is also located in close proximity to Elsternwick Urban Village which has a significant population growth forecast. In addition to responding to gap areas and population growth, the Estate gardens are largely untouched from their original establishment and are heritage listed. This provides visitors with a very different experience to many other parks and reserves within Glen Eira. Open Space has a vital role to play for both physical and mental wellbeing; this has never been more evident than in 2020 where our Parks and Reserves have been heavily utilised by residents to be active and social.

In January 2018, Council entered into a three year trial agreement with the NTAV. The agreement has provided Glen Eira residents with free access to the Rippon Lea Estate (Garden entry only) in addition to providing access to the gardens four times per year for activities under Council's Arts and Culture and Sustainability programs. In return, Council has made an annual contribution of \$250,000. The financial contribution has provided funds for garden maintenance, infrastructure projects and garden staff.

At the 28 July 2020 Assembly Meeting, National Trust CEO, Simon Ambrose provided Councillors with an overview of that agreement, including the purpose and terms of the agreement; visitation data; and additional events provided to Glen Eira residents. It was reported that in the twelve months to July 2020, Glen Eira residents' access to Rippon Lea Estate continued to grow strongly. Over the period of the agreement, there had been a significant increase in the number of household access passes issued. The National Trust also collaborated with Council to deliver a number of programs and initiatives, including morning tea for Carers Week; a new 'Botanica' event; Glen Eira Storytelling Festival; and Council's citizen science program 'Leap in Nature'. It is reported that these events saw high levels of participation from residents.

At recent Assembly meetings, Councillors have indicated their support for a new agreement to be entered into at the expiry of the trial agreement. It was identified that the new agreement should include additional deliverables that would increase visitation by Glen Eira residents; add value to the relationship between Council and the National Trust; and ensure ongoing value in return for Council's investment.

Officers have liaised with the NTAV over recent months to establish terms and conditions of a new agreement to commence 23 January 2021. The proposed agreement includes a series of programs and event deliverables detailed (see attachment 1). The focus of the deliverables is aligned with sustainability and biodiversity outcomes; offers a range of social, health and wellbeing outcomes; and aligns with relevant Council plans and strategies, including:

- Glen Eira Council and Community Plan 2017 – 2021
- Open Space Strategy 2020
- Municipal Public Health and Wellbeing Plan 2017 – 2021
- Environmental Sustainability Strategy 2016 – 2021
- Disability Action Plan 2017 – 2021
- Local Economy and Placemaking Action Plan 2020 – 2025
- Reconciliation Action Plan 2018 – 2020

Terms of the Agreement

Benefits for Residents

The agreement entitles Glen Eira residents to:

- Free access to the Rippon Lea Estate gardens upon presentation of a Household Access Pass issued by the NTAV (passes are issued upon presentation of evidence of residency);
- Access to ticketed events at a discounted rate; and
- Access to participate in the programs and events identified in attachment 1, free of charge or at a discounted rate.

NTAV Obligations

Under the agreement, the obligations of the NTAV includes but is not limited to:

- Organising and delivering the agreed programs and events detailed in attachment 1;
- Consulting with Council and other relevant organisations and community groups in planning, organising and delivering the programs and events detailed in attachment 1;

- Working with Council and community groups to innovate new events and programs which will provide new or enhanced benefit to residents;
- Working with Council to identify opportunities to improve wayfinding to the Estate
- Developing a procurement policy by which the NTAV will prioritise local businesses and services, where practicable; and
- Utilising NTAV's website, social media and other advertising streams to raise awareness of the benefits and opportunities available to residents under the agreement.

Reporting and Consultation

Within three months of the commencement date, and annually prior to the anniversary of the commencement date, the NTAV must submit to the Council a schedule of programs and events for the coming year. The NTAV is required to record and collate visitation data, ticketed event data and data related to participation in the programs and events by Glen Eira residents. Every six months, the NTAV CEO will provide Council with a report comprised of data recorded, the delivery of the schedule of programs and events, progress made under the operation of the agreement and any matters arising.

COVID-19 Considerations

The agreement requires the NTAV to develop and implement a COVID safe plan that is compliant with all applicable and regulatory requirements and guidelines and which makes provision for the safe attendance of residents to the Estate. The agreement also considers the effect of a COVID-19 event and requirements of both Council and the NTAV whereby their ability to perform its obligations of the agreement is impacted.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

A commitment of \$750,000 (\$250,000 per annum) will be required over the next three-year budget cycles.

POLICY AND LEGISLATIVE IMPLICATIONS

N/A

COMMUNICATION AND ENGAGEMENT

Free access to Rippon Lea Estate gardens and additional opportunities, programs and events will be communicated to Glen Eira residents through Council's website, Glen Eira News and social media. The NTAV will also engage the community and promote these benefits and opportunities through their own platforms, including their website and social media.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Three: Safe, Healthy and Inclusive

A strong and safe community that connects people and enhances health and wellbeing.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The proposed agreement with NTAV ensures Glen Eira residents will continue to enjoy free access to a unique open space. In addition, residents will have the opportunity to participate in a range of programs and events with a focus on outcomes relating to sustainability and biodiversity; arts and culture; and health and wellbeing. This follows a successful three year trial agreement which saw high visitation levels from Glen Eira residents. The additional programs and events detailed in the proposed agreement will add value to the current relationship between Council and the NTAV; and ensure ongoing value in return for Council's financial investment.

*Attachment 1***Council Programs and Events**

Programs and events which are Council funded and delivered at Rippon Lea Estate:

Program/Event	Deliverable
Nature Next Door - Citizen Science Program	Continue to collaborate to deliver the Nature Next Door Citizen Science program. Themes identified include bird watching, bees and pollinators, water life and microbes.
Storytelling Festival event	The NTAV to continue to provide free use of a venue at Rippon Lea Estate for an annual Glen Eira Storytelling Festival event.
Glen Eira Carols event	Explore opportunities for the annual Glen Eira Carols event to be held at the Estate.
In Conversation events	Council's Arts and Culture team to work with the NTAV to deliver 'In Conversation' events. Proposed themes include Home Gardening and Backyard Veggie Growing. The first of these events focusing on the history of the Estate is scheduled for October 2020.
Little Seeds and Reads Library	Locate a Little Seeds and Reads Library at the entrance to the Estate. This is a new Council initiative that encourages the community to share seeds, seedlings, produce and reading material on gardening and growing food. The libraries are scheduled to be provided at a number of locations from 2021.
Active Communities - Group fitness Classes	Glen Eira Leisure to deliver a weekly group fitness class such as yoga or Tai Chi at the Gardens as part of the Active Communities in Parks program. To be delivered during November, February and March.
Communities for All Abilities - Work Experience Opportunity	Rippon Lea to provide a horticultural work experience opportunity for a young person with a disability through Council's Community for All Abilities program. Timing and scheduling will be dependent on the needs of the client (e.g. one day per week, half day per week) for an agreed period annually.
Older Adults Explorers Program tour	The Explorers program will be invited to tour the grounds of the Estate with a volunteer guide to learn the social history of the property and include a social gathering with refreshments. It is proposed to schedule up to two tours per year.
Local Traders Showcase Event	Explore opportunities to hold a Local Traders Showcase event at the Estate, to showcase the attractions and personality of Glen Eira's activity centres. The event will be delivered by Council in conjunction with the Traders Associations.

National Trust Programs and Events

Programs and events which are to be delivered by the National Trust:

Program/Event	Deliverable
Aboriginal Cultural Heritage and Community Engagement	The NTAV will engage their advocacy team to collaborate with the Council to develop a program of community engagement opportunities focusing on aboriginal cultural heritage to advance actions within the NTAV's and Council's Reconciliation Action Plan.
Carers Week Afternoon Tea	Glen Eira carers will be invited to an afternoon tea on the Western Verandah followed by a tour of the Estate. Scheduled for Autumn 2021.
Walking Tours	Work with Council's History and Heritage Team to develop a walking tour based on the former extent of Rippon Lea's boundaries and how the Estate sat in the local community.
Botanica Garden Festival	Botanica is a community outdoor event focusing on gardening, sustainability and the general outdoor environment of the Estate. Council's Sustainability team contributed strongly to the event in 2019 and will be invited to return in 2021. Entry into Botanica is free for Residents and held during Autumn.
Water at Rippon Lea and the Glen Eira area – app development	The NTAV is currently developing an Interpretation Plan around Rippon Lea's historic water management system with plans to expand this into mapping of the development of water throughout the area's history to include Indigenous significance, flooding history and drainage planning. Potential to expand content into apps development available for residents.
Exclusive Evenings for the Glen Eira community	Residents and NTAV members will have exclusive evening access into the grounds of the Estate during the warmer months of the year. Local musicians will be invited to perform on the central lawn. Possibility of refreshments available for purchase. Residents are encouraged to picnic on the grounds. Proposed to run on the 1 st and 3 rd Thursday of the month from 5.30 until 7.30 pm commencing December 2020.
Victorian Seniors Festival Event	Senior members of the Glen Eira community will be invited to an afternoon garden party on the main lawns of the Estate with light refreshments served as part of the annual Victorian Seniors Festival.
Ikebana Workshops (Japanese art of flower arrangement)	Residents will have the opportunity to attend free Ikebana workshops held within the Rippon Lea Studio. Members will have the opportunity to gather material from the grounds and learn how to arrange these under the instructions of an experienced Ikebana artist. Scheduled for February – April 2021.
Garden Based Workshops	Develop a range of garden workshops hosted by our garden team, either exclusively for or at a discounted rate for Residents. Themes such as propagation, pruning and plant identification are proposed.
Honey Fingers Beekeeping	Partnering with Honey Fingers to keep bee hives on the Estate and run educational programs around beekeeping, honey production, pollination etc. Scope to run exclusive sessions for Residents. Commencing October 2020.
The Gruffalo Trail	Increase promotion of the existing Gruffalo Trail interactive experience at the Estate with focus on Children's Week and school holiday periods.

Other Community Programs and Events

Programs and events delivered by other local community organisations:

Connect Health Community Walking Group	Members and associates of the Connect Health walking group will be invited to tour the grounds with a volunteer guide to learn about the social history of the property. Light refreshments will be served. Scheduled once per month, all year round.
Rotary Club of Glen Eira	The Rotary Club of Glen Eira will be invited to return to the Estate to run sausage sizzles on the main lawn during weekend days from December 2020 – March 2021. The cost of a sausage or other BBQ item is kept to a minimum so that community members may enjoy the BBQ whilst walking the grounds of the Estate. Revenue is invested back into the community via the Rotary Club.
Glen Eira Combined Probus Club	Members of the Glen Eira combined Probus Club will be invited for a tour of the gardens with a member of the National Trust gardening team. The tour taking around 45 minutes will explore both the social and horticultural history of the Estate. Scheduled all year round on the first Tuesday morning of the month.
Glen Eira Cheltenham Art Group	Members of the Glen Eira Cheltenham art group have been invited to visit the property to explore the grounds. The group will internally coordinate art classes within the day experience. Scheduled all year round with selected dates booked.
Glen Eira Dad's Group	The Glen Eira Dads group have been invited to visit the grounds on dates to be confirmed. A space will be reserved on the grounds and light refreshments coordinated by the group.
Caulfield Photographic Society	Members of the Caulfield Photographic Society are invited to visit the Estate during selected dates. Members will be encouraged to utilise the Rippon Lea Instagram account to share and display their images.

8.10 COMMUNITY SPORTS INFRASTRUCTURE LOAN SCHEME APPLICATION

Author: Karen Oh, Corporate Accountant

Trim No: 20/1286938

Attachments: Nil

PURPOSE AND SUMMARY

To approve an application for discounted financing through the State Government's 2020 Community Sports Infrastructure Loans Scheme.

RECOMMENDATION

That Council resolves to approve the lodgement of an application for a loan of \$10 million under the 2020 Community Sports Infrastructure Loans Scheme for partial funding of the Carnegie Swim Centre upgrade, and if successful, will refer the associated funding for consideration as part of the 2021-22 Budget deliberations.

BACKGROUND***Loan Scheme***

The State Government – Sport and Recreation Victoria (SRV), has announced a package of low interest loans designed to support the delivery of significant community sports infrastructure projects. This is a once-off loan offer with no guarantee that it will be repeated in future years.

The loan scheme will provide access to low interest rate loans from Treasury Corporation of Victoria (TCV). The triple-A credit rating currently held by Victoria means that the state can borrow money at cheaper rates than are commercially available. Successful projects will receive interest subsidies to reduce the interest rate by 50 per cent of the applicable interest rate, up to a maximum of 250 basis points (or 2.5 per cent).

Intent and Criteria of Loan Scheme

The intent of the loans are to:

- Support the delivery of community sporting infrastructure that will increase participation opportunities for Victorians, placing a focus on areas of disadvantage and underrepresented groups.
- Encourage organisations such as local government to bring forward community sport and recreation infrastructure delivery.
- Increase opportunities for investment in the delivery of community sport and recreation infrastructure.
- Encourage a collaborative approach to the delivery of community sport and recreation infrastructure.

Applications are being assessed on whether:

- The primary beneficiary is the community;
- They directly lead to increased recreation participation opportunities;
- The project delivers long-term benefits to the community; and
- Is well planned and well designed.

In addition, projects must be started within 18 months and completed in 36 months of the loan agreement.

ISSUES AND DISCUSSION

To apply for a loan under the *Community Infrastructure Loans Scheme* ('Scheme'), a Council resolution is needed to support the loan application.

Officers have identified that the Carnegie Swim Centre project, currently in the design phase, is the only project to meet all the criteria of the Scheme.

It is proposed to apply for a \$10 million loan, being the maximum allowed per organisation.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Loans assessed through the Scheme will be provided at TCV's borrowing rate at the date of the loan execution. This Scheme then provides a 50 per cent subsidy on the interest rate.

The loan facilities to be provided by TCV will be:

- A short-term loan facility during the construction period, payable monthly. This loan facility is interest only and the interest rate is variable.
- Upon construction completion, Council will be required to structure the total loan amount as regular repayment instalments of principal and interest. The maturity date and interest rate are fixed for the term of the loan.

The maximum amount Council can apply for through this Scheme is \$10 million. Loans will be secured against the general rate revenue of Council.

By utilising the State Government loan scheme, Council can receive funds at a discounted finance cost of up to 2.5 percentage points off the market interest rate. Over the life of the loan(s) the savings in borrowing costs may be up to \$2.25 million (over 15 years).

Council's adopted Strategic Resource Plan (SRP) allowed for \$60 million in loan borrowings, commencing in 2021-22. This Scheme enables Council to borrow funds that have been included in the SRP, at a large discount to rates that would be commercially available to Council through other funding sources and provides significant expenditure savings.

POLICY AND LEGISLATIVE IMPLICATIONS

Part 4 Planning and Financial Management of the *Local Government Act 2020*.

COMMUNICATION AND ENGAGEMENT

Council officers consider other plans and strategies regarding services and initiatives which commit financial and non-financial resources for the current and future years.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Access to the *2020 Community Sports Infrastructure Loans Scheme* for discounted loans will provide significant funding benefits to Council.

8.11 CREATION OF EASEMENT - MARLBOROUGH RESERVE

Author: Jeanette Blackwood, Property Consultant

Trim No: 20/1262488

Attachments: 1. *Marlborough Reserve Creation of Easement* [↓](#)
2. *Locality Plan Marlborough Reserve* [↓](#)

PURPOSE AND SUMMARY

The purpose of this report is to seek Council approval to give public notice of a proposal to create an easement over part of Marlborough Reserve in favour of United Energy and, to hear any submissions in accordance with sections 189 and 223 of the Local Government Act 1989 (the Act).

RECOMMENDATION

That Council directs that:

1. the statutory procedures be commenced pursuant to section 189 of the *Local Government Act 1989* ("the Act") to create an easement in favour of United Energy over Marlborough Reserve, more particularly described as part of certificate of title volume 7891 folio 036, shown on the attached plans, in Attachment 1 and 2; and
2. as part of the statutory procedures, place a public notice of the proposed creation of easement in the Age newspaper and on Council's website; and
3. following completion of the public notification process:
 - a) in the event that no submissions are received, a further report will be provided to Council to determine whether or not to create the easement; or
 - b) in the event that submissions are received, Council considers the submissions at a future Council meeting, including hearing any submitters who request to be heard as part of their submission and then determine whether or not to create the easement.

BACKGROUND

In order for the development of the new Victorian School Building Authority's McKinnon Secondary College to progress, it is necessary to create an easement over the Marlborough Reserve to provide suitable servicing of the nearby child care site.

Therefore, the developer has requested the creation of an electrical easement in favour of United Energy. The attached plans show the location of the easement across Council's land, circled in red. The easement will encumber 3.8 square metres of Council land.

It is appropriate that Council give public notice of the proposal to create an easement over the land in accordance with sections 189 and 223 of the *Local Government Act 1989*.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The developer of the land will be responsible for all costs associated with the creation of easement including survey and legal costs.

POLICY AND LEGISLATIVE IMPLICATIONS

It is proposed that the easement would be created under the *Planning and Environment Act 1987* and *Subdivision Act 1988* and the application for the creation of easement has been lodged.

COMMUNICATION AND ENGAGEMENT

Prior to deciding whether to proceed or not with the proposed creation of easement, Council must in accordance with section 189 and 223 of the Act:

- give public notice of its intention to create the easement in the appropriate newspapers and on Council's website;
- invite submissions from affected parties; and
- invite submitters (if any) to be heard by Council in support of their submission.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

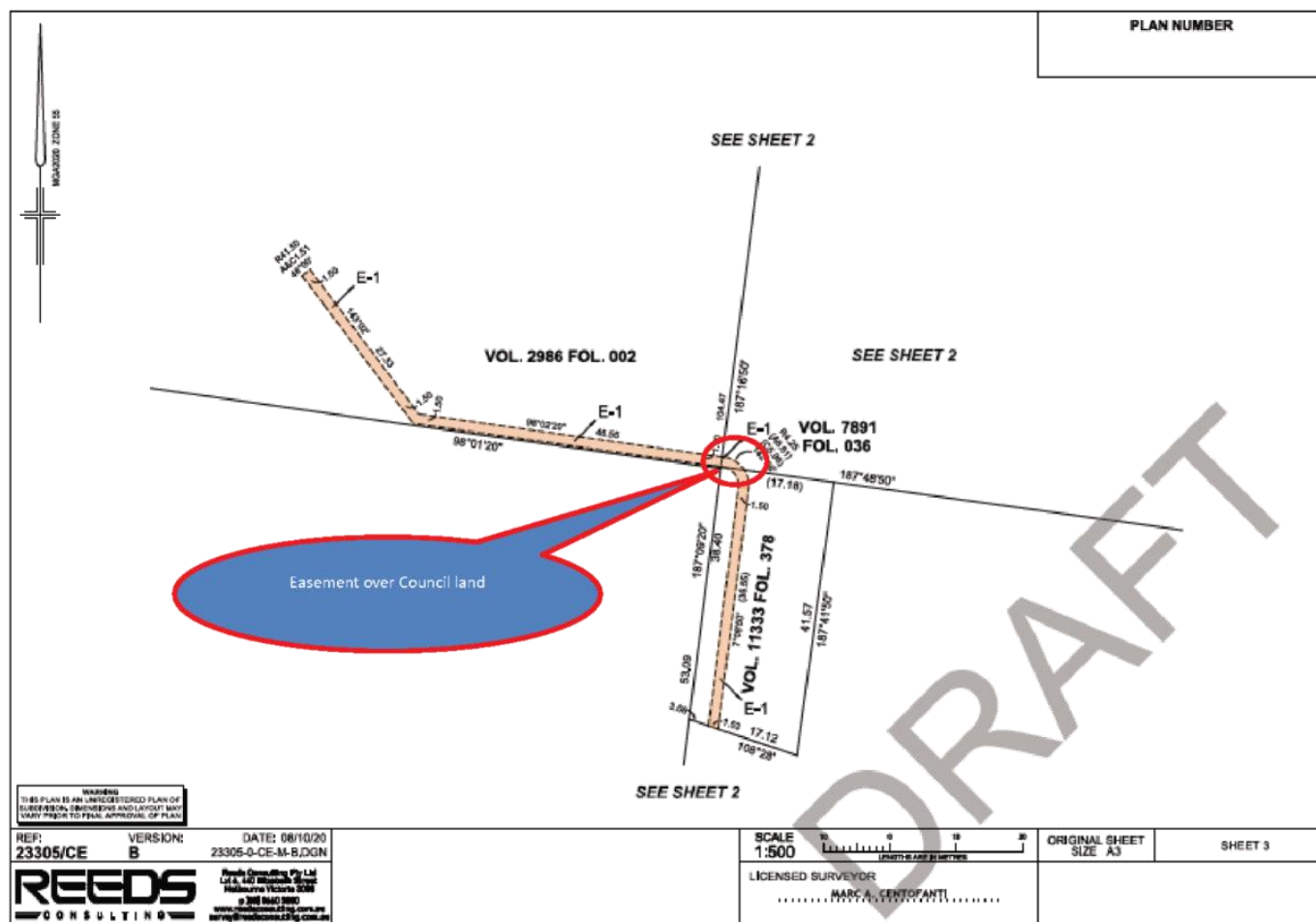
A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Officers are of the view that it is appropriate to allow for the creation of easement over Marlborough Reserve as it has little effect on the land due to the location and size of the easement and other services within the location.





8.12 FINANCIAL MANAGEMENT REPORT (SEPTEMBER 2020)

Author: Alon Milstein, Financial Accountant

Trim No: 20/1258271

Attachments: 1. *September 2020 Financial Management Report* [↓](#)

PURPOSE AND SUMMARY

To report Council's finances in the Financial Management Report for the period ending 30 September 2020.

RECOMMENDATION

That Council notes the Financial Management Report for the period ending 30 September 2020.

BACKGROUND

The report includes a comparison of year-to-date (YTD) actual income and expenditure with budgeted (YTD and forecast end-of-year) and other information for the current financial year. This report also provides a review of the 2020-21 Capital Works Program, cash flow and investment reports.

ISSUES AND DISCUSSION***(a) Pandemic Impact***

The COVID-19 pandemic is having far reaching economic implications for businesses and individuals across Glen Eira and Australia more generally. Council anticipates that the 2020-21 operating and capital works budgets will be significantly impacted by COVID-19.

Council's adopted 2020-21 Budget reflects an operating budget where some business areas will be severely restrained for at least six months of the financial year. This will particularly impact services such as our Libraries and Learning Centres and Glen Eira Leisure - both experiencing forced closures due to Chief Health Officer Directives.

(b) Community Support

The 2020-21 adopted Budget takes into account the COVID-19 Response and Recovery Package which contained initiatives to support residents and ratepayers, businesses, community groups and sporting clubs endorsed by Council on 7 April, 9 June and amended on 1 September 2020.

(c) Current Financial Position

Council's financial position is presently sound, however the impact of COVID-19 on Council's forecast operating result for 2020-21 will be significant.

The Balance Sheet currently indicates a satisfactory financial position with forecast total current assets of \$78.69m and total current liabilities of \$71.32m.

Cash and investment holdings at 30 September 2020 are \$72.51m. The forecast liquidity ratio is 1.10 as at 30 June 2021.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The key financial objectives for Council are:

- Mitigate risks to our community and local economy arising from the impact of the pandemic of COVID-19.
- Manage finances appropriately within the constraints set by the State Government's Rate Capping regime.
- Renew and upgrade our ageing assets and community facilities.
- Maintain essential services at not less than current levels.
- Set fee increases that are manageable and sustainable.
- Invest in continuous improvement, technology and other enablers to efficiency and embrace customer outcomes.
- Keep day-to-day costs manageable and rates below our peers.

POLICY AND LEGISLATIVE IMPLICATIONS

Division 2 Budget Process

Section 97 of the *Local Government Act 2020* (the Act).

COMMUNICATION AND ENGAGEMENT

Council officers in preparing the Financial Management Report, take into account other plans and strategies in regard to services and initiatives which commit financial and non-financial resources for the current financial year.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

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

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

ATTACHMENT 1:

Financial Management Report for the period ending 30 September 2020

1. Contents

Executive Summary 2

Income Statement..... 6

Balance Sheet..... 7

Performance Graphs..... 8

Capital Works Expenditure Program 13

Financial Strategy 17

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Executive Summary***for the period ending 30 September 2020*****a) Current Month Budget Result**

At the end of September, the year-to-date performance against budget from ordinary activities showed higher than anticipated income of \$3.9m and a favourable variance in operating expenditure of \$40k.

Please note that a large amount of the current variances are due to timing differences (i.e. between the scheduling of budgets and timing of actual results). The next few months should reflect whether these variances (particularly the expenditure variances) become more permanent for the 2020-21 financial year.

b) Current Month Forecast Result

The forecast result expected for the financial year is a surplus of \$1.3m compared with the original adopted *2020-21 Annual Budget* of \$5.36m.

The current monthly forecast movement from ordinary activities shows an increase in operating revenue of \$42k and a decrease in operating expenditure of \$48k.

c) COVID-19 Financial Impact 2020-21

COVID-19 was declared a global pandemic on the 11 March 2020 and a State of Emergency was declared in Victoria on the 16 March 2020. Subsequently, a State of Disaster was declared in Victoria on the 2 August 2020. The COVID-19 pandemic has a significant impact on individuals, businesses and government. As a result, the impact of COVID-19 on Council's financial position is expected to be substantial.

d) Open Space

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

Capital projects funded by Open Space contributions meet the conditions of the Open Space Strategy which is mainly focused on increasing open space in identified gap areas and to localities with forecast population growth. The balance of the Open Space Reserve as at 30 September 2020 is as follows:

Description	2020-21 Current Month Actual	2020-21 Year to Date
Open Space Contributions Received	\$45,600	\$2,333,010
Open Space Capital Expenditure*	(\$1,465,499)	(\$1,615,499)
Net Movement	(\$1,419,899)	\$717,511
Opening Balance as at 1 July 2020		\$24,195,412
Closing Balance Open Space Reserve		\$24,912,923

*Includes: 66 and 66A Mackie Road, Bentleigh East.

ORDINARY COUNCIL MEETING

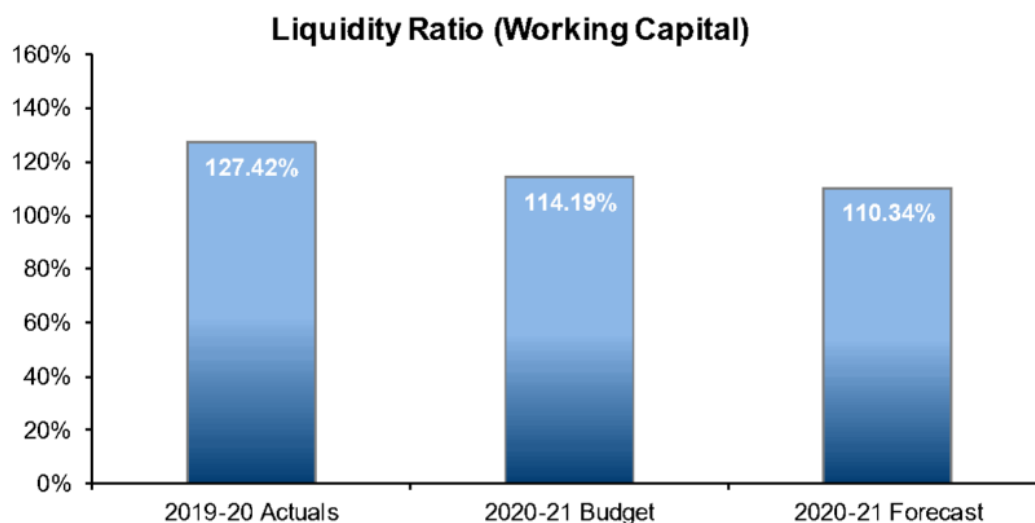
18 NOVEMBER 2020

e) Liquidity

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

Council will continue to have a large investment in capital works projects. However, capital spend for the remainder of the year may be impacted by the pandemic.

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

**f) Working for Victoria Initiative**

Council was successful in applying for a grant with the *Department of Jobs, Precincts and Regions* to carry out a project through the Working for Victoria Fund. This is a \$500m fund for Victorian workers impacted by coronavirus (COVID-19). The arrangement between Council and the Department is for \$7.4m covering the period from 9 June 2020 to 31 January 2021.

The aim of the Fund is to match displaced workers with casual and short-term employment opportunities. Employees in these positions will support delivery of critical community services to support the government coronavirus (COVID-19) response by undertaking the following activities:

- community outreach and programs;
- cleaning of public areas;
- local business support;
- maintenance and improvement of local facilities/public space; and
- technology and additional HR support.

As at 30 September 2020, Council received \$3.82m representing the two milestone payments of the fund. Council's expenditure of the fund as at 30 September 2020 is \$816k.

ORDINARY COUNCIL MEETING

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g) Superannuation – Defined Benefits Scheme***Vested Benefits Index (VBI)***

Defined benefit plans are required by law to have an actuarial investigation at least once every three years. Vision Super monitors the vested benefit position of the defined benefits plan on a quarterly basis.

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day.

Under the superannuation prudential standards, VBI's must generally be kept above a fund's nominated shortfall threshold, currently 97%. The higher the index the less chance of a future call.

For the Plan to be in a satisfactory financial position requires a VBI of 100% or more.

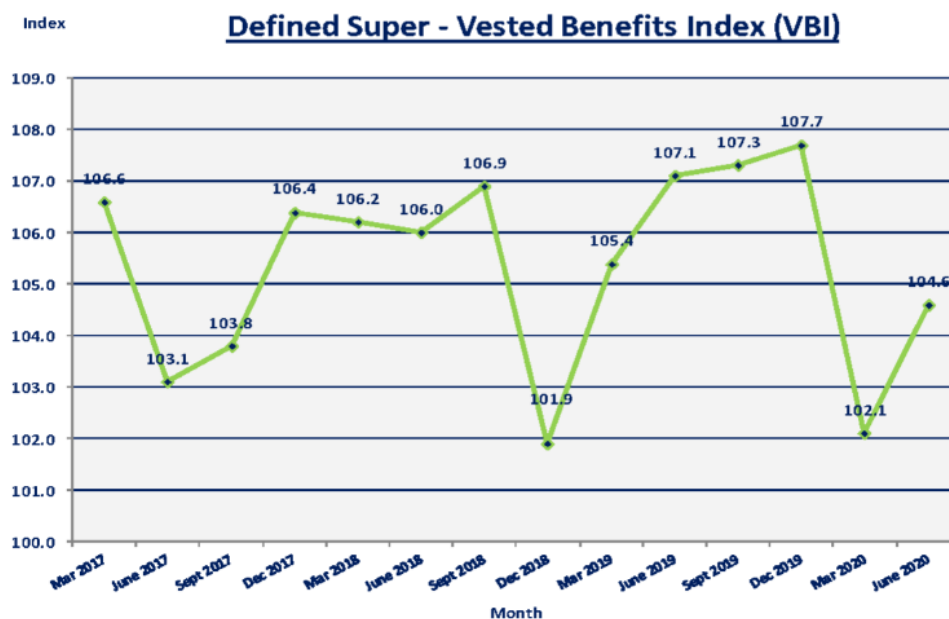
Impact of COVID-19

The impact of COVID-19 has continued to cause significant volatility in investment markets around the world.

Vision Super is continuing to monitor the sub-plan's financial position during this period of extreme volatility. They are also closely monitoring the investment markets to identify potential threats/opportunities that they may be able to avoid/take advantage of to improve the funding position of the sub-plan.

In the event the VBI falls below the nominated shortfall threshold (i.e. 97%), an interim investigation is required to be carried out by the Fund Actuary, unless the next scheduled investigation is due within six months. The next scheduled investigation is as at 30 June 2020.

Below is the estimated VBI updated to 30 June 2020.



ORDINARY COUNCIL MEETING

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h) Forecast adjustments for September 2020***Income from ordinary activities increase of \$42k***

The income forecast movement is mainly due to:

i. Grants (Operating & Capital) – increase of \$208k.

Capital grants and contributions include all monies received from State, Federal and community sources for the purposes of funding the capital works program.

The increase for September reflects unbudgeted grant funding as part of the Victorian Common Funding Agreement received from the Department of Jobs, Precincts and Regions for: the Duncan Mackinnon Reserve Community Fitness Facility of \$141k and the Mackie Road Pavilion Female Friendly Facilities of \$93k.

ii. User Fees – decrease of \$200k.

Relates mainly to the recovery of service delivery costs through the charging of fees to users of Council's services. These include use of leisure, community facilities and the provision of human services such as family day care and home care services.

The decrease of \$200k is mainly due to lower than forecast early learning centre fees of \$80k and residential aged care fees of \$66k.

Expenditure from ordinary activities decrease of \$48k**iii. Employee Costs – decrease of \$279k.**

This includes all labour related expenditure and on-costs such as allowances, leave entitlements, employer superannuation and Worksafe. The decrease is mainly due to the impact of COVID-19, timing of staff recruitment and employee leave provisions.

iv. Other Expenses – increase of \$349k.

Relates mainly to an increase in pandemic prevention expenses of \$457k associated with COVID-19 including: personal protective equipment and clothing, cleaning materials such as: sanitisers, gloves, cleaning products and other prevention materials.

ORDINARY COUNCIL MEETING

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Income Statement

for the period ending 30 September 2020

	2020-21 Year to Date Actual	2020-21 Year to Date Budget	2020-21 Year to Date Variance	2020-21 Year to Date Variance	2020-21 Last Month Forecast	2020-21 Current Month Forecast	2020-21 Current Month Forecast Movement	2020-21 Annual Budget	2020-21 Budget Forecast Variance	2020-21 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
Income										
Income from Ordinary Activities										
General Rates	98,371	98,368	3	0.0%	98,663	98,662	(2)	98,663	(1)	(0.0%)
Supplementary Rates	921	900	21	0.0%	1,000	1,005	5	1,000	5	0.5%
Waste and Recycling Charges	20,380	20,403	(24)	(0.1%)	20,363	20,397	34	20,335	62	0.3%
Grants (Operating and Capital)	10,684	6,062	4,622	76.2%	31,847	32,055	208	27,142	4,913	18.1%
Interest Received	74	150	(76)	(50.8%)	1,458	1,447	(11)	1,500	(53)	(3.5%)
User Fees	1,939	2,557	(618)	(24.2%)	18,684	18,484	(200)	18,956	(472)	(2.5%)
Statutory Fees and Fines	1,021	941	80	8.5%	6,378	6,388	10	6,252	136	2.2%
Contributions (Monetary)	2,333	2,400	(67)	(2.8%)	6,628	6,637	10	6,600	37	0.6%
Other Income	215	251	(36)	(14.3%)	1,694	1,683	(11)	1,729	(47)	(2.7%)
Total Income from Ordinary Activities	135,937	132,033	3,903	2.96%	186,715	186,757	42	182,177	4,580	2.5%
Expenses										
Expenses from Ordinary Activities										
Employee Costs	20,513	19,330	(1,183)	(6.1%)	88,618	88,339	279	80,608	(7,731)	(9.6%)
Materials and Consumables	937	1,356	419	30.9%	5,664	5,569	96	5,746	177	3.1%
Contractor Payments	9,557	9,632	75	0.8%	39,574	39,648	(74)	39,574	(74)	(0.2%)
Maintenance	1,150	1,904	754	39.6%	7,938	7,801	137	8,033	232	2.9%
Utility Services	1,007	1,221	214	17.5%	5,270	5,272	(2)	5,391	119	2.2%
Insurances	948	873	(75)	(8.6%)	1,317	1,292	25	1,199	(93)	(7.7%)
Other Expenses	2,664	2,260	(404)	(17.9%)	7,668	8,017	(349)	7,215	(802)	(11.1%)
Grants and Subsidies	910	1,163	253	21.8%	2,272	2,337	(65)	1,870	(467)	(24.9%)
Borrowing Costs	94	83	(12)	(14.0%)	336	336	0	330	(6)	(1.7%)
Total Expenses from Ordinary Activities	37,781	37,821	40	0.1%	158,657	158,609	48	149,966	(8,644)	(6.8%)
Surplus before non operational activities	98,157	94,212	3,944	4.2%	28,058	28,148	90	32,211	(4,063)	(12.6%)
Non-operational Activities										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	2	115	(113)	(98.3%)	434	407	(27)	460	(53)	(11.6%)
Written Down Value of Assets Sold/Disposed	2	18	16	0.0%	1,718	1,719	(1)	1,718	(1)	(0.0%)
Depreciation and Amortisation	6,290	6,398	108	1.7%	25,535	25,538	(3)	25,591	53	0.2%
Surplus for the period	91,867	87,912	3,954	4.5%	1,239	1,298	60	5,362	(4,064)	(75.8%)

Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Balance Sheet*for the period ending 30 September 2020*

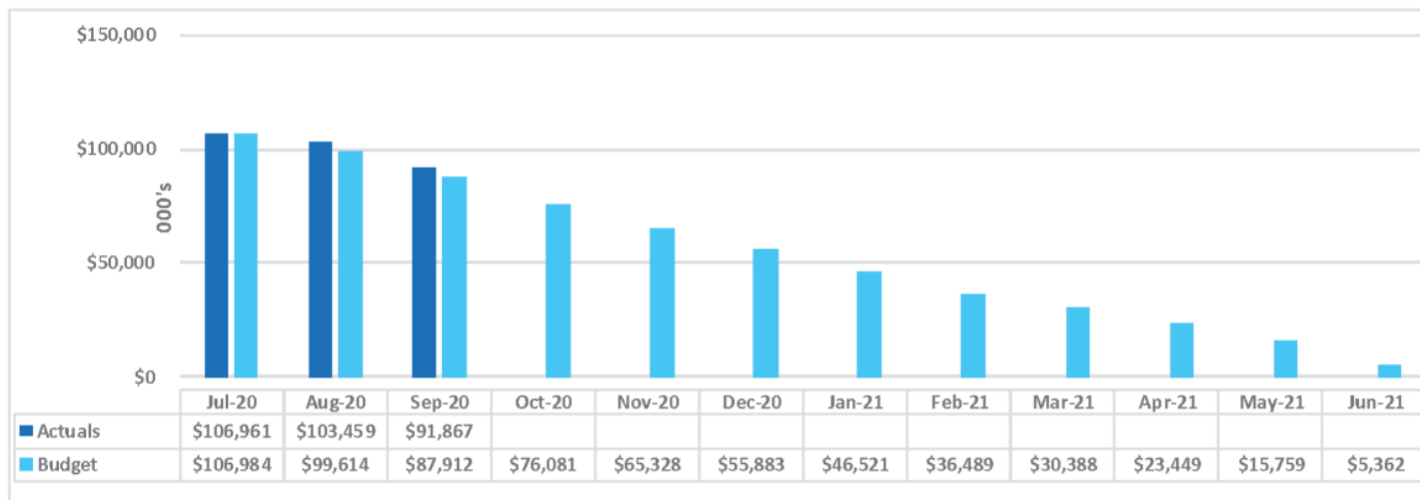
	Actuals 2019-20	Annual Budget 2020-21	Annual Forecast 2020-21	Year to Date Actual 2020-21	Previous Month's Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
Assets					
Current Assets					
Cash and Cash Equivalents	87,737	58,554	59,885	72,514	60,773
Trade and Other Receivables	13,490	24,088	17,490	118,878	143,167
Other Assets	1,313	1,878	1,313	469	471
Total Current Assets	102,540	84,520	78,688	191,861	204,411
Non-Current Assets					
Property, Infrastructure, Plant and Equipment	2,248,245	2,230,395	2,264,368	2,247,141	2,246,483
Right-of-use-assets	3,850	2,887	2,887	3,850	3,850
Intangible Assets	2,629	1,845	2,629	2,428	2,493
Investments in Joint Operations	604	1,045	604	604	604
Other Financial Assets	5	5	5	5	5
Total Non-Current Assets	2,255,333	2,236,177	2,270,493	2,254,029	2,253,435
TOTAL ASSETS	2,357,873	2,320,697	2,349,181	2,445,890	2,457,846
Liabilities					
Current Liabilities					
Trade and Other Payables	18,634	18,431	14,856	6,950	7,104
Trust Funds and Deposits	40,405	36,934	36,405	49,513	50,023
Unearned Income	1,034	-	-	-	-
Provisions	15,687	14,283	15,687	16,267	15,774
Interest-Bearing Liabilities	3,687	3,788	3,788	3,716	3,703
Lease Liabilities	1,028	581	581	1,028	1,028
Total Current Liabilities	80,475	74,017	71,317	77,474	77,632
Non-Current Liabilities					
Provisions	1,337	1,350	1,337	1,437	1,337
Interest-Bearing Liabilities	7,617	3,848	3,848	6,672	6,978
Lease Liabilities	2,949	2,557	2,557	2,949	2,949
Other Liabilities - Joint Operations	2,403	2,590	2,403	2,403	2,403
Total Non-Current Liabilities	14,306	10,345	10,145	13,461	13,667
Total Liabilities	94,781	84,362	81,462	90,935	91,299
Net Assets	2,263,092	2,236,335	2,267,719	2,354,955	2,366,547
Equity					
Accumulated Surplus	967,600	969,859	968,898	1,058,748	1,068,920
Asset Revaluation Reserve	1,271,297	1,238,952	1,271,297	1,271,294	1,271,294
Public Open Space Reserve	24,195	27,524	27,524	24,913	26,333
Total Equity	2,263,092	2,236,335	2,267,719	2,354,955	2,366,547

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Performance Graphs

Financial Performance
for the period ending 30 September 2020



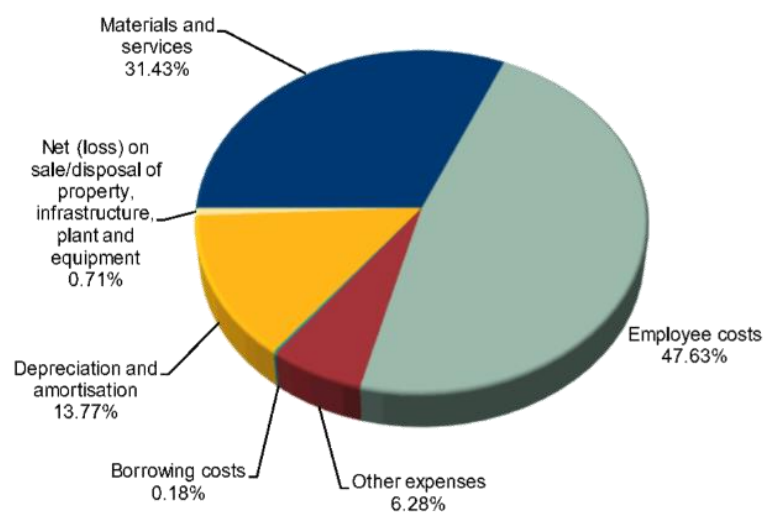
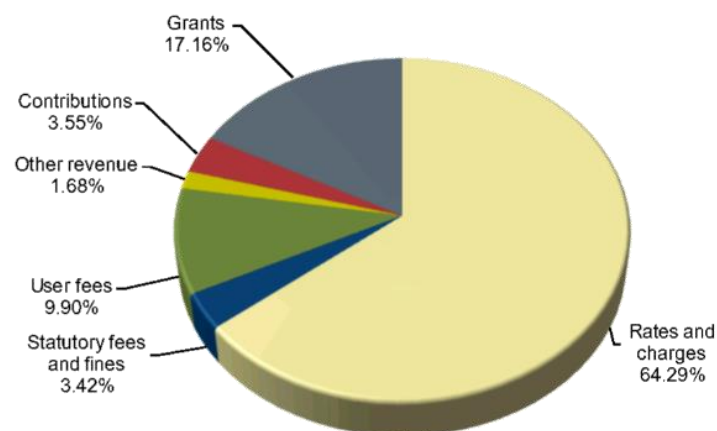
The September 2020 year to date financial performance was \$3.96m higher than the year to date budget mainly due to:

- Better than anticipated income received for Grants \$4.62m (includes Working for Victoria Initiative \$3.82m). This is offset by a decrease in User Fees of \$618k, Interest Received \$76k and Contributions (Monetary) \$67k.
- Favourable variances in expenditure items including: Maintenance \$754k, Materials and Consumables \$419k, Grants and Subsidies \$253k and Utility Services \$214k. These are offset by increases in Employee Costs \$1.18m, Other Expenses \$404k and Insurances \$75k.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

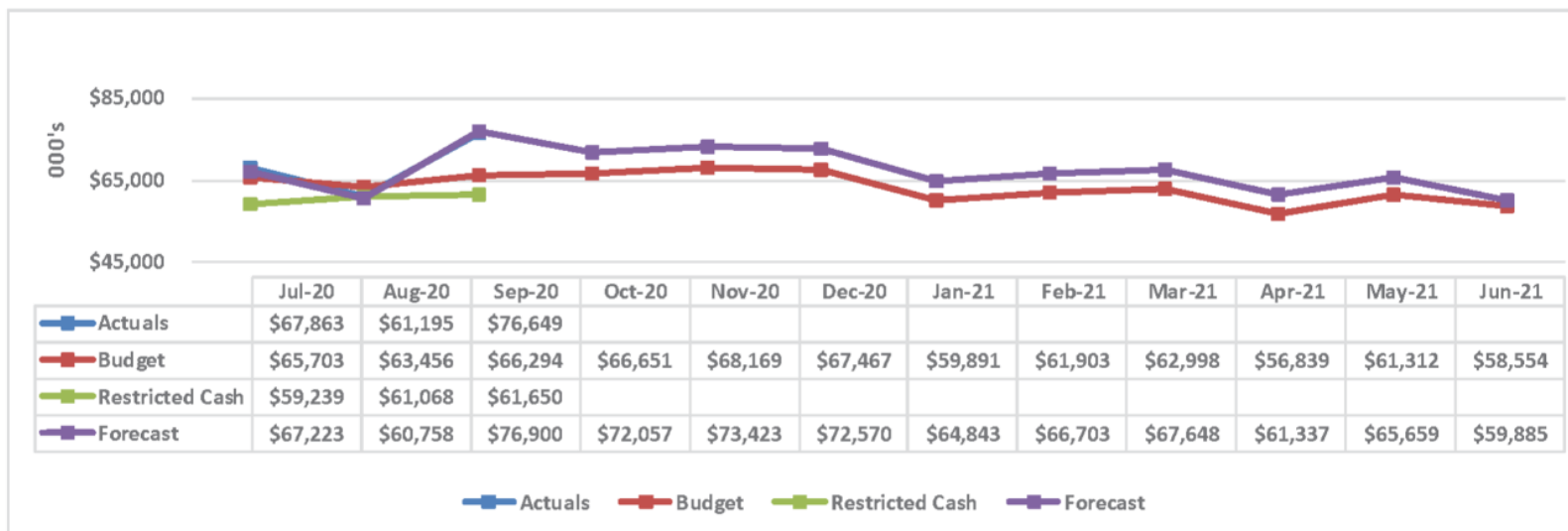
Financial Performance
for the period ending 30 September 2020

2020-21 Forecast categories of expenditure**2020-21 Forecast sources of income**

ORDINARY COUNCIL MEETING

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Cash and Investments
for the period ending 30 September 2020



- Council's year to date cash balance of \$76.65m is under budget for the current month. Council's forecast position to June 2021 of \$59.89m has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.
- Council has cash assets that are subject to restrictions. Restricted funds as at 30 September 2020 include: residential aged care deposits of \$28.54m, trust funds and deposits of \$5.11m (including asset protection permits), open space reserve of \$24.91m and fire services property levy of \$3.09m.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Rates Income and Debtors
for the period ending 30 September 2020

Rate and Charges Income – is an important source of revenue, accounting for approximately 60 per cent of the total revenue received by Council annually. Glen Eira continues to have the second-lowest average rates and charges in metro Melbourne.

Rate Capping – The Victorian Government's *Fair Go Rates System* (FGRS) limits the maximum increase in Councils' average rates. The amount is calculated by dividing total revenue from general rates by the total number of rateable properties in the municipality.

Each year the Minister for Local Government sets the average rate cap increase for Councils.

The cap for 2020-21 was set at forecast CPI of 2% (2.5% for 2019-20).

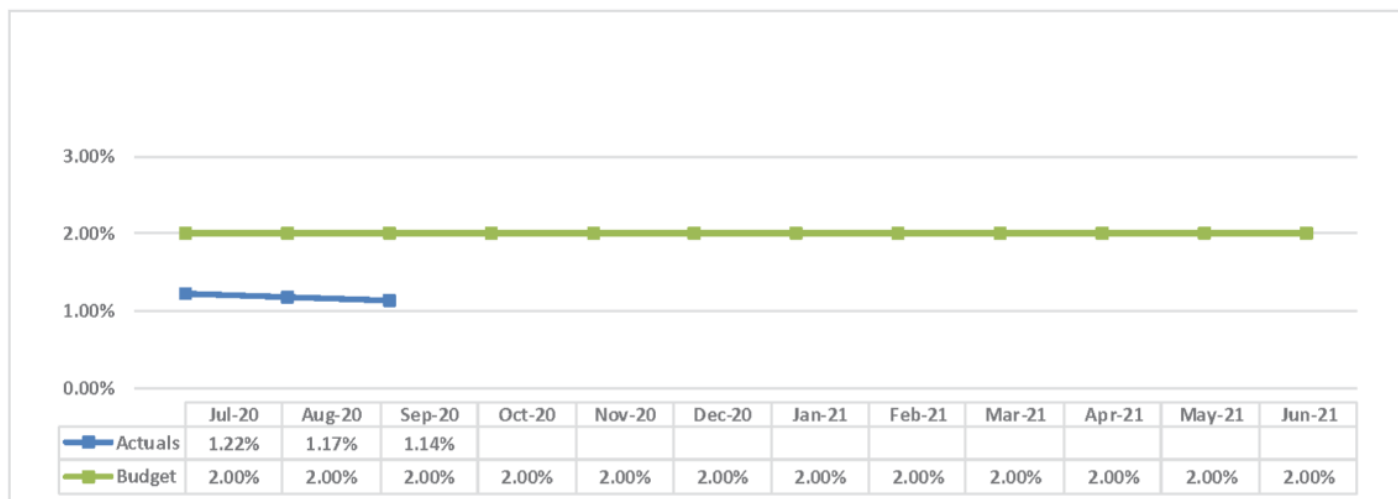
Rate Payments – Rates are paid in four instalments during the year: February, May, September and November. Council's cash flow is impacted by the timing of rate payments. The following table reflects the rate debtors balance as at 30 September 2020.

Rate Debtors	2020-2021 Year to date
	\$'000
Arrears Brought Forward	8,807
2019-20 Rates & Garbage Generated	118,851
2019-20 Fire Services Property Levy	14,332
Total Rates & Charges	141,990
Payments/Adjustments:	
Glen Eira Pension Rebate	(194)
State Government Rebate	(1,610)
Fire Services Property Levy Rebate	(334)
Receipts	(27,189)
Interest	(0)
Supplementary Valuations	1,175
Adjustments	(28)
Total Payments/Adjustments	(28,179)
Rates & Charges Balance at Month End	113,811

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Investment Interest Rates
for the period ending 30 September 2020



Council achieved a return of 1.14% against the budget of 2%. Council's interest received on investments will be reduced during 2020-21 due to the impact of COVID-19.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Capital Works Expenditure Program

As at the end of September 2020, total capital works expenditure forecast for 2020-21 is expected to be \$42.97m, represented by:

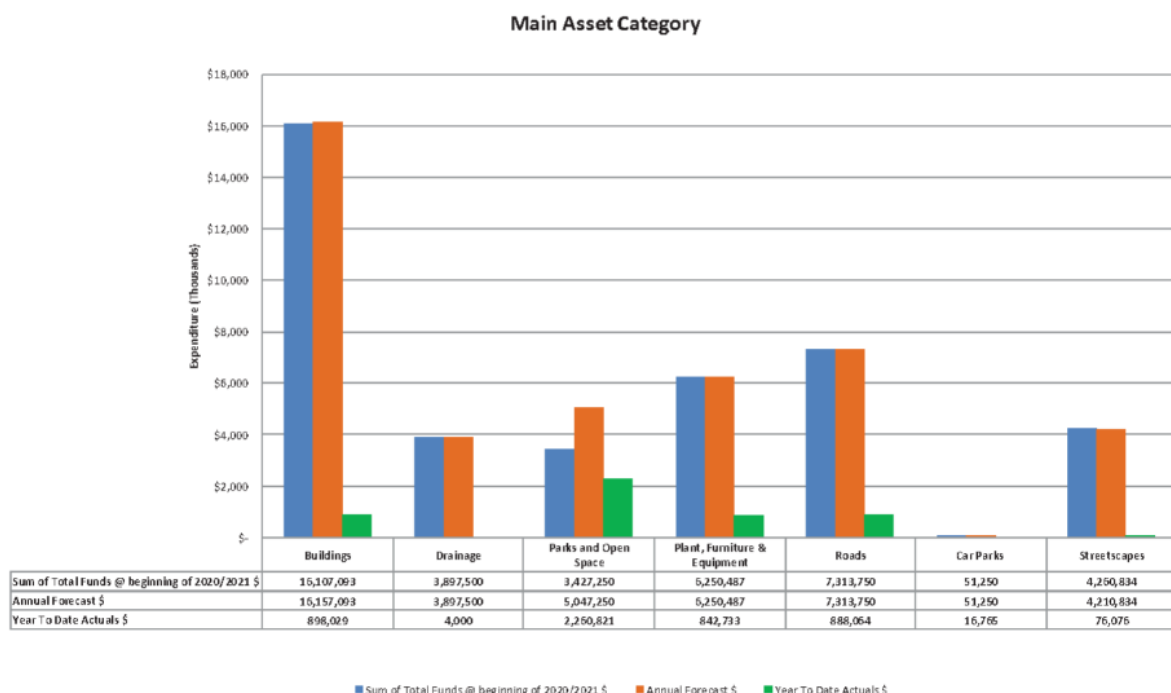
- New capital works projects as per the adopted 2020-21 Annual Budget \$29.46m;
- External funding sources \$6.21m; and
- Carry forward projects from 2019-20 \$5.68m (refer details below).
- Forecast adjustments for the year \$1.62m

Forecast adjustments for the month of September 2020 of \$16.2m relate to the acquisition of 66 and 66A Mackie Road (Bentleigh East) which are properties adjoining the Mackie Road Reserve. The purchase is in line with Council's Open Space Strategy, which includes Council undertaking a Masterplan review at Mackie Road Reserve.

Opportunities have been investigated to incorporate unstructured recreation, and informal facilities into the reserve and improve the overall layout and design. The purchase of the above properties will extend the play, recreation and sporting facilities for the community. It is proposed to utilise open space contributions to fund this acquisition'.

(a) Capital Works Performance Graphs

The below graphs reflect the 2020-21 budget allocations for the main asset category and performance against budget and forecast.

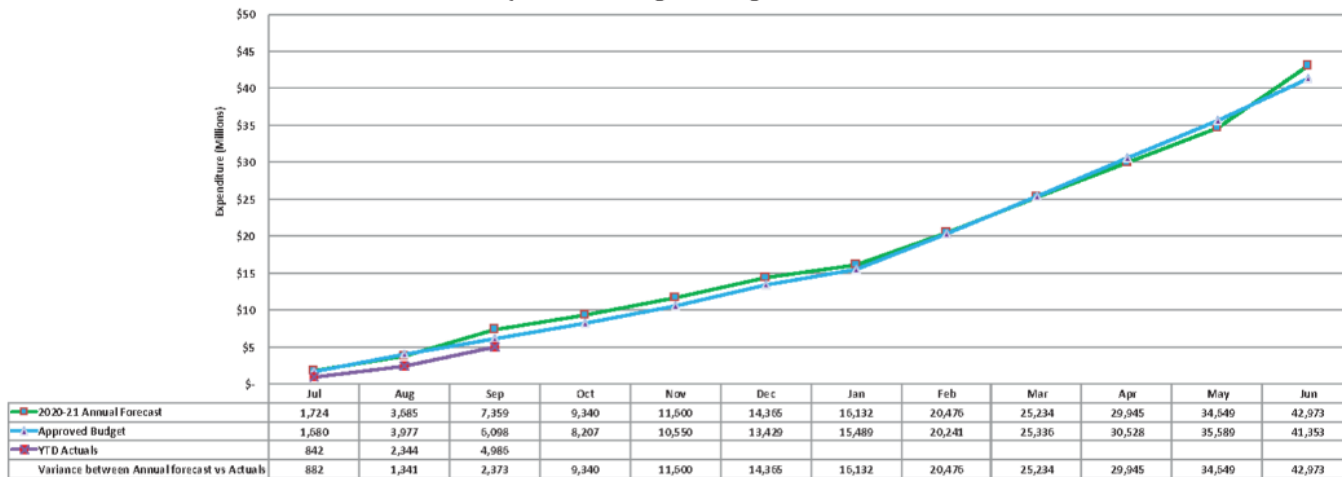


ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Capital Works Program Expenditure

Monthly Performance against Budget and Forecast



Council's capital expenditure is behind forecast by \$2.37m mainly due to Road Reconstruction Program \$701k, Fleet and Plant \$244k, LXRA Plant and Equipment \$200k, LXRA irrigation system works \$225k, Footpath Renewal Program \$271k, Major Play space Upgrade Bentleigh Hodgeson Reserve \$130k, Outer Circle Railway Management Plan Implementation \$113k and Turf Wicket Replacement \$105k.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Capital Works Program Expenditure
for period ending 30 September 2020

Description	2020-21 Carry Forwards from 2019-20	2020-21 Grant Funding	2020-21 Adopted Capital Budget	2020-21 Budget Plus Carry Forwards	2020-21 Year To Date Works in Progress	2020-21 Year To Date Forecast	2020-21 Year To Date Variance	2020-21 Forecast Projected to June 2021	2020-21 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
STRATEGIC PROJECTS									
Cycling Action Plan - cyclist counters	-	-	10,000	10,000	-	10,000	10,000	10,000	-
Elsternwick South – Local Area Traffic Management	-	-	60,000	60,000	-	-	-	60,000	-
Activity Centre Streetscape works	60,000	-	75,000	135,000	12,313	-	(12,313)	95,000	(50,000)
Eat Street [Bentleigh Structure Plan]	-	325,000	2,577,834	2,902,834	39,613	20,000	(19,613)	2,902,834	-
Neerim Road Warehouse Activation [Carnegie Structure Plan]	430,000	-	-	430,000	2,400	6,580	4,180	430,000	-
Selwyn Street Cultural Precinct [Elsternwick Structure Plan]	156,000	-	225,000	381,000	22,560	71,000	48,440	381,000	-
Integrated Transport Strategy Implementation	209,000	-	80,000	289,000	4,150	25,000	20,850	289,000	-
TOTAL STRATEGIC PROJECTS	855,000	325,000	3,027,834	4,207,834	81,036	132,580	51,544	4,157,834	(50,000)
GREAT AT GLEN EIRA									
Continuous Improvement & Innovation	135,000	-	668,750	803,750	48,112	170,000	121,888	803,750	-
Information Technology - Office 365 & Application Integration	-	-	585,000	585,000	118,100	146,250	28,150	585,000	-
TOTAL GREAT AT GLEN EIRA	135,000	-	1,253,750	1,388,750	166,212	316,250	150,038	1,388,750	-
RECREATION AND OPENSACE									
Cycling Action Plan - connection between Djerring Trail and Gardiners Creek Trail	-	-	20,000	20,000	-	-	-	20,000	-
Pavilion Upgrades - Victory Park	100,000	-	-	100,000	46,781	50,000	3,219	100,000	-
Pavilion Upgrades - Koomang/Lord/Packer	63,000	1,800,000	1,725,000	3,588,000	48,730	63,000	16,270	3,588,000	-
Murrumbidgee Community Hub	680,000	3,600,000	1,152,437	5,432,437	163,675	232,500	68,825	5,432,437	-
Major Play Space Upgrade - Bentleigh Hodgson Reserve Multipurpose	335,000	-	-	335,000	184,404	314,000	129,596	457,000	122,000
Caulfield Park Master Plan Implementation - Playground replacement (sensory playspace near bowling club)	-	-	50,000	50,000	-	8,000	8,000	20,000	(30,000)
Lord Reserve and Koomang Park & Murrumbidgee Park Masterplan Implementation	100,000	-	200,000	300,000	-	25,000	25,000	300,000	-
New Open Space - Aileen Avenue	-	-	506,250	506,250	11,738	-	(11,738)	506,250	-
Playground Enhancements and Landscape works	140,000	-	215,000	355,000	70,273	196,250	125,977	265,000	(90,000)
Narrow Naturestrip Tree Planting Program	253,000	-	-	253,000	-	-	-	253,000	-
New Sportsground Lighting - Caulfield Park Oval 2	-	-	50,000	50,000	-	15,000	15,000	40,000	(10,000)
Sportsground Lighting Upgrade	160,000	-	-	160,000	140,726	180,000	19,274	250,000	90,000
Land Acquisition - 86.66A Mackie Road	-	-	-	-	1,615,499	1,620,000	4,501	1,620,000	1,620,000
Bicycle Strategy Implementation	-	-	-	-	121,361	-	(121,361)	30,500	30,500
TOTAL RECREATION AND OPENSACE	1,831,000	5,400,000	3,918,687	11,149,687	2,401,187	2,683,750	282,563	12,882,187	1,732,500
COMMUNITY FACILITIES									
Future Spaces Project	-	-	-	-	1,000	1,100	100	1,100	1,100
Mackie Road Reserve Female Friendly Pavilion upgrades	-	-	-	-	72,857	-	(72,857)	50,000	50,000
Moorleigh Village Community Shed and Office	107,000	-	-	107,000	121,711	107,000	(14,711)	127,000	20,000
Bentleigh Library Improvement & Integration [Bentleigh Structure Plan]	43,000	-	2,700,000	2,743,000	113,728	188,000	74,272	2,743,000	-
Elsternwick Community Hub [Elsternwick Structure Plan]	136,000	-	175,000	311,000	20,702	66,000	45,298	311,000	-
Carnegie Swim Centre Redevelopment	80,000	-	2,378,564	2,458,564	160,397	206,651	46,254	2,458,564	-
GESAC Civil works	78,000	-	82,500	160,500	71,934	82,500	10,566	160,500	-
TOTAL COMMUNITY FACILITIES	444,000	-	5,336,064	5,780,064	562,329	651,251	88,922	5,851,164	71,100

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Capital Works Program Expenditure
for period ending 30 September 2020 (continued)

Description	2020-21 Carry Forwards from 2019-20	2020-21 Grant Funding	2020-21 Adopted Capital Budget	2020-21 Budget Plus Carry Forwards	2020-21 Year To Date Works in Progress	2020-21 Year To Date Forecast	2020-21 Year To Date Variance	2020-21 Forecast Projected to June 2021	2020-21 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
SUSTAINABILITY									
Motor Vehicle Electric Charging Infrastructure	-	-	75,000	75,000	-	-	-	75,000	-
Sustainability initiatives - Energy Efficiency Projects	-	-	131,250	131,250	-	-	-	131,250	-
Sustainability initiatives - Solar Projects	-	-	252,750	252,750	-	-	-	252,750	-
Glen Eira Leisure - LED Lighting Upgrade	-	-	34,000	34,000	-	10,000	10,000	34,000	-
TOTAL SUSTAINABILITY	-	-	493,000	493,000	-	10,000	10,000	493,000	-
COMMUNITY SAFETY									
Upgrade and Install Evacuation Warning system	-	-	50,000	50,000	-	-	-	50,000	-
Transport Planning	-	-	460,000	460,000	-	50,000	50,000	460,000	-
New Footpath Program	9,000	-	-	9,000	-	-	-	9,000	-
Blackspot Funding Program	-	-	-	-	2,770	3,000	230	3,000	3,000
TOTAL COMMUNITY SAFETY	9,000	-	510,000	519,000	2,770	53,000	50,230	522,000	3,000
RENEWALS									
Furniture and Equipment	-	-	50,000	50,000	-	-	-	25,000	(25,000)
Information Services - Infrastructure and Hardware Renewals	70,000	-	258,375	328,375	78,708	64,500	(14,208)	353,375	25,000
LXRA - Plant and Equipment	-	-	400,000	400,000	-	200,000	200,000	400,000	-
Drainage Pit Lid Upgrade Program	-	-	97,500	97,500	-	-	-	97,500	-
Fleet & Plant Replacement Program	800,000	-	1,245,368	2,045,368	250,326	494,200	243,874	2,045,368	-
Building Renewals-Electrical/ Mechanical/ External/Hydraulic	-	-	194,925	194,925	1,600	-	(1,600)	194,925	-
Replacement of FDC shelving system at rear of McKinnon Maternal & Child Health Centre	-	-	12,000	12,000	-	-	-	12,000	-
Floor Finishes Component Renewal	-	-	118,000	118,000	74,807	78,666	3,859	96,900	(21,100)
Roof Renewals	-	-	27,989	27,989	-	-	-	27,989	-
Elsternwick Activity Centre Streetscape Renewal and Enhancement Program	-	-	300,000	300,000	-	-	-	300,000	-
Security Component Renewal	-	-	219,000	219,000	2,107	-	(2,107)	219,000	-
Senior Citizen Centres Renewal of Furniture and Equipment	-	-	85,000	85,000	-	-	-	85,000	-
Purchase of library collections	-	66,772	632,518	699,290	277,504	235,970	(41,534)	699,290	-
Footpath Renewal Program	-	-	2,225,000	2,225,000	285,274	556,251	270,977	2,225,000	-
Kerb and Channel Replacement Program	-	-	131,250	131,250	11,184	32,811	21,627	131,250	-
Road Reconstruction Program	985,000	-	1,506,000	2,492,000	519,232	1,221,000	701,768	2,332,000	(160,000)
Drainage Renewal and Flood Mitigation Program	-	-	3,800,000	3,800,000	4,000	-	(4,000)	3,800,000	-
Local Road Periodic Resurfacing Program	-	-	1,125,000	1,125,000	75,253	-	(75,253)	1,125,000	-
Local Area Traffic Management Renewal Program	-	-	262,500	262,500	(6,349)	40,000	46,349	259,500	(3,000)
Car Park Renewal Program	10,000	-	41,250	51,250	14,205	-	(14,205)	51,250	-
Roads to Recovery	-	423,694	170,306	594,000	700	-	(700)	754,000	160,000
Turf wicket replacement	90,000	-	75,000	165,000	35,091	140,000	104,909	165,000	-
Goal post replacement	-	-	93,750	93,750	-	-	-	93,750	-
Minor Playground Upgrade and Renewal	-	-	112,500	112,500	-	-	-	-	(112,500)
Glen Eira Leisure Renewals	-	-	841,204	841,204	59,490	78,178	18,688	841,204	-
Parks Improvements	380,000	-	469,750	849,750	79,329	340,800	261,471	849,750	-
Fittings/Finishes Component Renewal	-	-	149,178	149,178	-	-	-	149,178	-
Residential Services - Furniture and Equipment	65,000	-	240,000	305,000	10,494	30,000	19,506	305,000	-
Carnegie Early Learning Centre outdoor play space upgrade	-	-	40,000	40,000	-	-	-	40,000	-
TOTAL RENEWALS	2,401,000	490,466	14,923,363	17,814,829	1,772,953	3,612,376	1,739,423	17,678,229	(136,600)
TOTAL CAPITAL WORKS EXPENDITURE	5,675,000	6,215,466	29,462,698	41,353,164	4,986,487	7,359,207	2,372,720	42,973,164	1,620,000

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Financial Strategy

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In 2018-19 the Auditor-General assessed the financial sustainability risk at an individual Council level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 19 provides indicators for Glen Eira City Council.

(a) Financial sustainability risk indicator

Indicator	Formula	Description
Net result margin (%)	Net result/Total revenue	<p>A positive result indicates a surplus, and the larger the percentage, the stronger the result.</p> <p>A negative result indicates a deficit. Operating deficits cannot be sustained in the long term.</p> <p>The net result and total revenue are obtained from the comprehensive operating statement.</p>
Adjusted underlying result (%)	Adjusted underlying surplus (or deficit)/ Adjusted underlying revenue	<p>This measures an entity's ability to generate surplus in the ordinary course of business—excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net result.</p> <p>A surplus or increasing surplus suggests an improvement in the operating position.</p>
Liquidity (ratio)	Current assets/ Current liabilities	<p>This measures the ability to pay existing liabilities in the next 12 months.</p> <p>A ratio of one or more means that there are more cash and liquid assets than short-term liabilities.</p>
Internal financing (%)	Net operating cashflow/Net capital expenditure	<p>This measures the ability of an entity to finance capital works from generated cashflow.</p> <p>The higher the percentage, the greater the ability for the entity to finance capital works from their own funds.</p> <p>Net operating cashflows and net capital expenditure are obtained from the cashflow statement.</p> <p>Note: The internal financing ratio cannot be less than zero. Where a calculation has produced a negative result, this has been rounded up to 0 per cent.</p>
Indebtedness (%)	Non-current liabilities/Own-sourced revenue	<p>This assesses an entity's ability to pay the principal and interest on borrowings, as and when they fall due, from the funds it generates.</p> <p>The lower the ratio, the less revenue the entity is required to use to repay its total debt.</p> <p>Own-sourced revenue is used, rather than total revenue, because it does not include grants or contributions.</p>
Capital replacement (ratio)	Cash outflows for the addition of new infrastructure, property, plant and equipment/ Depreciation	<p>Comparison of the rate of spending on new infrastructure, property, plant and equipment with its depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciating rate.</p> <p>This is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations and borrowing is not an option. Cash outflows for infrastructure are taken from the cashflow statement. Depreciation is taken from the comprehensive operating statement.</p>
Renewal gap (ratio)	Renewal and upgrade expenditure/Depreciation	<p>This compares the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation.</p> <p>Ratios higher than 1.0 indicate that spending on existing assets is faster than the depreciation rate.</p>

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Financial Strategy (continued)**(b) Financial sustainability risk assessment criteria**

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

Risk	Net result	Adjusted underlying result	Liquidity	Internal financing	Indebtedness	Capital replacement	Renewal gap
High	Less than negative 10% Insufficient revenue is being generated to fund operations and asset renewal.	Less than 0% Insufficient surplus being generated to fund operations	Less than 0.75 Immediate sustainability issues with insufficient current assets to cover liabilities.	Less than 75% Limited cash generated from operations to fund new assets and asset renewal.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10%–0% A risk of long-term run down to cash reserves and inability to fund asset renewals.	0%–5% Surplus being generated to fund operations	0.75–1.0 Need for caution with cashflow, as issues could arise with meeting obligations as they fall due.	75–100% May not be generating sufficient cash from operations to fund new assets.	40–60% Some concern over the ability to repay debt from own-source revenue.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
Low	More than 0% Generating surpluses consistently.	More than 5% Generating strong surpluses to fund operations	More than 1.0 No immediate issues with repaying short-term liabilities as they fall due.	More than 100% Generating enough cash from operations to fund new assets.	40% or less No concern over the ability to repay debt from own-source revenue.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: VAGO.

ORDINARY COUNCIL MEETING

18 NOVEMBER 2020

Financial Strategy (continued)**Monthly Report Relative to Financial Strategy**

Financial Sustainability Risk Indicators	Objective	Draft 2019-2020 Actuals	2020-2021 Annual Budget as at 30 June 2021	2020-2021 Annual Forecast as at 30 June 2021	2020-2021 Risk based on Annual Forecast as at 30 June 2021	Comment
(1) Net Result	To generate surpluses consistently greater than 0%.	5.95%	2.94%	0.70%	Low	The low net result percentage is based on the assumption that some business units, such as Glen Eira Leisure facilities, will be operating for only part of 2020-21 due to the COVID-19 pandemic.
(2) Underlying Result (%)	Ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants and non-monetary asset contributions to fund capital expenditure from net result. Low risk indicator is to be more than 5%.	3.51%	-0.5%	0.69%	Medium	Council anticipates a low underlying result during 2020-21 due to our reduced ability to generate fee income during the COVID-19 pandemic.
(3) Liquidity	To measure Council's ability to repay short-term liabilities as they fall due. Low risk - indicator is to be greater than 1.0.	1.27	1.14	1.10	Low	Council's forecast to 30 June 2021 indicates a Liquidity Ratio of greater than 1.0.
(4) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	9.67%	6.97%	6.85%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(5) Internal Financing	Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%.	115%	71%	75%	Medium	Council is restricted in generating cash due to our COVID-19 responses in the short term. Measures to correct this will be sought over the coming months.
(6) Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. Low risk indicator is to be more than 1.5.	1.46	1.64	1.68	Low	Council operates at a low level of risk with respect to capital replacement.
(7) Renewal Gap	To ensure there is sufficient spending on Council's asset base. Low risk indicator is to be greater than 1.0.	1.20	1.15	1.15	Low	Council spends sufficient funds on its asset base.

8.13 QUARTERLY SERVICE PERFORMANCE REPORT

Author: Jacqueline Moro, Corporate Performance & Reporting Coordinator

Trim No: 20/1287549

Attachments: 1. Quarterly Service Performance Report Quarter 1 2020 [↓](#)

PURPOSE AND SUMMARY

The Quarterly Service Performance Report provides Council with an analysis of key trends insights into the effectiveness and efficiency of Council services for the period between July and September 2020.

RECOMMENDATION

That Council notes the Quarterly Service Performance Report for the period ending September 2020.

BACKGROUND

The State Government's introduction of the 'Know Your Council' website has raised residents' expectation in relation to the level and transparency of information provided by councils in relation to their key performance indicators. Residents have an increasing expectation of being provided fast, accurate and meaningful reporting of Council's progress. This was reinforced through community consultation as part of the development of the 2017–2021 Council and Community Plan.

ISSUES AND DISCUSSION

The Covid-19 restrictions have undoubtedly impacted Council's progress and performance across a range of areas. During this quarter some services continued to operate in a modified mode and as lifting of restrictions occurred a number were able to re-open to the public.

In addition to reporting on this year's performance the report includes updates on the incomplete commitments from previous years.

Some items of note include:

- The Victorian Planning Authority handed over the Structure Plan for the Caulfield Station Precinct. Council will now commence drafting the Structure Plan.
- The Carnegie Swim Centre concept design was adopted by Council on 1 September 2020 and detailed design is scheduled to commence.
- The detailed design for the new Bentleigh Library and Youth Hub was completed in August 2020 with construction scheduled to begin in March 2021.
- The Post War and Hidden Gems Review was adopted by Council in August 2020 with authorisation sought to exhibit in September 2020.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Financial information provides one lens to view Council's performance. The inclusion of additional statistical information complements monthly financial reporting and provides richer insights into the diverse range of activities undertaken by Council. Regular reporting also provides an indication of where productivity or efficiency gains have been made along with identifying trends that will assist decision making and resource allocation.

It should be noted that this report covers the period in which the COVID-19 pandemic restrictions have been in place since March and therefore reflects some of the resultant financial impact on Council's operations.

POLICY AND LEGISLATIVE IMPLICATIONS

The Quarterly Service Performance Report ensures compliance with statutory requirements legislated under:

- *Local Government Act*;
- Victoria Auditor General's office (VAGO); and
- Service specific quality and assessment standards.

COMMUNICATION AND ENGAGEMENT

The Quarterly Service Performance Report has been developed in consultation with the Community Consultation Committee and Councillors to provide consistent and transparent information on Council's commitments to its community. Once endorsed by Council, the final report will be published on Council's [Community Dashboard](#).

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

Glen Eira Council's Quarterly Service Performance Report aims to respond to community's expectation of having access to a clear and transparent snapshot of Council's progress against key priorities and programs.



GLEN EIRA
CITY COUNCIL

BENTLEIGH
BENTLEIGH EAST
BRIGHTON EAST
CARNEGIE
CAULFIELD
ELSTERNWICK
GARDENVALE
GLEN HUNTLY
MCKINNON
MURRUMBEENA
ORMOND
ST KILDA EAST

QUARTERLY SERVICE PERFORMANCE REPORT

QUARTER ENDING SEPTEMBER 2020 • WWW.GLENEIRA.VIC.GOV.AU

CHIEF EXECUTIVE OFFICER OVERVIEW

Welcome to our first Quarterly Service Performance Report for 2020–2021 - covering the period 1 July to 30 September 2020.

On 16 March, a State of Emergency was declared due to the public health concerns COVID-19 presents. As a result, there has been several changes to Council services, including closures of some of our facilities and the postponement of several initiatives, events and works. These closures have continued to have an impact this quarter.

That being said, we did enter the second step of the Victorian Roadmap. The outdoor 50 metre swimming pool at Glen Eira Sports and Aquatic Centre is now open and bookings can be made at the [GE Leisure website](#). The Early Learning Centres, Child Care Centres and parks and playgrounds are all available for community use. As at the end of September the Libraries remained closed however a pickup and delivery service has continued to ensure that residents have been able to access Library resources in their homes; for more information on this visit [Libraries' website](#).

I would like to reassure you that our current financial position remains sound, however we know there will be a significant impact on our finances as we continue to be impacted by this global pandemic.

Progress worth noting this quarter includes:

- The Victorian Planning Authority effected their handover of the Structure Plan for the Caulfield Station Precinct. Council will now commence drafting the Structure Plan.
- The Carnegie Swim Centre concept design was adopted by Council on 1 September 2020 and detailed design will now begin.
- The detailed design for the new Bentleigh Library and Youth Hub was completed in August 2020 with redevelopment construction scheduled to begin in March 2021.
- The Post War and Hidden Gems Review was adopted by Council in August 2020 and we sought authorisation to exhibit in September 2020.

For those impacted by COVID-19, Council has endorsed a substantial Response and Recovery Package to provide immediate financial relief to residents, businesses, sporting clubs and community groups. The Package contains a range of financial concessions, including the ability to defer rates without penalty interest, waivers to certain fees, rent relief for Council community tenants and several new grant programs. If you would like to access this Package or would like to learn more, please visit Council's website or call our Customer Service team on 9524 3333.

I encourage you to continue to keep up-to-date with how we are tracking against the commitments we have made to you and that you find this information insightful.

Please stay safe during this challenging time and remember to be kind to yourself and others.

If you have any feedback, please don't hesitate to email me at mail@gleneira.vic.gov.au

Regards,
Rebecca McKenzie
Chief Executive Officer

FINANCIAL OVERVIEW

Council's financial position is presently sound, however the impact of COVID-19 on Council's operating result continues to be significant. The operating result year-to-date is lower than was anticipated when the annual budget was set, however the balance sheet position and the cash position remain favourable.

At the end of September 2020, the performance against budget from ordinary activities showed a favourable variance of \$3.94 million. This is made up of higher than anticipated income of \$3.9 million due to higher than anticipated government grants received of \$4.62 million and offset by lower than budgeted income received for user fees and fines (\$0.62 million).

The forecast result expected for the financial year is a surplus of \$1.3 million compared with the adopted 2020–21 Annual Budget of \$5.36 million. The decreased forecast result is affected by the timing of capital grants which were budgeted to be received in 2020-21 but will now be received in the following year. This will have no effect once they are received as it is only a timing issue. The remainder of variances is attributed to unbudgeted pandemic expenses such as personal protective equipment particularly in Residential Aged Care (\$1.32 million), and increased community and business support grants (\$438,000).

Council's current liquidity ratio, a measurement of our financial strength, decreased to 1.10. This means for every \$1 of current liability, the Council had \$1.10 in current assets to meet those commitments. The Council remains financially well positioned, but if our income streams affected by the pandemic and high costs of recovery are not able to return to normal as anticipated, there will be a significant impact on Council's long-term financial position and liquidity.

The table below details Council's forecast performance based on the Victorian Auditor-General Financial Sustainability Risk Indicators.

FINANCIAL SUSTAINABILITY RISK INDICATORS	Objective	2019-2020 Actuals based on VAGO Parliamentary Report	2020-21 Annual Budget as at 30 September 2020	2020-21 Annual Forecast As at 30 September 2020	2020-21 Risk Based on Annual Forecast as at 30 September 2020	COMMENT
Net Result	To generate surpluses consistently greater than 0%	17.05%	2.94%	0.70%	Low	The low net result percentage is based on the assumption that some business units, such as Glen Eira Leisure facilities, will be operating for only part of 2020-21 due to the COVID-19 pandemic.
Underlying Result	Ability to generate surplus in the ordinary course of business-excluding non-recurrent capital grants and non-monetary asset contributions to fund capital expenditure from net result. Low risk indicator to be more than 5%	13.88%	-0.50%	0.69%	Medium	Council anticipates a low underlying result during 2020-21 due to our reduced ability to generate fee income during the COVID-19 pandemic.
Liquidity	To measure Council's ability to repay short-term liabilities as they fall due. Low risk indicator is to be greater than 1.0	1.42	1.14	1.10	Low	Council's forecast to 30 June 2021 indicates a Liquidity Ratio of greater than 1.0.
Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue	13.06%	6.97%	6.85%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
Internal Financing	Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%	152.55%	71.00%	75.00%	Medium	Council is restricted in generating cash due to our COVID-19 responses in the short term. Measures to correct this will be sought over the coming months.
Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. Low risk indicator is to be more than 1.5	1.49	1.64	1.68	Low	Council spends sufficient funds on its asset base.
Renewal Gap	To ensure there is sufficient spending on Council's asset base. Low risk indicator is to be greater than 1.0	1.21	1.15	1.15	Low	Council spends sufficient funds on its asset base.

* At time of writing Council's 2019-20 Annual Financial Report has not been audited so these results are indicative only.

WHAT'S BEEN HAPPENING AT A LOCAL LEVEL

Major events which had been programmed for the community were postponed during the pandemic and replaced by a program of free events and activities produced online, promoted under the banner 'GE Arts Online'. Programs included the Rosstown Railway digital historical walking tour, the *Live Sunday Sessions* series showcasing local musicians, artists, writers and historians, 'ARTYNoon' creative sessions, 'IntroArt' craft sessions with a local artist and 'iSEWlation' sewing lessons.

Live library programs attracted 1,776 viewers and highlights included sessions with American mortician, blogger and author Caitlin Doughty, transgender advocates Rebekah Robertson AOM and Georgie Stone OAM, candidate for the Mars One mission Dianne McGrath, YouTube sensation Tom Dolan and UK neuroscientist Prof. Matthew Cobb, to name a few. Pre-recorded content in the Library@Home page continued to provide 'how to' videos on a range of topics from kids' craft, mindfulness, gardening, pickling, yoga and juggling, as well as family storytime sessions, to be enjoyed anytime.



MAJOR PROJECT UPDATES

Eat Street [Bentleigh Structure Plan]

- **Project Status** : Initiate
- **Project Comment** : Detailed design is substantially underway and nearing completion. Following the public tender process, construction is expected to commence in April 2021.

Safe Cycling Corridor Pilot (Integrated Transport Strategy)

- **Project Status** : Plan
- **Project Comment** : The development of a draft corridor plan is underway with the first stage being the identification of priority road scenarios. A community reference group, a technical advisory group and an impacted business group have been established to consult on and have direct input into the development of the draft corridor plan. Traffic modelling as a key input in the development of the design has been deferred due to COVID-19.

Neerim Road Streetscape

- **Project Status** : Plan
- **Project Comment** : Concepts for Neerim Road streetscape have been completed. Consultation with community and traders deferred due to COVID-19. Detailed design underway and timing of construction to be determined based on an appropriate timeframe subject to community and trader feedback as well as other developments in the precinct to ensure impact is minimised.

Murrumbeena Park Community Hub Development

- **Project Status** : Plan
- **Project Comment** : The tender process will soon be completed to award the contract for the construction of the Murrumbeena Community Hub. We anticipate that this contractor will be appointed in December with construction to commence in January 2021.

New open space - Aileen Ave

- **Project Status** : Plan
- **Project Comment** : Council has approved the formal road discontinuance of Heather St for the proposed Aileen Ave Park on the 7 April meeting. Aileen Avenue Park detailed design completed. Tender process for drainage works, as part of Aileen Ave Park in progress. Construction is anticipated to commence early 2021.

Lord Reserve and Koornang Park Masterplan Implementation

- **Project Status** : Initiate
- **Project Comment** : Landscape architect has been engaged to prepare concepts and options around the eastern end (east of Carnegie Swim Centre). As outlined in the master plan this will include a multi-purpose space, explore the car-park layout and improvements to the north eastern entrance. Awaiting on Community Reference Group input into Nth/East corner design. Lord Reserve cricket nets will be replaced in new location prior to Lord Pavilion works in January.

Carnegie Market [Carnegie Structure Plan]

- **Project Status** : Deferred
- **Project Comment** : Progression of a permanent Carnegie Market has been deferred and is currently on hold. Works are progressing on plans for a new community space at the former Neerim Road Furniture Warehouse. Construction is due to commence on this new community space in December 2020.

Carnegie Swim Centre Redevelopment

- **Project Status** : Initiate
- **Project Comment** : Community consultation on the concept design and traffic and parking report is now complete. Council adopted the concept design on 1 September 2020. Community feedback received will be given further consideration during the next phase Schematic Design. The redevelopment of Carnegie Swim Centre is estimated to be completed by early 2023.

Elsternwick Community Hub [Elsternwick Structure Plan]

- **Project Status** : Initiate
- **Project Comment** : Community consultation regarding the kinds of experiences and the types of services the community would like to see at the new Hub has been completed. The feedback received during engagement is now being used to inform the next stages in the planning for the new Hub.

Selwyn Street Cultural Precinct [Elsternwick Structure Plan]

- **Project Status** : Initiate
- **Project Comment** : Concept design for the Cultural Precinct is progressing in line with design program and is being governed by a special advisory committee charged with overseeing the development and function of the precinct. Creative team and have been appointed to commence work on an integrated commemorative public art work with concepts currently being developed.

Stanley Street - Elsternwick Multi-deck car park [Elsternwick Structure Plan]

- **Project Status** : Plan
- **Project Comment** : Currently in early stages of planning and feasibility. Concept and functional design is being developed alongside landscaping solutions and traffic modelling.

Bleazby Street Multi-Deck car park [Bentleigh Structure Plan]

- **Project Status** : Plan
- **Project Comment** : Currently in early stages of planning and feasibility.

Bentleigh Library Improvement & Integration [Bentleigh Structure Plan]

- **Project Status** : Plan
- **Project Comment** : The redevelopment of the Bentleigh Library is due to commence in March 2021. The tender advertising period will commence in November and the contract will be awarded early in 2021.

Lord Reserve - Pavilion Development

- **Project Status** : Initiate
- **Project Comment** : Project currently out to tender for construction. Following tender analysis, project report will go to council in December 2020, with a proposed construction start date of January 2021.

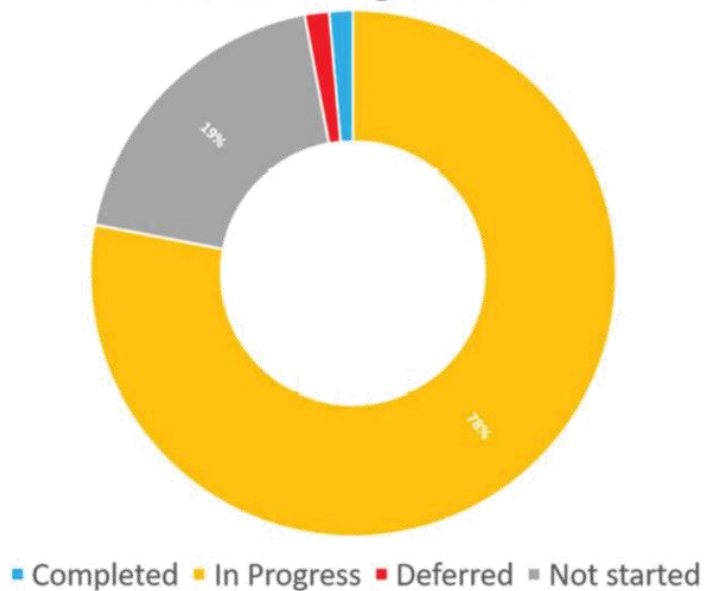
PERFORMANCE AT A GLANCE

The Council Plan 2017–2022 sets out five themes where Council will focus its efforts to enhance community experience over the next five years. These themes were developed in consultation with the community. The following section of this report tracks our performance in delivery against those five themes.

PROGRESS AGAINST GLEN EIRA COUNCIL AND COMMUNITY PLAN COMMITMENTS

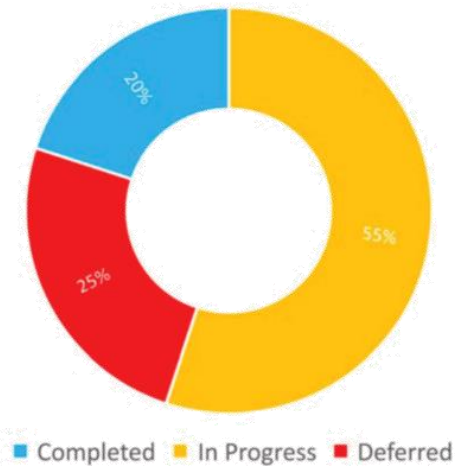
Total Number of Community Plan commitments for 2020-21	68	%
Completed	1	1%
In Progress	53	78%
Deferred	1	1%
Not started	13	19%

Performance at a glance 2020-21



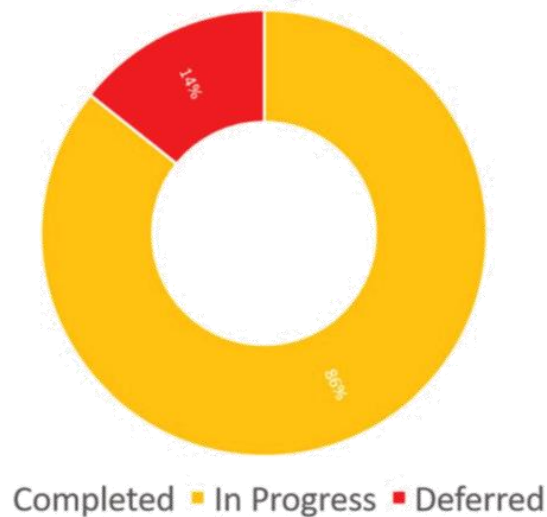
Total Number of Community Plan commitments for 2019-20	20	%
Completed	4	20%
In Progress	11	55%
Deferred	5	25%

Performance at a glance 2019-20



Total Number of Community Plan commitments for 2018-19	7	%
Completed	0	0%
In Progress	6	85%
Deferred	1	14%


Performance at a glance 2018-19



LIVEABLE AND WELL DESIGNED

A WELL PLANNED CITY THAT IS A GREAT PLACE TO BE

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will continue to deploy our structure planning program, implementing the Council and community shared vision for our activity centres on transport and parking, employment, open spaces, infrastructure, and accommodating population growth.	Following community and stakeholder consultation, we will complete a draft Structure Plan for the Caulfield Station Precinct.	Late September, the Victorian Planning Authority handed over the development of the structure plan to Council. Project plan now prepared and consultant team to be appointed in Q2. Drafting of the structure plan to occur in Q3 and Q4.
	We will continue to progress the formal Planning Scheme Amendment process for the Elsternwick Structure Plan.	This project is scheduled to recommence in Q3 due to commitments with the exhibition of C184 - Bentleigh and Carnegie Structure Plans.
	We will commence the formal Planning Scheme Amendment process to implement the Glen Huntly Structure Plan.	The final structure plan was presented to Council on September 1 following community consultation. The plan was not endorsed at this meeting. Officers will undertake further review and modelling of heights, heritage and traffic reviews in Q2 to finalise the plan. The revised structure plan will be the subject of a Council report in Q3 when the plan could proceed to a formal planning scheme amendment process.
	We will conclude the Planning Scheme Amendment process for the Bentleigh and Carnegie Structure Plan Planning Scheme Amendments, including public exhibition and consultation with the community.	The C184 amendment was exhibited from 23 July to 27 Aug 2020. A report will be presented to 15 December 2020 council meeting to consider the submissions and decide on the next steps of the amendment.
We will continue to protect and celebrate Glen Eira's cultural heritage through a range of planning policies and controls.	We will publicly exhibit and review community and stakeholder submissions for the Hidden Gems Planning Scheme Amendment and Bentleigh, Carnegie and Elsternwick Planning Scheme Amendments.	Council sought authorisation from Minister for Planning on 12 Aug 2020. Amendment authorised on 18 Sept. It will be exhibited from 29 Oct to 30 Nov 2020. Submissions will be reported to council in Feb 2021. Panel is scheduled for April 2021.
We will contribute to an increase in the availability of social and affordable housing in the municipality through implementing our Social and Affordable Housing Strategy 2019–2023.	We will develop a position paper on Council's commitment to a planning mechanism for affordable housing contributions for new developments.	The position paper on Council's commitment to a planning mechanism for affordable housing contributions for new developments is scheduled to commence in Q2.
	We will develop a standard policy for affordable housing requirements on rezoned sites.	The standard policy for affordable housing requirements on rezoned sites is scheduled to commence in Q2.
	We will deliver a minimum 80 per cent of year two actions in the Social and Affordable Housing Strategy 2019–2023 Action Plan.	Implementation of the Year Two Action Plan has commenced now that the plan was endorsed on 1 September.
We will develop community facilities and spaces that are vibrant hubs, connect people with the place that they live, and encourage active lifestyles.	We continue the development of a concept plan for a cultural precinct in Selwyn Street, Elsternwick.	<ul style="list-style-type: none"> - Functional Layout Plan (FLP) options have been developed in line with an advisory committee made up of stakeholders from the precinct - Further development of FLP's is contingent on the outcome from the VCAT decision for Woolworths (10-16 Selwyn St) - A decision has been made with executive and CRs to put the project on hold until further clarity is known from the VCAT decision. - Concept design development has stalled due to the above and unlikely to be able to resume until late 2020.
	We will use the outcomes of our community consultation process to inform the completion of a detailed design for the Carnegie Swim Centre in preparation for tender.	Concept design has been adopted by Council following consultation phase. Next stage of design development will incorporate community feedback.


	We will commence construction of the Community Hub at Murrumbena Park.	Construction is due to commence in January 2021. Tender is currently being advertised. Tender for construction due to be awarded at final Council meeting of 2020.
	We will commence construction of the Bentleigh Library and Youth Hub and forecourt.	Construction is due to commence in March 2021. Tender for construction is due to be advertised in early November. Contract award for construction scheduled for the first Council meeting of 2021.
	We will commence concept design and community consultation for a new Community Hub and Library in Elsternwick.	<ul style="list-style-type: none"> - Community consultation regarding the kinds of experiences and the types of services the community would like to see at the new Hub has been completed. - The feedback received during engagement was earmarked to be used to develop concept design options for the new Hub in line with community plan commitments. - Discussions with executive and ongoing cash flow analysis and planning with regards to the Hub has meant the project is likely to be delayed to now be delivered inline with the SRP majority of spend in 2024-25 to 2027-28
	We will commence construction of Eat Street in Bentleigh — a pedestrian friendly mall which will underpin Bentleigh's growing café and restaurant culture.	<ul style="list-style-type: none"> - Detailed design is nearing completion with %100 detailed design due to be issued shortly - Some design issued identified with service conflicts and potential delays with third party providers (United Energy, VicRoads) currently being mitigated - Subject to resolving these issues project is still due to commence construction in early/mid 2021 calendar year, following tender award for construction.
We will have a contemporary Glen Eira Planning Scheme that reflects Council's adopted land use and development strategies and plans and meets State Government requirements.	We will commence a formal planning scheme amendment process to revise the Glen Eira Planning Scheme to implement Council's adopted policies and strategies including updated planning provisions for our neighbourhood centres.	<p>The Planning Scheme Rewrite has progressed significantly in Q1 with DELWP providing positive feedback on Draft 1 and Draft 2. A report is scheduled for December for Council to formally consider the revised Glen Eira Planning Scheme. Exhibition will proceed in Q3 following Council's consideration.</p> <p>The draft planning controls for 3 Neighbourhood Activity Centres will commence in Q2 with consultation scheduled for Q3.</p>
We will invest a minimum of \$25 million on infrastructure projects that maintain and enhance liveability through Council's Capital Works Program.	More than \$25 million will be spent through Council's Capital Works Program for 2020–21.	Twenty percent of the community plan commitment has been delivered. As of September YTD, forecast \$7.4m against YTD actuals of \$5m.
		

2019-2020 commitments

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will commence the construction of the new Eat Street in Bentleigh.	Construction of the new Eat Street in Bentleigh commenced by June 2020.	<ul style="list-style-type: none"> - A measured decision was made by Councillors to delay implementation until early 2021 in order to ensure local businesses are not impacted during the peak Christmas trading period. - The project has now been revised to go to public tender for construction and works to commence in early 2021.
We will continue the implementation of our structure plans for Elsternwick.	We will seek authorisation to commence the planning scheme amendment process for Elsternwick Structure Plan planning controls by 30 June 2020.	The implementation of the Elsternwick Structure Plan had been placed on hold pending the outcome of the planning scheme amendment for the implementation of the Bentleigh and Carnegie Structure Plans. (Amendment C184) A further update on timeframes will be presented in Q2 report.
We will continue the statutory implementation of our structure plans for Bentleigh.	We will submit the Bentleigh planning scheme controls (including the quality design guidelines) to the Minister for Planning for approval by 1 April 2020.	Council sought authorisation from the Minister for Planning for Amendment C184 in Feb 2020.
We will continue the statutory implementation of our structure plans for Carnegie.	We will submit the Carnegie planning scheme controls (including the quality design guidelines) to the Minister for Planning for approval by 1 April 2020.	Council sought authorisation from the Minister for Planning for Amendment C184 in Feb 2020.

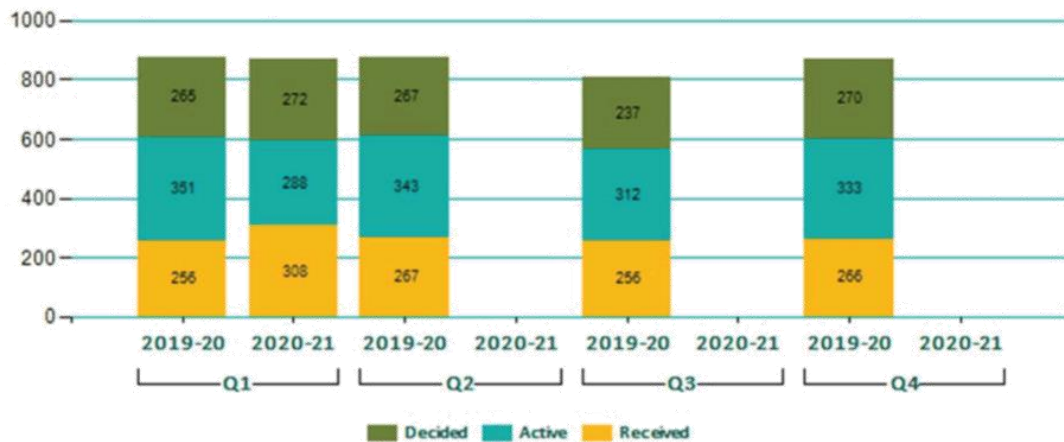
We will create a new community space on the site of the old furniture warehouse in Neerim Road Carnegie.	Implementation and activation of a new open space area on the old furniture warehouse site in Carnegie by June 2020.	In March 2020 when the COVID-19 lockdown occurred this project was in the final stages of preparation of the construction documentation. However, the project was then placed on hold as there was uncertainty around gatherings in public places. It was not considered safe to open a new community space when there were restrictions and social distancing guidelines in place. The project is now progressing and the tender is currently being advertised. The advertising period closes on 16 October. Construction will commence in the latter part of 2020. The new plan is to complete the construction of the community space. However, opening to the public and activation will not occur until it is appropriate to do so.
We will develop, consult and implement policies and controls that protect heritage and the character of our residential areas.	Council will complete the 'Hidden Gems' Heritage Review and seek Minister authorisation to exhibit the planning controls by 1 April 2020.	Council adopted the Post War and Hidden Gems Review in August 2020. We will be seeking authorisation to exhibit in September 2020.
We will further progress the development of a community focused multi-use recreation precinct for Lord Reserve, Carnegie Swim Centre and Koornang Park, Carnegie.	We will complete detailed design on redevelopment of Carnegie Swim Centre.	Detailed design will now proceed as the concept design was adopted by Council on 1 September 2020. Schematic and detailed design are now underway.
	We will complete detailed design on Lord Reserve Koornang Park Masterplan.	A Landscape Architect has developed concept plans for the North-East corner through to the multi-purpose cricket nets at Koornang Park as well as the new cricket nets at Lord Reserve. This will be presented to the Lord Koornang community reference group and undertake future community consultation. Future concept design for the Moira Ave multi-purpose space, perimeter car parks and the pool forecourt are pending the formal road discontinuance process and further works on the swim centre.
We will progress the Elsternwick community hub concept.	To further develop feasibility and prepare concept design.	- Community consultation regarding the kinds of experiences and the types of services the community would like to see at the new Hub has been completed. - The feedback received during engagement was earmarked to be used to develop concept design options for the new Hub in line with community plan commitments. - Discussions with executive and ongoing cash flow analysis and planning with regards to the Hub has meant the project is likely to be delayed to now be delivered inline with the SRP majority of spend in 2024-25 to 2027-28.
We will progress the redevelopment of the Bentleigh Library and Youth Hub.	Complete detailed design for the new Bentleigh Library and Youth Hub	The detailed design for the new Bentleigh Library and Youth Hub was completed in August 2020.
We will work with the Victorian Planning Authority to manage growth in the municipality in a way that involves the community and stakeholders, and addresses development, open space, business and transport.	Implement the structure plan in the planning scheme for East Village by 30 June 2020.	Following receipt of the Planning Panel report in January 2020 Council officers completed alterations to the documentation for Planning Scheme amendment C155 to incorporate the Panel recommendations. The amendment was endorsed at the Council meeting on the 7th July 2020. However due to delays in the landowners responding to requirements of the amendment the submission of the final amendment for approval by the Minister for Planning is still pending.
	Adopt structure plans for the Caulfield Station Precinct and Glen Huntly by 30 June 2020.	Council officers have been working with the Victorian Planning Authority (VPA), who were preparing the Structure Plan for the Caulfield Station Precinct. The VPA advised in March 2020 that, since COVID19, their priorities have been changed and the project was to be handed over to Council. Handover is expected in October 2020. Council will then proceed with the drafting of the structure plan. The Glen Huntly Structure Plan was finalised following consultation in July/August 2020 and presented to Council for adoption in September. The structure plan was not endorsed at the meeting. The plan will be listed again in Q3 for consideration.
<div>Completed</div> <div>In Progress</div> <div>Ongoing</div> <div>Deferred</div> <div>Not Started</div>		

2018-2019 commitments

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will commence the statutory implementation of our structure plans for Benteigh, Carnegie and Elsternwick.	Panel process concluded and amendments submitted to the Minister for Planning for approval	The Benteigh and Carnegie Structure Plans were placed on exhibition in Q1 with a formal report scheduled for Council in December to consider submissions. For the Elsternwick Structure Plan progressing a planning scheme amendment package is on hold waiting further resolution of the Benteigh and Carnegie C184 Amendment.
We will guide better buildings in Glen Eira through the implementation of our Quality Design Guidelines.	Public exhibition of permanent planning controls which seek to implement the Quality Design Guidelines	Advice received from the Department of Environment, Land, Water and Planning indicated the Quality Design Guidelines would not be considered a background/reference document in the Glen Eira Planning Scheme. However, relevant elements are being translated into various parts of the planning scheme including within the current rewrite of the Planning Scheme due for reporting to Council in Q2.
We will refresh Glen Eira City Council's Municipal Strategic Statement to reflect recent strategic planning work, including the Activity Centre, Housing and Local Economy Strategy (July 2017)	Council adoption of planning scheme amendment and submission to Minister of Planning for approval	This is underway consistent with the Department of Environment, Land, Water and Planning's timeframes and expectations. A report and draft Planning Scheme Amendment is scheduled to be presented to Council in December 2020. Exhibition of the amendment to be progressed in Q3.
		

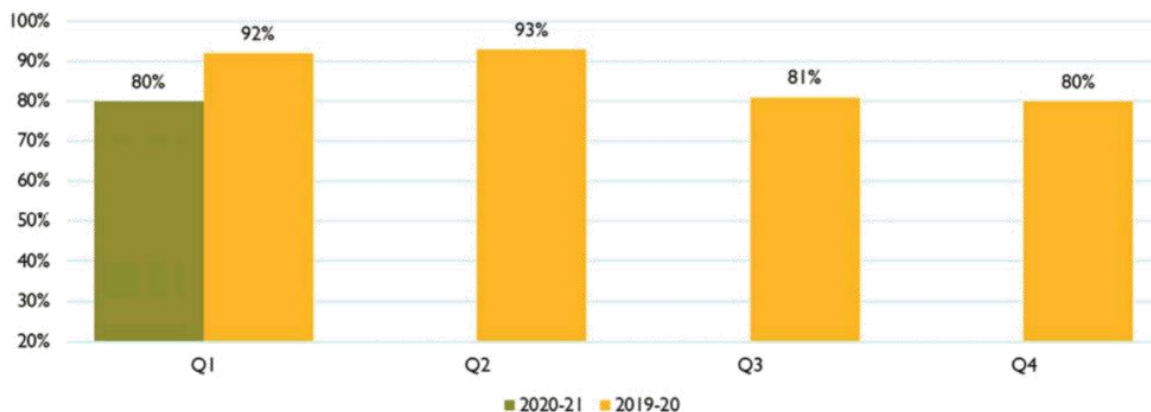
SERVICE PERFORMANCE INDICATORS - PLANNING

Applications Received and Decided



Comment: The number of active applications continue to be lower than the previous financial year and this is likely to continue as the benefits of planning office process improvements are realised. The number of decisions made is on par with the new applications received. This quarter the number of applications received and completed is on par with the previous quarter.

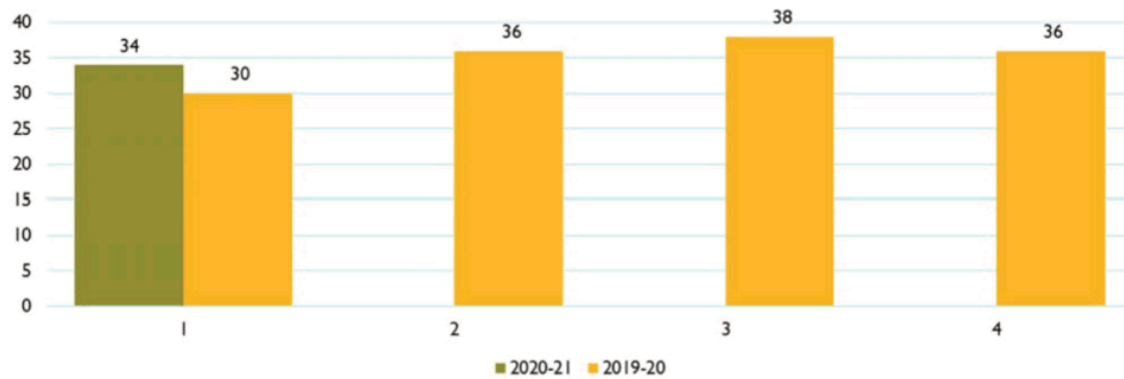
Applications Completed within 60 Statutory Days



Comment: 80% of applications have been determined within the 60-day timeframe. This remains steady compared to previous quarters. This is a result of planning office process improvements.

Glen Eira is one of the top performing Councils within the State for the percentage of decisions made within statutory timeframes.

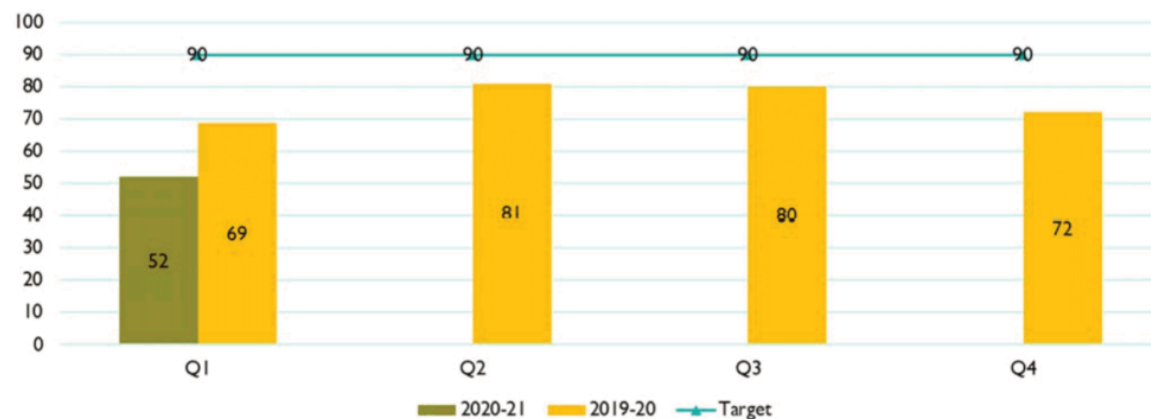
Average Statutory Days Per Determination



Comment: This quarter there has been a reduction in the average statutory days in which a planning decision is made.

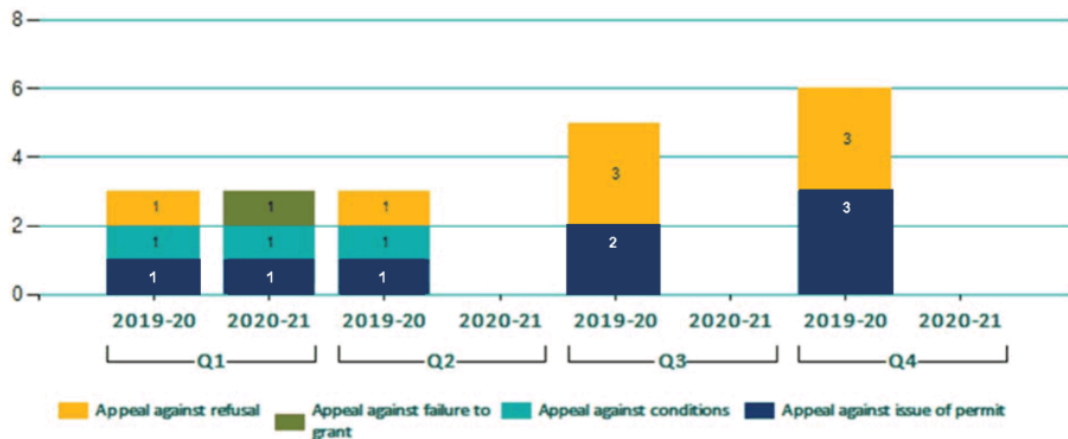
Glen Eira is proud of these improvements which is providing a vastly quicker planning permit process for our customers.

Average Days to Determination (Gross)



Comment: No data available from DEWLP - PPARS for September.

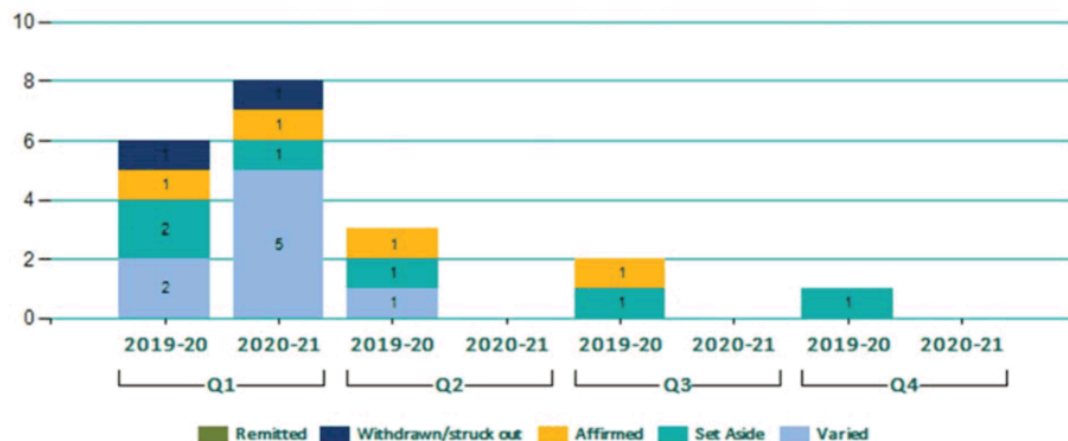
VCAT Appeals and reasons for Appeals



Comment: The number of appeals in this quarter has continued to be low with only 3 appeals lodged this quarter. This demonstrates that our decision making is finding a reasonable balance between various stakeholder expectations.

Data source: Planning Permit Activity Reporting Systems (PPARS) – DELWP.

VCAT Decisions

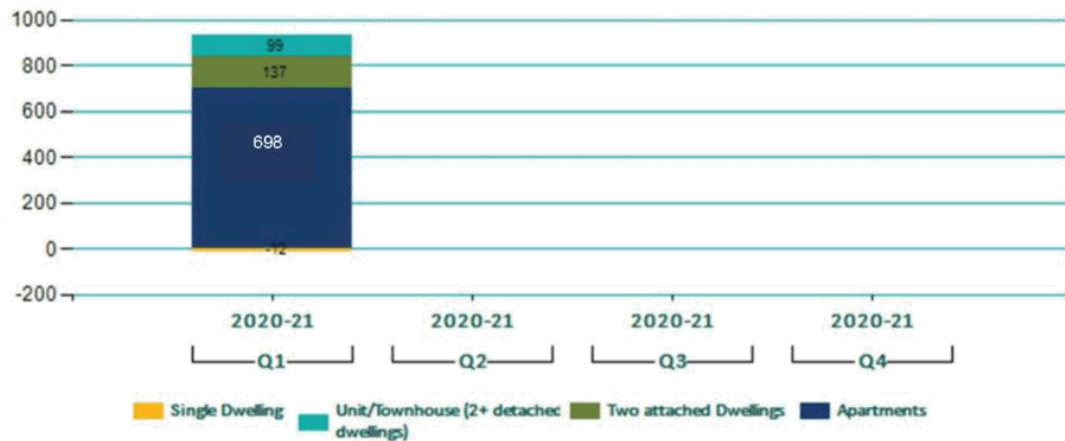


Comment: The number of VCAT decisions remains low, there were 8 decisions made by VCAT this quarter and 5 of those were varied.

The Urban Planning team are reviewing VCAT's decisions and using this as a learning tool to assist them with better decision making in the future. There has been a significant drop in the number of VCAT decisions due to increased negotiation by Urban Planning to achieve an appropriate outcome as part of the assessment process and greater policy direction with Council's structure planning program.

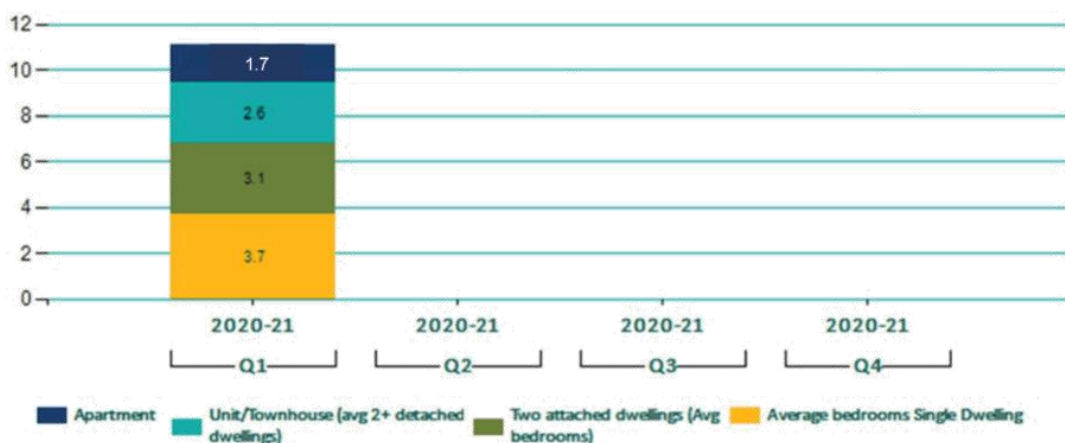
It also reflects the lower number of overall applications to VCAT seeking review of Council's decisions.

Trend in Available Housing Stock



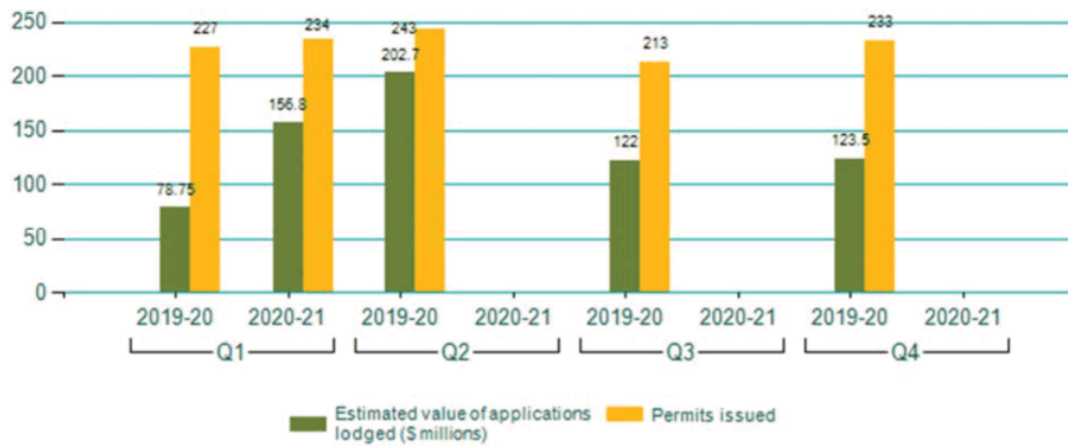
Comment: We continue to see a reduction in the number of single dwellings as land is developed for more medium to high density. The additional dwellings constructed in this quarter are predominantly apartments.

Average Bedrooms per Dwelling Type



Comment: We continue to see the average bedroom numbers per dwelling remain at 3-4 for houses and 1-2 for apartments.

Estimated Value of Planning Permits Lodged



Comment: The estimated value of planning permits lodged this quarter has increased compared to the previous quarter. Permits issued for this quarter has remained steady compared to the previous quarter however there is a slight increase compared to the same time last year.

Data source: Planning Permit Activity Reporting Systems (PPARS) – Department of Environment, Land, Water and Planning (DELWP)

SERVICE PERFORMANCE INDICATORS - GESAC

GESAC Overall Service Improvement Program Score



Comment: Program has been paused due to COVID closures.


GESAC Membership and Attendance




Comment: Outdoor 50m Pool at GESAC opened under COVID restrictions. Memberships have declined due to very limited services running. Members are not being charged whilst services are paused.

ACCESSIBLE AND WELL CONNECTED

A CITY THAT IS EASY TO MOVE AROUND, WITH SAFE TRAVEL OPTIONS AND WALKABLE NEIGHBOURHOODS

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will continue to implement of our Integrated Transport Strategy 2018–2031, with a focus on creating safer and walkable neighbourhoods, and a range of viable transport options for our diverse community.	<p>We will expand the Active Schools Program to at least two more schools.</p> <p>We will consider community reference group feedback and professional design advice in order to resolve whether the proposed Inkerman Road safe cycling corridor will proceed to tender and construction.</p>	<p>We don't anticipate delivery of this program being a problem if schools resume in October, however this commitment is dependent on schools resuming as normal.</p> <p>Further traffic assessments are planned to help shape a preferred functional layout plan. This will be progressed in Q2 pending traffic conditions which have been impacted by COVID. A draft plan is scheduled to be presented to the Community Reference Group late Q2 for review. Broad community consultation is scheduled for Q3.</p>
We will enable cycling to become a safe and attractive form of transportation in the municipality by implementing our Cycling Action Plan.	<p>We will commence implementation of at least one action from each of the three themes of our Cycling Action Plan:</p> <ol style="list-style-type: none"> 1. Education and behaviour. 2. Policy and enforcement. 3. Infrastructure. 	Project scoping commenced in Q1. More detailed project development is scheduled for Q2 with implementation scheduled for Q3 and Q4.
We will enable walking to become a safe and attractive form of transportation in the municipality by implementing our Walking and Accessibility Action Plan.	<p>We will commence implementation of at least one action from each of the three themes of our Walking and Accessibility Action Plan:</p> <ol style="list-style-type: none"> 1. Education and behaviour. 2. Policy and enforcement. 3. Infrastructure. 	Project scoping commenced in Q1. More detailed project development is scheduled for Q2 with implementation scheduled for Q3 and Q4.
We will make it easier for pedestrian travel throughout the municipality by maintaining the quality and condition of our footpaths.	We will invest a minimum of \$1.8 million maintaining and improving our footpaths in prioritised locations.	As of 30th September 2020, \$285,274 of the budget (16%) has been spent.
		

2019-2020 commitments

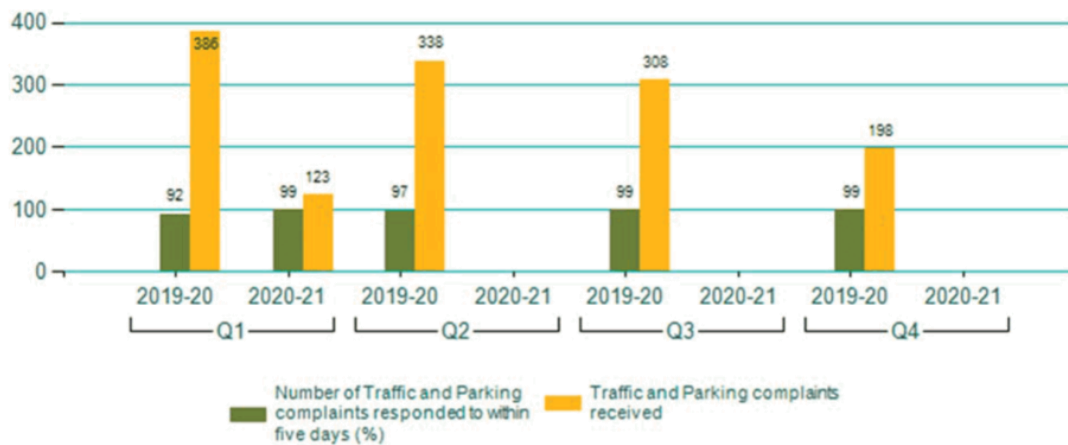
COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will complete and review the transport pilot projects in line with our new Integrated Transport Strategy, with a focus on creating safer and walkable neighbourhoods	Complete community and stakeholder consultation and a 'corridor plan' for the safe cycling corridor project by 1 March 2020.	Traffic assessments are planned for November to help shape a preferred functional layout plan. This will be progressed in Q2 pending traffic conditions which have been impacted by COVID. A draft plan is scheduled to be presented to the Community Reference Group late Q2 early Q3 for review. Broad community consultation is scheduled for Q3.
	Commence implementation of the pedestrian safe neighbourhood project pilot in Bentleigh East, by 30 June 2020	Design complete. Confirmation of funding for implementation is required before proceeding with next steps. This is to be considered in the 2021/22 budget.
		

2018-2019 commitments

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will develop pilot projects in line with our new Integrated Transport Strategy, with a focus on creating safer and walkable neighbourhoods.	Pilot one pedestrian safe neighbourhood project	Council consulted with the community on the Pedestrian Safe Neighbourhood Plan between 28 June and 4 August 2019. Work on the design for the treatments within the study area is underway incorporating the feedback received from the community.
	Pilot one corridor improvement for safe cycling project	At Council's ordinary meeting on Tuesday 3 September 2019, Council endorsed the release of A Safe Cycling Corridor Pilot Corridor Assessment Report. This provides an exploration of four alternative route options for the corridor. Consultation on the Corridor Assessment Report closes on Monday 14 October 2019. The feedback will be presented for Council resolution in December 2019.
We will work with the Level Crossing Removal Authority to implement upgrade works to Neerim Road, Murrumbidgee in line with community feedback and Council endorsed designs.	Commence the upgrade of Neerim Road, Murrumbidgee streetscape works.	<ul style="list-style-type: none"> - Works originally to be undertaken by LXRP however reneged on this commitment late in the project due to delays with the delivery of the LXRP. - Preferred option endorsed by Council via OCM in October 2017 - Officers went out to tender to construct, however only one tender submitted and was almost double the anticipated cost - Councillors elected to go back out to consultation with traders (including Mayor and Crs) and discuss options of expanding scope of works to be expanded in order to deliver an 'entire' streetscape project - Revised concepts for Neerim Road streetscape have been completed. Consultation with community and traders was deferred due to COVID-19 restrictions. - Community and trader feedback and other development in the precinct will dictate the timeframe for construction to ensure minimising impact to an already sensitive streetscape/trader village - Future planned development (Murrumbidgee IDO, Foodworks redevelopment) will also factor in when will be an appropriate time to undertake the works - likely many years away. - Project not included in future years in SRP and is not budgeted for.
<div> <div>Completed</div> <div>In Progress</div> <div>Ongoing</div> <div>Deferred</div> <div>Not Started</div> </div>		

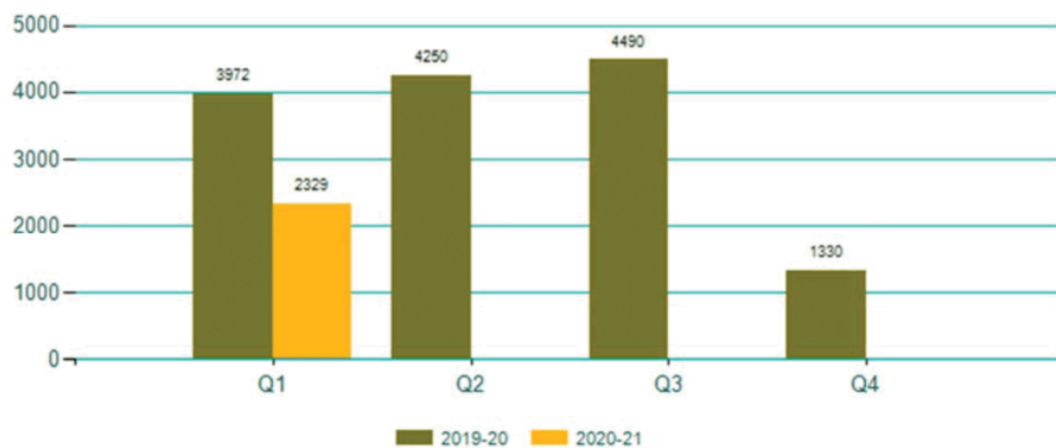
SERVICE PERFORMANCE INDICATORS - TRAFFIC AND SAFETY

Percentage of Traffic and Parking Complaints Investigated Within 5 Days



Comment: A total of 123 complaints / investigations were received in the last quarter (51 in July, 33 in Aug and 39 in Sep). These figures are significantly lower than the figures of the same period last year. Again, the complaints have decreased for this period which could be attributed to the Covid-19 pandemic. Although, we are continuing working hard to respond back to each complainant within 5 days to ensure service excellence.

Footpath Improvements (M2)



Comment: Figures are down because the contractors were unable to work for 6 weeks due to Covid-19.

SAFE, HEALTHY AND INCLUSIVE


A STRONG AND SAFE COMMUNITY THAT BRINGS PEOPLE TOGETHER AND ENHANCES HEALTH AND WELLBEING

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will continue to deliver our Active Communities Program to improve the health and fitness and social connection of residents.	We will engage at least 500 Glen Eira residents in free exercise activities in parks throughout Glen Eira.	This program is scheduled to commence early 2021.
We will contribute to the community's sense of safety and support crime prevention in the municipality through delivery of key activities in our Community Safety Plan 2018–2022.	We will develop a 2020–22 Action Plan and deliver a minimum 80 per cent of the year one commitments.	The 2020–2022 Action Plan was endorsed by Council on 8 September. Since July, Council and Victoria Police have co-delivered the 'Virtual Coffee with a Cop' series on the topics of elder abuse, and the response to mental health by Council, community, and Victoria Police during the COVID-19 pandemic.
	We will deliver bystander training to staff and the community in order to educate and empower participants so that they can contribute to the prevention of family violence.	Bystander training to staff and the community will be delivered during the '16 Days of Activism Against Gender Based Violence', campaign which runs from 25 November to 10 December. This training will build participants' knowledge of challenging behaviour that reinforces sexist beliefs and stereotypes, how to safely intervene when witnessing disrespect, have conversations with friends, family and colleagues.
We will deliver programs and initiatives that support young people and give them a voice through the implementation of our Glen Eira Youth Strategy 2019–2023.	We will complete a minimum of 80 per cent of year two commitments of the Glen Eira Youth Strategy 2019–2023 by June 2021.	The draft 20/21 Youth Action Plan has been completed and awaiting Council endorsement.
We will deliver swimming lessons to residents with limited water safety knowledge and skills to ensure they are safe around water.	A minimum of 100 residents will have the opportunity to participate in a modified swimming program by June 2021.	This program is scheduled to commence in February 2021.
We will engage our community through a diverse program of events and activities.	We will deliver 60 curated events and activities including literacy based and community interest programs in libraries, and cultural and celebratory events at indoor venues and outdoors in Council's parks and gardens to engage and strengthen our communities including: the Glen Eira Storytelling Festival; three Party in the Park events; and Reconciliation Week activities in line with Council's Reconciliation Action Plan.	We are confident that we will meet our Library target by producing live and recorded content online, averaging 4-5 programs per week. We will flag issues as they arise, that may affect our ability to produce programs, such as any change to the licensing agreement between the Copyright Agency and Australian Library and Information Assoc. which currently allows us to offer storytimes online. Some permissions expired on 31 September, however some are still in effect until 31 December and live sessions can replace the recording of sessions. The major outdoor events are dependent on the lifting of restrictions and guidance around gathering numbers. Alternative event planning is being explored so we are confident that we will delivery events however they may look different than they have in the past.
	We will organise and promote at least three community activities at the new community space in Neerim Road, Carnegie, enhancing the activity centre's vibrancy and attractiveness.	Construction of the community space is expected to commence late Q2 and into much of Q3. Activities will be planned for late Q3 and early Q4 once the space is completed.
We will enhance health and wellbeing outcomes in our community by implementing Council's Municipal Public Health and Wellbeing Plan (MPHWP).	We will deliver a minimum of 90 per cent of the MPHWP 2017–21 year four commitments by June 2021.	Council has delivered and setup a COVID-19 Community Hotline and Recovery and Response Guide to provide information and services around public health and community support to residents.
	We will engage with the community in preparation for the MPHWP 2021–2025.	The governance structure for the new MPHWP 2021–2025 is in development and includes a Community Engagement Working group. This group will lead a range of engagement activities and work together with the community to understand the health and wellbeing outcomes that will drive the focus of the new strategy. A comprehensive community engagement plan will guide this work and will be finalised by December 2020.

We will enhance outcomes for people with disabilities in our municipality by implementing Council's Disability Action Plan 2017–2021.	We will upgrade a minimum of four Council facilities to improve their functionality for people with disabilities and ensure that they meet appropriate compliance standards.	Disability Discrimination Act (DDA) works have been scoped and being costed.
	We will implement 70 per cent of quick wins from the accessibility reports for Bentleigh, Elsternwick and Carnegie shopping precincts to make accessibility improvements which will help people with disabilities to be active in the community.	Accessibility Audit of Bentleigh, Elsternwick & Carnegie precincts have identified quick wins Council will implement over the next 12 months. This includes: Civic Compliance officers regularly patrolling precincts to ensure compliance with disability access requirements under Glen Eira footpath trading guidelines; Council continuing to work with Traders Association groups to promote better shop access for people with a disability; Council to continue to consult their Disability Reference Committee regarding accessibility and DDA compliance for any new redevelopment.
We will invest in increased compliance activity on building sites in order to improve safety and amenity during major construction works.	Decrease in the number of complaints received by 10 per cent.	We anticipate there may be an impact to the number of complaints as construction activity increases following lock down. Many people are working from home and may be affected by construction works so the assumption is that this may lead increase in complaints.
We will investigate Council's provision of active recreation facilities identified in the GET ACTIVE — Future of Sport and Active Recreation Report.	We will prepare and consult on an Active Recreation Action Plan, focused on future provision of active recreation facilities, including multipurpose courts, skate facilities and outdoor fitness equipment in our parks.	A Project Brief has been developed for the purpose of engaging an external consultant to prepare the Active Recreation Action Plan and associated deliverables.
We will provide high quality leisure facilities to improve the health and wellbeing of all Glen Eira residents by engaging them in visits to our health clubs, pools and stadium.	We will increase our online presence and engagement of Glen Eira Leisure activities by 20 per cent.	The online program has been increased steadily with higher demands during lock down period, we aim to continue our investment in online content.
We will provide visible and active community leadership throughout the COVID-19 pandemic, ensuring that our community is informed, essential services are maintained, and best practice public health principles are upheld.	Comply with all Department of Health and Human Services COVID-19 guidance, notes and directions.	We are confident that we can comply with all DHHS directives.
We will update our planning controls to better protect areas that are prone to overland flooding.	Once the Melbourne Water flooding analysis has been completed, we will seek authorisation from the Minister for Planning to commence a Special Building Overlay Planning Scheme Amendment.	The flood analysis and mapping data from Melbourne Water is still yet to be finalised. Officers will continue to work with Melbourne Water to progress the SBO once the data is provided.
We will work with community, businesses and other stakeholders to develop and deploy a comprehensive COVID-19 Recovery Strategy.	Implement all high priority actions from COVID-19 Response and Recovery Plan.	Currently there are 130 high priority actions contained within the Recovery Action plan of which 49 have been completed. 50 of these high priority actions relating to ongoing activity within business units such as management of infection controls and measures within our Residential Aged Care facilities, organisational infection control advice and messaging and communications with the community and relevant bodies in relation to changing restrictions and health advice. The plan is a dynamic document that changes as new restrictions are implemented. We are working through each of these items with the relevant teams and business units and report on them fortnightly to the Pandemic Planning Committee for oversight.

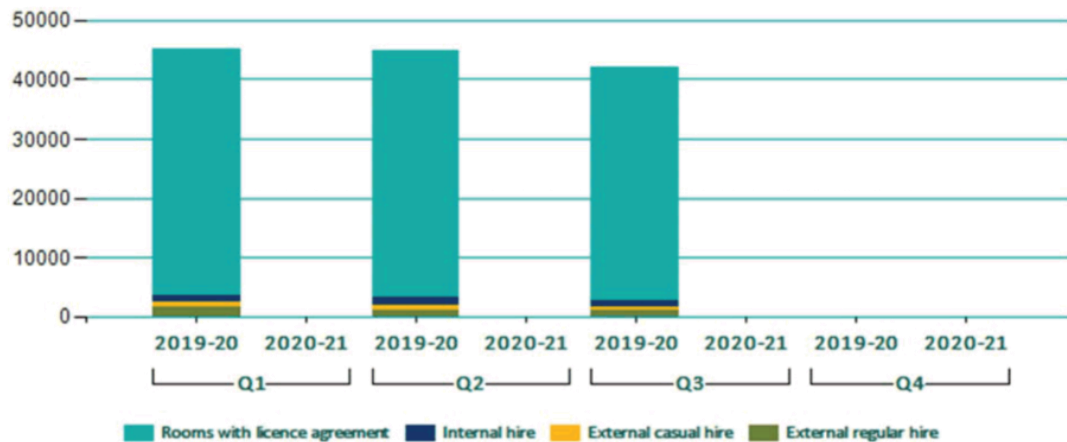
We will work with local Elders and the Boon Wurrung Foundation to build a unified community that acknowledges Aboriginal and Torres Strait Islander Peoples through meaningful reconciliation.	We will continue to implement our Reconciliation Action Plan 2018–20 — Innovate and achieve 90 per cent of commitments.	Implementation of the Reconciliation Action Plan is well underway with 94% of actions on track to be delivered in 2020-21. The RAP Advisory Group has five Aboriginal and Torres Strait Islander representatives and has met bi-monthly and community engagement to promote reconciliation continues.
	We will renew Council's memorandum of agreement with the Boonwurrung Traditional Owners.	Review of the Memorandum of Understanding is underway with discussions with the BoonWurrung traditional owner representatives due to commence in November 2020.
	We will seek endorsement of the next iteration of our Reconciliation Action Plan — Innovate from Reconciliation Australia.	First draft is in progress and due for completion on the 15 October.
	We will renew Aboriginal markers and storyboards at Mallanbool Reserve.	Proposed design and text for new markers and storyboards are being developed in collaboration with the Boon Wurrung traditional owners. This action is on track for finalisation and completion in 2020-21.
	We will commence a process to engage with the community on design of a learning stone and gathering place site at Mallanbool Reserve.	Council is working in collaboration with the Traditional Owners and learning stone representatives. A community engagement process will shortly commence to inform the location and specific improvements to the site.
		

2019-2020 commitments

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
Council will provide digital kiosks in two activity centres. These spaces will allow customers to complete transactions, find information about Council, its services, events and amenities.	Two digital kiosk spaces implemented by June 2020	The digital kiosks were ready to be installed in Bentleigh and Carnegie Libraries by the end of March 2020. However due to COVID-19 resulting in the closure of the libraries this was not achievable. Whilst under the second step in the roadmap to reopening for Metro Melbourne this project is on hold. When the libraries reopen in a greater capacity and we can meet safety, cleaning and social distancing requirements the kiosks will be installed.
We will build a Community Shed at Moorleigh Village.	Community Shed at Moorleigh Village completed by June 2020	The "Glen Eira Community Shed Project" construction is complete. Outstanding items include the production of the license agreement and purchasing of FFE for the new facility. These items are in hand and will be closed out following easing of COVID 19 restrictions. Additionally, a physical move for confirmed tenants will take place once restrictions have eased.
We will develop role descriptions for all categories of Council volunteers and deliver training programs to build their capacity to support the community.	We will develop a volunteer induction program and commence rollout by June 2020	A Volunteer Induction Program has been developed, with consultation with key stakeholders. The Program was approved by the Executive Team. However, due to the impacts of COVID-19, many of Council's Volunteers have temporarily ceased their engagement and the implementation of the induction program has not been able to be implemented. When our volunteers re-engage, following COVID-19 impacts, the Induction Program will be implemented.
		

SERVICE PERFORMANCE INDICATORS - COUNCIL FACILITIES

Utilisation of Council Community Function Rooms

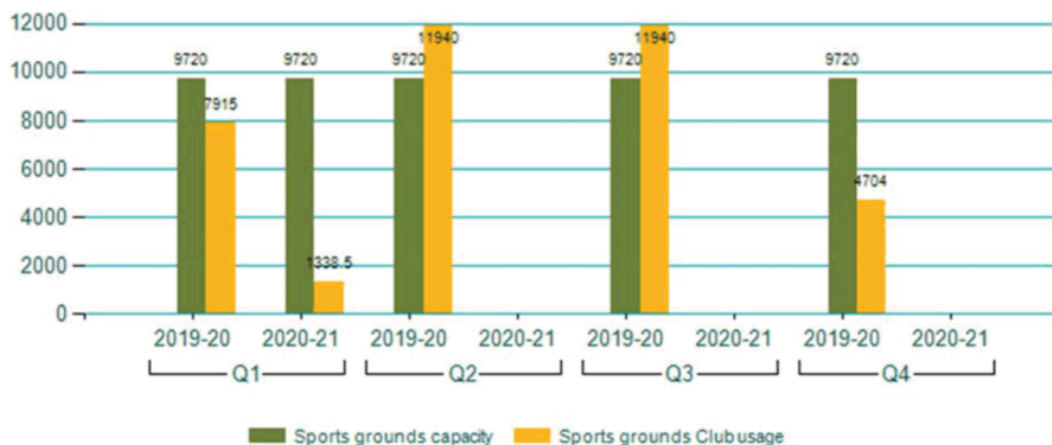


Comment: As directed by the Victorian Chief Health Officer and the Victorian Government no bookings have been taken due to Covid-19 restrictions.

The following facilities have been repurposed and are being fully utilised for operational purposes.

- McKinnon Hall–Citywide Working for Victoria Program
- Carnegie Multi-Purpose Room–Citywide Working for Victoria Program
- DC Bricker Pavilion–Citywide Working for Victoria Program
- Duncan McKinnon Pavilion–Council food relief Centre
- Glen Huntly Park Pavilion–Community Information and Support Glen Eira emergency food relief Centre#

Sports Ground Utilisation



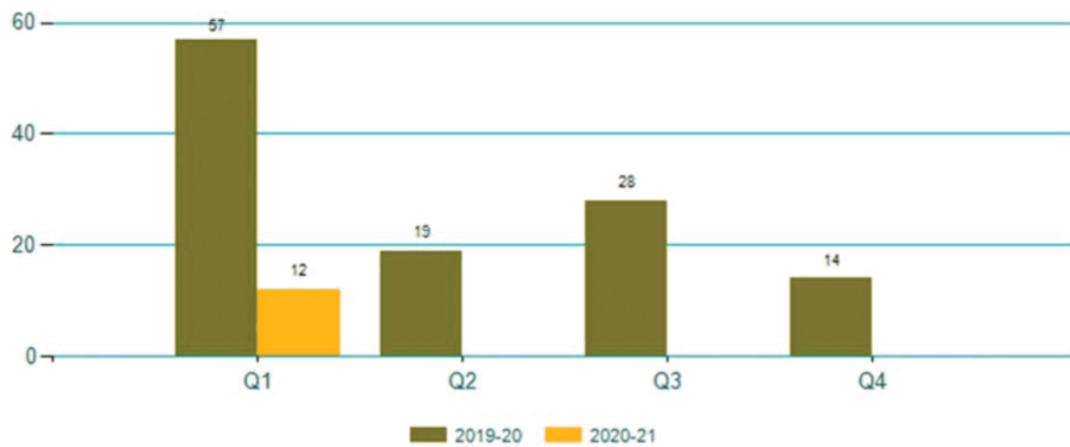
Comment: Sports grounds are maintained and managed to a high standard to maximise capacity.

Informal casual use including dog walking is not included in the statistics.

Capacity is not applicable in summer months and is only assessed during winter months (Q1 & Q4) There was no formal sports ground usage from July 9 due to COVID-19 restrictions. Usage hours are for training only.

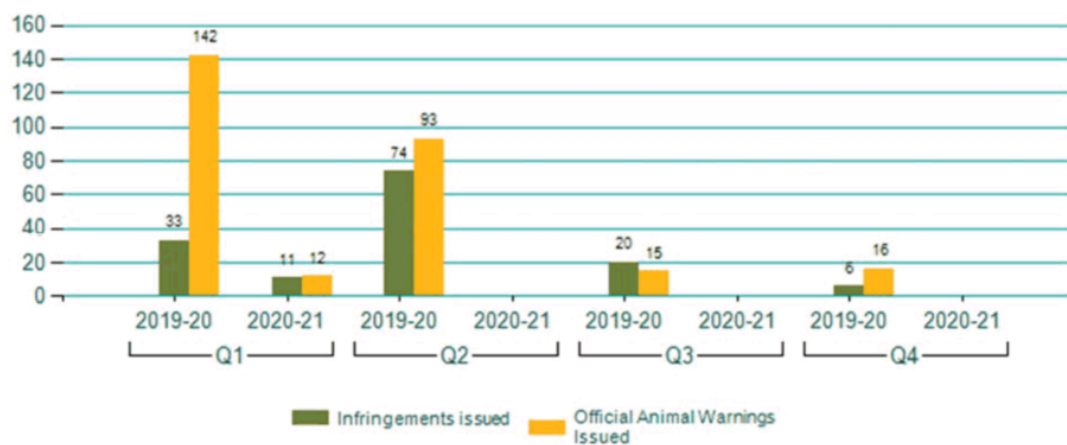
SERVICE PERFORMANCE INDICATORS - LOCAL LAWS

Infringement Notices Issued for Construction Sites



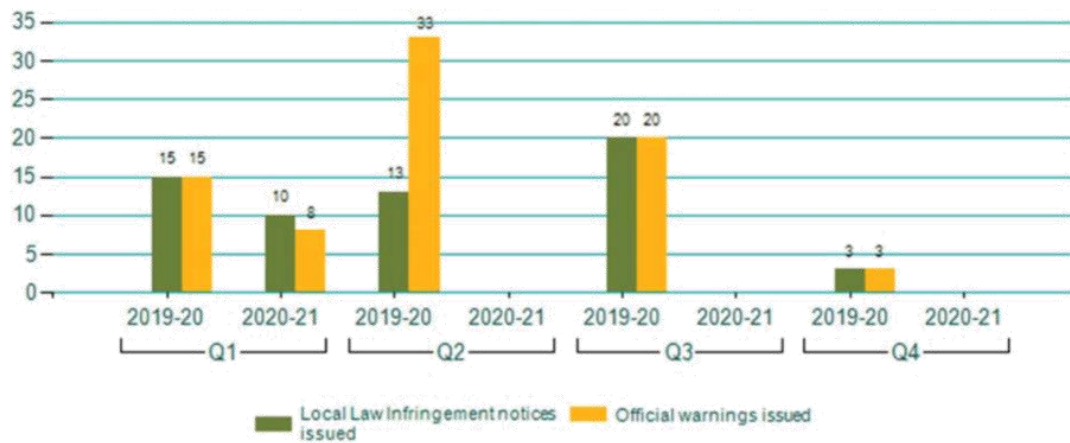
Comment: Infringement notice issued for construction sites have remained low due to COVID, reduced construction activity and only enforcing on matters which are high risk to public Safety

Animal Official Warnings vs Infringement Notices Issued



Comment: We saw an increase in Infringements as compared to Official Warnings. This is consistent with Councils Animal Management COVID response on enforcing on matters which are high risk to public Safety.

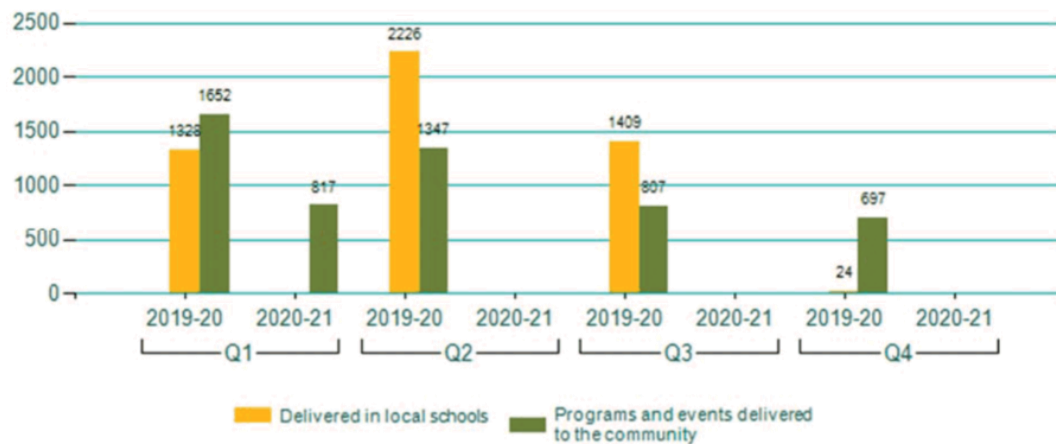
Local Law Official Warnings vs Infringement Notices Issued



Comment: Although we saw an increase in the number of both Official Warnings and Infringements from previous period the ratio of Official warnings to Infringements decreased slightly. This is consistent with Councils construction COVID response on enforcing on matters which are high risk to public Safety

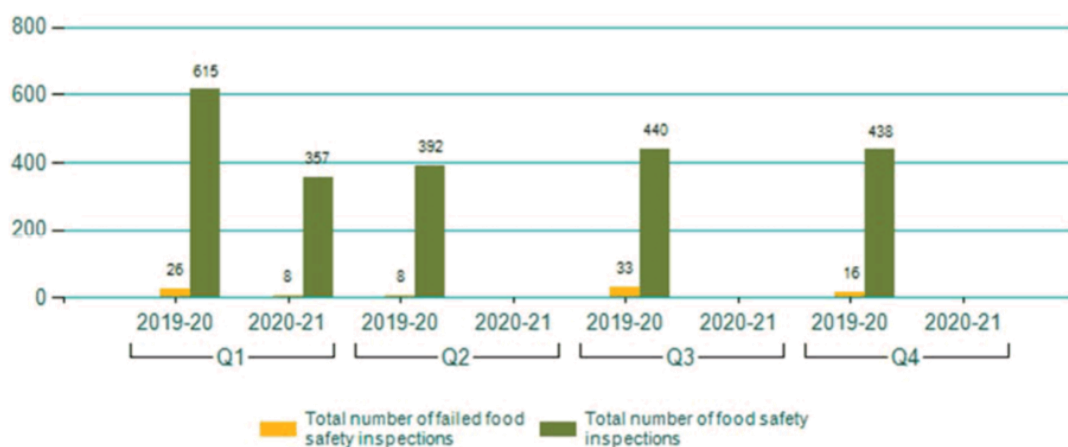
SERVICE PERFORMANCE INDICATORS - COMMUNITY SERVICES

Types of Youth Programs and Attendance



Comment: Due to government restrictions and school closures, Council has been unable to deliver any school-based programs during the first quarter 2020. All Community programs continue to be delivered in an online format. Council has delivered a range of online youth events including the Youth Art Exhibition, Music Showcase, School Holiday Program and Queerstories events. Youth Services has facilitated 64 individual youth support sessions since July 2020.

Food Safety Inspections



Comment: The number of inspections remains generally consistent, however as a result of Stage 4 COVID restrictions, food business operation was impacted with some businesses ceasing trade for the duration of the restrictions. This is indicated in the lower number of premises Council inspected for this period.

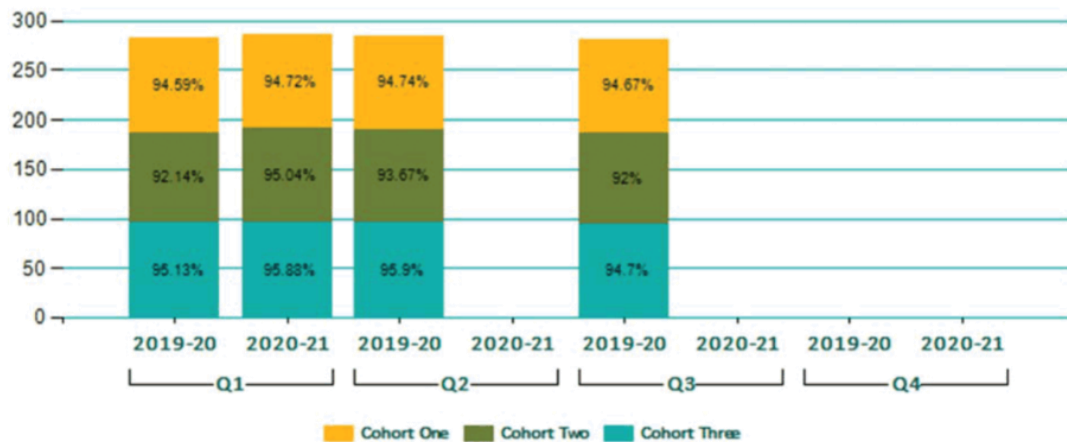
The number of failed inspections remains low. A failed inspection is when a deficiency is found by a Council officer that poses a risk to public health and must be followed up by the Council. This includes situations where there is a serious risk of food being sold that is unsafe to eat.

Maternal and Child Health Visits

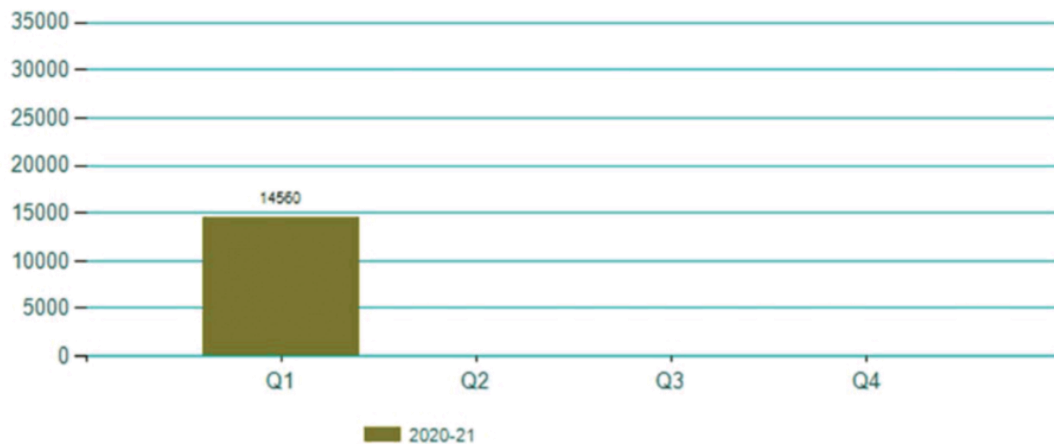


Comment: DHHS guidelines due to COVID-19 restrictions have meant Maternal and Child Health, an essential service, was to give priority to younger babies, up to 4 months old, and vulnerable children. Short face to face appointments for 0-8 week old's and tele-practice for other appointments.

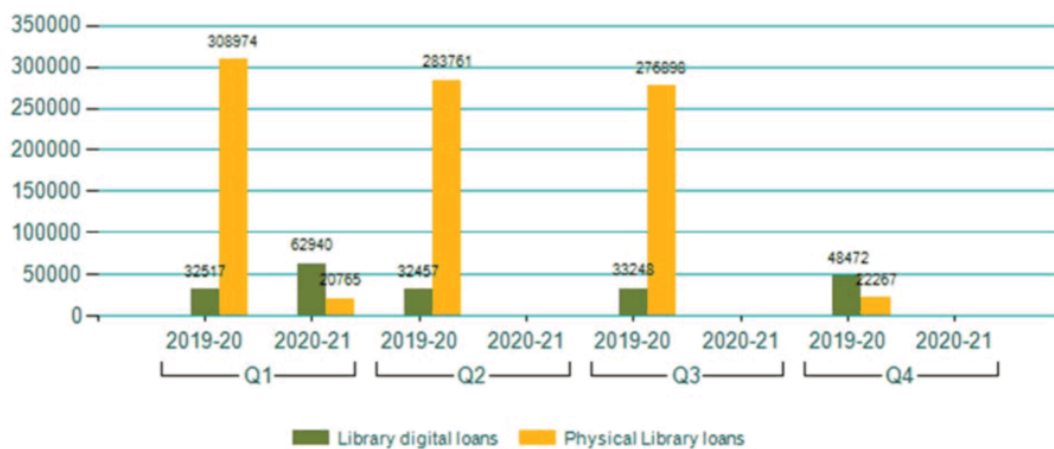
Immunisation Coverage Against Each Cohort



Comment: Cohort 1 – must receive their 2, 4 and 6 months immunisations by their 1st birthday. Cohort 2 – must receive their 2, 4, 6, 12 and 18 months immunisations by their 2nd birthday. Cohort 3 – must receive their 2,4,6,12,18 and 4 year old immunisations by their 5th birthday.

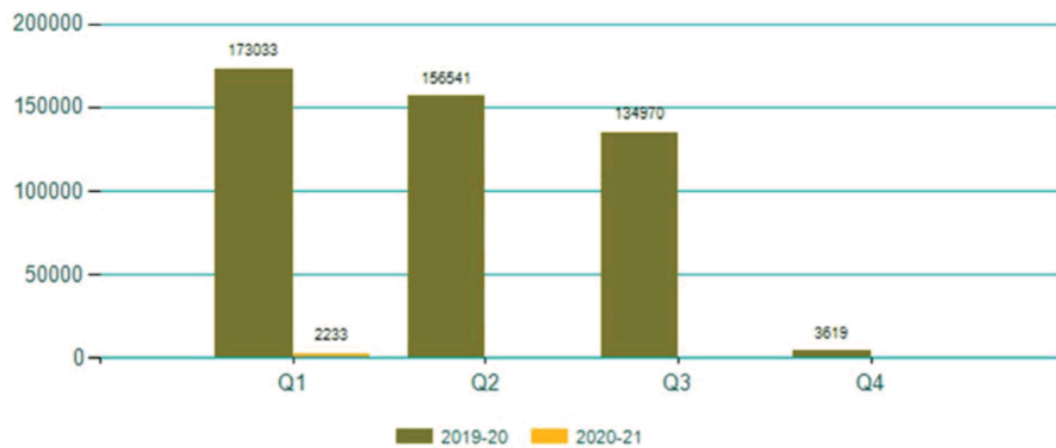
In Home and Social Support Hours

Comment: Hours significantly reduced due to impacts of COVID19. Major issue relating to closure of Social Support Groups which account for around 2,500 hours on average. Domestic program currently operating at 80% which is the other major factor in under-performance.

Library Loans

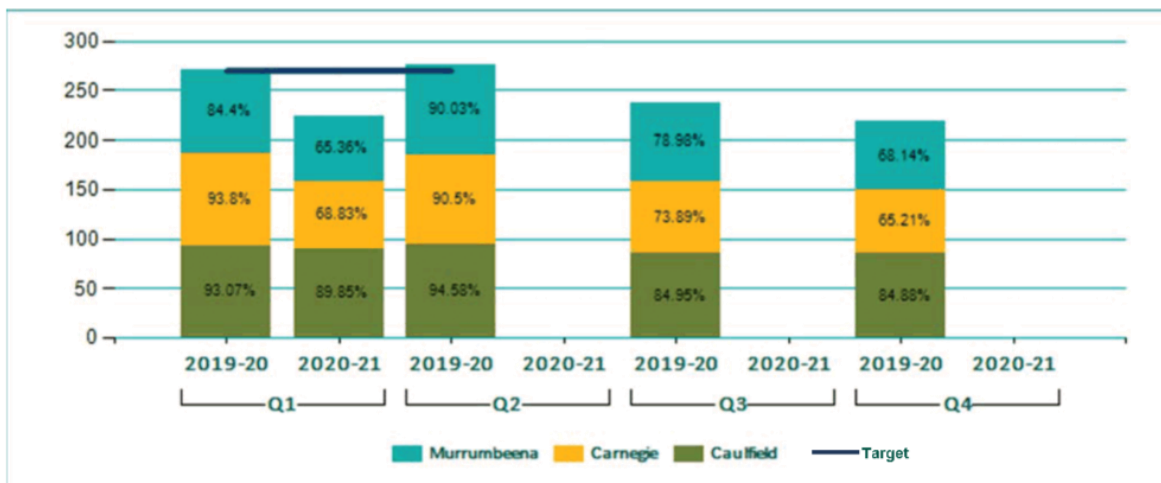
Comment: Loans of digital items (eBooks, eAudio books, digital magazines, music downloads) increased by 94% compared to the same quarter in 2019/20. Loans of physical library items were limited in this quarter due to COVID-19 restrictions on library branch openings and staffing.

Library Visits



Comment: Visits to library branches were drastically reduced in this quarter due to COVID-19 lockdown restrictions.

Early Learning Centres Utilisation rate




Comment: Utilisation at the Centres still impacted by COVID-19 restrictions, eg permitted workers' and vulnerable children only able to attend. However, from the end of September this will no longer be the case and all children will be able to resume care.


CLEAN AND SUSTAINABLE

AN ATTRACTIVE AND SUSTAINABLE ENVIRONMENT FOR FUTURE GENERATIONS


COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will enhance community perceptions of cleanliness and safety of our public spaces by taking a proactive approach to the removal and prevention of graffiti on Council and State assets.	Continue to work with Inner South East Mayors Forum members to progress a graffiti removal trial on State assets.	Work has continued with the Inner South East Mayors Forum members to progress the graffiti removal trial on State assets. Funding has been secured for the program which is set to begin sometime 2021.
We will enhance the protection of significant trees across the municipality through the development of a Classified Tree Register.	Council will consult with the community on a Classified Tree Local Law and thereafter determine and implement the Classified Tree Local Law and Classified Tree Register.	On 1 September 2020, following public consultation and after consideration of community submissions, Council resolved to adopt the Classified Tree Local Law. The first round of nominations of trees for inclusion on the Classified Tree Register commenced on 3 September 2020 and will be open until 31 March 2021. Council will thereafter make the final decision on whether to include a tree on the Classified Tree Register.
We will increase the quality, availability and accessibility of public open space across the municipality by implementing priority actions from our Open Space Strategy 2019–2031.	Implement the high priority action from the Lord Reserve Koornang Park Master Plan to commence construction of the new Lord Reserve Pavilion.	Design works are now complete, and the project is heading into Tender for Construction stage. Following construction tender, tender analysis and council approval to proceed, Construction is scheduled to commence on site at Lord Reserve Pavilion on 18th January 2021 with a scheduled construction time frame of 60 weeks, proposed completion date March 2022
	We will commence the construction of a new open space in Aileen Avenue, Caulfield South.	Detailed design and documentation 95% complete. Project will begin 4th quarter of 20/21 and be completed in 21/22 Financial year
	We will commence the preparation of a planning scheme amendment process to implement a change to the open space contribution levy to 8.3 per cent for all developments in excess of a two lot subdivision.	This is scheduled to be progressed in Q2. A separate amendment process is required to implement the new rate which is expected to be undertaken in Q3.
	Implement the high priority action from the Lord Reserve Koornang Park Master Plan for new cricket nets at Lord Reserve.	Consultant is finalising Lord Koornang Masterplan. Officers will prioritize 20/21 works by end of October. Implementation will commence in November 2020.
We will invest in Council initiatives and support our community through programs that contribute to our environmental sustainability objectives.	We will develop a new Environmental Sustainability Strategy with action plans to achieve corporate and community carbon emission reduction targets.	We are on track to develop the new strategy. This strategy will set out how we will achieve our new carbon emission reduction targets of zero net corporate emissions by 2025 and zero net community emissions by 2030. A consultant has been engaged to develop the strategy as well as a one-year corporate action plan and four-year community action plan. The community engagement plan has been finalised and endorsed by Council on 8 September. The initial period of community engagement will take place from Monday 26 October to Sunday 22 November.
	We will install additional solar generation facilities on Council sites including: early learning centres (at least three sites) and pavilions (at least three sites).	Solar works are being scoped and being costed.
	We will install an electric car and vehicle charging station at Town Hall for community use and to facilitate the introduction of electric options to our fleet as opportunities arise.	Council has initiated electrical engineering and installation works for four electric vehicle charging stations to be installed in the Town Hall carpark. Completion and handover of the charging stations is due by January 2021. Council will also take delivery of the first of two electric vehicles in early October 2020 with the remaining vehicle due for delivery in November 2020.
We will invest in sustainability initiatives for our large building projects, over and above the minimum required standards, to contribute to our environmental sustainability objectives.	Five per cent of the capital budget for Carnegie Swim Centre, Murrumbidgee Pavilion and Elsternwick Community Hub will be allocated to sustainability measures, over and above the minimum required standards.	ON TRACK: This has been incorporated into the plans for CSC and MCH. MCH pre-tender estimate for ESD initiatives is anticipated to be higher than target coming in at 6.7% of the total budget.

We will reduce the amount of waste going to landfill by increasing our rate of food waste recycling across the municipality.	Our annual waste bin audit will show a minimum 10 per cent improvement in the rate of food waste recycling from 2019–20.	Promotion of the food scrap recycling program continues with social media updates, Glen Eira News articles and updates through other Council channels. The annual waste audit is usually conducted in October or November but may be delayed due to COVID-19.
	Assess the outcomes of the trial and determine a future approach across the municipality.	The outcomes from the weekly green bin trial were presented to Council on 21 July 2020. Council resolved to further roll out the weekly green bin, fortnightly red bin collection to the wider community. On 8 September 2020, Council endorsed a plan to roll out the weekly green bin service to the wider municipality from 1 July 2021.
We will update and refresh a minimum of two key Council community strategies relating to recreation, open space, infrastructure or facilities.	We will refresh our Asset Management Plans for roads, footpaths and drainage.	Update to refresh our Asset Management Plans for roads, footpaths and drainage will commence January 2021 and completed June 2021.
		

2019-2020 commitments

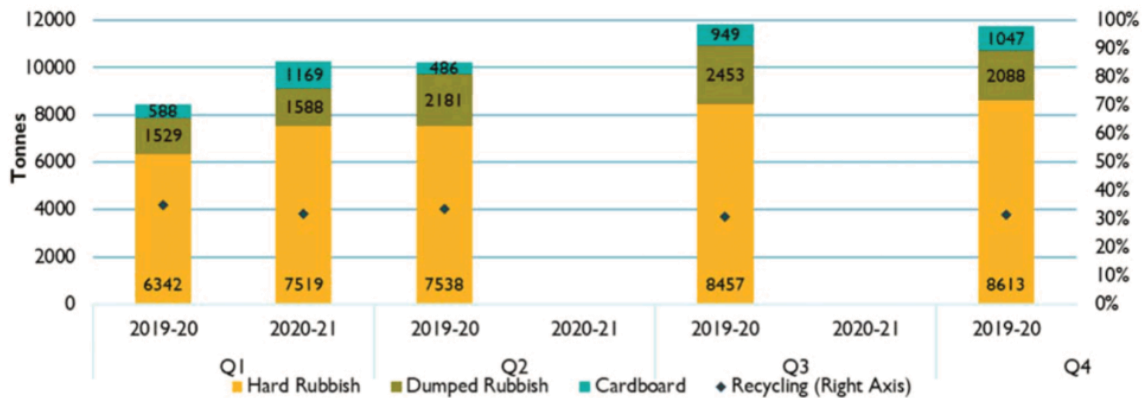
COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will commence the implementation of actions from the Tennis Strategy.	Install Tennis Australia Book-a-Court system in four locations across Glen Eira	<p>The installation of the book-a-court system has commenced at five tennis facilities.</p> <p>Expressions of interest were sought from all tennis clubs who wished to be considered for installation of the 'book-a-court' system to allow casual access to tennis courts. Pre-installation electrical works have been undertaken at the confirmed sites.</p> <p>Completion of this project is awaiting installation of the hardware and activation of software by Tennis Victoria which was delayed due to COVID-19. This project is now due for completion by December 2020 (pending easing of restrictions for contractors to attend site).</p>
We will implement our updated Open Space Strategy 2019-2031 priority actions including design and construction of open space projects.	Invest \$900k in improvements under the Outer Circle Railway Management Plan	95% of hardscaping complete. Boyd Park pathway was opened in July. Planting and mulching works began late August and will be completed mid-September. Furniture to follow. It is anticipated Boyd & Springthorpe to be fully opened by early October.
We will update and refresh a minimum of two key Council community infrastructure strategies relating to recreation, open space and facilities.	Council endorsement of the Playground Strategy	The Playground Strategy has been deferred to allow for the community consultation phase to be undertaken when social distancing restrictions due to COVID-19 are lifted. This will allow for valuable community input to inform the Strategy and to ensure it reflects community needs.
		

2019-2020 commitments

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will protect our valued trees within our city and consult on the establishment of a new tree protection policy and Significant Tree Register (may change subject to Council resolution following consultation)	Complete the development of the tree protection policy and Significant Tree Register (through a Local Law).	On 1 September 2020, following public consultation and after consideration of community submissions, Council resolved to adopt the Classified Tree Local Law.
		

SERVICE PERFORMANCE INDICATORS - RECYCLING

Recycling Diversion Rate for Hard Rubbish and Dumped Rubbish



Comment: An increase in Hard Rubbish collections was noted during continued stage 4 lockdown over quarter 1

Recycling Diversion Rate for Kerbside Municipal Waste



Comment: Although waste generation has increased overall compared to the same time last year due to more people at home, the increase in diversion from landfill is a good indication our community is committed to recycling. We recycled approximately 18% more green waste tonnes this quarter compared to the same time last year, which may be due to the continued uptake of our food scrap recycling service.

SERVICE PERFORMANCE INDICATORS - PARKS

Street Trees Removed and Planted




Comment: Covid 19 Stage 4 restrictions caused planting to be halted therefore 28.5 % of planting goal achieved

INFORMED AND ENGAGED

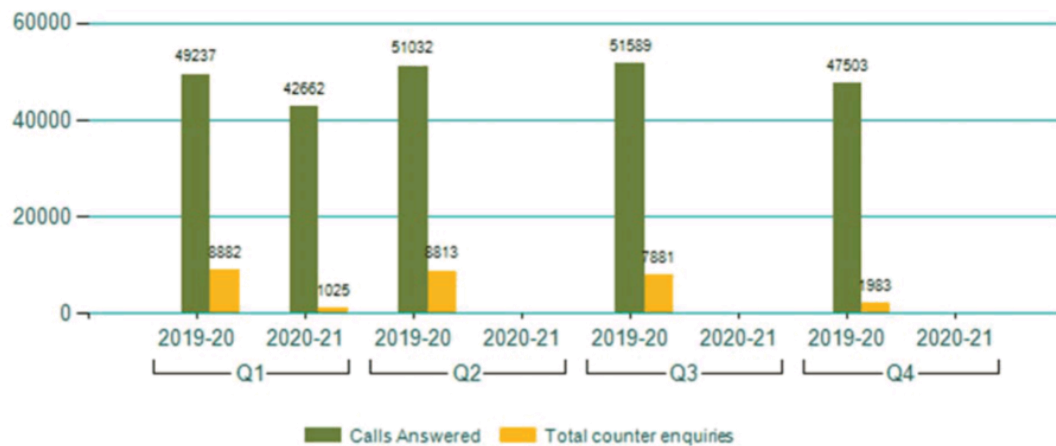
A WELL GOVERNED COUNCIL THAT IS COMMITTED TO TRANSPARENCY AND ENGAGES RESIDENTS IN DECISION-MAKING

COMMITMENT	PERFORMANCE MEASURE	PROGRESS UPDATE AS AT 30 September 2020
We will continue to advocate on behalf of the community in-line with the priorities identified in our Advocacy Strategy.	We will report annually to Council on the success of our advocacy efforts including the success rate of grant applications and other policy based advocacy to peak bodies, Federal and State Governments.	On track to meet target –Approximately \$1.3M recreation and open space grant applications submitted, pending results. Council continues to monitor Federal and State funding opportunities that support Council infrastructure projects such as the Carnegie Pool Project.
We will ensure that Council's governance processes and frameworks remain consistent with contemporary practice and Local Government Act requirements.	All requirements of the new Local Government Act 2020 will be complied with in accordance with implementation timelines set by the Minister for Local Government.	All requirements of the new Local Government Act 2020 have, to date, been fully complied with in accordance with implementation timelines set by the Minister for Local Government.
We will ensure that the community has the opportunity to influence and shape Council initiatives and programs through implementing our Community Engagement Strategy 2018–2021.	We will consult with the Glen Eira Community Voice on at least six occasions between July 2020 and June 2021.	We are on track to meet our targets of engaging with Community Voice on at least six occasions. The first survey with Community Voice for the 20-21 financial year took place in August 2020.
	We will maintain or improve the community satisfaction rating with how Council has performed in making decisions in the interest of the community.	The 2020 Local Government Community Satisfaction Survey reported a performance score of 58 with how Council has performed in making decisions in the interest of the community which is down from 61 in 2019, however well above the State-wide average of 53. The 2021 Local Government Community Satisfaction Survey will be available later in 2021.
	We will ensure that every major Council project and each major engagement activity has an engagement plan.	We are on track to meet our commitment of every major project having an engagement plan.
We will make it easier to transact with Council and demonstrate our commitment to transparency by enhancing our communication channels and increasing the amount of information that is publicly available.	We will implement chat functionality on our website to make it easier for the community to find information and transact with us online.	Live chat implementation complete. Chatbot implementation in progress. The chatbot has been set-up and training delivered. A chatbot persona to be created and content to be revised.
	We will establish a baseline measure for community satisfaction with our website and aim for minimum 10 per cent improvement across the year.	Considering the wide and quantitative nature of this KPI, we anticipate that this will be a very ambitious goal to achieve this financial year. We currently have a large ecosystem of platforms and third party plug ins that make up our website experience including Umbraco, CityWatch, ePathway, .NET, Bang the Table, Webcast, Smarty Grants, Qvalent and more. In addition, we have several websites that may have been the subject of previous survey results including the main site, Libraries and Leisure, Have your say and the Community Portal. Our first priority will be to determine key focus areas based on further data with specific benchmarks to accurately measure the impact of any activity we undertake. In addition to this activity we will also assess and implement quick wins to improve known issues around user experience and content improvements. We will review intersecting channels to assess how service levels across the channels influence satisfaction scores. Finally, a larger piece of work which we believe will have significant impact will be to establish a complex form development platform for improved user interface and systems integration, which will allow us to begin the task of moving away from ePathway and CityWatch which have known problems with user experience that are currently outside our control.
	We will increase our social media presence by posting a minimum of 20 messages per month on a variety of platforms, informing the community on a range of Council services and events.	We have posted a total of 251 posts across Council's main social media platforms (Glen Eira City Council Facebook and Glen Eira City Council Instagram) informing the community on a range of services and events.
	We will achieve and sustain a minimum five per cent increase in transaction volume through Council's website from pre-COVID-19 levels.	In previous years we have achieved large increases in online transactions through the process of digitising manual forms and making them available online. Now that we have many transactions digitised we will see diminishing returns in future increases. However, we believe that we can achieve further results this year by focusing our efforts on improving the user experience of our existing transactions, improving online support for complex transactions, improving cross-channel content, and raising awareness throughout the community of our online channels. We anticipate that these efforts will

		reduce the number of abandoned transactions and encourage the return of those residents who would prefer to transact online but perceive it as too difficult.
We will proactively involve the community in building a vision for the future of Glen Eira and in determining future Council priorities.	We will endorse a Glen Eira Community Vision 2040 and work with community organisations to build understanding and commitment to the vision.	Draft Vision has been received from the Community Panel and will be presented to the newly elected Councillors in November. Public consultation for comment is scheduled for commencement February 2021, however the engagement period may need to be extended to obtain sufficient feedback. Anticipated risks could be that community engagement doesn't get consensus for the Vision, furthermore Councillors may not accept the Community Vision which will impact the development of the Council Plan.
	We will develop a Glen Eira City Council Plan 2021–2025 for endorsement by June 2021.	Due to the LG Act requirements a Council Plan must be delivered by June 2021. Complexity could arise due to delays in the Community Vision.
We will report regularly to the community on our performance and on our progress in delivering our promises outlined in this Plan.	A Quarterly Performance Report will be considered by Council in August, November, February and May annually.	The first Quarterly Performance Report is scheduled for the 24 November 2020 Council meeting and will be published on Council's website shortly following endorsement.
		

SERVICE PERFORMANCE INDICATORS - SERVICE CENTRE

Calls Answered and Counter Enquiries



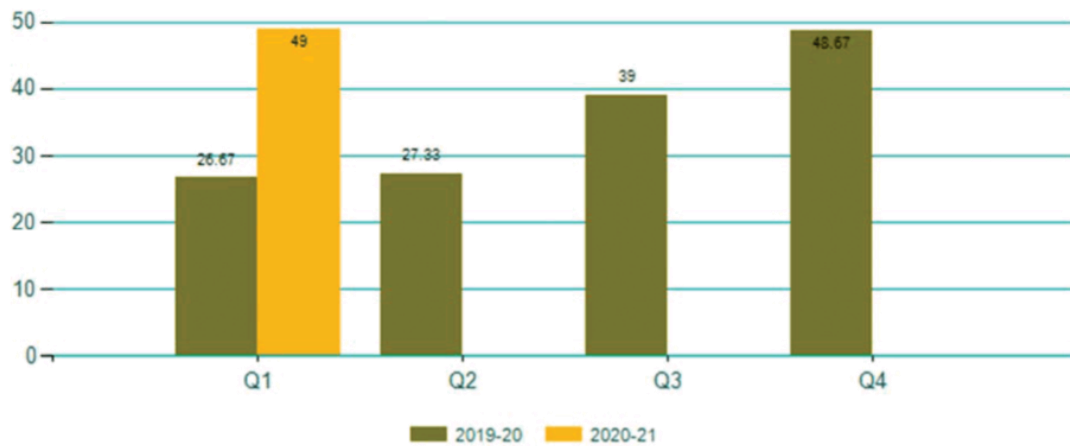
Comment: Q1 saw a decrease of approximately 7000 less calls and much fewer counter enquiries which was due to the impacts of COVID-19 and the limited services that were on offer during stage 4 restrictions. Customers have been able to transition to online services as alternative communication channels during this period.

% First Point of Call Resolution



Comment: Since the beginning of remote working, our first call resolution has been higher when compared to previous years. This is a result of more calls being dealt with at the first point of contact (service centre).

Average Queue Wait Time



Comment: Q1 had a number of matters which impacted the average queue wait time.

- July felt the after effect of the pool registration process which carried through into August.
- We also had a large number of enquiries in September regarding the delay with receiving rates notices and some complaints around rate direct debits that were processed prior to customers receiving their rates notices.
- There were a number of calls handled that related to 2400 letters sent regarding increases to domestic assistance fees.
- A number of calls were received from GESAC users regarding pool bookings.
- There were some technical phone issues over three consecutive Fridays in September where the servers were down for a minimum of 30 mins at a time.

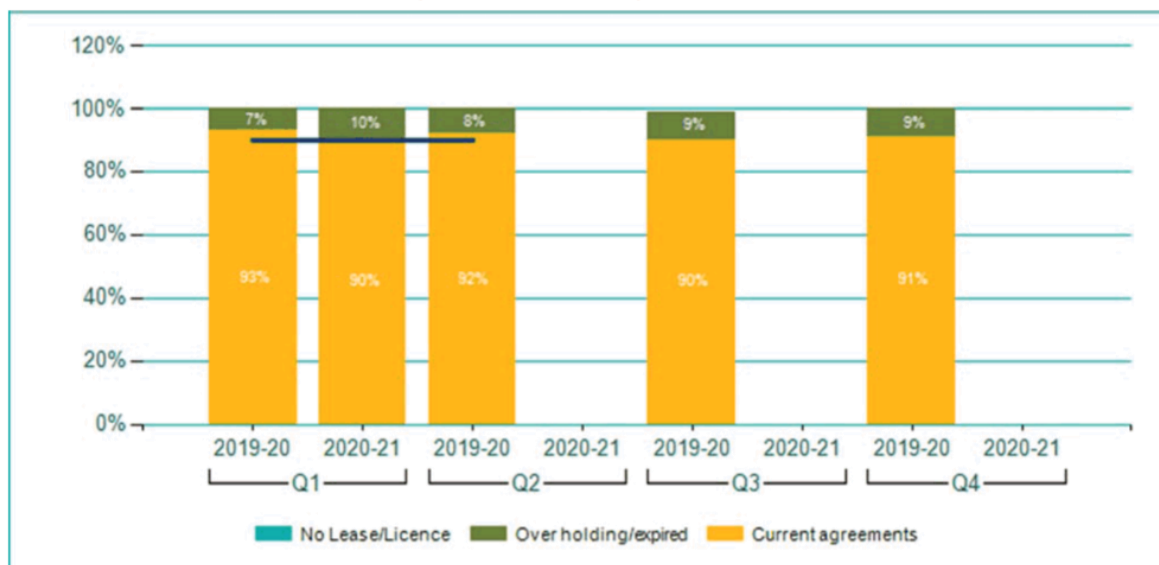
GOVERNANCE

PUBLIC QUESTIONS TO ORDINARY COUNCIL MEETINGS FOR THE PERIOD 01 July 2020 TO 30 September 2020

Average time taken to reply to public questions taken on notice at Ordinary Council meetings	0
Number of Ordinary Council meetings	6
Number of public questions asked at Ordinary Council meetings	31
Number of Public questions ruled inadmissible at Ordinary Council meetings	3
Public questions answered following Ordinary Council meetings (person submitting question not present and/or public question taken on notice)	0

SERVICE PERFORMANCE INDICATORS - BUILDINGS AND PROPERTIES

Status of Lease and Licence Portfolio (Council as Landlord)



Comment: Reasons for agreements being in overholding/expired may be due to detailed negotiation or consideration of long-term strategic issues e.g. negotiations with the Catholic Archdiocese for their occupation of part of St Kevin's Primary School playground. Ground lease renewals are being prepared for several bowls, croquet and tennis club as well as a substation lease to UE for infrastructure at GESAC. Council administers 87* agreements covering a variety of community and commercial tenancies. Our aim is to renew leases and licences ahead of their expiry. If they are not renewed they move to overholding or to a month by month basis.

At the end of quarter 1 all occupiers of council land or buildings had a current agreement, with the proportion of current lease or licence agreements sitting at 90% and those in overholding 10%.

*Since the last report the Catholic Archdiocese surrendered their lease for the St Kevin's Tennis Club facilities, the lease with Telstra for their Town Hall equipment was executed, a new short-term licence to the Victorian Electoral Commission was executed and three licences to Moorleigh tenants were finalised.

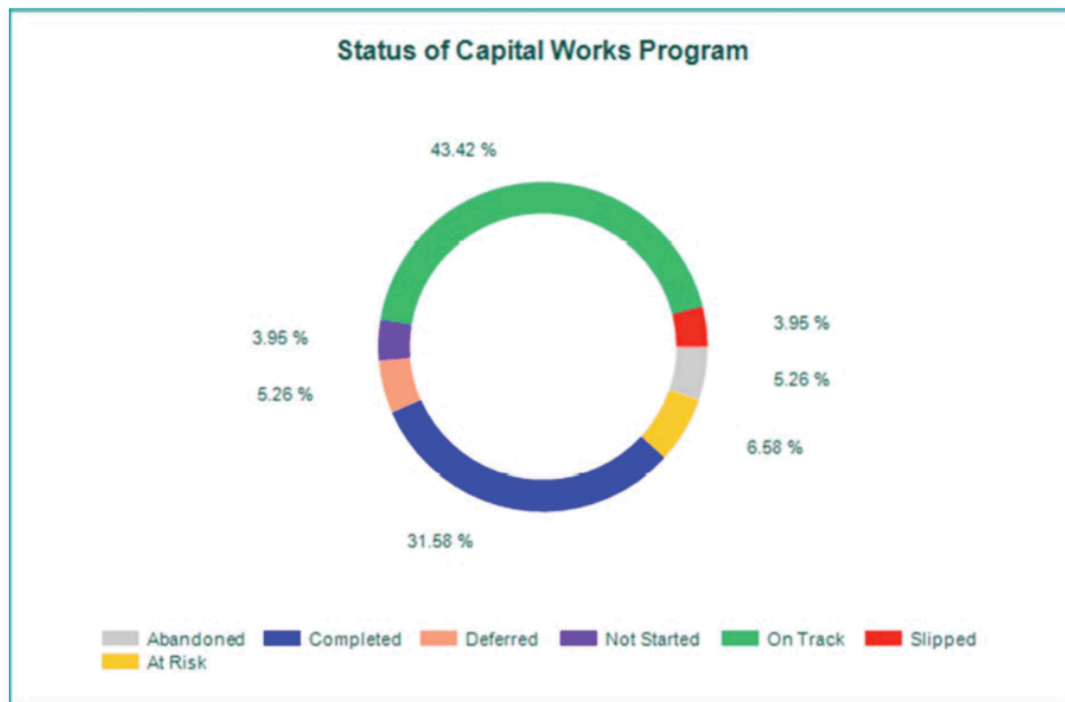
There are no occupiers of Council land or premises without a lease or licence.

SERVICE PERFORMANCE INDICATORS - EVENTS

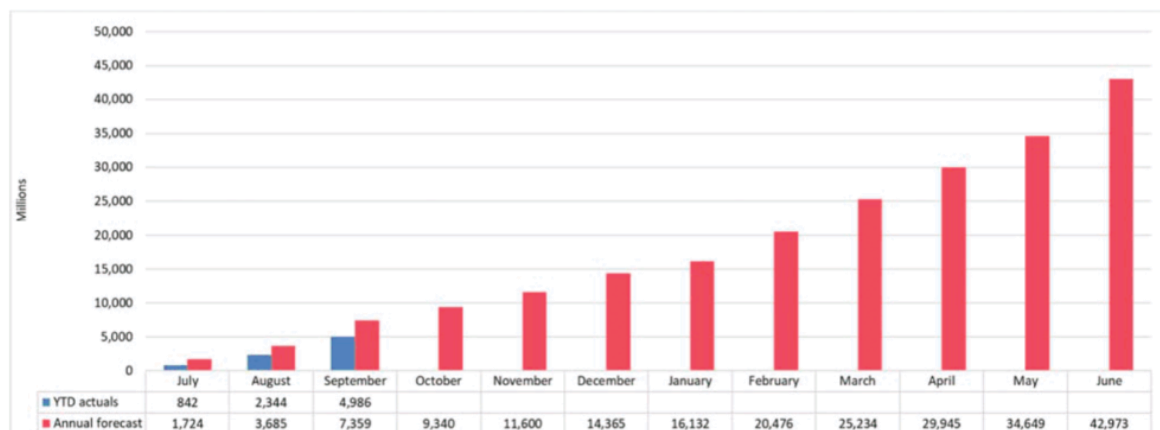
Attendance at Major Events

The COVID-19 pandemic has impacted heavily on the annual arts and culture program. The Gallery closed in March and all exhibitions moved to 2021 and 2020 Storytelling Festival (June-July) was cancelled. Free online programs and events delivered using online platforms such as YouTube, ZOOM and Facebook have been offered as an alternative. These have included a series of free art/craft sessions for teens and adults and 'live' Glen Eira focused art, history and heritage events held every weekend throughout July, August and September.

CAPITAL WORKS PROGRAM UPDATE



Capital Works Expenditure Program



COMMUNITY ENGAGEMENT UPDATE

We are committed to engaging on matters that involve:	Consultations conducted	Responses Received
Significant change to services and facilities	2	255
A change in strategic direction	2	408
Changes to existing amenity or character of an area	0	100
Considerable budget implications	0	0
Controversial or sensitive matter	2	230
Key emerging issue	3	311

COMMUNITY ENGAGEMENT UPDATE

OVERVIEW



Carnegie Swim Centre Redevelopment – design phase

We're currently halfway through the concept design phase. The concept design establishes the floor plan for the centre — which is within the footprint of the current site — and is where we explore options for the size of key spaces, movement through the site, scale and form of buildings and general layout. We wanted to check in with the community to see how they felt about the concept designs.



Proposed Classified Tree Local Law

We have less public open space per capita than any other inner Melbourne local government area. Our parks and greenery are precious and highly valued for their contribution to public health and the environment.

With a rising population and continuing changes to local neighbourhoods, we asked you if we should introduce measures to protect trees. Using the Have Your Say platform and drawing on Community Voice, we called for input on the development and implementation of a Classified Tree Register.

We analysed the feedback and prepared a report for presentation to Council on 26 September 2018. At this meeting, we committed to developing:

- controls to protect trees, including on private land
- a set of objectives for a tree protection approach, drawn from your priorities
- a report presenting options for controls to best protect trees.

The local law was adopted at a Council meeting on 1 September 2020.



Reconciliation Action Plan

Glen Eira City Council will develop the new Reconciliation Action Plan working in partnership with a Reconciliation Advisory Group made up of Traditional Owners, community leaders and community members, an internal Reconciliation Working Group and overseen by Traditional Owners.

Engagement with the broader community and Community Voice will help to inform ideas for education and events across Glen Eira.



Planning in Glen Eira – Ask Us Anything

The engagement was an invitation to people to come along to an online session where they could ask questions of Council's planning team. These could be any questions that someone wanted to ask on the night. Prior to the event, our Have Your Say page had an opportunity for people to tell us what they were interested in hearing more about. We heard a diverse range of areas identified as of interest - from particular planning proposals to projects, to things like sustainability and the impact of COVID-19 on strategic planning.

GLEN EIRA DRAFT URBAN FOREST STRATEGY



Urban Forest Strategy

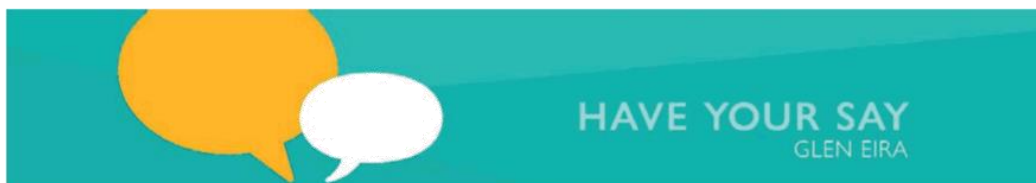
The Urban Forest Strategy outlines Council's vision to create a resilient and sustainable urban forest that supports our liveable city and contributes to the well-being of the community in a changing climate. An urban forest comprises all trees and other vegetation within the municipality and the soil and water that supports it. Through this consultation, we sought feedback from the community on their support for the Strategy and the key objectives, as well as any suggestions for locations where we could plant more trees.

*Community Voice August Survey*

The August survey include these topics: Community Engagement @ Glen Eira, Urban Forest Strategy, Reconciliation Action Plan, Your Nutrition During COVID-19

*Public Space Opportunities for Businesses*

We've been exploring temporary opportunities to use public space in and around our activity centres, to support traders responding to stage three restrictions commencing in October. Feedback is ongoing.

*Amendment C184 Bentleigh and Carnegie Activity Centre**Amendment C297 380 Dandenong Road and 15 Rockbrook Avenue*

WHAT DID THE COMMUNITY TELL US?

"I love the warm pool for hydrotherapy. Having a unisex disability change rooms would be great to enable female carer to assist male person with a disability or vice versa. I love the landscaping and integration into the existing parks and sporting facilities. I would love to see a food / snack / coffee vendor or cafe." – Carnegie Swim Centre Redevelopment

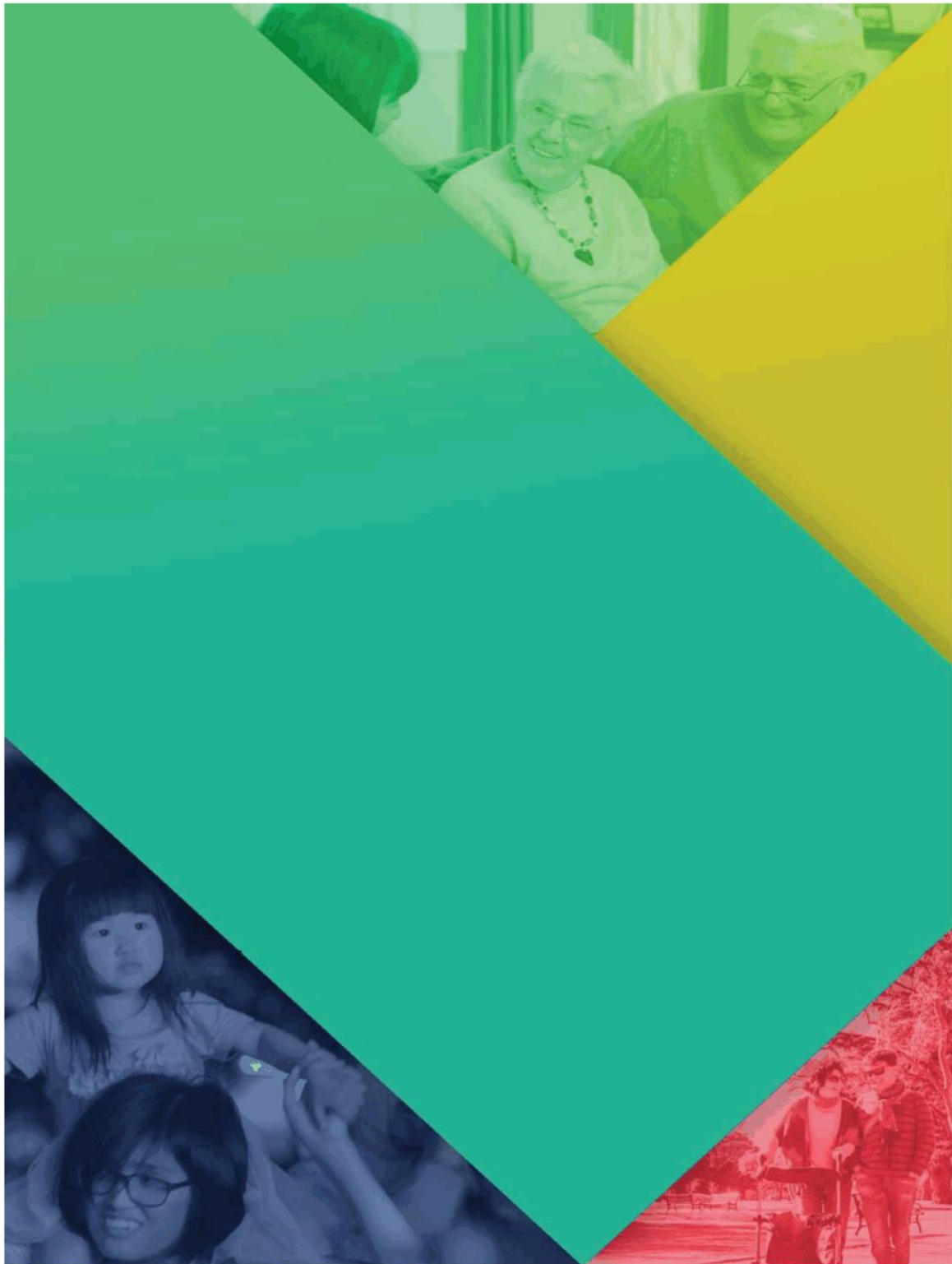
"I think we should be led by the First People of Traditional Owners. I also think acknowledgement of our history is really important - how did 'Glen Eira' come about, the good and the bad, and how we can move forward once we understand our history." – Reconciliation Action Plan

"I fully support the proposal for a Classified Tree Register which will hopefully protect the many significant and important trees we have left in our municipality. We have lost so many significant old and valuable trees in the last decade, it is absolutely vital something is done to protect the remaining ones." – Proposed Classified Tree Local Law

"This is a great initiative and I hope that it is highly successful. I would like to suggest even more community engagement if possible. Imagine if even half the households one Glen Eira planted one tree once per year what we could all do together over a few years!" – Draft Urban Forest Strategy

UPCOMING PROJECTS IN THE NEXT QUARTER

- Community Voice November Survey
- Environmental Sustainability Strategy
- Mallanbool Reserve Learning Stone project
- Proposed name for new park in Caulfield South
- Caulfield Park Master Plan Implementation - Living Garden



8.14 DELEGATIONS

Author: Michael O'Connor, Principal Legal Officer

Trim No: 20/1290934

Attachments: 1. Council delegation to the Chief Executive Officer [↓](#)
2. Council delegation to members of Council staff [↓](#)

PURPOSE AND SUMMARY

To review the Instruments of Delegation to:

- (a) the Chief Executive Officer (**CEO**); and
- (b) Council staff under the *Planning and Environment Act 1987* (Vic).

RECOMMENDATION

1. That Council resolves as follows:
 - (a) in accordance with section 11(1) of the *Local Government Act 2020* (Vic), the amendments to the Instrument of Delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report are approved and adopted;
 - (b) the amendments to the Instrument of Delegation to members of Council staff under the *Planning and Environment Act 1987* (Vic) (**planning delegations**) in Attachment 2 to the report are approved and adopted;
 - (c) relevant Council staff be delegated the powers, duties and functions described in the CEO delegations and planning delegations (as amended), and such powers, duties and functions are exercised subject to any conditions and limitations specified in these instruments (as amended);
 - (d) the CEO delegations and planning delegations (as amended) come into effect immediately after the passing of this Council resolution;
 - (e) clean versions of the instruments described in part 1(d) are published on Council's website; and
 - (f) on the coming into force of the instruments as described in part 1(d), the Instrument of Delegation to the Chief Executive Officer approved and adopted on 1 September 2020, and the Instrument of Delegation to member of Council staff under the *Planning and Environment Act 1987* (Vic) approved and adopted on 1 September 2020 are revoked.

BACKGROUND

Changes to delegations due to COVID-19

On 7 April 2020, Council amended the CEO delegations and planning delegations to ensure that Council could continue to operate effectively through the COVID-19 pandemic.

The effect of the amendments was to add a second schedule (Schedule B) to each of these instruments, such that the CEO would have additional powers, duties and functions in the event that a quorum could not be achieved at a Council meeting due to the coronavirus pandemic.

On 30 June and 1 September 2020, Council again considered the CEO delegations and planning delegations.

On both occasions, Council determined to retain Schedule B for both instruments (with the financial delegations to the CEO in Schedule B of the CEO delegations being decreased from \$20 million to \$10 million on 30 June 2020).

Council also resolved that the CEO delegations and planning delegations be reviewed within three months.

Throughout the COVID-19 pandemic, significant changes have occurred, enabling Council business to be transacted online. For example, Council meetings can now be conducted virtually. Further, the number of positive COVID-19 cases is much lower, and Victoria is now slowly approaching 'COVID-normal'.

ISSUES AND DISCUSSION

The amendments to the CEO delegations and planning delegations reflect the developments set out in the 'Background' section.

1. CEO delegations

It is proposed that Schedule B in the CEO delegations be removed.

2. Planning delegations

It is proposed that Schedule B in the planning delegations be removed. Further amendments have been made to the planning delegations to improve ease of reading and clarity, reflect changes made by the Victorian government to the Planning Scheme and organisational changes.

3. Coming into effect of instruments

Due to ongoing Victorian government restrictions on access to the workplace, it will be difficult to physically affix the common seal to the instruments. Therefore, changes have been made such that the instruments will come into effect immediately after Council resolves to adopt them.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The power to delegate is given by section 11 of the *Local Government Act 2020* (Vic), and by the various Acts and regulations described in the planning delegations.

Consistent with Council's obligations under the *Local Government Act 2020* (Vic) and Council's Public Transparency Policy, clean versions of the instruments will be published on Council's website.

COMMUNICATION AND ENGAGEMENT

Internal consultations have been conducted to ensure that the amendments are consistent with day-to-day work at Council.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

It is recommended that Council approves the proposed amendments to the CEO delegations and planning delegations as set out in this report and the attachments.

Glen Eira City Council

**Instrument of Delegation
to
Chief Executive Officer**

Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, Glen Eira City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedules to this Instrument of Delegation;

AND declares as follows:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on ~~1 September~~ **24 November 2020**, and
2. the delegation in Schedule A:
 - 2.1. comes into force immediately following the Resolution of Council described in part 1 above;
 - 2.2. ~~is~~ subject to any conditions and limitations set out in Schedule A; and
 - 2.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; ~~and~~
 - ~~2.4. remains in force until varied or revoked; by resolution of Council or revoked by the coming into force of the delegation in Schedule B;~~
- ~~3. the delegation in Schedule B:~~
 - ~~3.1. comes into force immediately:~~
 - ~~3.1.1 the delegate forms the view that a quorum at a Council meeting was not formed due to illness of Councillors or the need to self-isolate by Councillors; and~~
 - ~~3.1.2 the delegate forms the view that due to illness of Councillors or the need to self-isolate by Councillors a quorum of Council cannot be formed;~~
 - ~~3.1.3~~
 - ~~3.2. is subject to any conditions and limitations set out in the Schedule B; and~~
 - ~~3.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and~~
 - ~~3.4. remains in force until varied or revoked by resolution of Council.~~

SCHEDULE A

The power to:

1. determine any issue;

2. take any action; or
3. do any act or thing,
arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1. making, amending or revoking a local law;
 - 4.2. adopting or amending the Governance Rules;
 - 4.3. approving or amending the Financial Plan or Council Plan;
 - 4.4. approving the Budget or Revised Budget;
 - 4.5. adopting or amending any policy that Council is required to adopt under the Act;
 - 4.6. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 4.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 4.8. entering into a contract requiring the expenditure of Council funds exceeding the value of:
 - (a) in relation to roads or drains or the procurement of insurance, \$1,000,000 (including GST) or more;
 - (b) in relation to all other contracts or agreements, \$500,000 (including GST) or more;
 - 4.9. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
 - 4.10. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
 - 4.11. subject to ~~clause section~~ 4.10 the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
 - 4.12. electing a Mayor or Deputy Mayor;
 - 4.13. granting a reasonable request for leave under section 35 of the Act;
 - 4.14. appointing the chair or the members to a delegated committee;
 - 4.15. approving the borrowing of money; or
 - 4.16. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;

5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
 - 7.1. policy; or
 - 7.2. strategy adopted by Council;
8. 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 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
9. if the determining of the issue, 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.

SCHEDULE B

The power to:

- ~~1. determine any issue;~~
- ~~2. take any action; or~~
- ~~3. do any act or thing;~~

~~arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.~~

Conditions and Limitations

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

~~4. if the issue, action, act or thing is an issue, action, act or thing which involves:~~

- ~~4.1. making, amending or revoking a local law;~~
- ~~4.2. adopting or amending the Governance Rules;~~
- ~~4.3. approving or amending the Financial Plan or Council Plan~~
- ~~4.4. approving the Budget or Revised Budget;~~
- ~~4.5. adopting or amending any policy that Council is required to adopt under the Act;~~
- ~~4.6. appointing an Acting Chief Executive Officer for a period exceeding 28 days;~~
- ~~4.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;~~
- ~~4.8. notwithstanding clause 8.2 (which provides an additional power to award a contract with a value of up to \$10,000,000 (including GST) which is conditional on clauses 8.4 and 8.5 being satisfied), awarding a contract requiring the expenditure of Council funds:~~
 - ~~(a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;~~
 - ~~(b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;~~
- ~~4.9. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;~~
- ~~4.10. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);~~
- ~~4.11. electing a Mayor or Deputy Mayor;~~

~~4.12. granting of a reasonable request for leave under s 35 of the Act;~~

~~4.13. appointing the chair or the members to a delegated committee;~~

~~4.14. approving the borrowing of money; or~~

~~4.15. subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;~~

~~5. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:~~

~~5.1. policy; or~~

~~5.2. strategy adopted by Council; or~~

~~6. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise;~~

~~7. if the determining of the issue, 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;~~

~~8. if the issue, action, act or thing is an issue, action, act or thing which:~~

~~8.1. Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;~~

~~8.2. involves awarding a contract requiring expenditure of Council funds to the value of \$10,000,000 (including GST) or more;~~

~~8.3. involves the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;~~

~~unless the delegate:~~

~~8.4. forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and~~

~~8.5. considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views); or~~

~~9. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution.~~

S6 Instrument of Delegation – Members of Staff

Glen Eira City Council

Instrument of Delegation

to

Members of Council Staff

S6 Instrument of Delegation – Members of Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the 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. record that references in the Schedule are as follows:

Reference	Meaning
CCSPP	Coordinator City Strategy and Place Planning
CPBC	Coordinator Planning and Building Compliance
CUP	Coordinator Urban Planning
DIOS	Director Infrastructure and Open Space
DPPS	Director Planning, Place, and Sustainability
ESC	Engineering Services Coordinator
MCF	Manager City Futures
MCSG	Manager Community Safety and Compliance
MPI	Manager Projects and Infrastructure
MUP	Manager Urban Planning
PCESO	Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support
PStratP	Principal Strategic Planner
PUP	Principal Urban Planner
PUPS	Principal Urban Planner (Subdivisions)
SO	Subdivision Officer
SUPCE	Senior Urban Planner (Customer Experience)
Specific Planning Officers	CCSPP, CUP, DPPS, MCF, MCSG , MUP, CPBC, PStratP, PUP, PUPS, SO, SUP, SUPCE, StratP, SStratP, SP and UP
SUP	Senior Urban Planner
StratP	Strategic Planner
SStratP	Senior Strategic Planner
SP	Student Planner
UP	Urban Planner

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on ~~4 September~~ 24 November 2020;
 - 3.2 the delegation in Schedule A:
 - 3.2.1 comes into force immediately after the passing of the resolution of Council described in part 1 above;
 - 3.2.2 remains in force until varied or revoked by resolution of Council;

S6 Instrument of Delegation – Members of Staff

- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and Schedule A; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
- 3.2.5 does not affect delegations in relation to specific planning scheme amendments, which were made by Council on 13 August and 26 November 2019; 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;
 - 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;
 - 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; 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 or a delegated committee.

~~3.4 the delegation in Schedule B:~~

~~3.4.1 comes into force immediately:~~

~~(a) the delegate forms the view that a quorum at an ordinary council meeting or a special council meeting was not formed due to illness of Councillors or the need to self isolate by Councillors; and~~

~~(b) the delegate forms the view that due to illness of Councillors or the need to self isolate by Councillors a quorum of Council cannot be formed.~~

~~3.4.2 remains in force until varied or revoked by resolution of Council;~~

~~3.4.3 is subject to any conditions and limitations set out in sub-paragraphs 3.5 and 3.6, and Schedule B; and~~

~~3.5 the delegate must not determine the issue, take the action or do the act or thing:~~

~~3.5.1 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 strategy adopted by Council; or~~

~~3.5.2 unless the issue, action, act or thing relates to:~~

~~(1) a recommendation in a report by an officer in the agenda for an ordinary council meeting or a special council meeting; and~~

- ~~(2) a quorum at the ordinary council meeting or a special council meeting referred to in sub-paragraph 3.5.2(1) did not form due to illness of Councillors or the need to self-isolate by Councillors;~~
- ~~3.5.3 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 s11 of the Act or otherwise; or~~
- ~~3.5.4 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; or~~
- ~~3.5.5 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 under the Planning and Environment Act 1987 in relation to a planning scheme amendment, an approval or a decision concerning:~~
- ~~(a) the East Village project; or~~
 - ~~(b) heritage controls; or~~
 - ~~(c) structure plans for activity centres; or~~
 - ~~(d) planning provisions for activity centres.~~
- ~~3.6 the delegate must not determine the issue, take the action or do the act or thing unless the delegate:~~
- ~~(a) forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and~~
 - ~~(b) considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation and that the delegate is not bound to exercise the delegation consistently with those views).~~

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S6 Instrument of Delegation – Members of Staff

SCHEDULE A

S6 Instrument of Delegation – Members of Staff

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 Victorian Planning Provisions	Specific Planning Officers	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Specific Planning Officers	
s 4H	Duty to make amendment to Victorian Planning Provisions available	Specific Planning Officers	
s 4I	Duty to keep Victorian 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 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	DPPS MUP MCF	
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 1996</i>)	Specific Planning Officers	
s 12B(1)	Duty to review planning scheme	DPPS MUP MCF	
s 12B(2)	Duty to review planning scheme at direction of Minister	DPPS MUP MCF	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DPPS MUP MCF	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	Specific Planning Officers	
s 17(1)	Duty of giving copy amendment to the planning scheme	Specific Planning Officers	

S6 Instrument of Delegation – Members of Staff

July 2020 Update

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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 exercise any other power under s 19 to a planning scheme	DPPS MUO MCF	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22	Duty to consider all submissions	Specific Planning Officers	Except submissions which request a change to the items in s 22(5)(a) and (b)
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 amendment	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(2)	Power to apply for exemption if panel's report not received	Not delegated	
s 28	Duty to notify the Minister if abandoning an amendment	Specific Planning Officers	Note: the power to make a decision to abandon an amendment cannot be 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 32(2)	Duty to give more notice if required	Specific Planning Officers	
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 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AW	Function of being consulted by the Minister	DPPS MUP MCF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	Not delegated	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DPPS MUP MCF	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DPPS MUP MCF	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DPPS MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DIOS DPPS MPI MUP MCF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DIOS DPPS MPI MUP MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DIOS DPPS MPI MUP MCF	
s 46GP	Function of receiving a notice under s 46GO	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DIOS DPPS MPI MUP MCF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DIOS DPPS MPI MUP MCF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DIOS DPPS MPI MUP MCF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DIOS DPPS MPI MUP MCF	

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July 2020 Update

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DIOS DPPS MPI MUP MCF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DIOS DPPS MPI MUP MCF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DIOS DPPS MPI MUP MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DIOS DPPS MPI MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DIOS DPPS MPI MUP MCF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIOS DPPS MPI MUP MCF	Where Council is the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Specific Planning Officers	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Function of receiving the monetary component	DIOS DPPS MPI MUP MCF	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DIOS DPPS MPI MUP MCF	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DIOS DPPS MPI MUP MCF	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DIOS DPPS MPI MUP MCF	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DIOS DPPS MPI MUP MCF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DIOS DPPS MPI MUP MCF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DIOS DPPS MPI MUP MCF	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan

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July 2020 Update

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	DIOS DPPS MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DIOS DPPS MPI MUP MCF	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DIOS DPPS MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DIOS DPPS MPI MUP MCF	Where Council is a collecting agency or development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DIOS DPPS MPI MUP MCF	
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	
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	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DIOS DPPS MPI MUP MCF	
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 on behalf of development agency or plan preparation costs incurred by a development agency	Specific Planning Officers	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DIOS DPPS MUP MCF	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPPS MUO MCF	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 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)	DPPS MUO MCF	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.	DPPS	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	
s 46QD	Duty to prepare report and give a report to the Minister	DIOS DPPS MPI MUP MCF	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	PCESO Specific Planning Officers	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 47	Power to decide that an application for a planning permit does not comply with that Act	Specific Planning Officers	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	PCESO Specific Planning Officers	
s 49(2)	Duty to make register available for inspection	PCESO Specific Planning Officers	
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	PCESO Specific Planning Officers	
s 50A(1)	Power to make amendment to application	PCESO 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(4)	Duty to note amendment to application in register	PCESO Specific Planning Officers	
s 51	Duty to make copy of application available for inspection	PCESO 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	
s 52(1)(b)	Duty to give notice of the application to other municipal council 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 effected	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 s 52(1) to persons specified by it	Specific Planning Officers	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Specific Planning Officers	
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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPPS MUO MCF	
s 57(3)	Function of receiving name and address of persons to whom 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	
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	PCESO 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57C(1)	Duty to give copy of amended application to referral authority	PCESO 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	DPPS MUP MCF	
s 60	Duty to consider certain matters	Specific Planning Officers	
s 60(1A)	Duty to consider certain matters	Specific Planning Officers	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Specific Planning Officers	

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"> a) there have been no more than five objections lodged; b) the application is generally in compliance with existing policy or guidelines; and c) the application has not been referred to the Council or the Delegated Planning Forum for determination; and d) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application is for use of land for a brothel; or b) an application is for use of land for gaming machines. <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <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 authority has directed refusal; or d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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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	DPPS MUP CUP	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> a) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged; b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and c) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application is for use of land for a brothel; or b) an application is for use of land for gaming machines. <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <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 authority has directed refusal; or d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
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 the grant of permit	Specific Planning Officers	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	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 paragraphs (a),(b) and (c)	Specific Planning Officers	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 s 173 agreement	Specific Planning Officers	
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 ss 46N(1), 46GV(7) or 62(5)	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	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see s 75

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 s 75A
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 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 on the permit

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
s 70	Duty to make copy permit available for inspection	PCESO Specific Planning Officers	
s 71(1)	Power to correct certain mistakes	Specific Planning Officers	
s 71(2)	Duty to note corrections in register	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
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"> a) there have been no more than five objections lodged; and b) the application/amending plan is generally in compliance with existing policy or guidelines; and c) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and d) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application/amending plan is for use of land for a brothel; or b) an application/amending plan is for use of land for gaming machines. <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></p> <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 authority has directed refusal; or d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S 73	Power to decide to grant amendment subject to conditions	DPPS MUP CUP	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> a) the delegation may only be exercised where there have been more than five objections, but no more than 15 objections lodged; b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and c) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application is for use of land for a brothel; or b) an application is for use of land for gaming machines. <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <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 authority has directed refusal; or d) <i>iv</i>) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue amended permit to applicant if no objectors	Specific Planning Officers	
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	PCESO 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 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 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83B	Duty to give or publish notice of application for review	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPPS MUP MCF CUP	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> a) there have been no more than five objections lodged; and b) the application/amending plan is generally in compliance with existing policy or guidelines; and c) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and d) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application/amending plan is for use of land for a brothel; or b) an application/amending plan is for use of land for gaming machines. <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <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 authority has directed refusal; or d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPPS MUP MCF CUP	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> a) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and c) the application has not been called-in by a Councillor for determination at a Council meeting. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> a) an application is for use of land for a brothel; or b) an application is for use of land for gaming machines. <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <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 authority has directed refusal; or d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 Officer	
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 Officer	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	Specific Planning Officer	
s 84AB	Power to agree to confining a review by the Tribunal	Specific Planning Officer	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	Specific Planning Officer	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPPS MCSC MUP MCF CCSPP CUP CPBC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Specific Planning Officer	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91(2)	Duty to comply with the directions of VCAT	Specific Planning Officer	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Specific Planning Officer	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Specific Planning Officer	
s 93(2)	Duty to give notice of VCAT order to stop development	Specific Planning Officer	
s 95(3)	Function of referring certain applications to the Minister	Specific Planning Officer	
s 95(4)	Duty to comply with an order or direction	Specific Planning Officer	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Specific Planning Officer	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPPS	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Specific Planning Officer	
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 Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96F	Duty to consider the 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 1996</i>)	Specific Planning Officer	
s 96H(3)	Power to give notice in compliance with Minister's direction	Specific Planning Officer	
s 96J	Power to issue permit as directed by the Minister	Specific Planning Officer	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Specific Planning Officer	
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 Officer	
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 Officer	
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 Officer	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	Specific Planning Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Specific Planning Officer	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPPS MUP MCF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPPS MUP MCF	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Specific Planning Officer	
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 Officer	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Specific Planning Officer	
s 97Q(4)	Duty to comply with directions of VCAT	Specific Planning Officer	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Specific Planning Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Specific Planning Officer	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Specific Planning Officer	
s 101	Function of receiving claim for expenses in conjunction with claim	Specific Planning Officer	
s 103	Power to reject a claim for compensation in certain circumstances	DPPS	
s 107(1)	Function of receiving claim for compensation	Specific Planning Officer	
s 107(3)	Power to agree to extend time for making claim	DPPS	
s 114(1)	Power to apply to the VCAT for an enforcement order	DPPS MCSC MUP MCF CPBC CUP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPPS MCSC MUP MCF CPBC CUP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPPS	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPPS	Except Crown Land
s 129	Function of recovering penalties	DPPS MCSC MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 130(5)	Power to allow person served with an infringement notice further time	DPPS MCSC MUP MCF CPBC	
s 149A(1)	Power to refer a matter to the VCAT for determination	DPPS MCSC MUP MCF CPBC	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CCSPP CUP DPPS MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DPPS MUP MCF	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DPPS	
s 171(2)(g)	Power to grant and reserve easements	DPPS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DIOS DPPS MUP MCF MGSC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DIOS DPPS ESC MCSC MPI MUP MCF CPBC	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DIOS DPPS ESC MCSC MPI MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 177(2)	Power to end 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	DIOS MCSC MUP MCF CPBC	
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	DIOS MCSC MUP MCF CPBC	
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)	DPPS MUP MCF CUP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
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	DPPS MUP MCF CUP	
s 178A(5)	Power to propose to amend or end an agreement	DPPS MUP MCF	
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 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPPS MUP MCF CUP	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 from the proposal	DPPS MUP MCF CUP	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	DPPS MUP MCF CUP	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	DPPS MUP MCF CUP	After considering objections, submissions and matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
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	DPPS MUP MCF CUP	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	DPPS MUP MCF CUP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPPS MUP MCF CUP	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 2	Column 3	Column 4
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 the Tribunal has been determined or withdrawn	Specific Planning Officers	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DIOS DPPS MUP MCF	
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	DIOS DPPS MUP MCF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DIOS DPPS MUP MCF	
s 179(2)	Duty to make available for inspection copy agreement	DIOS MPI Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DIOS DPPS MUP MCF	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DIOS DPPS MUP MCF	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DIOS DPPS MUP MCF	
s 182	Power to enforce an agreement	DIOS DPPS MCSC MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DIOS 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	DPPS MUP MCF	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DPPS MUP MCF	
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	DPPS MUP MCF	
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	Specific Planning Officers	
s 184G(2)	Duty to comply with a direction of the Tribunal	Specific Planning Officers	
s 184G(3)	Duty to give notice as directed by the Tribunal	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	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 for the purpose of a VCAT appeal	Specific Planning Officers	<ol style="list-style-type: none"> 1. Where Council is a party to a mediation or alternative dispute resolution process before satisfaction of Council VCAT. 2. If the matter has previously been subject to a determination by Council or delegate at a Delegated Planning Forum, can only be exercised if, in the opinion of DPPS, MUP, MCF or CUP the matter being mediated or subject to alternative dispute resolution is of a minor nature and the intent of the decision of the Council or delegate at the Delegated Planning Forum is not compromised; or 3. If the matter has previously been subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPP, MUP, MCF or CUP if the decision to settle the mediation or alternative dispute resolution process involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.
	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 Council	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to request that the Minister prepare, adopt and approve amendments to a planning scheme in relation to Interim Heritage Overlays, including by exercising powers under section 20(4)	DPPS MUP MCF	<p>This power can only be exercised in relation to Interim Heritage Overlays, and where all of the following requirements are met:</p> <ul style="list-style-type: none"> (a) a relevant citation for the site or precinct has been prepared; (b) the heritage project forms part of a heritage review previously approved by Council; (c) a request for demolition has been submitted to Council under section 29A of the <i>Building Act</i> 1993 or a planning application has been submitted which involves demolition or substantial alterations to building and/or works; the proposed demolition or planning application is for a proposed heritage place, including an individually significant building or a contributory building within a proposed or revised heritage precinct; and (d) the proposed demolition or planning application will have an adverse impact on the cultural heritage significance of the site/precinct and is considered to have the potential to undermine the approval of the proposed heritage overlay.
-	Power to request that the Minister prepare, adopt and approve prescribed amendments to a planning scheme as set out in section 20A, including by exercising powers under section 20(4)	CEO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make such changes to Planning Scheme Amendment C184 (Amendment C184) as necessary to obtain authorisation from the Minister for Planning and submit Amendment C184 to the Minister for Planning for authorisation	CEO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	PCESO Specific Planning Officers	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 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 its 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 s 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 s 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 s 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) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CCSPP CUP DPPS MUP MCF	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CCSPP CUP DPPS MUP MCF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	PCESO Specific Planning Officers	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
All provisions of the Glen Eira Planning Scheme unless otherwise identified	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 Planning and Environment Act 1987 or regulations under that Act.
43.04-1	Power to approve a development plan	Not delegated	
43.04-3	Power to allow a development plan to be prepared and implemented in stages Power to amend a development plan	DPPS MUP CUP	Power can only be exercised at a Delegated Planning Forum, including a Delegated Planning Forum conducted virtually
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	Not delegated	
52.06-1	Power to reduce or waive carparking 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	The power to reduce or waive car parking in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces. An application involving a reduction of more than ten car spaces may only be determined by DPPS, MUP, MCF or CUP.
52.28	Power to grant permit for gaming machines	Not delegated	
52.46 52.03	Power to grant a permit for brothels	Not delegated	

SCHEDULE B

S6 Instrument of Delegation – Members of Staff

July 2020 Update

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO	
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	CEO	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .
s 73	Power to decide to grant amendment subject to conditions	CEO	The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>
s 84(1)	Power to decide on an application at any time after an appeal is lodged, against failure to grant a permit	CEO	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
43.04-1	Power to approve a development plan	CEO	
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	CEO	
52.28	Power to grant permit for gaming machines	CEO	
52.46	Power to grant a permit for brothels	CEO	

8.15 COUNCIL MEETING CYCLE 2021

Author: Alexandra Fry, Councillor Business Officer

Trim No: 20/1247469

Attachments: Nil

PURPOSE AND SUMMARY

To provide Councillors with the proposed 2021 Council meeting dates for consideration.

RECOMMENDATION

That Council:

1. adopts the 2021 Ordinary Council Meeting dates for Glen Eira City Council as shown below:
 - Tuesday 2 February 2021
 - Tuesday 23 February 2021
 - Tuesday 16 March 2021
 - Tuesday 6 April 2021
 - Tuesday 27 April 2021
 - Wednesday 19 May 2021
 - Tuesday 8 June 2021
 - Tuesday 29 June 2021
 - Tuesday 20 July 2021
 - Tuesday 10 August 2021
 - Tuesday 31 August 2021
 - Thursday 23 September 2021
 - Tuesday 12 October 2021
 - Wednesday 3 November 2021
 - Tuesday 23 November 2021
 - Tuesday 14 December 2021; and
2. notes that the above listed meetings are to be held at 7.30pm in the Council Chambers, Corner Hawthorn & Glen Eira Roads, Caulfield unless it is required under Rule 62 of the Glen Eira City Council Governance Rules and any relevant laws, regulations or instructions from relevant authorities that it is necessary to hold meetings by electronic means of communication.

BACKGROUND

In accordance with Sub-Rule 21(1) of the Glen Eira City Council Governance Rules, 'at or before the last Meeting each calendar year, Council must fix the date, time and place of all Meetings for the following calendar year'.

The proposed dates provided for consideration continue a long-standing practice of conducting Council meetings on a three-weekly cycle, enabling Council business to be transacted in an efficient and timely manner.

ISSUES AND DISCUSSION

The schedule of Council meeting dates for the 2021 calendar year is provided to Councillors, the community and officers for the purposes of planning and attendance at meetings.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

In accordance with Rule 21 of the Glen Eira City Council Governance Rules the meeting schedule for 2021 must be adopted by Council at or before the last Meeting in the 2020 calendar year.

COMMUNICATION AND ENGAGEMENT

Once adopted by Council, the meeting dates for 2021 will be published in a manner which ensures it is available to a broad section of the community, including on Council's website and in GE News, at least once each year and with greater frequency if so determined by the Chief Executive Officer. The schedule of meetings will also be made available from Council's Customer Service Centre when it is open to the public.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

The proposed 2021 Council meeting dates are provided for consideration by Councillors.

8.16 APPOINTMENT OF COUNCILLORS TO COMMITTEES AND REVIEW OF THE ADVISORY COMMITTEES TERMS OF REFERENCE

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 20/1249185

- Attachments:**
1. Proposed Councillor Appointments to Committees 2020/21 [↓](#)
 2. Terms of Reference - Arts and Culture Advisory Committee [↓](#)
 3. Terms of Reference - CEO Employment Matters Advisory Committee [↓](#)
 4. Terms of Reference - Citizen of the Year Advisory Committee [↓](#)
 5. Terms of Reference - Community Engagement Advisory Committee [↓](#)
 6. Terms of Reference - Community Grants Advisory Committee [↓](#)
 7. Terms of Reference - Elsternwick Cultural Precinct Advisory Committee [↓](#)
 8. Terms of Reference - Local Laws Advisory Committee [↓](#)
 9. Terms of Reference, Sport, Recreation & Open Space Advisory Committee [↓](#)
 10. Terms of Reference - Strategic Transport Advisory Committee [↓](#)
 11. Terms of Reference - Sustainability Advisory Committee [↓](#)
 12. Audit Risk Committee Charter adopted 11 August 2020 [↓](#)
 13. Terms of Reference - Glen Eira Community Safety Committee [↓](#)

PURPOSE AND SUMMARY

For Councillors to appoint Council representative to Council's Advisory Committees, External Committees, Audit & Risk Committee and the Community Reference Group for the 2020/21 Council year.

The committees to which appointments are to be made are listed below:

Advisory Committees	External Committees
Arts and Culture	Metropolitan Local Government Waste Forum
CEO Employment Matters	Metropolitan Transport Forum (MTF)
Citizen of the Year	Municipal Association of Victoria (MAV)
Community Engagement	Eastern Alliance for Greenhouse Action (EAGA)
Community Grants	
Elsternwick Cultural Precinct	Other
Local Laws	Audit & Risk Committee
Sport, Recreation & Open Space	Glen Eira Safety Committee
Strategic Transport	
Sustainability	

RECOMMENDATION

That Council appoints Councillors as shown in Attachment 1 to this report, as per the following Committees listed below:

1. appoints 1 representative Councillor and 1 substitute Councillor to each of the following External Committees:
 - a) Metropolitan Local Government Waste Forum
 - b) Metropolitan Transport Forum (MTF)
 - c) Municipal Association of Victoria (MAV)
2. appoints 1 representative Councillor to the following External Committee:
 - (a) Eastern Alliance for Greenhouse Action (EAGA)
3. appoints a minimum of 3 Councillors to Council's Advisory Committees:
 - a) Arts & Culture Advisory Committee
 - b) CEO Employment Matters Advisory Committee
 - c) Citizen of the Year Advisory Committee
 - d) Community Engagement Advisory Committee
 - e) Community Grants Advisory Committee
 - f) Elsternwick Cultural Precinct Advisory Committee
 - g) Local Laws Advisory Committee
 - h) Strategic Transport Advisory Committee
 - i) Sustainability Advisory Committee
4. endorses the reviewed Terms of Reference for Council's Advisory Committees (attached to the report) with the following changes:
 - a) changes the name of the Recreation & Leisure Advisory Committee to the Sport, Recreation & Open Space Advisory Committee and appoints a minimum of 3 Councillors;
 - b) increases the community members of the Sustainability Advisory Committee from 3 to 4;
5. appoints 2 Councillors and 2 substitutes (the Mayor as 1 substitute) to the Audit and Risk Committee;
6. appoints a maximum of 3 Councillors to the Glen Eira Community Safety Committee.

BACKGROUND

Council's Advisory Committees have been formed for the purpose of investigating and discussing specific topics that fall within the Terms of Reference and role of these committees. The committees have no delegated decision-making authority but can refer matters to Council for consideration. While the Audit & Risk Committee as established in accordance with the new Local Government Act 2020 is not an Advisory Committee, it also has no delegated decision-making authority but can refer matters to Council for consideration. The Council appointments to the external committees allows Council to have a delegated representative to attend meetings and represent Council. The Glen Eira Community Safety Committee is not an advisory committee of Council, however requires Councillor representation in addition to externally appointed representatives on this committee.

Information on each committee is provided to assist Councillor's when considering which committee(s) they would like to be appointed to and their ability to attend the meetings.

- Terms of Reference or Charter;
- Meeting frequency and duration of meetings;
- Day and time of meeting; and
- Membership composition of each Committee.

The appointments to committees are made annually in November with the Terms of Reference generally reviewed every 2 years unless required earlier.

Advisory Committees

Council officers attend committee meetings to provide advice and assistance to members, and to carry through any required action. The endorsed minutes of the Advisory Committees are presented to an Ordinary Meeting of Council. The minutes must clearly articulate any recommendations to be considered by Council.

- **Arts and Culture Advisory Committee**

The Arts and Culture Advisory Committee usually meets on a Tuesday, prior to an Assembly or Council meeting, from 5.30-6pm. The meetings are scheduled as and when required, however are typically every 2-3 months.

- **CEO Employment Matters Advisory Committee**

The Committee meets when required to discuss any contractual matters including appointment or reappointment of the CEO, conduct any performance and remuneration reviews in accordance with any prescribed functions or responsibilities stipulated under the Local Government Act 2020 or Regulations.

- **Citizen of the Year Advisory Committee**

The Citizen of the Year Advisory Committee usually meets once per year following the closure of the award nominations. Current schedule is for the meeting to be held in the week of 22-26 March 2021.

- **Community Engagement Advisory Committee**

The Community Engagement Advisory Committee usually meets on a Wednesday evening 6.30-7.30pm. The meetings are scheduled as and when required.

- **Community Grants Advisory Committee**

The Community Grants Advisory Committee usually meets on a Tuesday, usually prior to an Assembly or Council meeting, 5.30-6pm. The meetings are generally scheduled monthly.

- **Elsternwick Cultural Precinct Advisory Committee**

The Elsternwick Cultural Precinct is one of the key projects proposed in the Elsternwick Structure Plan. The realisation of this precinct will create a heart for the local community and a physical identity for the broader Jewish community. The precinct will provide a new experienced-based destination and anchor for the commercial area, making the Elsternwick centre more resilient into the future. This Committee usually meets at 6pm on Monday evenings for 1 to 1.5 hours depending on the agenda. The meetings are quarterly or as required.

- **Local Laws Advisory Committee**

The Local Laws Advisory Committee meets on an ad-hoc basis to obtain direction on issues arising in relation to the development or amendment of local laws. Meetings of up to 30 minutes are scheduled based on the availability of Councillors and Council staff members to attend. Meetings are typically held on a Tuesday evening before an Assembly meeting.

- **Recreation and Leisure Advisory Committee**

The committee has requested a name change to Sport, Recreation and Open Space Advisory Committee to reflect the purpose and objectives of the committee. The committee provides the strategic direction around issues pertaining to sport and open space incorporating parks. They meet biannually (reduced from 4 meetings per year) as required, with meetings scheduled on Tuesday's between 5pm and 6pm.

- **Strategic Transport Advisory Committee**

The Strategic Transport Advisory Committee (STAC), consists of 3 councillors and 4 community members to support Council's strategic transport activities.

The community members' term was extended from March 2020 to September 2020 to cover the period of the design phase for the Safe Cycling Corridor that has now expired. It is intended to reconstitute the STAC community membership by calling on expressions of interest from the wider community.

Previously, STAC community members have worked with Council over the course of the Safe Cycling Corridor Pilot project. Members understand the project and are aware of what has occurred to this point in time.

The committee usually meet at 6pm on Thursdays with the meeting duration approximately 1.5 to 2 hours. It is planned to have at least four meetings during the year that are adapted to match key milestones in our strategic projects.

It is proposed that the next meeting is held in the first week of December 2020 to review the Draft Concept Plans for the Inkerman Road Safe Cycling Corridor Pilot with the following meeting to be schedule in the first week of February 2021 to review consultation material for the Inkerman Road Safe Cycling Corridor Pilot.

- **Sustainability Advisory Committee**

The Sustainability Advisory Committee (SAC) makes recommendations to Council in relation to environmental sustainability. The SAC usually meets from 6:30pm to 8:30pm on a Thursday evening. Four meetings are held each year.

This year, the SAC has provided invaluable advice to Council around the need to declare a climate emergency and setting ambitious new corporate and community carbon reduction targets. The committee requested an increase in community members from 3 to 4.

The next meeting is tentatively scheduled for 10 December 2020.

External Committees

Metropolitan Local Government Waste Forum

The role of the Forum is to:

- Develop local governments' capacity to deliver effective, efficient and sustainable resource recovery and municipal waste planning and management across the Metropolitan Waste and Resource Recovery Group (MWRRG) region

- Engage with industry, government and community stakeholders to improve municipal waste management, resource recovery and planning
- Assist the MWRRG Board to engage councils in the planning and management of municipal waste.

This Committee meets 4 times a year on a Thursday.

Virtual meetings are from 5pm to 7pm using the program Zoom.

In person meetings, (including time for dinner before the forum) from 5.30pm to 8pm at the Exhibition Centre.

Metropolitan Transport Forum (MTF)

The MTF meets monthly – the first Wednesday of every month at 6pm – typically for 1.5 - 2 hours. The meeting had been moved to a virtual online model during Covid – however, typically the meeting is held at the Melbourne Town Hall.

The Metropolitan Transport Forum (MTF) is an advocacy group comprising members from Melbourne metropolitan local government, associate members representing transport companies, and participants from the State Government and environment groups. The MTF works towards effective, efficient and equitable transport in metropolitan Melbourne by providing a forum for debate, research and policy development, and sharing and disseminating information to improve transport choices.

Municipal Association of Victoria (MAV)

The MAV is the legislated peak body for local government in Victoria. Its purpose is to protect and promote the democratic status, autonomy and efficient carrying out of local government for the benefit of Victorian communities. Representatives from each member council vote on matters brought to the State Council.

The State Council typically meets on Fridays twice a year in May and October. These meetings are normally held in a Melbourne CBD location from 9.30am-2.30pm (5 hours).

Eastern Alliance for Greenhouse Action (EAGA)

The Eastern Alliance for Greenhouse Action (EAGA) is a formal alliance of eight councils in Melbourne's east. EAGA is committed to delivering mitigation and adaptation projects and advocating for initiatives that support sustainable and low carbon communities. EAGA's work is guided by an Executive Committee, which is made up of Councillors and senior officers from member councils. The committee manage strategic directions for EAGA's priorities, actions and operations and meet quarterly. Meetings are generally held from 4pm-6pm on Thursdays and hosting is shared among member councils.

Other Committees

Audit and Risk Committee

The Audit and Risk Committee provides support to Council in discharging its oversight responsibilities related to financial and performance reporting; risk management; fraud prevention systems and control; Council's performance regarding compliance with its policies and legislative and regulatory requirements; maintenance of a sound internal control environment; and assurance activities including internal and external audit. The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management. The Committee meets for approximately 4 hours on a quarterly basis usually on a Friday from 8am to 12noon.

Glen Eira Community Safety Committee

The Glen Eira Community Safety Committee is not a Council Advisory Committee but as a committee where representatives from Victoria Police, government stakeholders and community organisations work in partnership to make Glen Eira a safe and inclusive place.

Their meetings are held quarterly or more often if agreed by the Committee members and Chair of the Committee. It is expected Committee members will attend at least three meetings per year. Scheduled meetings are held on a Friday between 1pm and 2pm.

ISSUES AND DISCUSSION

The Terms of Reference for each Committee have been reviewed to ensure they reflect any changes to the committee and compliance with the *Local Government Act 1989* and *Local Government Act 2020*. Transitional arrangements are occurring between the two Acts with the final transition to occur on 1 July 2021 which includes Local Laws.

To facilitate Council's public transparency principles and access to information, all Advisory Committees Terms of Reference, Councillors and appointed committee members names will be placed on Council's website.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

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

POLICY AND LEGISLATIVE IMPLICATIONS

Compliance with the Local Government Act 1989, Local Government Act 2020 and the Public Transparency Policy where required in the Terms of Reference attachments.

COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

CONCLUSION

It is intended Councillors are appointed to the External Committees, Advisory Committees, Audit & Risk Committee and Community Safety Committee and endorse the Terms of Reference attached to the report.

Proposed Councillor Appointments to Committees 2020/21

Committees	Representative Councillor/s	Substitute Councillor
External Committees		
Metropolitan Local Government Waste Forum	Cr David Zyngier	Cr Tony Athanasopoulos
Metropolitan Transport Forum (MTF)	Cr Tony Athanasopoulos	Cr Neil Pilling
Municipal Association of Victoria (MAV)	Cr Neil Pilling	Cr Margaret Esakoff
Eastern Alliance for Greenhouse Action (EAGA)	Cr David Zyngier	
Advisory Committees		Substitutes not required
Arts and Culture	Cr Li Zhang Cr Anne-Marie Cade Cr Neil Pilling Cr Sam Parasol	-
CEO Employment Matters	Cr Jim Magee Cr Margaret Esakoff Cr Tony Athanasopoulos	-
Citizen of the Year	Cr Jim Magee Cr Margaret Esakoff Cr Simone Zmood	-
Community Engagement	Cr Simone Zmood Cr Anne-Marie Cade Cr Tony Athanasopoulos	-
Community Grants	Cr Anne-Marie Cade Cr Sam Parasol Cr Margaret Esakoff	-
Elsternwick Cultural Precinct	Cr David Zyngier Cr Tony Athanasopoulos Cr Anne-Marie Cade Cr Sam Parasol	-
Local Laws	Cr Anne-Marie Cade Cr Margaret Esakoff Cr Neil Pilling	-
Sport, Recreation & Open Space	Cr Li Zhang Cr Sam Parasol Cr Tony Athanasopoulos	-
Strategic Transport	Cr Simone Zmood Cr David Zyngier Cr Jim Magee Cr Tony Athanasopoulos	-
Sustainability	Cr Simone Zmood Cr Sam Parasol Cr Li Zhang Cr David Zyngier	-
Other		
Audit & Risk Committee	Cr Simone Zmood Cr Neil Pilling	Cr Margaret Esakoff (Mayor), Cr Jim Magee
Glen Eira Safety Committee	Cr Jim Magee Cr Margaret Esakoff Cr Anne-Marie Cade	-



Terms of Reference	
1. Name	Arts and Culture Committee
2. Classification	Advisory Committee
3. Background	The Arts and Culture Committee was established to review and facilitate community engagement on Council's Arts and Culture programs.
4. Function and Role	The role of the advisory committee is to provide recommendations to Council for Arts and Culture programs.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	The advisory committee will comprise of a minimum of three (3) Councillors. Councillors will be appointed annually by Council.
7. Chairperson and Term of Chairperson	Chairperson: A Councillor appointed by the Committee. Term of Chairperson: one (1) year
8. Voting Rights	All members
9. Quorum	Two (2) Councillors
10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members
11. Role of Council Staff Attendee(s)	Director Community Wellbeing Manager Libraries, Arts and Culture
12. Meeting Frequency	The Committee shall meet at least once per year.
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration.
14. Other Relevant Information	Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Director Community Wellbeing
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	CEO Employment Matters Advisory Committee
2. Classification	Advisory Committee
3. Background	To assist Council in fulfilling its responsibilities relating to CEO employment matters.
4. Function and Role	<p>The CEO Employment Matters Advisory Committee does not have delegated powers or authority to make decisions or implement actions unless so resolved by the Council on a case by case basis. The CEO Employment Matters Advisory Committee has the responsibility for recommending and advising the Glen Eira City Council on:</p> <ul style="list-style-type: none"> a) Contractual matters relating to the CEO or the person to act as the CEO, including, but not limited to, the following; <ul style="list-style-type: none"> • The appointment of the CEO or person to act as the CEO • Remuneration and conditions of appointment of the CEO or person to act as the CEO • Extension (i.e. reappointment) of the CEO or person to act as the CEO b) The conduct of performance reviews of the CEO, and make any recommendations to Council as a result of the review. c) The performance of any other prescribed functions or responsibilities stipulated under the <i>Local Government Act 2020</i> and relevant Regulations.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<p>The CEO Employment Matters Advisory Committee will consist of at least 3 Councillors as appointed by Council.</p> <p>The Committee will be supported by an independent advisor with appropriate professional experience in employment related matters. The Independent Advisor will be</p>

	<p>appointed for a two-year term on terms and conditions approved by Council. There may be an option for a further two-year term by mutual agreement between the Advisor and Council.</p> <p>The advisor cannot be a Councillor or member of Council staff.</p> <p>The Advisor may be paid a fee and will be appointed by Council, subject to the agreement of the CEO.</p>
7. Chairperson and Term of Chairperson	Mayor, for the Mayoral term
8. Voting Rights	As this is an advisory committee no voting rights apply.
9. Quorum	A majority of members which must include the Independent Advisor will be necessary to transact business of the committee.
10. Conduct of Members	Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.
11. Role of Council Staff Attendee(s)	Secretariat support to the committee will be provided by the Coordinator Councillor Business.
12. Meeting Frequency	<p>The Committee will meet as circumstances require.</p> <p>Where required, a schedule of meetings will be developed and agreed to by the members. Meetings will, where possible, be arranged to coincide with relevant contractual dates and Council reporting deadlines.</p>
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting as a confidential item for consideration.
14. Other Relevant Information	<p>Meetings</p> <p>Conduct of meetings of the CEO Employment Matters Committee shall be consistent with Council's Governance Rules, and at the discretion of the Chairperson.</p> <p>Meeting agendas will be prepared and provided at least five (5) days in advance to members, along with appropriate briefing materials.</p>

	<p>Minutes will be prepared and distributed to the CEO Employment Matters committee within one (1) week of the meeting for approval by the Committee Chairperson. The Chairperson will sign the minutes of the meeting to attest to their accuracy and completeness.</p> <p>The following provisions will apply to all meetings of the Committee:</p> <ul style="list-style-type: none"> • Only Committee members are entitled to attend meetings; • The Committee may invite, or require, any person/s to attend meetings, as it deems necessary; • The Chief Executive Officer shall attend all meetings, except when the Committee chooses to meet without the Chief Executive Officer present. <p>Responsibilities The primary responsibility of the CEO Employment Matters Committee is to assist Council to fulfil its responsibilities in relation to employment matters of the Chief Executive Officer.</p> <p>In that context the CEO Employment Matters committee has the following functions and responsibilities:</p> <p><i>Recruitment and Contract commencement</i></p> <ul style="list-style-type: none"> (a) Provide advice to Council on the engagement of an executive recruiter and the steps in the recruitment process and recruitment timeline; (b) Act as a point of liaison between the Council and any appointed executive recruiter; (c) Coordinate the review of the Position Description and associated recruitment documentation; (d) Undertake any aspects of the recruitment and appointment process agreed to by the Council; (e) Make recommendations to the Council on remuneration and other conditions of employment. <p><i>Person to Act as CEO</i></p> <ul style="list-style-type: none"> (a) Provide advice to Council on any appointment to act as CEO for any term of greater than 28 days
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	<p>(recommendations for terms less than 28 days will be made directly by the CEO to the Council for resolution).</p> <p><i>Annual Review</i></p> <p>(a) Coordinate the annual review process, having sought input and feedback from all members of the Council;</p> <p>(b) Make recommendations to the Council on annual performance criteria;</p> <p>(c) Make recommendations to the Council on annual remuneration review, or the review of any other terms and conditions of the employment contract.</p> <p><i>Contract Expiry</i></p> <p>(a) Make recommendations to Council, having sought input and feedback from all members of the Council, on options within 6 months of the expiry of the CEOs employment contract which could include:</p> <ul style="list-style-type: none"> • Reappointment of the CEO; or • Early termination of the contract where warranted; or • To terminate in accordance with the contract.
15. Committee Contact Details	Coordinator Councillor Business
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Citizen of the Year Advisory Committee
2. Classification	Advisory Committee
3. Background	The Citizens of the Year program commenced in 1995 to recognise the outstanding contributions of Glen Eira residents who, through hard work and dedication, have significantly contributed to the community.
4. Function and Role	The role of the advisory committee is to assist Council by providing recommendations for the Glen Eira Citizen of the Year, Young Citizen of the Year and Community Group of the Year.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<p>The advisory committee will comprise:</p> <ul style="list-style-type: none"> • A minimum of three Councillors • Two community members; one previous recipient of a Glen Eira Citizen of the Year award; and one previous recipient of a Glen Eira Young Citizen of the Year award. <p>Councillors to be appointed annually by Council.</p> <p>Officers to invite a previous year's recipient of the Glen Eira Citizen of the Year award and Young Citizen of the Year award to be on the committee.</p>
7. Chairperson and Term of Chairperson	Chairperson: A Councillor appointed by the Committee.
8. Voting Rights	All members
9. Quorum	Two (2) Councillors and one (1) community member.

10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.
11. Role of Council Staff Attendee(s)	Executive Officer to the Committee
12. Meeting Frequency	The Committee shall meet at least once per year.
13. Reporting Requirements	Advisory committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration (Report in camera).
14. Other Relevant Information	Council may cease a committee or update Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Director Community Wellbeing
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Community Engagement Advisory Committee
2. Classification	Advisory Committee
3. Background	The Community Engagement Advisory Committee was originally formed as the Consultation Committee Advisory Committee in 2009 to act as a steering committee to assist Council by providing recommendations in relation to reviewing, improving and broadening the ways Council engages and consults with all residents, ratepayers and other stakeholders.
4. Function and Role	To make recommendations to Council in relation to the ways in which Council engages and consults with residents, ratepayers and other stakeholders in the community to ensure maximum participation, communication and value to the community.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<ul style="list-style-type: none"> • A minimum of three (3) Councillors • Up to four community representatives <p>Councillors to be appointed annually by Council.</p> <p>Council may appoint up to four (4) community representatives following advertising and assessment against agreed criteria. Any such appointment is for two years.</p>
7. Chairperson and Term of Chairperson	Chairperson: A Councillor appointed by the Committee.
8. Voting Rights	Councillor members only
9. Quorum	At least two (2) Councillors
10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies.

	The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.
11. Role of Council Staff Attendee(s)	Executive Officers to the Committee <ul style="list-style-type: none"> • Director Community Wellbeing • Manager Community Development and Engagement
12. Meeting Frequency	As and when required
13. Reporting Requirements	Advisory Committee minutes and recommendations to be submitted to the next appropriate Ordinary Council Meeting for consideration.
14. Other Relevant Information	Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Director Community Wellbeing
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Community Grants Committee
2. Classification	Advisory Committee
3. Background	<p>The Community Grants Program assists not-for-profit, community-based organisations and groups to implement projects and activities which meet community priorities and benefit Glen Eira</p> <p>The Program includes Service Level Agreements, Community Strengthening and Partnership and Events Grants, Small Grants and Facility Hire Grants in addition to special grant programs as determined by Council. The program aims to:</p> <ul style="list-style-type: none"> a) strengthen community connections; b) encourage new initiatives that respond to community needs; c) build a community that is inclusive of all people; and d) support the community in planning and delivering services. <p>Community grants are open to community based organisations and groups that service the Glen Eira community and are not-for-profit. Applicants must also meet the following criteria:</p> <ul style="list-style-type: none"> 1. Be incorporated; 2. Have an ABN; and 3. Hold adequate public liability insurance; <p>or, be auspiced by an organisation that meets these criteria.</p>
4. Function and Role	<p>To receive and assess applications for the Community grants program, including community grant applications and funding agreements for local community based organisations and groups.</p> <p>To make recommendations to Council in relation to the suitability and distribution of community grant funding with respect to the applications and agreements.</p>
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<p>Three Councillors (preferably one from each Ward).</p> <p>Councillors to be appointed annually by Council.</p>
7. Chairperson and Term of Chairperson	Chairperson (to be appointed by Council annually)
8. Voting Rights	<p>All members.</p> <p>Chairperson has casting vote.</p>
9. Quorum	Two (2) Councillors

10. Conduct of Members	The conflict of interest and confidentiality provisions in the Local Government Act 2020 and the Councillors' Code of Conduct apply to members
11. Role of Council Staff Attendee(s)	Executive Officer to the Committee: <ul style="list-style-type: none">• Director Community Wellbeing• Manager Community Development and Engagement
12. Meeting Frequency	As and when required
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council meeting for consideration.
14. Other Relevant Information	Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Director Community Wellbeing
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Elsternwick Cultural Precinct Advisory Committee (ECPAC)
2. Classification	Advisory Committee
3. Background	<p>On 4 July 2017 Council resolved that 'Officers prepare a report to establish and fund a permanent memorial structure in the Caulfield-Elsternwick area for victims and survivors of the Holocaust'. An Advisory Committee consisting of Councillors and community members was established. The Advisory Committee has since concluded that any memorial or artwork commemorating the survivors should be part of the Elsternwick Cultural Precinct.</p> <p>The Elsternwick Cultural Precinct is one of the key projects proposed in the Elsternwick Structure Plan. The realisation of this precinct will create a heart for the local community and a physical identity for the broader Jewish community. The precinct will provide a new experienced based destination and anchor for the commercial area, making the Elsternwick centre more resilient into the future.</p>
4. Function and Role	<p>To make recommendations to Council in relation to the design of the Elsternwick Cultural Precinct including the development of a streetscape design for Selwyn Street which incorporates a 'Memorial Structure for Holocaust Survivors'. This Committee will ensure an integrated and collaborative approach to the design which takes into consideration the potential future activation of the Precinct.</p>
5. Term of Committee	Until completion of the Streetscape Design Works for Selwyn Street.
6. Membership and Term of Membership	<p>The project working group will comprise of:</p> <ul style="list-style-type: none"> • a minimum of three (3) Councillors • key stakeholders in the Selwyn Street Cultural Precinct by invitation. This may include: <ul style="list-style-type: none"> ○ Jewish Holocaust Centre ○ Kadimah Jewish Cultural Centre and National Library ○ Jewish Museum of Australia ○ Sholem Aleichem College ○ Classic Cinema

	<ul style="list-style-type: none"> ○ The Community Security Group Victoria ○ A representative from the arts sector ○ Callum Morton, Professor, Fine Arts Monash University ○ A representative of 19 Selwyn Street ○ Elsternwick Traders Association ○ Woolworths ○ Other community stakeholders as required <p>The ECPAC is an overarching committee, from which working groups may also be formed. Working groups will operate to address specific issues or decisions including:</p> <ul style="list-style-type: none"> • Memorial Structure for Holocaust Survivors • Others as determined by the Committee
7. Chairperson and Term of Chairperson	All meetings will be chaired by a Glen Eira Councillor appointed by the Committee annually.
8. Voting Rights	All Councillors. Chairperson has casting vote.
9. Quorum	Two (2) Councillors
10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 1989 apply to all members.
11. Role of Council Staff Attendee(s)	Executive Officers to the Committee Council Officers who may also attend meetings include, <ul style="list-style-type: none"> ▪ Director Planning, Place & Sustainability ▪ Manager City Futures ▪ Coordinator City Economy & Placemaking ▪ Project Management Officer
12. Meeting Frequency	Meetings are held as required at the Glen Eira Town Hall.
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council meeting for consideration.
14. Other Relevant Details	Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Coordinator City Economy and Place Making
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Local Laws Advisory Committee
2. Classification	Advisory Committee
3. Background	<p>Prior to 1 July 2021, Council makes local laws under Part 5 of the <i>Local Government Act 1989</i>.</p> <p>Commencing 1 July 2021, Council makes local laws under Division 3 of Part 3 of the <i>Local Government Act 2020</i>.</p> <p>Local laws are revoked every ten years following the first date of operation (unless revoked earlier), requiring new local laws to be made periodically.</p> <p>Local laws may also be amended during their period of operation.</p>
4. Function and Role	To provide a forum for Councillor and Council discussion, investigation and recommendations concerning current and potential local laws and associated issues.
5. Term of Committee	Ongoing
6. Membership and Term of Membership	Membership consists of a minimum of three Councillors (preferably one from each ward) appointed as and when required. Councillor membership is to be reviewed annually.
7. Chairperson and Term of Chairperson	<p>Chairperson: A Councillor appointed by the Committee annually.</p> <p>If the Chairperson is not present at the commencement of the meeting, the members present may appoint a member to be the acting Chairperson for that meeting.</p>

8. Voting Rights	N/A
9. Quorum	A quorum of the Local Laws Advisory Committee shall consist of two members.
10. Conduct of Members	<p>Meetings of the Committee will be treated as an Advisory Committee.</p> <p>Councillors Code of Conduct applies.</p> <p>The conflict of interest and confidentiality provisions in the <i>Local Government Act 2020</i> apply to all members.</p>
11. Role of Council Staff Attendee(s)	<p>To provide advice and assistance to Councillor members and to investigate and report on matters as requested by the Council/Councillors.</p> <p>The CEO will be invited to attend all meetings in an advisory capacity.</p> <p>The Director Planning, Place and Sustainability and the Corporate Counsel or their delegates, will attend all meetings in an advisory capacity.</p>
12. Meeting Frequency	As and when required.
13. Reporting Requirements	<p>Minutes are taken at each meeting and provided to all Councillors.</p> <p>Recommendations of the Committee are discussed at a Council Assembly and may be taken to an Ordinary Council Meeting for resolution.</p>
14. Other Relevant Information	<p>The Community Local Law 2019 came into operation on 7 November 2019. This local law sunsets (expires) on 7 November 2029.</p> <p>The Council Meeting Procedure Local Law 2019 came into operation on 7 November 2019. This local law has been superseded by the Governance Rules, which came into operation on 11 August 2020. The Council Meeting Procedure Local Law 2019 requires to be revoked in part to align with the Governance Rules.</p>

	<p>The Classified Tree Local Law came into operation on 3 September 2020. This local law sunsets (expires) on 3 September 2030.</p> <p>There is one local law currently in development in relation to Smoke-Free Areas in Activity Centres.</p>
15. Committee Contact Details	Corporate Counsel
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Sport, Recreation & Open Space Advisory Committee
2. Classification	Advisory Committee
3. Background	To provide advice to assist Council in the strategic planning for sport, recreation and open space.
4. Function and Role	<p>To provide advice and recommendations to Council in relation to sport, recreation and open space, including:</p> <ul style="list-style-type: none"> ▪ Review and consideration of current and future community needs for sport and recreation facilities, open space and unstructured recreation ▪ Response to strategic opportunities ▪ Review of policy and strategy
5. Term of Committee	One (1) year from appointment of members.
6. Membership and Term of Membership	Minimum of three Councillors (preferably one from each Ward). Councillors appointed annually by Council Resolution.
7. Chairperson and Term of Chairperson	Chairperson: A Councillor appointed by the Committee annually
8. Voting Rights	All members. Chairperson has casting vote
9. Quorum	Two (2) Councillors
10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 1989 apply to all members.
11. Role of Council Staff Attendee(s)	<p>Executive Officers to the Committee</p> <ul style="list-style-type: none"> ▪ Director Infrastructure and Open Space ▪ Manager Recreation & Open Space
12. Meeting Frequency	At least two times annually

13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration.
14. Other Relevant Information	Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Manager Recreation and Open Space
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Strategic Transport Advisory Committee
2. Classification	Advisory Committee
3. Background	To provide assistance to Council in the preparation and implementation of Council's Integrated Transport Strategy.
4. Function and Role	<p>To provide advice and recommendations to Council in relation to strategic transport planning, including:</p> <ul style="list-style-type: none"> - Providing advice on the implementation of an Integrated Transport Strategy - Facilitating understanding of transport initiatives emerging in Glen Eira - Leading community engagement, including holding public forums to gain comprehensive community involvement of strategic transport topics - Considering urban design initiatives to achieve high quality pedestrian friendly public realm outcomes - Provide advice on significant State Government projects such as grade separation projects - Providing advice on Council's advocacy roles - Making recommendations on policy issues where appropriate, and - Reporting back to Council
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<p>A minimum of three Councillors. Councillors to be appointed annually by Council.</p> <p>Four community representatives being non-voting members, with a strong connection to Glen Eira.</p>

	<p>Community members may include:</p> <ul style="list-style-type: none"> - Transport Planning professionals - Planning professionals - Urban Design Professionals - Public and Community advocates, - Experts in all ability access, - Enthusiasts of walking, cycling and alternative transport forms <p>Appointment of members shall commence on the date of the resolution appointing them and end on the earlier of:</p> <ul style="list-style-type: none"> - The expiration of two years, - The cessation of the committee; - The member(s) resigning; - Council resolving to remove the member from the Committee; - The expiration of the Council term.
7. Chairperson and Term of Chairperson	Chairperson: A Councillor appointed by Council annually.
8. Voting Rights	Councillors only have voting rights, with Chairperson having casting vote.
9. Quorum	Two (2) Councillors and two (2) remaining members
10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 1989 apply to all members.
11. Role of Council Staff Attendee(s)	<p>Executive Officers to the Committee Council Officers who may also attend meetings include,</p> <ul style="list-style-type: none"> ▪ Director Planning, Place & Sustainability ▪ Manager City Futures ▪ Manager Climate and Sustainability ▪ Coordinator City Transport and Place Design
12. Meeting Frequency	At least four (3) times annually
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration.

14. Other Relevant Information	Council may cease a committee or update Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Director Planning, Place & Sustainability
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



Terms of Reference	
1. Name	Sustainability Advisory Committee
2. Classification	Advisory Committee
3. Background	To provide a holistic and sector context view of Council's Environmental Sustainability Strategy and waste management objectives through identifying sector and Council strategy alignment; opportunities to advocate and lead in the waste and environment sectors; as well as ensuring performance measures relating to Council strategic objectives are achieved.
4. Function and Role	<p>To make recommendations to Council in relation to environmental sustainability, including:</p> <ul style="list-style-type: none"> ▪ Advocacy on behalf of the community on sustainability and waste issues ▪ Response to strategic Council and/or sector issues and opportunities ▪ Review of policy and strategy updates and progress
5. Term of Committee	Ongoing
6. Membership and Term of Membership	<ul style="list-style-type: none"> ▪ A minimum of three Councillors (preferably one from each Ward). Councillors to be appointed annually by Council through Resolution. Four (4) external community representatives with a term of membership of two (2) years from appointment of members or otherwise as endorsed by Council. <p>Council will appoint community representatives following advertising and assessment against agreed criteria.</p>
7. Chairperson and Term of Chairperson	Councillor Appointed by the Committee annually
8. Voting Rights	All Councillors. Chairperson has casting vote
9. Quorum	Two (2) Councillors and one (1) community representative.

10. Conduct of Members	Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 1989 apply to all members.
11. Role of Council Staff Attendee(s)	<ul style="list-style-type: none"> ▪ Director Planning, Place and Sustainability ▪ Manager Climate and Sustainability
12. Meeting Frequency	At least four (4) times annually
13. Reporting Requirements	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration.
14. Other Relevant Information	Council may cease a committee or update Terms of Reference at any stage by Council Resolution.
15. Committee Contact Details	Manager Climate and Sustainability
16. Date of Council Approval of Terms of Reference	24 November 2020
17. Date of Next Review of Terms of Reference	November 2021



GLEN EIRA
CITY COUNCIL

GLEN EIRA CITY COUNCIL

AUDIT & RISK COMMITTEE CHARTER

Adopted by Council: 11 August 2020

Reviewed by Audit & Risk Committee: 6 July 2020

BENTLEIGH
BENTLEIGH EAST
BRIGHTON EAST
CARNEGIE
CAULFIELD
ELSTERNWICK
GARDENVALE
GLEN HUNTLY
MCKINNON
MURRUMBEENA
ORMOND
ST KILDA EAST

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APPENDICES

- A. Committee Member Regulatory Obligations – Guidance to Members

1. Purpose

The City of Glen Eira has established an Audit & Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, Council's performance with regard to compliance with its policies and legislative and regulatory requirements, maintenance of a sound internal control environment, and assurance activities including internal and external audit. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee as outlined in this Charter enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. Authority

The Committee is not a delegated committee but is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Committee has the authority to:

- 2.1 Provide advice and make recommendations to Council on matters within its areas of responsibility;
- 2.2 Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;
- 2.3 Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties;
- 2.4 Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities; and
- 2.5 Have access to, through the Chief Executive Officer, appropriate management support to enable it to discharge its responsibilities effectively.

3. Membership and Tenure

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee. Details of membership and tenure are set out below:

Independent Members

- 3.1 Independent members will be appointed for three-year terms;
- 3.2 Independent members will typically be appointed for three-year terms subject to a maximum of nine years in total. Terms will be scheduled to facilitate continuity of the Committee such that no more than one independent member's term ceases within the one year;
- 3.3 Independent members must collectively have expertise in financial management and reporting, risk management, and public sector management;
- 3.4 Remuneration will be paid to independent members as approved by Council ;
- 3.5 Members must abide by the Code of Conduct as promulgated by the Council; and
- 3.6 New members shall be given induction training (as required).

Councillor Members

- 3.7 Councillor members will be appointed to the Committee by Council annually; and
- 3.8 Council can appoint up to an additional two Councillors as alternate members to the Committee.

Chairperson

- 3.9 The Chairperson of the Committee must be an independent member;
- 3.10 Council will appoint the Chairperson of the Committee; and
- 3.11 If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending independent members.

Quorum for Meetings

- 3.12 A quorum shall comprise at least one Councillor member and two independent members.

4. Meetings

- 4.1 The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require. A schedule of meetings will be developed annually and agreed by members with an annual work plan aligned to the Charter, developed by the Committee and tabled at each meeting.
- 4.2 All Committee members are expected to attend each meeting in person, which may include virtual attendance when required;
- 4.3 The Committee will invite members of Council's management team, the internal and external auditors, and other personnel as appropriate to attend meetings. The Chief Executive Officer and Chief Financial Officer will attend all meetings, except for confidential matters as determined by the Chairperson;
- 4.4 The Chairperson, Committee members and the internal and external auditors can request additional meetings if they feel that is justified to address unexpected matters that may have arisen;
- 4.5 Meeting agendas and appropriate briefing materials will be provided to members at least one week before each meeting; and
- 4.6 Minutes will be prepared for all meetings and provided to Council at the first available opportunity after clearance by the Committee Chairperson. The draft minutes will be formally tabled and confirmed by the Committee at the following Committee meeting.

5. Responsibilities

The Committee will carry out the following responsibilities.

Financial and Performance Reporting

- 5.1 Monitor the appropriateness of the format and content of periodic management financial reports and performance statements to Council;
- 5.2 Monitor significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- 5.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
- 5.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved; and
- 5.5 Recommend the adoption of the annual financial report and annual performance statement to Council.

Risk Management

- 5.6 Monitor the effectiveness of Council's risk management framework;
- 5.7 Monitor Council's risk appetite statement and the degree of alignment with Council's risk profile;
- 5.8 Monitor Council's risk profile and the changes occurring in the profile;
- 5.9 Monitor Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans; and
- 5.10 Monitor the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Fraud Prevention Systems and Controls

- 5.11 Monitor Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programs;
- 5.12 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
- 5.13 Monitor reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

Compliance Management

- 5.14 Monitor the systems and processes implemented by Council for managing compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance;
- 5.15 Obtain briefings on significant changes in relevant legislation and regulations and other compliance matters; and
- 5.16 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.

Internal Control Environment

- 5.17 Monitor the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment and complying with the overarching Governance Principles, including the programs in place to test compliance with policies, systems and controls; and
- 5.18 Monitor significant changes to systems and controls including whether those changes significantly impact Council's risk profile.

Internal Audit

- 5.19 Review the Internal Audit Charter to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations;
- 5.20 Review the scope of the three-year strategic internal audit plan and annual audit plan, and recommend the annual audit plan to the CEO for approval;
- 5.21 Review and recommend proposed scopes for each review in the annual internal audit plan;
- 5.22 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
- 5.23 Monitor actions by management on internal audit findings and recommendations;
- 5.24 Meet in-camera with the leader of the internal audit function at least annually;
- 5.25 Monitor the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work; and
- 5.26 Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including recommending the preferred supplier to Council.

External Audit

- 5.27 Receive and note the external audit scope and plan proposed by the external auditor;
- 5.28 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
- 5.29 Monitor significant findings and recommendations made by the external auditor, and that management's responses are appropriate and acted upon in a timely manner;
- 5.30 Monitor the effectiveness of the external audit process;
- 5.31 Monitor the findings and recommendations of any relevant performance audits undertaken by VAGO and Council's responses to them; and
- 5.32 Meet with the external auditor in-camera at least annually.

6. Reporting to Council

The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities as set out in this Charter for the previous year.

7. Performance Evaluation

The Committee shall undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix A to this Charter.

9. Review of Charter

The Committee shall review and assess the adequacy of the Charter annually or earlier if necessary and submit requests for revision or improvement to Council, through the Chief Executive Officer, for approval.

The review will take into account Best Practice Guidelines on Audit and Risk Committees as issued from time to time.

Council will endorse the Charter for adoption following a review by the Committee.

Appendix A
Committee Member Regulatory Obligations
Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	<p>A Committee member must not intentionally misuse their position to:</p> <ul style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person.
123(3)	<p>Circumstances involving misuse of a position by a member of the Committee include:</p> <ul style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	<p>A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.</p>

LGA Section	LGA Requirement
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ul style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p><u>Please Note</u></p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	



GLEN EIRA COMMUNITY SAFETY COMMITTEE TERMS OF REFERENCE

PURPOSE

The Glen Eira Community Safety Committee promotes, guides and supports strategic responses to community safety priorities in Glen Eira.

A safe community is attractive to live, work, study, play and visit; it is a place where people feel safe, connected and able to actively participate in community life with confidence.

The Community Safety Committee is a commitment in the Council and Community Plan where Council has a goal to work in partnership to make Glen Eira a safe and inclusive place for all by:

- Partnering with key stakeholders such as Victoria Police to promote and enhance community safety.
- Developing strategies to increase safety of common walking routes.
- Developing an evidence-based approach to implementing localised crime prevention strategies.
- Working collaboratively with community stakeholders to reduce the incidence of family violence in our community.
- Support and running events, programs and activities that helps people to connect with each other and create a sense of community.

By bringing together key community safety partners, the Committee will foster a partnership approach to addressing community safety. It will provide an important forum to implement the Community Safety Plan and improve perceptions of safety across the entire Glen Eira community.

OBJECTIVES

The objectives of the Committee are to provide advice to Council on:

- The development, implementation and reporting of a Community Safety Plan for Glen Eira
- New and emerging community safety trends and priorities
- Issues and concerns that might arise through community engagement
- Policy, planning and advocacy efforts related to community safety
- Ways to develop coordinated responses to community safety matters
- Appropriate Council responses to national and State initiatives, legislation changes and policies related to community safety.

The Committee will seek expert input as required to ensure advice provided to Council is inclusive, accessible and best practice.

MEMBERSHIP COMPOSITION

The Glen Eira Community Safety Committee will have a maximum membership of 15 members: comprising:

- A maximum of three Glen Eira City Councillors
- Two senior Glen Eira City Council officers
- A maximum of two representatives from Victoria Police
- A maximum of four government stakeholder representatives
- A maximum of four community organisation representatives

In addition the Community Planning and Engagement Team will convene and provide administrative support to the committee and subject matter experts will be provided by Council and government agencies – these additional attendees will be non-voting. Guest speakers may also be invited to present to the committee as required.

CRITERIA FOR MEMBERSHIP

Criteria for membership will include (in no order):

- A strong understanding of the Glen Eira community
- Strong community networks and local linkages
- A strong interest in working to foster community wellbeing in the City of Glen Eira
- A strong understanding of issues relevant to local community wellbeing and safety
- An understanding of working within a preventative framework/approach
- An ability to constructively engage with others and an ability to contribute in a fair and unbiased manner in a collaborative way
- A sensitivity to, and ability to represent, the diversity of community interests across the entire community of Glen Eira
- Commitment to Council's values of integrity, collaboration, respect, innovation and service excellence

TERM OF APPOINTMENT

The Community Safety Committee will be appointed for a two-year term.

PROFESSIONAL/INDUSTRY AND COMMUNITY MEMBER SELECTION PROCESS

Victoria Police, government stakeholders and community organisations will be invited to nominate a representative for Committee membership.

CASUAL VACANCIES

Casual vacancies which occur due to members being unable to complete the full term of their appointments may be filled by co-opting suitable candidates as identified by the Committee.

CHAIRPERSON

The Committee will be chaired on a rotational basis from the membership of the Committee and determined through consensus at the start of each year of the committee. The Chairperson is responsible for the fair conduct of meetings and for ensuring open opportunities are available where views and opinions can be raised by all members equitably.

SCOPE OF DECISION MAKING AND VOTING RIGHTS

The Glen Eira Community Safety Committee has no delegated authority to make decisions on behalf of Glen Eira Council.

The Committee makes decisions, determinations or recommendations by consensus. Where a matter is unable to be determined by consensus, a vote may be held. All members, excluding Council officers, have voting rights. The Chair may exercise a casting vote if necessary.

The Committee is quorate when one third plus one member, including at least two Councillor members are present.

Victoria Police, government stakeholder and community organisation representatives unable to attend a meeting are able to nominate a proxy from the organisation they represent.

REPRESENTATION OF VIEWS AND CONDUCT OF MEETINGS

Committee meetings will encourage fair and reasonable discussion and respect for each other's views, with members:

- Embodying Council's values of integrity, collaboration, respect, innovation and service excellence
- Impartially carrying out responsibilities in the interests of the local community
- Having due regard for the opinions, beliefs and rights of other members
- Committing to regular attendance at meetings
- Not improperly seeking to confer an advantage or disadvantage on any person
- Not making improper use of information acquired because of their position or release information that the member knows or should reasonable know, is confidential

WORKING GROUPS

Working groups of the Community Safety Committee may be established at the discretion and by consensus of the committee. Working groups may be developed to implement particular actions or agreed priorities of the committee. The establishment of working groups will be conducted under specific objectives and/or expected outcomes and timelines to be determined by the Committee.

The committee will determine the role, responsibility and resourcing of working groups. It will retain the ability to conclude a working group at its discretion and/or at the achievement of its objectives.

SCHEDULE OF MEETING TIMES

Meetings of the Glen Eira Community Safety Committee will be held quarterly or more often if agreed by Committee members and Chair. A schedule of meeting times will be determined at the last meeting of the year for the following year.

Meetings will be held at Glen Eira Town Hall.

Committee members are expected to attend at least three meetings per annum.

REPORTING

A report of each meeting will be presented to Glen Eira councillors at the next available Councillor Assembly. A report of the activities of the Committee will be presented to Council annually.

Date Council approval of Terms of Reference: 27 November 2018

Date of next review of Terms of Reference: November 2020

9. URGENT BUSINESS

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff

10.2 Right of reply

10.3 Notice of Motion

10.4 Councillor questions

10.5 Written public questions to Council

11. CONFIDENTIAL ITEMS**RECOMMENDATION**

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

11.1 Tender 2020.217 Provision of Offsite Record Storage and Imaging Services

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Contractual - this ground applies because the agenda item concerns contractual negotiations that would, if released, prejudice the negotiating position of service providers with Council

11.2 Contract 2018.052 - Tender Recommendation for the Provision of Telecommunication Services - Contract Variation

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Contractual - this ground applies because the agenda item concerns contractual negotiations that would, if released, prejudice the negotiating position of service providers with Council

12. CLOSURE OF MEETING