



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 1 FEBRUARY 2022**

**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 Jim Magee  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
Councillor Margaret Esakoff  
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 Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

**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 in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Wednesday 2 February 2022 at 7.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or 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 14 December 2021 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****7.1.1 ADVISORY COMMITTEE MINUTES**

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 21/1356535

**Attachments:** 1. Youth Advisory Committee Meeting - 2 December 2021 [↓](#)  
2. Community Grants Advisory Committee Meeting - 7 December 2021 [↓](#)

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**RECOMMENDATION**

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

1. Youth Advisory Committee Meeting Minutes – 2 December 2021; and
2. Community Grants Advisory Committee Meeting Minutes – 7 December 2021.



**Youth Advisory Committee Meeting Minutes  
Thursday 2 December 2021  
Meeting via Zoom**

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**Purpose:**

*To provide feedback and advice to Council on matters impacting young people in the development of initiatives, strategies and plans*

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Meeting opened at 6:00pm with Acknowledgement of Country.

**Present**

Cr Li Zhang  
Cr David Zyngier  
Mark Saunders – Director Community Wellbeing  
Angela Morcos – Manager Family, Youth and Children Services  
Shae Elms – Coordinator Youth Services  
Lucy Brownlie – Youth Development Officer  
Romilly Miller – Community Representative  
Monique Andjelic – Community Representative  
Alex Swieca – Community Representative  
Peninah Silverstein – Community Representative  
James Hoenig – Community Representative  
Emily Qiao – Community Representative  
Audrey King – Community Representative  
Maria Haywood – Community Representative

**Apologies**

Cr Tony Athanasopoulos  
Sahiti Ravi – Community Representative  
Jonah Roseby – Community Representative  
Claire O'Brien – Community Representative  
Akiva Kaltmann – Community Representative  
Lucia Bekinschtein – Community Representative  
Elianna Ben-David – Community Representative

**Guests**

Chris Soderstrom – Communication and Engagement Officer, City Futures

**Matters considered:**

- i. Welcome/Introduction/Apologies/Conflict of Interest
- ii. Minutes 23 September/Business Arising
- iii. School Engagement Program
- iv. Engagement Strategy
- v. Proposed Forward Meeting Schedule
- vi. Other Business
- vii. Next Meeting

**i. Welcome/Introduction/Apologies/Conflict of Interest**

- Cr David Zyngier opened the meeting.
- Emily Qiao declared a general conflict of interest. Emily is employed in a casual capacity with Glen Eira City Council in the Arts and Culture team to support events and gallery exhibitions.

**ii. Minutes 23 September 2021/Business Arising**

- Previous meeting minutes confirmed by Council.
- No matters arising from previous meeting.

**iii. School Engagement Program Proposal**

At its meeting held 23 September 2021, the Youth Advisory Committee discussed the development of a School Engagement Program to inform the work of the Youth Advisory Committee and provide new opportunities for young people to discuss topics and issues of interest and local importance.

A background to the proposed School Youth Engagement Program is set out below.

Benefit for schools – the initiative will support schools' Civics and Citizenship curriculum by providing the opportunity for students to share and discuss contemporary local and community issues with students from other local schools in the City of Glen Eira.

Benefit for students - the School Engagement Program will provide students across Glen Eira with the opportunity to meet in a collaborative and innovative space to explore their thoughts, listen to new views, and have open minded discussions. The program will build on young people's confidence in forming and expressing their opinion whilst engaging them on topics pertaining to the world around them which are important outcomes as they understand and gain experience being active citizens.

Role of Council – Youth Services Team to facilitate the meetings, establish meeting agendas in partnership with local schools and record minutes of meetings. Meeting minutes will be tabled at Council's Youth Advisory Committee to inform the work of the Committee. Meeting minutes will also be disseminated to all participating schools.

Role of schools – schools will be responsible for liaising with Council's Youth Services Team to arrange meetings and agendas; support students' participation including providing the necessary equipment and space to attend the meetings; be responsible for the supervision of students and obtaining parental consent; and connecting the Program with the school's Civics and Citizenship curriculum.

Participation – meetings will be attended by Council's Coordinator of Youth Services and a Youth Development Officer. Members of the Youth Leadership and Events Team (aspiring leaders of the future) and Youth Advisory Committee may also attend meetings to further develop their leadership skills. Participating schools will nominate two students to attend each meeting.

Frequency of meetings – monthly meetings will be held for both Secondary Schools and Primary Schools during the school day and online (eg. via Zoom).

Feedback from schools to inform development of the School Engagement Program is set out below.

A letter was sent to all Primary and Secondary schools in Glen Eira, outlining the School Engagement Program and inviting their feedback and expression of interest via an online survey.

There was strong interest in the program with 24 schools (55.81%) indicating interest in the participating and 19 schools agreeing that initiative will support their Civics and Citizenship curriculum.

A summary of feedback from schools is set out below.

*Expressions of interest:*

- Twenty-four (24) schools expressed interest in participating in the proposed program:
  - Sixteen (16) primary schools
  - Eight (8) secondary schools
- Twelve (12) schools were not interested in participating in the program:
  - Six (6) primary schools
  - Six (6) secondary schools
- One (1) school was unsure if they will participate:
  - One (1) primary school
- Six (6) schools did not provide feedback:
  - Five (5) primary schools
  - One (1) secondary school

A summary of the responses to the online survey are provided in Attachment A.

School Engagement Program Structure:

Based on feedback from the schools, the recommended program structure is outlined below:

<b>Meeting Frequency</b>	Monthly – 1 per month for secondary school students – 90 minutes 1 per month for primary school students – 90 minutes	
<b>Content</b>	Agenda to include items suggested by students and Council Officers, including key Council initiatives	
<b>Time of day</b>	9:15-10:45am	Morning meetings will allow maximum engagement from young people
<b>Council resources</b>	Administration of meetings can be accommodated within existing resources	
<b>School resources</b>	Nominate a lead contact to support the school's and students' participation in the School Engagement Program	
<b>Participation</b>	Schools to decide whether to rotate two students each meeting, or nominate two representatives for the year	
<b>Commencement</b>	February 2022	



The Committee discussed the following additions to the recommended School Engagement Program Structure:

- Inclusion of youth participants to submit items to the agenda.
- Youth Advisory Committee members to attend and support the running of the program, including potentially chairing the meetings. The participation of the Youth Advisory Committee members could be organised on a rotational basis.
- It was confirmed that the School Engagement Program will allow more young people to feed into Council matters that impact them, such as bike paths and safety of crossings. It will also act as a support structure for schools to teach the Civics and Citizenship curriculum, and provide schools with information to better support students and information issues concerning young people.
- Schools to determine rotation of students, including whether to rotate on a term basis, allowing a new cohort to participate each term. This could allow youth participants the chance to take on roles within the program, making participation purposeful.
- Consideration will be given to how students are selected, and how engagement is conducted to allow more reserved students the chance to participate. It was suggested that a "Chat Monitor" (for the Zoom chat function) be assigned for each meeting which could be a role for one of the attending Youth Advisory Committee members.

Next Steps:

Officers will prepare and disseminate a Memorandum of Understanding to formalise participation in the program include the roles and responsibilities of both schools and Council. The Memorandum of Understanding will also formalise a range of requirements to ensure the program is delivered in accordance with the Victorian Child Safe Standards.

**Action:** Officers to prepare and disseminate a School Engagement Program Memorandum of Understanding to all Primary and Secondary Schools.

**Item moved by Cr Zyngier, Cr Zhang seconded. Carried.**

*Cr Zhang left the meeting at 6:45, quorum is now not obtained. The rest of the minutes reflect general discussions.*

**iv. Engagement**

A presentation was shared with the Committee outlining the draft Community Engagement Strategy, which is Council's approach for connecting with the community. The discussion focused on Theme 2: Connecting with Children and Young people. The priority actions were outlined, and the Committee was asked for their feedback on the six key principles:

Authentic Partnerships

*Make the process an authentic partnership by including children and young people in the design, administration, and analysis of engagement.*

The Committee was asked if this principle resonated with them. Responses included:

- The term "authentic partnerships" sounds too corporate.
- The term "authentic partnerships" sounds clinical.
- To some extent. What kind of opportunities would be provided to engage and make these changes for young people? The engagement of young people is very important so having authentic partnerships is extremely important.

- Aim is nice, the word partnership doesn't work for me.
- I believe that addressing children when they are young would be a vitally needed way to formulate connections and relationships with Council members
- "Authentic partnerships" feels like the most unauthentic thing ever to youth - kids especially. The term "peer to peer communication" or something along those lines could be better.

#### Empower Participation

*Empower children and young people to participate by eliminating barriers such as time, location, language and appropriateness of engagement activities.*

The Committee was asked if this principle resonated with them. Responses included:

- Accessible participation.
- This is great, empower really resonates with me especially as someone who is a minority.
- This is a great one. Could promote 'empowering participation' through the Glen Eira News as well, so all young people can have access.
- It only works if the kids have a voice and that it's listened to. Most kids are so used to empty words that most people would disregard it.
- Many autistic kids would need ways to participate that aren't socially driven.
- Young people-initiated, shared decisions with adults. This happens when projects or programs are initiated by young people and decision-making is shared between young people and adults. These projects empower young people.
- Pre-recorded videos in different languages could be helpful.

#### Clear and Relevant

*Make the experience clear and relevant. It should be user friendly, accessible, inclusive and in simple language.*

The Committee was asked if this principle resonated with them. Responses included:

- Instagram posts, with minimal text.
- It sounds very formal. This is important so an array of groups in Glen Eira can have access to this.
- Get to the point, dot points, pictures, images.
- Please account for learning disabilities.
- Speak to young people through their channels more (social media, schools, etc).
- This can be misconstrued by people based on many factors – what's clear and relevant for someone may be different for someone else.
- Many young people often feel that it's patronising when they are spoken to in simple English, having language options would be better.
- Pre-recorded videos in different languages would be helpful.
- The words are good and simple language is great.
- Have multiple languages for those with English not as a first language.
- Use social media, as this is where young people are.

#### Safe Space

*Provide safe, accessible, inclusive and child and youth-friendly spaces so that all children and young people feel comfortable and confident to contribute.*

The Committee was asked if this principle resonated with them. Responses included:

- Absolutely, queer and all ability access.
- This has lost its impact. Make it a brave space! Young people are strong, especially

minorities, and speaking up should be recognised as brave. Council is already perceived as safe, time to make it interesting.

- If it is genuinely safe, as well as making sure that one person's belief doesn't harm others.
- Make it accessible for disabled and neurodivergent people.
- I feel as though this is an overused saying that's often not believed or true - different wording may be more inclusive.
- May need to change the wording to ensure a space is 'safe'.
- Safe space is super important, small groups and private meetings as well as accessible for disability, the new development at 86 Robert Street/ Bentleigh Library will help with this.

#### Value Input

*Show children and young people how their input will be valued and used by including them in the design of the engagement process.*

The Committee was asked if this principle resonated with them. Responses included:

- Sounds like more business jargon.
- The wording "value input" is corporate again. The concept is important though if it will be valued, if all of this is just performative it will hurt people. Young people have been let down enough, we don't need to be lied to again.
- Value input is great, but when this feedback is used, somehow show where their feedback is being used, to show that their contribution has been considered.
- Can use surveys, newspaper, promotion through schools (their portals such as Compass) to illustrate how feedback was valued.
- A little confusing on its own, I understood it after the explanation. I would use the Instagram page more to feedback and reward young people for their participation. Maybe make its own page or regular updates on main Glen Eira page.
- Value opinions.

#### Work with trusted professionals

*Work with existing trusted services, early education qualified staff and youth officers to participate in engagement process design and implementation to ensure material is age appropriate and relevant and uses techniques that engage children and young people.*

The Committee was asked if this principle resonated with them. Responses included:

- Professionals, maybe knowledgeable? This may be confronting for some, feeling as if their ideas may be judged by these people.
- I like this one, it treats young people and their ideas with the respect they deserve.
- Show proof of the work the professionals have done. Young people want to understand what they have done, rather than just trusting.

Committee members were asked if there was anything missing. Responses included:

- Emphasising effective platform use.
- Making an ethical impact on our community.
- Volunteering - how can youth get directly involved in community engagement?
- Learning to accept everyone at any point, not just when they're palatable, let men be flamboyant and let autistics show symptoms, if it hurts no one it shouldn't be shunned.

Committee members were asked: *'How would you engage children and young people (through events, and activities)?'*

- Night life
- Social media
- Compass portals
- School speakers
- Memes
- Seven-Eleven
- Clubs
- Show equal respect
- Peer to peer connections
- Talk to them like adults
- Meet them where they are/ go to where they hang out
- Text based communication
- Video
- Universities
- Educational events
- Create panels who can provide feedback

There was additional discussion about the difficulty of finding things on Council's website, which impacts young people's likelihood to engage with Council content.

**v. Proposed Forward Meeting Schedule**

Results from the survey poll sent to all youth Committee Members, asking them to vote on submitted agenda item were reviewed and discussed.

The agenda items (in order of priority) as voted by the youth Committee Members included:

Discrimination and early intervention education

Committee members were asked areas they would like to focus on within this topic.

Responses included:

- Indigenous education.
  - Explore inviting a representative from Social Policy and Inclusion to discuss.

Climate action at Council

Committee members were asked areas they would like to focus on within this topic.

Responses included:

- Sustainability work happening across Council.
  - Explore inviting Kim Le Cerf, Manager Climate and Sustainability and members of the Youth Climate and Sustainability Action Group.

Neurodiversity and wellbeing

Committee members were asked areas they would like to focus on within this topic.

Responses included:

- How Council is building public spaces for all abilities.
  - Explore inviting representative from Recreation and City Futures departments to discuss.
- How to socialise in a safe way.

Youth Employment

Committee members were asked areas they would like to focus on within this topic.

Responses included:

- Employment opportunities within Glen Eira.
- Mentorships at Council.
  - Explore inviting representative from People and Cultures to discuss.

News Literacy and technology

Committee members were asked areas they would like to focus on within this topic.

Responses included:

- How to identify fake news.
- Education on developing critical thinking skills to identify fake news.
  - Explore inviting representative from Media and Communications to discuss.

There were additional comments about an overall interest in any existing plans or strategies that Council has for each of the 5 topics, so the Committee has an opportunity to identify any potential gaps or suggest ideas from a youth perspective.

Proposed meeting dates for 2022:

- Thursday 17 February 6:00-7:30pm
- Thursday 7 April 6:00-7:30pm
- Thursday 23 June 6:00-7:30pm
- Thursday 18 August 6:00-7:30pm
- Thursday 20 October 6:00-7:30pm

Meetings to be held at Town Hall, in the Caulfield Cup Room.

**Action:** Officers to send the list of youth agenda items for 2022, to the youth committee members not in attendance, to seek their feedback and contributions into each topic.

**vi. Other Business**

No items raised.

**vii. Next Meeting**

Thursday 17 February 2022

Meeting closed at 7:41pm.

**Summary of Action Items**

Action Item	Assigned To
School Engagement Program Memorandum of Understanding to be disseminated to all Primary and Secondary Schools.	Youth Services
Youth Services to send the list of youth agenda items for 2022 to the youth Committee Members not in attendance, to seek their feedback and contributions on areas of focus for each topic.	Youth Services



## School Engagement Program Proposal

Attachment A

Youth Services

### Breakdown

At the Youth Advisory Committee meeting on the 23 September, the School Engagement Program proposal was discussed;

**Concept:** *The Glen Eira School Engagement Program will support schools' Civics and Citizenship curriculum by providing the opportunity for students to share and discuss contemporary local and community issues with students from other local schools in the City of Glen Eira.*

At the meeting, the following action was assigned to Youth Services:

Action Item	Assigned To
<p><b>Action:</b> A letter and feedback form to be sent to the Principals of all Primary and Secondary Schools in Glen Eira to seek their views about the proposed School Engagement Program.</p> <p>Once feedback has been received from all schools, a summary of the results will be tabled at the next Youth Advisory Committee meeting for consideration.</p>	Council

The Glen Eira municipality has 43 schools: 28 primary and 15 secondary. A letter of invitation was sent to all school Principals with a link to a survey to express their interest in the program and provide feedback on the proposal.

### Communication timeline:

4 October	Schools contacted to confirm Principal details and advise of the upcoming proposal letter.
11 October	Letter and feedback survey sent to all Glen Eira schools.
19 October	A reminder email was sent to schools who were yet to provide feedback.
21 October	Schools not yet responded were contacted by Youth Services via phone.
26 October	Schools not yet responded were contacted by Youth Services via phone.
28 October	Schools not yet responded were contacted by Youth Services via phone.
29 October	Survey Closed – <b>End of formal feedback period.</b>
5 November	Follow up with schools that hadn't responded via phone with the offer to provide an expression of interest.
10 November	Follow up with schools that hadn't responded via phone with the offer to provide an expression of interest. <b>Survey re-opened.</b>
15 November	Invite sent to the nine schools that hadn't responded to participate in an online meeting with Councillors of the Youth Advisory Committee and Council Officers to discuss.
22 November	Meeting cancelled due to no registrations from schools.
24 November	Six Glen Eira schools have not provided feedback in relation to their interest in participating in the School Engagement Program Proposal.

**BENTLEIGH. BENTLEIGH EAST. BRIGHTON EAST. CARNEGIE. CAULFIELD. ELSTERNWICK. GARDENVALE. GLEN HUNTLY. MCKINNON. MURRUMBEENA. ORMOND. ST KILDA EAST.**

## Outcome:

Twenty-four (24) schools have expressed interest in participating:

- Sixteen (16) primary schools
- Eight (8) secondary schools

Twelve (12) schools are not interested in participating:

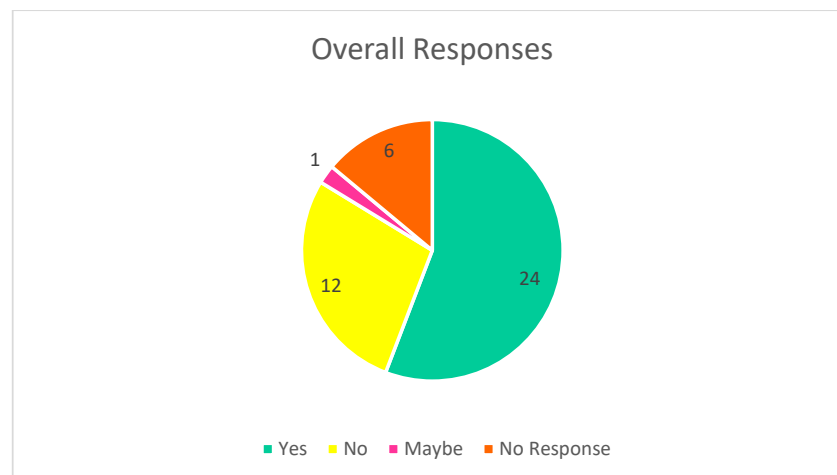
- Six (6) primary schools
- Six (6) secondary schools

One (1) school is unsure if they will participate:

- One (1) primary school

Six (6) schools have not provided feedback:

- Five (5) primary schools
- One (1) secondary schools



Yes: 24

No: 12

Maybe: 1

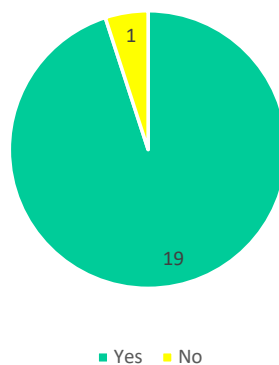
No Response: 6

**Data collected from the survey from twenty (20) of forty-three (43) schools**

The following questions were asked in the online survey.

The data reflects the responses from the 20 schools who completed the survey.

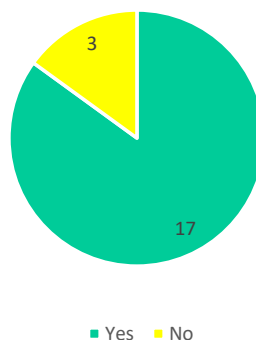
**Will the School Engagement Program support your school's Civics and Citizenship curriculum?**



Yes: 19

No: 0

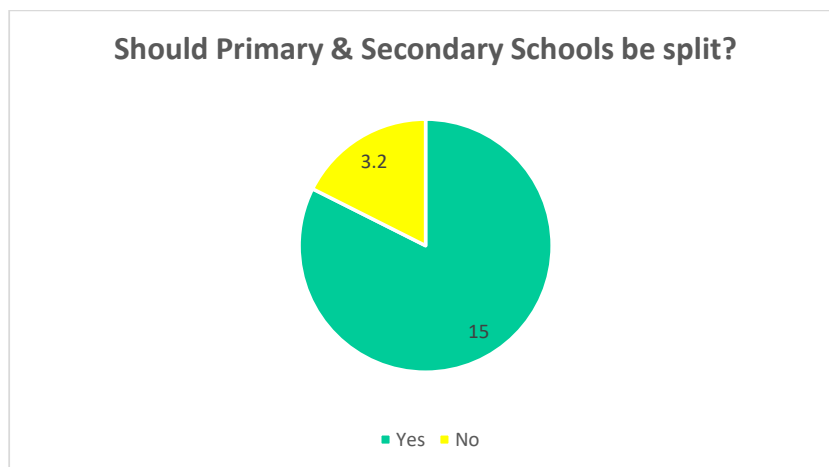
**Does your school have capacity to assign an ongoing teacher to the program?**



Yes: 17

No: 3



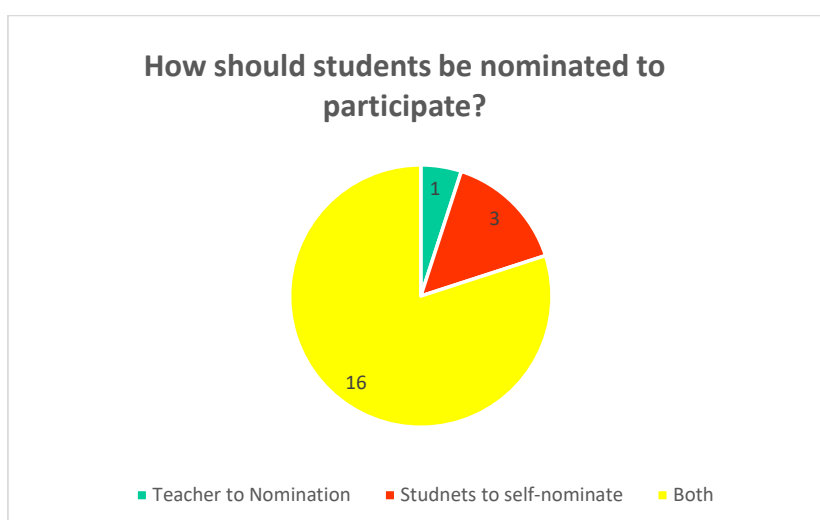


Yes: 15

No :5

**Reasons why:**

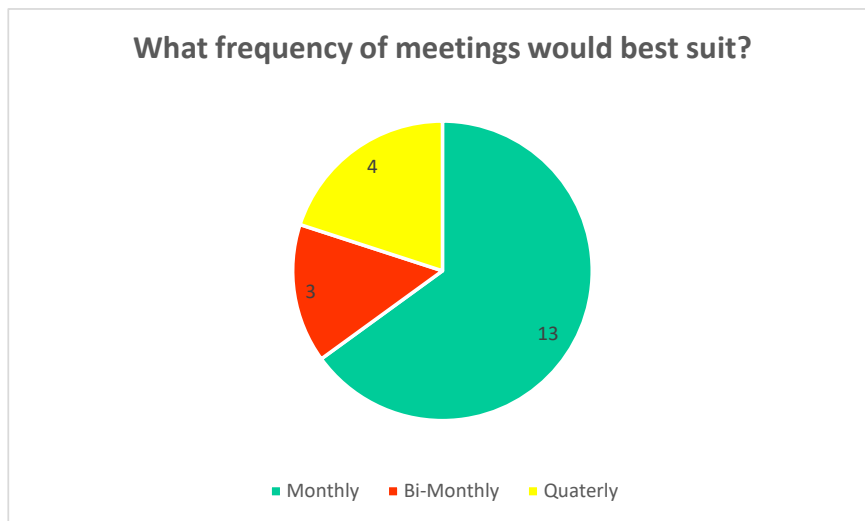
- *'The developmental differences mean that the level of agency they have over their lives is significantly different'.*
- *'A year 4, 5 or 6 students wouldn't understand a lot of what a Year 10 to 12 student might be raising - or not at the same pace, and senior students would, I believe, end up dominating it all far too much'.*
- *'Different needs and initiative for High School and Primary school students'.*



Teachers to Nominate: 1

Students to nominate: 3

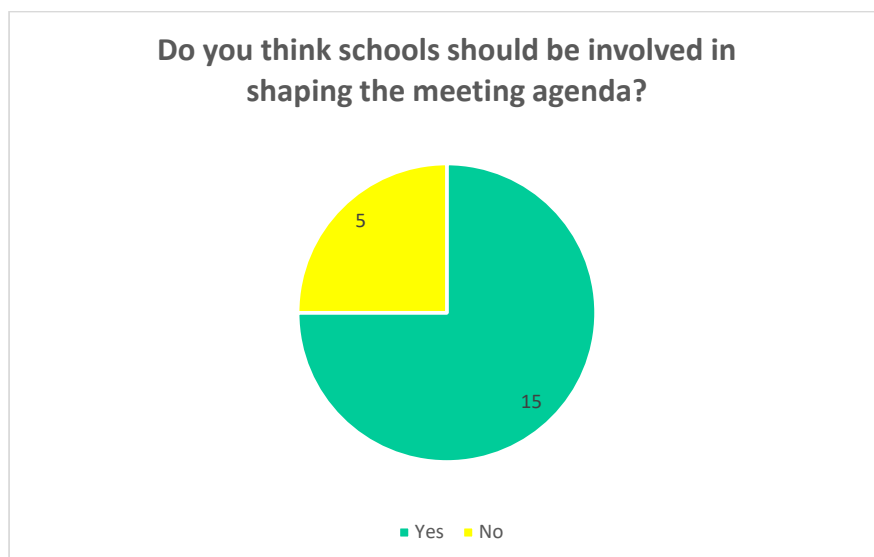
Both: 16



Monthly: 13

Bi-Monthly: 3

Quaterly: 4



Yes: 15

No: 5

**Do you think the issues raised by participating students would be an accurate representation of their year level?**

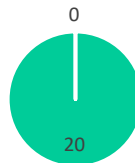


■ Yes ■ No

Yes: 20

No: 0

**If your student representatives identify an issue within your school, would you be willing to review their feedback and provide a formal response?**

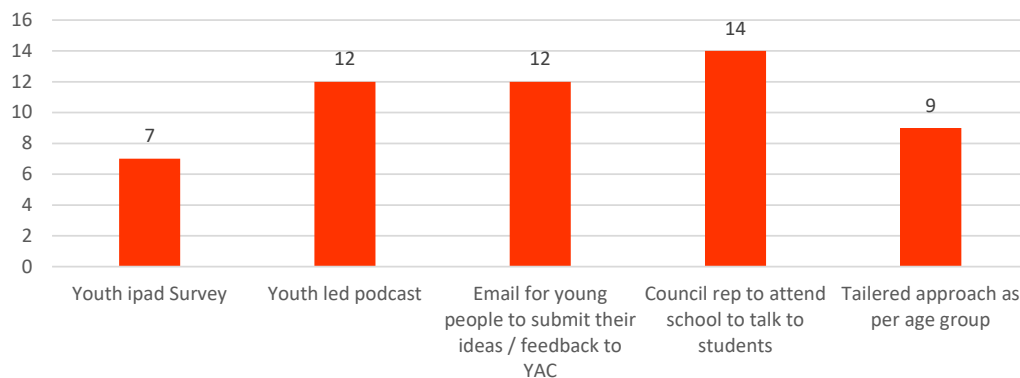


■ Yes ■ No

Yes: 20

No: 0

**Would you also be interested in any of these alternative methods for Council to engage with your students (option to select as many as applied)**



## **A snapshot of the qualitative feedback collected from the survey:**

### **Interest in the program:**

*'It's a great initiative and gives young leaders a voice and an insight into the local council operations as well as an opportunity to think beyond the school level'.*

*'Sounds like a great opportunity for our students to engage with their local community and put the theory of civics education in action'.*

*'I'm not sure if we will participate, but I'm interested to know about the specifics. The timing of the meetings and the limitation of having to have a staff member attend are the variables'.*

### **How to ensure the program is accessible:**

*'Clear process and correct personnel to run the meetings is very important, they can ensure a range of diverse students are offered the chance to be a part of this program'.*

*'Clear agendas and rules for discussion opportunity for students to interact and collaborate- i know this is via Zoom but break out rooms may be useful. I think students need to see they are being listened too, otherwise they will disengage if they see this forum as tokenistic'.*

*'The first meeting should provide an overview of the structure and general aims/goals for the group. A timeframe for the implementation of ideas. A clear purpose for the group to work towards. Students should be given an opportunity to add agenda items and consult/plan among themselves. Shared responsibilities and roles, equity and diverse representation is a must'.*

### **GENERAL FEEDBACK:**

*'A pilot the first year is always experimental and the students selected would need to be very well supported'.*

*'I appreciate the efforts made and believe it to be a forward-thinking initiative. Our community was very well supported by the council during our school closure in July and feel connected'.*

*'Hopefully we find students that are willing to be involved'.*

*'The easier it is to participate the more likely we are to do so, in an environment where there are so many vitally important demands on teachers and school leadership'.*

*'The podcast sounds very interesting'.*

**How responses were collected:**

Twenty (20) schools completed the online survey:

- *Thirteen (13) primary schools*
- *Seven (7) secondary schools*

- Twenty (20) Yes
- Zero (0) No

Nine (9) schools responded via phone:

- *Four (4) primary schools*
- *Five (5) secondary schools*

- Two (2) Yes
- Seven (7) No

Eight (8) schools responded via email:

- *Six (6) primary schools*
- *Two (2) secondary schools*

- Two (2) Yes
- Five (5) No
- One (1) Maybe

Six (6) schools provided no response:

- *Five (5) primary schools*
- *One (1) secondary school*

**Reasons schools gave for their delay or limited capacity to provide feedback:**

- **COVID-19 Pandemic**
  - Adapting to and enforcing restrictions within schools
  - Mitigating mandatory vaccinations requirements for staff and students
- **Wellbeing**
  - A greater focus on student's wellbeing as they return to schools
- **End of year**
  - Reimplementing existing programs that lapsed during lockdown
  - Exams, VCAL/VCE
  - Farewell to Year 12 students
- **Other critical priorities for schools**
  - Timetabling and scheduling students and teachers for 2022
  - Recruitment of new staff for 2022
  - Preparation for the upcoming year
  - Budgets for 2022 due



**COMMUNITY GRANTS ADVISORY COMMITTEE MEETING**  
**Minutes**  
**Tuesday 7 December 2021**  
**Via Teams**

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**Purpose:**

To support not-for-profit community-based organisations and groups to carry out projects and activities that contribute to the liveability, accessibility, health and safety of Glen Eira.

**Aims:**

- Strengthen community connections and collaborations;
  - Develop an accessible and inclusive community;
  - Encourage community initiatives that promote self-sufficiency, innovation and respond to community needs;
  - Help strengthen community capacity to plan and implement services;
  - Support celebration and participation in community life; and
  - Fund projects that deliver meaningful social impact.
- 

**Assembly of Councillors Records**

**Meeting opened at 5:32pm**

**1. Present**

Cr. Sam Parasol  
Cr. Li Zhang  
Mark Saunders – Director Community Wellbeing  
Sharon Sykes – Manager Community Development  
Ana Tsaganos – Team Leader Community Development

**2. Apologies**

Cr Neil Pilling

**3. Declarations of Conflicts of Interest**

No declarations of conflict of interest under Section 79 of the Local Government Act were received in relation to grants discussed.

**4. Matters considered:**

- i. Community Grant Program Induction
- ii. Appointment of Committee Chair
- iii. Facility Hire Grants
- iv. Variation and/or Extensions Service Level Agreements
- v. Variation and/or Extensions Community Grants Program 2021-22
- vi. Variation and/or Extensions Community Recovery Grants
- vii. Meeting schedule for 2022

**Meeting commenced at 5.32 without a quorum. Cr Zhang was provided with the Community Grants Induction until the meeting could officially begin.**

**I. Community Grant Program Induction**

An induction of the Community Grants program was provided including a description and summary of the key outcomes of Community Grants programs.

The Community Grants Program provides an effective way for Council to support community organisations' service to the community and support various community projects and activities in times of need.

The Committee meets on a monthly basis and oversees recommendations, variations and extensions on Grants Programs and Funding Agreements. These programs are supported by guideline documents that outline Council processes to provide financial and in-kind support to local community groups and organisations.

The induction included a summary of the following Community Grants programs:

- Annual Community Grants program: Community Strengthening and Partnership and Events grants
- Facility Hire Grants
- Small Grants
- Senior Citizens Centre Allocation and Grants
- COVID-19 Community Action Grants Program 2020–21
- Community Recovery Grants
- Funding Agreements for seven key partner organisations.

**Cr Parasol joined the meeting at 5.37 and a quorum was declared.**

The committee discussed the following key points:

- The Youth Excellence Grants are separate to this program and are managed through Council Youth Services.
- COVID-19 grant programs are closed and only matters relating to extensions and variations for these grants will be processed through the Committee.

**II. Appointment of Committee Chair**

Cr Parasol was nominated as the Committee Chair by Cr Zhang. This was unanimously supported.

**III. Facility Hire Grants**

- **Ormond Netball Club**

Ormond Netball Club submitted a facility hire grant application to cover the cost of hiring DC Bricker for their 2021 Annual General Meeting and Presentation Day on 4 December 2021 at a cost of \$336.

This project aligns with the aims of the Facility Hire Grant program.

**Recommendation:**                      **That the Committee recommends Council fund a Facility Hire Grant of \$336 for the Ormond Netball Club to hire DC Bricker for their 2021 AGM and Presentation Day on 4 December 2021.**

**Moved: Cr. Sam Parasol  
Seconded: Cr. Li Zhang  
Motion Passed Unanimously**

- **Pathways Melbourne**

Pathways Melbourne submitted a facility hire grant application to cover the cost of hiring Glenhuntly Pavilion, for ten Pathways meetings, including bi-monthly LGBTIQA+ and women's meet-ups, starting in February 2022, at a cost of \$1,855.

Facility hire for each session is \$185.50 for 2022 dates in February, March, May, June, July, August, September, October, November and December.

Each session is expected to attract approximately 25 people, of which 20 are expected to be Glen Eira residents.

The request of facility hire for ten events extends beyond the program description for Facility Hire Grants which is aimed to support '*one off or occasional use*' facility hire which is routinely assessed to be up to five sessions. The group will be encouraged to include the remaining five sessions (August, September, October, November and December 2022) in a grant application as part of the annual community grants program, opening in early 2022.

The Committee requested Officers provide further information at the next Advisory Committee meeting that details more information of the work that Pathway Melbourne delivers in the community.

**Action:** Officers to provide more detailed information about the operations of Pathways Melbourne at the next Committee meeting.

**Recommendation:** That the Committee recommends Council fund a Facility Hire Grant of \$927.50 (five sessions) for Pathways Melbourne to hire the Glenhuntly Pavilion for meet-ups in February, March, May, June and July 2022.

Moved: Cr. Li Zhang  
Seconded: Cr. Sam Parasol  
Motion Passed Unanimously

- **Pathways Melbourne**

Pathways Melbourne submitted a facility hire grant application to cover the cost of hiring a Council facility Glen Huntly Pavilion, for five Book Club program meetings, at a cost of \$927.50.

Each meeting is expected to attract approximately 15 people, 13 of these are Glen Eira residents.

This project aligns with the aims of the Facility Hire Grant program.

**Recommendation:** That the Committee recommends Council fund a Facility Hire Grant of \$927.50 for Pathways Melbourne to hire the Glen Huntly Park function room for five Book Club meetings.

Moved: Cr. Li Zhang  
Seconded: Cr. Sam Parasol  
Motion Passed Unanimously

- **Beis Menachem Community Centre**



Beis Menachem Community Centre submitted a facility hire grant application to cover the cost of hiring Packer Park to deliver a Chanukah Festival on 5 December 2021 at a cost of \$1,373. The event will include a range of activities including jumping castles, petting farm and a Menorah lighting ceremony.

This project aligns with the aims of the Facility Hire Grant program.

**Recommendation:**                    **That the Committee recommends Council fund a Facility Hire Grant of \$1,373 for Beis Menachem Community Centre to hire Packer Park to host a Chanukah Festival celebration on 5 December 2021.**

**Moved: Cr. Sam Parasol  
Seconded: Cr. Li Zhang  
Motion Passed Unanimously**

#### **IV. Variation and/or Extensions – Service Level Agreements**

- **Glen Eira Adult Learning Centre**

Council provides Glen Eira Adult Learning Centre (GEALC) with a Funding Agreement to provide career and volunteer development programs for local community members targeting residents who are socially isolated, young people, people from non-English speaking backgrounds, new arrivals, people with disabilities and/or people experiencing disadvantage.

GEALC has requested a variation to the allocation of this year's funding to increase the rent amount to \$20,000 and decrease funding for program costs to \$16,949.97. This adjustment reallocates \$6,860 from program costs to rental assistance for the 2021-2022 financial year. This will enable increased rent commitments to be met without impacting on program outcomes.

GEALC is in the third year of a three-year Funding Agreement. The organisation has met its reporting obligations under the Agreement submitting satisfactory progress reports for 2019-2020 and 2020-2021.

At its meeting of 3 November 2021, Council endorsed an action to write to the landlord for the property that GEALC occupies, requesting a rent reduction. Subsequent consultation with GEALC has indicated that this is not advisable and could jeopardise the group's current arrangement. As a result, it is recommended that the request from GEALC be approved.

**Recommendation:**                    **That the Committee recommends that Council approves a variation to adjust the allocation of funding to the Glen Eira Adult Learning Centre to \$20,000 for rental assistance and \$16,949.97 for program costs for 2021-2022.**

**Moved: Cr. Sam Parasol  
Seconded: Cr. Li Zhang  
Motion Passed Unanimously**

- **Glen Eira Kindergarten Association (GEKA)**

Council provides the Glen Eira Kindergarten Association (GEKA) with a Funding Agreement that is distributed across member kindergartens to support community building projects and activities that strengthen community connections in Glen Eira.

GEKA has requested an extension of the 2019-2020 Funding Agreement until 30 June 2022 to complete the following projects that have been delayed due to COVID-19 restrictions over 2020 and 2021:

- Aboriginal artist project
- Aboriginal history and reconciliation event
- Family Seminar Series

GEKA has also requested an extension of 2020-2021 Funding Agreement until 30 June 2022 for the delivery of an Indigenous gardens project across its member kindergartens. This project has also been delayed by COVID-19 restrictions over 2020 and 2021. GEKA has plans to complete all projects related to its Funding Agreement by Term 2, 2022.

The Committee requested Officers provide a report that details more information of the work that GEKA delivers in the community.

**Action:** Officers to provide more detailed information about the operations of the Glen Eira Kindergarten Association at the next Committee meeting.

**Recommendation:** That the Committee recommends that Council approves an extension for the expenditure of Glen Eira Kindergarten Association's Funding Agreements for 2019-2020 for \$18,750 and 2020-2021 for \$34,640.70 until 30 June 2022.

Moved: Cr. Li Zhang  
Seconded: Cr. Sam Parasol  
Motion Passed Unanimously

**V. Variation and/or Extensions Community Grants Program 2021-2022**

• **Emmy Monash Aged Care Inc.**

Emmy Monash Aged Care Inc. was provided with a community grant of \$10,890 to support the 'Chanukah Family Day' annual community event.

Emmy Monash Aged Care has requested to amend the event from a one-day celebratory event to eight days in succession beginning on Sunday 28 November 2021. The structure of the event has changed to comply with Residential Aged Care Federal COVID-19 restrictions and reduces the risk of holding a large-scale event for vulnerable people in aged care services.

**Recommendation:** That the Committee recommends Council to approve a variation to Emmy Monash Aged Care's Chanukah Family Day event from one to eight days.

Moved: Cr Sam Parasol  
Seconded: Cr Li Zhang  
Motion Passed Unanimously

• **Probus Club of Moorleigh Inc.**

Probus Club of Moorleigh Inc. was provided with a community grant of \$ 1,650 to support a program of club outings for members of the club's older adult program.

Probus Club of Moorleigh Inc. has requested an extension due to COVID-19 restrictions which have delayed delivery of the proposed program. The program of activities is planned to be implemented commencing 2022.

**Recommendation:**      **That the Committee recommends Council to approve an extension of grant expenditure until 30 September 2022.**

**Moved: Cr Sam Parasol  
Seconded: Cr Li Zhang  
Motion Passed Unanimously**

#### **VI. Variation and/or Extensions Community Recovery Grants**

- **Emmy Monash Aged Care Inc**

Emmy Monash Aged Care was provided a Community Recovery Grant of \$3,000 to assist with the cost of activities for the Club L'Chaim (To Life) community outreach project.

The organisation has requested an extension due to COVID-19 restrictions which have delayed delivery of the proposed program. The first group meeting for this project is planned for January 2022.

**Recommendation:**      **That the Committee recommends Council approves an extension of grant expenditure for Emmy Monash Aged Care Inc. until 30 June 2022.**

**Moved: Cr. Sam Parasol  
Seconded: Cr. Li Zhang  
Motion Passed Unanimously**

#### **VII. Meeting schedule for 2022**

The Committee discussed a schedule for monthly meetings during 2022 that will enable grant applications to be reviewed, recommended and approved promptly.

**Meeting closed 6.19pm**

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

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 21/1347926

**Attachments:** 1. 30 November 2021 Assembly [↓](#)  
2. 7 December 2021 Assembly [↓](#)  
3. 13 December 2021 Assembly [↓](#)  
4. 14 December 2021 Pre-meeting [↓](#)

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**RECOMMENDATION**

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

1. 30 November 2021 Assembly;
2. 7 December 2021 Assembly;
3. 13 December 2021 Assembly; and
4. 14 December 2021 Pre-meeting

**Assembly of Councillors**  
**Tuesday 30 November 2021**

**Assembly Meeting held virtually commenced at 6.34pm**

**Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Li Zhang  
Cr Simone Zmood

**Council Officers**

Rebecca McKenzie  
Niall McDonagh  
Ron Torres  
Peter Swabey  
Mark Saunders  
Alexandra Fry

**Matters considered**

1. Apologies – Cr Athanasopoulos and Cr Pilling,
  2. General Business
    - Cr Parasol – Kitchen caddies
- 6.35pm Cr Zyngier joined the Assembly*
- Cr Esakoff – Multi-purpose court near Birdwood avenue.
  3. Gender Equality Action Plan Consultation Session
  4. 10-16 Selwyn Street - VCAT appeal and representation

*7.39pm Cr Zyngier left the assembly and returned at 7.41pm*

*8.05pm Cr Zhang left the Assembly*

*8.21pm Cr Zmood left the Assembly*

5. Draft Smart City Roadmap

*8.24pm Cr Zhang returned to the Assembly*

6. Revocation of Policies - Urban Planning Draft

*Assembly adjourned at 8.44pm and resumed at 8.54pm*

**Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Li Zhang  
Cr David Zyngier

7. Draft Glen Eira Housing Strategy

*9.43pm Cr Zmood returned to the Assembly*

8. Multideck Carparks Community Engagement and Consultation

9. General Business continued

- Cr Parasol - VCAT representation

10. Councillor / CEO only time

- Staff end of year event
- Recent media attention and media protocols
- Assembly and Council preparation and meeting processes

**Assembly finished at 11.02pm**

## **Assembly of Councillors Tuesday 7 December 2021**

**Assembly Meeting held virtually commenced at 6.36pm**

**Present**

Cr Jim Magee (Mayor)  
Cr Sam Parasol  
Cr Li Zhang  
Cr David Zyngier

**Council Officers**

Rebecca McKenzie  
Niall McDonagh  
Mark Saunders  
Peter Swabey  
Ron Torres  
Sharon Sykes  
Paul Wood  
Andrew Barden  
Matt Slavin  
Amanda Haycox  
Tracey Mihalos  
Janice Pouw

**Matters considered**

1. Apologies – Cr Tony Athanasopoulos, Cr Neil Pilling, Cr Simone Zmood
2. Social and Affordable Housing: Spurway Site

*6.44pm Cr Cade entered the virtual Assembly*

3. Update of Special Building Overlay
4. Carnegie Structure Plan update

*7.57pm Cr Esakoff entered the virtual Assembly*

5. Naming of Pavilions
6. Community Safety Committee Minutes – 19 November 2021
7. General Business

Cr Margaret Esakoff  
- Signage and noise complaints near basketball hoops

Director Planning, Place and Sustainability  
- Extension of interim planning controls in Bentleigh, Carnegie and Elsternwick Activity Centres

Cr Zyngier  
- Metropolitan Local Government Waste Forum motions

8:20pm - The virtual Assembly was adjourned resuming at 8:35pm

**Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Li Zhang

8. Draft Ordinary Council Meeting Agenda
- Item 7.1 – Advisory Committee Minutes
  - Item 7.2 – Assemblies of Councillors
  - Item 8.1 – VCAT Watch
  - Item 8.2 – Multideck Carparks Community Engagement and Consultation
  - Item 8.3 – Inclusion of 8 trees in the Classified Tree Register

8.36pm Cr Zyngier entered the virtual Assembly

- Item 8.4 – Dog off-leash trial areas: Community engagement and outcomes
- Item 8.5 – Smoke-Free Zones Local Law
- Item 8.6 – Prescribing Smoke-Free Zones
- Item 8.7 – Submission in relation to the State Government Discussion Paper 'Improving the Operation of ResCode'
- Item 8.8 – Quarterly Services Performance Report
- Item 8.9 – Fees and Charges – Leasing and Licensing
- Item 8.10 – Draft Glen Eira City Council Smart City Roadmap
- Item 8.11 – Foundation for Youth Excellence – Council Recommendations Quarter 4
- Item 8.12 – Complaints handling policy
- Item 8.13 – Audit & Risk Committee Minutes (26 November 2021)
- Item 8.14 – Tender 2022.20 Webb Street Drainage Works & Reconstruction - Cr Esakoff declared a conflict of interest in item 8.14
- Item 8.15 – Tender 2022.55 Provision of Office Furniture
- Item 8.16 – Appointment of Acting Chief Executive Officer
- Item 8.17 – Revocation of Policies Report – Projects and Infrastructure
- Item 8.18 – Revocation of Policies – Urban Planning

**Assembly finished at 9.11pm**



## **Assembly of Councillors Monday 13 December 2021**

**Assembly Meeting held virtually commenced at 6.45pm**

### **Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Li Zhang  
Cr Simone Zmood  
Cr David Zyngier

### **Council Officers**

Rebecca McKenzie  
Mark Saunders  
Peter Swabey  
Ron Torres  
John Vastianos  
Karen Oh  
Anna Morath  
Sharon Sykes  
Janice Pouw

### **Matters considered**

1. Apologies – Cr Tony Athanasopoulos, Cr Neil Pilling
2. Community Engagement Feedback on 2022-23 Budget  
*6.47pm Cr Parasol entered the virtual Assembly*
3. Draft Advocacy Framework and Priorities  
*7.05 Cr Zyngier left the virtual Assembly and did not return*
4. General Business  
Cr Esakoff
  - Use of QR Codes for public toilets
  - Consultation results 40 kph speed limit
  - Removal of debris in Kangaroo Road
  - Lophostemon tree resident concernsCr Parasol – Event at Ripponlea Gardens  
Cr Magee – Plans for crossing near rotunda in Eat St upgrade

**Assembly finished at 7.55pm**

**Pre-meeting**  
**Tuesday 14 December 2021**

**Pre-Meeting commenced at 6.45pm**

**A. Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Li Zhang  
Cr Simone Zmood  
Cr David Zyngier

**Council Officers**

Rebecca McKenzie (CEO)  
Niall McDonagh  
Peter Swabey  
Mark Saunders  
Ron Torres  
Janice Pouw

**Matters considered**

1. Apology – Cr Tony Athanasopoulos, Cr Neil Pilling
2. Declaration of Conflicts of Interest – Cr Margaret Esakoff – Item 8.12 – Tender 2022.20 – Webb Street Drainage Works & Reconstruction
3. Public Participation
4. Item 8.2 – Multideck Carparks Community Engagement and Consultation
5. Item 10.5 – Written public questions to Council
6. General Business
  - Cr Esakoff
  - Consultation results reduced speed limits
  - Anti social behaviour Murrumbena
  - Director Community Wellbeing – Carols in the Gardens

**The pre-meeting concluded at 7.13pm.**

**8. OFFICER REPORTS (AS LISTED)****8.1 113 BALACLAVA ROAD, CAULFIELD NORTH  
REQUEST FOR A COMBINED PLANNING SCHEME AMENDMENT AND  
PLANNING PERMIT APPLICATION**

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

**Trim No:** 21/1336924

**Attachments:**

1. Plans [↓](#)
2. Certificate of Title [↓](#)
3. Clause 55 Assessment Table [↓](#)
4. Draft Explanatory Report [↓](#)
5. Draft Permit Conditions [↓](#)
6. Draft Instruction Sheet [↓](#)
7. Draft Clause 52.02 Schedule [↓](#)

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**PURPOSE AND SUMMARY**

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

The planning scheme amendment has been requested by Retrew Pty Ltd to vary the wording of two single dwelling covenants that apply to the site to allow for the development of up to six dwellings on the land.

In combination with the planning scheme amendment process, the proponent has requested that Council consider a planning permit application for the construction of the six dwellings. The planning scheme amendment and planning permit application would be considered concurrently in accordance with Section 96A of the *Planning and Environment Act 1987*.

A draft planning permit for the planning application has been prepared (which is a requirement of the process) and will be exhibited as part of the amendment process.

If Council agrees to seek authorisation from the Minister to prepare and exhibit the planning scheme amendment and the Minister agrees, it will then enable an in-depth process of public consultation and two further formal steps of Council deliberation.

If all steps in the process are undertaken and the amendment is adopted, a planning permit would then allow the construction of six dwellings (five x three storey and one x two storey) and a basement car park and alteration of access to a road in a Transport Zone 2 on land partly affected by the Special Building Overlay.

It is recommended that Council agree to undertake this first step in the amendment process and seek authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment (combined Amendment C233glen and Planning Permit Application GE/DP-34762/2021).

**RECOMMENDATION**

1. That, pursuant to Section 96A(2) of the *Planning and Environment Act 1987*, Council agrees to consider a planning permit application for six dwellings concurrently with a planning scheme amendment to vary two single dwelling covenants as requested by Retrew Pty Ltd, for the land at 113 Balaclava Road, Caulfield North; and
2. That, pursuant to Section 8A(2) of the *Planning and Environment Act 1987*, Council seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C233glen and to consider Planning Permit Application GE/DP-34762/2021 concurrently, pursuant to Section 96A of the *Planning and Environment Act 1987*.

<b>Address</b>	113 Balaclava Road, Caulfield North
<b>Title details</b>	Lot 1 on Title Plan 552163C
<b>Restrictions on title</b>	<p>Covenant 0587033 stipulates that the owner:</p> <p><i>“...will not at any time hereafter erect upon the said Lot hereby transferred any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon such Lot and that such dwelling with the outbuildings thereof shall cost not less than the sum of Six hundred pounds and also will not dig or remove nor allow to be dug or removed from such Lot any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.”</i></p> <p>Covenant 0896633 stipulates that the owner:</p> <p><i>“...will not at any time hereafter erect upon either of the said Lots hereby transferred any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon either of such Lots and that such dwelling with the outbuildings thereof shall cost not less than six hundred pounds and also will not dig or remove nor allow to be dug or removed from either of such Lots any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.”</i></p>
<b>Proposal</b>	<ul style="list-style-type: none"> <li>• A planning scheme amendment to include the land at 113 Balaclava Road within the Schedule to Clause 52.02 of the Glen Eira Planning Scheme to enable the two single dwelling covenants to be varied to enable the construction of not more than six dwellings on the land; and</li> </ul>

	<ul style="list-style-type: none"> <li>A planning permit application for the construction of six dwellings and a basement car park and alteration of access to a road in a Transport Zone 2 on land partly affected by the Special Building Overlay</li> </ul>
<b>Zoning and Overlays Controls</b>	<ul style="list-style-type: none"> <li>General Residential Zone – Schedule 2</li> <li>Balaclava Road is in a Transport Zone 2</li> <li>Parking Overlay – Schedule PO2-3</li> <li>Special Building Overlay</li> <li>The land is also within an area of Aboriginal Cultural Heritage Sensitivity</li> </ul>
<b>Permit requirements</b>	<ul style="list-style-type: none"> <li>A permit is required to construct two or more dwellings on a lot under Clause 32.08-6 of the General Residential Zone</li> <li>A permit is required to construct a building or to construct and carry out works on land under Clause 44.05-2 of the Special Building Overlay</li> <li>A permit is required to alter access to a road in a Transport Zone 2 under Clause 52.29</li> </ul>
<b>Relevant Planning Scheme provision</b>	Housing Diversity Area Policy
<b>Seriously entertained amendments</b>	None
<b>Notification</b>	<p>Subject to Council's direction and with the Minister for Planning's authorisation to prepare and exhibit the amendment, public notice will be undertaken in accordance with Section 19 of the <i>Planning and Environment Act 1987</i>.</p> <p>This will involve notices to adjoining owners and occupiers, notices to all beneficiaries, Government departments, a sign on site, an advertisement in a local newspaper and a notice in the Government Gazette</p>
<b>Submissions</b>	<p>It is noted that, at the time of preparing this report, 15 submissions against the proposal had been received from concerned residents, most of whom are beneficiaries of the single dwelling covenants.</p> <p>These are not 'formal' submissions under Section 21(1) of the <i>Planning and Environment Act 1987</i>, as they have been received before the start of the public notice process.</p> <p>Nonetheless, the residents' concerns are acknowledged and included in this report.</p>
<b>Cultural Heritage Management Plan required</b>	An approved Cultural Heritage Management Plan has been provided that states that there is no Aboriginal Heritage present in the Activity Area (ie, the subject land)

**DESCRIPTION OF PROPOSAL**Variation of the Covenants

The proposed development of six dwellings is currently prohibited by the two covenants on the Certificate of Title to the land. The construction of six dwellings is not prohibited by the General Residential Zone control and such a proposal is supported by the relevant purposes of the zone which include:

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

Covenant 0587033 was created by an Instrument of Transfer dated 18 June 1918 and restricts the development and use of the land as follows:

- Only one private dwelling may be erected and must have a slate or tile roof;
- The dwelling (including outbuildings) must not cost less than £600; and
- Sand must not be dug except for foundations or in the construction of the dwelling.

Covenant 0896633 was created by an Instrument of Transfer dated 30 July 1919 and restricts development and use in the same ways described above.

In addition to the subject land, there are 43 properties that are beneficiaries of Covenant 857033 and, of these, 42 are also beneficiaries of Covenant 896633 (i.e. most of the lots are covered by two covenants). The property that is not a beneficiary of Covenant 896633 is 115 Balaclava Road. The 43 affected properties are in Balaclava, Kooyong, Howitt and Lumeah Roads, Wootton Grove and Kiers Court.

The proposed planning scheme amendment seeks to include the land in the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to enable the variation of the covenants to facilitate the construction of a building containing six dwellings.

Variation of the covenants to allow not more than six dwellings would enable the land to be developed in accordance with the draft planning permit conditions and advertised plans that would be considered concurrently with the planning scheme amendment.

The amendment seeks to vary the covenants as follows:

Covenant 0587033 to be modified to read:

~~...will not at any time hereafter erect upon the said Lot hereby transferred any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon such Lot more than six (6) dwellings and that such dwelling dwellings with the outbuildings thereof shall cost not less than the sum of Six hundred pounds and also will not dig or remove nor allow to be dug or removed from such Lot any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.~~

Covenant 0896633 to be modified to read:

~~...will not at any time hereafter erect upon either of the said Lots hereby transferred any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon either of such Lots more than six (6) dwellings and that such dwelling dwellings with the outbuildings thereof shall cost not less than six hundred pounds and also will not dig or remove nor allow to be dug or removed from either of such Lots any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.~~

Application for Planning Permit GE/DP-34762/2021

The proposed planning scheme amendment to vary the covenants would enable Council to consider the planning application for the development of the land for a building comprising five three-storey townhouses with one two storey townhouse at the rear of the site.

A basement car park is proposed that would accommodate 14 cars. The existing vehicle crossing to Balaclava Road would be retained and would connect to a driveway leading to a car lift for access to the basement.

A pedestrian walkway would be provided on the western side of the site for access to the townhouses. The proposed site coverage would be 54.65%.

## **LAND DESCRIPTION AND SURROUNDING AREA**

The subject land is a mostly rectangular lot with a small triangular extension along its western side. The lot has a frontage of 26.82m and a depth of 69.80m with an overall area of approximately 1,905sqm. The existing one-storey dwelling on the subject land is setback 33.6m from Balaclava Road amid an extensively-landscaped garden.

The subject land and lots to the north, east and west are within the General Residential Zone, forming part of a Tram Route Housing Diversity Area. Other surrounding lots to the south, east and west are within the Neighbourhood Residential Zone within a Minimal Change Area. Recognising this interface between the two zones, Schedule 2 to the General Residential Zone applies, which seeks to manage the built form transition having regard to the less intensive development outcomes anticipated in the Neighbourhood Residential Zone.

All of the adjoining lots to the north, south, east and west of the subject land contain two-storey dwellings. Several lots further to the east and west along Balaclava Road contain two and three-storey apartment buildings.

The following aerial photo shows the subject land and surrounding area:



*Figure 1: Aerial photo of the subject land and the surrounding area*

## RELEVANT HISTORY

Council officers have been made aware that the owner of the subject land issued proceedings in the Supreme Court of Victoria in 2016 seeking to vary the covenants to enable the construction of a three storey residential building with a basement car park. Beneficiaries raised concerns such as the adverse impact this would have on them and on neighbourhood character. Subsequently, the owner discontinued the Supreme Court proceedings.

There is no other relevant planning history.

## CONSULTATION AND ENGAGEMENT

Fifteen early submissions opposing the proposal have been received. The concerns of residents are acknowledged. The submissions include the following concerns:

- The variation of the covenant would adversely affect the character and amenity of the area.
- The applicant should use the Supreme Court process as it is fair and transparent.
- The planning scheme amendment process is intended for major proposals.
- Owners purchased their properties due to the protection afforded by the single dwelling covenant.
- Will detrimentally affect property rights.
- Will set a dangerous precedent.
- Will adversely affect property values.
- Overshadowing.
- Overlooking and loss of privacy.
- Damage from basement construction.
- Increased noise.



Whilst the early submissions are acknowledged, formal submissions would be invited if Council determines to request the Minister for Planning's authorisation to prepare and exhibit the amendment.

The public exhibition process would include:

- A notice on the subject land;
- Notices to the owners and occupiers of land benefitted by the covenants and to all other adjoining property owners and occupiers;
- A notice in a local newspaper;
- A notice in the Government Gazette; and
- The amendment and planning application plans and documents would also be displayed on Council's website.

## REFERRALS

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

The following is a list of the relevant Government referral authorities and Council departments for the application:

<b>Statutory Referrals</b>	
VicRoads/Transport for Victoria	Alteration of access to a road in a Transport Zone 2. Transport Zone 2 roads are part of the Principal Road Network and were previously known as the Road Zone, Category 1.
Melbourne Water	Construction of a building and construction and carrying out of works on land affected by the Special Building Overlay
<b>Non-statutory referrals</b>	
Transport Planning	Review of car parking provision and the car park layout
Asset Engineering	Review of impacts on Council infrastructure
Landscape Officer	Review of the proposed removal of vegetation and impacts on neighbours' vegetation and review of the landscape plan
Parks Services	Review of any impacts on street trees
Sustainability & Waste Project Officer	Review of the Waste Management Plan
Sustainable Design Officer	Review of the Sustainable Management Plan and Water Sensitive Urban Design Response

## ISSUES AND DISCUSSION

The assessment of the proposal has regard to the following:

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

- Current strategic planning direction

### Variation of the Covenants

The Certificate of Title for the subject land contains two covenants that prohibit the development of the land for any purpose other than one private dwelling. This prevents the land from being developed and used for six dwellings as proposed.

Having regard to the zoning and policy contexts that apply to the subject land, it is considered appropriate for Council to allow the proponent to proceed to the first step in the process that would lead to the exhibition of the proposal to the public, inviting submissions from affected parties and further consideration of the merits of the proposal by Council in future steps.

This will allow fairness for all parties to outline their positions in relation to the various matters to be considered. Council will then have the option after the exhibition period to refer submissions to an independent Panel.

### Existing zoning and policy context

The application is generally compliant with the zoning and policy contexts. In the General Residential Zone, a dwelling is a land use that does not require a Planning Permit. However, the provisions that enable an application to be made for the construction of two or more dwellings on a lot cannot be acted upon due to the single dwelling covenants.

The purposes of the General Residential Zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

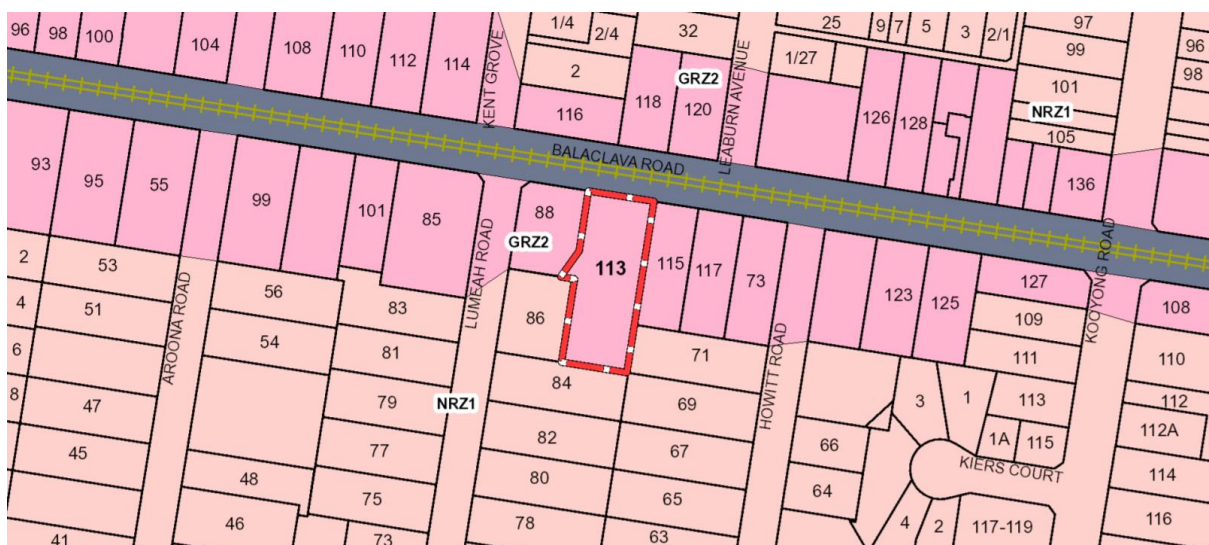


Figure 2: Zoning map

Lots in this part of the General Residential Zone are identified in the Housing Diversity Area Policy as Tram Route locations that are suitable for housing diversity and growth. They are well located in relation to transport and services and are places that are anticipated to support increased density in a sustainable way.

The planning policy framework is underpinned by the objectives of the *Planning and Environment Act 1987* (Act). This includes amongst other things, “to provide for the fair, orderly, economic and sustainable use, and development of land”. The objectives require a decision maker “to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes”.

When considering the purpose of the zone and implementing the objectives of the Act, this lends weight to the proposal.

In terms of a built form outcome that is possible on the site, it is of interest to note that, if the owner chose to do so, they could apply to construct a large three storey dwelling on the subject land, potentially similar in height, mass and scale to the proposed building. This would not require a planning permit and would be consistent with the single dwelling covenant.

#### Neighbourhood character

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



*Figure 3: Artist's rendering of the proposed building*

### Height, massing and scale

The building has been designed so that its front, side and rear setbacks and height would be within the limits of the zone and its schedule and the Clause 55 ResCode standards (refer to the Clause 55 Assessment Table attached to this report). The building envelope would satisfy ResCode standards for site coverage of 54.65% and permeability of 31.28% and for daylight to existing windows and overshadowing of private open spaces. The proposal would also have a satisfactory garden area of 38.20% which exceeds the prescribed minimum of 35%.

### Amenity impacts and internal amenity

It is considered that the design and layout of the building would ensure that the overlooking, overshadowing and visual bulk impacts on the adjoining properties would not cause an unreasonable reduction of amenity. The two storey form of Unit 6 at the rear of the site and the stepped second floor side setbacks of Units 1-5 and the articulation of the front, side and rear elevations would create visual interest and moderate the visual bulk of the building when viewed from the adjoining properties and Balaclava Road.

Each dwelling would receive adequate daylight to all windows and living rooms would be connected to private open spaces. The room layouts and sizes would afford an acceptable level of internal amenity for the proposed townhouses. The inclusion of a lift for each dwelling is a feature that would assist in aging in place for residents whose mobility may diminish over time.

### Landscaping

The applicant has advised that an arboricultural assessment was conducted and that there is no significant vegetation worthy of retention and that adequate separation would be provided to ensure that neighbours' vegetation would not be adversely affected.

It is considered that there will be adequate space on all sides of the building for the planting of vegetation that will complement the garden character of the residential properties to the south, east and west and the Balaclava Road streetscape. A detailed landscape plan has been submitted as part of the application.

### Car parking and traffic

The planning scheme statutory parking requirement for the proposal would be 12 car spaces. A total of 14 car spaces are proposed in the basement with the additional two car spaces being included as part of the allocation for Unit 6.

As Balaclava Road is in a Transport Zone 2, the views of Transport for Victoria will need to be considered. The existing vehicle crossing will be retained but the access will be altered given the proposed car lift leading to a basement car park. All vehicles would be able to enter and exit the site in a forward direction.

### Management plan requirements

A Construction Management Plan (CMP) will be required. A condition is included on the draft planning permit outlining the requirements of the CMP.

A Waste Management Plan (WMP) will be required to manage the collection of waste and recyclables. A building manager is proposed to be employed to undertake this task.

A Sustainable Management plan and Water Sensitive Urban Design Response report has been submitted which provides for energy efficiency and the management of stormwater.

#### Current strategic planning direction

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

A relevant component of the strategy is the plan for Glen Eira's diverse housing needs, which continues to direct multi-unit residential development along transport and main road corridors such as Balaclava Road. The proposal is considered to be consistent with the relevant objectives of the strategy including:

- Objective 1.3 – Connected neighbourhoods.
- Objective 3.1 – Provide housing for all.
- Objective 3.2 – Respect amenity and local character.
- Objective 3.3 – Plan for the future housing needs of the community.
- Objective 3.4 – Build a sustainable future.

#### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The proposal is consistent with and supported by many elements of Council's *Our Climate Emergency Response Strategy 2021–2025*. The building incorporates high Environmentally Sustainable Design credentials and provides opportunity for increased density in a location that is close to transport, shops and services.

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

The prescribed fees for the consideration of the request for a planning scheme amendment have been paid by the proponent. Reimbursement would be sought for any future invoices issued by Planning Panels Victoria associated with this combined Amendment and Planning Permit Application from the proponent should a Panel Hearing be held.

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

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

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

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

3. If there are submissions opposed to the amendment, Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an independent Panel to hear the submissions.
4. If a Panel is appointed, it will hear submissions and report its findings in the form of a recommendation to Council.

The Panel may make a recommendation to:

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

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

### **LINK TO COUNCIL PLAN**

Strategic Direction 3: A liveable and well planned city. Our planning aims to balance population growth with enhancing the unique character and heritage of our city.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

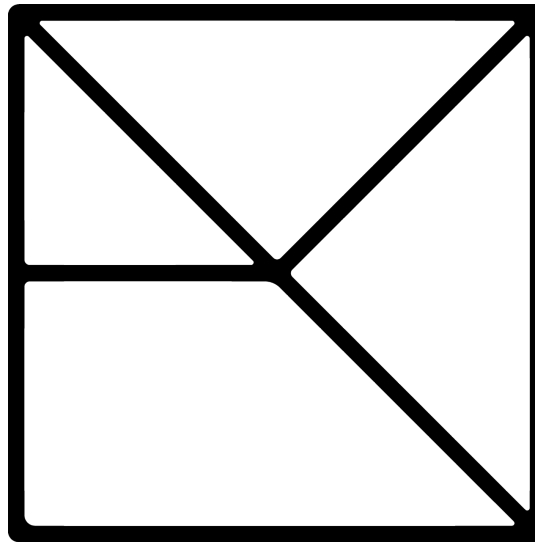
### **CONCLUSION**

The proposal is the first step in an assessment framework to consider the suitability to enable development of the land for six dwellings. This necessitates the variation of two covenants that at present limit development to a single dwelling.

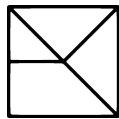
The proposal is considered to have sufficient strategic support to enable a request to be made to the Minister for Planning to prepare and exhibit Planning Scheme Amendment C233glen in combination with Planning Permit Application GE/DP-34762/2021.

If the Minister authorises the amendment, it will then enable formal consultation with the community. Council has options at each step in the process to decide whether to continue progressing this Planning Scheme Amendment and Planning Permit Application.

At this stage it is recommended that Council agree to undertake this first step in the amendment process and seek authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment (combined Amendment C233glen and Planning Permit Application GE/DP-34762/2021).



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Project #14392  
Date December 2021

DEVELOPMENT SUMMARY

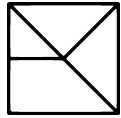
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ZONING: GENERAL RESIDENTIAL ZONE - SCHEDULE 2 [GRZ2]  
SPECIAL BUILDING OVERLAY [SBO]  
PARKING OVERLAY [- PRECINCT 2-3 PO2-3]  
  
STREET FRONTAGE: BALACLAVA RD APPROX 26.82 METERS  
  
DWELLINGS: 6  
  
SITE COVERAGE: 1041.0 SQM = 54.7%  
  
SITE PERMEABILITY: 602.0 SQM = 31.6%  
  
GARDEN AREA: 735.0 SQM = 38.6%  
  
CAR PARKING: 14No.  
2No. CAR SPACES PER TOWNHOUSE 1-5  
4No. CAR SPACES PER TOWNHOUSE 6

01	RENDER
02	ELEVATIONS
03	PRECEDENT IMAGERY & MATERIAL PALETTE
04	PERSPECTIVE VIEWS FROM NEIGHBOURING PRIVATE OPEN SPACES



01

RENDER

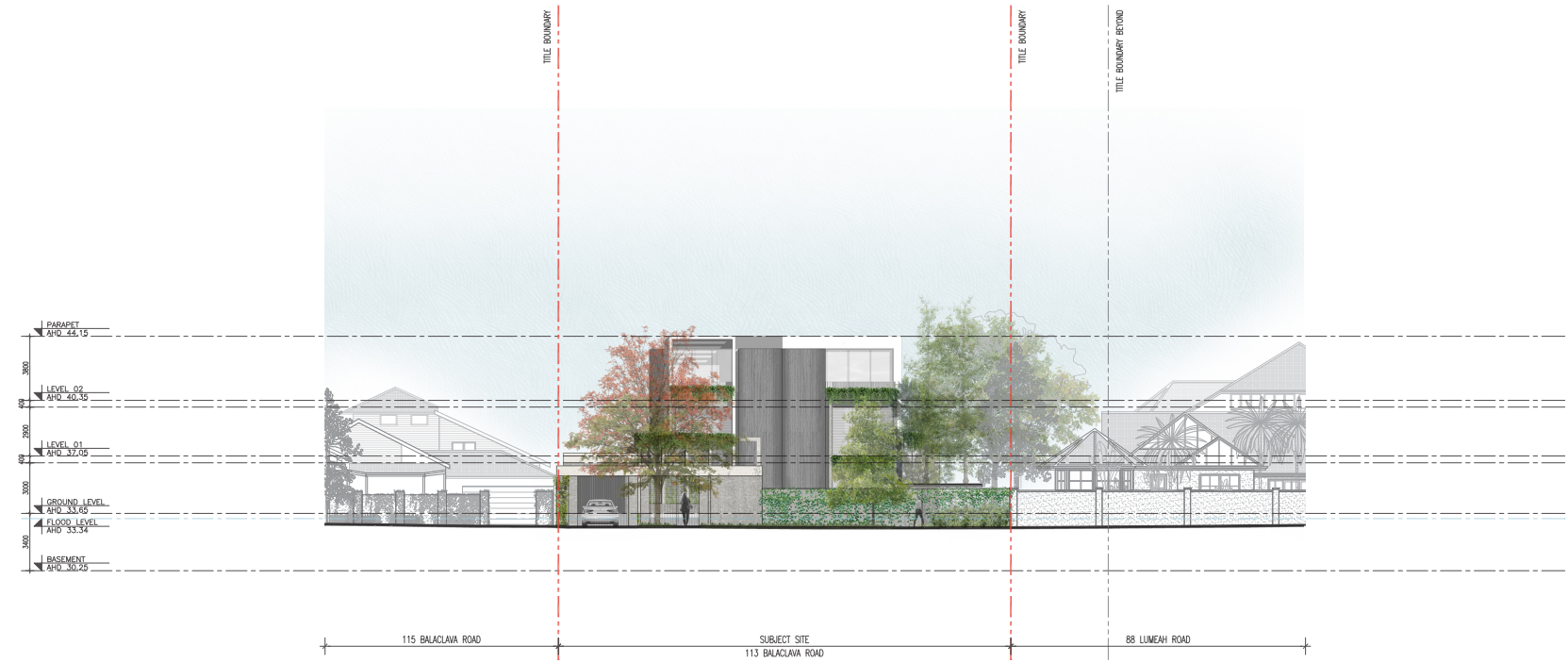
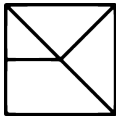


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02

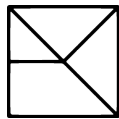
ELEVATIONS



**NORTH ELEVATION**  
NOTE: SOME LANDSCAPING HAS BEEN OMITTED FOR CLARITY. REFER LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAIL.

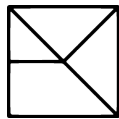
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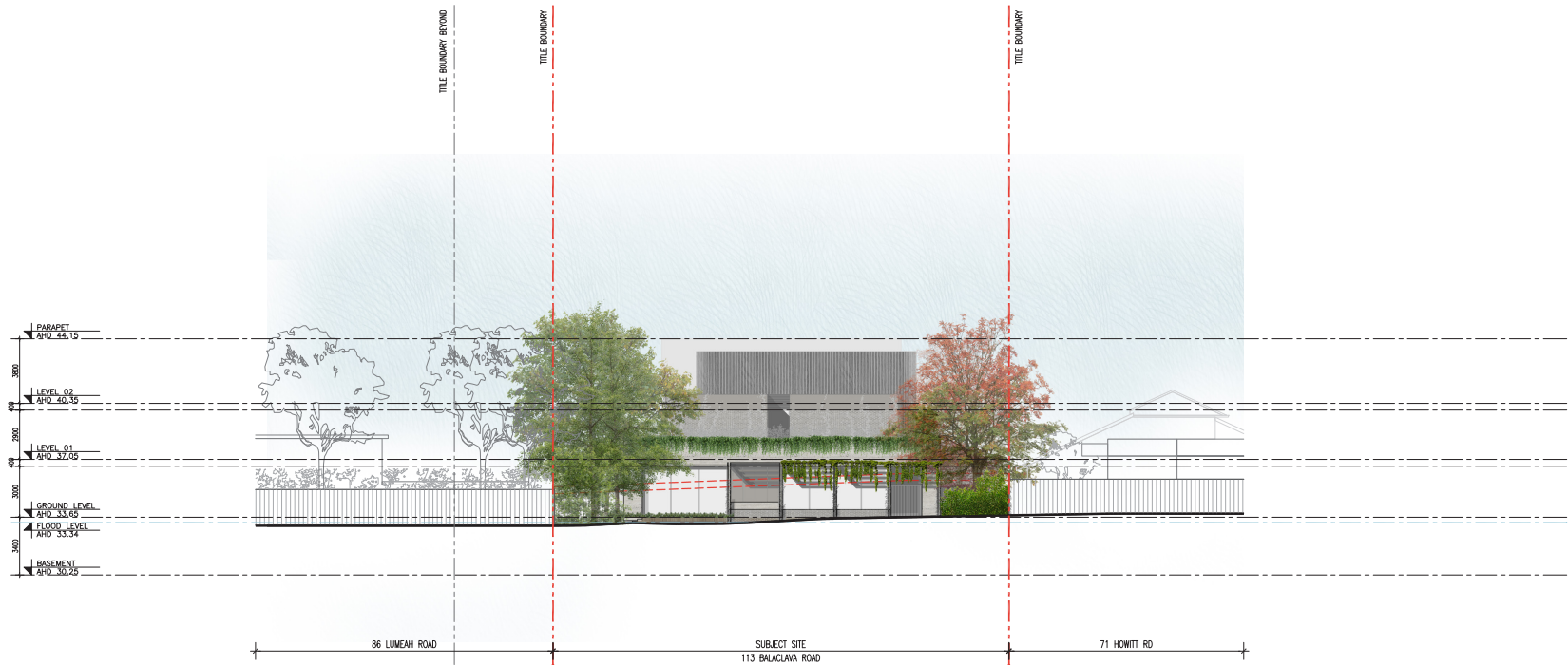
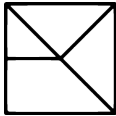
**EAST ELEVATION**  
NOTE: SOME LANDSCAPING HAS BEEN OMITTED FOR CLARITY. REFER LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAIL.

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**WEST ELEVATION**  
NOTE: SOME LANDSCAPING HAS BEEN OMITTED FOR CLARITY. REFER LANDSCAPE ARCHITECT DRAWINGS FOR FURTHER DETAIL.

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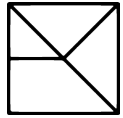
**SOUTH ELEVATION**  
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03

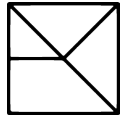
PRECEDENT IMAGERY & MATERIAL PALETTE





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11

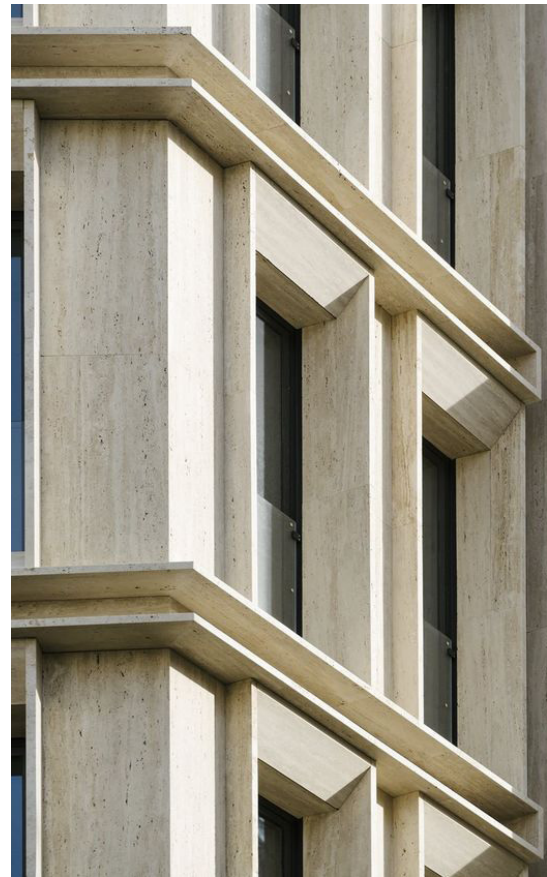
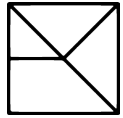


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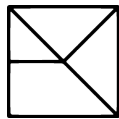
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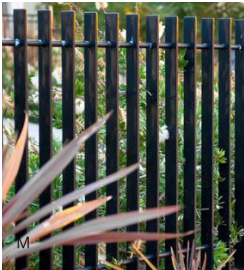

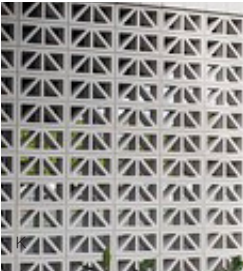


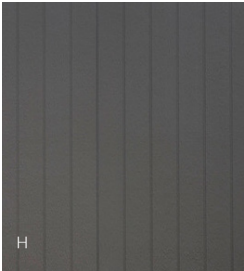


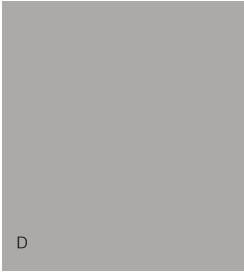
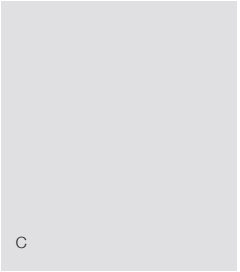

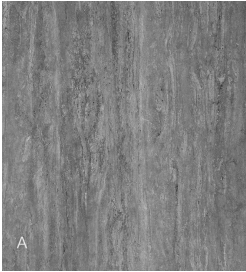


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13



EXTERNAL MATERIAL FINISHES



LEGEND

A FEATURE CLADDING  
COLOUR: MID GREY

B FEATURE BRICKWORK  
COLOUR: MID GREY

C RENDER FINISH  
COLOUR: LIGHT GREY

D RENDER FINISH  
COLOUR: MID GREY

E RENDER FINISH  
COLOUR: CHARCOAL

F METAL CLADDING  
COLOUR: CHARCOAL

G METAL WORK MICACEOUS IRON OXIDE  
COLOUR: CHARCOAL

H VERTICAL EXPRESSED CLADDING  
COLOUR: CHARCOAL

I GLAZED BALUSTRADE

J FIXED SCREENS  
COLOUR: CHARCOAL

K BREEZE BLOCKS  
COLOUR: MID GREY

L HORIZONTAL OPERABLE SUNSCREENS  
COLOUR: CHARCOAL

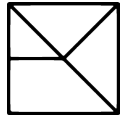
M METAL PALISADE  
COLOUR: CHARCOAL

N GLAZING WINDOW AND DOOR ASSEMBLY

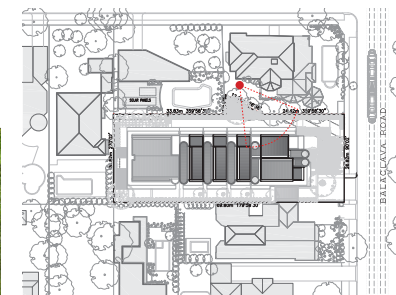
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PERSPECTIVE VIEWS FROM NEIGHBOURING PRIVATE OPEN SPACES



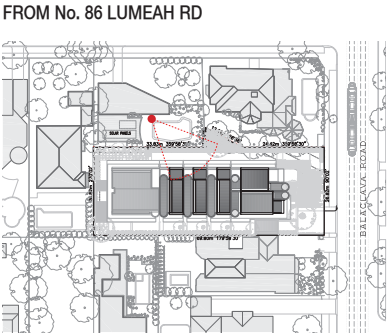
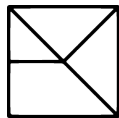


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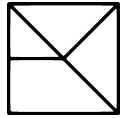
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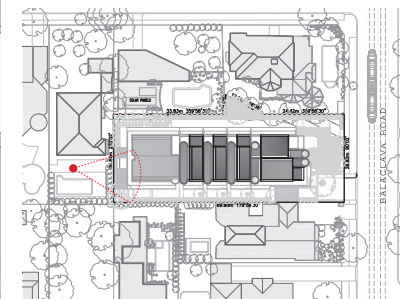


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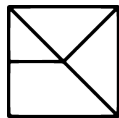
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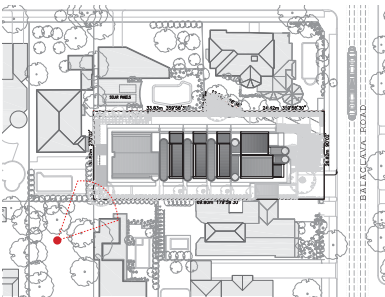
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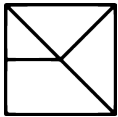




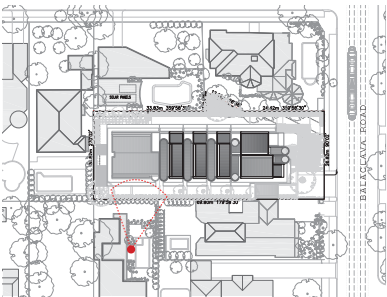
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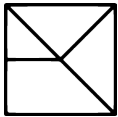
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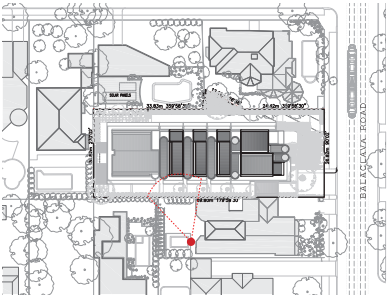
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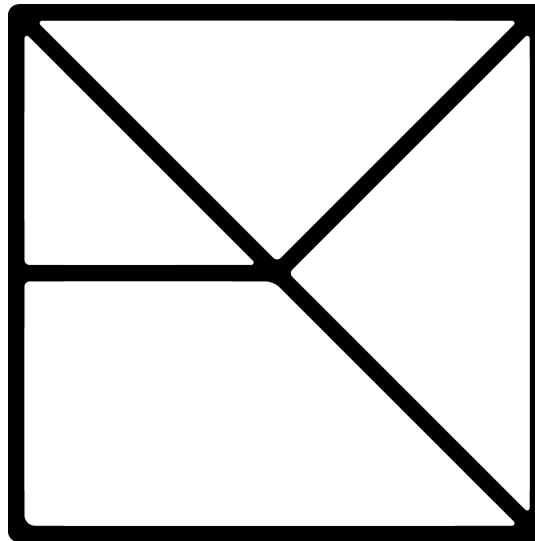
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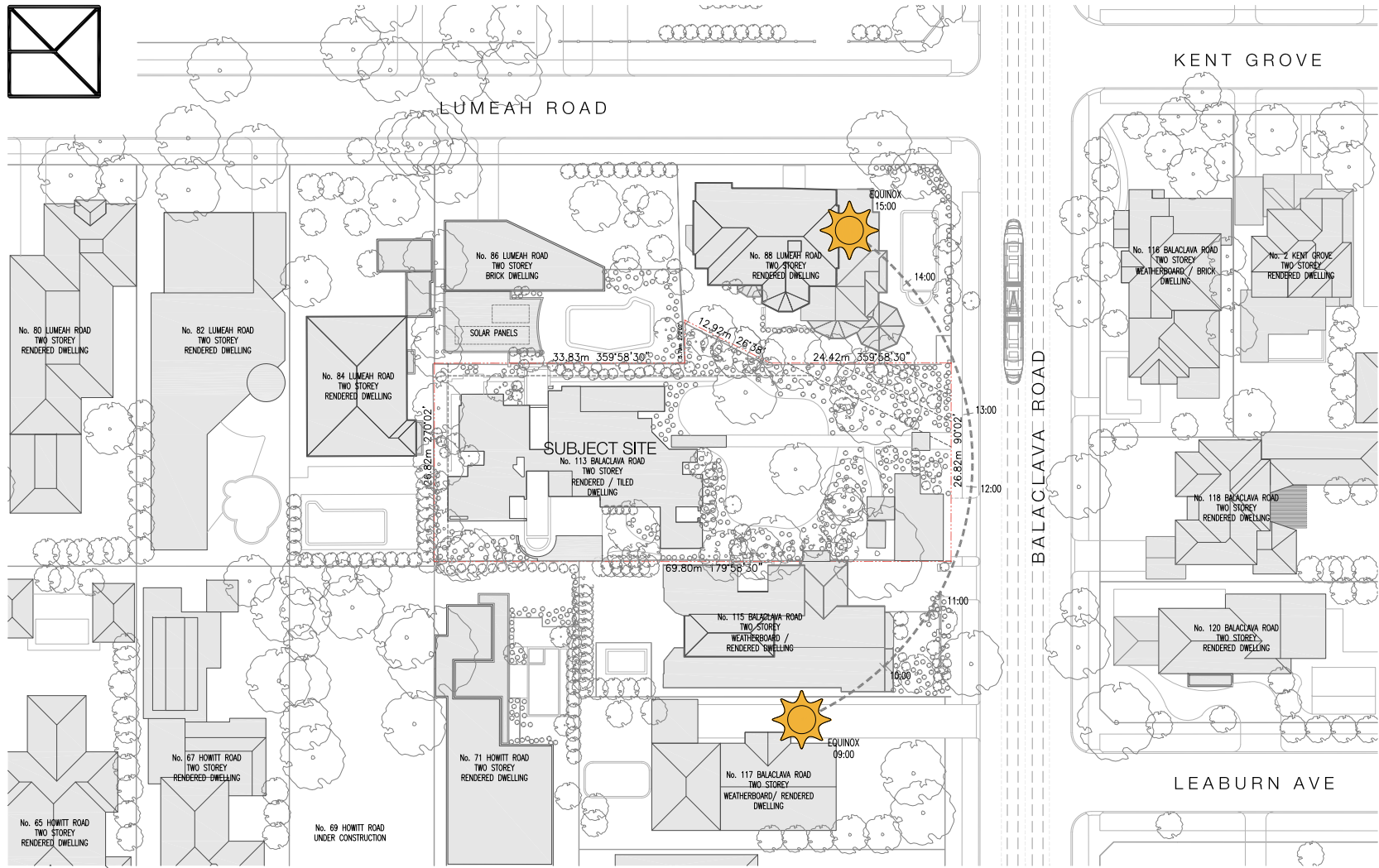
FROM No. 115 BALACLAVA RD



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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

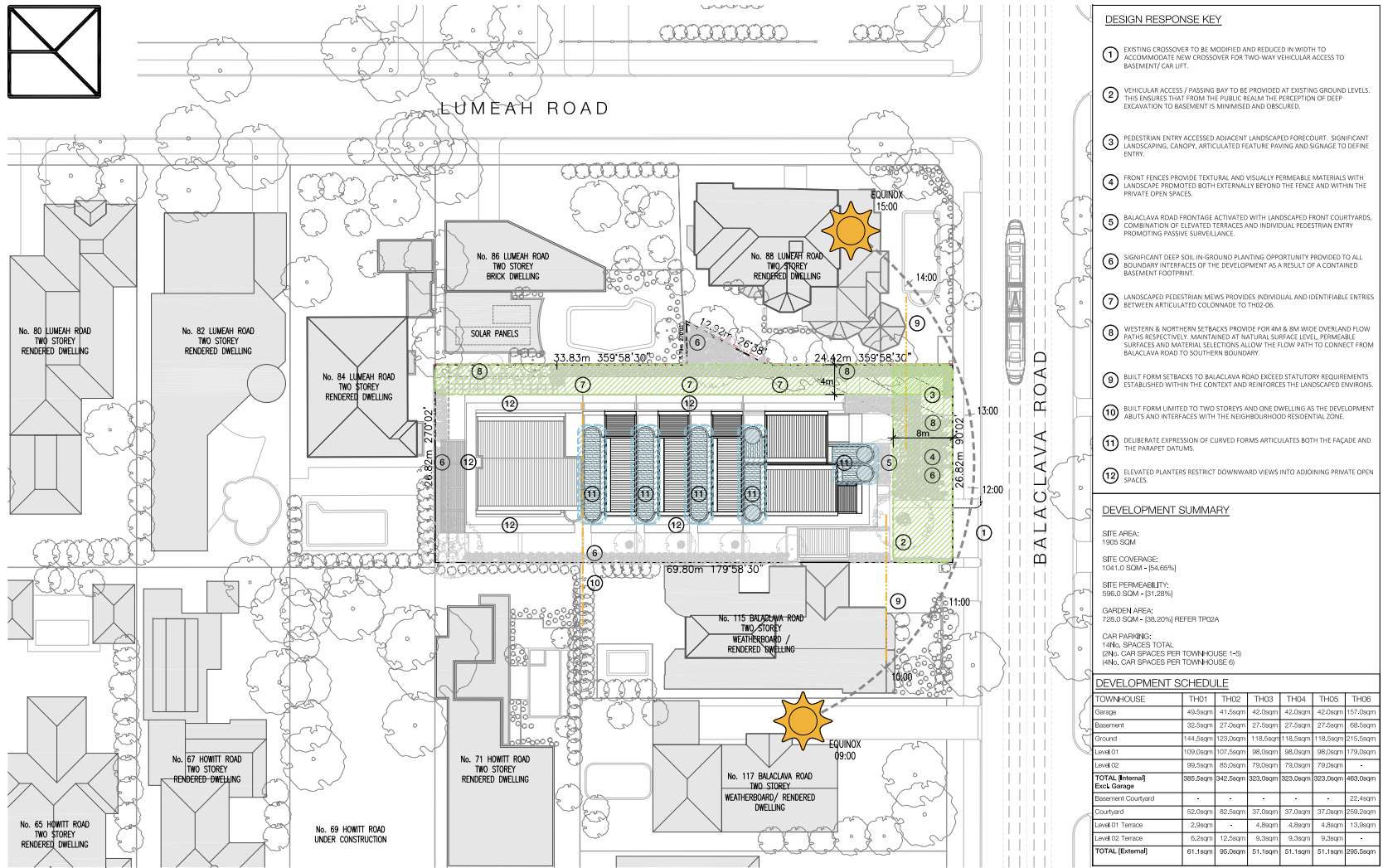
EXISTING CONDITIONS SITE PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:250 @ A1 / 1:500 @ A3  
0 5 10



TP00





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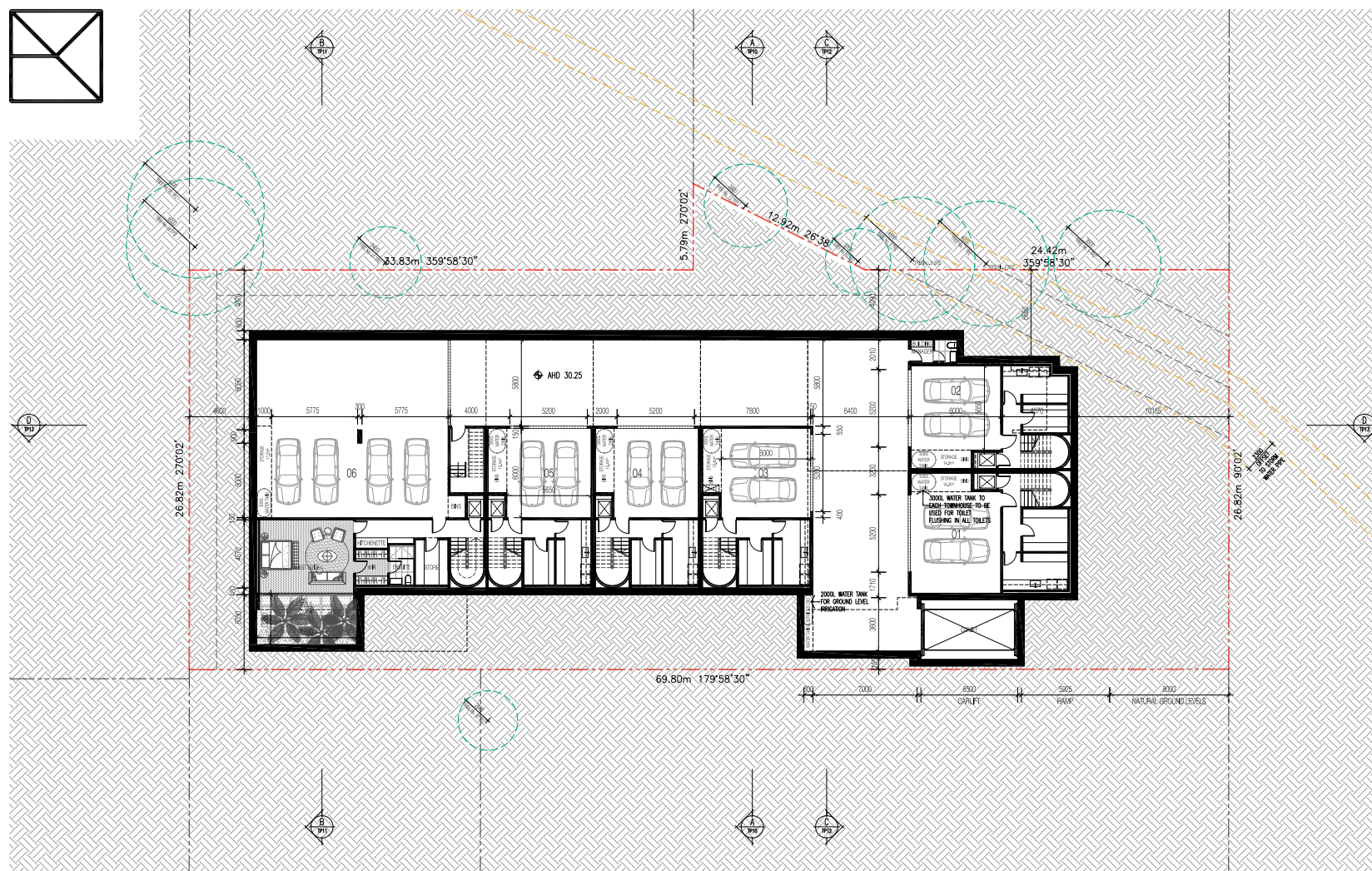
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

DESIGN RESPONSE PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:250 @ A1 / 1:500 @ A3



TP00A



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03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

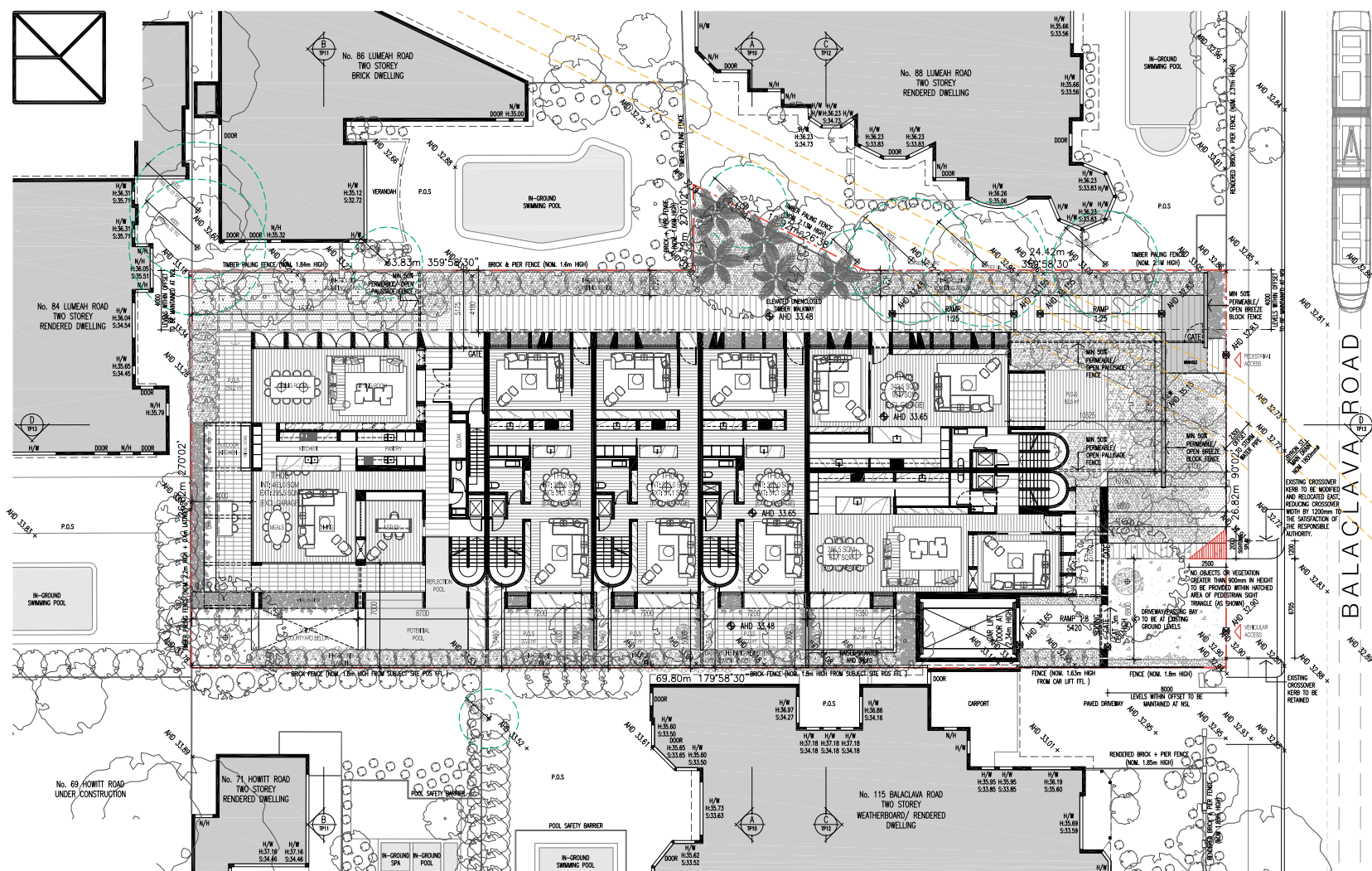
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

BASEMENT LEVEL FLOOR PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3



TP01



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03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

GROUND LEVEL FLOOR PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10



TP02





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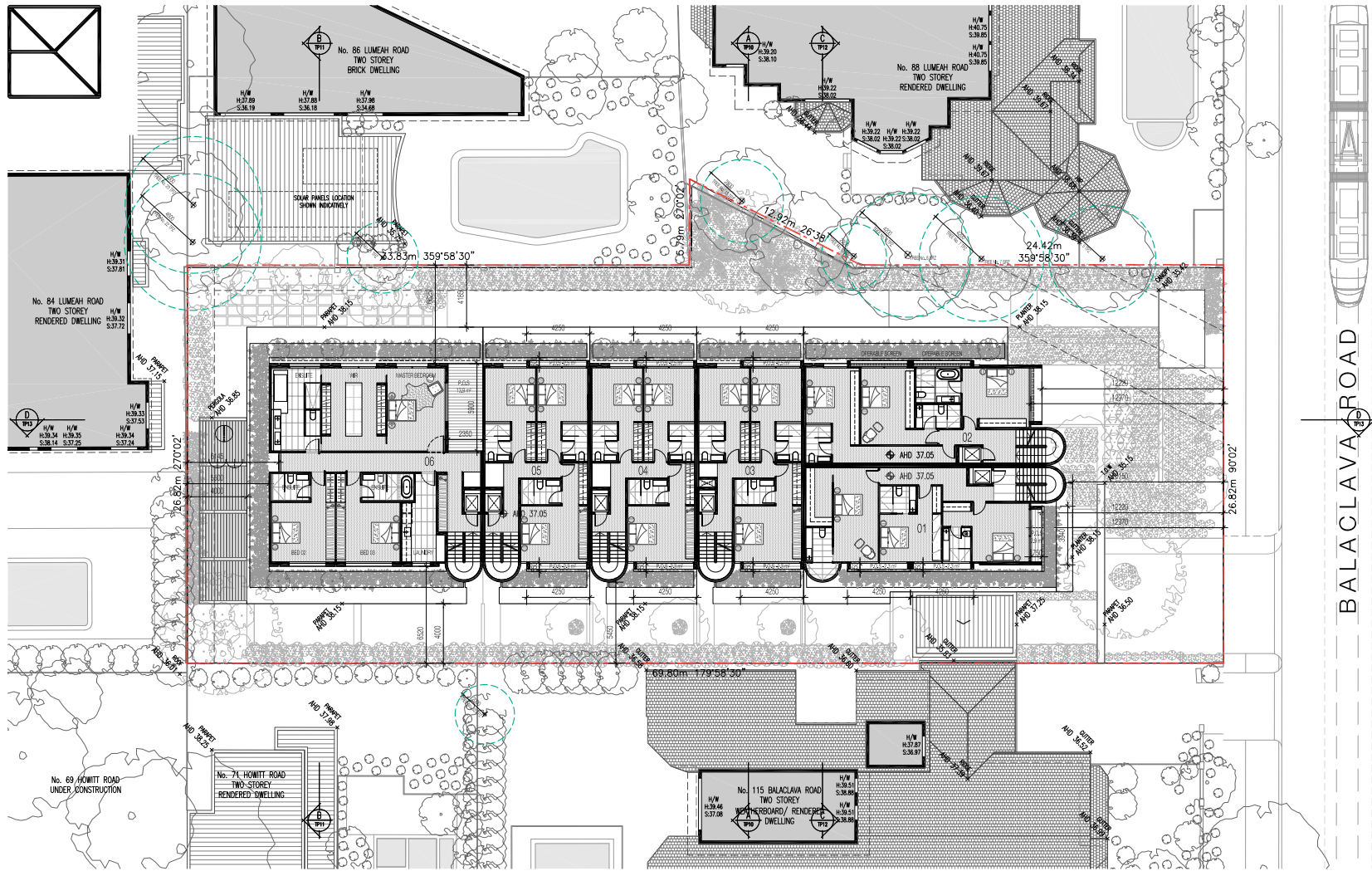
PROPOSED TOWNHOUSE DEVELOPMENT  
 113 BALACLAVA ROAD, CAULFIELD NORTH

GARDEN AREA PLAN  
 07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3



TP02A



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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

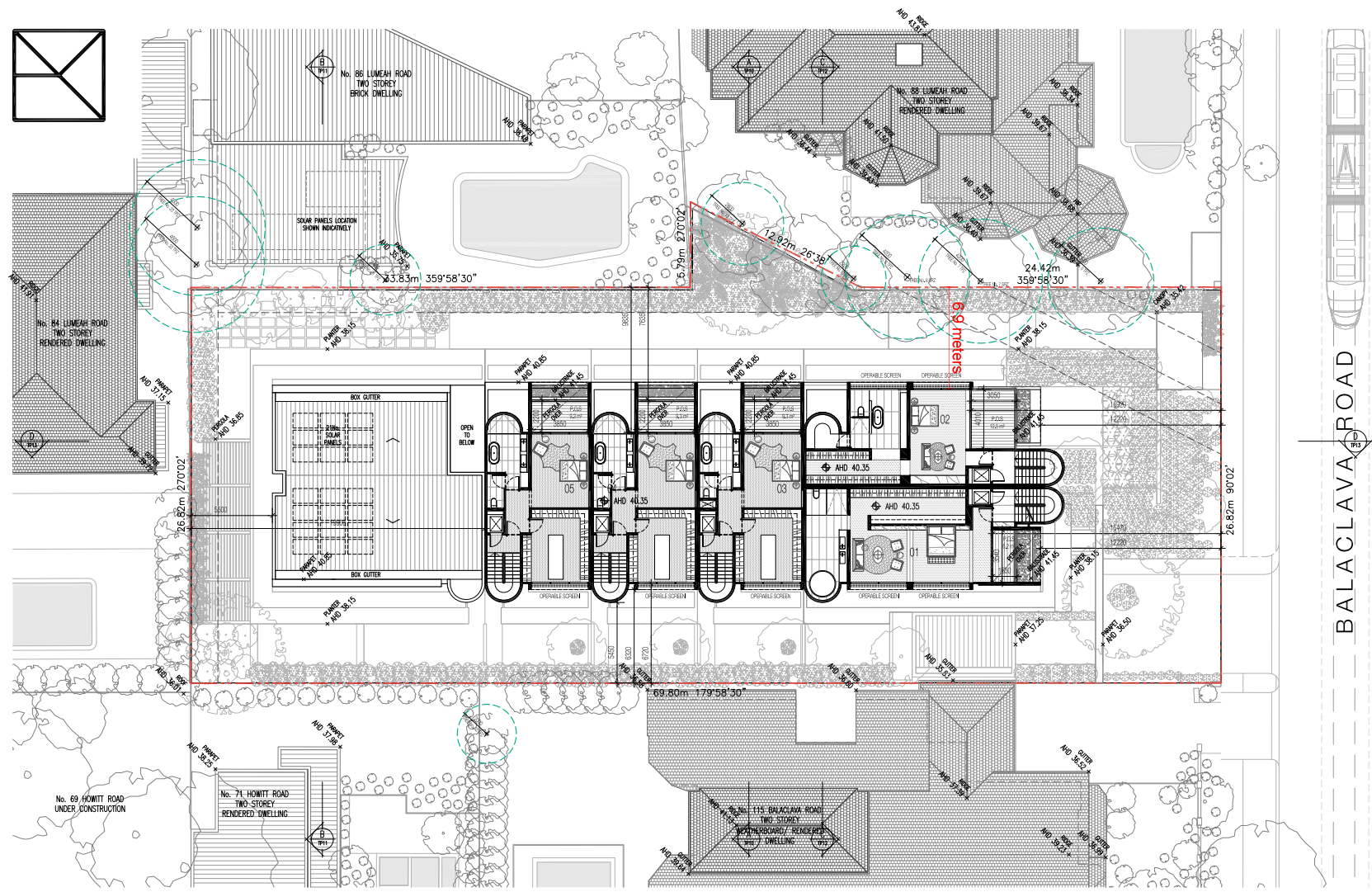
LEVEL 01 FLOOR PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

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TP03



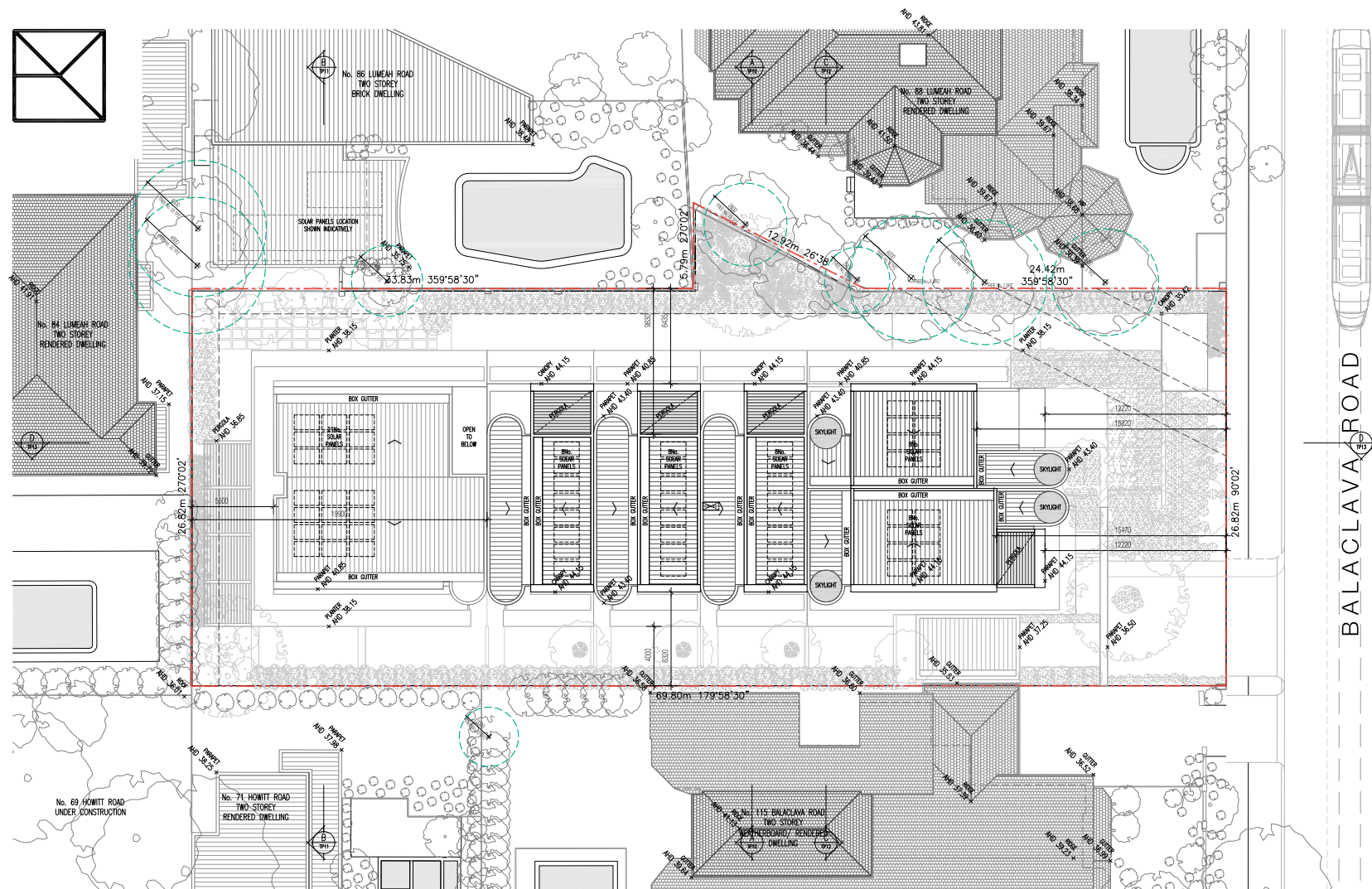


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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

LEVEL 02 FLOOR PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10  
TP04



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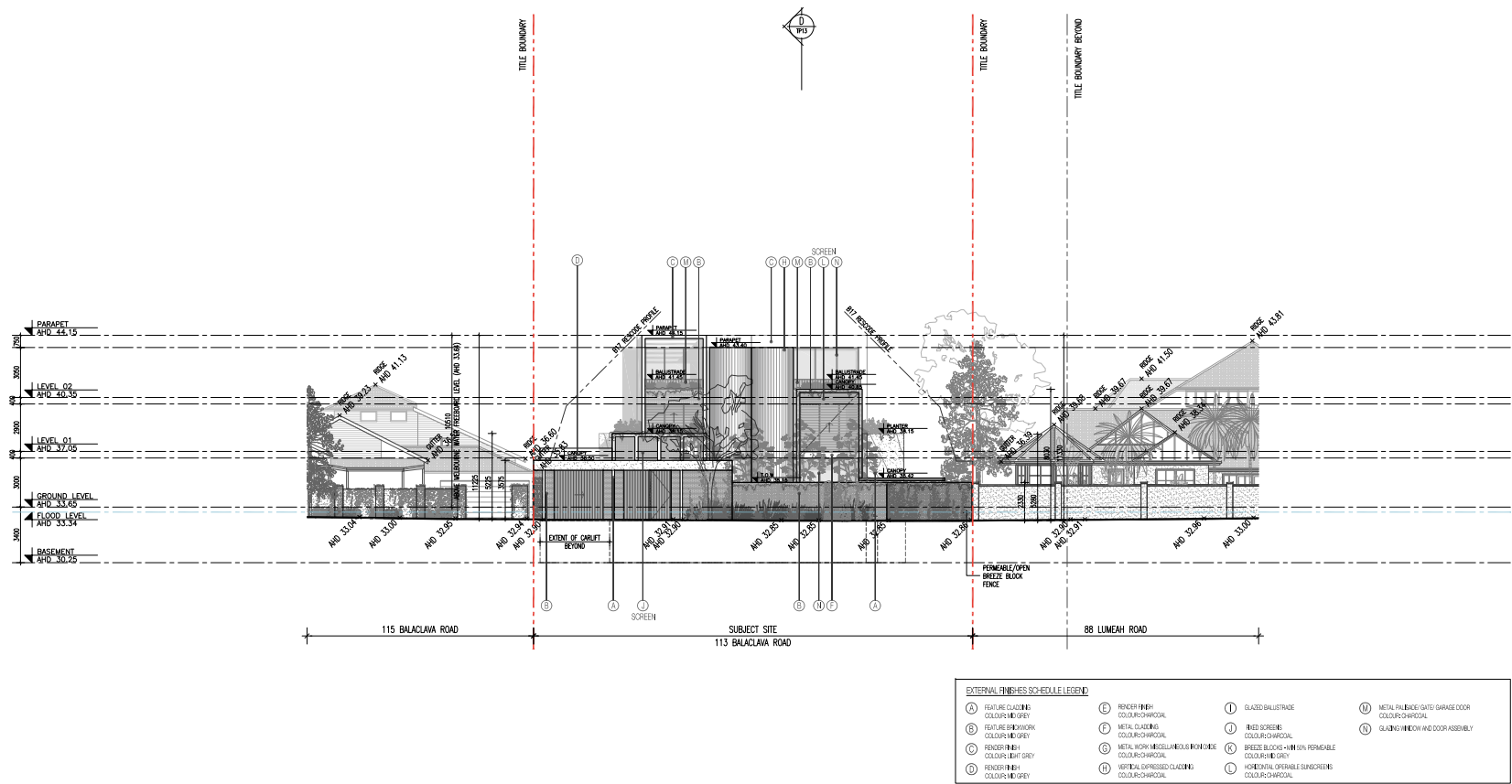
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

ROOF PLAN  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
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TP05



**ADDARC**

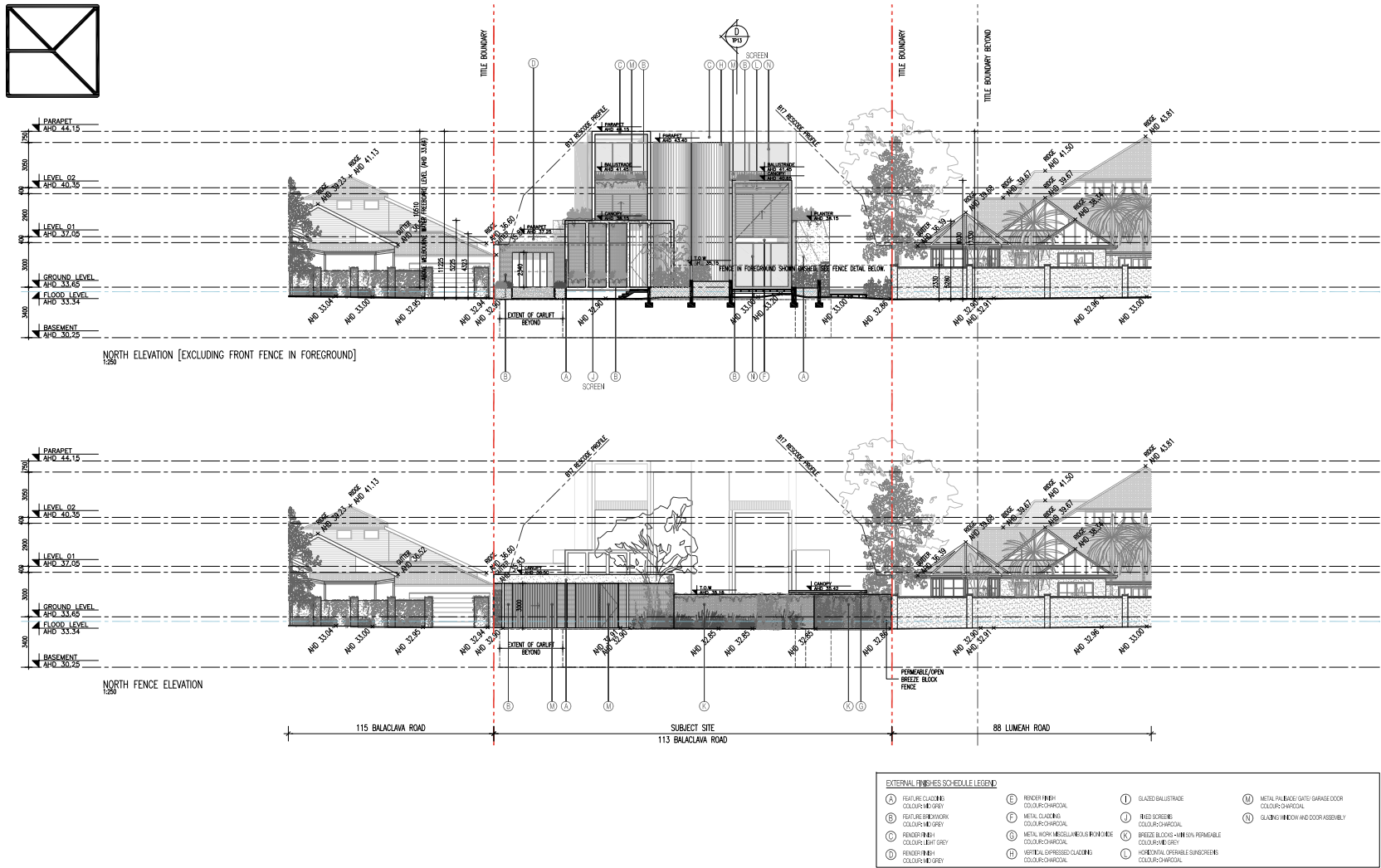
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03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

NORTH ELEVATION  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10 15

TP06



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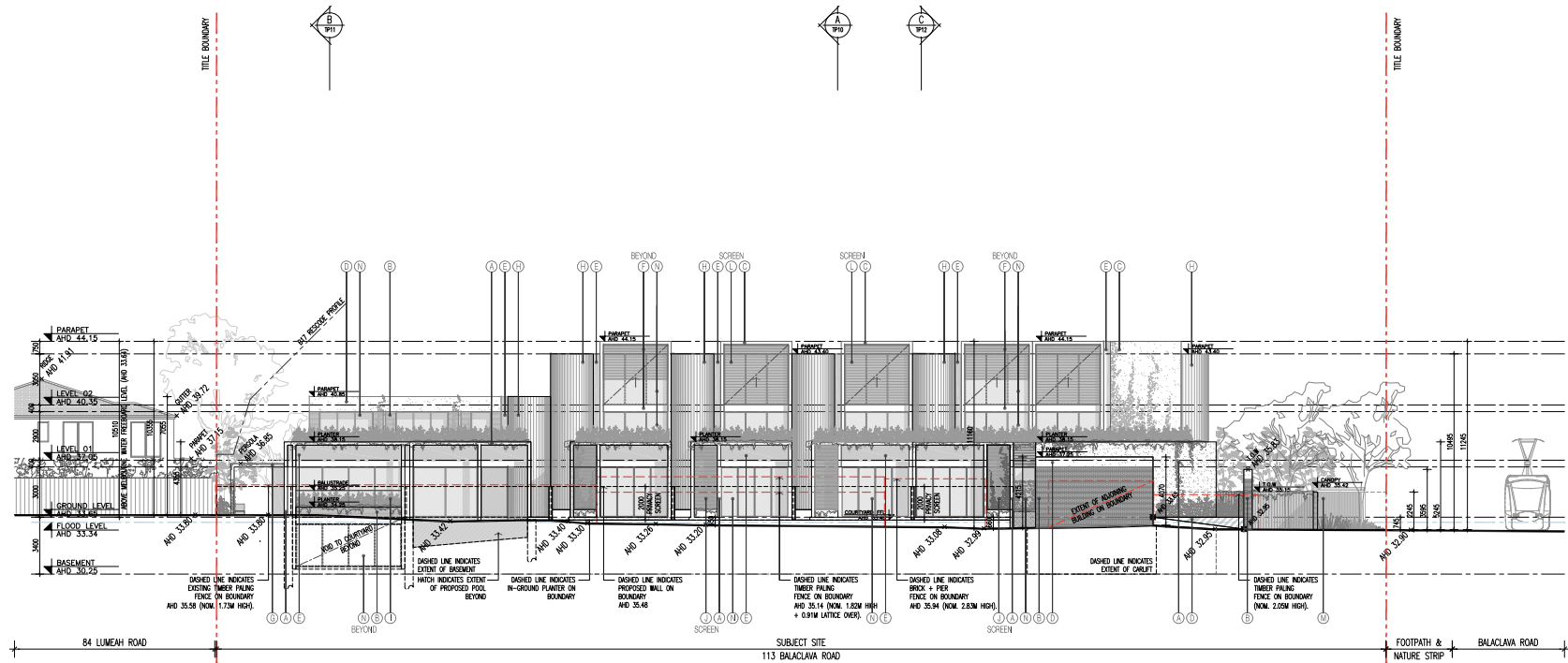
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

NORTH ELEVATION | FRONT FENCE ELEVATION  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 1 2 3 4 5

TP06A





EXTERNAL FINISHES SCHEDULE LEGEND			
(A) FEATURE CLADDING COLOUR: MID GREY	(E) RENDER FINISH COLOUR: CHARCOAL	(I) GLAZED BALUSTRADE	(M) METAL PAULICAE/ GATES/ GARAGE DOOR COLOUR: CHARCOAL
(B) FEATURE BRICKWORK COLOUR: MID GREY	(F) METAL CLADDING COLOUR: CHARCOAL	(J) RIBBED SCREENS COLOUR: CHARCOAL	(N) GLAZING WINDOW AND DOOR ASSEMBLY
(C) RENDER FINISH COLOUR: LIGHT GREY	(G) METAL WORK MISCELLANEOUS ROUNDOFF COLOUR: CHARCOAL	(K) BRIDGE BLOCKS - MIN 50% PERMISSIBLE COLOUR: MID GREY	
(D) RENDER FINISH COLOUR: MID GREY	(H) VERTICAL EXPOSED CLADDING COLOUR: CHARCOAL	(L) HORIZONTAL OPERABLE SUBROOFING COLOUR: CHARCOAL	

ADDARC

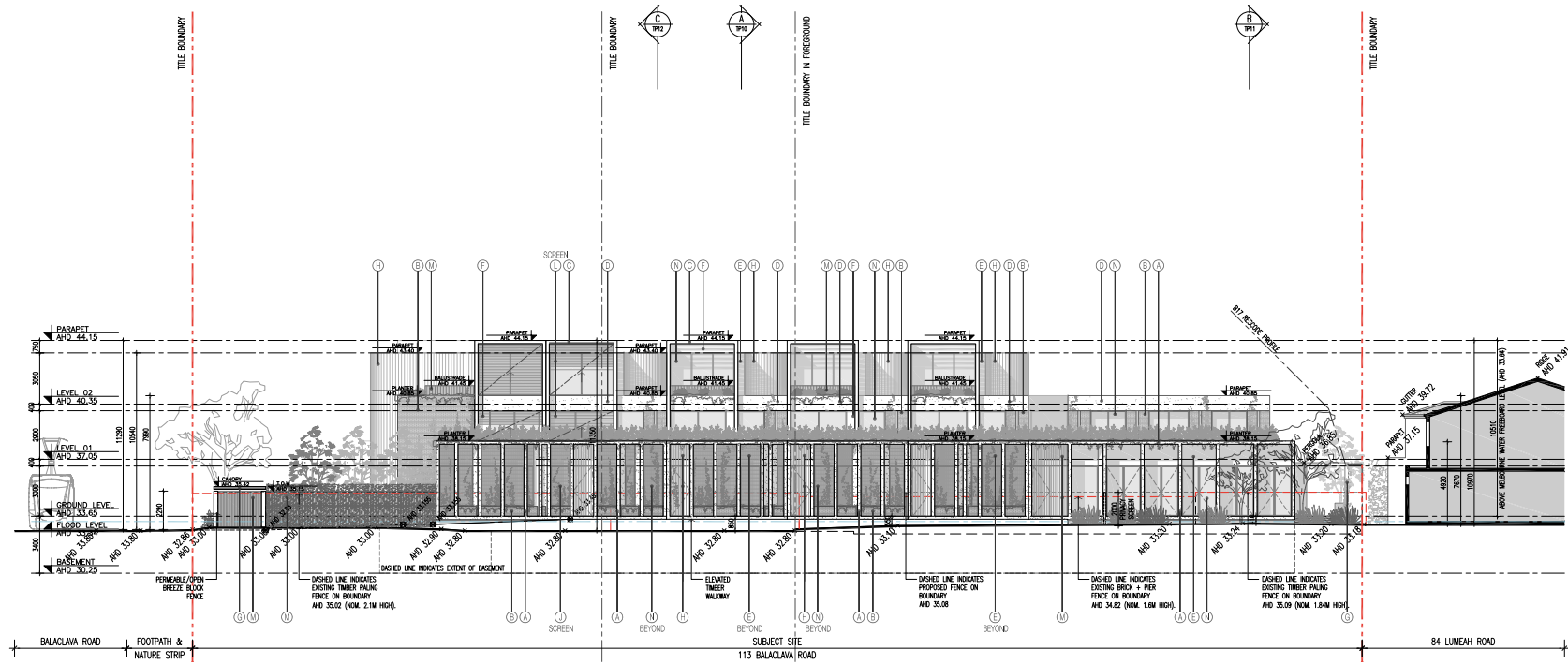
INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU  
03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

EAST ELEVATION  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 1 2 3 4 5

TP07



EXTERNAL FINISHES SCHEDULE LEGEND			
(A) FEATURE CLADDING COLOUR: MID GREY	(E) RENDER FINISH COLOUR: CHARCOAL	(I) GLAZED BALUSTRADE COLOUR: CHARCOAL	(M) METAL PAULISSE/ GATES/ GARAGE DOOR COLOUR: CHARCOAL
(B) FEATURE BRICKWORK COLOUR: MID GREY	(F) METAL CLADDING COLOUR: CHARCOAL	(J) RIBBED SCREENS COLOUR: CHARCOAL	(N) GLAZING WINDOW AND DOOR ASSEMBLY
(C) RENDER FINISH COLOUR: LIGHT GREY	(G) METAL WORK MISCELLANEOUS ROUNDOFF COLOUR: CHARCOAL	(K) BRIDGE BLOCKS - MIN 50% PERMEABLE COLOUR: MID GREY	
(D) RENDER FINISH COLOUR: MID GREY	(H) VERTICAL GRIPPERED CLADDING COLOUR: CHARCOAL	(L) HORIZONTAL GRIPPERED CLADDING COLOUR: CHARCOAL	

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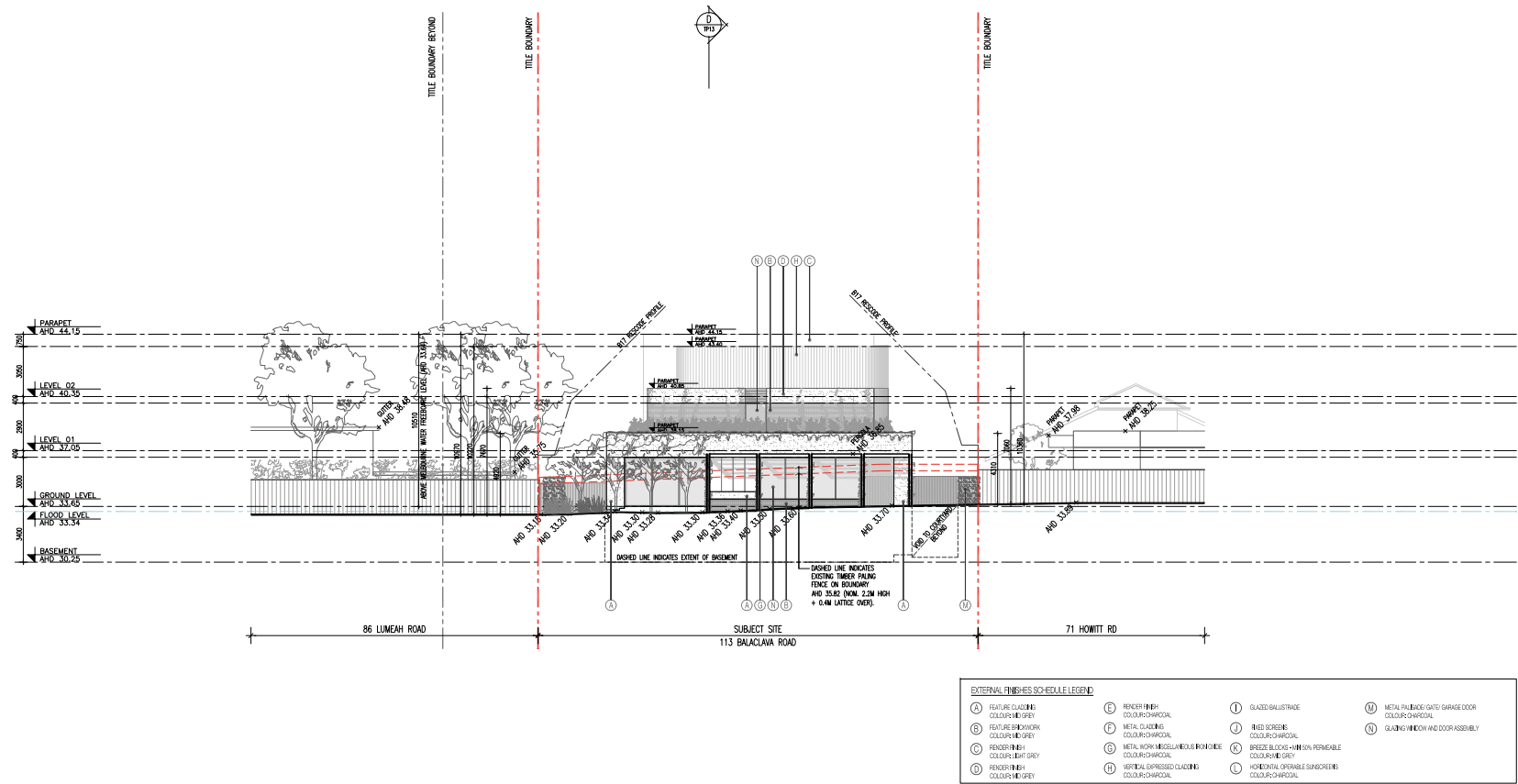
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

WEST ELEVATION  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10

TP08





ADDARC

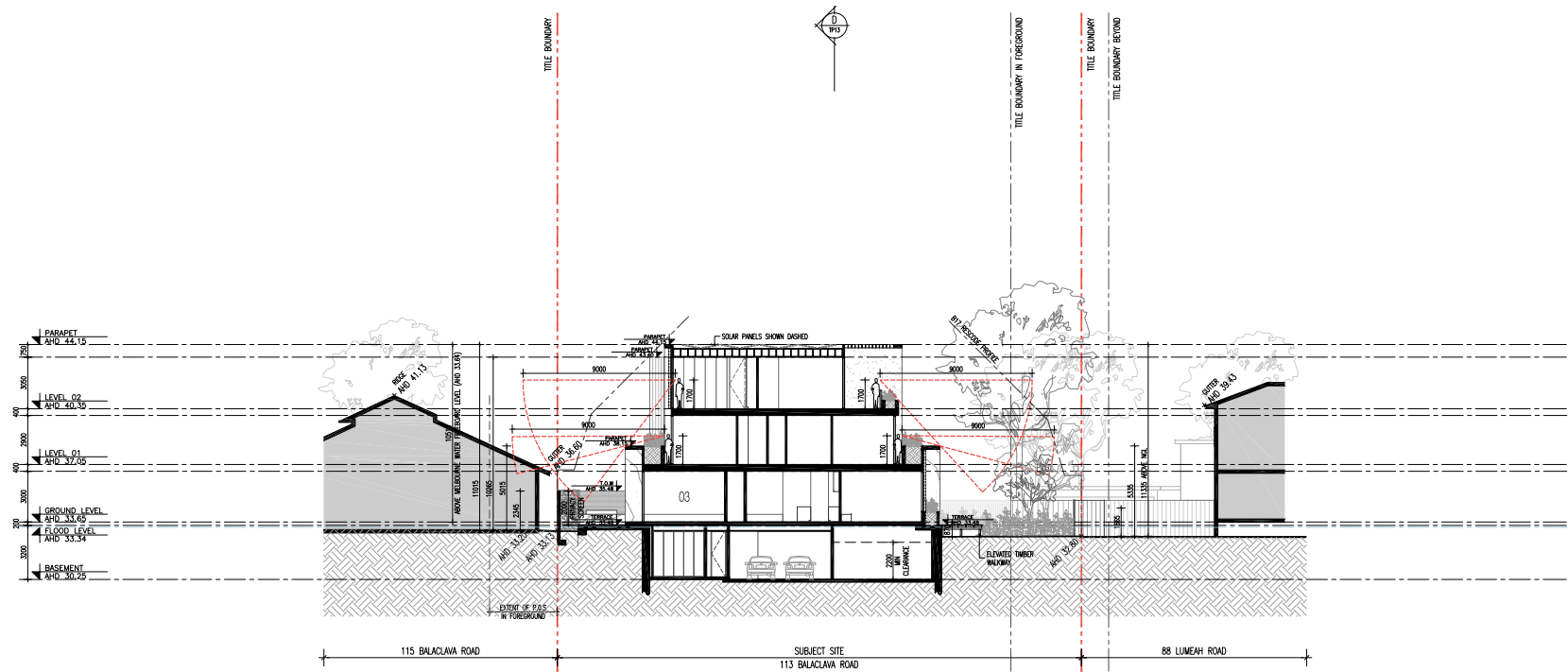
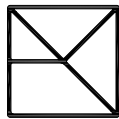
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03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SOUTH ELEVATION  
07/12/21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10

TP09



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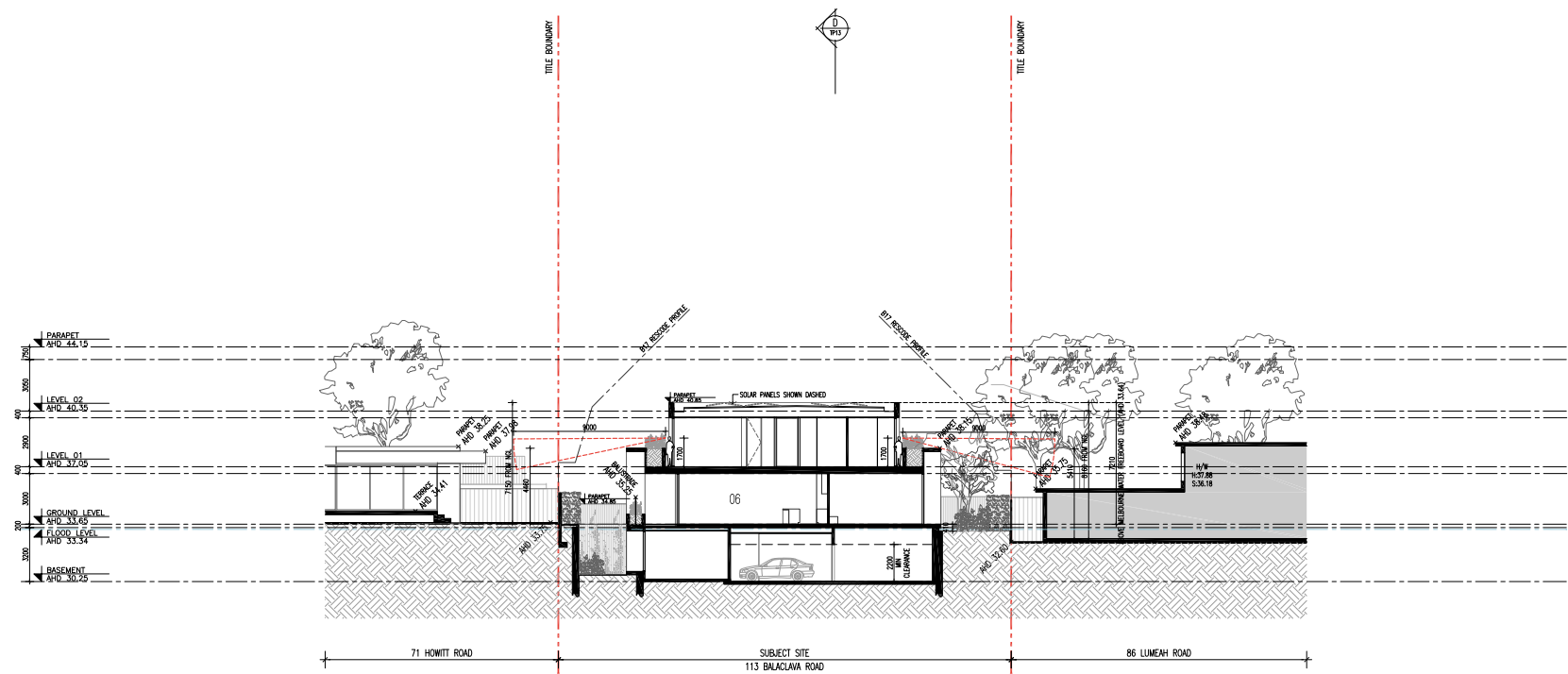
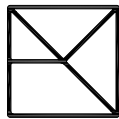
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03 9826 0110 | LEVEL 1, 599 MALVERN RD TOORAK VIC 3142

PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SECTION A  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
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TP10



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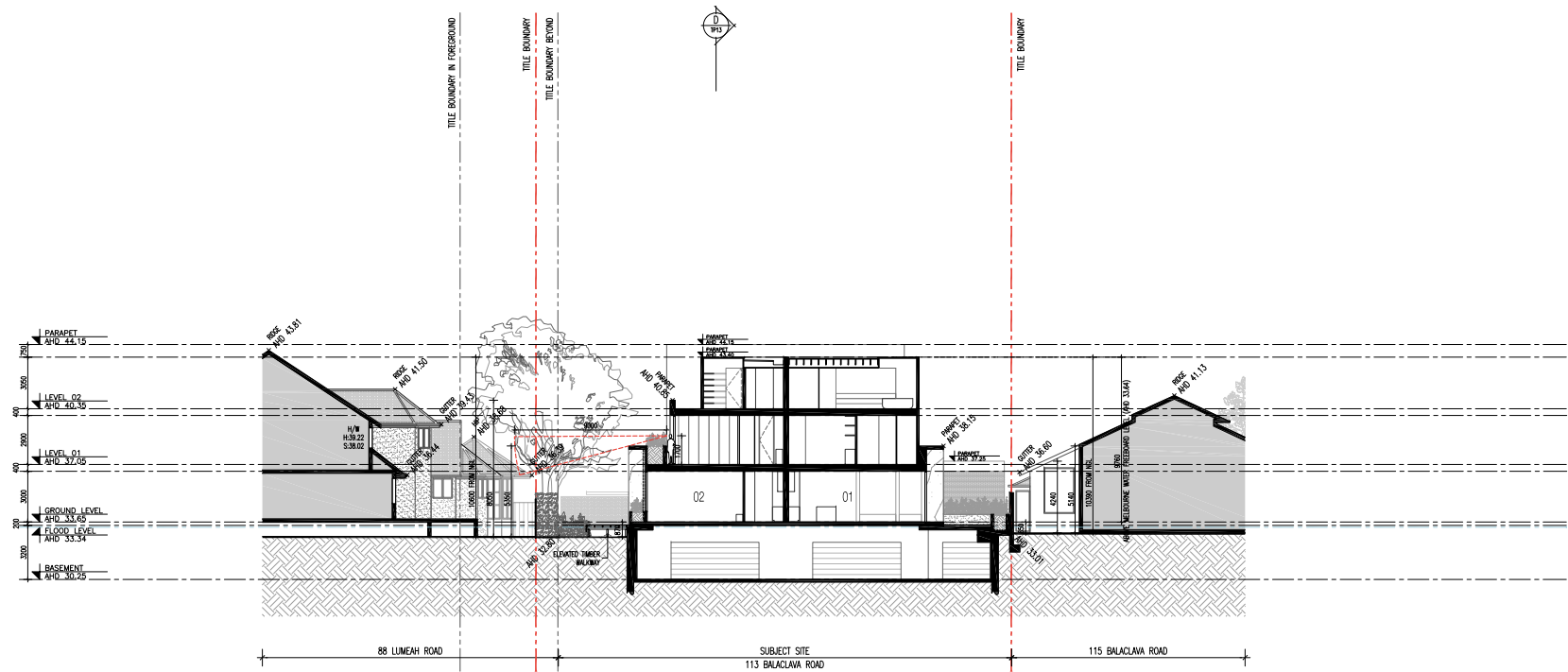
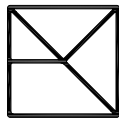
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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SECTION B  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

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TP11



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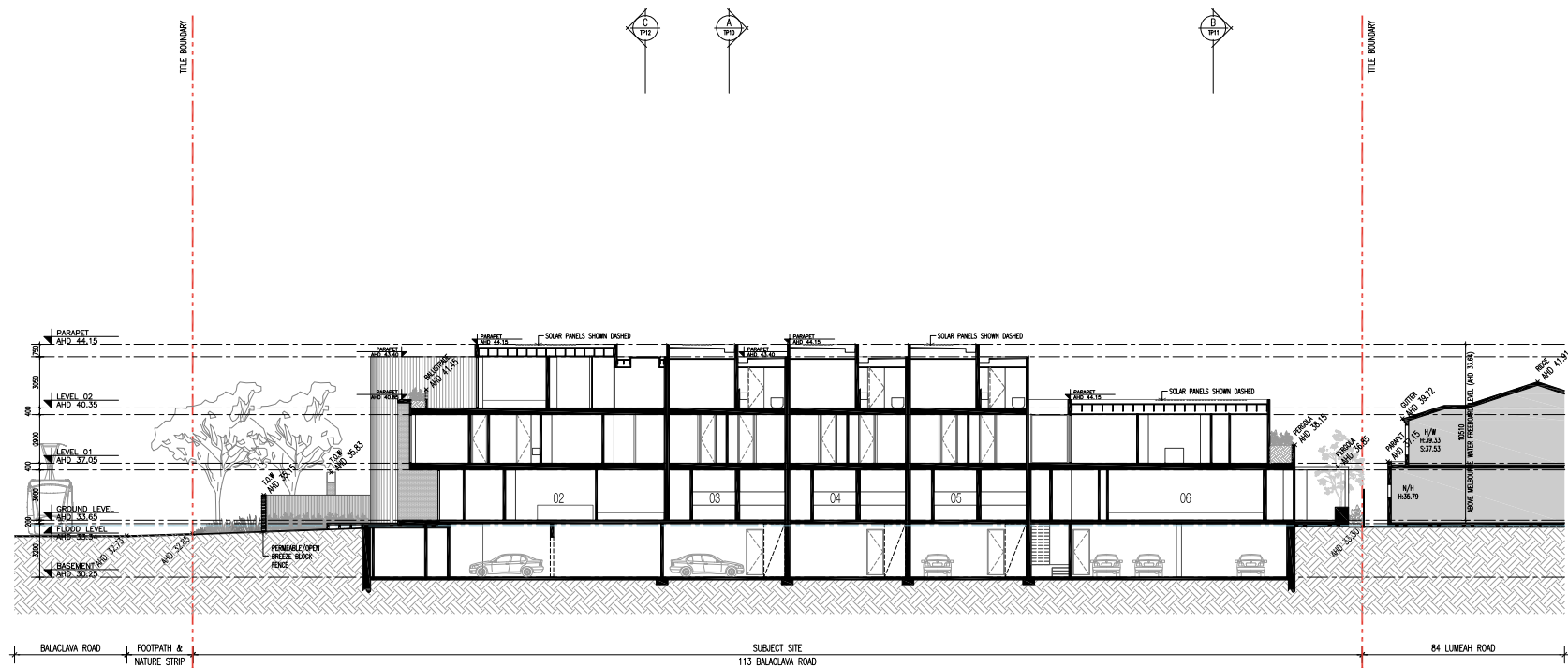
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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SECTION C  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
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TP12



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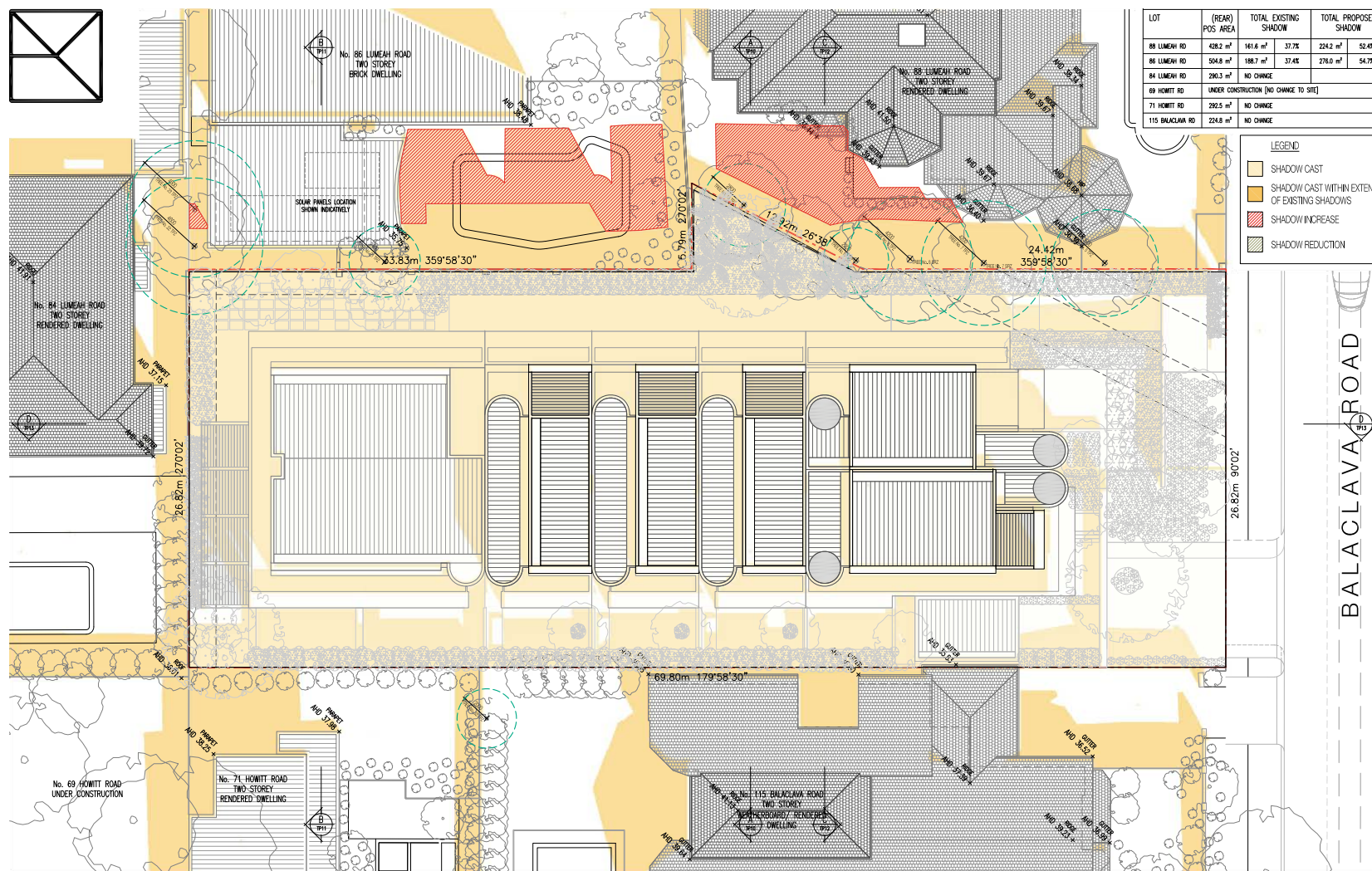
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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SECTION D  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10 15

TP13

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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

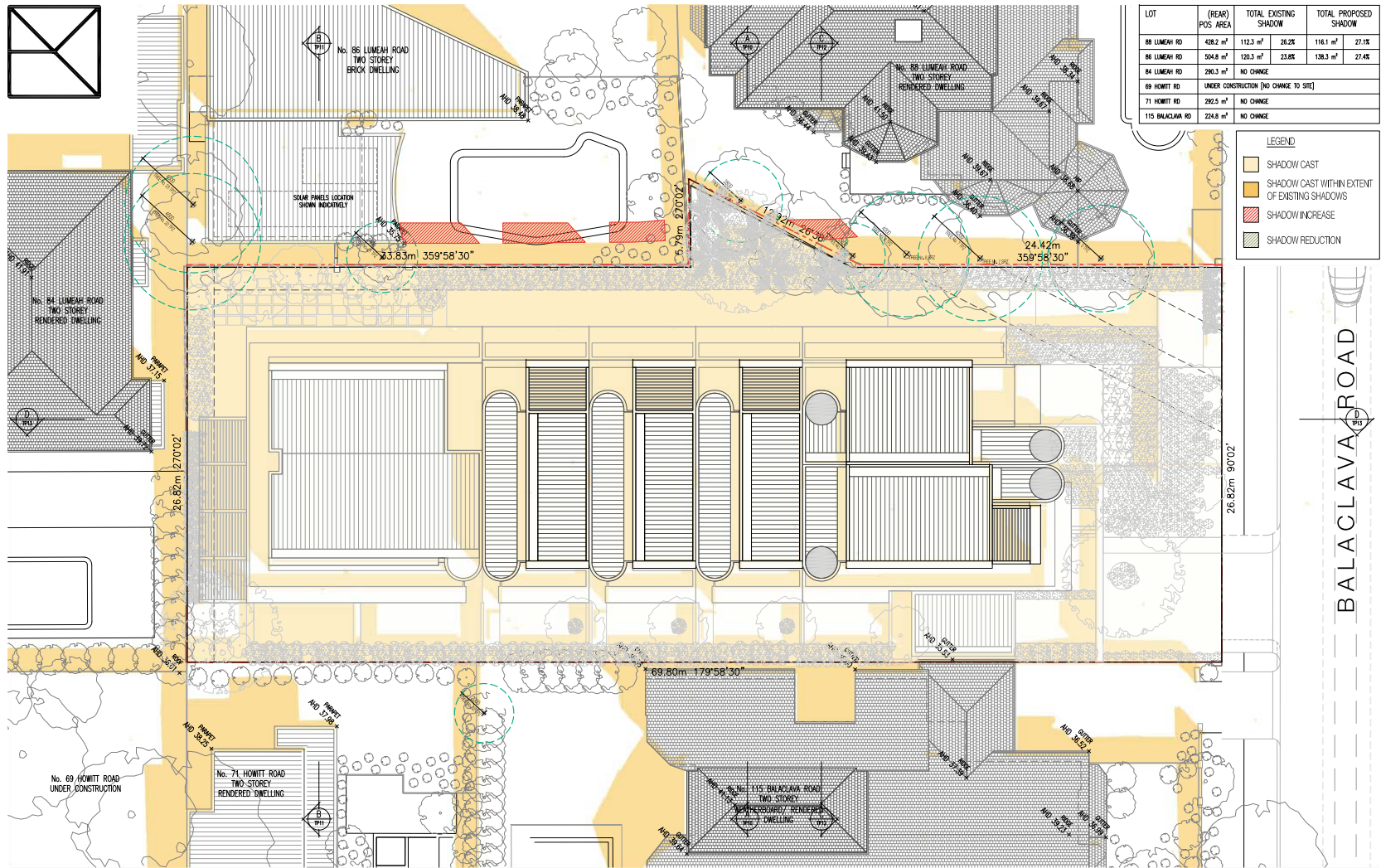
SHADOW ANALYSIS SEPTEMBER 22ND @ 9:00AM  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3



TP14





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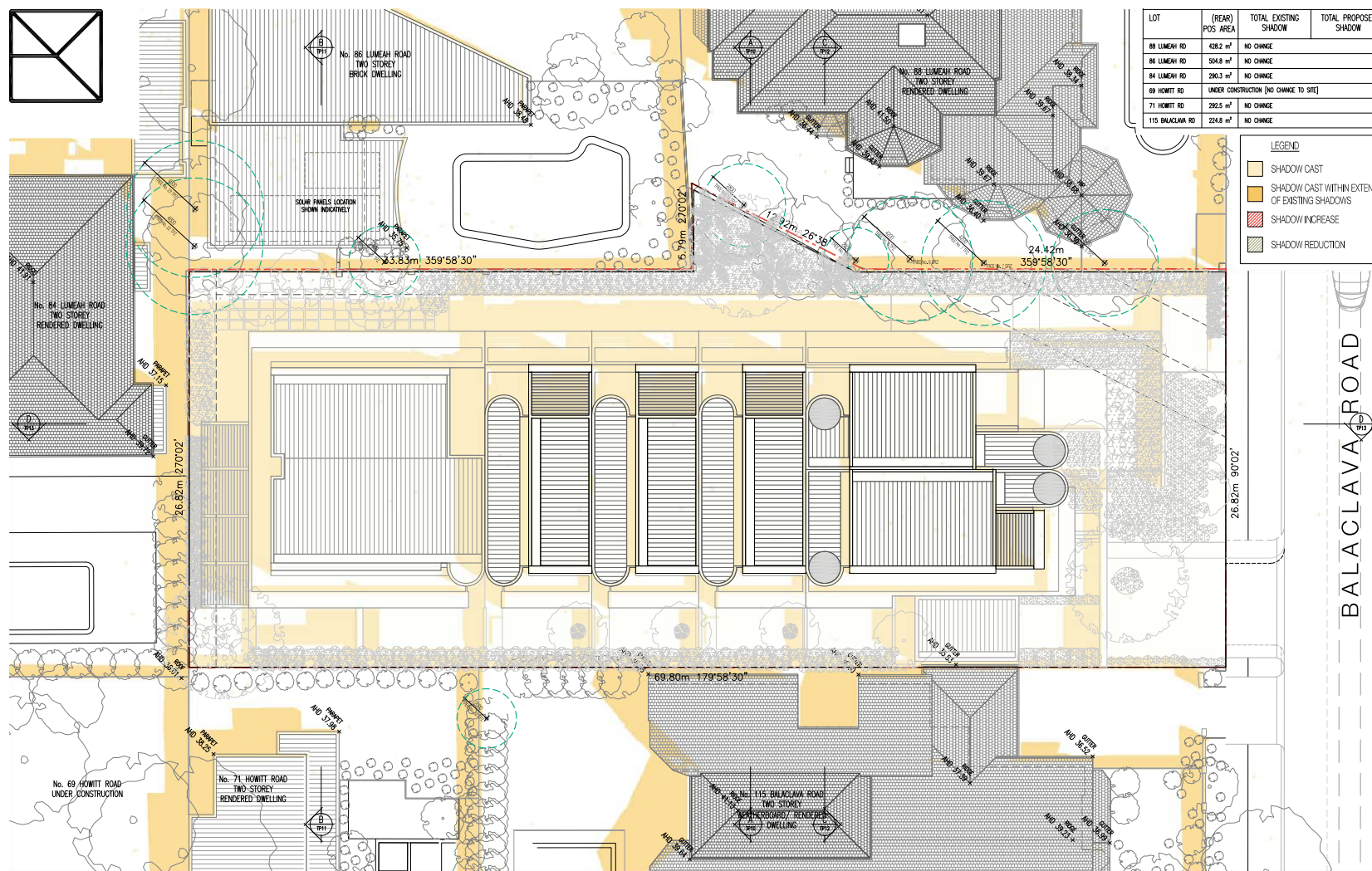
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SHADOW ANALYSIS SEPTEMBER 22ND @ 10:00AM  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

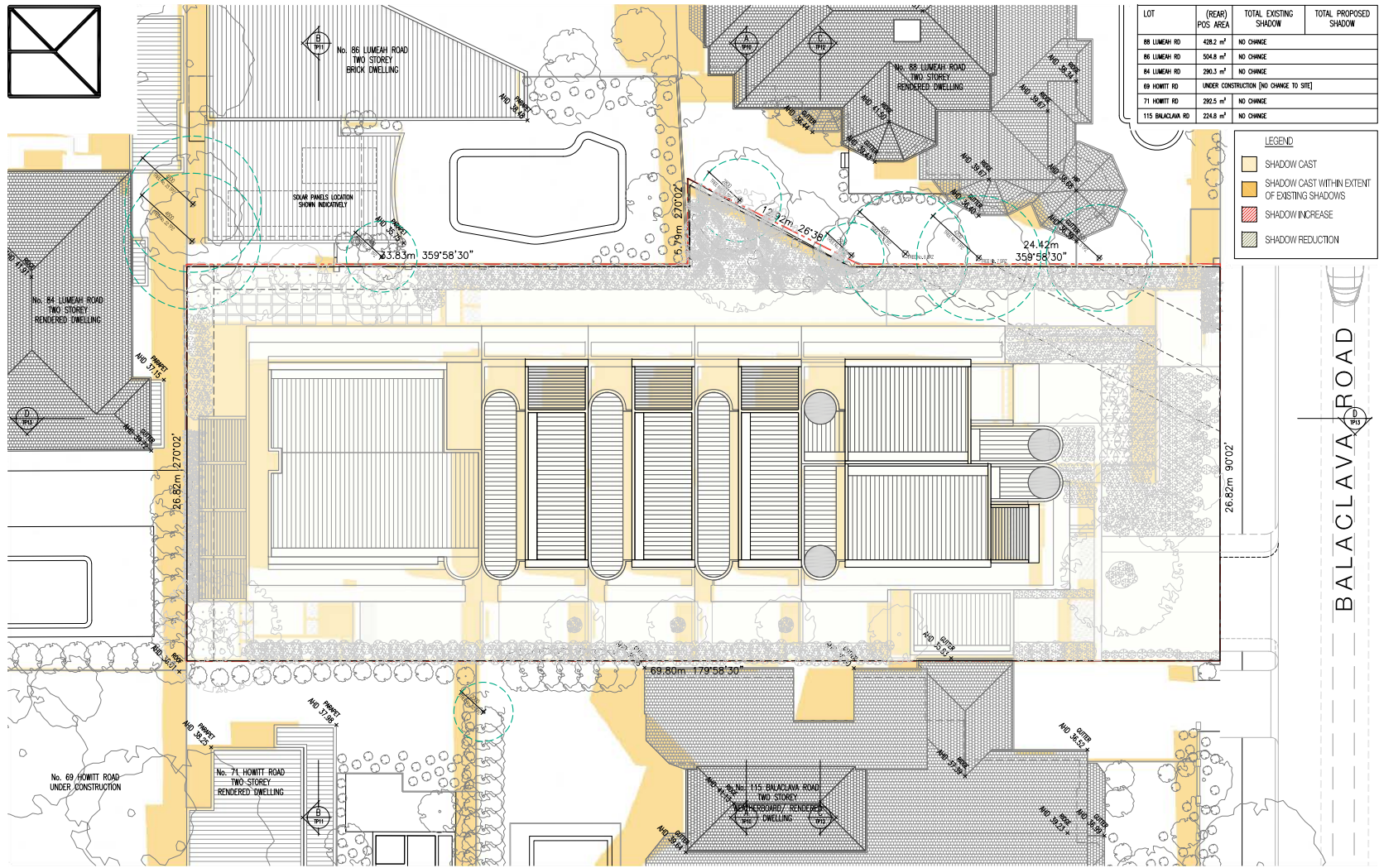
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TP15







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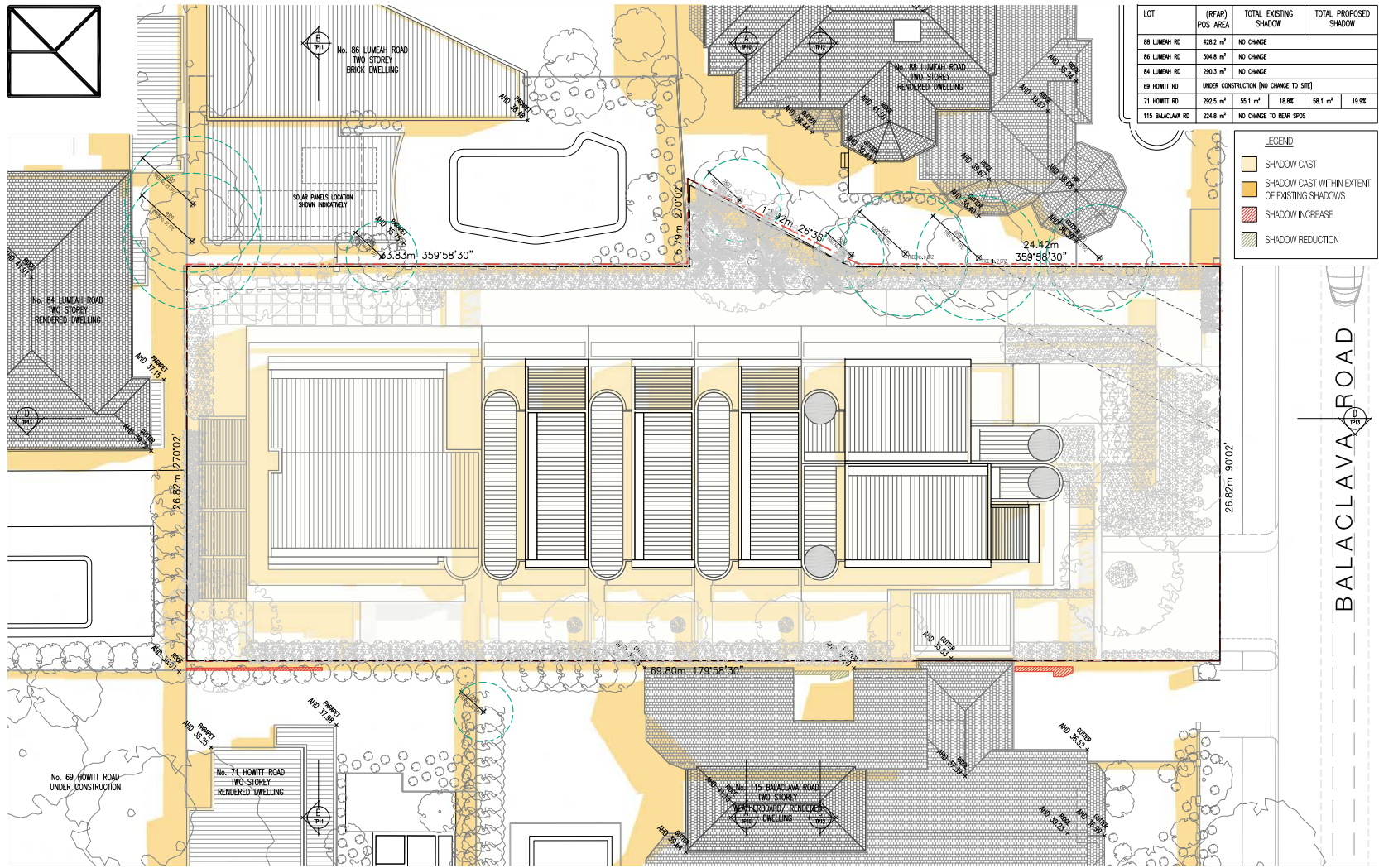
PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

SHADOW ANALYSIS SEPTEMBER 22ND @ 12:00PM  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10



TP17



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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

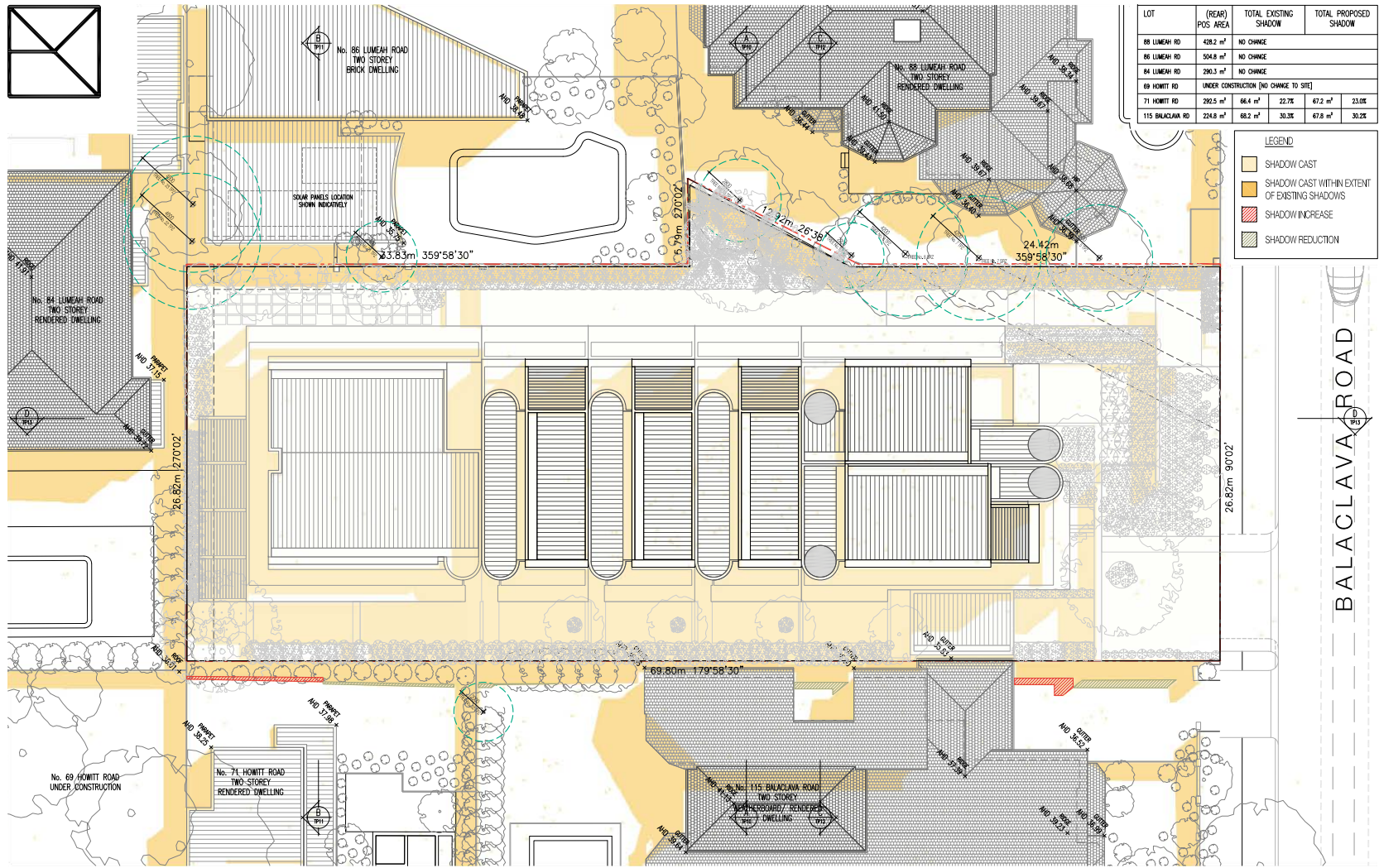
SHADOW ANALYSIS SEPTEMBER 22ND @ 1:00PM  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3  
0 5 10



TP18





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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

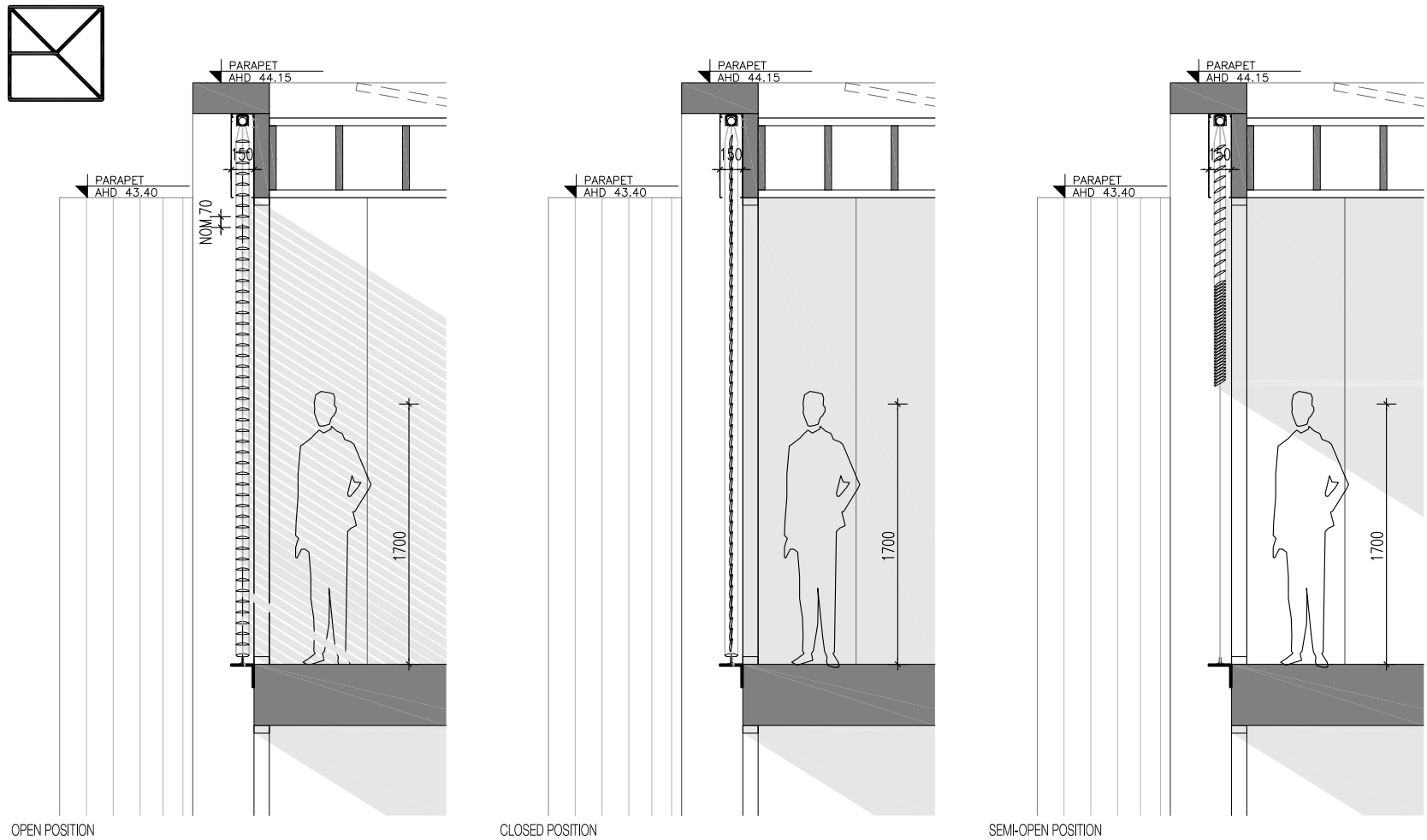
SHADOW ANALYSIS SEPTEMBER 22ND @ 2:00PM  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:125 @ A1 / 1:250 @ A3



TP19





EVAYA [OR SIMILAR] HORIZONTAL BLADE OPERABLE SUNSCREEN

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PROPOSED TOWNHOUSE DEVELOPMENT  
113 BALACLAVA ROAD, CAULFIELD NORTH

OPERABLE SUNSCREEN DETAILS  
07.12.21 REV 03 ISSUED FOR TOWN PLANNING

1:12.5 @ A1 / 1:25 @ A3  
0 5 10

TP21



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

Page 1 of 1

VOLUME 09007 FOLIO 888

Security no : 124090236913B

Produced 31/05/2021 01:15 PM

**LAND DESCRIPTION**

Lot 1 on Title Plan 552163C (formerly known as Lot 1 on Plan of Subdivision 094228).

PARENT TITLES :

Volume 05463 Folio 440 to Volume 05463 Folio 441

Created by instrument F064962 30/10/1973

**REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

**ENCUMBRANCES, CAVEATS AND NOTICES**

COVENANT as to part 0857033

COVENANT as to part 0896633

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

**DIAGRAM LOCATION**

SEE TP552163C FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 113 BALACLAVA ROAD CAULFIELD NORTH VIC 3161

DOCUMENT END



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1968245 4833 896633

0896633-1-9

Malleison Stewart Stawell & Nankivell  
VICTORIA  
TRANSFER OF LAND

WE, WILLIAM STAWELL of 46 Queen Street Melbourne Solicitor and THOMAS WOODWARD of Bourke Street Melbourne Accountant being registered as the proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of Five hundred and three pounds fifteen shillings and four pence paid to us by JOHN SHENTON GORDON of 370 Flinders Street Melbourne --- Merchant and in consideration of the sum of Five hundred and ninety five pounds one shilling paid to the said John Shenton Gordon by SOPHIE LEVEY of "The Bungalow" Burke Road East Malvern Spinster DO HEREBY at the request and by the direction of the said John Shenton Gordon testified by his signature hereto TRANSFER to the said Sophie Levey All our estate and interest in ALL THAT piece of land being Lots 20 and 21 on the Plan of Subdivision Number 6871 lodged in the Office of Titles TOGETHER with a right of drainage and sewerage over the land colored blue on Lots 11 to 17 both inclusive on the said Plan of Subdivision and over the land colored blue hatched on said Lot 17 on the said Plan of Subdivision As to said Lot 21 RESERVING to ourselves or other the registered proprietor or proprietors for the time being of Lots 12, 15, 16, 23, 24, 25 and 28 on the said Plan of Subdivision a right of drainage and sewerage over the land colored blue on the said Lot 21 on the said Plan of Subdivision AND the said Sophie Levey with the intent that the benefit of these covenants shall be attached to and run at law and in equity with the Lots on said Plan other than Lots 6, 20 and 21 and that the burden of these covenants shall be annexed to and run at law and in equity with the said Lots 20 and 21 hereby transferred BOTH HEREBY for herself her heirs executors administrators and transferees COVENANT with the said William Stawell and Thomas Woodward and each of them their and each of their executors administrators and transferees registered proprietor or proprietors for the time being of the land particularly described in Certificate of Title entered in the Register Book Vol. 3943 Fol. 788403 and Vol. 3959 Fol. 791645 respectively except the land hereby transferred and except so much thereof as represents Lot 6 on the said Plan of Subdivision that she the said Sophie Levey her heirs executors administrators and transferees will not at any time hereafter erect upon either of the said Lots hereby transferred any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon either of such Lots and that such dwelling with

Stamp: VICTORIA STAMP DUTY FOUR POUNDS  
Stamp: VICTORIA STAMP DUTY ONE POUND TEN SHILLINGS  
Stamp: 11.26 5 AUG 1919  
Stamp: 3943 Fol. 788403  
Stamp: 15/10/19  
Stamp: 23/10/19  
Stamp: 2nd April 1989  
Stamp: 2nd April 1989  
Stamp: 2nd April 1989

The within covenant has been modified by order of the Supreme Court dated 29th June 1967 a copy whereof is now attached to transfer 857033 No.D295944.

2nd April 1989 Assistant Registrar of Titles



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the outbuildings thereof shall cost not less than six hundred pounds and also will not dig or remove nor allow to be dug or removed from either of such Lots any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.

DATED the *thirteenth* day of *July* one thousand nine hundred and nineteen.

SIGNED (in the State of Victoria) by the said }  
William Stawell in the presence of }

*W. Stawell*

*W. Stawell*  
Clerk to Malleon, Stewart, Stawell & Nankivell,  
Solicitors, Melbourne.

*W. Stawell*

SIGNED (in the State of Victoria) by the said }  
Thomas Woodward in the presence of }

*W. Stawell*

*Thos Woodward*

SIGNED (in the State of Victoria) by the said }  
John Shenton Gordon in the presence of }

*W. Stawell*

*J. Shenton Gordon*

SIGNED (in the State of Victoria) by the said }  
Sophie Levey in the presence of }

*S. Levey*

*S. Levey*  
Clerk to Malleon, Stewart, Stawell & Nankivell,  
Solicitors, Melbourne.

*Sophie Levey*

#### ENCUMBRANCES REFERRED TO.

As to that part of Lot 21 colored blue on the said Plan of Subdivision Any easements subsisting over or upon or affecting the same.

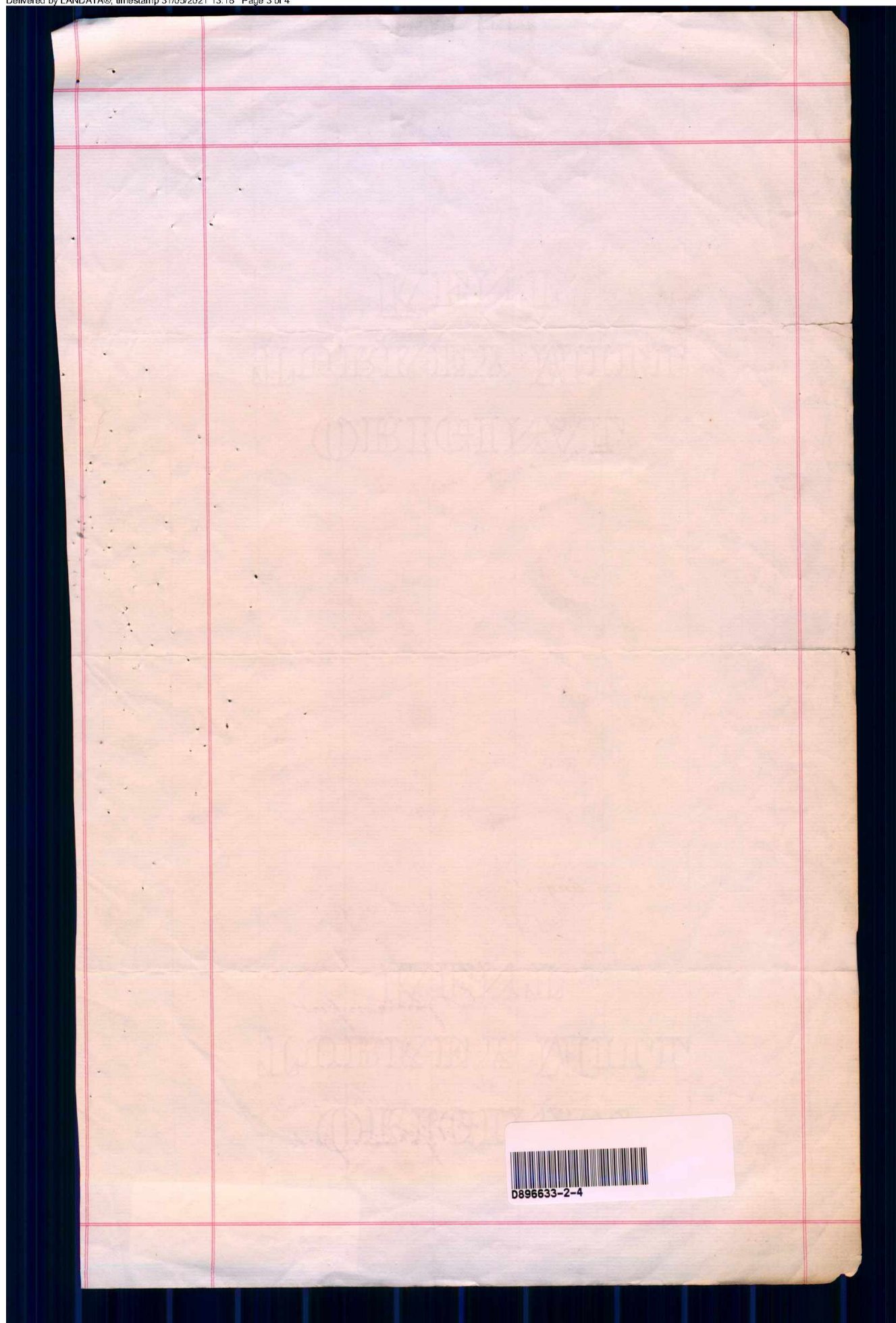
*As to the whole of the land*  
*Special Railway conditions (if any) contained in the*  
*original Crown Grant*  
*the rights of persons claiming under Indenture of*  
*Settlement Numbered 170559 in the Record Book*

*W.B.*  
*18/9/19*



0896633-1-9

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MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN
Transfer as to part and Creation of Easement	5th DAY OF August 1919	To Sophie Levey

896633

*Alfred Comport*  
ASSISTANT REGISTRAR OF TITLES

I Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 8943 FOL. 788403.

*Alfred Comport*  
ASSISTANT REGISTRAR OF TITLES



D896633-2-4



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1889448

857033

21 JUN 1918

OFFICE OF TITLES  
VICTORIA

857033-1-0

SIGNATURE

MALLESON STEWART STAWELL & NANKIVELL

FREEHOLD

VICTORIA

TRANSFER OF LAND

We, WILLIAM STAWELL of 46 Queen Street Melbourne Solicitor and THOMAS WOODWARD of Bourke Street Melbourne Accountant being registered as the proprietors of an estate in fee-simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of ONE HUNDRED AND NINETY NINE POUNDS SEVEN SHILLINGS AND TEN PENCE paid to us by JOHN ADAIR SHARP of Fitzroy Street Saint Kilda Clerk and in further consideration of the sum of three hundred and thirteen pounds five shillings and six pence paid to the said John Adair Sharp by CHARLES MERVYN CLEMENGER of 36 Meredith Street Saint Kilda aforesaid Engineer DO HEREBY at the request and by the direction of the said John Adair Sharp testified by his execution hereof TRANSFER to the said CHARLES MERVYN CLEMENGER All our estate and interest in ALL THAT piece of land being Lot Twenty two on the Plan of Subdivision Number 6871 lodged in the Office of Titles Together with a right of carriage way over Lumsden Road shewn on the said Plan of Subdivision AND the said Charles Mervyn Clemenger with the intent that the benefits of these covenants shall be attached to and run at law and in equity with the Lots on said Plan other than Lots Twenty two and Six and that the burden of these covenants shall be annexed to and run at law and in equity with the said Lot Twenty two hereby transferred DOTH HEREBY for himself his heirs executors administrators and transferees covenant with the said William Stawell and Thomas Woodward and each of them their and each of their heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land particularly described in Certificates of Title entered in the Register Book Volume 3943 Folio 788403 and Volume 3959 Folio 791645 respectively except the land hereby transferred and excepting so much thereof as represents Lot Six on the said Plan of Subdivision that he the said Charles Mervyn Clemenger his heirs executors administrators and transferees will not at any time hereafter erect upon the said Lot hereby transferred any building other than a private dwelling with a

3943 part 403 1918  
for Red & Blue  
Under an acre  
Lot 22 on L.P.  
6871 being pt.  
of Por. 2078  
at Caulfield.  
R. P. P. P. P.  
of County Bourke  
said pt. being the  
part of the Court  
in Tr. 8570-33  
as to Blue  
the consent by  
Ind. 165711  
4.7.18  
SH  
W.D.  
6/7/18 10/7/18  
2/11/18 10/7/18

2/11/18 10/7/18 30 (NB)



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The within covenant has been modified by order of the Supreme Court dated 29th June 1967 a copy whereof is now attached to this transfer No.D295944

*H. Spencer*  
Assistant Registrar of Titles  
2nd April 1969.

slate or tile roof and shall not erect more than one such dwelling upon such Lot and that such dwelling with the outbuildings thereof shall cost not less than the sum of Six hundred pounds and also will not dig or remove nor allow to be dug or removed from such Lot any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.

DATED the 18<sup>th</sup> day of June One thousand nine hundred and eighteen.

SIGNED in the State of Victoria by the said )  
WILLIAM STAWELL in the presence of )

*W. Stawell*

SIGNED in the State of Victoria by the said )  
THOMAS WOODWARD in the presence of )

*Thos Woodward*

*W. F. Young*  
Clerk to Malleson, Stewart, Stawell & Hankins,  
Solicitors, Melbourne.

SIGNED in the State of Victoria by the said )  
JOHN ADAIR SHARP in the presence of )

*John Adair Sharp*

SIGNED in the State of Victoria by the said )  
CHARLES MERVYN CLEMINGER in the presence of )

*Charles Mervyn Cleminger*

*W. F. Young*  
Clerk to Malleson, Stewart, Stawell & Hankins,  
Solicitors, Melbourne.

ENCUMBRANCES REFERRED TO.

The Special Railway Conditions (if any).

Any easements subsisting over or upon or affecting the same.



D857033-1-0

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D295944  
857033

IN THE SUPREME COURT  
OF VICTORIA 1966 No. 5774

IN THE MATTER of the Property Law  
Act 1958.

and

IN THE MATTER of Parcels of Land  
situate at Lot 2 Lumsah Road Caulfield  
in the State of Victoria being Lot 2  
on Plan of Subdivision Number 60540  
lodged in the Office of Titles and  
being the lands described in Certificate  
of Title Volume 8453 Folio 479.

and

IN THE MATTER of an Application by  
SOPHIE ECKADIA GAYST and WALTER GAYST  
for an Order to Discharge or modify  
the Restrictive Covenants affecting  
the said land or for a declaration as  
to the application and construction of  
such covenant.

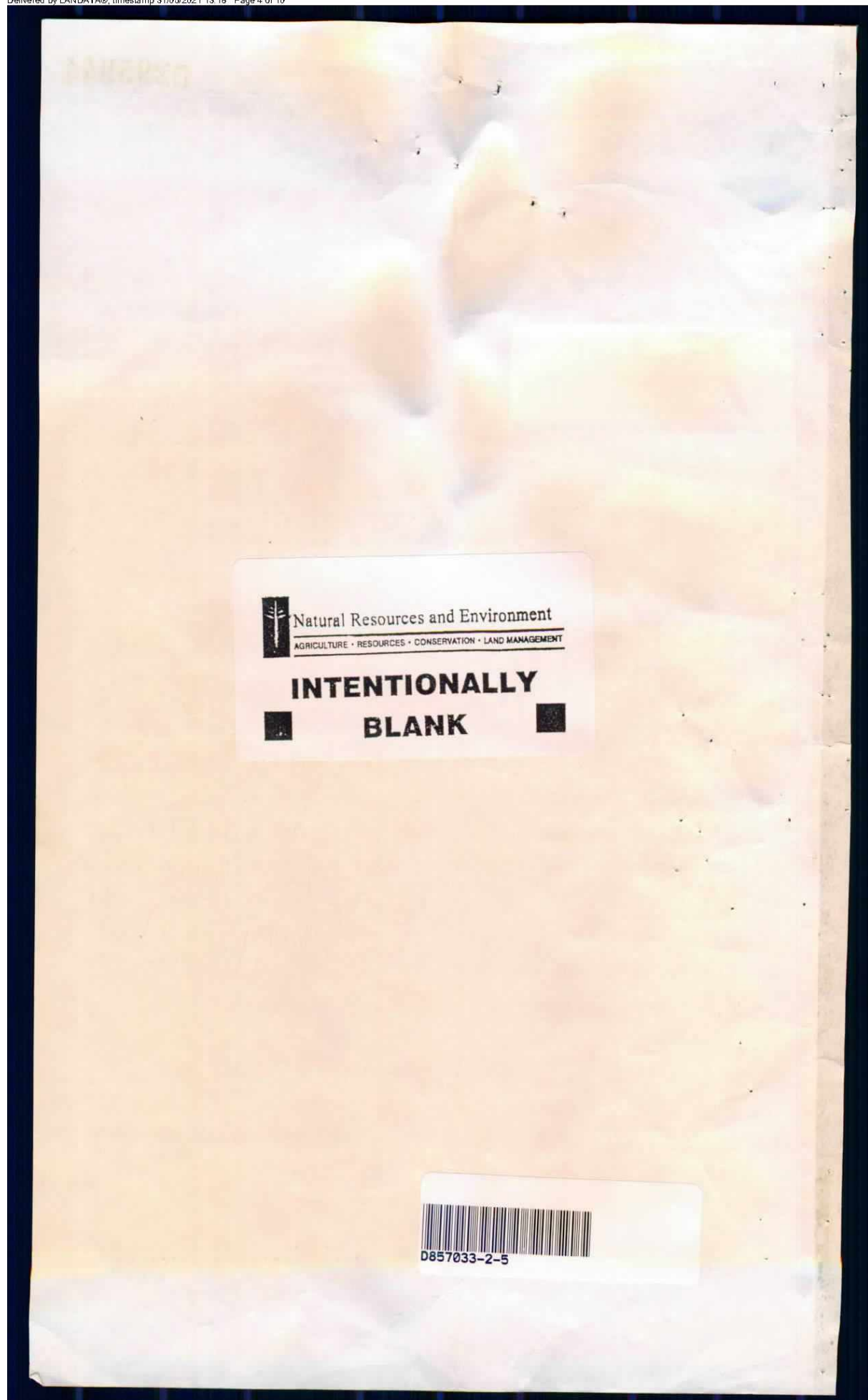
BEFORE HIS HONOR MR. JUSTICE LUSH  
IN CHAMBERS THE 29th DAY OF JUNE, 1967

UPON READING the Summons issued herein and the Affidavits filed  
in support thereof and the exhibits therein referred to AND  
UPON HEARING Mr. Brooking of Counsel for the Applicant AND UPON  
HEARING the oral evidence of Mr. Custance and Mr. Lang IT IS  
ORDERED that each of the Covenants be modified by adding at the  
end thereof the following words: "Provided that the erection  
of one private dwelling having an upper roof of galvanized steel  
and a lower roof of reinforced concrete with a carport having a  
roof of galvanized steel the dwelling house costing together  
with outbuildings not less than \$17,500.00 on the land now  
comprising Lot 2 on Plan of Subdivision No. 60540 and described  
in Certificate of Title Volume 8453 Folio 479 shall not  
constitute a breach hereof"

AND I CERTIFY that this was a matter fit and proper for the  
attendance of Counsel.

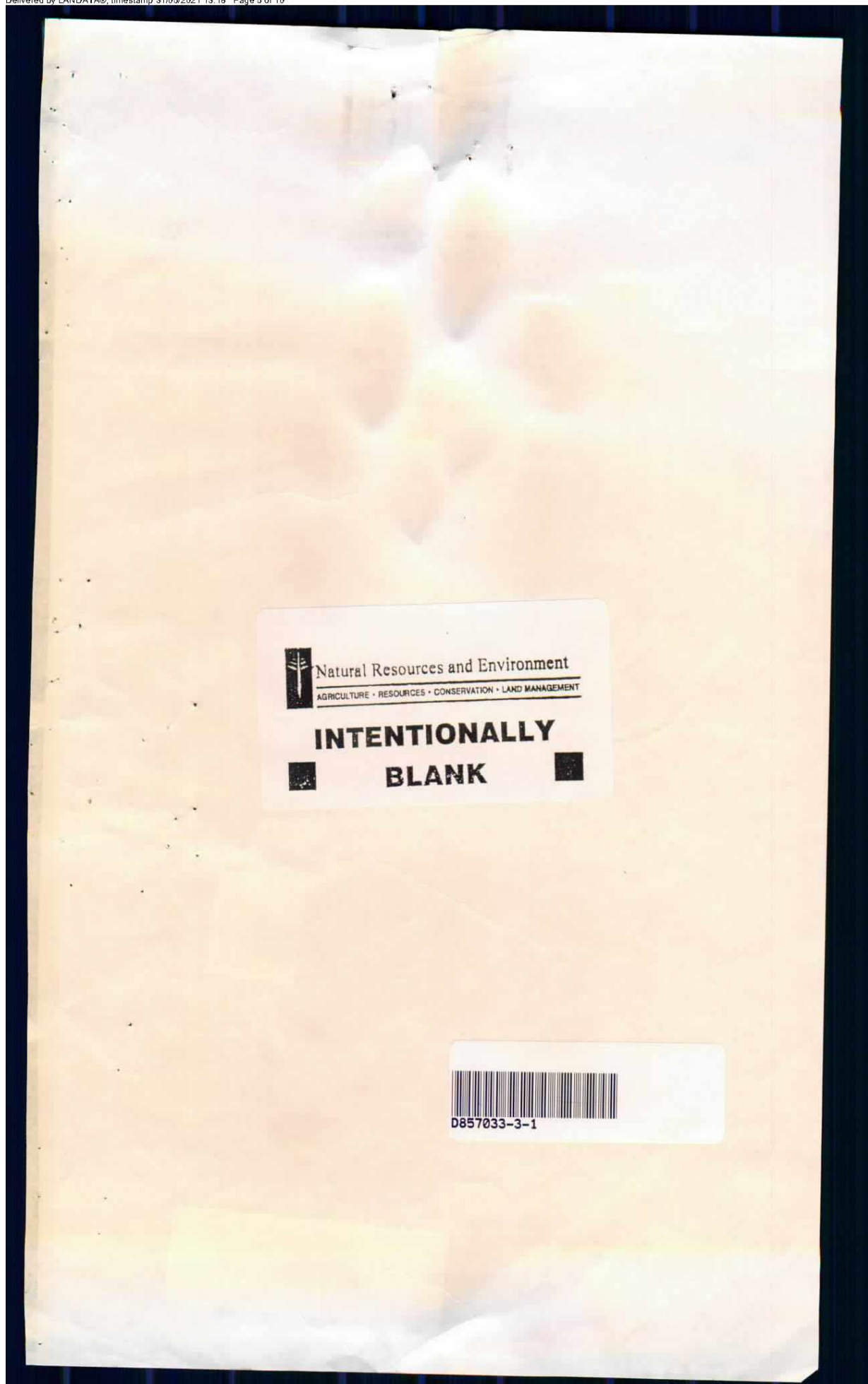
G. H. Lush J.  
.....

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IN THE SUPREME COURT  
OF VICTORIA

1966 No. 5774

IN THE MATTER of the Property  
Law Act 1958

and

IN THE MATTER of Parcels of Land  
situate at Lot 2 Lameah Road  
Caulfield in the State of Victoria  
being Lot 2 on Plan of Subdivision  
Number 60540 lodged in the Office  
of Titles and being the lands des-  
cribed in Certificate of Title  
Volume 8453 Folio 479.

and

IN THE MATTER of an Application  
by SOPHIE LEOKADIA GAYST and WALTER  
GAYST for an order to discharge or  
modify the Restrictive Covenants  
affecting the said land or for a  
declaration as to the application  
and construction of such covenant.

ORDER



SLONIM VELIK & EMANUEL,  
Incorporating,  
MORGAN FYFFE & MULKERRANE,  
Solicitors,  
37 1/2 Bourke Street,  
MELB. URNE. Tel: 60.1931  
CL/ER



D857033-3-1

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*86* D295944 D295944  
\*\*\*\*\*6.00 A RT T 857033  
e2-17 205360 JUN 21 69

SLONIM, VELIK & EMANUEL  
Incorporating  
MORGAN, FYFFE & MULKEARNS  
VICTORIA  
*Off to A.N.2. B-k*  
APPLICATION TO HAVE RESTRICTIVE COVENANT MODIFIED.

The Registrar of Titles,  
Queen Street,  
MELBOURNE.

WE, ZOPHIE LEOKADIA GAYST and WALTER GAYST both of Flat 2, 62  
Hotham Street, East St. Kilda Married Woman and Builder  
respectively being registered as the Proprietors of the land  
more particularly described in Certificate of Title Volume  
8453 Folio 479 DO HEREBY APPLY to have the restrictive covenant  
contained in Instruments of Transfer numbered 857033 and 896633  
modified in accordance with the Order His Honor Mr. Justice  
Lush made the 29th June, 1967 as follows:-

"Provided that the erection of one private dwelling having  
an upper roof of galvanized steel and a lower roof of reinforced  
concrete with a carport having a roof of galvanized steel the  
dwelling house costing together with outbuildings not less than  
\$17,500.00 on the land now comprising Lot 2 on Plan of Sub-  
division No. 60540 and described in Certificate of Title Volume  
8453 Folio 479 shall not constitute a breach hereof".

DATED this *24<sup>th</sup>* day of *DECEMBER* 1968.

*Slonim Velik & Emanuel*  
.....  
SLONIM, VELIK & EMANUEL  
Incorporating  
MORGAN, FYFFE & MULKEARNS  
Solicitors for the Applicants.

*6 31/1/69.*

0857033-4-6




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To: The Registrar of Titles,

Please register this Application and on completion issue  
Certificate of Title to the Australia and New Zealand Bank  
Limited.

for AUSTRALIA AND NEW ZEALAND BANK LIMITED

  
ASSISTANT-MANAGER

75 Collins Street, Melbourne

DATED

1968

S.L. & W. GAYST.

-and-

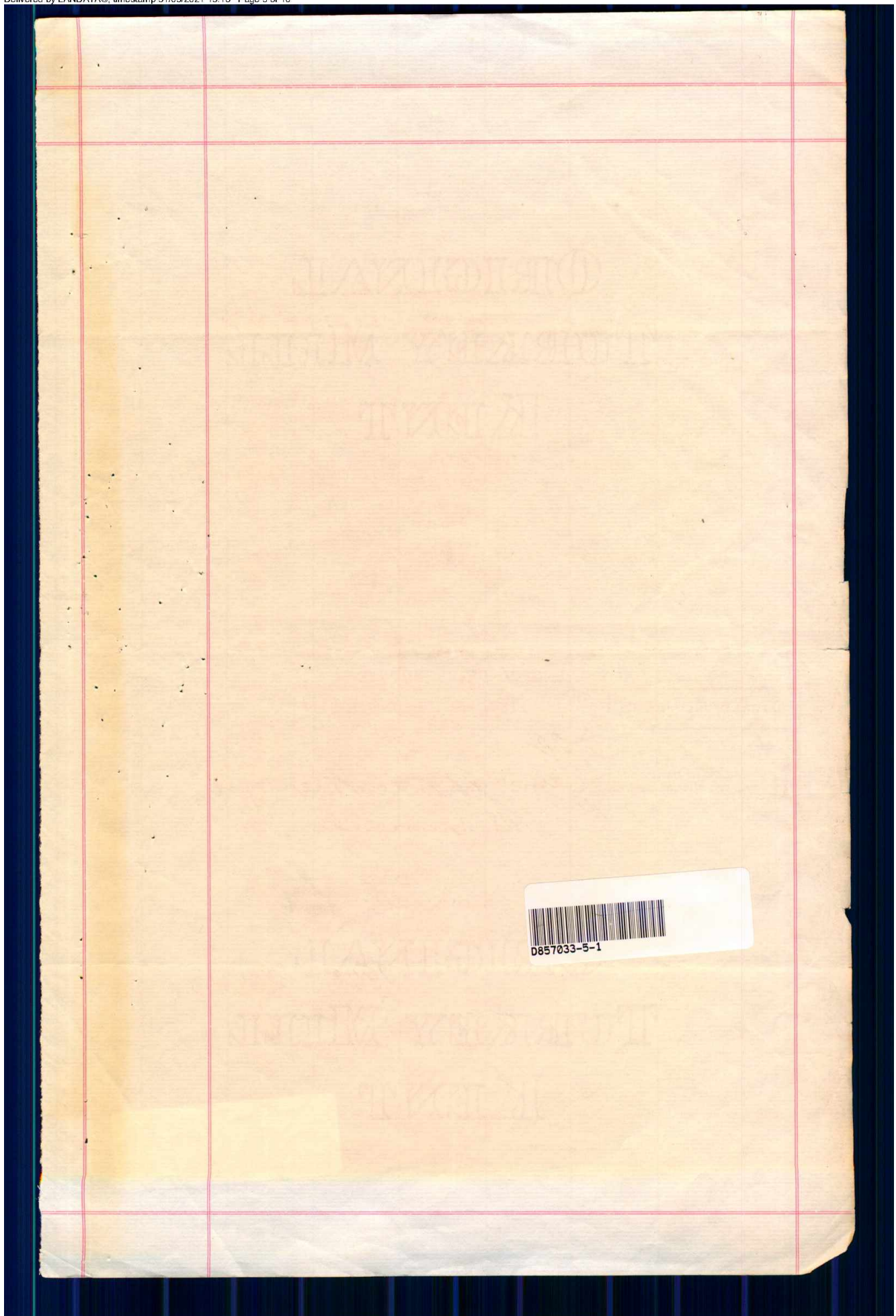
APPLICATION TO HAVE  
RESTRICTIVE COVENANT  
MODIFIED.

SLONIM, VELIK & EMANUEL  
Incorporating  
MORGAN, FYFE & MULKEARNS  
Solicitors,  
374 Bourke Street,  
MELBOURNE.  
60 1931



D857033-4-6

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ORIGINAL

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
Transfer as to part and Creation of Easement:	THE 21 <sup>st</sup> DAY OF June 1918.	To Charles Mervyn Blemenger.	857033

*[Signature]*  
ASSISTANT REGISTRAR OF TITLES.

3949 788403  
*[Signature]*  
ASSISTANT REGISTRAR OF TITLES.

3949 788403





## Imaged Document Cover Sheet

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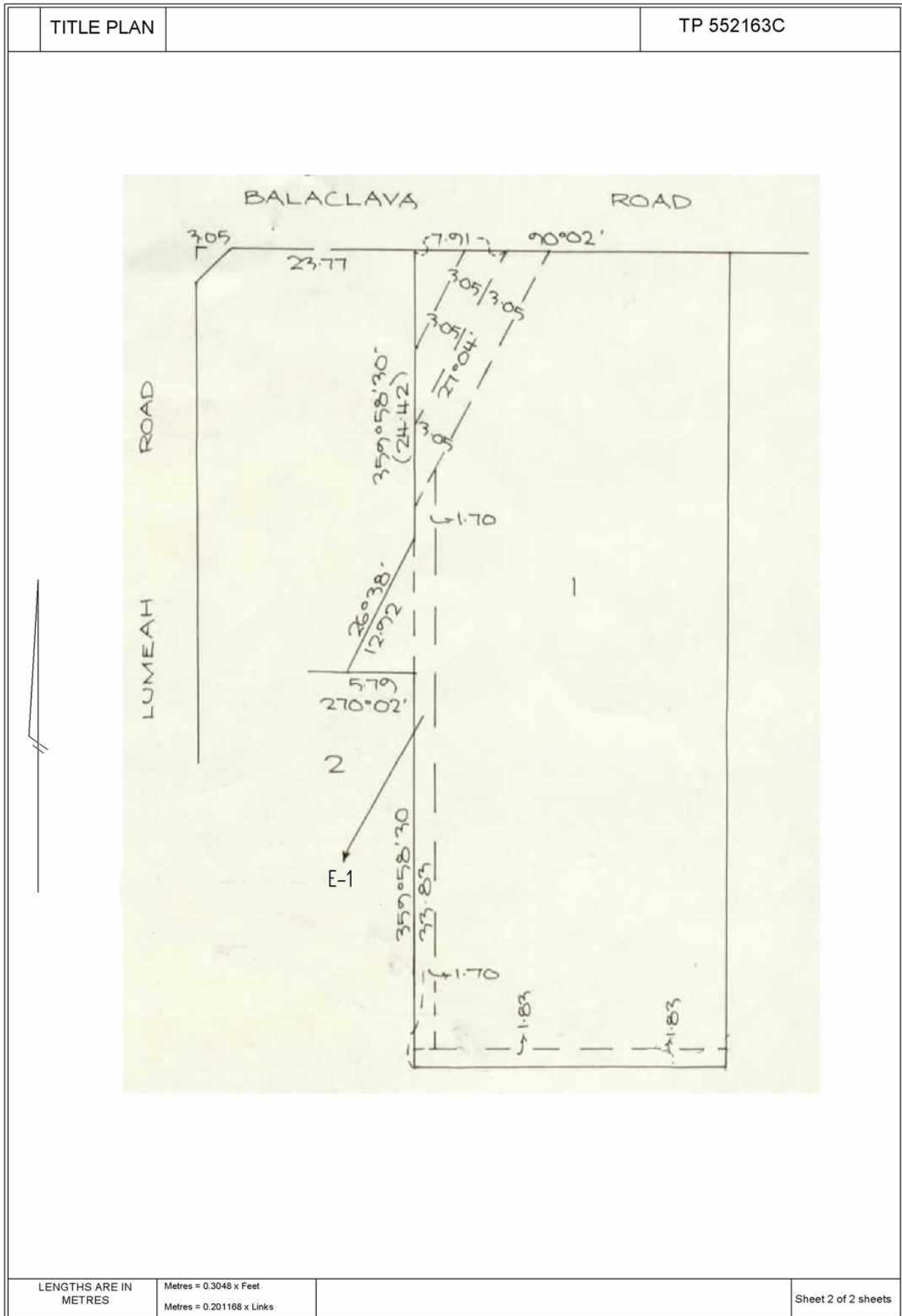
The document is invalid if this cover sheet is removed or altered.



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<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 552163C</b>			
<b>Location of Land</b>  Parish: PRAHRAN Township: Section: Crown Allotment: Crown Portion:  Last Plan Reference: LP94228 Derived From: VOL 9007 FOL 888 Depth Limitation: NIL		<b>Notations</b>      ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN				
<b>Description of Land / Easement Information</b>  <div style="background-color: #ffffcc; padding: 5px;">           As to the land coloured blue -            THE EASEMENTS (if any) existing over the same by virtue of Section 98 of the --- Transfer of Land Act -            ANY EASEMENTS affecting the same -            As to the land coloured green -            THE EASEMENT to Melbourne and Metropolitan Board of Works created by Instrument 765711-         </div> <div style="margin-top: 10px;"> <b>COLOUR CODE</b>            BL=BLUE            G = GREEN         </div>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 17/11/2003 VERIFIED: L.S.				
E-1 = EASEMENT TO CITY OF CAULFIELD CREATED BY C/E L346564U						
<b>SEE SHEET 2 FOR FURTHER EASEMENT DETAILS</b>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="font-size: small;">PARCEL 1 = LOT 1 ON LP94228</td> </tr> </table>		TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = LOT 1 ON LP94228		
TABLE OF PARCEL IDENTIFIERS						
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962						
PARCEL 1 = LOT 1 ON LP94228						
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets				

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**ResCode Assessment****Clause 55 – Two or more dwellings on a lot and residential buildings**

<b>Neighbourhood character and infrastructure</b>		
<p><b>Clause 55.02-1 Neighbourhood character objectives</b></p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Standard B1</b></p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p><b>Complies</b></p> <p>It is considered that the design response is appropriate for the subject land as it is within the General Residential Zone and is part of a Tram Route Housing Diversity Area where there are examples of multi-unit development along Balaclava Road. The stepping down of the building to two storeys at the rear recognises the sensitive rear yard interfaces to the lots in the Neighbourhood Residential Zone.</p>
<p><b>Clause 55.02-2 Residential policy objectives</b></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 medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2</b></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><b>Complies</b></p> <p>The proposal is supported by the Housing Diversity Area Policy which has identified the site as being suitable for a mix of housing types and layouts. The proposal also has regard to adjoining and nearby properties as it is of an appropriate density, mass and scale and has been designed to minimise its building bulk, overlooking and overshadowing impacts on the adjoining lots.</p>

<p><b>Clause 55.02-3 Dwelling diversity objective</b></p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Standard B3</b></p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<p><b>Not applicable</b></p> <p>Only six dwellings are proposed.</p>
<p><b>Clause 55.02-4 Infrastructure objectives</b></p> <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><b>Standard B4</b></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><b>Complies</b></p> <p>The subject land is located in an area fully connected to reticulated services including water, sewerage, drainage, electricity and gas.</p> <p>Melbourne Water has provided advice to the applicant that has been followed in the building layout so that local flooding associated with its drainage pipes would not be exacerbated.</p>
<p><b>Clause 55.02-5 Integration with the street objective</b></p> <p>To integrate the layout of development with the street.</p>	<p><b>Standard B5</b></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. 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><b>Complies</b></p> <p>The proposal includes clear, well separated access points for vehicles and pedestrians.</p>

Site layout and building massing																	
<p><b>Clause 55.03-1</b> <b>Street setback objective</b></p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6</b></p> <p>Walls of buildings should be set back from streets: At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p> <p><b>Table B1 Street setback</b></p> <table> <tr> <th>Development context</th><th>Minimum setback from front street (metres)</th><th>Minimum setback from a side street (metres)</th></tr> <tr> <td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td><td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td><td>Not applicable</td></tr> <tr> <td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td><td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td><td>Not applicable</td></tr> <tr> <td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td><td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td><td>Not applicable</td></tr> <tr> <td>The site is on a corner.</td><td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.  If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td><td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.  Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td></tr> </table>	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable	The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.  If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.  Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.	<p><b>Complies</b></p> <p>The proposed front setback of 10.15m exceeds the minimum allowed setback which would be 7.6m based on the average of the front setbacks of the dwellings to the east and west.</p>
Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)															
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable															
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The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.  If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.  Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.															

<p><b>Clause 55.03-2 Building height objective</b></p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character</p>	<p><b>Standard B7</b></p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Complies</b></p> <p>The allowable building height for the General Residential Zone is 11.0m and up to three storeys. However, as the site is partly located in the Special Building Overlay (SBO), the 11.0m height can be measured from the minimum floor level determined by Melbourne Water to minimise flooding within the building. Therefore, the proposed maximum height of 11.245m would be allowable as this equates to 10.51m above the Melbourne Water floor level.</p>
<p><b>Clause 55.03-3 Site coverage objective</b></p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Standard B8</b></p> <p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum site coverage specified in a schedule to the zone, or</li> <li>• If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul>	<p><b>Complies</b></p> <p>The proposed site coverage of 54.65% would be less than the allowable site coverage of 60%.</p>
<p><b>Clause 55.03-4 Permeability and stormwater management objectives</b></p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that</p>	<p><b>Standard B9</b></p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>• The minimum area specified in a schedule to the zone, or</li> <li>• If no minimum is specified in a schedule to the zone, 20 percent of the site.</li> </ul> <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> <li>• Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</li> </ul>	<p><b>Complies</b></p> <p>The proposed permeability of 31.6% would be greater than the prescribed permeability of 20%.</p> <p>An appropriate stormwater management system that includes a total of 20,000 litres in six underground rainwater tanks is proposed.</p>

maximises the retention and reuse of stormwater.	<ul style="list-style-type: none"> <li>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul>	
<p><b>Clause 55.03-5</b> <b>Energy efficiency objectives</b></p> <p>To achieve and protect energy efficient dwellings and residential 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><b>Standard B10</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</li> </ul> <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 maximised.</p>	<p><b>Complies</b></p> <p>The dwellings are proposed to be oriented to gain good access to sunlight from either the north, or east and west throughout the day. Rooftop solar panels are also proposed.</p> <p>The performance of the existing rooftop solar energy system at 86 Lumeah Road or 115 Balaclava Road would not be unreasonably reduced.</p>
<p><b>Clause 55.03-6</b> <b>Open space objective</b></p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Standard B11</b></p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> <li>Be substantially fronted by dwellings, where appropriate.</li> <li>Provide outlook for as many dwellings as practicable.</li> <li>Be designed to protect any natural features on the site.</li> <li>Be accessible and useable.</li> </ul>	<p><b>Not applicable</b></p> <p>No public or communal open space is proposed.</p>
<p><b>Clause 55.03-7</b> <b>Safety objective</b></p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Standard B12</b></p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p>	<p><b>Complies</b></p> <p>The entrances to the dwellings would be visible and accessible from wide pedestrian paths.</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><b>Clause 55.03-8 Landscaping objectives</b></p> <p>To encourage development that respects the landscape character of the neighbourhood.</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><b>Standard B13</b></p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>• Protect any predominant landscape features of the neighbourhood.</li> <li>• Take into account the soil type and drainage patterns of the site.</li> <li>• Allow for intended vegetation growth and structural protection of buildings.</li> <li>• In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>• Provide a safe, attractive and functional environment for residents.</li> </ul> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</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 meet any additional landscape requirements specified in a schedule to the zone.</p>	<p><b>Complies</b></p> <p>All existing vegetation on the site has been assessed as being of low to moderate retention value and is proposed to be replaced with new landscaping that will provide greenery on all sides of the building.</p> <p>The layout of the building ensures that there would be adequate separation to minimise adverse impacts on the vegetation on the adjoining lots.</p>

<p><b>Clause 55.03-9 Access objective</b></p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Standard B14</b></p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <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><b>Complies</b></p> <p>The width of the vehicle crossing would be approximately 25% of the frontage width which is less than the allowable 33%.</p> <p>On-street parking will be retained and the number of vehicle crossings to the Road Zone (Balaclava Road) will not be increased.</p>
<p><b>Clause 55.03-10 Parking location objectives</b></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Standard B15</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential buildings 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><b>Complies</b></p> <p>The basement car park would be close and convenient to the dwellings and secure.</p>

Amenity impacts		
<p><b>Clause 55.04-1</b> <b>Side and rear setbacks objective</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Standard B17</b></p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>At least the distance specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p><b>Complies</b></p> <p>The side setbacks accord with the distances prescribed under the building envelope rule that is based on wall heights.</p> <p>The rear setbacks meet or exceed the requirements of Schedule 2 to the General Residential Zone and include setbacks of 4.0m for the basement and ground floor, 5.5m for the first floor and 19.9m for the second floor (exceeding the minimum prescribed second floor rear setback of 11.5m).</p>
<p><b>Clause 55.04-2</b> <b>Walls on boundaries objective</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Standard B18</b></p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> <li>For a length of more than the distance specified in a schedule to the zone; or</li> <li>If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or</li> </ul> </li> </ul>	<p><b>Complies with objective</b></p> <p>There is one section of boundary wall proposed which would be for the side of the car lift. The wall height would be 4.21m. The prescribed average and maximum wall heights are 3.2m and 3.6m, respectively.</p> <p>It is considered that the proposed wall height is acceptable as the wall would be located parallel to the side of the carport at 115 Balaclava Road and would not cause any unreasonable overshadowing or visual bulk impacts to the neighbour's habitable room windows or secluded private open spaces.</p>

	<p>simultaneously constructed walls or carports whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	
<p><b>Clause 55.04-3</b> <b>Daylight to existing windows objective</b></p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19</b></p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p><b>Complies</b></p> <p>The proposed building would be well separated from the habitable room windows of the dwellings on the adjoining lots. Light courts to the neighbours' windows would all exceed the prescribed minimum width of 1 metre clear to the sky and the minimum area of 3 square metres.</p> <p>Based on the wall height rule, all neighbours' habitable room windows would have setbacks that exceed 50% of the proposed wall height.</p>
<p><b>Clause 55.04-4</b> <b>North-facing windows objective</b></p>	<p><b>Standard B20</b></p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a</p>	<p><b>Complies</b></p> <p>There are no north-facing habitable room windows on the dwelling at 84 Lumeah Road that</p>

To allow adequate solar access to existing north-facing habitable room windows.	building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	would be less than 3m from the southern boundary of the site, ensuring that good solar access would be maintained.
<b>Clause 55.04-5 Overshadowing open space objective</b>  To ensure buildings do not significantly overshadow existing secluded private open space.	<b>Standard B21</b>  Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.  If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	<b>Complies</b>  Th shadow diagrams submitted with the application have been reviewed and demonstrate that the extent of overshadowing caused by the proposal at the September Equinox would allow at least 5 hours of sunlight to the required proportion of the secluded private open spaces of the dwellings on the adjoining lots.
<b>Clause 55.04-6 Overlooking objective</b>  To limit views into existing secluded private open space and habitable room windows.	<b>Standard B22</b>  A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.  A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> </ul>	<b>Complies subject to a condition</b>  The applicant has submitted viewing arcs to demonstrate that downward views from the first and second floor windows and most balconies that would face the neighbours' habitable room windows and secluded private open spaces would be sufficient to restrict direct and unreasonable overlooking within 9m.  Overlooking from first floor windows would be restricted by a perimeter of planter boxes and horizontal privacy shelves.  Some second floor windows and balconies would be fitted with operable screens that would restrict downward views. These screens are also proposed for two of the first floor west-facing windows of Unit 2. It is considered that screening



	<ul style="list-style-type: none"> <li>Have sill heights of at least 1.7 metres above floor level.</li> <li>Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>Permanent, fixed and durable.</li> <li>Designed and coloured to blend in with the development.</li> </ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	<p>is required on the western side of the second floor balcony of Unit 2 to restrict views toward 88 Lumeah Road.</p> <p>Furthermore, a detail drawing should be submitted to show the level of transparency of the horizontal louvres of the operable screens, which should not be more than 25%.</p> <p>The depths of the planter boxes and widths of privacy shelves should also be shown on the plans.</p> <p>Due to the high finished floor levels by Melbourne Water, screening should be adopted along the western boundary to limit overlooking impacts to adjoining secluded private open space areas from ground floor living areas.</p>
<p><b>Clause 55.04-7</b> <b>Internal views objective</b></p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Standard B23</b></p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p><b>Complies</b></p> <p>The upper level windows and balconies would be adequately offset and screened to ensure that not more than 50% of any ground level secluded private open spaces would be overlooked.</p>
<p><b>Clause 55.04-8</b> <b>Noise impacts objectives</b></p> <p>To contain noise sources in developments that may affect existing dwellings.</p>	<p><b>Standard B24</b></p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p><b>Complies</b></p> <p>There is no mechanical plant proposed that would adversely affect neighbours.</p>

To protect residents from external noise.	Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.  Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	The layouts and setbacks of the bedrooms and secluded private open spaces of the proposed building would be adequately shielded from noise from Balaclava Road and the dwellings on the adjoining lots.
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Onsite amenity and facilities		
<b>Clause 55.05-1</b> <b>Accessibility objective</b>  To encourage the consideration of the needs of people with limited mobility in the design of developments.	<b>Standard B25</b>  The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	<b>Complies</b>  Dwelling entries would be at the same level as the main pedestrian path and internal lifts would be provided for access between the basement and all floors of each dwelling.
<b>Clause 55.05-2</b> <b>Dwelling entry objective</b>  To provide each dwelling or residential building with its own sense of identity.	<b>Standard B26</b>  Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<b>Complies</b>  The dwelling entries would be visible and identifiable from the main entry gate for Units 2-6 and the separate entry gate for Unit 1.
<b>Clause 55.05-3</b> <b>Daylight to new windows objective</b>  To allow adequate daylight into new habitable room windows.	<b>Standard B27</b>  A window in a habitable room should be located to face: <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<b>Complies</b>  All habitable room windows of the proposal would have a light court with such areas exceeding 3 square metres with a width of at least 1 metre clear to the sky.
<b>Clause 55.05-4</b> <b>Private open space objective</b>  To provide adequate private open space for the reasonable recreation and service needs of residents.	<b>Standard B28</b>  A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> <li>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum</li> </ul>	<b>Complies</b>  Units 1 and 3-6 would have secluded private open spaces to the side or rear of each dwelling with an area of at least 25 square metres and minimum dimensions of more than 3.0m. recreation needs of future residents and are supplemented by upper floor balconies.  Whilst the secluded private open space for Unit 2 is located within the front setback, this area is

	<p>dimension of 3 metres and convenient access from a living room, or</p> <ul style="list-style-type: none"> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul> <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	<p>north-facing, connected to the main living room and is separated from Balaclava Road by a high fence and a 4.1m wide landscaped buffer.</p>
<p><b>Clause 55.05-5</b> <b>Solar access to open space objective</b></p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Standard B29</b></p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>	<p><b>Complies</b></p> <p>Each secluded private open space would receive sufficient solar access either throughout the day for Unit 2 or in the morning and/or afternoon for Units 1 and 3-6.</p>
<p><b>Clause 55.05-6</b> <b>Storage objective</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b></p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p><b>Complies</b></p> <p>Each dwelling would be provided with a storage area within the basement with a volume of at least 6 cubic metres.</p>

Detailed design								
<p><b>Clause 55.06-1</b> <b>Design detail objective</b></p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31</b></p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"><li>• Facade articulation and detailing,</li><li>• Window and door proportions,</li><li>• Roof form, and</li><li>• Verandahs, eaves and parapets,</li></ul> <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><b>Complies</b></p> <p>It is considered that the contemporary architectural style would be an appropriate design fit within the Balaclava Road streetscape that includes building styles from a wide range of architectural styles and eras.</p>						
<p><b>Clause 55.06-2</b> <b>Front fences objective</b></p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B32</b></p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"><li>• The maximum height specified in a schedule to the zone, or</li><li>• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li></ul> <p>Table B3 Maximum front fence height</p> <table><tr><th>Street Context</th><th>Maximum front fence height</th></tr><tr><td>Streets in a Road Zone, Category 1</td><td>2 metres</td></tr><tr><td>Other streets</td><td>1.5 metres</td></tr></table>	Street Context	Maximum front fence height	Streets in a Road Zone, Category 1	2 metres	Other streets	1.5 metres	<p><b>Does not comply</b></p> <p>The prescribed height for a front fence facing a Road Zone is 2m. The proposed 2.33m high front fence would match the front fence heights of the lots to the east and west. This is considered to be acceptable as the design of the front fence together with its adjacent landscaping would add visual interest to the streetscape.</p>
Street Context	Maximum front fence height							
Streets in a Road Zone, Category 1	2 metres							
Other streets	1.5 metres							
<p><b>Clause 55.06-3</b> <b>Common property objectives</b></p> <p>To ensure that communal open space, car parking, access areas and site</p>	<p><b>Standard B33</b></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><b>Complies</b></p> <p>Public and private areas within the proposal are clearly delineated and, if subdivided, future common property on the site would be capable of efficient management.</p>						

facilities are practical, attractive and easily maintained.  To avoid future management difficulties in areas of common ownership.		
<b>Clause 55.06-4 Site services objectives</b>  To ensure that site services can be installed and easily maintained.  To ensure that site facilities are accessible, adequate and attractive.	<b>Standard B34</b>  The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.  Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.  Bin and recycling enclosures should be located for convenient access by residents.  Mailboxes should be provided and located for convenient access as required by Australia Post.	<b>Complies</b>  Bin and recycling areas would be provided within the basement and letterboxes could be provided adjacent to the front entry gates.



*Planning and Environment Act 1987*

## GLEN EIRA PLANNING SCHEME

### AMENDMENT C233 PLANNING PERMIT APPLICATION GE/DP-34762/2021

#### EXPLANATORY REPORT

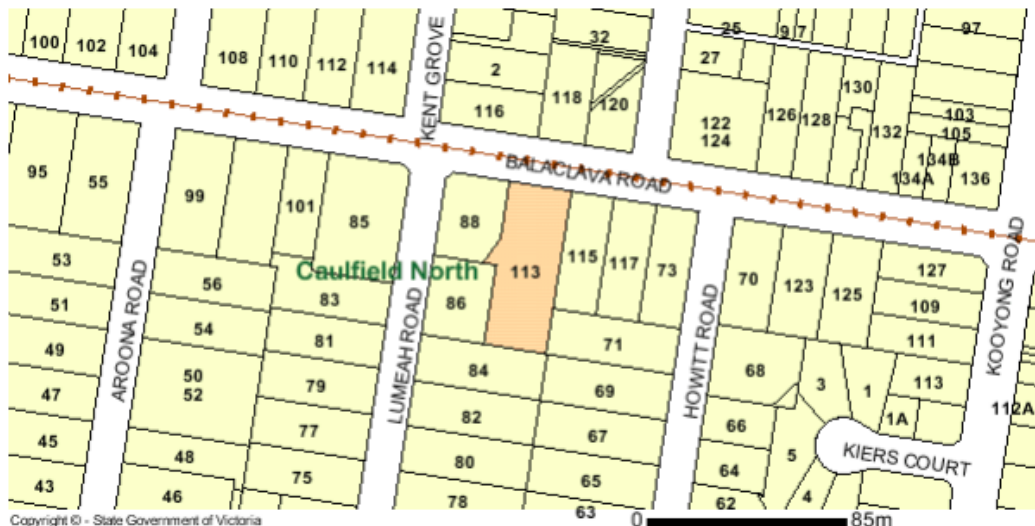
##### Who is the planning authority?

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

The amendment has been made at the request of Retrew Pty Ltd.

##### Land affected by the amendment

The amendment applies to the land known as 113 Balaclava Road, Caulfield North (Lot 1 TP552163C)



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

##### What the amendment does

The amendment seeks to amend the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to vary the covenants applicable to the subject site as set out below:

The Schedule to Clause 52.02 is proposed to read as follows:

Land	Easement or Restriction	Requirement
113 Balaclava Road Caulfield North as described as Lot 1 TP 552163C Vol 09007 Fol 888	Restrictive Covenant contained in Instrument of Transfer 0587033	Modify the restrictive covenant so it reads "... will not at any time hereafter erect upon the said Lot hereby transferred <del>any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon such Lot</del> any more than six (6) dwellings and that

		such <del>dwelling</del> dwellings with the outbuildings thereof shall cost not less than the sum of Six hundred pounds <del>and also will not dig or remove nor allow to be dug or removed from the such Lot any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.</del>
	Restrictive Covenant contained in Instrument of Transfer 0896633	Modify the restrictive covenant so it reads "... will not at any time hereafter erect upon the said Lots hereby transferred <del>any building other than a private dwelling with a slate or tile roof and shall not erect more than six (6) dwellings one such dwelling</del> upon either of such Lots and that such <del>dwelling</del> dwellings with the outbuildings thereof shall cost not less than the sum of Six hundred pounds <del>and also will not dig or remove nor allow to be dug or removed from the such Lots any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.</del> "

The planning permit application seeks approval for:

*The development of 6 dwellings and alteration of access to a Road Zone – Category 1 in a Special Building Overlay*

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

#### **Strategic assessment of the amendment**

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

Given the zoning is General Residential Zone and the covenants can be varied pursuant to Clause 52.02, the intention is to provide an increase in housing in a designated housing diversity area. The General Residential Zone allows residential land uses and a range of other associated complimentary uses, with its purpose expressly seeking:

*"a diversity of housing types and housing growth particularly in locations offering good access to services and transport"*

Both State and Local Planning Policies outline the importance of managing growth while also catering for the future needs of residents.

The covenants also restrict roof materials to slate or tile which is outdated and not reflective of the broader area. The proposed materials comprise a mix of brickwork, render and metal cladding with a grey/charcoal palette consistent with the contemporary materials within the neighbourhood and as anticipated in a housing diversity area.

The removal of the digging clause ensures that any sand can be removed from the site if required as part of the construction. Furthermore, winning sand is currently a prohibited use under the zone being included in the definition of 'industry' which is a Section 3 use.

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

**Section 4 of the *Planning and Environment Act 1987* states as follows:**

The objectives of planning in Victoria are:

- (a). *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b). *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c). *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d). *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;*
- (e). *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f). *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (g). *to facilitate the provision of affordable housing in Victoria;*
- (h). *to balance the present and future interests of all Victorians.*

The amendment implements the objectives of Planning in Victoria for the following reasons:

- It is consistent with the principles of orderly and proper planning to vary a restrictive covenant that is no longer consistent with the desired planning outcomes for the land as set out in the applicable planning scheme.
- The restrictive covenant would unreasonably limit the use and development of the land for an 6 dwelling development that would be acceptable in terms of its planning merits if assessed against current controls and relevant policies.
- The amendment would further the objectives of planning in Victoria and provide for net community benefit.

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

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

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

The proposal will allow for sustainable development of the land.

It will sit well within its immediate and surrounding residential neighbourhood and will positively contribute to the streetscape and public realm.

The cultural heritage on the site has been carefully and sensitively managed.

The proposal makes efficient and effective use of existing infrastructure given its location within an established residential area. It is located on a main road close to public transport and other facilities in the community thereby making more efficient use of nearby infrastructure.

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

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

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

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

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

The amendment has also been prepared with regard to Ministerial Direction No. 9 – Metropolitan Planning Strategy, which refers to Plan Melbourne 2017-2050. Plan Melbourne 2017-2050 identifies a vision for the future of Melbourne. It provides objectives and outcomes sought for the city, with directions identified to achieve the desired outcomes and objectives. The amendment is consistent with the outcomes and directions within Plan Melbourne 2017-2050 which is guided by the principle of

20-minute neighbourhoods. The concept is all about living locally and giving people the ability to meet most of their daily needs within a 20-minute walk from home, with safe walking, cycling and local transport options. Practical delivery is clearly achievable in this area, with a range of services, facilities and public transport options nearby. Excellent walking and cycling networks also exist within the area.

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

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

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

The proposal enjoys strategic support at the Planning Policy level, given that the proposed development seeks to make efficient and effective use of a large site, along a main road with a mixed residential character and emerging infill development. It is well-served by public transport, shops and services. This is a location where increased housing provision and diversity is explicitly encouraged.

The Planning Policy Framework encourages housing change and diversity in this location. The subject site is identified as within a residential area along a tram route where housing growth and diversity are expected subject to an appropriate response to the immediate context and broader neighbourhood characteristics. Balaclava Road is expected to shoulder its share of change and we submit that the zone considerations and context are suggestive of this being substantial, with policy support for higher density development. Given the main road/tram line location and the push within policy for increased provision and diversity of housing in areas such as this, there is an abundance of multi-unit development in this precinct already. The proposal seeks to continue this pattern of development, providing for increased housing provision in a well-designed and thoughtful manner.

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

Due to the site's location along a tram line, it is a designated area for housing diversity according to Clause 22.07. The intention for such areas is to promote a range of housing types, comprising a mix of single dwellings, two dwelling developments and other forms of multi-unit development. The proposed redevelopment of the site with 6 attached dwellings is consistent with these aspirations.

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

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

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

The views of any relevant agency will be addressed through the amendment process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The proposed amendment will not have a significant impact on the transport system and there are no applicable statements of policy principles under Section 22 of the Transport Integration Act 2010.

**Resource and administrative costs**

**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not have a substantial impact on the resources and administrative costs of the Responsible Authority.

**Where you may inspect this amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads Caulfield VIC 3162, and

On the Glen Eira City Council website; [www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au): and

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**Draft Permit Conditions**  
**113 Balaclava Road, Caulfield North**

**Permit allows:**

Construction of six dwellings and a basement car park and alteration of access to a road in a Transport Zone 2 on land partly affected by the Special Building Overlay

**Subject to the following conditions:**

Covenants varied

1. This permit does not come into effect until Covenants 0587033 and 0896633 have been varied to enable the development authorised by this permit to proceed.

Plans to be endorsed

2. Before the development 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 Drawing No's. TP00A to TP13 and TP21, prepared by ADDARC and dated 7 December 2021, and the Landscape Plan, prepared by Andy Murray Landscape Design and dated 26 January 2021, but modified to show:
  - (a) The provision of a screen to a height of 1.7m above floor level on the western side of the second floor balcony of Unit 2 to restrict views toward 88 Lumeah Road.
  - (b) The provision of screens adjacent to the western boundary of the site to a height equivalent to 1.7m above floor level to restrict views toward the secluded private open spaces of 86 and 88 Lumeah Road.
  - (c) The addition of a detail drawing to demonstrate that the level of transparency of the horizontal louvres of the operable screens will not be greater than 25%.
  - (d) The depths of the planter boxes and widths of privacy shelves to be shown on the plans.

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

Layout not to be altered

3. 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) without the prior written consent of the Responsible Authority.

Landscaping and tree protection

4. Before the development 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 Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.
6. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of the trees identified in the Arboricultural Assessment and Report, prepared by Glenn Waters Arboriculture, dated 13 November 2017, 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 TPMP must show:
  - (a) The specification of the tree protection zones (TPZ);
  - (b) The type, installation and maintenance of tree protection fencing;
  - (c) The protection of the canopies and trunks of the specified tree including how canopies will be managed, including pruning;
  - (d) No vehicular or pedestrian access within a TPZ, other than for any necessary works proposed in a TPZ, in which case specific details of how impacts will be mitigated;
  - (e) Excavation within or near a TPZ;
  - (f) Maintenance, including mulching and watering, of TPZ; and
  - (g) Schedule of Project Arborist inspections.
7. The Tree Protection Management Plan (TPMP) must include a program to implement the proposed measures before, during and on completing construction (including demolition). The tree protection measures set out in the TPMP must be implemented to the satisfaction of the Responsible Authority, except with the prior written consent of the Responsible Authority.

#### Management plan requirements

8. Concurrent with the endorsement of plans required by Condition 1 of the permit, the Sustainable Management Plan and Water Sensitive Urban Design Response, prepared by ARK Resources and dated 10 May 2021 will be endorsed and will then form part of the permit. The provisions, recommendations and requirements of the endorsed report 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.
9. Before the development starts, including 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 CMP 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) Hours for construction activity must only occur within the following hours:
    - (i). 7am to 6pm – Monday to Friday.
    - (ii). 9am to 3pm – Saturdays.
    - (iii). No construction on Sundays or public holidays.
  - (h) Measures to control noise, dust, water and sediment laden runoff.
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
10. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

#### General

- 11. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. Before the building is occupied, the walls on the boundary of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

#### Car parking and infrastructure

- 14. 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.

The surface of the car park area must be treated to the satisfaction of the Responsible Authority to prevent dust causing a loss of amenity to the neighbourhood.

- 15. Before the development is occupied, the vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and 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.
- 16. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

#### Drainage

- 17. Before the development 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.

#### Melbourne Water

- 18. To be confirmed by referral to Melbourne Water during the exhibition stage of the process.

#### Department of Transport

- 19. To be confirmed by referral to the Department of Transport during the exhibition stage of the process.

#### Permit expiry

- 20. 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.

***Planning and Environment Act 1987*****Glen Eira Planning Scheme****AMENDMENT C233****INSTRUCTION SHEET**

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

The Glen Eira Planning Scheme is amended as follows:

Planning Scheme Ordinance

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

End of document

**DRAFT SCHEDULE TO CLAUSE 52.02**

The Schedule to Clause 52.02 is proposed to be amended by inserting words as follows:

**Under Section 23 of the Subdivision Act 1988**

Land	Easement or Restriction	Requirement
113 Balaclava Road Caulfield North as described as Lot 1 TP 552163C Vol 09007 Fol 888	Restrictive Covenant contained in Instrument of Transfer 0587033	Modify the restrictive covenant so it reads "... will not at any time hereafter erect upon the said Lot hereby transferred <del>any building other than a private dwelling with a slate or tile roof and shall not erect more than one such dwelling upon such Lot</del> more than six (6) dwellings and that such <del>dwelling</del> dwellings with the outbuildings thereof shall cost not less than the sum of Six hundred pounds <del>and also will not dig or remove nor allow to be dug or removed from the such Lot any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.</del> "
	Restrictive Covenant contained in Instrument of Transfer 0896633	Modify the restrictive covenant so it reads "... will not at any time hereafter erect upon the said Lots hereby transferred <del>any building other than a private dwelling with a slate or tile roof and shall not erect more than six (6) dwellings one such dwelling</del> upon either of such Lots and that such <del>dwelling</del> dwellings with the outbuildings thereof shall cost not less than the sum of Six hundred pounds <del>and also will not dig or remove nor allow to be dug or removed from the such Lots any sand except for the purpose of excavating for the foundations of any building to be erected thereon or for use in the erection of such building.</del> "



## 8.2 VCAT WATCH

**Author:** Kristian Cook, Coordinator Urban Planning

**Trim No:** 21/1354987

**Attachments:** 1. VCAT Watch - Attachment - 1 February 2022 [↓](#)

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### EXECUTIVE 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 update on VCAT matters.

### 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 has been nine new appeals lodged and eight new decisions received. Two appeals were resolved via consent and the others all determined at a hearing. All decisions are discussed below.

#### Applications determined by the Tribunal

<b>Address</b>	15-23 Mayfield Street, St Kilda East
<b>Proposal</b>	<p>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 in accordance with the endorsed plans.</p> <p>Proposed amendments: Amend permit conditions to allow minibuses to access the school site from Rockbrook Road, replace existing fence and gates to allow bus access and minor works within the school grounds to facilitate bus movements/parking.</p>
<b>Council decision</b>	Notice of decision to amend the planning permit
<b>VCAT decision</b>	Amend the planning permit

This matter was a review of Council's decision to approve the use of minibuses to transfer children from two other campuses of the School in St Kilda East and Caulfield South.

The purpose of this is to minimise trips between the various campuses by families who have children at the multiple campuses. The mini buses would access the School from Rockbrook Road which was previously not permitted by the planning permit.

A review of Council's decision to approve the amendments was lodged by residents in Rockbrook Road on grounds relating to amenity and safety associated with the mini bus access.

The applicant sought the use of Rockbrook Road in lieu of the Schools primary access which is from Mayfield Street, as it would reduce congestion and improve safety within Mayfield Street.

In determining the amendment, the Tribunal made the following comments:

*The fundamental issue in this case is whether the existing traffic conditions in Mayfield Street are so unsatisfactory that it is not possible to utilise Mayfield Street for the movement of the three minibuses now proposed for Rockbrook Road.*

*Whilst I was in Mayfield Street, a second minibus entered from Hotham Street and attempted to travel east to the front of the school. Not only did it have to crawl past the queued cars on the north side and those parked in the permit zone on the south side, but it had to stop completely as it was unable to pass the vehicles on either side. The driver was forced to get out of the minibus to ask the driver of one of the queued cars to move to allow the bus past. Whilst I accept this may not be a common occurrence, I consider it an unsatisfactory situation. Not only is it potentially unsafe, but it also delays buses arriving at the school frontage.*

*I therefore do not support any suggestion that additional minibuses should be directed to Mayfield Street by entering from the western end at Hotham Street.*

*..., but they nevertheless give support for making efficient use of the road network whilst limiting adverse impacts on residential amenity. I consider that allowing the limited use of Rockbrook Road for 12 minibus movements a day does strike an acceptable balance when looked at in this way.*

On this basis, the Tribunal determine to approve the amendments generally in accordance with the conditions set out in Council's notice of decision, subject to a minor change to wording of one condition.

<b>Address</b>	8 Ardyne Street, Murrumbeena
<b>Proposal</b>	Construction of a three storey apartment building above a basement car park containing up to 10 dwellings
<b>Council decision</b>	Notice of decision to grant a planning permit
<b>VCAT decision</b>	Refusal

This matter was a review by objectors of Council's decision to approve the development, subject to conditions that required increased setbacks to the rear boundary. The applicant was also seeking a review of this condition. The grounds relied on by the objectors related to the intensity of the development being too much for the area, overshadowing impacts, insufficient car parking and increased traffic movements.

In determining the application, the Tribunal was generally supportive of a three storey apartment building development on the subject site, however considered this proposal was seeking too much and needed to be scaled back, further than that imposed by Council's condition requiring increased rear setbacks:

*I find that this proposal is close to being acceptable, but overall, it needs to become marginally smaller with greater rear and south east corner setbacks. Council issued approval for the development subject to a setback of 3 metres to rear boundary. The applicant lodged a review against the condition stating it was not required and also it would likely result in the loss of an apartment. It is my view that the proposed development, to be considered acceptable needs to comply with the front setback provisions of clause 55 as well as setting back from the rear boundary and an increase in the set back from the south east corner. Any further design changes should also further detail how the basement could be reduced in size to permit greater deep soil planting to provide for further greening of the area and rear setback. How the design interfaces the southern boundary is also an area for review.*

On this basis, the Tribunal determined to set aside Council's decision and refuse the application as their issues could not be resolved by permit conditions, as it would be more appropriate for the architect to consider the issues and provide an integrated design response.

<b>Address</b>	13 Villiers Street, Elsternwick
<b>Proposal</b>	Partial demolition and construction of alterations and additions to an existing dwelling on land affected by a Heritage Overlay
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Permit issued

This matter was a review of Council's decision to refuse an application that sought the partial demolition of the rear of the existing dwelling and construction of a two storey addition towards the rear of the site. Council's concerns related to visual dominance of the proposed addition and the detrimental impact it would have on the significance of the existing dwelling and the wider heritage precinct.

Several objectors joined as parties to the appeal in support of Council's decision.

In determining the application, the Tribunal had regard to the relevant heritage considerations of the Glen Eira Planning Scheme, which included clauses 15.03-1S (Heritage), 22.01 (Heritage Policy) and 43.01 (Heritage Overlay). In response to the relevant considerations of each of these provisions, the Tribunal made the following comments:

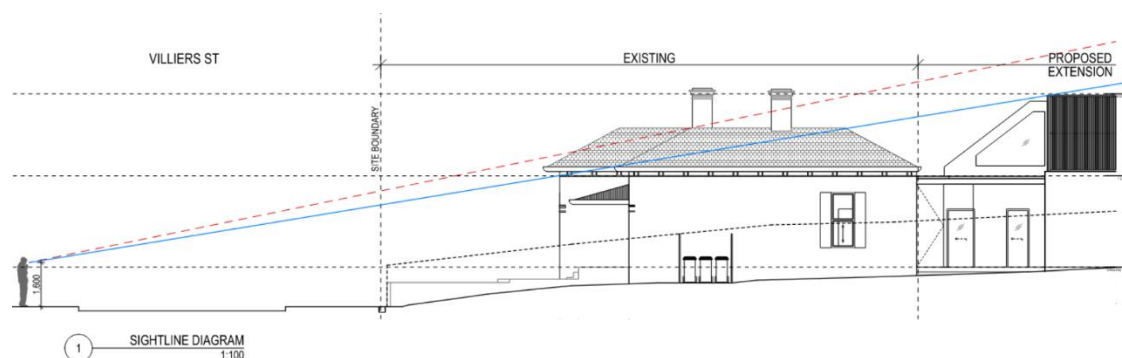
- a While the first performance measure in clause 22.01 'prefers' ground floor extensions over first floor extensions to the rear of contributory buildings, it does not prohibit them. This is logical given the key test under clause 43.01 is to ensure the extension does not dominate or overwhelm the place of significance, not simply that an extension is only one storey.*
- b The proposed rear additions are clearly distinguishable from the original fabric of a heritage building through use of modern form and materials.*

- c *I am satisfied the rear additions are visually recessive and read as a secondary element to the heritage place. The proposed extension sits well back from the primary façade of the retained heritage dwelling so that the primary volume, being the retained heritage façade, roofline and side walls continue to read as the dominant element in the street. There will be some small glimpses of the new form down the side of the retained heritage building but this is not considerably different to the glimpses of other non-contributory elements that are already seen when viewing between dwellings. Existing elements include the rear garage already on the site, glimpses of the rear extension to 15 Villiers Street, and some other rear extensions in the street.*

*The proposed new addition will form a secondary element the same way other glimpses of non-contributory elements already do, due to the overall setback and recession of the proposed form from the retained heritage volume. It be a different style of glimpse, being a more separated, modern form to be glimpsed, but it will remain well recessed and not a glimpse that I find could be deemed to be dominating or overwhelming to the heritage place.*

- d *The existing roofline, chimneys and contributory architectural features that are important components of the building are all preserved or restored.*
- e *The new elements in front of the retained heritage building, or form part of the primary form of the dwelling are a deliberate attempt to reinstate early features known to have existed on the building. This includes the slate roof and likely window forms.*
- f *The ground floor additions to the side boundary are setback a minimum of 1.0 metre from the front façade of the dwelling as sought by the clause 22.01 performance measures. The north edge of the wall to boundary on the east boundary is set back approximately 13.8 metres behind the existing building façade and the north edge of the western boundary wall is set back approximately 17.8 metres from the more exposed western side of the house. On this western side there is already a modern, low form, garage visible from the street. It is clearly subservient to the contributory building to be restored. The new ground floor building on this side will be somewhat more visible, but still be clearly read as a secondary, separate and recessive component to the retained heritage form.*
- g *The alterations and additions preserve the principal view lines to the contributory building when viewed from the street. The principal view lines are of the main façade.*

In addition to the above considerations, the key issue debated at the hearing was the siting of the first floor addition and whether it would be in accordance with the performance criteria of Clause 22.01, which requires additions to be centrally located and within a defined sightline diagram. The Tribunal firstly considered the sight line compliance, noting that the addition would even comply if the sightline was taken from a more conservative point being the eaves and not the top of the roof. This is demonstrated in the following image:



With regards to the addition not being centrally sited. The Tribunal made the following comment:

*I acknowledge the rear extension is not centrally sited behind the existing dwelling, but it is generally massed behind the principal façade and the principal visible roof form. It sits somewhat centrally to the side boundaries of the site. The visibility of the upper floor addition will be minimal from the street.*

On this basis, the Tribunal set aside Council's decision and directed that a planning permit be issued subject to conditions that required minor changes to some of the material finishes that were agreed by the permit applicant.

<b>Address</b>	168 Hawthorn Road, Caulfield North
<b>Proposal</b>	Construction of four, three storey dwellings and alteration of access to a road in a Road Zone
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Permit issued

This matter was a review of Council's decision to refuse the application on grounds relating to the use of the rear laneway for vehicle access not providing convenient or safe access, given the need to traverse approximately 200m of laneway before arriving at the subject site. There were no objectors party to the appeal. It is noted that the proposal was amended through the course of the VCAT review and reduced the number of dwellings from six to four.

At the hearing, the permit applicant called two traffic engineering experts, independent to the application and each other. Both traffic experts supported the vehicle access arrangements, advising that during peak hours, there would only be two additional vehicle movements in the lane, whilst there are informal areas along the lane for vehicles to navigate conflicts with other vehicles in the lane.

On this basis, the Tribunal were satisfied that the use of the laneway for vehicle access for six additional vehicles was acceptable and set aside Council's refusal and directed that a planning permit be issued.

<b>Address</b>	39 Amelia Street, McKinnon
<b>Proposal</b>	Construction of three double storey dwellings on a lot
<b>Council decision</b>	Notice of decision to grant a planning permit
<b>VCAT decision</b>	Permit

This matter was a review against Council's decision to approve the development by an objector on grounds relating to neighbourhood character and amenity impacts associated with visual bulk.

In determining the matter, the Tribunal made the following comments with respect to these key issues:

#### Neighbourhood character

*The Applicants submit that the proposal will present as overpowering and visually dominating to the public realm and to neighbouring properties. In a context where the neighbourhood character predominantly comprises intact period dwellings, the Applicants say the modern design is foreign to the streetscape, makes no attempt to 'fit in' and fails to meet the relevant policy.*

*Having regard to the physical context and the outcomes sought by the Planning Scheme, I find the development achieves a respectful response to neighbourhood character.*

*Although the architecture is contemporary and will result in a distinct built form, I consider this is acceptable in an area where there is mixed built form, including the modern infill referred to in the description of Character Area 13. Appropriately there are features that reference elements in existing development. These consist of red brick walls and the sections of angled roof line. Other elements such as window shapes, lack of eaves and shrouds to some windows are not found in the area but, in my view, are not so prominent as to result in an unacceptable intrusion into a neighbourhood where dwelling styles are not uniform.*

#### Amenity impacts

Regarding impacts to the adjoining dwellings to the south and west, the Tribunal were satisfied that there would be no unreasonable amenity impacts to those dwellings.

The interface to the south is to a driveway and existing walls on boundary, which provided a sufficient visual buffer to the development.

Whilst a more sensitive interface occurred to the west, the ground and first floor setbacks of 4m and 4.5m respectively, ensured there would be no unreasonable visual bulk or overshadowing impacts.

On this basis, the Tribunal determined to vary Council's decision and direct that a permit be issued generally in accordance with the conditions set out in the notice of decision, subject to minor changes to paving, location of storage sheds and water tanks and changes to a boundary fence, as these were agreed to by the permit applicant at the hearing.



<b>Address</b>	125 Tucker Road, Bentleigh
<b>Proposal</b>	Construction of an extension and modifications to the existing building, use of the land for a medical centre, reduction in car parking and display of advertising signs
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Permit

This matter was a review of Council's decision to refuse the application on grounds relating to the visual dominance of car parking within the front setback, inconsistent with that sought by Clause 22.02 (Non-residential uses in residential zones policy). Council otherwise supported the application, but without a reduction to the number people who can provide health services and subsequent reduction of car parking, then conditions could not resolve the treatment of the front setback.

In determining the application, the Tribunal made the following comments on this key issue:

*... the combination of fencing and landscaping will achieve an adequate filtering of the car park that will integrate the proposal with the residential area. The existing timber fence along Lawson Street will be retained. A new metal palisade fence along Tucker Road and part of Lawson Street at 1.55 metres in height on top of a 350mm retaining wall combined with proposed canopy tree and shrub plantings will filter views of the car park.*

*... evidence was that the proposed landscaping will make a greater contribution to landscaping than presently occurs generally in the area. The proposed landscaping includes two medium sized canopy trees and five small sized canopy trees together with shrubs and ground covers that will create a layered effect. There are no trees of significance that are proposed to be removed from the site.*

*I accept the evidence ... and consider the proposed landscaping will assist in respecting the garden character of the neighbourhood.*

On this basis, the Tribunal determined to set aside Council's decision and direct that a planning permit be issued.

#### Applications resolved via consent

For many cases before VCAT, there is an alternative dispute resolution process that occurs before a hearing. This is known as a Compulsory Conference.

The following are details of recent matters that were settled with the consent of all parties at a Compulsory Conference.

<b>Address</b>	467-469 North Road, Ormond
<b>Proposal</b>	The sale and consumption of liquor in association with a Restaurant and reducing the car parking requirement
<b>Council decision</b>	Notice of decision to grant a planning permit
<b>VCAT decision</b>	Permit
<b>Summary of consent position</b>	Further noise limits and mitigation measures that were included as additional permit conditions.

<b>Address</b>	401-407 Centre Road, Bentleigh
<b>Proposal</b>	Use of the land for the sale and consumption of liquor in association with a food and drink premises (bar) with live music and a reduction in car parking requirements
<b>Council decision</b>	Notice of decision to grant a planning permit
<b>VCAT decision</b>	Permit
<b>Summary of consent position</b>	Further noise limits and mitigation measures that were included as additional permit conditions.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications associated with this report.

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

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

**POLICY AND LEGISLATIVE IMPLICATIONS**

There are no policy or legislative implications associated with this report.

**COMMUNICATION AND ENGAGEMENT**

There has been no community engagement for this report.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Strategic Direction 3: A liveable and well planned city

Our planning aims to balance population growth with enhancing the unique character and heritage of our city

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

The report provides an update of the applications before VCAT.

## 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
24 Exhibition Street McKinnon	P11706/2021	Partial demolition and alterations and additions to the dwelling on land affected by a Neighbourhood Character Overlay	s77 (Refusal)	NRZ	Refusal	Officer	22/2/2022
87 Seymour Road Elsternwick	P11860/2021	Construction of 19 dwellings on a lot and reduction of visitor car parking	s79 (Failure)	NRZ1	Not yet determined	Not yet determined	27/5/2022 (4 days)
777 Glen Huntly Road Caulfield	P11725/2021	Permit allows: Construction of a four storey building comprising five dwellings above ground level retail and a reduction in the statutory car parking requirement. Proposed amendments: Addition of another level bringing the building height to five storeys	s77 (Refusal)	C1Z	Refusal	Officer	21/6/2022
18 Anne Street McKinnon	P11816/2021	Construction of two dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	8/7/2022
4 Leonie Avenue Bentleigh East	P11711/2021	Construction of two dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	11/7/2022
4 Shrewsbury Street Bentleigh East	P11846/2021	Construction of 2 double storey dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	1/8/2022
301 Balaclava Road Caulfield North	P11731/2021	Construction of a three storey building above basement comprising five dwellings and alteration of access to a Road Zone Category 1	s82 (NOD)	GRZ2	NOD	Council	11/8/2022
319 Murrumbena Road Murrumbena	P11865/2021	Construction of a first floor addition to the existing garage on a lot less than 300m2	s82 (NOD)	NRZ	NOD	DPF	16/8/2022
8 Castles Road Bentleigh	P11856/2021	Construction of three double storey dwellings on a lot affected by a Special Building Overlay	s82 (NOD)	GRZ1	NOD	Officer	17/8/2022

## 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
483 North Road, Ormond	P1774/2020 & P58/2021	Partial demolition and carrying out of works and display of signage on land in the Commercial 1 Zone and affected by a Heritage Overlay (HO75) and alteration to existing liquor licence for an increase in patron numbers, alteration of hours and increase in red line plan area.	s82 (Objector) & s80 (Conditions)	C1Z	NOD	Council	*
92 Kooyong Road, Caulfield North	P2391/2020	Existing permit allows: Use of the land for accommodation (dwellings) in a Commercial 1 Zone construction of a building or construction or carrying out of works in a Commercial 1 Zone, construction of a building or construction or carrying out of works in a Special Building Overlay. Proposed amendment: Extension to balcony of Unit 302	s82 (Objector)	C1Z	NOD	DPF	*
27 O'Loughlan Street Ormond	P741/2021	Partial demolition, external alterations and construction of a double storey extension to the existing dwelling on land affected by the Heritage Overlay	s82 (Objector)	NRZ1	NOD	Officer	*
61 Balaclava Road, St Kilda East	P688/2021	Existing permit allows: Use and development of the land for the purpose of a child care centre. Proposed amendment: amendment to the wording of condition 19 regarding the use of car parking areas	s82 (Objector)	GRZ2	NOD	Officer	*
6-8 Bevis Street, Bentleigh East	P11139/2021	Construction of a three storey building comprising 19 dwellings and a basement car park and construction of a front fence in excess of 1.5 metres in height	s77 (Refusal)	GRZ1	Refusal	Council	9/2/2022 (3 days)
60 Howitt Road and 2 Kiers	P11094/2021	2 lot subdivision	s80 (Conditions)	NRZ	Permit	Officer	14/2/2022

Court, Caulfield North							
24 Exhibition Street McKinnon	P11706/2021	Partial demolition and alterations and additions to the dwelling on land affected by a Neighbourhood Character Overlay	s77 (Refusal)	NRZ	Refusal	Officer	22/2/2022
76 Murray Road, McKinnon	P11213/2021	Existing permit allows: Construction of two double storey dwelling on a lot affected by the Special Building Overlay. Proposed amendments: Addition of a balcony for Unit's 1 and 2, modifications to the building façade, windows and internal layouts.	s82 (Objector)	GRZ1	NOD	Officer	28/3/2022
10-16 Selwyn Street, Elsternwick	P11383/2021	The partial demolition and removal of a building under Clause 43.0-1 of the Heritage Overlay, The construction of a building or the construction or carrying out works under Clause 43.0-1 of the Heritage Overlay and under Clause 43.02-2 of the Design and Development Overlay, The construction of two or more dwellings on a lot under Clause 32.04-9 of the Mixed Use Zone, The construction and display of a sign under Clause 43.01-1 of the Heritage Overlay and Clause 52.05 of Signs, The use of the land for a supermarket and place of assembly under Clause 32.04-6 of the Mixed Use Zone; and - The use of the land for the sale of packaged liquor under Clause 52.27 of Licensed premises	S77 (Refusal)	MUZ	Refusal	Council	23, 24, 25, 26, 30, 31 May, 1, 2, 6, 7, 8, 9, 14, 15 and 16 June 2022 (15 days)
239 Kooyong Road, Elsternwick	P11549/2021	Construction of three double storey dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	30/5/2022
87 Seymour Road Elsternwick	P11860/2021	Construction of 19 dwellings on a lot and reduction of visitor car parking	s79 (Failure)	NRZ1	Not yet determined	Not yet determined	27/5/2022 (4 days)
777 Glen Huntly Road Caulfield	P11725/2021	Permit allows: Construction of a four storey building comprising five dwellings above ground level retail and a reduction in the statutory car parking requirement. Proposed amendments: Addition of another level bringing the building height to five storeys	s77 (Refusal)	C1Z	Refusal	Officer	21/6/2022
18 Anne Street McKinnon	P11816/2021	Construction of two dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	8/7/2022
4 Leonie Avenue Bentleigh East	P11711/2021	Construction of two dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	11/7/2022
4 Shrewsbury Street Bentleigh East	P11846/2021	Construction of 2 double storey dwellings on a lot	s82 (NOD)	NRZ	NOD	Officer	1/8/2022
301 Balaclava Road Caulfield North	P11731/2021	Construction of a three storey building above basement comprising five dwellings and alteration of access to a Road Zone Category 1	s82 (NOD)	GRZ2	NOD	Council	11/8/2022
319 Murrumbena Road Murrumbena	P11865/2021	Construction of a first floor addition to the existing garage on a lot less than 300m2	s82 (NOD)	NRZ	NOD	DPF	16/8/2022
8 Castles Road Bentleigh	P11856/2021	Construction of three double storey dwellings on a lot affected by a Special Building Overlay	s82 (NOD)	GRZ1	NOD	Officer	17/8/2022

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
15-23 Mayfield Street, St Kilda East	P2038/2020	Use and development of the subject land as an education centre and place of worship and waiver of car parking	s82 (Objector)	NRZ1	NOD	Council	Varied	18/11/2021	Permit amended

8 Ardyne Street, Murrumbena	P542/2021 & P799/2021	Construction of a three storey apartment building above a basement car park containing up to 10 dwellings.	s82 (Objector)	GRZ1	NOD	Council	Set aside	2/12/2021	No permit issued
13 Villiers Street, Elsternwick	P613/2021	Partial demolition and construction of alterations and additions to an existing dwelling on land affected by a Heritage Overlay	s77 (Refusal)	NRZ1	Refusal	Council	Set aside	2/12/2021	Permit
168 Hawthorn Road Caulfield North	P972/2021	Construction of four, three storey dwellings and alteration of access to a road in a Road Zone	s77 (Refusal)	GRZ2	Refusal	Officer	Set aside	9/12/2021	Permit
467-469 North Road, Ormond	P11073/2021	The sale and consumption of liquor in association with a Restaurant and reducing the car parking requirement	s82 (Objector)	C1Z	NOD	Officer	Varied by consent	9/12/2021	Permit
401-407 Centre Road, Bentleigh	P11580/2021	Use of the land for the sale and consumption of liquor in association with a food and drink premises (bar) with live music and a reduction in car parking requirements	s82 (NOD)	C1Z	NOD	Officer	Varied by consent	17/12/2021	Permit
39 Amelia Street, McKinnon	P211/2021	Construction of three double storey dwellings on a lot	s82 (Objector)	NRZ1	NOD	DPF	Varied	20/12/2021	Permit
125 Tucker Road, Bentleigh	P434/2021	Construction of an extension and modifications to the existing building, use of the land for a medical centre, reduction in car parking and display of advertising signs	s77 (Refusal)	NRZ1	Refusal	Officer	Set aside	21/12/2021	Permit

### 8.3 FINANCIAL MANAGEMENT REPORT (31 DECEMBER 2021)

**Author:** Alon Milstein, Financial Accountant

**Trim No:** 22/13659

**Attachments:** 1. December 2021 Financial Mgt Report [↓](#)

#### EXECUTIVE SUMMARY

To report Council's finances in the Financial Management Report for the period ending 31 December 2021.

#### RECOMMENDATION

That Council notes the Financial Management Report for the period ending 31 December 2021 in Attachment 1 to the report.

#### BACKGROUND

The report includes a comparison of year-to-date (YTD) actual income and expenditure with budgeted (YTD and forecast end-of-year to June 2022) and other information for the current financial year. This report also provides a review of the 2021-22 Capital Works Program, Cash Flow, Rate Debtors and VAGO Financial Sustainability Indicators.

#### ISSUES AND DISCUSSION

##### (a) Key Highlights - Current Financial Position

The COVID-19 pandemic continues to provide an uncertain environment.

The forecast result expected for the financial year is a surplus of \$5m compared with the budget of \$11m.

Key highlights for the period ending 31 December 2021 include:

Key Highlights	November 2021 \$ 000's	December 2021 \$ 000's	Movement \$ 000's	Comments
Forecast Surplus / (Deficit)	4,896	5,012	116	Funding of \$575k received from the Department of Jobs, Precincts and Regions for the COVID Safe Outdoor Activation Fund. The \$575k will be fully offset by expenses to fund the activity areas. An increase of \$2.5m to the written down value of assets disposed relating to the demolition of buildings as part of the 2021-2022 Capital Works Program. Refer to the Financial Management Report for details.
Forecast Cash Holdings	78,028	78,175	147	Forecast cash holdings have increased as a result of additional inflows.
Forecast Liquidity	118.55%	118.51%	-0.04%	Forecast liquidity has decreased slightly due to a decrease in current assets. The liquidity ratio remains above 1.
Forecast Capital Works	82,480	62,480	(20,000)	Movement due to approx \$20m in anticipated carry forwards.



**(b) Pandemic Impact**

The COVID-19 pandemic continues to have far reaching economic implications for businesses and individuals across Glen Eira and Australia more generally. The 2021-22 operating result and capital works budgets have been impacted by COVID-19 due to lockdowns, and business areas such as our Libraries and Learning Centres and Glen Eira Leisure - all experiencing forced closures due to Chief Health Officer Directives.

Council continues to monitor the financial and non-financial impacts due to the significant amount of uncertainty caused by the pandemic.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Not applicable.

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

The key financial objectives for Council are:

- Manage finances appropriately within the constraints set by the Rate Cap.
- Renew and upgrade our ageing assets and community facilities.
- Maintain essential services at not less than current levels.
- Mitigate risks to our community and local economy arising from the impact of the pandemic of COVID-19 and to support the community's recovery.
- Set fee increases that are manageable and sustainable.
- Invest in continuous improvement, technology and other enablers to efficiency and enhanced customer outcomes.
- Keep day-to-day costs manageable and rates per assessment low, relative to our peers.

**POLICY AND LEGISLATIVE IMPLICATIONS**

*Local Government Act 2020*

- Division 2 — Budget Process
- Part 4 — Planning and Financial Management — Section 97.

*Local Government (Planning and Reporting) Regulations 2020*

- Part 3 — Budget.

**COMMUNICATION AND ENGAGEMENT**

Council officers in preparing the Financial Management Report, consider other plans and strategies regarding services and initiatives which commit financial and non-financial resources for the current financial year.

**LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services  
We build trust through engaging with our community, delivering quality services and making evidence-based decisions.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

COVID-19 continues to adversely impact Council's financial position.

ATTACHMENT 1:

Financial Management Report for the period ending 31 December 2021

1. Contents

Executive Summary .....2

Income Statement.....5

Balance Sheet .....7

Capital Works Program .....8

Performance Graphs..... 12

Financial Strategy ..... 16

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Executive Summary*****for the period ending 31 December 2021*****a) Current Month Budget Result**

At the end of December, the year-to-date performance against budget from ordinary activities showed lower than anticipated income of \$4.82m and a favourable variance in operating expenditure of \$6.78m.

**b) Current Month Forecast Result**

The forecast result expected for the financial year is a surplus of \$5.01m. This compares unfavourably against the original adopted 2021-22 *Budget* surplus of \$11.05m.

The current monthly forecast movement from ordinary activities shows a decrease in operating revenue of \$560k and a decrease in operating expenditure of \$553k.

**c) COVID-19 Financial Impact 2021-22**

COVID-19 was declared a global pandemic on the 11 March 2020 and a State of Emergency was declared in Victoria on 16 March 2020. Subsequently, a State of Disaster was declared in Victoria on 2 August 2020. During 2021-22, Victoria experienced further lockdowns. The COVID-19 pandemic continues to have far reaching economic implications for businesses and individuals across Glen Eira and Australia more generally.

**d) Open Space**

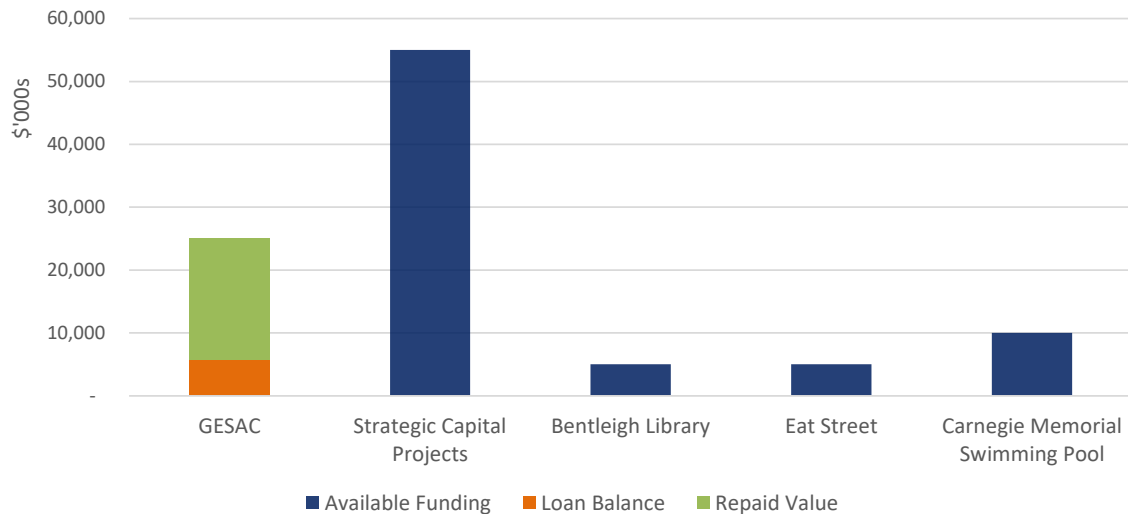
All multi-unit developers pay a uniform 5.7 per cent of the value of the land (or give Council 5.7 per cent of the area of the land). All money raised by the levy will go into more and better open space.

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 31 December 2021 is as follows:

Description	2021-22 Current Month Actual	2021-22 Year to Date
Open Space Contributions Received	\$159,600	\$2,247,795
Open Space Capital Expenditure	(\$0)	(\$0)
<b>Net Movement</b>	<b>\$159,600</b>	<b>\$2,247,795</b>
<b>Opening Balance as at 1 July 2021</b>		<b>\$26,259,954</b>
<b>Closing Balance Open Space Reserve</b>		<b>\$28,507,749</b>

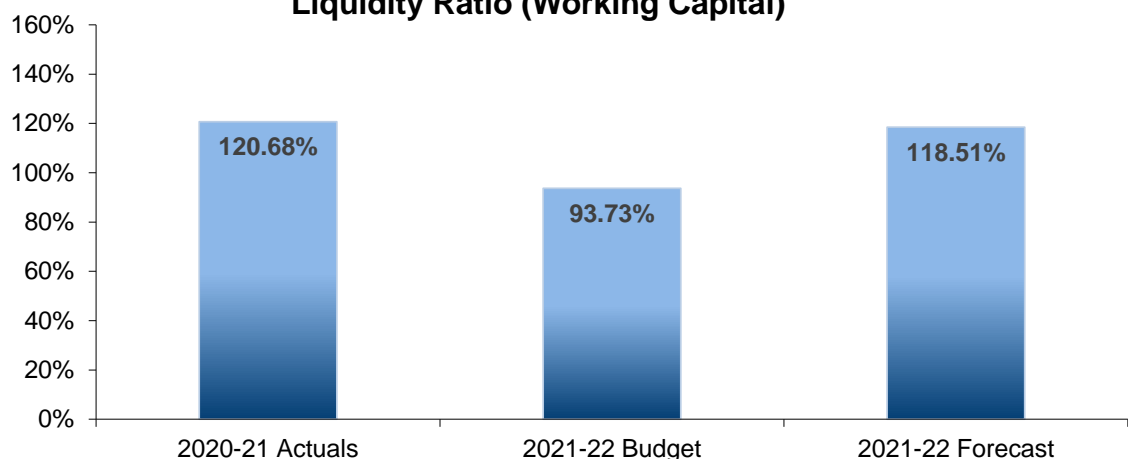
## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**e) Loan borrowings**

Over the past 12 months Council has entered into a commercial agreement to borrow funds for its strategic capital program, from which no drawdowns have been made. Council has also been able to secure low interest loan agreements with Treasury Corporation Victoria (TCV) and interest rate discounts from State Government for three capital projects – Bentleigh Eat Street Precinct, Bentleigh Library and Carnegie Memorial Swimming Pool. No drawdowns have been made for the TCV loans.

Council has one existing loan which was used to fund the build of our GESAC facility in 2012 and due for full repayment in 2023.

**f) Liquidity****Liquidity Ratio (Working Capital)**

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.

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

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*.

### g) Superannuation – Defined Benefits Scheme

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

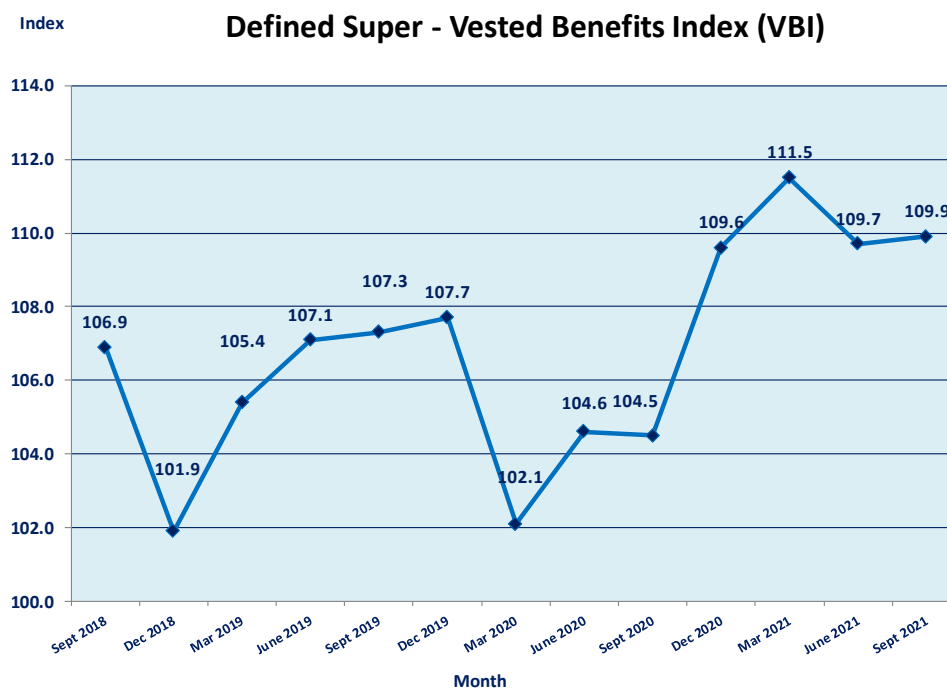
Defined benefit plans are required by law to have an actuarial investigation at least once every three years. Vision Super monitors the vested benefit position of the defined benefits plan on a quarterly basis.

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. 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.

Below is the estimated VBI updated to 30 September 2021.



## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Income Statement**

This Statement outlines our income sources for the reporting period under headings such as general rates and garbage charges, and the day-to-day expenses incurred to run Council. These expenses do not include capital expenditure, but they do include depreciation and amortisation of assets. Expenses include labour costs, materials and supplies, and utility and insurance costs.

The bottom line is the result for the reporting period. This figure equals total income minus total expenses, which indicates whether we've operated at a surplus or a deficit (a figure inside brackets is a deficit).

Positive variance movements relate to an increase in revenue and a decrease in expenditure. Negative figures (in brackets), relate to a decrease in revenue or an increase in expenditure.

**Forecast adjustments for November 2021 and December 2021****a) Grants (Operating & Capital)**

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 November reflects unbudgeted grant funding for the following:

- **COVID Safe Outdoor Activation Fund (\$575k)**

Funding from the *Department of Jobs, Precincts and Regions* for outdoor eating and entertainment. The funding will assist eligible Victorian councils to support businesses to operate in outdoor settings in a COVID Safe manner. This will assist business viability and will support ongoing community safety and confidence as part of the roadmap to reopening.

The \$575k will be fully offset by expenses to fund the activity areas.

**b) Written Down Value of Assets Sold/Disposed**

The written down value of \$2.5m relates to the demolition of buildings as part of the 2021-22 Capital Works Program. This includes removal of a building to create new open space at Aileen Avenue Park and disposal of the Bentleigh Youth Centre – this service will move into the upgraded Bentleigh Library once complete.



## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

## Income Statement

*for the period ending 31 December 2021*

	2021-22 Year to Date Actual	2021-22 Year to Date Budget	2021-22 Year to Date Variance	2021-22 Year to Date Variance	2021-22 Last Month Forecast	2021-22 Current Month Forecast	2021-22 Current Month Forecast Movement \$ 000's	2021-22 Annual Budget	2021-22 Budget Forecast Variance	2021-22 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's		\$ 000's	\$ 000's	(%)
<b>Income from Ordinary Activities</b>										
General Rates	101,690	101,858	(168)	(0.2%)	100,856	100,855	(1)	100,858	(3)	(0.0%)
Supplementary Rates	334	300	34	0.0%	1,009	1,009	-	1,000	9	0.9%
Waste & Recycling Charges	22,883	22,692	191	0.8%	22,888	22,894	6	22,705	189	0.8%
Grants (Operating & Capital)	18,798	18,243	555	3.0%	31,663	31,661	(3)	32,037	(377)	(1.2%)
Interest Received	75	220	(145)	(66.0%)	401	367	(34)	500	(133)	(26.7%)
User Fees	6,205	11,115	(4,909)	(44.2%)	18,392	17,995	(396)	23,468	(5,473)	(23.3%)
Statutory Fees & Fines	3,637	4,410	(772)	(17.5%)	7,787	7,625	(162)	9,020	(1,395)	(15.5%)
Contributions (Monetary)	2,248	1,725	523	30.3%	3,489	3,501	11	3,450	51	1.5%
Other Income	576	703	(127)	(18.1%)	1,890	1,908	18	2,018	(110)	(5.4%)
<b>Total Income from Ordinary Activities</b>	<b>156,446</b>	<b>161,265</b>	<b>(4,820)</b>	<b>(2.99%)</b>	<b>188,375</b>	<b>187,815</b>	<b>(560)</b>	<b>195,057</b>	<b>(7,242)</b>	<b>(3.7%)</b>
<b>Expenses from Ordinary Activities</b>										
Employee Costs	41,715	45,321	3,606	8.0%	84,494	84,359	135	87,446	3,086	3.5%
Materials & Consumables	2,086	2,651	565	21.3%	4,830	4,756	74	5,278	522	9.9%
Contractor Payments	20,505	21,116	611	2.9%	42,424	42,271	153	41,359	(912)	(2.2%)
Maintenance	2,699	3,958	1,259	31.8%	7,766	7,641	125	7,916	275	3.5%
Utility Services	1,728	2,589	862	33.3%	4,711	4,622	89	5,178	557	10.7%
Insurances	1,294	1,279	(15)	(1.2%)	1,420	1,373	47	1,420	47	3.3%
Other Expenses	3,570	3,284	(286)	(8.7%)	6,519	6,622	(103)	6,524	(98)	(1.5%)
Grants & Subsidies	757	807	50	6.1%	1,359	1,329	30	1,370	41	3.0%
Borrowing Costs	120	252	132	52.5%	389	388	2	499	111	22.3%
<b>Total Expenses from Ordinary Activities</b>	<b>74,474</b>	<b>81,257</b>	<b>6,783</b>	<b>8.3%</b>	<b>153,913</b>	<b>153,360</b>	<b>553</b>	<b>156,991</b>	<b>3,631</b>	<b>2.3%</b>
<b>Surplus/(deficit) before non operational activities</b>	<b>81,972</b>	<b>80,008</b>	<b>1,963</b>	<b>2.5%</b>	<b>34,462</b>	<b>34,455</b>	<b>(8)</b>	<b>38,066</b>	<b>(3,611)</b>	<b>(9.5%)</b>
<b>Non-operational Activities</b>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	316	230	86	37.5%	504	561	57	460	101	22.0%
Written Down Value of Assets Sold/Disposed *	2,602	201	(2,401)	0.0%	4,260	4,218	42	1,708	(2,510)	(146.9%)
Depreciation & Amortisation	12,721	12,874	154	1.2%	25,810	25,786	24	25,766	(20)	(0.1%)
<b>Surplus/(deficit) for the period</b>	<b>66,966</b>	<b>67,163</b>	<b>(198)</b>	<b>(0.3%)</b>	<b>4,896</b>	<b>5,012</b>	<b>116</b>	<b>11,052</b>	<b>(6,040)</b>	<b>(54.7%)</b>

\* relates to the written down value of assets that are being demolished and upgraded.

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Balance Sheet****for the period ending 31 December 2021**

This Statement is a snapshot of our financial position. It outlines what we own (assets) and what we owe (liabilities). Our net worth (net assets or equity) equals total assets minus total liabilities — the larger the net equity, the stronger the financial position.

	Actuals 2020-21	Annual Budget 2021-22	Annual Forecast 2021-22	Year to Date Actual 2021-22	Previous Month's Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
<b>Assets</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	64,236	60,503	78,175	61,315	67,581
Trade and Other Receivables	19,225	11,490	12,354	86,642	97,119
Other Assets	1,970	1,313	1,970	902	810
<b>Total Current Assets</b>	<b>85,431</b>	<b>73,306</b>	<b>92,499</b>	<b>148,858</b>	<b>165,511</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	2,499,881	2,452,501	2,532,918	2,520,296	2,516,864
Right-of-use-assets	3,405	2,060	2,060	3,405	3,405
Intangible Assets	2,822	2,629	2,822	2,355	2,433
Investments in Joint Operations	146	604	146	146	146
Other Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>2,506,259</b>	<b>2,457,799</b>	<b>2,537,951</b>	<b>2,526,207</b>	<b>2,522,853</b>
<b>TOTAL ASSETS</b>	<b>2,591,690</b>	<b>2,531,105</b>	<b>2,630,450</b>	<b>2,675,066</b>	<b>2,688,364</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	14,434	18,668	9,450	10,178	8,895
Trust Funds and Deposits	30,195	37,405	45,495	40,302	43,914
Unearned Income	4,515	-	-	-	-
Provisions	16,658	15,687	16,658	16,733	17,008
Interest-Bearing Liabilities	3,806	5,743	5,743	3,296	3,858
Lease Liabilities	1,181	708	708	1,181	1,181
<b>Total Current Liabilities</b>	<b>70,789</b>	<b>78,211</b>	<b>78,054</b>	<b>71,689</b>	<b>74,855</b>
<b>Non-Current Liabilities</b>					
Provisions	1,398	1,337	1,398	1,354	1,354
Interest-Bearing Liabilities	3,811	31,105	31,105	2,423	2,200
Lease Liabilities	2,452	1,641	1,641	2,452	2,452
Other Liabilities - Joint Operations	4,176	2,403	4,176	4,176	4,176
<b>Total Non-Current Liabilities</b>	<b>11,837</b>	<b>36,486</b>	<b>38,320</b>	<b>10,406</b>	<b>10,183</b>
<b>Total Liabilities</b>	<b>82,626</b>	<b>114,697</b>	<b>116,374</b>	<b>82,096</b>	<b>85,038</b>
<b>Net Assets</b>	<b>2,509,064</b>	<b>2,416,407</b>	<b>2,514,076</b>	<b>2,592,970</b>	<b>2,603,326</b>
<b>Equity</b>					
Accumulated Surplus	966,051	984,081	971,063	1,030,767	1,041,282
Asset Revaluation Reserve	1,516,753	1,411,297	1,516,753	1,533,696	1,533,696
Public Open Space Reserve	26,260	21,029	26,260	28,508	28,348
<b>Total Equity</b>	<b>2,509,064</b>	<b>2,416,407</b>	<b>2,514,076</b>	<b>2,592,970</b>	<b>2,603,326</b>

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Capital Works Program*****for the period ending 31 December 2021***

This represents our portfolio of capital projects that have been adopted and formally approved by Council in June as part of the 2021-22 budget process. These projects involve the planning and construction of new assets, renewal, upgrade and expansions for existing infrastructure, plant and equipment and property assets. Included in the program are strategic projects, roadworks, footpaths and drainage, upgrades of open space and recreational areas and community facilities.

Positive variance movements relate to savings in capital expenditure. Negative figures (in brackets), relate to an increase to the current year's budget allocation.

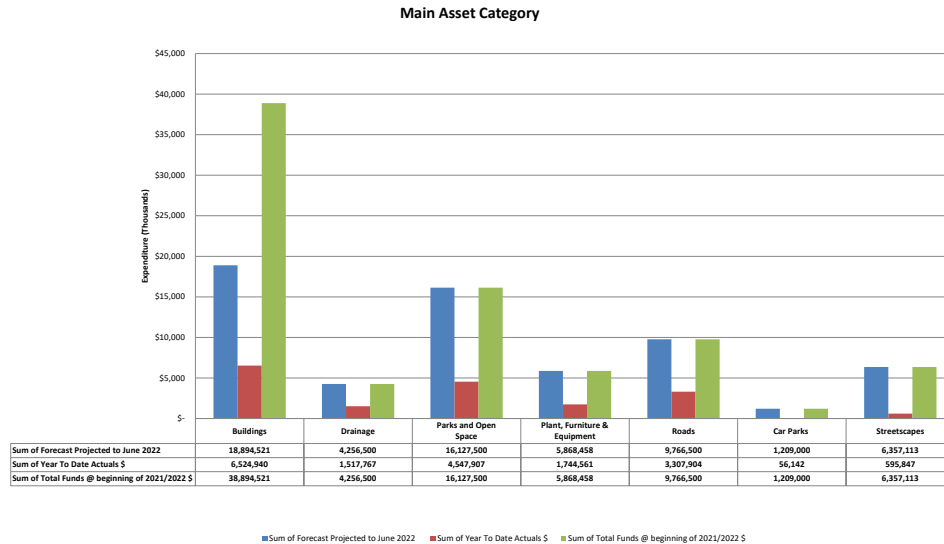
As at the end of December 2021, total capital works expenditure forecast for 2021-22 is expected to be \$62.48m, represented by:

- New capital works projects as per the adopted 2021-22 Budget \$60.76m
- External Funding sources \$11.88m
- Carry forward projects from 2020-21 \$9.83m
- Estimated Carry forward projects from 2021-22 \$20m.

No forecast adjustments for the month of December 2021.

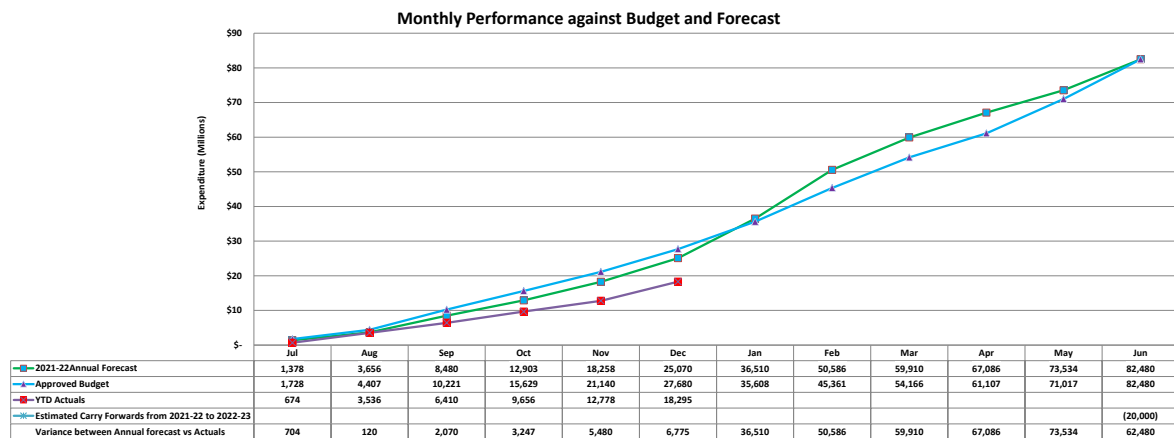
***Capital Works Performance Graphs***

The below graphs reflect the 2021-22 budget allocations for the main asset category and performance against budget and forecast.



## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022



Council's capital expenditure is behind forecast by \$6.78m mainly due to: Eat Street \$2.03m, Murrumbidgee Community Hub \$1.81m, Lord Reserve Pavilion \$1.06M, Lord Reserve and Koornang Park Masterplan-Multipurpose sports facility construction \$463k, Rosanna Street Reserve - Playground and landscape enhancement works \$367k, Bentleigh Library \$254k, Aileen Avenue \$240k, Harleston Park - Landscaping and Irrigation Works \$216k and Irrigation Upgrade Garden Beds \$120k. Council anticipates carry forward projects from 2021-22 to 2022-23 of approximately \$20m.

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Capital Works Program Expenditure**  
*for period ending 31 December 2021*

Description	2021-22 Carry Forwards from 2020-21	2021-22 Grant Funding	2021-22 Adopted Capital Budget	2021-22 Budget Plus Carry Forwards	2021-22 Year To Date Actual Expenditure	2021-22 Year To Date Forecast	2021-22 Year To Date Variance	2021-22 Forecast Projected to June 2022	2021-22 Forecast Adjustments
(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>STRATEGIC PROJECTS</b>									
Cycling Action Plan Implementation	-	-	220,000	220,000	8,640	40,000	31,360	220,000	-
Elsternwick South – Local Area Traffic Management	-	-	50,000	50,000	-	10,000	10,000	50,000	-
Activity Centre Streetscape works	-	-	30,000	30,000	-	20,000	20,000	30,000	-
Eat Street [Bentleigh Structure Plan]	2,650,000	325,000	2,212,113	5,187,113	472,000	2,500,000	2,028,000	5,187,113	-
Multideck Car Park - Bentleigh	-	454,500	-	454,500	47,324	95,000	47,676	454,500	-
Multideck Car Park - Elsternwick	-	454,500	-	454,500	6,724	95,000	88,276	454,500	-
Selwyn Street Cultural Precinct [Elsternwick Structure Plan]	280,000	-	350,000	630,000	77,005	280,000	202,995	630,000	-
Safe Cycling Corridor Pilot (Integrated Transport Strategy)	95,000	-	100,000	195,000	29,600	40,000	10,400	195,000	-
<b>TOTAL STRATEGIC PROJECTS</b>	<b>3,025,000</b>	<b>1,234,000</b>	<b>2,962,113</b>	<b>7,221,113</b>	<b>641,293</b>	<b>3,080,000</b>	<b>2,438,707</b>	<b>7,221,113</b>	<b>-</b>
<b>TRANSFORMATION &amp; TECHNOLOGY</b>									
Fit for future intranet ,Transformation Program (phase 2),Website Continuous Improvement, Customer Strategy	82,000	-	402,750	484,750	217,751	289,250	71,499	547,750	63,000
Information Governance Framework & Integration Platform Project	111,900	-	535,000	646,900	176,105	317,500	141,395	583,900	(63,000)
Aged Care Technology Solution	150,000	-	390,000	540,000	24,945	-	(24,945)	540,000	-
<b>TOTAL TRANSFORMATION &amp; TECHNOLOGY</b>	<b>343,900</b>	<b>-</b>	<b>1,327,750</b>	<b>1,671,650</b>	<b>418,801</b>	<b>606,750</b>	<b>187,949</b>	<b>1,671,650</b>	<b>-</b>
<b>RECREATION AND OPENSACE</b>									
Caulfield Park Multi Sports Facility Construction	-	550,000	160,000	710,000	30,558	18,450	(12,108)	710,000	-
Playground Upgrades - Rosanna, Packer and Princes Parks	-	1,560,000	450,000	2,010,000	349,401	710,000	360,599	2,010,000	-
Caulfield Park Master Plan Implementation - Landscape Detailed Design-New Deck near lake, Living garden & shelter, design of main entrances	-	750,000	40,000	790,000	114,292	-	(114,292)	790,000	-
Open Space Strategy Implementation	-	-	7,000,000	7,000,000	2,721,538	774,350	(1,947,188)	7,000,000	-
Spring Road Reserve Upgrade (Stage One)	-	-	260,000	260,000	-	-	-	260,000	-
Lord Reserve and Koornang Park Masterplan-Multi purpose sports facility construction	-	311,641	368,359	680,000	46,952	510,000	463,048	680,000	-
Hopetoun Gardens Masterplan Implementation-Replacing the band stand with the new shelter and associated landscape works	-	180,000	40,000	220,000	63,370	20,000	(43,370)	220,000	-
New open space - Aileen Avenue	344,000	650,000	(60,000)	934,000	559,759	800,000	240,241	934,000	-
Urban Forest Strategy Implementation - Tree Planting	-	-	200,000	200,000	54,061	55,000	939	200,000	-
Mackie Road Reserve - Demolishen of the properties and Masterplan Design	-	-	100,000	100,000	66,214	70,000	3,786	100,000	-
Murrumbena Park Implementation of Masterplan-Implementation of Erindale Street entrance	-	-	185,000	185,000	8,877	10,000	1,123	185,000	-
Minor Recreation Projects	-	1,315,000	340,000	1,655,000	237,626	377,000	139,374	1,655,000	-
Duncan McKinnon Fitness facility	275,000	-	-	275,000	137,235	150,000	12,765	275,000	-
Park Shelter	-	-	150,000	150,000	-	80,000	80,000	150,000	-
Narrow Nature Strip Tree Planting Program	-	-	300,000	300,000	3,912	25,000	21,088	300,000	-
New Sportsground Lighting - Caulfield Park Oval 2	11,000	-	-	11,000	5,410	6,000	590	11,000	-
New Sportsground Lighting - Caulfield Park Oval 2	-	119,000	181,000	300,000	-	-	-	300,000	-
<b>TOTAL RECREATION AND OPENSACE</b>	<b>630,000</b>	<b>5,435,641</b>	<b>9,714,359</b>	<b>15,780,000</b>	<b>4,399,204</b>	<b>3,605,800</b>	<b>(793,404)</b>	<b>15,780,000</b>	<b>-</b>
<b>COMMUNITY FACILITIES</b>									
Future Spaces Project	-	-	1,000,000	1,000,000	66,978	275,000	208,023	1,000,000	-
Moorleigh Community Village Improvements	-	-	260,000	260,000	6,340	-	(6,340)	260,000	-
Mackie Road Reserve Pavilion DDA works	40,000	-	-	40,000	26,512	40,000	13,488	40,000	-
Murrumbena Community Hub	661,000	3,200,000	3,870,762	7,731,762	2,363,705	4,173,221	1,809,516	7,731,762	-
Lord Reserve Pavilion	1,600,000	-	1,625,000	3,225,000	1,084,568	2,150,000	1,065,432	3,225,000	-
Security Upgrades at Council's three Early Learning Centres	-	-	27,000	27,000	21,447	27,000	5,553	27,000	-
Bentleigh Library Improvement and Integration [Bentleigh Structure Plan]	1,527,000	-	4,200,000	5,727,000	1,674,304	1,928,481	254,177	5,727,000	-
Duncan Mackinnon Pavilion – Conversion of the netball spectator area to office and storage space	-	250,000	-	250,000	39,662	250,000	210,338	250,000	-
Carnegie Memorial Swimming Pool	1,038,000	-	17,640,759	18,678,759	658,636	629,136	(29,500)	18,678,759	-
<b>TOTAL COMMUNITY FACILITIES</b>	<b>4,866,000</b>	<b>3,450,000</b>	<b>28,623,521</b>	<b>36,939,521</b>	<b>5,942,152</b>	<b>9,472,838</b>	<b>3,530,686</b>	<b>36,939,521</b>	<b>-</b>

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

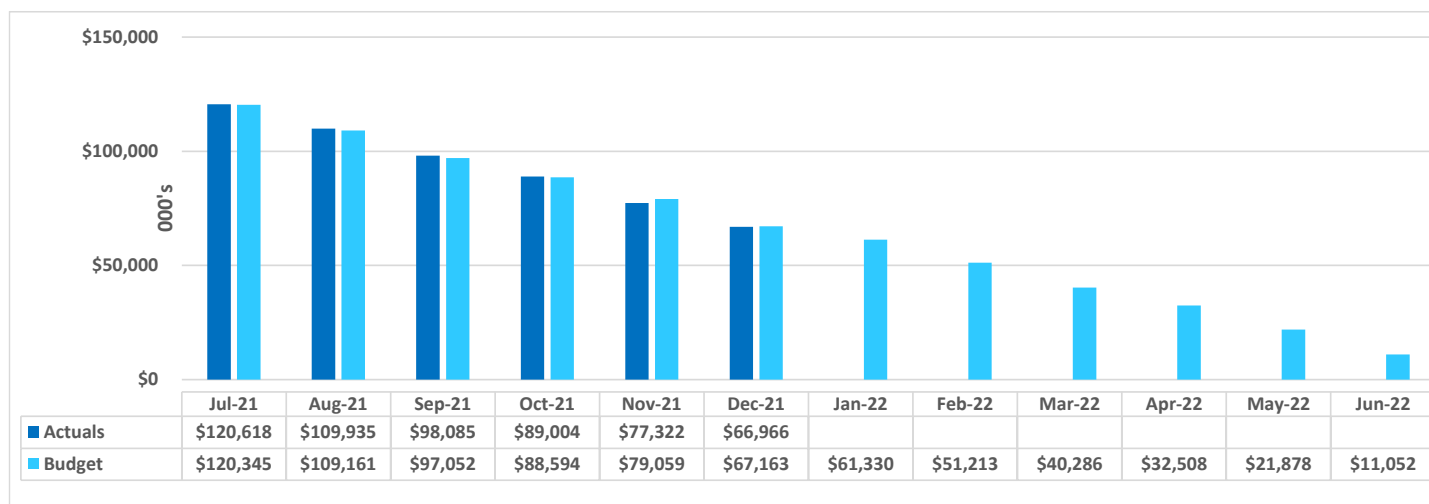
<b>Capital Works Program Expenditure</b> <i>for period ending 31 December 2021 (continued)</i>									
Description	2021-22 Carry Forwards from 2020-21	2021-22 Grant Funding	2021-22 Adopted Capital Budget	2021-22 Budget Plus Carry Forwards	2021-22 Year To Date Actual Expenditure	2021-22 Year To Date Forecast	2021-22 Year To Date Variance	2021-22 Forecast Projected to June 2022	2021-22 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>SUSTAINABILITY</b>									
Sustainability initiatives - Energy Efficiency Projects	-	-	260,000	260,000	167,708	260,000	92,292	260,000	-
Sustainability initiatives - Solar Projects	-	-	70,000	70,000	32,115	-	(32,115)	70,000	-
GESAC - Energy Efficiency Upgrade	-	-	350,000	350,000	22,909	16,000	(6,909)	350,000	-
<b>TOTAL SUSTAINABILITY</b>	-	-	<b>680,000</b>	<b>680,000</b>	<b>222,732</b>	<b>276,000</b>	<b>53,268</b>	<b>680,000</b>	-
<b>COMMUNITY SAFETY</b>									
Installation of bench seats within long residential streets	-	-	20,000	20,000	8,603	20,000	11,398	20,000	-
Traffic & Transport	112,500	150,000	335,000	597,500	278,813	227,000	(51,813)	597,500	-
<b>TOTAL COMMUNITY SAFETY</b>	<b>112,500</b>	<b>150,000</b>	<b>355,000</b>	<b>617,500</b>	<b>287,416</b>	<b>247,000</b>	<b>(40,416)</b>	<b>617,500</b>	-
<b>RENEWALS</b>									
Furniture and Equipment	-	-	50,000	50,000	10,005	-	(10,005)	50,000	-
Information Services - Infrastructure and Hardware Renewals	33,000	-	865,000	898,000	229,240	432,000	202,760	898,000	-
Fleet and Plant	20,000	-	1,350,000	1,370,000	229,734	695,000	465,266	1,370,000	-
Mechanical, Hydraulics and Fire detection upgrades and renewals	-	-	115,000	115,000	79,173	115,000	35,827	115,000	-
Flooring Renewal	-	-	30,000	30,000	43,190	30,000	(13,190)	30,000	-
Roof Renewal	-	-	100,000	100,000	85,985	100,000	14,015	100,000	-
Poath Road Murrumbidgee Streetscape Project	-	-	75,000	75,000	-	-	-	75,000	-
Improve footpaths in the 'Great Walk Streets'	-	700,000	-	700,000	684,725	600,000	(84,725)	700,000	-
Senior Citizen Centres Digital Equipment	-	-	36,000	36,000	-	36,000	36,000	36,000	-
Purchase of library collections	-	66,772	1,133,228	1,200,000	540,209	540,155	(54)	1,200,000	-
Footpath Program - New	-	-	255,000	255,000	-	-	-	255,000	-
Footpath Program - Renewal & Upgrade	-	-	1,850,000	1,850,000	1,145,986	924,000	(221,986)	1,850,000	-
Kerb and Channel Replacement Program	-	-	200,000	200,000	78,576	99,000	20,424	200,000	-
Road Reconstruction Program	-	-	2,936,612	2,936,612	148,095	788,612	640,517	2,936,612	-
Drainage Renewal and Flood Mitigation Program	756,500	-	3,500,000	4,256,500	1,517,767	1,146,500	(371,267)	4,256,500	-
Local Road Resurfacing Program	-	-	1,530,000	1,530,000	941,321	750,000	(191,321)	1,530,000	-
Local Area Traffic Management Renewal Program	-	-	220,000	220,000	30,387	42,000	11,613	220,000	-
Car Park Renewal Program	-	-	300,000	300,000	2,095	30,000	27,905	300,000	-
Road Reconstruction Program- Roads to Recovery	-	847,388	-	847,388	-	100,000	100,000	847,388	-
Local Area Traffic Management Renewal Program	-	-	105,000	105,000	-	105,000	105,000	105,000	-
Car Park Renewal Program	-	-	30,000	30,000	-	15,000	15,000	30,000	-
Park Furniture and Infrastructure Program	-	-	135,000	135,000	24,034	42,000	17,966	135,000	-
Glen Eira Leisure Renewals	-	-	594,808	594,808	255,557	180,000	(75,557)	594,808	-
Parks Services program	-	-	663,000	663,000	145,563	432,000	286,437	663,000	-
Fixtures and Fittings renewal	-	-	220,000	220,000	96,100	-	(96,100)	220,000	-
Residential Aged Care Services - Furniture and Equipment	48,000	-	100,000	148,000	70,680	50,000	(20,680)	148,000	-
ILU Refurbishments	-	-	100,000	100,000	36,389	40,000	3,611	100,000	-
Right-Of-Ways	-	-	580,000	580,000	-	45,000	45,000	580,000	-
Perimeter / Sportsground Fencing Renewal	-	-	8,000	8,000	-	8,000	8,000	8,000	-
Replacement of Shade Sails	-	-	16,500	16,500	-	8,250	8,250	16,500	-
Glenhantly MCH	-	-	-	-	(11,339)	-	11,339	-	-
<b>TOTAL RENEWALS</b>	<b>857,500</b>	<b>1,614,160</b>	<b>17,098,148</b>	<b>19,569,808</b>	<b>6,383,473</b>	<b>7,353,517</b>	<b>970,044</b>	<b>19,569,808</b>	-
<b>TOTAL CAPITAL WORKS EXPENDITURE (Exc. Carry Forward Projects)</b>	<b>9,834,900</b>	<b>11,883,801</b>	<b>60,760,891</b>	<b>82,479,592</b>	<b>18,295,070</b>	<b>24,641,905</b>	<b>6,346,835</b>	<b>82,479,592</b>	-
Estimated Carry Forwards from 2021-22 to 2022-23								(20,000,000)	
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>9,834,900</b>	<b>11,883,801</b>	<b>60,760,891</b>	<b>82,479,592</b>	<b>18,295,070</b>	<b>24,641,905</b>	<b>6,346,835</b>	<b>62,479,592</b>	

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

## Performance Graphs

**Financial Performance**  
**for the period ending 31 December 2021**



The December 2021 year to date financial performance was \$198k lower than the year-to-date budget mainly due to:

- Better than anticipated income received for Grants \$555k and Contributions (Monetary) \$523k. This is offset by a decrease in User Fees of \$4.91m, Statutory Fees and Fines \$772k, Interest Received \$145k and Other Income \$127k.
- Favourable variances in expenditure items including: Employee Costs \$3.61m, Maintenance \$1.26m, Utility Services \$862k, Contractor Payments \$611k and Materials and Consumables \$565k. These are offset by an increase in Written Down Value of Assets Sold/Disposed \$2.4m, Other Expenses \$286k and Borrowing Costs \$132k.

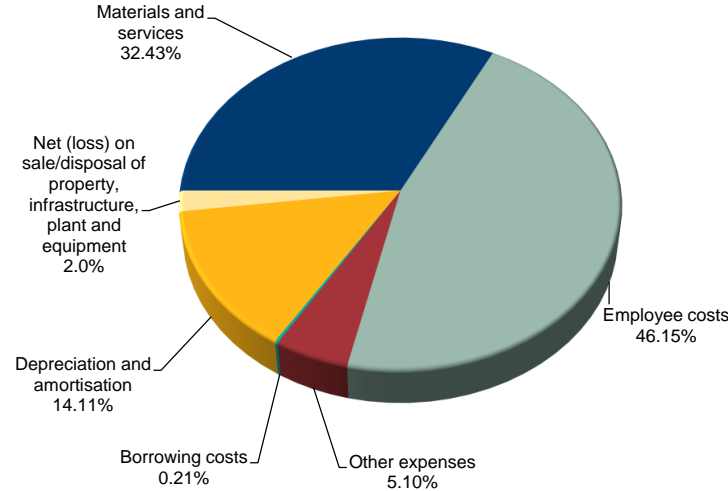


ORDINARY COUNCIL MEETING

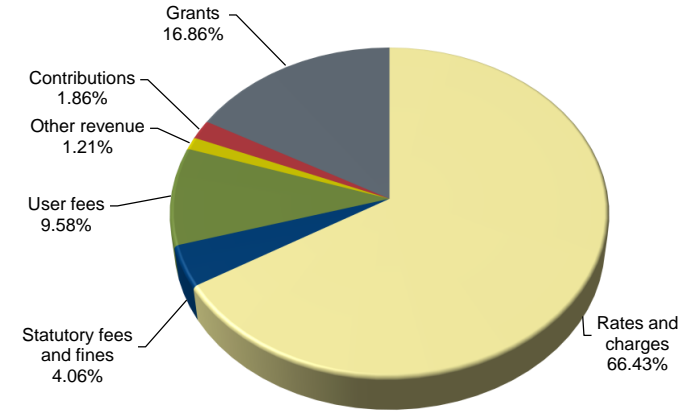
1 FEBRUARY 2022

**Financial Performance**  
*for the period ending 31 December 2021*

**2021-22 Forecast categories of expenditure**



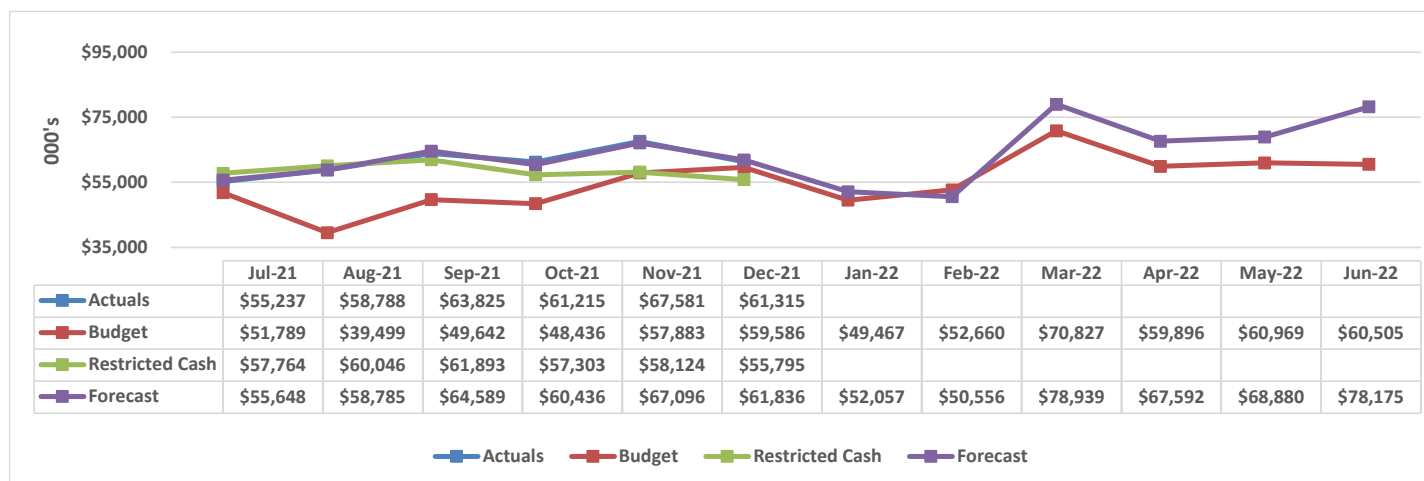
**2021-22 Forecast sources of income**



## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Cash and Investments**  
**for the period ending 31 December 2021**



- **Cash Balance** – Council's year to date cash balance of \$61.32m is above budget for the current month. Council's forecast position to June 2022 of \$78.18m has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.
- **Restricted Cash** – Council has cash assets that are subject to restrictions. Restricted funds as at 31 December 2021 include: residential aged care deposits of \$20.01m, trust funds and deposits of \$7.03m (including asset protection permits), open space reserve of \$28.51m and fire services property levy of \$246k.
- **Return on Investments** – Council has achieved an average return on investments of 0.22% for the month of December 2021. We anticipate this to decline further as the 'At Call' rate has been 0.10% since November 2020 and the average term deposit / bank bills returns are at significantly low rates.

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**Rates Income and Debtors**  
**for the period ending 31 December 2021**

**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 2021-22 was set at forecast CPI of 1.5% (2% for 2020-21).

**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 31 December 2021.

Rate Debtors	2021-2022 Year to date
	\$'000
Arrears Brought Forward	12,596
2021-22 Rates & Garbage Generated	124,551
2021-22 Fire Services Property Levy	14,982
<b>Total Rates &amp; Charges</b>	<b>152,128</b>
<b>Payments/Adjustments:</b>	
Glen Eira Pension Rebate	(151)
State Government Rebate	(1,624)
Fire Services Property Levy Rebate	(329)
Receipts	(74,822)
Interest	-
Supplementary Valuations	375
Adjustments	37
<b>Total Payments/Adjustments</b>	<b>(76,515)</b>
<b>Rates &amp; Charges Balance at Month End</b>	<b>75,613</b>

## ORDINARY COUNCIL MEETING

1 FEBRUARY 2022

**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 2020-21 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 18 provides indicators for Glen Eira City Council.

**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

1 FEBRUARY 2022

***Financial Strategy (continued)******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

1 FEBRUARY 2022

**Financial Strategy (continued)****Monthly Report Relative to Financial Strategy**

Financial Sustainability Risk Indicators	Objective	Audited 2020-2021 Actuals	Audited Risk 2020-2021	2021-2022 Annual Budget as at 30 June 2022	2021-2022 Annual Forecast as at 30 June 2022	2021-2022 Risk based on Annual Forecast as at 30 June 2022	Comment
(1) Net Result	To generate surpluses consistently greater than 0%.	0.29%	Low	5.67%	2.67%	Low	Council is generating positive surpluses.
(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 to be more than 5%.	-2.91%	High	-0.45%	-3.90%	High	Council anticipates a low underlying result during 2021-22 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.	1.21	Low	0.94	1.19	Low	Council's forecast to 30 June 2022 indicates a Liquidity Ratio above 1.0.
(4) Internal Financing	Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%.	43%	High	60%	55%	High	Council is restricted in generating cash to fund new assets due to the impact of COVID-19.
(5) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	8.56%	Low	22.87%	25.10%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(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.	1.34	Medium	3.31	2.42	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.	0.89	Medium	2.23	1.42	Low	Council spends sufficient funds on its asset base.

#### 8.4 GLEN EIRA HERITAGE REVIEW C204 (ELSTERNWICK, BENTLEIGH AND CARNEGIE) – PANEL REPORT

**Author:** Jacqui Brasher, Principal Strategic Planner

**Trim No:** 21/1334096

**Attachments:**

1. C204glen\_Combined Exhibited Maps [↓](#)
2. Glen Eira C204glenCombined Statements of Significance Exhibited [↓](#)
3. C204glen Submissions Summary and Panel Recommendations Table [↓](#)
4. Glen Eira C204glen Panel Report [↓](#)
5. Statement of Significance - Elsternwick Commercial & Public Precinct (track changes) [↓](#)

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#### EXECUTIVE SUMMARY

Council adopted the *Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019* on 17 December 2019 and the *Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018* on 18 December 2018.

Planning Scheme Amendment C204 was authorised and exhibited in June/July 2021. The amendment and all submissions were subsequently referred to an independent panel for consideration in November 2021.

The Planning Panel Report was released in December 2021 and concluded that the amendment is well founded and strategically justified. The Panel has recommended adoption of this amendment, subject to limited changes discussed within this report.

Council officers recommend that Amendment C204 is adopted generally in accordance with the recommendations of the Independent Panel with the exception of the removal of 6 Downshire Road, 22 Grafton Street and 19 Hopetoun Street from the amendment.

#### RECOMMENDATION

That Council:

1. notes the recommendations of the Independent Panel in relation to Planning Scheme Amendment C204;
2. adopts revised changes in accordance with the Panel's Recommendations to the *Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report* as noted in this report;
3. adopts Planning Scheme Amendment C204 in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited but amended as follows:
  - 3a. amendments in accordance with the recommendations of the Independent Panel:  
*Amend the HO180 (Elsternwick Public and Commercial Precinct) Statement of Significance to:*
    - a) designate 459 and 461 Glenhuntly Road and 2B Staniland Grove, Elsternwick as non-contributory properties
    - b) remove 2 Staniland Grove from the list of contributory properties and the address list at the beginning of the statement.

*Further recommendation:*



*The Panel informally recommends that Council revise heritage citations in the Glen Eira Review of the Elsternwick Structure Plan Area 2019 Stage 2 Report to reflect changes in this Report.*

3b. Remove 6 Downshire Road (HO201), 22 Grafton Street (HO202) and 19 Hopetoun Street (HO203) from the amendment as Council does not agree with retaining these properties within the Heritage Overlay on an individual basis given these properties were deemed only 'contributory' within a wider proposed precinct. Council will review these properties and the surrounding wider precincts upon completion of the Elsternwick Structure Plan.

3c. Subsequent amendments to the Explanatory Report, Clause 22.01 and schedule to Clause 72.08 (Background documents) are required to reflect the adoption date of the *Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report* (revised 1 February 2022).

4. authorises the Manager City Futures to undertake all changes to the amendment documentation in accordance with Council's resolution and to make any administrative changes required where changes do not affect the purpose or intent of the adopted amendment;
5. submits the adopted Planning Scheme Amendment C204 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and
6. advises all submitters to the Amendment of Council's determination in relation to Amendment C204.

## BACKGROUND

The amendment seeks to implement some of the recommendations of the *Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report* by applying the Heritage Overlay to two proposed heritage precincts and twelve proposed individual heritage places in Elsternwick. The Amendment also proposes to include the proposed Glenhuntly Tram Terminus Estate Shops Heritage Precinct on Koornang Rd in Carnegie (HO159), amend the existing overlay (HO72) in Elsternwick by removing non-contributory properties and removes two properties from the overlay in Bentleigh (HO69), a car park and a small industrial site. In total, 59 new properties are proposed to be added to the Heritage Overlay as part of this amendment.

On 16 October 2018, Council adopted the *Glen Eira Planning Scheme Review 2018*. This report includes a future work program of heritage projects including reviews of the Elsternwick, Bentleigh and Carnegie Structure Plan Areas.

Strategic Direction 03 of the *Glen Eira Council Plan 2021-2025: 'A liveable and well planned city'* includes a strategic priority to *actively progress our planning priorities to manage growth and maintain the character and heritage of our City*.

Council has achieved the requirements of both the *Glen Eira Planning Scheme Review 2018* and the relevant Strategic Direction in the *Glen Eira Council Plan 2021-2025* by completing the Elsternwick, Bentleigh and Carnegie heritage reviews and publicly exhibiting this planning scheme amendment.

RBA Architects and Conservation Consultants were appointed to undertake both the *Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019* and the *Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018*, which form background documents for this amendment. The significance of the precincts and individual places was assessed against the standard criteria contained in *Practice Note 01 Applying the Heritage Overlay (August 2018)* and are considered to meet the requirements and threshold for local protection through the Heritage Overlay.

#### Pre-Exhibition history of Amendment C204

When the *Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019* report was adopted by Council on 17 December 2019, Council requested the Minister for Planning to authorise an amendment which included all proposed places and precincts noted within the consultant report. On 6 October 2020, Council received a conditional authorisation from the Minister which allowed the commencement of some parts of the proposed amendment (including all Elsternwick places and precincts within this amendment put before Council) but refused the commencement of other precincts within the Consultant Report, giving the following reasoning:

*At this stage it is not considered appropriate to apply the Heritage Overlay more extensively in Elsternwick given that council has yet to seek authorisation for a planning scheme amendment to implement the Elsternwick Structure Plan. Doing so could, by default, lead to heritage controls becoming the primary driver for development outcomes within the Elsternwick Activity Centre. Wider application of the Heritage Overlay in Elsternwick needs to be considered in the context of implementation of the Elsternwick Structure Plan. Council may consider seeking further heritage controls in conjunction with a future request for authorisation to prepare and exhibit permanent controls to implement the Structure Plan.*

For this reason, there are other proposed heritage precincts within Elsternwick that are currently not part of this amendment and are not protected. The future of these remaining precincts will need to be revisited by Council during the review of both the Housing Strategy and Elsternwick Structure Plan processes.

In addition to the Minister's decision to not include a number of precincts in this amendment, the Minister authorised the inclusion of three additional single properties for individual heritage protection (these properties were originally included as 'contributory' properties within much larger precincts). These include 19 Hopetoun Street, 6 Downshire Road and 22 Grafton Street. The reason for inclusion of the three sites was due to the perceived threat of total or partial demolition. The idea was to protect them until such time as Council could implement heritage controls over the wider precincts.

On 16 March 2021, Council resolved to extend the scope of Amendment C204 to include HO159 (Glenhuntly Tram Terminus Estate Shops) within the Heritage Overlay and to delete 99 Brewer Road and the rear car park of 284-296 Centre Road, Bentleigh from existing Heritage Overlay HO69.

On 11 May 2021, Council received authorisation to prepare and exhibit the current amendment.

Interim Heritage Overlays currently apply to all sites proposed for be included in the Heritage Overlay through this amendment.

The Exhibited Heritage Overlay Maps are provided at **Attachment 1**. Exhibited Statements of Significance are provided at **Attachment 2**. A copy of all exhibited documents is provided on both the Department of Environment, Land, Water and Planning (DELWP) and Council's websites.

The Amendment was exhibited from 10 June to 12 July 2021. Exhibition involved:

- 803 owners and occupiers received letters advising of the proposed amendment together with referral authorities, prescribed ministers, the National Trust and the Glen Eira Historical Society
- 1 notice in *The Age*
- 1 notice in the *Government Gazette*
- Amendment documentation on Council's website.

#### Submissions received

Council received 14 submissions including seven objections, five supporting submissions and two submissions stating no objection to the amendment. A Summary of Submissions Table, which also includes relevant comments from the Independent Panel is provided at **Attachment 3**. Receipt of only seven objections from 800+ affected parties is considered to be a great result and indicates general acceptance of heritage controls.

Key issues raised in objecting submissions include:

- Citation has not established the place meets the threshold for local heritage significance (13 Seymour Road);
- Inconsistencies in the description within the citation and limited comparative analysis;
- The Heritage Overlay will restrict development potential;
- Economic impacts on individual owners and onerous planning requirements;
- Object to the removal of non-contributory properties within Elsternwick;
- Suggested change to the Statement of Significance for HO159 - Glenhuntly Tram Terminus Estate Shops.

#### Minor changes required to Amendment documentation

A small number of errors in the amendment documentation were noted in the 31 August 2021 Council report to be brought to the Panel's attention and rectified at the adoption stage of the amendment process. These include:

- HO179 Beemery Park Estate Precinct – ensure mapping and written information within the Citation reflects the Statement of Significance by removing the following properties from the Citation: 40, 44 and 55 Seymour Road;
- HO180 Elsternwick Commercial and Public Precinct – amend the citation and Statement of Significance to rate 459 and 461 Glenhuntly Road and 2B Staniland Grove as non-contributory properties, rate 2A Staniland Grove as a contributory property and remove 2 Staniland Grove.
- Update the Explanatory Report to reflect the above changes for HO180.

#### Council decision to proceed to Panel

At the 31 August 2021 Council meeting, Council resolved to note the submissions received and the minor changes required to the amendment. Council also resolved to request the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period in accordance with section 23 of the *Planning and Environment Act 1987*.

#### Panel Hearing

An Independent Planning Panel, comprising one member – Mr Con Tsotsoros, convened an online Panel Hearing on 9 November 2021.

Council was represented by Adeline Lane of Jackson Lane Legal who advocated for Council's position in relation to the amendment. Ms Lane called Anthony Hemingway of RBA Architects and Conservation Consultants as an expert witness.

Three submitters made presentations to the Panel at the Hearing.

The Panel Report was received on 10 December 2021 and is found at **Attachment 4**. The Panel Report was made available to the public on 20 December 2021 by placing a copy on Council's website and notifying all submitters by email.

#### Panel Report and Recommendations

In relation to strategic justification of the amendment the Panel stated:

*The Heritage Review has applied a sound methodology consistent with Planning Practice Note 1 and is based on well researched assessments to reach its findings. The Amendment:*

- *is supported by, and implements, the relevant sections of the Planning Policy Framework*
- *is consistent with the relevant Ministerial Directions and Practice Notes*
- *is well founded and strategically justified*
- *should proceed subject to addressing the more specific issues set out in this report.*

The Panel concluded that *Planning Scheme Amendment C204 should be adopted as exhibited subject to the following:*

1. *Amend the HO180 (Elsternwick Public and Commercial Precinct) Statement of Significance to:*
  - c) *designate 459 and 461 Glenhuntly Road and 2B Staniland Grove, Elsternwick as non-contributory properties*
  - d) *remove 2 Staniland Grove from the list of contributory properties and the address list at the beginning of the statement.*

*Further recommendation:*

*The Panel informally recommends that Council revise heritage citations in the Glen Eira Review of the Elsternwick Structure Plan Area 2019 Stage 2 Report to reflect changes in this Report.*

#### **ISSUES AND DISCUSSION**

This Panel report, together with other recent panel reports for heritage amendments in Glen Eira (Murrumbeena Village, Carnegie and Bentleigh Structure Plan Area, Field Street Bentleigh/McKinnon and Post War and Hidden Gems) indicate that Council's heritage consultants are consistently selecting places and precincts that can be strategically justified for inclusion in the Heritage Overlay.

With regard to this particular amendment, the Panel did not recommend the removal of any places or precincts.

#### Panel comments in relation to the conditional authorisation granted by DELWP

As noted above, DELWP provided a conditional authorisation to commence this amendment and allowed Council to prepare and exhibit the amendment with a reduced number of precincts. The Panel made the following comments in relation to this situation:

*The Panel is curious why the authorisation condition excluded properties subject to the Elsternwick Structure Plan area until the Elsternwick Structure Plan process (is completed). This is inconsistent with:*

- *DELWP's Planning Practice Note 1 criteria for assessing heritage significance and applying the Heritage Overlay*
- *Planning Practice Notes 58 and 60 which envisage heritage in an activity centre – applying the Heritage Overlay ahead of the structure planning would enable a more informed and transparent process*
- *Long held views by Planning Panels and councils that urban consolidation and development opportunities are not relevant when considering whether the Heritage Overlay should be applied.*
- *Outcomes in Melbourne's Central City and activity centres where significant development and ongoing structure planning have occurred on land within the Heritage Overlay.*

*The Heritage Overlay specifies permit triggers to enable Council to assess the impact of future development. Unlike the Design and Development Overlay, it does not include restrictive building heights, setbacks and other built form restrictions. It is unclear how applying the Heritage Overlay ahead of structure planning could result in "heritage controls becoming the primary driver for development outcomes with the Elsternwick Activity Centre".*

*The PE Act and planning schemes seek to balance conflicting objectives in favour of net community benefit and require an assessment of the Amendment's social and economic effects on the community. Other than bushfire provisions, the Victorian Planning Provisions do not prioritise certain policy objectives over another. Applying the Heritage Overlay to the Elsternwick Activity Centre would have ensured that identified heritage is considered within the suite of existing provisions and policy relevant to the centre.*

*Like the Bushfire Management and Flood Overlays, the Heritage Overlay is recommended for properties that have been comprehensively researched through a multi-phase forensic methodology. The Heritage Overlay:*

- *should not be 'traded off' during the planning scheme amendment stage against other policy objectives*
- *should be applied if it is supported through comprehensive research and evidence and found to achieve local heritage significance.*

*Competing policy objectives may be more relevant during the planning permit application process when a development proposal can be assessed against the full suite of policy objectives, including heritage.*

*The Amendment was exhibited without the Elsternwick South and Elsternwick North Precincts, therefore for procedural reasons, they cannot be considered through the Amendment. This has not affected the integrity of Council's approach and process for the properties remaining in the Amendment.*

Officers do not recommend pursuing authorisation for the remaining precincts as it is unlikely that the DELWP decision will be reversed due to the comments of the Panel.

### General

The Panel noted the Heritage Overlay enables an owner to maintain their property without the need for a planning permit and to apply for a planning permit to alter the property.

*Development opportunity, building alterations, maintenance, building condition, property value and private financial implications are not relevant when assessing heritage significance or when deciding to apply the Heritage Overlay. Some of these matters may be relevant during the planning permit process.*

### Heritage Precincts

#### *Glenhuntly Tram Terminus Estate Shops Precinct (HO159)*

The Panel did not agree with the submitter that the six chimneys at 231-251 Koornang Road, Carnegie were significant enough to be specifically identified as significant elements within the Statement of Significance, therefore no change to this Statement has been made.

#### *Beemery Park Precinct (HO179)*

The Panel concluded that the Beemery Park Precinct was sufficiently intact and cohesive to apply the Heritage Overlay. The Panel agreed with Council's proposed revisions to the Citation for this precinct to reflect the removal of 40, 44 and 55 Seymour Road from the precinct prior to authorisation.

The citation for this precinct is proposed to be revised and will form part of the amended background document.

#### *Elsternwick Commercial and Public Precinct (HO180)*

The Panel found Council's approach to applying the Heritage Overlay to this precinct, in particular with the proposed separation of HO72 into separate residential and commercial precincts and the subsequent removal of non-contributory sites (mostly car parks) from the edge of the new commercial precinct, to be justified. The Panel also agreed with the designation of 7 Selwyn Street as non-contributory and the revisions to contributory ratings of a limited number of properties within this precinct.

The HO180 Statement of Significance with tracked changes indicating these revisions is found at **Attachment 5**.

Changes to the relevant citation in accordance with the Panel's recommendations will be included in the amended background document.

### Individual Places

The Panel found the properties at 21-23 Nepean Highway, 38 Prahran Grove and 13 Seymour Road all had sufficient heritage significance to justify application of the Heritage Overlay. In relation to 13 Seymour Road (HO193) the Panel recommended the citation be revised to remove 23 Seymour Road as a comparable property. This change will be made to the amended background document.

The Panel noted the unusual circumstances under which 6 Downshire Road, 22 Grafton Street and 19 Hopetoun Street have been proposed for individual heritage control. DELWP singled these sites out for inclusion in the Heritage Overlay because they were considered to be under 'development pressure' (threat of whole or partial demolition). They originally formed part of much larger precincts.

The panel recommended that the Heritage Overlay should be applied to these three places until the Elsternwick North and Elsternwick South proposed heritage precincts are introduced into the Planning Scheme or a decision is made to the contrary.

However, officers consider the time delay between this current amendment and any future heritage amendment to include relevant wider precincts within the Heritage Overlay is ultimately unfair to the owners of these three properties, particularly given these sites were not considered to be individually significant. The future of the proposed Elsternwick South and Elsternwick North precincts will need to be considered by Council taking into account the Elsternwick Structure Plan and Glen Eira Housing Strategy.

This is likely to take up to two years. For this reason, officers propose to remove 6 Downshire Road (HO201), 22 Grafton Street (HO202) and 19 Hopetoun Street (HO203)

from the amendment. These sites will be included in any future assessment of wider precincts in Elsternwick.

#### Changes to Amendment documentation

In addition to removing HO201, HO202 and HO203, the following changes are required to the amendment documentation in accordance with the Panel recommendations:

1. A revised Consultant Report including the minor changes required for the heritage citations for Beemery Park Precinct (HO179), Elsternwick Commercial and Public Precinct (HO180) and 13 Seymour Road (HO193), which are all noted above.
2. An amended Statement of Significance for Elsternwick Commercial and Public Precinct (HO180) (refer **Attachment 5**).
3. The Explanatory Report be amended to reflect the minor address corrections discussed above.
4. The Explanatory Report, Clause 22.01 and Schedule to Clause 72.08 be amended to reflect the revised consultant document adoption date (revised 1 February 2022).

#### Uncontested elements of the Amendment

The Panel provides very limited discussion in relation to the eight uncontested places of individual significance within the Panel Report, however discussion regarding the strategic justification of the entire project was positive. The Panel agreed with the proposed removal of non-contributory places from HO72 (Elsternwick Estate and Environs) and HO69 (Bentleigh).

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Heritage protection does not prevent improvements to buildings to make them more sustainable and climate resilient though planning permission may be required for external alterations and additions in a Heritage Overlay.

More specifically, the following items do not require planning permission if they are not visible from the street:

- Electric vehicle charging station
- Rainwater tank
- Solar energy system

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

Costs associated with undertaking the amendment include those for exhibition, panel representation and Department of Environment, Land, Water and Planning fees. The amendment costs are being covered by the City Futures operational budget.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Planning and Environment Act 1987* requires Councils to use their planning scheme to implement the objectives of planning in Victorian, including:

*To conserve and enhance buildings, areas and other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value (Section 4(1)(d) Planning and Environment Act 1987).*

The approach outlined in this report accords with the requirements of the *Planning and Environment Act 1987*.



**COMMUNICATION AND ENGAGEMENT**

The amendment underwent an extensive public consultation process. Pre-amendment consultation was carried out for this project including sending letters to all affected owners. During the amendment process, all owners and occupiers of affected properties received a letter by mail together with prescribed ministers and referral authorities. A notice was placed in *The Age* and the *Government Gazette*. Relevant documentation was placed on Council's website.

**LINK TO COUNCIL PLAN**

Strategic Direction 3: A liveable and well planned city

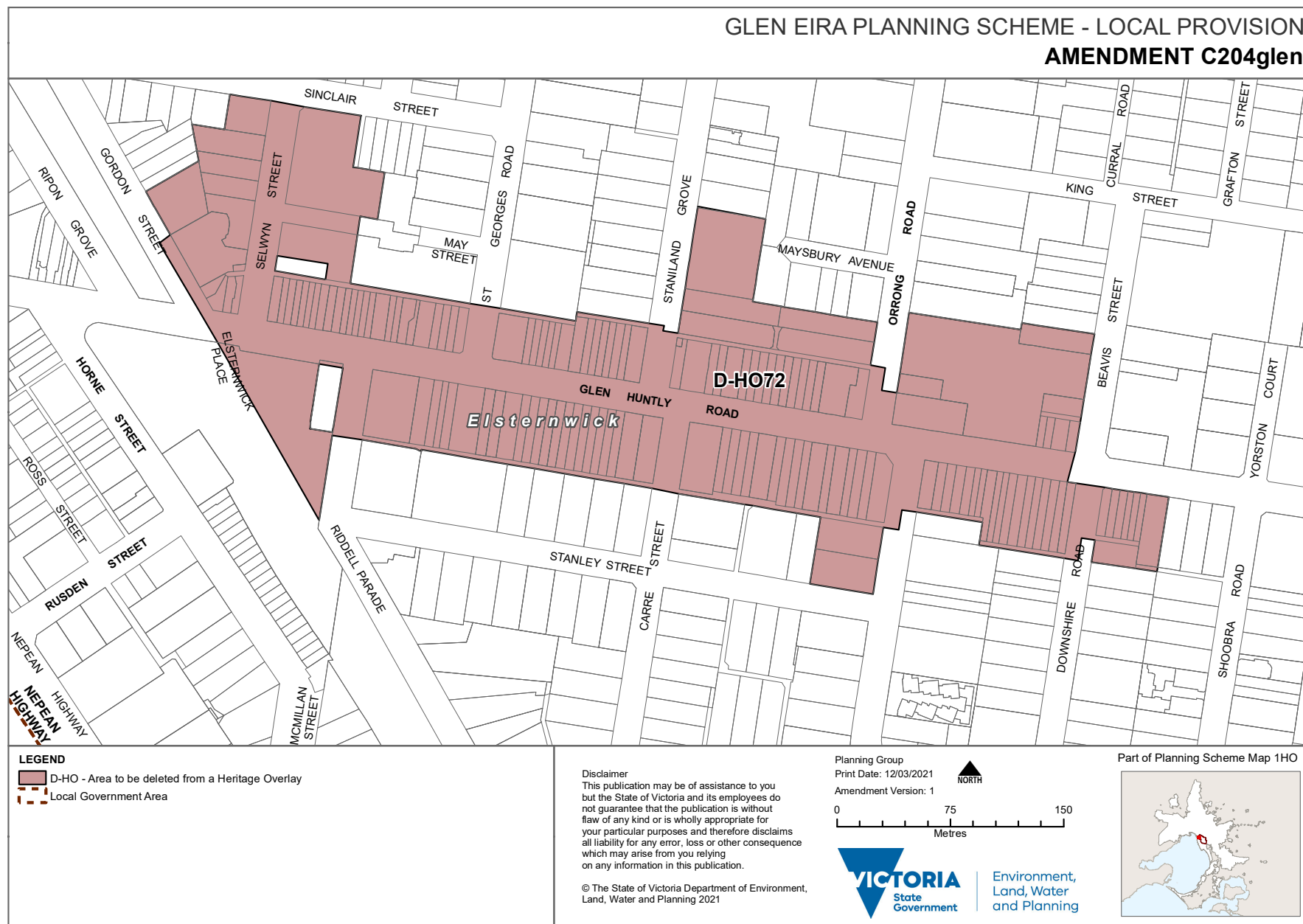
Our planning aims to balance population growth with enhancing the unique character and heritage of our city

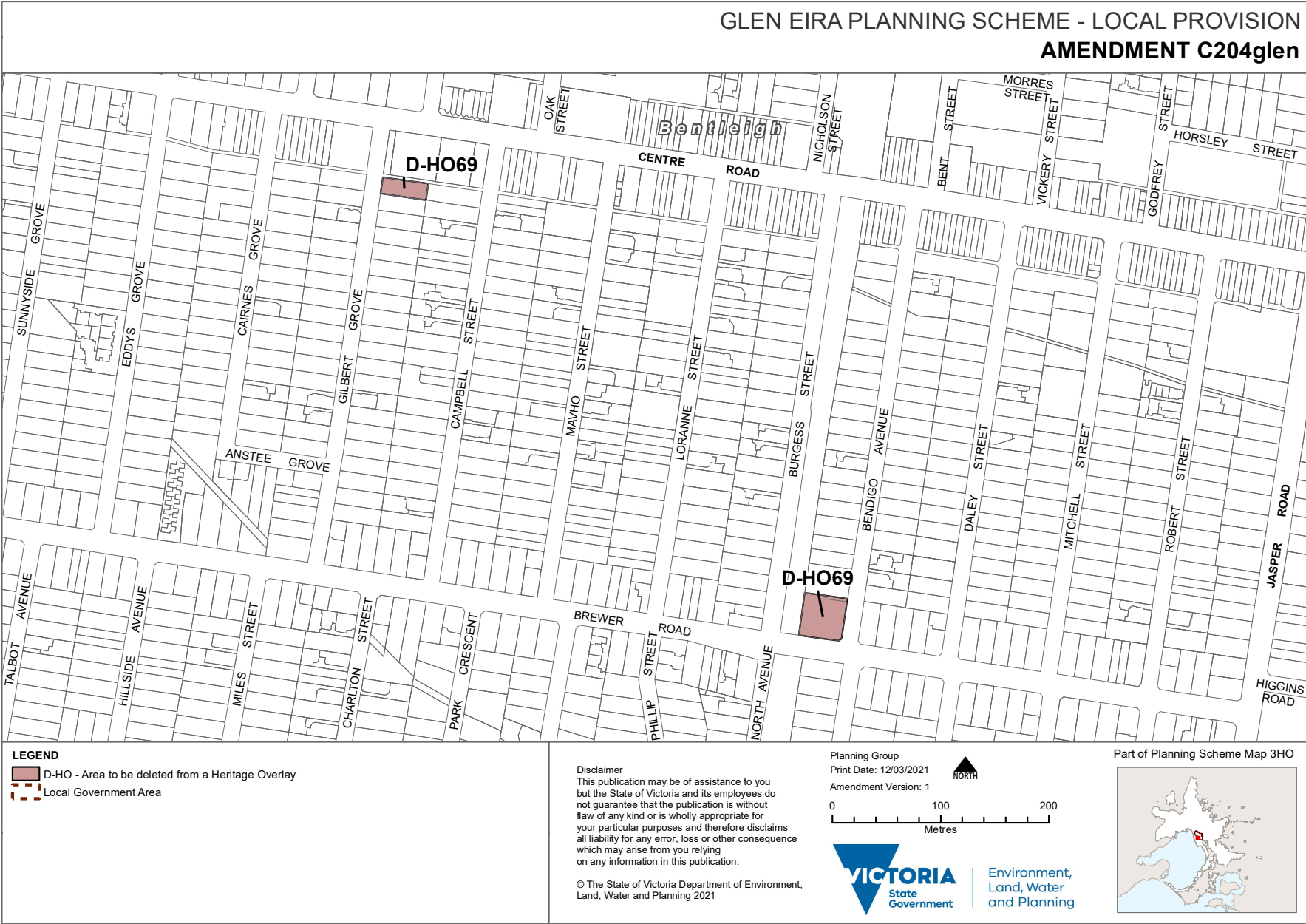
**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

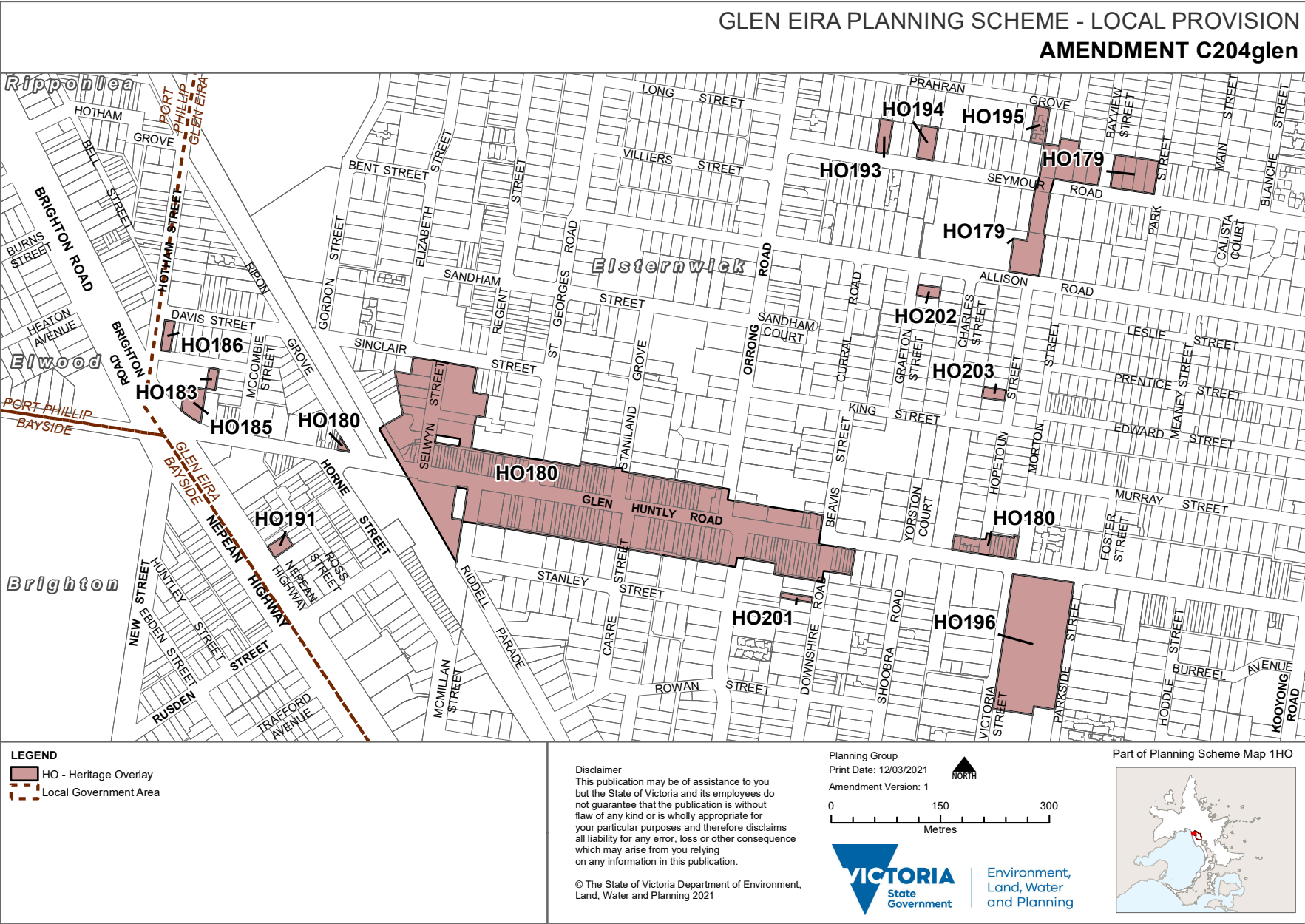
**CONCLUSION**

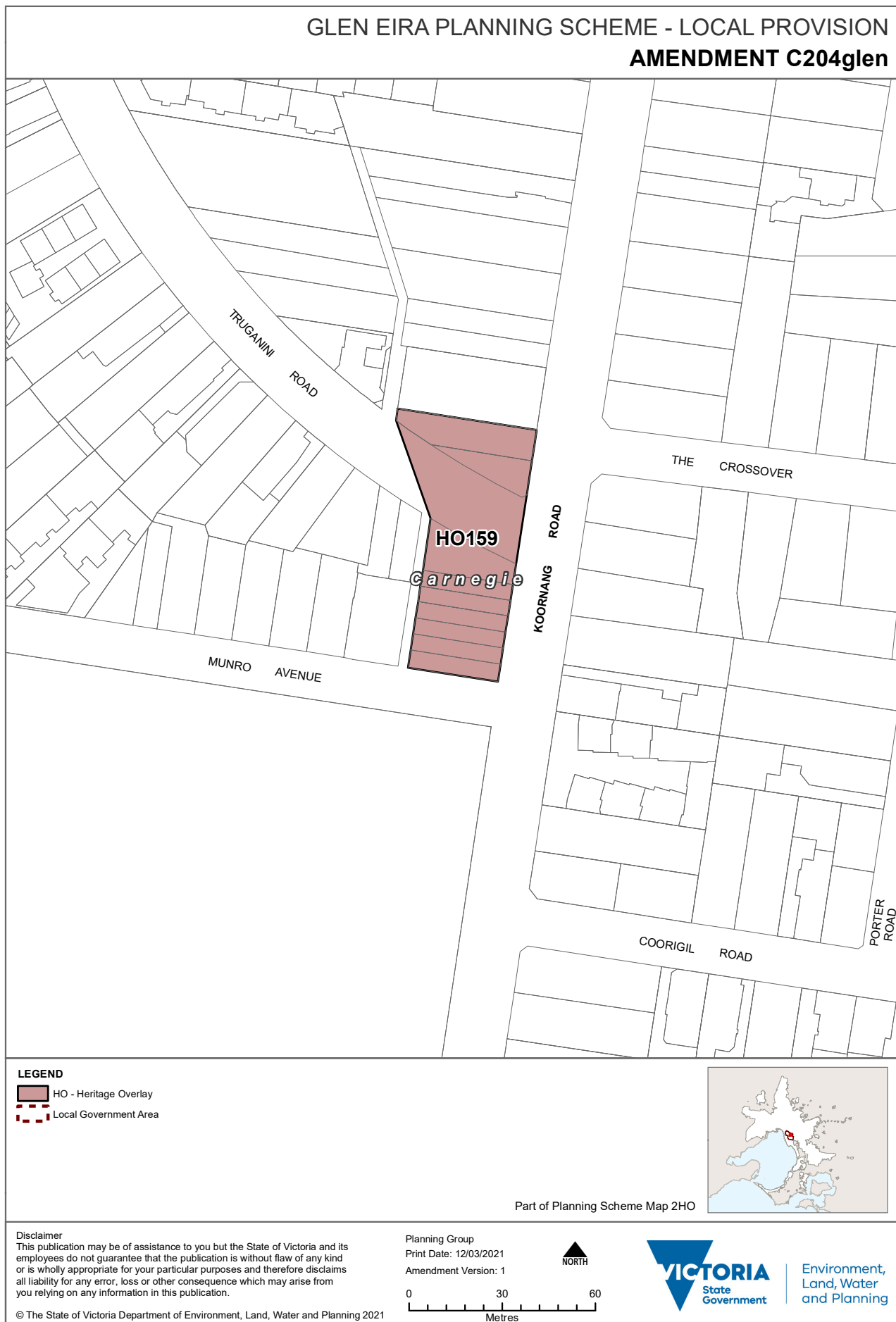
Amendment C204 has been found by an independent panel to be well founded, strategically justified and worthy of adoption by Council. Approval of this amendment by the Minister for Planning, minus the three properties at 6 Downshire Road, 22 Grafton Street and 19 Hopetoun Street Elsternwick, will result in the protection of places and precincts that reflect important eras and themes of Glen Eira's rich history.













## GLEN EIRA PLANNING SCHEME

## Statement of Significance: Glenhuntly Tram Terminus Estate Shops (2018)

<b>Address:</b>	231-251 Koornang Road, Carnegie	<b>Name:</b>	Glenhuntly Tram Terminus Estate Shops
<b>Place Type:</b>	Commercial	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO159	<b>Constructed:</b>	Circa 1928-1938



### What is significant?

The Glenhuntly Tram Terminus Estate Shops at 231-251 Koornang Road. The buildings are contributory (nos 231-237, 241-251) except for no. 239, which has been extensively modified.

The two groups of contributory two storey shops are largely intact and were built within about a 10 year span during the mid to late Interwar period. Features that contribute to the significance of the precinct include original rendered details and timber windows to the upper level along with the Roman tiles to nos 241, 245-247 and 251. Original walls, including chamfered corners at the intersection of Truganini Road, remain to the side streets and the original hipped roof form is readily apparent to no. 231. The original shopfront to no. 247 with recessed entry and glazed highlights is also of significance as are sections of original tiling to no. 245.

As the rendered walls of the various buildings are painted, it is appropriate to have paint controls so that a complementary colour scheme is applied to them.

### How is it significant?

The Glenhuntly Tram Terminus Estate Shops is of local historical and aesthetic significance to the City of Glen Eira.

This document is an incorporated document in the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*



## GLEN EIRA PLANNING SCHEME

**Why is it significant?**

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Historically, the Glenhuntly Tram Terminus Estate Shops are significant as a local row of shops that demonstrate the growth that occurred in the Carnegie area during the Interwar period. Constructed from the late 1920s, they were erected at a time when the surrounding land began to be filled by residential development and when there was considerable growth in the broader Carnegie area. The subject allotments had been part of the late Victorian Centre Park subdivision, though little development occurred in the area until the Interwar period. It was during the mid-1920s that the Glenhuntly Road tram was extended along Truganini Road to Koornang Road and the subject lots were again advertised for sale, this time as part of the Glenhuntly Tram Terminus Estate. By the time the tram line was finished, many of the residential lots on the adjacent Centre Park estate had been built on. (Criterion A)

The Glenhuntly Tram Terminus Estate Shops is aesthetically significant as a continuous row of Interwar period shops that were constructed in popular styles of the Interwar period and have a consistent two storey form with decorative parapets to Koornang Road. The design of the northern building is relatively elaborate in a suburban context and indicative of the Free Classical style, that was commonly employed in the 1920s. The Spanish Mission style adopted for the southern building was less commonly used in commercial architecture and is a relatively early example of this style. This building is a good example of its type, incorporating decorative details such as barley twist columns with fluted capitals and projecting intermediate bays capped by curved parapet.

The intact recessed shopfront to no. 247, which included pressed metal to the soffit and original floor tiles to the recessed entry, as well as original wall tiles and glass highlights, are typical of shopfronts constructed during the Interwar period. (Criterion E)

**Primary source**

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*Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial)*  
2018 (RBA Architects and Conservation Consultants)

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: 6 Downshire Road, Elsternwick**

Date of Statement: November 2020

<b>Address:</b>	6 Downshire Road, Elsternwick	<b>Name:</b>	-
<b>Place Type:</b>	Federation	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO201	<b>Constructed:</b>	Circa 1912

**What is significant?**

The house at 6 Downshire Road, Elsternwick is significant, including the original intact part of the house, original roof form, chimneys, verandah and windows.

The rear single storey extension is not significant.

**How is it significant?**

The house at 6 Downshire Road is of local historic, representative and aesthetic significance to the City of Glen Eira.

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## GLEN EIRA PLANNING SCHEME

**Why is it significant?**

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The house at 6 Downshire Road, Elsternwick is of historic significance as a good example of a Federation residence. It is reflective of Elsternwick's consolidation as a desirable suburb at this time. After the initial and limited development of Elsternwick during the Land Boom period of the 1880s, the Federation period saw an expansion of subdivisions and development, when lots left vacant in existing subdivisions (a result of the 1890s depression) were infilled and further land was released. Suburban development was facilitated by improvements to transport networks, initially train, and the sustained preference for freestanding/single-family homes continued to underpin the development of the precinct well into the 20<sup>th</sup> century. These various built layers are important markers of the broader evolution of Elsternwick from a locale peripheral to Melbourne into a well-established suburb with a middle-class identity. (Criterion A)

The house at 6 Downshire Road, Elsternwick is of representative and aesthetic significance as part of an intact Federation brick pair and represents a key phase of growth within Elsternwick. Elsternwick retains many good and intact examples of residential buildings from the Victorian, Federation and Interwar periods with streetscape sections of consistent housing from a particular period. This section of Downshire Road is characterised by Federation houses and 6 Downshire Road represents this era. (Criterion D + E).

Note: The house at 6 Downshire Road is part of a large proposed heritage precinct known as the Elsternwick South Precinct.

**Primary source**

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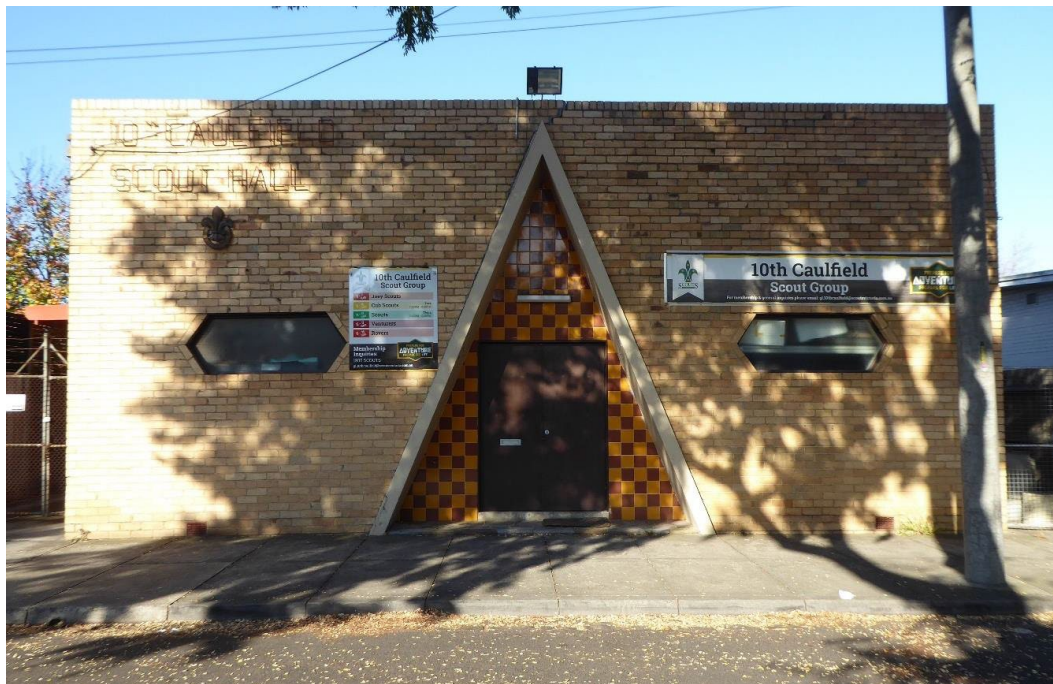
*Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report prepared by RBA Architects + Conservation Consultants Pty Ltd.*

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: 10<sup>th</sup> Caulfield Scout Hall (2019)**

<b>Address:</b>	2 Miller Street, Elsternwick	<b>Name:</b>	10 <sup>th</sup> Caulfield Scout Hall
<b>Place Type:</b>	Community	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO183	<b>Constructed:</b>	Circa 1959



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## GLEN EIRA PLANNING SCHEME

**What is it significant?**

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The single-storey brick building, known as the 10<sup>th</sup> Caulfield Scout Hall, including raised metal sign and fleur-de-lys to the upper left part of the façade, at 2 Miller Street, Elsternwick is significant.

**How is it significant?**

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The 10<sup>th</sup> Caulfield Scout Hall at 2 Miller Street, Elsternwick is of local historical, aesthetic and social significance to the City of Glen Eira.

**Why is it significant?**

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The 10<sup>th</sup> Caulfield Scout Hall at 2 Miller Street, Elsternwick is of historical significance as an illustration of the noted post-WWII expansion of the Boy Scout movement in the Caulfield district. The building was constructed in circa 1959 for the scout troop in the wake of an earlier timbered hall at the site (erected 1956) having been destroyed by fire. (Criterion A)

The 10<sup>th</sup> Caulfield Scout Hall at 2 Miller Street, Elsternwick is of aesthetic significance as a striking member of the group of post-WWII scout halls built in the municipality. It is distinguished by the façade articulation of a central triangular tent-like entrance, and flanking lozenge-shaped windows, reflecting the interest in pure or distinct geometric form and colour, which was a feature of contemporary Modernist design, particularly in Melbourne. (Criterion E)

The 10<sup>th</sup> Caulfield Scout Hall at 2 Miller Street, Elsternwick, is of social significance for its long-standing association with the 10th Caulfield Scouts and the enduring legacy of the movement in the municipality. (Criterion G)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: 19 Hopetoun Street, Elsternwick**

Date of Statement: December 2020

<b>Address:</b>	19 Hopetoun Street, Elsternwick	<b>Name:</b>	-
<b>Place Type:</b>	Victorian dwelling	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO203	<b>Constructed:</b>	Circa 1890

**What is significant?**

The original house, including polychromatic and tuckpointed brickwork to the front façade, original windows, eaves brackets, chimneys and verandah elements at 19 Hopetoun Street, Elsternwick are significant.

The front fence, tiled roof and rear single storey extension are not significant.

**How is it significant?**

The house at 19 Hopetoun Street, Elsternwick is of representative significance to the City of Glen Eira.

**Why is it significant?**

The house at 19 Hopetoun Street, Elsternwick is of representative significance as a good example of a Victorian residence. It illustrates a key phase in the emergence, growth and consolidation of suburban Elsternwick. It represents an era from around the early 1890's onwards that saw an increase in land values in Elsternwick and the achievement of respectable prosperity for middle classes. Triggered by improvements to the transport

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## GLEN EIRA PLANNING SCHEME

network and the sustained preference of the population for freestanding/single family homes, the suburban forms that arose in the Elsternwick provide visually interesting streetscapes that are evocative of their respective eras. Elsternwick retains many good and intact examples of residential buildings from the Victorian, Federation and Interwar periods with streetscape sections of consistent housing from a particular period. Hopetoun Street is characterised mostly by late Victorian and Federation houses and 19 Hopetoun Street represents this era. (Criterion D).

Note: The house at 19 Hopetoun Street, Elsternwick is part of a large proposed heritage precinct known as the Elsternwick North Precinct.

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: 22 Grafton Street, Elsternwick**

Date of Statement: December 2020

<b>Address:</b>	22 Grafton Street, Elsternwick	<b>Name:</b>	-
<b>Place Type:</b>	Dwelling	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO202	<b>Constructed:</b>	Circa 1899

**What is significant?**

The house at 22 Grafton Street, Elsternwick is significant. The wide timber boards on the front façade, standard weatherboards to the remaining facades, original windows and window hood contribute to the significance of the place.

The roof material and rear addition are not significant.

**How is it significant?**

The house at 22 Grafton Street is of local representative significance to the City of Glen Eira.

**Why is it significant?**

The house at 22 Grafton Street, Elsternwick is of representative significance as part of a generally intact streetscape that represents a key phase of growth within Elsternwick, being the Federation period (Criterion D). It represents an era from around the early 1890's onwards, that saw an increase in land values in Elsternwick and the achievement of respectable prosperity for the middle classes. Triggered by improvements to the transport network and the sustained preference of the population for freestanding/single family homes, the suburban forms that arose in Elsternwick provide visually interesting streetscapes that

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## GLEN EIRA PLANNING SCHEME

are evocative of their respective eras. Elsternwick retains many good and intact examples of residential buildings from the Victorian, Federation and Interwar periods with streetscape sections of consistent housing from a particular period. Grafton Street is characterised by late Victorian houses and 22 Grafton Street represents this era.

Note: The house at 22 Grafton Street, Elsternwick is part of a large proposed heritage precinct known as the Elsternwick North Precinct.

**Primary source**

*Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report prepared by RBA Architects + Conservation Consultants Pty Ltd.*

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Beemery Park Precinct (2019)**

<b>Address:</b>	42, 47, 49, 51, 53, 57, 59, 61, 63 Seymour Road; and 57-59 Allison Road	<b>Name:</b>	Beemery Park Precinct
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO179	<b>Constructed:</b>	Circa 1886 to 1901



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The following features contribute to the significance of the Beemery Park Precinct:

- Intact dwellings dating to the late-Victorian period,
- Intact hipped roof forms and roof cladding, predominantly slate tiles,
- Original chimneys – rendered or face brick,
- Original bi- or polychrome brickwork (brown, cream and red) with banding, quoining, contrasting lintels etc.,
- Intact rendered walls with ashlar/smooth,
- Intact wall detailing – cornice with brackets, etc.,
- Intact bay windows,
- Original gable end detailing – rough cast render and timber battens (53 Seymour Road),
- Intact openings – timber windows (generally double-hung sashes, with some casements), often with basalt sills, and doors, some with decorative glass,
- Original verandah detailing including cast iron or timber friezes, and tiles,
- Basalt pitchers to kerbs and channels, and
- Complementary street plantings, mainly London Plane trees (*Platanus acerifolia*).

Contributory places:

- Seymour Road (north side): 47, 51, 53, 57, 59, 61, 63
- Seymour Road (south side): 42
- Allison Road: 57-59

Non-contributory places:

- Seymour Road (north side): 49

**How is it significant?**

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The Beemery Park Precinct is of local historical and aesthetic significance to the City of Glen Eira.

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## GLEN EIRA PLANNING SCHEME

**Why is it significant?**

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The Beemery Park Precinct is of historical significance for its ability to illustrate the development of middle-class housing estates in Elsternwick over the late 19th century. During the 1880s, the explosive growth rate and speculative activities of wider metropolitan Melbourne stimulated a building boom across the suburb, in which many of its larger estates were subdivided and subject to rapid construction. As demonstrated by the precinct, which consolidated between circa 1886-1901, the dwelling of choice for the relatively affluent suburbanite was that of the single-family and freestanding Italianate style villa. This phase of development, curtailed by the onset of the 1890s Depression, was key in the establishment of suburban Elsternwick and solidified Seymour Road as a decidedly prosperous location. (Criterion A)

The Beemery Park Precinct is of aesthetic significance for being comprised of a well-designed and largely intact group of Late Victorian period villas set on relatively large lots in generous garden settings. The 9 remaining houses are good examples of their type – predominantly that of the Italianate style – although its expression is varied throughout the precinct, with both asymmetric and symmetric compositions and either polychromatic or rendered examples. There is also a typical but wide range of late 19th-century ornamentation. Slate clad (some replaced) hipped roofs have universally been employed. Consistent forms and a high level of detail form a cohesive streetscape that is evocative of the Late Victorian period. There is also a distinctive late 19th century/Federation transitional villa at 53 Seymour Road (constructed circa 1901). Its roughcast rendered and half-timbered gable ends, along with other elements, are interpretable as a harbinger of the emergent influence of the Arts and Crafts movement. (Criterion E)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Corner Store (2019)**

<b>Address:</b>	12 Hartington Street, Elsternwick	<b>Name:</b>	Corner Store
<b>Place Type:</b>	Commercial	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO184	<b>Constructed:</b>	1909-13



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The corner store at 12 Hartington Street, Elsternwick, is significant, including its roof form, brick chimney, parapet (brick base with timber hoarding), recessed entries, timber-framed shopfronts with highlight windows and original tiling (stallboards and piers). The west door, with diamond glazing bars, is likely an early (1920s) addition. The east door appears to date to the mid-20th century. The early remnant painted signage (including 'SOAP') to the east side of the central dividing wall within the shopfronts is also significant.

The rear, timber-framed wing is not significant.

**How is it significant?**

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The corner store at 12 Hartington Street, Elsternwick, is of historical and representative significance to the City of Glen Eira.

**Why is it significant?**

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The corner store at 12 Hartington Street, Elsternwick, is of historical significance as a corner shop that was constructed in two main stages – first the western shopfront (circa 1909), followed by the eastern shopfront (circa 1913) – to provide for the needs of the surrounding residential locality. This area, subdivided in the 1880s as the Kooyong Park Estate, underwent more intensive development during the Federation period, at which time the corner shop was built and expanded. For over a century, it continued to be utilised for commercial purposes, predominantly as a grocer for around 60 years; a use indicated by some remnant signage. Between the late Interwar period and post-WWII period, it was also operated concurrently as the Elsternwick East Post Office and as a municipal library. During WWII, it also briefly functioned as an enrolment centre for military service in the area. (Criterion A)

The corner store at 12 Hartington Street, Elsternwick, is of representative significance as a good example of a once commonplace urban typology, that of the local corner shop. Such quotidian buildings are now often at risk. Its highly intact shopfronts, including recessed entrances with pressed metal soffits, timber-framing with highlight windows and original green tiling (currently overpainted) are indicative of early 20th century commercial design. The timber hoarding to the stepped parapet is also evocative of a backstreet, or non-major thoroughfare, location. (Criterion D)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Duplex (2019)**

<b>Address:</b>	21-23 Nepean Highway, Elsternwick	<b>Name:</b>	Duplex
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO191	<b>Constructed:</b>	1937



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The duplex at 21-23 Nepean Highway, Elsternwick is significant, especially the intact material palette and presentation of the house and its tall chimneys. In addition, the original low clinker brick fence and concrete driveway configuration with central islands are also significant elements.

**How is it significant?**

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The duplex at 21-23 Nepean Highway, Elsternwick is of local historical and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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The duplex at 21-23 Nepean Highway, Elsternwick erected in 1937, is of historical significance as a reflection of the suburb's consolidation over the Interwar period. While Elsternwick had been predominantly built up mostly during the Victorian and Federation periods, a number of earlier estates associated with late 19th century mansions were subdivided and developed over the inter-war years, such as the property associated with the duplex. The building also demonstrates the increased appearance of multi-dwelling, often two storey developments, such as maisonettes and low-rise flats, in the district over this period, many of which were designed in fashionable domestic idioms; a testament to the desirability and general affluence of Elsternwick at this time. (Criterion A)

The duplex at 21-23 Nepean Highway, Elsternwick is of aesthetic significance as a highly intact, substantial and well-resolved example of a multi-dwelling residence designed in the Old English Revival style. It features many aspects associated with the style such as half-timbering to much of the upper floor, a steeply pitched roof (clad in glazed terracotta tiles), use of Tudor and triangular arches and an oriel bay. While appearing as a single-family house with an asymmetric composition, unusually it is comprised of two double-storey residences. (Criterion E)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Edelstein Residence (2019)**

<b>Address:</b>	13 Seymour Road, Elsternwick	<b>Name:</b>	Edelstein Residence
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO193	<b>Constructed:</b>	1974



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## GLEN EIRA PLANNING SCHEME

**What is it significant?**

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The Edelstein Residence at 13 Seymour Road, Elsternwick is significant to the City of Glen Eira, including its exterior, front fence and wall, and general landscaping.

**How is it significant?**

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The Edelstein Residence at 13 Seymour Road, Elsternwick is of historical and aesthetical significance to the City of Glen Eira.

**Why is it significant?**

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The Edelstein Residence at 13 Seymour Road, Elsternwick is of historical significance as a fine example of a Modernist house constructed in 1974 to the design of Kenneth H Edelstein. It illustrates the continued presence of progressive architecture in the municipality across the post-WWII period, which forms a condensed but important layer of development for the suburb, as well as the sustained attraction of Seymour Road for high-end residential design. (Criterion A)

The Edelstein Residence at 13 Seymour Road, Elsternwick is of aesthetic significance as a fine and highly intact example of 1970s Modernist architecture with a purposefully discreet streetscape presence. Low lying and cuboid in form, it exemplifies the shift in Modernist approach during this period towards a more subdued presence due to its restrained material palette and articulation. Its modulated configuration cannot be readily appreciated from the public realm due to its largely concealed presentation to the street, including the low garden fence and high garage courtyard wall, both constructed from relatively small exposed concrete blocks. These elements, combined with the screening effect of the front garden, form important elements of its overall design. (Criterion E)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Elevated Townhouses (2019)**

<b>Address:</b>	23 Seymour Road, Elsternwick	<b>Name:</b>	Elevated Townhouses
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO194	<b>Constructed:</b>	1973



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The Elevated Townhouses at 23 Seymour Road, Elsternwick is significant, including the external expression and undercroft carpark, cement block retaining wall to the east, grassed mound and concrete retaining wall at the front of the property.

**How is it significant?**

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The Elevated Townhouses at 23 Seymour Road, Elsternwick are of historical and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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The Elevated Townhouses at 23 Seymour Road, Elsternwick constructed in 1973, to the design of Harold David Shafer, are of historical significance as an unusual example of Brutalist residential development in the municipality. The townhouse, although widespread across the region by late 20th century and illustrative of an alternative form of suburban living, was often subject to criticism for its repetitiveness and lack of design flair. In comparison, the Elevated Townhouses demonstrates a high end, architect composed example of the typology in the municipality. (Criterion A)

The Elevated Townhouses at 23 Seymour Road, Elsternwick are of aesthetic significance as a highly intact and accomplished example of Brutalism. Importantly, it is also a relatively rare demonstration of this idiom at the scale of a private domestic development, where the style was conventionally not employed due to its perceived 'toughness'. From the public domain, the form of the townhouses manifests as both bold and dramatic, its design underscored by a varying series of projecting window hoods (oft referred to as organ pipes) and heavy splayed piers that elevate the building above the ground. Unusually for a Brutalist design, its walls were also painted; likely in recognition of its need to harmonise with the surrounding residential context. Similarly, the lack of a fence and artificial mound to the front of the site are integral and original elements, carefully positioned so as to soften the appearance of the building. (Criterion E)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

## Statement of Significance: Elsternwick Commercial & Public Precinct (2019)

<b>Address:</b> Elsternwick, inclusive of the following sites: <ul style="list-style-type: none"> <li>• Carre Street: 1A</li> <li>• Glenhuntly Road: 263-467 and 511-537 (north) and the railway reserve to no. 478 (south)</li> <li>• Gordon Street: nos 1 and 9/9B</li> <li>• Riddell Parade: nos 6-16</li> <li>• Selwyn Street</li> <li>• Staniland Grove: nos 1C/1D/1E and 2/2A/2B</li> </ul>	<b>Name:</b> Elsternwick Commercial and Public Precinct
	<b>Place Type:</b> Commercial
	<b>Grading:</b> Significant
	<b>Constructed:</b> Late 1880s to late 1930s
	<b>PS ref no:</b> HO180



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

The following features contribute to the significance of the Elsternwick Commercial and Public Precinct:

- Intact buildings, both single- and two-storey, dating to the Late Victorian, Federation and Interwar periods,
- Intact parapets to single-storey buildings,
- Intact first floors and parapets, often with elaborate detailing, to two-storey buildings,
- Visible/expressed roofs, usually clad in terracotta tiles,
- Original wall finishes including render (smooth and/or roughcast) and/or brickwork (often overpainted),
- Original decorative rendered/pressed cement elements, mainly to the Victorian period buildings, to cornice, frieze, windows, etc.,
- Original timber windows – mostly double hung sashes, but also casements, toplights and box-framed,
- Intact original/early shopfronts – mainly dating to the Federation and Interwar periods, with recessed entries (often retaining a pressed metal ceiling), metal framing (often with a bronze finish), original decorative glass to toplights (stained and/or textured), tiling to entry floor and/or stallboards, and timber-framed doors, and
- Original cantilevered canopies with pressed metal soffits and/or brackets/framing..

Contributory places:

- North side – Glenhuntly Road: 263, 271, 273-275 + 1 Selwyn Street, 277-281 + 2 Selwyn Street, 283/283A-289, 291-295, 297-303, 305-313, 315, 317, 323-329, 331-333, 341-343, 345-351, 357-371 + 1A/1B Staniland Grove, 373-375, 377-381, 383, 385-399, 405, 409, 411-413, 421-439+ 421A, 459, 461, 463-467, 511-523, 527-537; 2/2A/2B Staniland Grove; and Selwyn Street: 13, 21
- South side – Glenhuntly Road: 270-272, Elsternwick Station Reserve, 294 (former Elsternwick rifle club), 316-322, 332, 334-336/A, 338-340, 342-344, 346, 348, 352, 354-356, 360, 362-364, 366-70, 372-376, 386-392, 394-396, 398, 400-402, 404, 410, 416, 420, 426-428, 430-432, 434-436, 438-442, 444-448, 450, 452, 454, 456, 458-464, 466-468, 470-472 and 474-478
- Tram overhead wire poles: 64-79 and 81

Non-contributory places:

- North side – 319, 335-339, 355, 401, 403, 407, 415, 417-419, 441-461, 525; 2/2A St Georges Road; 1C/1D/1E Staniland Grove; and 7, 10, 15, 19 Selwyn Street
- South side – 300-314 (6-16 Riddell Parade), 324-324A, 326, 328-30, 350/A, 358, 378-384 + 1A Carre Street, 406-408, 412-414, 418 and 422-24

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## GLEN EIRA PLANNING SCHEME

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**How is it significant?**

The Elsternwick Commercial and Public Precinct is of local historical, representative and aesthetic significance to the City of Glen Eira.

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**Why is it significant?**

The Elsternwick Commercial and Public Precinct is of historical significance as the first major commercial strip that developed in the municipality as well as for being a longstanding focus of economic and social activity in the district. From the 1880s, the growth of the wider suburb stimulated commercial and civic/public construction activity along Glenhuntly Road, particularly in the vicinity of Elsternwick Railway Station. In the wake of a general development hiatus caused by the 1890s economic downturn, the building of shops and stores gradually resumed and then intensified over the Federation period, a trend supported by the electrification of the tramline along Glenhuntly Road in 1913. By the Interwar period, the precinct – well-established as a retail centre in the locality – had attained a degree of regional prominence and was considered one of the larger examples of its type in Melbourne's south-eastern suburbs. Its continuing role as a local shopping and service centre also illustrates the importance of such places in the daily life of communities. (Criterion A)

The Elsternwick Commercial and Public Precinct is of representative significance for the high proportion of largely intact, contributory commercial buildings dating from the Late Victorian, Federation and Interwar periods. These buildings form consistent streetscapes with many fine buildings that are evocative of their respective periods. Many of the buildings are part of larger groups. The Late Victorian buildings display a variety of classicising details and tend to be rendered. This layer includes a few buildings designed in the Anglo-Dutch style, which are a distinguishing feature of the precinct. Many of the Federation period and most of the Interwar period buildings display an Arts and Crafts aesthetic, commonly with a combination of brick (red and clinker) and render (smooth or roughcast). Unusually many of this type also have expressed tile clad roofs. A few early 20th century shopfronts remain, and some pressed metal soffits to the canopies. (Criterion D)

The Elsternwick Commercial and Public Precinct is of aesthetic significance for including individually notable buildings dating to each period:

- Late Victorian: Glenhuntly Road, 305-313 (Moore's Buildings), 323-329, 386-392 + 398, 474-478 (including 3 shopfronts);
- Federation: Glenhuntly Road, nos 263, 277-281 + 2 Selwyn Street, 294 (former Elsternwick rifle club), 331, 346, 357-381 (Buckeridge's Buildings), 366-370 (former bank), 376 (former bank); and 13 Selwyn Street (former UFS dispensary), and
- Interwar: Glenhuntly Road, nos 421-439 (Reid's Buildings, including 3 shopfronts), 527-537 (including 3 shopfronts); and 21 Selwyn Street (telephone exchange). (Criterion E)

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**Primary source**

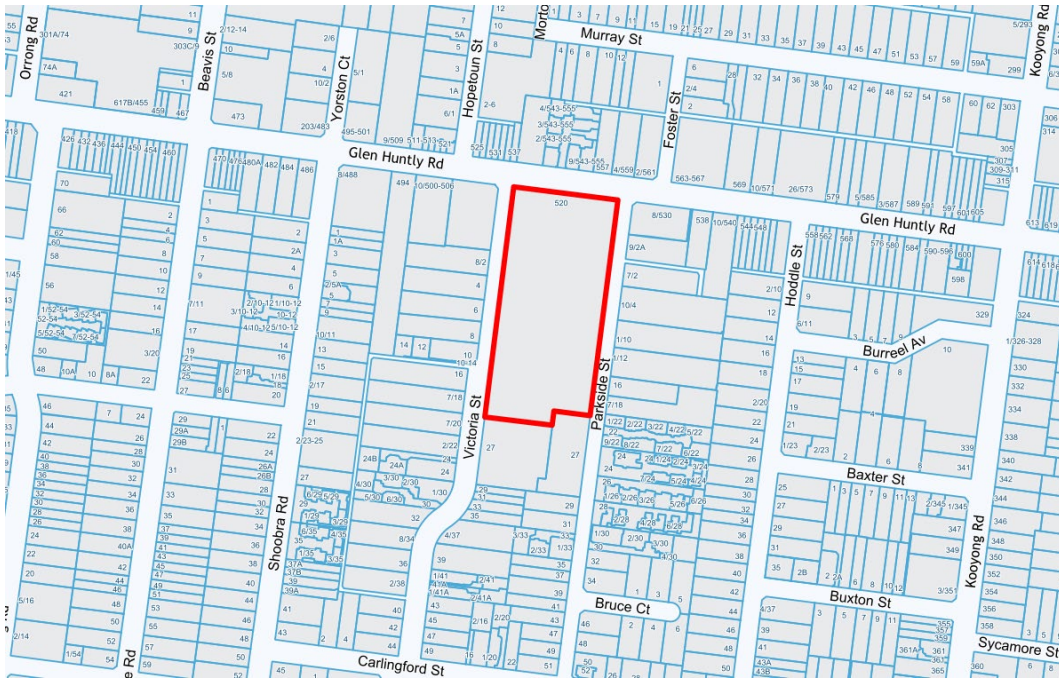
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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Hopetoun Gardens (2019)**

<b>Address:</b>	520 Glenhuntly Road, Elsternwick	<b>Name:</b>	Hopetoun Gardens
<b>Place Type:</b>	Federations	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO196	<b>Constructed:</b>	1909



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The public reserve known as Hopetoun Gardens at 520 Glen Huntly Road, Elsternwick is significant to the City of Glen Eira, especially the paving configuration to the north part of the park, the basalt edging to garden beds and paths, the general form and location of the bandstand (although the raised height and extant fabric is not significant), the low basalt bench (south-east corner) and the pair of 19th century cannons.

The following 19 specimen trees are also significant:

- English Oak (*Quercus robur*),
- Cork Oak (*Quercus suber*),
- Himalayan Cedar (*Cedrus deodara*) x8,
- Brush Box (*Lophostemon confertus*),
- Camphor Laurel (*Cinnamomum camphora*),
- Wild Plum (*Harpephyllum caffrum*),
- Bull Bay Magnolia (*Magnolia grandiflora*),
- Cape Bushwillow (*Combretum caffrum*),
- Bunya Pine (*Araucaria bidwillii*),
- Cape Chestnut (*Calodendron capense*),
- Turpentine (*Syncarpia glomulifera*), and
- Kurrajong/Illawarra Flame Tree (*Brachychiton acerifolia*).

Concrete edging dating to the Interwar period is a contributory element.

**How is it significant?**

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Hopetoun Gardens is of historical, rarity and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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Hopetoun Gardens are of historical significance for being established under the impetus of the local Progress Association to serve the burgeoning population in the Elsternwick area, which lacked sufficient park facilities. It has associations with the noted local gardener/designer Thomas W Pockett. (Criterion A)

Hopetoun Gardens possesses healthy specimens of a few uncommon tree species such as the Wild Plum (*Harpephyllum caffrum*) and Cape Bushwillow (*Combretum caffrum*), which are native to South Africa, in addition to the Turpentine (*Syncarpia glomulifera*), a native species uncommon in Victoria. (Criterion B)

Hopetoun Gardens are of aesthetic significance as a public park that retains a landscaping style typical of the Federation period. Designed and curated by noted local gardener, Thomas W Pockett, the garden layout demonstrates formal or symmetrical path configurations as well as informal or meandering pathways. The original path configuration remains substantially intact in the northern half of the site. Lava rock edging dating to the Interwar period has also been retained throughout the gardens. The lawns, flower beds, varied foliage and bandstand contribute to the amenity of the Gardens. (Criterion E)

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## GLEN EIRA PLANNING SCHEME

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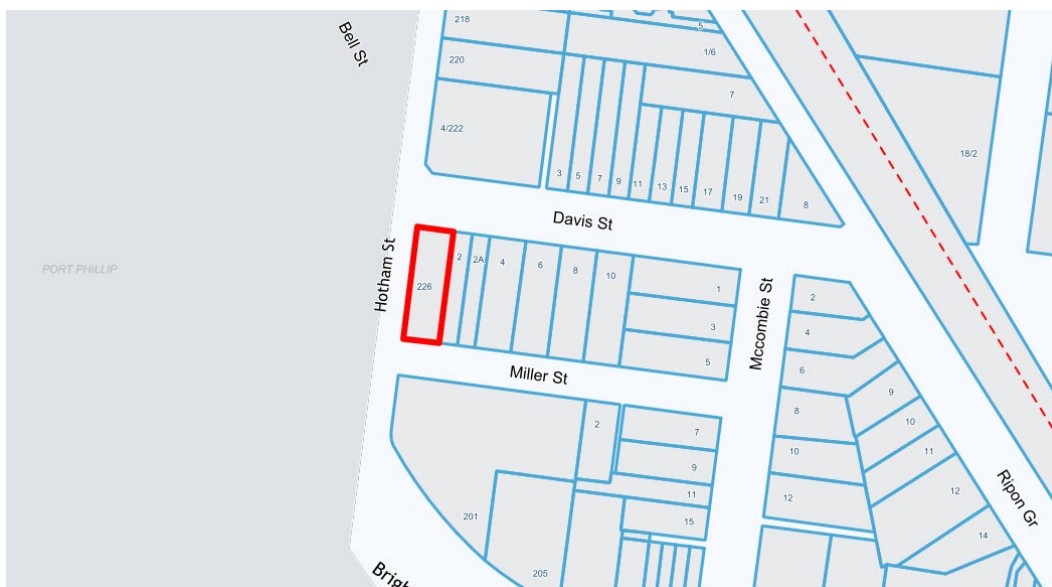
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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Lumea (2019)**

<b>Address:</b>	226 Hotham Street, Elsternwick	<b>Name:</b>	Lumea
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO186	<b>Constructed:</b>	Circa 1910



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The house at 226 Hotham Street, Elsternwick, known as Lumea, is significant, including the main intact red brick part of the house, roof form, chimneys, verandah, windows and hoods.

The concrete access ramp with timber balustrade to the front and carpark to the rear are not significant.

**How is it significant?**

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The house at 226 Hotham Street, Elsternwick, is of local historical and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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The house at 226 Hotham Street, Elsternwick, is of historical significance as a good and unusual example of a residence in a transitional late Victorian/Federation mode. Its erection in circa 1910 as a place of retirement for Police Superintendent, William Laurence Young, is reflective of Elsternwick's consolidation as a desirable suburb at this time. Lumea's combination of architectural elements is a clear example of a progression of 'styles' at the turn of the 20th century, rather than an abrupt break. (Criterion A)

The house at 226 Hotham Street, Elsternwick, is of aesthetic significance as a richly detailed and highly intact example of a less common stream of turn of the century design often referred to as the Transitional style – a confluence of elements commonly associated with either the Victorian or Federation periods. In its form, medium-pitched roof and some ornamentation (bracketed cornice, vermiculated band, cast-iron ornamentation), Lumea references popular residential design approaches of late 19th century. While the dwelling's red face brickwork, casement windows with toplights, street-facing gables with timber screen, prominent corner verandah with turned posts as well as largely terracotta palette of the tiling, reflect the Queen Anne style that prevailed at its time of construction. This well-resolved blend of characteristics results in a distinctive corner house that is further defined by an uncommon combination of elements. Namely, the employment of cast iron brackets to the window hoods and vermiculation of the rendered band. (Criterion E)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: St Clements Anglican Church (2019)**

<b>Address:</b>	205 Glenhuntly Road, Elsternwick	<b>Name:</b>	St Clement's Anglican Church
<b>Place Type:</b>	Federation	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO185	<b>Constructed:</b>	1915



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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St Clement's Anglican Church at 205 Glenhuntly Road, Elsternwick is significant.

The skillion roof additions to the north-west corner and separate cream brick toilet block to the north-east are not significant.

**How is it significant?**

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St Clement's Anglican Church at 205 Glenhuntly Road, Elsternwick is of local historical, aesthetic and social significance to the City of Glen Eira.

**Why is it significant?**

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St Clement's Anglican Church at 205 Glenhuntly Road, Elsternwick is of historical significance as an indicator of the presence and strength of the Church of England community in the suburb during the late Federation period. This is demonstrated by the decision of the congregation to replace their original smaller timber church (constructed in 1886) with a considerable and handsome masonry edifice at a more prominent location (erected 1915). Such an undertaking is also reflective of Elsternwick's wider consolidation as a middle-class locale by the mid-1910s. (Criterion A)

St Clement's Anglican Church at 205 Glenhuntly Road, Elsternwick is of aesthetic significance as an intact and good example of a Gothic style church constructed during the late Federation period. It features elements characteristic of the period such as the palette of red brick and rendered bands, as well as exposed rafter ends to the roof. Designed by the recognised firm of Thomas Watts and Son, it is distinguished by some of the detailing such as the mandorla-shaped vent to the façade and curvilinear junction between the corbelled walled sections and lower buttresses. (Criterion E)

St Clement's Anglican Church at 205 Glenhuntly Road, Elsternwick is of social significance for the demonstrated, long attachment, over a century in its current location, shown towards it as a place of worship by the local Anglican community. (Criterion G)

**Primary source**

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## GLEN EIRA PLANNING SCHEME

**Statement of Significance: Three 'Usonian' Home Units (2019)**

<b>Address:</b>	38 Prahran Grove, Elsternwick	<b>Name:</b>	Three 'Usonian' Home Units
<b>Place Type:</b>	Residential	<b>Grading:</b>	Significant
<b>PS ref no:</b>	HO195	<b>Constructed:</b>	1966



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## GLEN EIRA PLANNING SCHEME

**What is significant?**

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The Three 'Usonian' Home Units at 38 Prahra Grove, Elsternwick are significant, namely its exterior of unpainted contrasting textured and smooth brick, tile clad hip roof sections with broad eaves and box gutters, and cantilevered carports. The original window configurations are also significant including the lattice transoms to the east, creating a relatively blank expression to the street, and a series of full height windows to the courtyard.

**How is it significant?**

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The Three 'Usonian' Home Units at 38 Prahra Grove, Elsternwick are of historical and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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The Three 'Usonian' Home Units at 38 Prahra Grove, Elsternwick designed by the noted architect David Godsell, are of historical significance as a distinctive and accomplished Modernist example of a development type that, while common to the suburb from the post-WWII period, did not routinely express such a marked level of design. Constructed in 1966, the units replaced a freestanding Interwar period house and were indicative of popular interest at the time with a typology new to suburban areas, the home unit. (Criterion A)

The Three 'Usonian' Home Units at 38 Prahra Grove, Elsternwick are of aesthetic significance as a highly intact and considered post-WWII Modernist residential development. Central to the design is the L-shaped form and interlocking composition of the three brick units, low scale, alternating hipped and flat roofs, the arrangement of indoor and outdoor spaces, cantilevered/integrated carports and internal courtyards. These aspects, along with the restrained but contrasting material palette and complementary landscaping elements, demonstrate Godsell's application of Usonian principles in combination with the influence of Japanese architecture, especially with the transom lights (ramma) and deep beams to the cantilevered carport canopies. (Criterion E)

**Primary source**

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## C204glen

## Summary of Submissions Received, Planning Officer Comments and Recommendations (31 August 2021) and Panel Recommendations

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
1 Oppose 13 Seymour Road, Elsternwick (Individual place - proposed HO193)	<p><i>The Citation for the house has not established that the house meets the threshold for local significance.</i></p> <p><i>The citation is based upon an inspection of the house from the street. The citation itself acknowledges that the streetscape presence of the house is muted, consisting solely of a series of concrete block walls and some landscaping.</i></p> <p><i>Inconsistencies in the description in the citation and what was built:</i></p> <ul style="list-style-type: none"> <li><i>The garage roof is not cantilever but spans between the house wall and boundary wall.</i></li> <li><i>The house cannot be considered 'highly intact' – an addition on the east elevation has distorted the original rectangular footprint.</i></li> <li><i>Changes to garden planting (no longer indigenous).</i></li> <li><i>The design of the house is not particularly demonstrative of 'progressive architecture' within Glen Eira – stylistically the house shares similarities with Modernist design of at least a decade earlier – architects such as McGlashan and Everist were designing houses of similar styles in the mid-1960s. A shift was beginning to occur in the mid-1970s away from this type of Modernism. Rather than being part of that shift, the Edelstein House is an example of a design at the tail-end of Modernism.</i></li> <li><i>Edelstein House is not a particularly fine example of 1970s design, rather representative of tried and tested Modernist design that had been occurring since the mid 1960s, that commonly had a subdued presents in the streetscape and adopting massing of cuboid forms.</i></li> </ul>	<p><u>Consultant:</u> <i>This house has been assessed as readily reaching the threshold of local significance against two HERCON Criteria - A (Historical) and E (Aesthetic). As noted in the Statement of Significance, it is 'a fine and highly intact example of 1970s Modernist architecture with a purposefully discreet streetscape presence.' Its bold expression, cuboid form and robust material palette speaks of its age –late 1960s to mid-1980s – and reflects a Brutalist influence.</i></p> <p><u>Council officer:</u> Officers stand by the Consultant's opinion that this place reaches the threshold for local significance.</p> <p>It is common practice for buildings to be assessed purely from the perspective of the street frontage/public domain.</p> <p>Council officers consider that the additions to the eastern side of the house are well setback from the street and do not affect the cultural</p>	<p>The Panel did not agree with the submitter.</p> <p><b>The property at 13 Seymour Road is a fine and highly intact example of 1970s Modernist architecture. The solid front fence which obscures the dwelling, forms part of the property's heritage fabric....The inability to clearly view the dwelling from the street forms part of its original heritage design response.</b></p> <p><b>The property at 13 Seymour Road, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO193).</b></p> <p><b>The HO193 heritage citation should be revised to remove 23 Seymour Road, Elsternwick as a comparable property.</b></p>




Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
	<p><i>The citation becomes muddled describing a 'more subdued approach to Modernism' and 'soft textured surfaces' and continues in the same paragraph discussing the use of concrete block walls, Brutalist influence in design and also describes the house as 'stark'.</i></p> <p><i>Limited comparative analysis has been prepared in the citation and at least three of the four places discussed are of superior design.</i></p> <p><i>There are other examples of the work of this architect (K H Edelstein) that are finer examples, demonstrating a greater degree of creativity or innovation.</i></p>	<p>heritage significance of this property. The same can be said to the changes in garden planting.</p> <p>Any perceived inconsistencies or differing of opinion in the physical description within the citation or whether the architectural style is 'progressive' for its time should be discussed at a Planning Panel.</p> <p><b>No change proposed to the Amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	
<b>2</b> No objection <b>SE Water</b>	<i>No objection to the amendment and does not want any further correspondence regarding the amendment.</i>	<p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>South-East Water have specifically requested to take no further part in this amendment process.</b></p>	-
<b>3</b> Oppose <b>6 Downshire Road</b> <b>(individual place – proposed HO201)</b>	<p><i>Oppose the heritage overlay for 6 Downshire Road.</i></p> <p><i>My property is actually part of a large proposed heritage precinct known as Elsternwick South precinct. The whole precinct is not included within this amendment yet my property has been singled out.</i></p> <p><i>My property is not considered outstanding on its own.</i></p> <p><i>My home is part of a duplex and the other half of the building (4 Downshire Road) is not part of this heritage amendment. 4 Downshire could be demolished without planning permission yet my property is being controlled.</i></p>	<p><u>Consultant:</u></p> <p><i>It was <u>not</u> originally intended that 6 Downshire Road be recommended as an individual heritage overlay - it was recommended as a contributory place to a large precinct, named the Elsternwick South Precinct, which has not progressed to this Amendment.</i></p> <p><i>It does not make sense to exclude the attached residence at no. 4 from HO201, with which it forms a pair.</i></p>	<p>The Panel did not agree with the submitter.</p> <p><b>The Heritage Study identified properties described in the Elsternwick South and Elsternwick North precincts as having sufficient heritage significance to justify the Heritage Overlay. The exclusion of these precincts for unusual reasons has triggered a series of actions resulting in the need to apply the Heritage Overlay on an interim basis</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p><i>Both 4 + 6 Downshire Road are intact and good examples of Queen Anne style brick cottages, though they are not rare in regards to their type or sufficiently distinguished to warrant an individual heritage overlay in their own right. They however would more than adequately achieve a level of 'contributory significance' to the proposed Elsternwick South Precinct. As noted in the proposed Statement of Significance, 'the Elsternwick South Precinct is of representative and aesthetic significance as retaining many good and intact residential buildings from the Victorian, Federation and Interwar periods and unusually, the three phases are equally contributory.'</i></p> <p><u>Planning Officer:</u> Council originally requested the Minister for Planning (DELWP) to consider authorising an amendment which included a large precinct on the southern side of Glenhuntly Road known as the Elsternwick South Precinct. DELWP made the decision not to authorise the inclusion of this wider precinct in the current amendment but instead placed an interim heritage control and authorised Council to place a permanent control over 6 Downshire Road. A similar situation has occurred</p>	<p>to protect three properties from demolition.</p> <p><b>The Panel concludes that the Heritage Overlay (HO201) should be applied to 6 Downshire Road, Elsternwick, 22 Grafton Street, Elsternwick and 19 Hopetoun Street, Elsternwick until the Elsternwick South Precinct is introduced into the Planning Scheme or a decision is made to the contrary.</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p>with 22 Grafton Street and 19 Hopetoun as properties singled out of the proposed Elsternwick North Precinct (this precinct was also not authorised to proceed to an amendment). This decision was made as each property was under threat of partial or whole demolition.</p> <p>While these dwellings would have been contributory buildings within their respective precincts, only 19 Hopetoun Street has the potential to achieve the level of individual heritage significance (this has not been fully determined by Council's Consultant). If Council is unable to commence another amendment to include these additional precincts for some time (at least 12-24 months) it is considered unfair to place the overlay over properties that don't meet the threshold for individual heritage significance.</p> <p><b>It is recommended that Council refer this submission to Panel, specifically asking for comments and recommendations in relation to maintaining 6 Downshire Road, 19 Hopetoun Street and 22 Grafton Street within the Heritage Overlay given the likely timing of any future heritage amendment to include the revised Elsternwick South and</b></p>	

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p>Elsternwick North precincts within the Heritage Overlay.</p> <p>Refer submission to Panel.</p>	
<p>4</p> <p>Oppose</p> <p>403 Glenhuntly Road</p> <p>(part of proposed HO180 Elsternwick Commercial and Public Precinct)</p>	<p>While I support the principal behind heritage precincts and places within Elsternwick, a 'blanket' overlay places onerous planning obligations on properties that do not have any heritage value or significance. There are certainly properties in Glenhuntly Road that have heritage facades that should be kept and maintained however this is certainly not the case with most.</p>	<p><u>Consultant:</u></p> <p>No. 403 is located centrally within the precinct. It is an unremarkable mid-20<sup>th</sup> building in a precinct whose periods of significance are earlier, that is relating to the Late Victorian, Federation and Interwar periods. As such, its proposed grading is non-contributory.</p> <p>A high percentage of the properties in the precinct are proposed to be graded contributory as they are largely intact and date to the periods of significance. It is however inevitable in most precincts, especially large ones such as the Elsternwick Commercial and Public Precinct, that there some non-contributory places. This is an accepted approach and does not diminish the heritage values of the precinct.</p> <p><u>Planning Officer:</u></p> <p>A non-contributory building can be demolished (with a planning permit) and an entirely new building be constructed. Planning permission would already be required for a new</p>	<p>The Panel did not agree with the submitter.</p> <p>The Panel considers Council's approach to applying the Heritage Overlay to the Elsternwick Commercial and Public Precinct to be appropriate and justified. It has rationally sought to include only necessary land (including 403 Glenhuntly Road), being contributory properties and non-contributory properties where future development may impact the precinct's significance.</p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p>building within a commercial zone whether or not the property is located within a heritage overlay, therefore it is not considered that 'onerous planning obligations' are applied to commercial buildings in this situation. Council's heritage policy has a preference for development that is clearly 'of its age' and not a replica of past styles.</p> <p><b>No changes proposed as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	
<p><b>5</b></p> <p>General opposition with agreement that front façade is of high heritage value.</p> <p><b>21-23 Nepean Highway (Individual place – proposed HO191)</b></p>	<p><i>When I received notice that my Tudor style property had a proposed heritage overlay, I was pleased that Glen Eira Council was recognising buildings of heritage significance and accepted the conditions contained.</i></p> <p><i>However, how does a two-storey building (subject site), remain surrounded by 8-12 storey developments?</i></p> <p><i>My preference would be for the Heritage Overlay to be reconsidered. If it was deemed necessary in the short term, I would like to see a condition that when and if proposed high-rise goes ahead that this overlay be lifted (removed) to allow a smoother path in developing the entire block.</i></p>	<p><u>Consultant:</u></p> <p><i>The zoning of the land is not a heritage issue.</i></p> <p><u>Planning Officer:</u></p> <p>The submitter is referring to proposed heights in the Elsternwick Structure Plan 2018. This Structure Plan is under review presently. This property has been assessed as being of individual heritage significance independently of the development that surrounds it. The site is either worthy of individual heritage protection or it is not.</p> <p>If a heritage overlay is imposed over the property, it should not be removed at a later date if land around the site is rezoned. The zone of the land, the heritage overlay and any future</p>	<p>The Panel did not agree with the submitter.</p> <p><b>The Amendment proposes to apply the Heritage Overlay to 21-23 Nepean Highway as an individual place. As an individual place, the property boundary forms the curtilage around the house needed to protect the heritage fabric. What happens beyond the property is not relevant and will not affect the house's heritage significance.</b></p> <p><b>The Panel concludes that 21-23 Nepean Highway, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO191).</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p>overlays and policies that apply to a site at times have competing or opposing objectives. It is at the planning permit stage that competing planning objectives are considered with the planning authority making a decision on an application that results in net community benefit.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	
<p><b>6</b></p> <p>Oppose</p> <p><b>Elsternwick Commercial and Public Precinct HO180</b></p>	<p><i>Object to removal of car parks behind the Glenhuntly Road shops and library car park (between Staniland Grove and Orrong Road) and sites between Orrong and Beavis Street (74 Orrong Road, 1 and 9 Beavis) from the Heritage Overlay (see below).</i></p> <p><i>If the overlay is removed a multideck car park can potentially be built overlooking the properties in Maysbury Avenue. This would be detrimental to our properties with privacy, overshadowing and bulk.</i></p> 	<p><u>Consultant:</u></p> <p><i>The car parks on Staniland Grove and Orrong Road are proposed to be removed from HO72 as part of the process of separating the commercial and residential parts of this precinct (with the commercial part now proposed to be known as HO180 Elsternwick Commercial and Public Precinct). There was no heritage-related basis to include large areas of non-contributory land on the edge of the proposed new precinct as they do not relate to the significance of either precinct.</i></p> <ul style="list-style-type: none"> <li><i>The car parks and library (between Orrong Road and Staniland Grove) do not relate to the heritage significance of the commercial strip.</i></li> </ul>	<p>The Panel did not agree with the submitter.</p> <p><i>The approach to applying the Heritage Overlay to the Elsternwick Commercial and Public Precinct is appropriate and justified. This includes:</i></p> <ul style="list-style-type: none"> <li><i>the Heritage Overlay which has been appropriately applied to properties between Orrong Road and Beavis Street, Elsternwick.</i></li> <li><i>car parks on the edge of the precinct should be excluded from the precinct.</i></li> </ul> <p><i>The Panel agrees that car parks on the edge of the precinct are located at a distance from the heritage facades along the (Glenhuntly Road) streetscape and would not impact on the precinct's significance.</i></p>



Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<ul style="list-style-type: none"> <li>The front section of the Coles site is to be retained in HO180 in order to protect the environs of the contributory shops at either end of the block (nos 421-439 and 463-467). The large, recent redevelopment to the rear of the Coles site does not relate to the traditional commercial strip along Glenhuntly Road and so does not need to be included in the extent of the heritage overlay.</li> <li>74 Orrong Road is a 1950s building which has been altered and does not relate to the period of significance of the precinct. As it is located on the edge of HO180, it can be removed.</li> <li>The Scout Hall at 1 Beavis Street is a 1950s building and as such does not relate to the period of significance of HO180. Although it is largely intact and a quite a good example of its type, it was assessed as being unlikely to reach the threshold for local significance as an individual Heritage Overlay.</li> <li>3-9 Beavis is part of the Coles redevelopment, and with no historic commercial buildings in the side street</li> </ul>	

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p><i>does not relate to the significance of HO180. Hence all these properties in Beavis Street can be removed from the HO.</i></p> <p><u>Planning Officer:</u> Retaining large areas of non-contributory land within the heritage overlay as a development buffer is not good heritage practice.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	
<p><b>7</b></p> <p>Support <b>National Trust of Australia (Victoria)</b> (whole amendment)</p>	<p><i>Strong support of Planning Scheme Amendment C204. As submitters to the Elsternwick Structure Plan, we are pleased to see this strategic work progressing, as there is an urgent need to ensure the area's important heritage places are protected as the Structure Plan is finalised, and development pressure continues to increase.</i></p> <p><i>Particularly pleased to see the inclusion of 4 post-WWII heritage places. The protection of the areas most significant post-WWII places in the municipality is essential.</i></p> <p><i>We believe the report and Statements of Significance... provide strong justification for the implementation of the exhibited amendment in accordance with Planning Practice Note 1: Applying the Heritage Overlay, August 2018.</i></p>	<p><u>Planning officer:</u> Support for this amendment is welcomed.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	-
<p><b>8</b></p> <p>Support <b>249 Koornang Road (Glenhuntly)</b></p>	<p><i>Support for Council's proposal to apply a heritage overlay to this precinct.</i></p> <p><i>The Statement of Significance (SOS) does not mention the six chimneys at properties 241-251 Koornang Road. They are described within the Citation but not mentioned in the SOS. I</i></p>	<p><u>Consultant:</u> <i>The six chimneys at 241-251 Koornang Road are shared so that there are two to each pair of buildings – nos 241-243, 245-247, and 249-251. They are not visible from</i></p>	<p>The Panel did not agree with the submitter.</p> <p><b>The six chimneys at 231-251 Koornang Road, Carnegie in the Glenhuntly Tram Terminus Estate</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
Tram Terminus Estate Shops Precinct)	<i>am in favour of six chimneys being specifically included within the SOS.</i>	<p>Koornang Road but are widely visible from Munro Avenue to the south, and partly visible from Truganini Road to the north. The northernmost pair are partly compromised with the addition to no. 241, and the cap to the rear (westernmost) chimney to nos 245-247 has been removed, however the other three are intact. The detailing of the chimneys is unremarkable as they lack any particular elements often associated with a Spanish Mission style building but are typical of the Interwar period generally in having a rectangular cross-section in red brick with a soldier course cap in clinker brick. As such, whilst of some interest and remain visible, they were not considered integral to the significance of the group and so were not noted as significant elements in the Statement of Significance.</p> <p><u>Planning Officer:</u> This submission should be referred to a Planning Panel for consideration. The Panel will comment on the appropriateness of including the chimneys within the Statement of Significance and the Statement could be reviewed if the Panel agrees with the submitter.</p> <p><b>No change proposed to the amendment as a result of this submission.</b> <b>Refer submission to Panel.</b></p>	Shops Precinct are not significant enough to be specifically identified as significant elements in the HO159 Statement of Significance.

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
9 Support <b>Glen Eira Historical Society (whole amendment)</b>	<p><i>We support Amendment C204 with all properties and precincts it encompasses. We have no objection to the properties listed in the Explanatory Report for removal from HO72 and HO69. The excellent quality of research and presentation of the Heritage Studies underlying the amendment and Statements of Significance contained in the Amendment. We ask that Council continues to support and progress Amendment C204 with no further removal of properties.</i></p> <p><i>The Amendment addresses in part areas for improvement for the City of Glen Eira identified in the Heritage Council of Victoria's recent report – "State of Heritage Review – Local Heritage 2020". In the 'Metro Inner' area, Glen Eira has the least number of heritage studies and least number of places and precincts of local significance. Both Amendment C214 and C204 are necessary to address these gaps.</i></p> <p><i>We ask that Council takes up the broad issues raised by objectors through examining and acting on the Findings and Recommendations of the "State of Heritage Review – Local Heritage 2020" report.</i></p>	<p><u>Planning Officer:</u></p> <p>This submission supports the amendment.</p> <p>The findings and recommendations of the "State of Heritage Review – Local Heritage" are noted. The current amendment addresses gaps within Council's protection of heritage. Other recommendations of this submission are noted but are not related to the current amendment.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	-
10 Support <b>7 Selwyn Street (part of Elsternwick Commercial and Public Precinct – HO180)</b>	<p><i>The application of a 'non-contributory' heritage designation for the subject site at 7 Selwyn Street is consistent with Planning Practice Note 1 – Applying the Heritage Overlay (August 2018).</i></p>	<p><u>Consultant:</u></p> <p><i>The Kadimah Cultural Centre at 7 Selwyn Street dates to the late 20<sup>th</sup> century and so is outside the period of significance of HO180 which relates to the Late Victorian, Federation and Interwar periods. As such, its contribution to the precinct was appropriately identified as being non-contributory.</i></p> <p><u>Planning officer:</u></p> <p>This submission supports the amendment.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p>	<p>The Panel agreed with Council and the submitter.</p> <p><b>7 Selwyn Street, Elsternwick has been appropriately designated as a non-contributory property.</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		Refer submission to Panel.	
11 No objection Department of Environment, Land, Water and Planning	No objection	Planning officer: <b>No change proposed to the amendment as a result of this submission.</b> Refer submission to Panel.	-
12 Oppose 38 Prahran Grove (Individual place – proposed HO195)	<p><i>We consider our property our home, not a structure of significance. We have outgrown our two bedroom unit and were in the process of commissioning plans to extend. This has frustratingly been put on hold for two years.</i></p> <p><i>There is a design flaw in the flat roof section of the dwelling. We proposed to construct a second level over the flat roof and thus solve the (leaking roof) problem.</i></p> <p><i>We don't want a tedious and expensive planning process if this overlay is successful. If we can't extend the property we will move and the property will fall into disrepair.</i></p>	<p>Planning officer:</p> <p>The Consultant stands by his recommendation that this unusually designed villa development achieves a high level of individual heritage significance (Criterion A and E).</p> <p>No planning permit application for an extension to this dwelling has been submitted to Council. Pre-application advice to the owner did advise that it would be difficult to achieve a double storey extension on this dwelling due to the unusual design of the roof. The proposed upper floor addition to Unit 1/38 Prahran Grove would be highly visible and would affect the cultural heritage significance of this building.</p> <p>This submission should be referred to a Planning Panel for consideration.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p>Refer submission to Panel.</p>	<p>The Panel did not agree with the submitter.</p> <p><b>The Panel agrees with Mr Hemingway's evidence. The place's approach to Modernism is clearly influenced by Japanese and Frank Lloyd Wright architecture. While both styles were popular in Australia in the 1950s, the Panel agrees that a melding of both styles is rarely seen in a single place.</b></p> <p><b>The Panel concludes that 38 Prahran Grove, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO195).</b></p>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
13 Oppose 47 Seymour Road (part of Beemery Park Estate Precinct – HO179)	<i>We do support the idea of heritage control however we feel that in the case of our property, it is too little too late. We believe that as a result of Council allowing the demolition of a beautiful 1880's home at 45 Seymour Road and the construction of a mega-house in its place, our home should be excluded from the heritage controls. If heritage controls do go through on our property, we request it is specifically noted that the garage (built in 1980s) doesn't form part of the controls (47 Seymour Road).</i>	<p><u>Planning officer:</u></p> <p>No discussion of heritage merits of 47 Seymour or the precinct as a whole is included as part of this submission. Unfortunately, three Victorian/early Federation buildings in Seymour Road (including no. 45 Seymour) were demolished before the completion of the Elsternwick Structure Plan Area Heritage Review. This resulted in a smaller precinct proposed for the heritage overlay with no heritage controls proposed for no. 45 as it is located at the very edge of the precinct. The consultant and planning officer stand by the recommendation to include the entire property at 47 Seymour Road within the precinct rather than remove the non-original garage. It is not good heritage practice to remove items of non-significance in the mapping of the heritage overlay. Within the Statement of Significance – “What is Significant?” non-original structures are deliberately omitted from the list of items of significance.</p> <p>Any planning application required to demolish the garage and construct new buildings and works will not be charged an application fee under Council's recent decision to waive planning application fees for properties where the heritage overlay is the only planning permit trigger.</p>	<p>The Panel did not agree with the submitter.</p> <p>The Panel agrees with Mr Hemingway that 47 Seymour Road contributes to the precinct's significance. The relatively intact house forms part of the group of Late Victorian era villas set on large lots with generous garden settings. The key issue regarding the demolition of 45 Seymour Road is not its impact on 47 Seymour Road but whether the precinct continues to be cohesive and retain sufficient heritage significance. In ideal circumstances, the original Victorian house at 45 Seymour Road would have provided an extended heritage precinct....</p> <p><b>The Panel concludes:</b></p> <ul style="list-style-type: none"> <li>• <b>Beemery Park Precinct (HO179) is sufficiently intact and cohesive to apply the Heritage Overlay.</b></li> <li>• <b>The HO179 heritage citation should be revised to reflect the exhibited Amendment by removing 40, 44 and 55 Seymour Road from the Beemery Park Precinct (HO179).</b></li> </ul>



Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
		<p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	
14 Support Whole amendment	<p><i>I support the heritage document C204. The background work is more interesting and gives context to the properties proposed within the document.</i></p> <p><i>Concern that Elsternwick South precinct does not form part of this amendment.</i></p>	<p><u>Planning Officer:</u></p> <p>This submission supports the Amendment, though Council officers understand the submitter's concerns that Elsternwick South could not form part of Amendment C204.</p> <p>Council did not receive authorisation from the Minister for Planning to include the Elsternwick South Precinct in the Amendment. Any further places or precincts (outside of the scope of this particular amendment) proposed for inclusion in the Heritage Overlay in the Elsternwick Structure Plan area have been placed on hold until the Elsternwick Structure Plan and Glen Eira Housing Strategy are finalised.</p> <p><b>No change proposed to the amendment as a result of this submission.</b></p> <p><b>Refer submission to Panel.</b></p>	<p>The Panel is curious why the authorisation condition excluded properties subject to the Elsternwick Structure Plan area until the Elsternwick Structure Plan process (is completed). This is inconsistent with:</p> <ul style="list-style-type: none"> <li>• DELWP's Planning Practice Note 1 criteria for assessing heritage significance and applying the Heritage Overlay.</li> <li>• Planning Practice Notes 58 and 60 which envisage heritage in an activity centre – applying the Heritage Overlay ahead of the structure planning would enable a more informed and transparent process.</li> <li>• Long held views by Planning Panels and councils that urban consolidation and development opportunities are not relevant when considering whether the Heritage Overlay should be applied.</li> <li>• Outcomes in Melbourne's Central City and activity centres where significant development and ongoing</li> </ul>

Submission No.	Issue	Consultant or Officer Comments and Recommendation (31 August 2021):	Panel Comments and Recommendations:
			<p>structure planning has occurred on land with the Heritage Overlay.</p> <p>.....</p> <p>The Amendment was exhibited without the Elsternwick South and Elsternwick North precincts, therefore for procedural reasons, they cannot be considered through the Amendment. This has not affected the integrity of the Council's approach and process for the properties remaining in the Amendment.</p>

## Planning Panels Victoria

### Glen Eira Planning Scheme Amendment C204glen Elsternwick, Bentleigh and Carnegie heritage review

#### Panel Report

*Planning and Environment Act 1987*

**10 December 2021**



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**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 PE 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 PE 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 PE Act]

***Planning and Environment Act 1987***

Panel Report pursuant to section 25 of the PE Act

Glen Eira Planning Scheme Amendment C204glen

**10 December 2021**

Con Tsotsoros, Chair

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## Glossary and abbreviations

Council	Glen Eira City Council
DELWP	Department of Environment, Land, Water and Planning
Heritage Study	<i>Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019, Stage 2 Report 2019</i>
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Glen Eira Planning Scheme



Glen Eira Planning Scheme Amendment C204glen | Panel Report | 10 December 2021

## Overview

Amendment summary	
The Amendment	Glen Eira Planning Scheme Amendment C204glen
Common name	Elsternwick, Bentleigh and Carnegie heritage review
Brief description	<p>Implements some of the Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report by:</p> <ul style="list-style-type: none"> <li>- applying the Heritage Overlay to properties in two new heritage precincts, one existing heritage precinct and 12 individual places</li> <li>- deleting properties from two existing heritage precincts</li> <li>- making associated changes</li> </ul>
Subject land	Land in Elsternwick, Bentleigh and Carnegie identified in Table 1
Planning Authority	Glen Eira City Council
Authorisation	18 September 2020, subject to conditions
Re-authorisation	11 May 2021, subject to conditions
Exhibition	10 June to 12 July 2021
Submissions	<p>Received from:</p> <ol style="list-style-type: none"> <li>1. Daniel and Melanie Birner</li> <li>2. South East Water</li> <li>3. Emma Joukadjian</li> <li>4. Ann Harding</li> <li>5. Joan Stephens</li> <li>6. Rose Ciampoli</li> <li>7. National Trust of Australia (Victoria)</li> <li>8. Natasha Baroudos</li> <li>9. Glen Eira Historical Society</li> <li>10. Scott Matheson</li> <li>11. Jewish Arts Quarter</li> <li>12. Spiros Rombotis</li> <li>13. Penny Szatmary</li> <li>14. Jacinta Smith</li> </ol>

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**Panel process**

The Panel	Con Tsotsoros (Chair)
Directions Hearing	By video conference on 29 September 2021
Panel Hearing	By video conference on 8 November 2021
Site inspections	Unaccompanied, 7 and 21 November 2021
Parties to the Hearing	<ul style="list-style-type: none"><li>- Glen Eira City Council represented by Adeline Lane of Jackson Lane Legal Group, calling expert evidence on heritage from Anthony Hemingway of RBA Architects and Conservation Consultants</li><li>- Daniel and Melanie Birner represented by Alice Maloney of Ratio Consultants, calling expert evidence on heritage from Robyn Riddett of Anthemion Group</li><li>- Glen Eira Historical Society represented by Anne Kilpatrick</li><li>- Jacinta Smith</li></ul>
Citation	Glen Eira PSA C204glen [2021] PPV
Date of this report	10 December 2021

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## Executive summary

Glen Eira Planning Scheme Amendment C204glen (the Amendment) seeks to implement some of recommendations in the Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report. It does this by applying the Heritage Overlay to properties in two new heritage precincts, properties in one existing heritage precinct and 12 individual places, deleting properties from two existing heritage precincts, and making associated changes.

The Amendment was exhibited from 10 June to 12 July 2021 and received 14 submissions. General issues raised in submissions related to development opportunity, building alterations, maintenance, building condition, property value and financial implications. Issues specific to the heritage precincts and individual places, included objecting to the Heritage Overlay being applied to individual properties, heritage designation, accuracy of the heritage citation or Statement of Significance and the removal of land from a precinct.

### Strategic justification

The Heritage Review has applied a sound methodology consistent with Planning Practice Note 1 and is based on well researched assessments to reach its findings. The Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues set out in this report.

### General issues

The Heritage Overlay enables an owner to maintain their property without the need for a planning permit and to apply for a planning permit to alter their property.

Development opportunity, building alterations, maintenance, building condition, property value and private financial implications are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay. Some of these matters may be relevant during the planning permit application process.

### Heritage precincts

#### *Glenhuntly Tram Terminus Estate Shops Precinct (HO159)*

The six chimneys at 231-251 Koornang Road, Carnegie in the Glenhuntly Tram Terminus Estate Shops Precinct are not significant enough to be specifically identified as significant elements in the HO159 Statement of Significance.

#### *Beemery Park Precinct (HO179)*

Beemery Park Precinct is sufficiently intact and cohesive to apply the Heritage Overlay. The HO179 heritage citation should be revised to reflect the exhibited Amendment by removing 40, 44 and 55 Seymour Road from the Beemery Park Precinct.

#### *Elsternwick Commercial and Public Precinct (HO180)*

The approach to applying the Heritage Overlay to the Elsternwick Commercial and Public Precinct is appropriate and justified. This includes:

- the Heritage Overlay which has been appropriately applied to properties between Orrong Road and Beavis Street, Elsternwick

- car parks on the edge of the precinct should be excluded from the precinct.

The HO180 heritage citation should be revised to correctly designate 459 and 461 Glen Huntly Road, Elsternwick as non-contributory properties. The Amendment documentation and the HO180 heritage citation should be revised to identify addresses shown in Figure 1 of this report. The property at 7 Selwyn Street, Elsternwick has been appropriately designated as a non-contributory property.

#### **Individual places**

The property at 21-23 Nepean Highway, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO191).

The property at 13 Seymour Road, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO193). The HO193 heritage citation should be revised to remove 23 Seymour Road, Elsternwick as a comparable property.

The property at 38 Prahran Grove, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO195).

The Heritage Overlay (HO201) should be applied to 6 Downshire Road, Elsternwick, 22 Grafton Street, Elsternwick and 19 Hopetoun Street, Elsternwick until the Elsternwick South Precinct is introduced into the Planning Scheme or a decision is made to the contrary.

#### **Recommendation**

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C204glen be adopted as exhibited subject to the following:

- 1. Amend the HO180 (Elsternwick Commercial and Public Precinct) Statement of Significance to:**
  - a) **designate 459 and 461 Glen Huntly Road and 2B Staniland Grove, Elsternwick as non-contributory properties**
  - b) **remove 2 Staniland Grove from the list of contributory properties and the address list at the beginning of the statement.**

#### **Further recommendation**

The Panel informally recommends that Council revise heritage citations in the *Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019 Stage 2 Report* to reflect changes in this Report.

# 1 Introduction

## 1.1 The Amendment

Glen Eira Planning Scheme Amendment C204glen (the Amendment) proposes to:

- apply or delete the Heritage Overlay to land shown in Table 1
- amend the Municipal Strategic Statement at Clause 21.10 (Heritage) to remove unnecessary references to documents that are noted in Clause 22.01 (Heritage Policy)
- amend Clause 22.01 to remove sites from the list of Contributory Buildings for HO72 Elsternwick Estate environs, Elsternwick and to remove unnecessary references to different heritage reviews
- incorporate Statements of Significance through the Clause 72.04 Schedule
- include *Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019, Stage 2 Report 2019* (Heritage Study) and *Heritage Citation for Glenhuntly Tram Terminus Estate Shops 2018* through Clause 72.08.

**Table 1** Exhibited heritage places and submissions received

Place/precinct	Criteria*	HO Ref	Sub**	
Precinct				
<b>Beemery Park Precinct</b> Include 42 (even) and 47-53, 57-63 (odd) Seymour Road, Elsternwick; 57-59 Allison Road, Elsternwick	A, E	HO179	1	
<b>Bentleigh Residential Precinct</b> Exclude 99 Brewer Road and rear car park at 284-296 Centre Road (formerly 42 Gilbert Grove) from the existing precinct	-	HO69	-	
<b>Elsternwick Commercial and Public Precinct</b> Include 1A Carre Street; 263-467 and 511-537 (north) and from the railway reserve to 478 (south) Glen Huntly Road; 1 and 9/9B Gordon Street; 6-16 Riddell Parade; Selwyn Street; 1C/1D/1E and 2/2A/2B Staniland Grove	A, D, E	HO180	3	
<b>Elsternwick Estate and environs</b> Remove the following non-contributory properties next to the proposed Elsternwick Commercial and Public Precinct (HO180): 1-9 Beavis Street, 480 Glen Huntly Road, 1 Downshire Road, 15-19 Gordon Street, 74-74A Orrong Road, 2B-12 Staniland Grove (Carpark and Council library), 4-8 Stanley Street and 53-55 Orrong Road (car parking areas)	-	HO72	-	
<b>Glenhuntly Tram Terminus Estate Shops</b> Include 231-251 Koornang Road, Carnegie in the existing precinct	A, E	HO159	1	
Individual Elsternwick places				
2 Miller Street	10th Caulfield Scout Hall	A, E, G	HO183	-
12 Hartington Street	Corner Store	A, D	HO184	-
205 Glen Huntly Road	St Clements Anglican Church	A, E, G	HO185	-
226 Hotham Street	‘Lumea’	A, E	HO186	-

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Place/precinct		Criteria *	HO Ref	Sub **
21-23 Nepean Highway	Duplex	A, E	HO191	1
13 Seymour Road	Edelstein Residence	A, E	HO193	1
23 Seymour Road	Elevated Townhouses	A, E	HO194	
38 Prahran Grove	Three Usonian Units	A, E	HO195	1
520 Glen Huntly Road	Hopetoun Gardens	A, B, E	HO196	
6 Downshire Road	House	A, D, E	HO201	1
22 Grafton Street	House	D	HO202	
19 Hopetoun Street	House	D	HO203	

\* Model criteria specified in Planning Practice Note 1 (see Appendix A) | \*\* Sub = Number of submissions received

Two submissions raised general issues about the Amendment.

## 1.2 Background

<b>2018</b>	Council commissioned RBA Architects and Conservation Consultants Pty Ltd to undertake a heritage review of the Elsternwick Structure Plan Study Area
<b>2019</b>	
November / December	Council undertook pre-amendment consultation of the Heritage Study
17 December	Council resolved to adopt the Heritage Study subject to changes and seek authorisation to prepare and exhibit the Amendment
<b>2020</b>	
26 March	Council request authorisation to prepare the Amendment
6 October	The Minister for Planning authorised the Amendment, conditional to removing: <ul style="list-style-type: none"> <li>- 40, 44 and 55 Seymour Road, Elsternwick from the Beemery Park Precinct (HO179)</li> <li>- land subject to the pending Elsternwick Structure Plan</li> </ul>
<b>2021</b>	
16 March	Council resolved to authorise officers to: <ul style="list-style-type: none"> <li>- extend the scope of Amendment C204 to include HO159 (Glenhuntly Tram Terminus Estate Shops) permanently in the Heritage Overlay</li> <li>- delete 99 Brewer Road and the rear car park of 284-296 Centre Road, Bentleigh from existing Heritage Overlay (HO69)</li> </ul>
18 March	Council requested re-authorisation of the Amendment
11 May	Minister for Planning re-authorised the Amendment, conditional to: <ul style="list-style-type: none"> <li>- deleting from the HO72 precinct: 74A Orrong Road, 74 Orrong Road, 1 Beavis Street, 3-9 Beavis Street, 4-8 Stanley Street, 2B-12 Staniland Grove, 53-55 Orrong Road, 15-19 Gordon Street, 480 Glen Huntly Road, 1 Downshire Road</li> <li>- including the Glenhuntly Tram Terminus Estate (HO159)</li> </ul>



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	- making administrative corrections
10 June – 12 July	Council exhibited the Amendment
28 July	Council held a planning conference attended by eight submitters
31 August	Council considered submissions to the exhibited Amendment and resolved to request a Panel to consider unresolved issues in submissions

Source: Council Part A Submission

### 1.3 Proposed post-exhibition changes

At its 31 August 2021 meeting, Council resolved to propose changes to the Amendment, including:

*Beemery Park Precinct Citation (HO179)*

- update the heritage citation to remove 40, 44 and 55 Seymour Road to reflect the authorised and exhibited version of the Amendment

*Elsternwick Commercial and Public Precinct (HO180)*

- revise the heritage citation and Statement of Significance to correctly designate 459 and 461 Glen Huntly Road as non-contributory properties rather than contributory
- remove the Council carparks and Elsternwick Library from the Heritage Overlay, namely:
  - the car park (non-contributory) – 2 Staniland Grove
  - the small substation to the rear of 373-375 Glen Huntly Road (contributory) – 2A Staniland Grove
  - the public toilet on the footpath (non-contributory) – 2B Staniland Grove
- make associated changes to the Explanatory Report.

### 1.4 The Panel's approach

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 site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and 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:

- Strategic justification
- General issues
- Heritage precincts
- Individual places.

## 2 Strategic justification

### 2.1 Planning context

The Explanatory Report and Council's submission identify the following as being relevant to the Amendment:

- planning objectives at PE Act section 4(1)(d)
- Planning Scheme policy Clauses 15.01-5S, 15.03-1S, 21.10 and 22.01
- Plan Melbourne Outcome 4, Direction 4.4 and Policies 4.4.1 and 4.4.4
- Heritage Overlay
- Ministerial Directions 7(5)<sup>1</sup> and 11 and Planning Practice Notes 1 and 42.

Appendix A provides further details.

### 2.2 Supporting strategic work

#### (i) Glen Eira Heritage Management Plan

Architectural historian, Andrew Ward, prepared the Glen Eira Heritage Management Plan in 1996. Council prepared an addendum to the Plan in 2014. Mr Ward had previously prepared the City of Caulfield Urban Conservation Study early in 1990.

#### (ii) Thematic History 2020

In February 2019, Council engaged Built Heritage Pty Ltd to conduct a high level review of the Heritage Management Plan. The outcome of the review was presented in the Glen Eira Thematic Environmental History [Refresh] 2020. It sets out themes and subthemes which are grouped into nine categories.

Council adopted the Thematic History 2020 on 11 August 2020.

### 2.3 Heritage Study methodology

Council called expert evidence on heritage from Mr Hemingway of RBA Architects and Conservation Consultants. He provided an overview of the Heritage Study's methodology:

#### Inspections

- Potential individual sites and precincts were inspected from the street in October and November 2018.
- The estimated construction period of each building was recorded on a map, and places with substantial alterations were noted.
- All individual places and some places in the proposed precincts were further inspected.

#### Research

- The following primary and secondary sources were reviewed:
  - photographs, including aerial photographs, held by the State Library of Victoria, and Landata

<sup>1</sup> Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The PE Act)

- Melbourne and Metropolitan Board of Works plans
- Sands & McDougall's street directories
- various newspapers included on Trove
- rate books
- certificates of title
- building files held by Council
- Glen Eira Heritage Management Plan (Andrew Ward & Assoc., 1996)
- Statements of Significance for places in the existing Heritage Overlay.

### Assessment

- Each individual place and precinct were assessed consistent with the approach set out in:
  - the Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013)
  - Planning Practice Note 1 (Applying the Heritage Overlay).
- Each assessment determined:
  - whether there was sufficient intactness of heritage fabric
  - whether the local significance threshold was met
  - whether a property in a precinct was designated as contributory or non-contributory, consistent with the definitions in Clause 22.01 (Heritage) of the Planning Scheme:
    - Contributory: The place is a contributory element within a larger heritage precinct. A contributory element could include a building, or building parts such as rooflines, chimneys, verandahs or other structures or works such as landscaping, front fences or paving.
    - Non Contributory: The place is not individually significant and does not contribute to the Heritage Precinct.
- Referred to the Historical Background vol. 1 of the Glen Eira Heritage Management Plan (Andrew Ward & Assoc., 1996), noting the refreshed Thematic History, prepared by Built Heritage issued in 2020.

### Citations

- Citations were prepared and included:
  - a Statement of Significance
  - a physical description, including the period and if applicable, the architectural style, details of what elements are original and any distinguishing features
  - historical information such as relevant maps or images
  - a comparative analysis to substantiate the significance of each place
  - comment on the condition and integrity
  - relevant information about the site from previous heritage studies
  - recommendations relating to the Heritage Overlay Schedule controls and extent of the Heritage Overlay.

### Recommendations

The Heritage Study recommended to:

- apply the Heritage Overlay to nine new individual places and four precincts
- separate the commercial and residential parts of the Elsternwick Estate and Environs (HO72) into two precincts
- realign the Gladstone Parade, Elsternwick Precinct (HO22) boundary.

## 2.4 Submissions

Council submitted the Amendment is supported by and implements directions and policies which have been summarised in Chapter 2.1 and Appendix A of this report.

Council noted that DELWP authorisation conditions resulted in the Amendment including considerably less properties than what was originally proposed. Among other conditions, it referred to one in the original letter of authorisation:

At this stage it is not considered appropriate to apply the Heritage Overlay more extensively in Elsternwick given that council has yet to seek authorisation for a planning scheme amendment to implement the Elsternwick Structure Plan. Doing so could, by default, lead to heritage controls becoming the primary driver for development outcomes within the Elsternwick Activity Centre. Wider application of the Heritage Overlay in Elsternwick needs to be considered in the context of implementation of the Elsternwick Structure Plan. Council may consider seeking further heritage controls in conjunction with a future request for authorisation to prepare and exhibit permanent controls to implement the Structure Plan.

Glen Eira Historical Society supported the Amendment because it considered the research, presentation, citations and Statements of Significance to be of an excellent quality.

No submitter considered the Amendment should not progress because it was not strategically justified.

## 2.5 Discussion

Section 4(1)(d) of the PE Act which seeks to conserve buildings, areas and places of interest and balance the present and future interests of all Victorians is reflected through planning policies in the Victoria Planning Provisions, Glen Eira Planning Scheme and Plan Melbourne. These policies direct Council to identify, protect, enhance and promote local heritage. The Amendment is supported by and implements these policies directions.

Council's heritage gap study, the Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019, identified places and precincts with local heritage significance. The Amendment is based on a sound heritage study which applied a methodology consistent with Planning Practice Note 1.

The Amendment does not include all recommendations of the Heritage Study, resulting in consequential consequences outlined in Chapter 5.4. The Panel is curious why the authorisation condition excluded properties subject to the Elsternwick Structure Plan area until the Elsternwick Structure Plan process. This is inconsistent with:

- DELWP's Planning Practice Note 1 criteria for assessing heritage significance and applying the Heritage Overlay
- Planning Practice Notes 58 and 60 which envisage heritage in an activity centre – applying the Heritage Overlay ahead of the structure planning would enable a more informed and transparent process
- long held views by Planning Panels and councils that urban consolidation and development opportunities are not relevant when considering whether the Heritage Overlay should be applied
- outcomes in Melbourne's Central City and activity centres where significant development and ongoing structure planning have occurred on land with the Heritage Overlay.

The Heritage Overlay specifies permit triggers to enable Council to assess the impact of future development. Unlike the Design and Development Overlay, it does not include restrictive building

heights, setbacks and other built form restrictions. It is unclear how applying the Heritage Overlay ahead of structure planning could result in *“heritage controls becoming the primary driver for development outcomes within the Elsternwick Activity Centre”*.

The PE Act and Planning Scheme seek to balance conflicting objectives in favour of net community benefit and require an assessment of the Amendment’s social and economic effects on community. Other than bushfire provisions, the Victoria Planning Provisions do not prioritise certain policy objectives over another. Applying the Heritage Overlay to the Elsternwick Activity Centre would have ensured that identified heritage is considered within the suite of existing provisions and policy relevant to the centre.

Like the Bushfire Management and Flood Overlays, the Heritage Overlay is recommended for properties that have been comprehensively researched through a multi-phase forensic methodology. The Heritage Overlay:

- should not be ‘traded-off’ during the planning scheme amendment stage against other policy objectives
- should be applied if it is supported through comprehensive research and evidence and found to achieve local heritage significance.

Competing policy objectives may be more relevant during the permit application process when a development proposal can be assessed against the full suite of policy objectives, including heritage.

The Amendment was exhibited without the Elsternwick South and Elsternwick North precincts, therefore for procedural reasons, they cannot be considered through the Amendment. This has not affected the integrity of Council’s approach and process for the properties remaining in the Amendment.

## 2.6 Conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 General issues

This chapter refers to issues which apply across more than one property. Where a submission raised only general issues, it is not referred to in subsequent chapters.

#### 3.1 Development opportunity, building alterations, maintenance and building condition

##### (i) The issue

The issue is whether development opportunity, building alterations, maintenance and building condition are relevant when assessing the heritage significance of an individual place or a precinct.

##### (ii) Evidence and submissions

There were submissions which considered the Heritage Overlay would restrict development opportunities and their ability to maintain their properties.

Council acknowledged the Heritage Overlay would add further planning provisions on affected properties, including those where more intensive land use and development is encouraged. It added:

Council regards this as appropriate to ensure the cultural heritage significance of the precinct is recognised, properly documented and appropriately managed.

The Amendment will have positive social effects through retaining and protecting places of heritage significance for present and future generations, thereby resulting in a net community benefit.

Council submitted the Heritage Overlay does not preclude the ability to alter, add, extend or demolish a building. This includes individual heritage places and properties which contribute to a heritage precinct. Council referred to Clause 22.01 of the Planning Scheme which:

- seeks to protect and enhance heritage and retain significant buildings
- enables partial demolition of significant buildings in certain circumstances.

Mr Hemingway's response to the issue of building opportunity mirrored Council's position.

Council referred to several Panel reports including Glen Eira PSA C201glen [2020] PPV where the Panel states:

Matters about development opportunity are hypothetical during the planning scheme amendment stage because not everyone may be affected. Those seeking to maintain their property and conduct works which are not visible from the street are unlikely to need a planning permit. The Heritage Overlay would enable someone to apply for a planning permit to develop, demolish, subdivide or undertake other works. The application process would enable Council to assess the potential impact a proposed development may have on the heritage fabric of the subject property and broader precinct.

...

The Panel concludes that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

It also referred to Latrobe C14 (PSA) [2010] PPV which states:

In respect to maintenance requirements the Panel makes the following observations:

- Replacement or new materials may be allowed in a permit application;
- Internal alterations or repairs are not a matter for permit control;

- Many other classes of repair and maintenance work require no permit consent; and
- Extensions or external additions are not prohibited but require permit permissions.

Council submitted that it had appropriately recognised the importance of prioritising heritage protection and conservation over matters such as development potential and building condition.

### **(iii) Discussion**

The Panel agrees with Council's submission on development opportunity, building alterations, maintenance and building condition for its reasons set out above. The Heritage Overlay allows an owner to undertake works to maintain their property without the need for a permit. It does not prohibit an owner from applying to develop, demolish, subdivide or undertake works on their land.

The Heritage Overlay seeks to have any future proposal assessed against the existing heritage fabric. This is inherent in one of its purposes to "*ensure that development does not adversely affect the significance of heritage places*".

Any competing policy objectives between heritage and those seeking urban intensification will be considered during the planning permit application process when development proposal details are known. The Amendment seeks to apply the Heritage Overlay to properties with identified significance so it can inform these future permit assessments. Without the Heritage Overlay, there would be no way to assess the heritage related policy objectives in the PE Act and Planning Scheme when assessing future permit applications seeking to develop land.

### **(iv) Conclusion**

The Panel concludes:

- The Heritage Overlay enables an owner to:
  - maintain their property without the need for a planning permit
  - apply for a planning permit to alter their property
- Development opportunity, building alterations, maintenance and building condition are not relevant when assessing heritage significance.

## **3.2 Property value and financial implications**

### **(i) The issue**

The issue is whether property value and financial implications are relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay.

### **(ii) Submissions**

Several submissions considered the Heritage Overlay would reduce property value and increase the cost of maintaining or altering properties. One party sought compensation in return for the negative impact the Heritage Overlay would have on their property value.

Council submitted that there was no empirical evidence provided to support the claim that applying the Heritage Overlay would severely impact property value. It submitted that, consistent with previous Panel reports, private matters for property owners:

- are not economic matters to consider when amending the Planning Scheme
- may be more appropriately considered during the planning permit application process.

Council referred to Glen Eira PSA C201glen [2020] PPV which states:



Planning Practice Note 1 does not include property value and financial implications as criteria for assessing whether a place or precinct achieves sufficient local significance to justify the Heritage Overlay. Applying these as part of the assessment criteria would skew how heritage places are assessed and affect the ability to meet state and local planning policy which seeks to protect precincts of local significance.

...

The Panel concludes that property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay.

**(iii) Discussion**

The Panel agrees with Council's submission on property value and financial implications for its reasons set out above. The Panel is cognisant that once the Heritage Overlay is applied, a property owner would need to apply for a planning permit for certain future alterations. There would be no need for a permit and no additional cost if an owner simply sought to maintain their property without altering the appearance.

The PE Act requires a planning authority to consider the economic effects of a planning scheme amendment on the broader community. That is, the cumulative impact of private economic impacts across the community. There was no evidence the Amendment would have such an impact.

The Panel was not provided with information to confirm the Heritage Overlay would directly impact property value. If it had some measurable evidence, the Panel could have considered whether this private economic impact outweighed the benefit of protecting and enhancing heritage for existing and future generations.

**(iv) Conclusion**

The Panel concludes that that property value and financial implications:

- are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay
- may be relevant during the planning permit application process.

## 4 Heritage precincts

### 4.1 Glenhuntly Tram Terminus Estate Shops Precinct (HO159)

#### Exhibited Statement of Significance



#### What is it significant?

The Glenhuntly Tram Terminus Estate Shops at 231-251 Koornang Road. The buildings are contributory (nos 231-237, 241-251) except for no. 239, which has been extensively modified. The two groups of contributory two storey shops are largely intact and were built within about a 10 year span during the mid to late Interwar period. Features that contribute to the significance of the precinct include original rendered details and timber windows to the upper level along with the Roman tiles to nos 241, 245-247 and 251. Original walls, including chamfered corners at the intersection of Truganini Road, remain to the side streets and the original hipped roof form is readily apparent to no. 231. The original shopfront to no. 247 with recessed entry and glazed highlights is also of significance as are sections of original tiling to no. 245. As the rendered walls of the various buildings are painted, it is appropriate to have paint controls so that a complementary colour scheme is applied to them.

#### How is it significant?

The Glenhuntly Tram Terminus Estate Shops is of local historical and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

Historically, the Glenhuntly Tram Terminus Estate Shops are significant as a local row of shops that demonstrate the growth that occurred in the Carnegie area during the Interwar period. Constructed from the late 1920s, they were erected at a time when the surrounding land began to be filled by residential development and when there was considerable growth in the broader Carnegie area. The subject allotments had been part of the late Victorian Centre Park subdivision, though little development occurred in the area until the Interwar period. It was during the mid-1920s that the Glenhuntly Road tram was extended along Truganini Road to Koornang Road and the subject lots were again advertised for sale, this time as part of the Glenhuntly Tram Terminus Estate. By the time the tram line was finished, many of the residential lots on the adjacent Centre Park estate had been built on. **(Criterion A)**

The Glenhuntly Tram Terminus Estate Shops is aesthetically significant as a continuous row of Interwar period shops that were constructed in popular styles of the Interwar period and have a consistent two storey form with decorative parapets to Koornang Road. The design of the northern building is relatively elaborate in a suburban context and indicative of the Free Classical style, that was commonly employed in the 1920s. The Spanish Mission style adopted for the southern building was less commonly used in commercial architecture and is a relatively early example of this style. This building is a good example of its type, incorporating decorative details such as barley twist columns with fluted capitals and projecting intermediate bays capped by curved parapet.

The intact recessed shopfront to no. 247, which included pressed metal to the soffit and original floor tiles to the recessed entry, as well as original wall tiles and glass highlights, are typical of shopfronts constructed during the Interwar period. **(Criterion E)**

**(i) The issue**

The issue is whether the HO159 Statement of Significance should identify the six chimneys at 231-251 Koornang Road, Carnegie in the Glenhuntly Tram Terminus Estate Shops Precinct as significant elements.

**(ii) Evidence and submissions**

A submission supported the Heritage Overlay being applied to 231-251 Koornang Road. It added that the six chimneys at the properties:

- warrant protection through the Heritage Overlay
- should be specifically included in the HO159 Statement of Significance.

Mr Hemingway stated:

- a precinct's focus of significance is typically the original fabric visible from the front
- chimneys typically contribute to the significance of a heritage place where they are visible from the front and form part of the main roofscape.

He explained the six chimneys at 241-251 Koornang Road:

- are shared so that there are two to each pair of buildings
- are located to the rear of single storey sections and are not visible from Koornang Road but are widely visible from Munro Avenue to the south, and partly visible from Truganini Road to the north
- had unremarkable detailing because they lacked particular elements associated with a Spanish Mission style building
- are generally typical of the Interwar period
- are of some interest but not integral to the group's significance so were not noted as significant elements in the Statement of Significance.

Mr Hemingway added that the chimney to the single storey rear section of 235 Koornang Road is:

- the only chimney in the precinct visible from the side wall along Truganini Road
- a modest structure and does not stand out in the streetscape so it was excluded as a significant element.

**(iii) Discussion**

The Heritage Overlay (HO159) is proposed to be applied to the entire extent of all properties in the Glenhuntly Tram Terminus Estate Shops Precinct. This includes the rear section of the buildings with the chimneys, therefore any future permit application seeking to demolish them would need to be assessed to understand the impact on the precinct.

Had the chimneys been on the main two storey section of the building, closer to the façade, with typical Spanish Mission style design elements, the Panel is likely to have agreed with the submitter that they should be identified as significant elements. However, there is no chimney visible from the street other than the one visible from Truganini Road. The Panel could not see the chimneys when it observed the group of shops from the east side of Koornang Road and about 25 metres away from The Crossover. The Panel agrees with Mr Hemingway that the chimneys should not be identified as significant elements.

**(iv) Conclusion**

The six chimneys at 231-251 Koornang Road, Carnegie in the Glenhuntly Tram Terminus Estate Shops Precinct are not significant enough to be specifically identified as significant elements in the HO159 Statement of Significance.

## 4.2 Beemery Park Precinct (HO179)

### Exhibited Statement of Significance



#### What is it significant?

The following features contribute to the significance of the Beemery Park Precinct:

- Intact dwellings dating to the late-Victorian period
- Intact hipped roof forms and roof cladding, predominantly slate tiles
- Original chimneys – rendered or face brick
- Original bi- or polychrome brickwork (brown, cream and red) with banding, quoining, contrasting lintels etc
- Intact rendered walls with ashlar/smooth
- Intact wall detailing – cornice with brackets, etc
- Intact bay windows
- Original gable end detailing – rough cast render and timber battens (53 Seymour Road)
- Intact openings – timber windows (generally double-hung sashes, with some casements), often with basalt sills, and doors, some with decorative glass
- Original verandah detailing including cast iron or timber friezes, and tiles
- Basalt pitchers to kerbs and channels
- Complementary street plantings, mainly London Plane trees (*Platanus acerifolia*).

Contributory places:

- Seymour Road (north side): 47, 51, 53, 57, 59, 61, 63; Seymour Road (south side): 42; Allison Road: 57-59

Non-contributory places: Seymour Road (north side): 49

#### How is it significant?

The Beemery Park Precinct is of local historical and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

The Beemery Park Precinct is of historical significance for its ability to illustrate the development of middle-class housing estates in Elsternwick over the late 19th century. During the 1880s, the explosive growth rate and speculative activities of wider metropolitan Melbourne stimulated a building boom across the suburb, in which many of its larger estates were subdivided and subject to rapid construction. As demonstrated by the precinct, which consolidated between circa 1886-1901, the dwelling of choice for the relatively affluent suburbanite was that of the single-family and freestanding Italianate style villa. This phase of development, curtailed by the onset of the 1890s Depression, was key in the establishment of suburban Elsternwick and solidified Seymour Road as a decidedly prosperous location. **(Criterion A)**

The Beemery Park Precinct is of aesthetic significance for being comprised of a well-designed and largely intact group of Late Victorian period villas set on relatively large lots in generous garden settings. The 9 remaining houses are good examples of their type – predominantly that of the Italianate style – although its expression is varied throughout the precinct, with both asymmetric and symmetric compositions and either polychromatic or rendered examples. There is also a typical but wide range of late 19th-century ornamentation. Slate clad (some replaced) hipped roofs have universally been employed. Consistent forms and a high level of detail form a cohesive streetscape that is evocative of the Late Victorian period. There is also a distinctive late 19th century/Federation transitional villa at 53 Seymour Road (constructed circa 1901). Its roughcast rendered and half-timbered gable ends, along with other elements, are interpretable as a harbinger of the emergent influence of the Arts and Crafts movement. **(Criterion E)**

**(i) The issue**

The issue is whether the Beemery Park Precinct (HO179) is sufficiently intact and cohesive to apply the Heritage Overlay.

**(ii) Evidence and submissions**

The owners of 47 Seymour Road objected to the Heritage Overlay being applied to their property. They supported the idea of applying the Heritage Overlay but considered it was too late for their property. They submitted:

- the area no longer has cultural heritage significance because the proposed heritage provisions have taken too long
- the over 150 year-old house at 45 Seymour Road has been replaced with a large house which:
  - is out of character with the streetscape and disrespects the precinct's heritage significance
  - overshadows, overlooks and affects the property value of 47 Seymour Road
- the 1980s garage at 47 Seymour Road should be exempt from the Heritage Overlay provisions so that it can be demolished and rebuilt in the future.

Mr Hemingway explained the precinct comprises a group of similar single storey Italianate style villas dating to the later part of the Victorian period. He stated that 47 Seymour Road should be included as a contributory property in the precinct as it:

- is largely intact and consistent with other properties in the precinct
- is now located at the western edge of the precinct, though it was previously 45 Seymour Road before the house was demolished
- has heritage value and contributes to the precinct even after the recently constructed house at 45 Seymour Road.

Regarding the 1980s garage, Mr Hemingway explained that the HO179 Statement of Significance does not include exhaustive details of non-significant elements but could be reviewed if a permit application was submitted. He added:

It should be straightforward for change to occur with what is clearly a non-original element such as the garage on that site, which does not relate to the period of significance of the precinct.

Council explained:

- DELWP, under delegation from the Minister for Planning, authorised the Amendment subject to removing 40, 44 and 55 Seymour Road
- The HO179 Statement of Significance and Heritage Overlay map correctly showed the removal of these properties but the heritage citation did not
- the heritage citation should be revised to remove these properties.

**(iii) Discussion**

The Panel agrees with Mr Hemingway that 47 Seymour Road contributes to the precinct's significance. The relatively intact house forms part of the group of Late Victorian era villas set on large lots with generous garden settings. The key issue regarding the demolition of 45 Seymour Road is not its impact on 47 Seymour Road but whether the precinct continues to be cohesive and retain sufficient heritage significance. In ideal circumstances, the original Victorian house at 45 Seymour Road would have provided an extended heritage precinct.

The large double storey house at 45 Seymour Street would have been out of character with the precinct if it was included. However, it is outside the precinct and does not form part of the precinct's curtilage.

The Panel agrees that the HO179 heritage citation should be revised to accurately reflect the exhibited Amendment.

**(iv) Conclusions**

The Panel concludes:

- Beemery Park Precinct (HO179) is sufficiently intact and cohesive to apply the Heritage Overlay.
- The HO179 heritage citation should be revised to reflect the exhibited Amendment by removing 40, 44 and 55 Seymour Road from the Beemery Park Precinct (HO179).



### 4.3 Elsternwick Commercial and Public Precinct (HO180)

#### Exhibited Statement of Significance



#### What is it significant?

The following features contribute to the significance of the Elsternwick Commercial and Public Precinct:

- Intact buildings, both single- and two-storey, dating to the Late Victorian, Federation and Interwar periods
- Intact parapets to single-storey buildings
- Intact first floors and parapets, often with elaborate detailing, to two-storey buildings
- Visible/expressed roofs, usually clad in terracotta tiles,
- Original wall finishes including render (smooth and/or roughcast) and/or brickwork (often overpainted)
- Original decorative rendered/pressed cement elements, mainly to the Victorian period buildings, to cornice, frieze, windows, etc.
- Original timber windows – mostly double hung sashes, but also casements, toplights and box-framed
- Intact original/early shopfronts – mainly dating to the Federation and Interwar periods, with recessed entries (often retaining a pressed metal ceiling), metal framing (often with a bronze finish), original decorative glass to toplights (stained and/or textured), tiling to entry floor and/or stallboards, and timber-framed doors

- Original cantilevered canopies with pressed metal soffits and/or brackets/framing.

#### Contributory places:

- North side – Glenhuntly Road: 263, 271, 273-275 + 1 Selwyn Street, 277-281 + 2 Selwyn Street, 283/283A-289, 291-295, 297-303, 305-313, 315, 317, 323-329, 331-333, 341-343, 345-351, 357-371 + 1A/1B Staniland Grove, 373-375, 377-381, 383, 385-399, 405, 409, 411-413, 421-439+ 421A, 459, 461, 463-467, 511-523, 527-537; 2/2A/2B Staniland Grove; and Selwyn Street: 13, 21
- South side – Glenhuntly Road: 270-272, Elsternwick Station Reserve, 294 (former Elsternwick rifle club), 316-322, 332, 334-336/A, 338-340, 342-344, 346, 348, 352, 354-356, 360, 362-364, 366-70, 372-376, 386-392, 394-396, 398, 400-402, 404, 410, 416, 420, 426-428, 430-432, 434-436, 438-442, 444-448, 450, 452, 454, 456, 458-464, 466-468, 470-472 and 474-478
- Tram overhead wire poles: 64-79 and 81

#### Non-contributory places:

- North side – 319, 335-339, 355, 401, 403, 407, 415, 417-419, 441-461, 525; 2/2A St Georges Road; 1C/1D/1E Staniland Grove; and 7, 10, 15, 19 Selwyn Street
- South side – 300-314 (6-16 Riddell Parade), 324-324A, 326, 328-30, 350/A, 358, 378-384 + 1A Carre Street, 406-408, 412-414, 418 and 422-24

#### How is it significant?

The Elsternwick Commercial and Public Precinct is of local historical, representative and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

The Elsternwick Commercial and Public Precinct is of historical significance as the first major commercial strip that developed in the municipality as well as for being a longstanding focus of economic and social activity in the district. From the 1880s, the growth of the wider suburb stimulated commercial and civic/public construction activity along Glenhuntly Road, particularly in the vicinity of Elsternwick Railway Station. In the wake of a general development hiatus caused by the 1890s economic downturn, the building of shops and stores gradually resumed and then intensified over the Federation period, a trend supported by the electrification of the tramline along Glenhuntly Road in 1913. By the Interwar period, the precinct – well-established as a retail centre in the locality – had attained a degree of regional prominence and was considered one of the larger examples of its type in Melbourne's south-eastern suburbs. Its continuing role as a local shopping and service centre also illustrates the importance of such places in the daily life of communities. **(Criterion A)**

The Elsternwick Commercial and Public Precinct is of representative significance for the high proportion of largely intact, contributory commercial buildings dating from the Late Victorian, Federation and Interwar periods. These buildings form consistent streetscapes with many fine buildings that are evocative of their respective periods. Many of the buildings are part of larger groups. The Late Victorian buildings display a variety of classicising details and tend to be rendered. This layer includes a few buildings designed in the Anglo-Dutch style, which are a distinguishing feature of the precinct. Many of the Federation period and most of the Interwar period buildings display an Arts and Crafts aesthetic, commonly with a combination of brick (red and clinker) and render (smooth or roughcast). Unusually many of this type also have expressed tile clad roofs. A few early 20th century shopfronts remain, and some pressed metal soffits to the canopies. **(Criterion D)**

The Elsternwick Commercial and Public Precinct is of aesthetic significance for including individually notable buildings dating to each period:

- Late Victorian: Glenhuntly Road, 305-313 (Moore's Buildings), 323-329, 386-392 + 398, 474-478 (including 3 shopfronts);
- Federation: Glenhuntly Road, nos 263, 277-281 + 2 Selwyn Street, 294 (former Elsternwick rifle club), 331, 346, 357-381 (Buckeridge's Buildings), 366-370 (former bank), 376 (former bank); and 13 Selwyn Street (former UFS dispensary), and
- Interwar: Glenhuntly Road, nos 421-439 (Reid's Buildings, including 3 shopfronts), 527-537 (including 3 shopfronts); and 21 Selwyn Street (telephone exchange). **(Criterion E)**

**(i) The issues**

The issues are:

- whether the approach to applying the Heritage Overlay (HO180) to the Elsternwick Commercial and Public Precinct is appropriate and justified
- whether the Heritage Overlay has been appropriately applied to properties between Orrong Road and Beavis Street, Elsternwick
- whether car parks on the edge of the precinct should be included
- whether 7 Selwyn Street, Elsternwick has been appropriately designated as a non-contributory property.

**(ii) Evidence and submissions**

There were submissions which stated:

- applying a 'blanket' Heritage Overlay to the area would be onerous on owners of properties which do not have any heritage value or significance
- most properties along Glen Huntly Road do not have heritage facades that should be retained
- if the Heritage Overlay remained between Orrong Road and Beavis Street, the shops should retain their frontage
- the Heritage Overlay should include the car parks behind the Glen Huntly Road shops and the library car park on Staniland Grove to avoid the potential to construct a bulky multi-deck car park which overlooks and overshadows Maysbury Avenue properties.

Regarding the 'blanket' approach to the Heritage Overlay, Mr Hemingway stated:

- a high percentage of the properties in the precinct are contributory, largely intact and date to the periods of significance
- there are some non-contributory places, however this is an accepted approach and does not diminish the precinct's heritage values
- the few non-contributory buildings in this block, like other parts of the precinct, form part of a cohesive streetscape with self-evident heritage value.

Mr Hemingway stated:

- there is no heritage basis for including large non-contributory areas on the edge of a precinct
- the front section of 421-439 and 463-467 Glen Huntly Road is proposed to be retained to protect the environs of the contributory shops
- the large, recent redevelopment to the rear does not relate to the historic commercial strip along Glen Huntly Road and can be excluded
- the 1950s building at 74 Orrong Road has been altered, does not relate to the precinct's significance, and can be removed because it is located on the edge of the precinct.
- the 1950s Scout Hall building at 1 Beavis Street does not relate to the precinct's significance
- 3-9 Beavis has a new development with no historic commercial buildings and can be excluded.

Mr Hemingway stated the car parks at 2 and 6 Staniland Grove and 53 and 55 Orrong Road were proposed to be removed because there was no heritage related basis to include large non-contributory areas of car parking after the commercial and residential parts of the HO72

(Elsternwick Estate and environs) were separated. The exception was the late twentieth century library building on Staniland Grove. He noted the 1970s Elsternwick Library building was outside the precinct's significance period.

Mr Hemingway explained that since separating the precinct, the car parks and library were located on the edge of the proposed new precinct and could be excluded.

Jewish Arts Quarter submitted the Kadimah Cultural Centre (Jewish Cultural Centre and National Library) occupied its property at 7 Selwyn Street, Elsternwick. It supported 7 Selwyn Street, Elsternwick being designated as a non-contributory property in the precinct because:

- the property does not contribute to the precinct's significance set out in the HO180 Statement of Significance
- applying the Heritage Overlay to places with limited heritage value would lower the value of heritage to the community
- designating 7 Selwyn Street as a non-contributory property is consistent with Planning Practice Note 1 and heritage policy at Clause 22.01 of the Planning Scheme.

Mr Hemingway agreed that the Kadimah Cultural Centre is:

- a 1971-72 building which is outside the precinct's period of significance
- is appropriately designated as a non-contributory property.

He considered that this does not preclude the building or the sculpture attached to the façade from being identified for an individual Heritage Overlay in their own right.

Council accepted Mr Hemingway's evidence.

Council explained that the HO180 heritage citation and Statement of Significance inadvertently designated 459 and 461 Glen Huntly Road as contributory and non-contributory properties. It submitted that both properties are clearly non-contributory so both documents should be revised to reflect this.

Council submitted that it intended to remove the Council car parks and Elsternwick Library from the precinct. However, there was some confusion about the address of properties near the intersection of Glen Huntly Road and Staniland Grove. Having searched its property database, Council provided addresses for these properties, as shown in Figure 1.

Figure 1 Addresses of properties in the HO180 Precinct



**(iii) Discussion**

The Panel considers Council's approach to applying the Heritage Overlay to the Elsternwick Commercial and Public Precinct to be appropriate and justified. It has rationally sought to include only necessary land, being contributory properties and non-contributory properties where future development may impact the precinct's significance. The Panel agrees that car parks on the edge of the precinct are located at a distance from the heritage façades along the streetscape and would not impact the precinct's significance.

The Panel acknowledges agreement between Jewish Arts Quarter, Mr Hemingway and Council. It considers the Amendment has appropriately designated 7 Selwyn Street as a non-contributory property in the precinct.

The Panel supports administrative changes to the Amendment and citation which clarify car park addresses and correct the designation of 459 and 461 Glen Huntly Road.

**(iv) Conclusion and recommendation**

The Panel concludes:

- The approach to applying the Heritage Overlay (HO180) to the Elsternwick Commercial and Public Precinct is appropriate and justified.
- The Heritage Overlay has been appropriately applied to properties between Orrong Road and Beavis Street, Elsternwick.
- Car parks on the edge of the precinct should be excluded from the precinct.
- The HO180 heritage citation should be revised to correctly designate 459 and 461 Glen Huntly Road and 2B Staniland Grove, Elsternwick as non-contributory properties.
- The Amendment documentation and HO180 heritage citation should be revised to identify addresses shown in Figure 1 of this report.
- 7 Selwyn Street, Elsternwick has been appropriately designated as a non-contributory property.

The Panel recommends:

- 1. Amend the HO180 (Elsternwick Commercial and Public Precinct) Statement of Significance to:**
  - a) designate 459 and 461 Glen Huntly Road and 2B Staniland Grove, Elsternwick as non-contributory properties**
  - b) remove 2 Staniland Grove from the list of contributory properties and the address list at the beginning of the statement.**

## 5 Individual places

### 5.1 21-23 Nepean Highway, Elsternwick (HO191)

#### Exhibited Statement of Significance



#### What is significant?

The duplex at 21-23 Nepean Highway, Elsternwick is significant, especially the intact material palette and presentation of the house and its tall chimneys. In addition, the original low clinker brick fence and concrete driveway configuration with central islands are also significant elements.

#### How is it significant?

The duplex at 21-23 Nepean Highway, Elsternwick is of local historical and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

The duplex at 21-23 Nepean Highway, Elsternwick erected in 1937, is of historical significance as a reflection of the suburb's consolidation over the Interwar period. While Elsternwick had been predominantly built up mostly during the Victorian and Federation periods, a number of earlier estates associated with late 19th century mansions were subdivided and developed over the inter-war years, such as the property associated with the duplex. The building also demonstrates the increased appearance of multi-dwelling, often two storey developments, such as maisonettes and low-rise flats, in the district over this period, many of which were designed in fashionable domestic idioms; a testament to the desirability and general affluence of Elsternwick at this time. **(Criterion A)**

The duplex at 21-23 Nepean Highway, Elsternwick is of aesthetic significance as a highly intact, substantial and well-resolved example of a multi-dwelling residence designed in the Old English Revival style. It features many aspects associated with the style such as half-timbering to much of the upper floor, a steeply pitched roof (clad in glazed terracotta tiles), use of Tudor and triangular arches and an oriel bay. While appearing as a single-family house with an asymmetric composition, unusually it is comprised of two double-storey residences. **(Criterion E)**



**(i) The issue**

The issue is whether 21-23 Nepean Highway, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO191).

**(ii) Evidence and submissions**

The owner of 21-23 Nepean Highway preferred that Council reconsider the Heritage Overlay on her property. She submitted that, if the Heritage Overlay was applied and high rise development proceed along Nepean Highway, the overlay should be subsequently removed from the property.

Mr Hemingway referred to the HO191 Statement of Significance to justify the Heritage Overlay for 21-23 Nepean Highway. He stated the house is:

- a distinct example of the Old English Revival style
- a rare or uncommon example of the duplex typology in the municipality.

It was his understanding the Elsternwick Structure Plan is being reviewed in light of the proposed heritage places in the area.

Mr Hemingway stated that the owner did not raise heritage issues but rather, raised issues regarding planning provisions on adjoining properties.

Council submitted that 21-23 Nepean Highway will continue to be clearly read, understood, and appreciated as fabric of heritage significance:

- after the Amendment is introduced
- even if other neighbouring land along Nepean Highway is redeveloped in line with other policy directions through subsequent Amendments for the area.

Council considered there were sufficient policies in the Planning Policy Framework to ensure the built form of other properties along Nepean Highway respond respectfully so that they do not dominate or unreasonably diminish the heritage values of 21-23 Nepean Highway.

**(iii) Discussion**

The Amendment proposes to apply the Heritage Overlay to 21-23 Nepean Highway as an individual place. As an individual place, the property boundary forms the curtilage around the house needed to protect the heritage fabric. What happens beyond the property is not relevant and will not affect the house's heritage significance. The house is sufficiently set back from the property frontage and side boundaries to clearly understand the place's heritage significance irrespective of what occurs on abutting or neighbouring properties. The Panel therefore agrees with Council and Mr Hemingway that the Heritage Overlay should be applied to 21-23 Nepean Highway.

**(iv) Conclusion**

The Panel concludes that 21-23 Nepean Highway, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO191).



## 5.2 13 Seymour Road, Elsternwick (HO193)

### Exhibited Statement of Significance



#### What is significant?

The Edelstein Residence at 13 Seymour Road, Elsternwick is significant to the City of Glen Eira, including its exterior, front fence and wall, and general landscaping.

#### How is it significant?

The Edelstein Residence at 13 Seymour Road, Elsternwick is of historical and aesthetical significance to the City of Glen Eira.

#### Why is it significant?

The Edelstein Residence at 13 Seymour Road, Elsternwick is of historical significance as a fine example of a Modernist house constructed in 1974 to the design of Kenneth H Edelstein. It illustrates the continued presence of progressive architecture in the municipality across the post-WWII period, which forms a condensed but important layer of development for the suburb, as well as the sustained attraction of Seymour Road for high-end residential design.

#### (Criterion A)

The Edelstein Residence at 13 Seymour Road, Elsternwick is of aesthetic significance as a fine and highly intact example of 1970s Modernist architecture with a purposefully discreet streetscape presence. Low lying and cuboid in form, it exemplifies the shift in Modernist approach during this period towards a more subdued presence due to its restrained material palette and articulation. Its modulated configuration cannot be readily appreciated from the public realm due to its largely concealed presentation to the street, including the low garden fence and high garage courtyard wall, both constructed from relatively small exposed concrete blocks. These elements, combined with the screening effect of the front garden, form important elements of its overall design.

#### (Criterion E)

**(i) The issue**

The issue is whether 13 Seymour Road, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO193).

**(ii) Evidence and submissions**

The owner of 13 Seymour Road objected to the Heritage Overlay being applied to the property. The submission was accompanied by a letter containing heritage advice from Peter Andrew Barrett. He stated the HO193 citation does not accurately describe the property, for example:

- the garage roof is not a cantilever but spans between the house walls and a boundary wall
- the house is not 'highly intact' because an addition has been built on the east elevation
- the garden plants appear to be non-indigenous and not the native vegetation described in early articles.

Peter Andrew Barrett considered that 13 Seymour Road:

- did not meet Criteria A and E set out in the Statement of Significance
- is not particularly demonstrative of progressive architecture in Glen Eira
- shares similarities with Modernist design of at least a decade earlier.

Peter Andrew Barrett considered the aesthetic importance (Criterion E) described in the Statement of Significance to be inaccurate because:

- the practice of the dwelling being insular and turning its back to the streetscape was the practice in decades previous to the dwellings construction date
- by the mid 1970s, architects such as Peter Corrigan "*advocated a celebration of the suburb instead of its derision*".

The owner of 13 Seymour Road called expert evidence on heritage from Ms Riddett of Anthemion Group. Ms Riddett considered the Heritage Overlay was not warranted for 13 Seymour Road. She stated:

- 13 Seymour Road generally accords with Criteria A and E but is not sufficiently important to meet the thresholds
- the heritage assessment is flawed because information about elements not visible from the street were drawn from documentary sources rather than an onsite inspection
- the property's recent landscaping does not resemble the original native vegetation and should not be identified or included as a significant element
- Robin Grow's new book *Melmo* refers to architects like Fooks, Clerehan, Bell and McGlashan but not Mr Edelstein. She considered this could be an indication of the status of Edelstein.

Ms Riddett questioned how the comparative examples are relevant to 13 Seymour Road and explained:

- 450 Dandenong Road, Caulfield North is on the Victorian Heritage Register (H2387), meets Criterion D which is not relevant, and has no comparable architectural features
- 32 Howitt Road, Caulfield North is on the Victorian Heritage Register (H2191), is similar but designed the previous decade so is the original version
- 23 Seymour Road, Elsternwick was constructed at a similar time but is a group of townhouses that has incomparable heritage significance
- 38 Prahran Grove, Elsternwick has home units and the comparison is unclear.

Mr Hemingway considered 13 Seymour Road to be a distinctive and unusual example in the municipality which achieved the threshold for local heritage significance.

Mr Hemingway stated it was most common to assess heritage from the streetscape. Over the past two decades, he has found it usually sufficient to assess heritage in urban areas, especially if accompanied with original drawings. He acknowledged this approach may result in minor inaccuracies such as describing the garage roof as a cantilever rather than spanning between two walls. He opined this discrepancy did not affect the place's heritage significance assessment.

Mr Hemingway stated:

- the addition to the north-east corner is noted in the description, is relatively minor, and not visible from the public domain
- no heritage value has been given to the garden because it is likely the front garden plantings described in the 1974 article had been changed
- the house is a good example of its type regardless of it being constructed four years after being designed
- there is only one other identified example of this house type with limited presence to the street subject to the Heritage Overlay in the municipality
- architectural styles are typically current for several years and do not need to be the first example of a type to be of heritage significance.

Mr Hemingway added that some noted architects such as Neil Clerehan, Guilford Bell, and McGlashan Everist deployed the same typology in Melbourne from about the mid-1960s, with examples on the Victorian Heritage Register. Examples of their work include Clerehan's Fenner House of 1964 (228 Domain Road, South Yarra) and McGlashan's Heidi II of 1963-1967 (7 Templestowe Road, Bulleen). He could not refer to contemporary works of these architects in Glen Eira.

Mr Hemingway referred to the Ernest Fook House at 32 Howitt Road, Caulfield North (HO150/VHR 2191) built in 1964-66 as an example in Glen Eira of:

- a discreet, courtyard style house type that is similarly blank to the street
- the only other house designed by an architect for their own family.

Mr Hemingway added:

Architects often explored more radical expression and ideas for their own houses, ones that were less widely accepted by the general public. In Australia, architecture is largely predicated on British and other Western traditions, whereas there was a strong interest among progressive architects at this time in Asian traditions, such as Japanese and Chinese, where a different approach to housing was employed. In these countries, traditionally walls or screens were employed to the front of the house or site creating a distinct air of privacy from the public domain.

Council adopted Mr Hemingway's evidence. It rejected the assertion that the comparative analysis did not demonstrate the place had sufficient heritage significance. It disagreed that Mr Hemingway needed to conduct an on-site inspection and submitted:

- the HO193 citation and Statement of Significance is comprehensive and prepared strictly in accordance with Planning Practice Note 1
- the Panel should give no weight to the assertion that the property's assessment was flawed because there was no onsite assessment.

**(iii) Discussion**

The property at 13 Seymour Road is a fine and highly intact example of 1970s Modernist architecture. Elements which contribute to this style include its low lying form, flat roof structure, colours and materials. The Panel considers the dwelling's intentionally discreet street presentation to be a 1970s styling of the same concept from the previous decade. This does not mean that the design response is an inferior version of earlier examples, as 13 Seymour Road is set in an evolved context.

The architect blended the dwelling and front fence into a single entity through its design response, colours and materials. The solid front fence which obscures the dwelling, forms part of the property's heritage fabric. This is where the property differs to heritage properties which have had a solid masonry fence added. In such circumstance, an on-site inspection may have been warranted to understand whether the hidden heritage fabric continues to exist. This is because the front fence is reversible, providing the opportunity to reveal the heritage fabric again. This is not the situation with 13 Seymour Road and an assessment from the public realm is acceptable.

The inability to clearly view the dwelling from the street forms part of its original heritage design response. The property continues to present itself generally in its original form. The HO193 heritage citation clearly shows detailed views of the property from the public realm. An on-site inspection was not essential, though it would have benefitted the assessment. Photos and information provided by the owners and Ms Riddett helped to complete details about the property.

The Panel generally prefers Mr Hemingway's evidence regarding the heritage significance of 13 Seymour Road. The citation concluded that the place achieved the local threshold for heritage significance after noting:

A recent and sympathetic addition has been constructed to the rear north-west corner of the building, extending the building and roof towards the east boundary.

The alterations identified in the citation and through evidence and submissions do not diminish the place's significance to the point it no longer achieves the local threshold.

The Panel agrees with Ms Riddett that 13 Seymour Road cannot be compared with the 'Elevated Townhouses' at 23 Seymour Road, Elsternwick for reasons set out in her evidence. The citation continues to have enough other comparable examples for the purposes of concluding that 13 Seymour Road has sufficient heritage significance to justify the Heritage Overlay.

**(iv) Conclusion**

The Panel concludes:

- 13 Seymour Road, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO193).
- The HO193 heritage citation should be revised to remove 23 Seymour Road, Elsternwick as a comparable property.

### 5.3 38 Prahran Grove, Elsternwick (HO195)

#### Exhibited Statement of Significance



#### What is significant?

The Three 'Usonian' Home Units at 38 Prahran Grove, Elsternwick are significant, namely its exterior of unpainted contrasting textured and smooth brick, tile clad hip roof sections with broad eaves and box gutters, and cantilevered carports. The original window configurations are also significant including the lattice transoms to the east, creating a relatively blank expression to the street, and a series of full height windows to the courtyard.

#### How is it significant?

The Three 'Usonian' Home Units at 38 Prahran Grove, Elsternwick are of historical and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

The Three 'Usonian' Home Units at 38 Prahran Grove, Elsternwick designed by the noted architect David Godsell, are of historical significance as a distinctive and accomplished Modernist example of a development type that, while common to the suburb from the post-WWII period, did not routinely express such a marked level of design. Constructed in 1966, the units replaced a freestanding Interwar period house and were indicative of popular interest at the time with a typology new to suburban areas, the home unit. **(Criterion A)**

The Three 'Usonian' Home Units at 38 Prahran Grove, Elsternwick are of aesthetic significance as a highly intact and considered post-WWII Modernist residential development. Central to the design is the L-shaped form and interlocking composition of the three brick units, low scale, alternating hipped and flat roofs, the arrangement of indoor and outdoor spaces, cantilevered/integrated carports and internal courtyards. These aspects, along with the restrained but contrasting material palette and complementary landscaping elements, demonstrate Godsell's application of Usonian principles in combination with the influence of Japanese architecture, especially with the transom lights (ramma) and deep beams to the cantilevered carport canopies. **(Criterion E)**

**(i) The issue**

The issue is whether 38 Prahran Grove, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO195).

**(ii) Evidence and submissions**

The owner of one of the units at 38 Prahran Grove objected to the Heritage Overlay being applied to the property. He submitted:

- the property is considered a home, and not a structure of significance
- there is a housing shortage for families in the area
- all units have a roof design flaw
- adding a second level would resolve the roof problem and avoid it falling into disrepair
- applying the Heritage Overlay will result in an expensive planning process.

Mr Hemingway considered that 38 Prahran Grove easily achieves the local threshold for heritage significance to justify the individual Heritage Overlay. He explained:

- at the time of the assessment, there were only two houses in Glen Eira built after WWII subject to the Heritage Overlay and both were on the Victorian Heritage Register
- since then, 19 other houses or flats and two small precincts have been assessed through Amendment C214.

He stated that 13 Seymour Road had no obvious comparator with the post-war places in Amendment C214 because those places:

- generally have a flat roof
- are more indicative of the orthodox flat roof approach to Modernism in the 1950s and 1960s
- rarely reflect such a pronounced influence of Japanese and Frank Lloyd Wright architecture.

Mr Hemingway considered 38 Prahran Grove to be a rare instance of an architect being engaged for this typology, which is more typically the domain of the speculative builder.

Council adopted Ms Hemingway's evidence.

**(iii) Discussion**

General issues relating to policy response, building condition and development opportunity are discussed earlier in this report and are not repeated here. The owner did not provide detailed grounds to understand why he considered the property had insufficient heritage significance.

The Panel agrees with Mr Hemingway's evidence. The place's approach to Modernism is clearly influenced by Japanese and Frank Lloyd Wright architecture. While both styles were popular in Australia since the 1950s, the Panel agrees that a melding of most styles is rarely seen in a single place.

**(iv) Conclusion**

The Panel concludes that 38 Prahran Grove, Elsternwick has sufficient heritage significance to justify the Heritage Overlay (HO195).



## 5.4 6 Downshire Road, Elsternwick (HO201)

### Exhibited Statement of Significance



#### What is significant?

The house at 6 Downshire Road, Elsternwick is significant, including the original intact part of the house, original roof form, chimneys, verandah and windows. The rear single storey extension is not significant.

#### How is it significant?

The house at 6 Downshire Road is of local historic, representative and aesthetic significance to the City of Glen Eira.

#### Why is it significant?

The house at 6 Downshire Road, Elsternwick is of historic significance as a good example of a Federation residence. It is reflective of Elsternwick's consolidation as a desirable suburb at this time. After the initial and limited development of Elsternwick during the Land Boom period of the 1880s, the Federation period saw an expansion of subdivisions and development, when lots left vacant in existing subdivisions (a result of the 1890s depression) were infilled and further land was released. Suburban development was facilitated by improvements to transport networks, initially train, and the sustained preference for freestanding/single-family homes continued to underpin the development of the precinct well into the 20th century. These various built layers are important markers of the broader evolution of Elsternwick from a locale peripheral to Melbourne into a well-established suburb with a middle-class identity. **(Criterion A)**

The house at 6 Downshire Road, Elsternwick is of representative and aesthetic significance as part of an intact Federation brick pair and represents a key phase of growth within Elsternwick. Elsternwick retains many good and intact examples of residential buildings from the Victorian, Federation and Interwar periods with streetscape sections of consistent housing from a particular period. This section of Downshire Road is characterised by Federation houses and 6 Downshire Road represents this era. **(Criterion D + E)**



**(i) The issue**

The issue is whether the Heritage Overlay (HO201) should be applied to 6 Downshire Road, Elsternwick until the Elsternwick South Precinct is introduced into the Planning Scheme or a decision is made to the contrary.

**(ii) Evidence and submissions**

Council submitted that the Heritage Overlay was proposed for 6 Downshire Road, like 22 Grafton Street (HO202) and 19 Hopetoun Street (HO203), Elsternwick in an unusual circumstance. It explained:

- the property was originally listed as a contributory property in the Elsternwick South Precinct
- DELWP did not authorise the Elsternwick South Precinct to be included in the Amendment until the Elsternwick Structure Plan progressed
- DELWP authorised the Heritage Overlay being applied to property as an individual place.

Council invited comments from the Panel regarding the Heritage Overlay being applied to 6 Downshire Road, Elsternwick, 22 Grafton Street, Elsternwick and 19 Hopetoun Street, Elsternwick until Council can apply the Elsternwick South and Elsternwick North precincts.

The owner of 6 Downshire Road objected to the Heritage Overlay being applied to her property. She submitted:

- the property is in the Elsternwick South Precinct and the only one singled out from several others of the same era
- the Amendment does not address the precinct
- the houses at 4 and 6 Downshire Road are a duplex but:
  - 4 Downshire Road has been excluded so it could be demolished without planning permission
  - 6 Downshire Road would be subject to heritage related planning provisions.
- 6 Downshire Road is not outstanding on its own.

Mr Hemingway stated that 6 Downshire Road:

- was not originally intended to be recommended as an individual Heritage Overlay
- is recommended as a contributory place in the Elsternwick South Precinct, which has not progressed to the Amendment
- is near the northern boundary of the Precinct where there is a concentration of largely intact Queen Anne Style houses
- would negatively impact the Precinct if it was demolished
- has been identified at risk of demolition so it is appropriate to retain the interim Heritage Overlay (HO201) until it expires on 7 July 2021 or until when the implications of the Elsternwick South Precinct are known.

Mr Hemingway considered that 4 and 6 Downshire Road:

- form a pair and it does not make sense to exclude it from the Heritage Overlay (HO201)
- are intact and good examples of Queen Anne style brick cottages, though not a rare type or sufficiently distinguished to justify an individual Heritage Overlay
- achieve contributory significance to the proposed Elsternwick South Precinct.

Mr Hemingway explained that the Elsternwick Structure Plan may not be implemented for some time so its implications are unclear.

**(iii) Discussion**

As discussed in Chapter 2, the Heritage Study identified properties described in the Elsternwick South and Elsternwick North precincts as having sufficient heritage significance to justify the Heritage Overlay. These two precincts do not form part of the Amendment and are therefore not before the Panel. However, the exclusion of these precincts for unusual reasons has triggered a series of actions resulting in the need to apply the Heritage Overlay on an interim basis to protect three properties from demolition.

There was no objecting submission to 22 Grafton and 19 Hopetoun Streets, Elsternwick, however Council has asked for the Panel's comments because they are in a similar circumstance to 6 Downshire Road. The Panel considers these properties should also be included in the Heritage Overlay for the same timeframe as 6 Downshire Road.

**(iv) Conclusion**

The Panel concludes that the Heritage Overlay (HO201) should be applied to 6 Downshire Road, Elsternwick, 22 Grafton Street, Elsternwick and 19 Hopetoun Street, Elsternwick until the Elsternwick South Precinct is introduced into the Planning Scheme or a decision is made to the contrary.

## Appendix A Planning context

### A1 Planning objectives

#### PE Act

Section 4(1)(d) seeks 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
- balance the present and future interests of all Victorians.

#### Planning Scheme

Table 2 summarises the Planning Policy Framework clauses relevant to the Amendment, as set out in the Explanatory Report.

**Table 2 State, regional and local policies**

Relevant clauses
<b>15 (Built environment and heritage)</b>
<b>15.01 (Built environment)</b>
<b>15.01-5S (Neighbourhood character)</b> To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
<b>15.03 (Heritage)</b>
<b>15.03-1S (Heritage conservation)</b> To ensure the conservation of places of heritage significance. Relevant strategies: <ul style="list-style-type: none"> <li>- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.</li> <li>- Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.</li> <li>- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.</li> <li>- Encourage appropriate development that respects places with identified heritage values.</li> <li>- Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.</li> <li>- Ensure an appropriate setting and context for heritage places is maintained or enhanced.</li> </ul>
<b>21 (Municipal Strategic Statement)</b>
<b>21.10 (Heritage)</b>
<b>21.10-02 (Objectives, strategies and implementation)</b> Relevant strategies: <ul style="list-style-type: none"> <li>- Protect places identified as having architectural, cultural or historical significance.</li> <li>- Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.</li> <li>- Enhance knowledge and popular understanding of Glen Eira's architectural, cultural and historic heritage</li> </ul>

**Relevant clauses****22 (Local planning policies)****22.01 (Heritage)****22.01-2 (Objectives)**

Relevant objectives:

- 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 of significant and contributory heritage places within Glen Eira.

**A2 Other relevant planning strategies, policies and provisions****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. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
  - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
  - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
  - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

**Heritage Overlay**

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 specifically identified 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 an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

### A3 Glen Eira Council and Community Plan 2017-2021

The Council and Community Plan 2017-2021 (Council Plan):

- was prepared after consulting with 650 members of the community
- identified the impact of development on heritage as an issue
- sets out themes, long-term community goals and strategic objectives to achieve them.

One of the goals, 'A well planned City that is a great place to be', includes:

**Goal: A well planned City is a great place to live.**

...

**Objective 1. Create prosperous, accessible and vibrant urban places**

We will:

...

Ensure future development respects and celebrates our heritage and character by establishing new building and development guidelines.

...

**Objective 2. Encourage development that benefits the community**

We will:

- Review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts.

The Council Plan sets out its 2017-18 commitments which includes:

We will develop and implement policies and controls that protect heritage, and the character of our residential areas.

### A4 Ministerial Directions and Practice Notes

#### Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The PE Act).

That discussion is not repeated here.

#### Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 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.

Planning Practice Note 1 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).

### Planning Practice Note 91

Planning Practice Note 91 (Using the Residential Zones), states:

It is important to understand the differences between neighbourhood character and heritage. While all areas have a history or a heritage, not all areas are historically significant. Heritage significance is determined by recognised criteria set by Commonwealth, state and local agencies with reference to the Burra Charter.

The Heritage Overlay (HO) should be used where the objective is to conserve the existing building or buildings.

...

The application of the HO and underlying residential zoning should be consistent with the strategic intent outlined in the MPS and PPF.

For example, if an area is zoned for housing change, a planning authority must satisfy itself that this is compatible with the conservation of existing buildings otherwise a direct conflict between the purpose of the zone and the overlay will be created making it difficult to interpret and apply the controls.

## Appendix B Document list

No.	Date	Description	Party provided by
<b>2021</b>			
1	5 Oct	Panel directions and timetable (version 1)	Planning Panels Victoria
2	1 Nov	Hearing Submission – Part A	Council
3	1 Nov	Expert Witness Statement – Anthony Hemingway	Council
4	1 Nov	Expert Witness Statement – Robyn Riddett	Ms Riddett
5	4 Nov	Panel directions and timetable (version 2)	Planning Panels Victoria
6	4 Nov	Hearing Submission	Glen Eira Historical Society
7	8 Nov	Hearing Submission – Part B	Council
8	8 Nov	Hearing Submission	Daniel and Melanie Birner
9	8 Nov	Hearing Submission	Jacinta Smith
10	8 Nov	Expert Witness Presentation – Anthony Hemingway	Council
11	9 Nov	Plan – 36 Seymour Road, Elsternwick	Daniel and Melanie Birner



## GLEN EIRA PLANNING SCHEME

## Statement of Significance: Elsternwick Commercial & Public Precinct (2019)

<b>Address:</b> Elsternwick, inclusive of the following sites: <ul style="list-style-type: none"> <li>• Carre Street: 1A</li> <li>• Glenhuntly Road: 263-467 and 511-537 (north) and the railway reserve to no. 478 (south)</li> <li>• Gordon Street: nos 1 and 9/9B</li> <li>• Riddell Parade: nos 6-16</li> <li>• Selwyn Street</li> <li>• Staniland Grove: nos 1C/1D/1E and 2/2A/2B</li> </ul>	<b>Name:</b> Elsternwick Commercial and Public Precinct
	<b>Place Type:</b> Commercial
	<b>Grading:</b> Significant
	<b>Constructed:</b> Late 1880s to late 1930s
	<b>PS ref no:</b> HO180



This document is an incorporated document in the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## GLEN EIRA PLANNING SCHEME

**What is significant?**

The following features contribute to the significance of the Elsternwick Commercial and Public Precinct:

- Intact buildings, both single- and two-storey, dating to the Late Victorian, Federation and Interwar periods,
- Intact parapets to single-storey buildings,
- Intact first floors and parapets, often with elaborate detailing, to two-storey buildings,
- Visible/expressed roofs, usually clad in terracotta tiles,
- Original wall finishes including render (smooth and/or roughcast) and/or brickwork (often overpainted),
- Original decorative rendered/pressed cement elements, mainly to the Victorian period buildings, to cornice, frieze, windows, etc.,
- Original timber windows – mostly double hung sashes, but also casements, toplights and box-framed,
- Intact original/early shopfronts – mainly dating to the Federation and Interwar periods, with recessed entries (often retaining a pressed metal ceiling), metal framing (often with a bronze finish), original decorative glass to toplights (stained and/or textured), tiling to entry floor and/or stallboards, and timber-framed doors, and
- Original cantilevered canopies with pressed metal soffits and/or brackets/framing..

Contributory places:

- North side – Glenhuntly Road: 263, 271, 273-275 + 1 Selwyn Street, 277-281 + 2 Selwyn Street, 283/283A-289, 291-295, 297-303, 305-313, 315, 317, 323-329, 331-333, 341-343, 345-351, 357-371 + 1A/1B Staniland Grove, 373-375, 377-381, 383, 385-399, 405, 409, 411-413, 421-439+ 421A, ~~459, 461~~, 463-467, 511-523, 527-537; ~~2/2A/2B~~ Staniland Grove; and Selwyn Street: 13, 21
- South side – Glenhuntly Road: 270-272, Elsternwick Station Reserve, 294 (former Elsternwick rifle club), 316-322, 332, 334-336/A, 338-340, 342-344, 346, 348, 352, 354-356, 360, 362-364, 366-70, 372-376, 386-392, 394-396, 398, 400-402, 404, 410, 416, 420, 426-428, 430-432, 434-436, 438-442, 444-448, 450, 452, 454, 456, 458-464, 466-468, 470-472 and 474-478
- Tram overhead wire poles: 64-79 and 81

Non-contributory places:

- North side – 319, 335-339, 355, 401, 403, 407, 415, 417-419, 441-461, 525; 2/2A St Georges Road; 1C/1D/1E, ~~2B~~ Staniland Grove; and 7, 10, 15, 19 Selwyn Street
- South side – 300-314 (6-16 Riddell Parade), 324-324A, 326, 328-30, 350/A, 358, 378-384 + 1A Carre Street, 406-408, 412-414, 418 and 422-24

This document is an incorporated document in the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## GLEN EIRA PLANNING SCHEME

**How is it significant?**

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The Elsternwick Commercial and Public Precinct is of local historical, representative and aesthetic significance to the City of Glen Eira.

**Why is it significant?**

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The Elsternwick Commercial and Public Precinct is of historical significance as the first major commercial strip that developed in the municipality as well as for being a longstanding focus of economic and social activity in the district. From the 1880s, the growth of the wider suburb stimulated commercial and civic/public construction activity along Glenhuntly Road, particularly in the vicinity of Elsternwick Railway Station. In the wake of a general development hiatus caused by the 1890s economic downturn, the building of shops and stores gradually resumed and then intensified over the Federation period, a trend supported by the electrification of the tramline along Glenhuntly Road in 1913. By the Interwar period, the precinct – well-established as a retail centre in the locality – had attained a degree of regional prominence and was considered one of the larger examples of its type in Melbourne's south-eastern suburbs. Its continuing role as a local shopping and service centre also illustrates the importance of such places in the daily life of communities. (Criterion A)

The Elsternwick Commercial and Public Precinct is of representative significance for the high proportion of largely intact, contributory commercial buildings dating from the Late Victorian, Federation and Interwar periods. These buildings form consistent streetscapes with many fine buildings that are evocative of their respective periods. Many of the buildings are part of larger groups. The Late Victorian buildings display a variety of classicising details and tend to be rendered. This layer includes a few buildings designed in the Anglo-Dutch style, which are a distinguishing feature of the precinct. Many of the Federation period and most of the Interwar period buildings display an Arts and Crafts aesthetic, commonly with a combination of brick (red and clinker) and render (smooth or roughcast). Unusually many of this type also have expressed tile clad roofs. A few early 20th century shopfronts remain, and some pressed metal soffits to the canopies. (Criterion D)

The Elsternwick Commercial and Public Precinct is of aesthetic significance for including individually notable buildings dating to each period:

- Late Victorian: Glenhuntly Road, 305-313 (Moore's Buildings), 323-329, 386-392 + 398, 474-478 (including 3 shopfronts);
- Federation: Glenhuntly Road, nos 263, 277-281 + 2 Selwyn Street, 294 (former Elsternwick rifle club), 331, 346, 357-381 (Buckeridge's Buildings), 366-370 (former bank), 376 (former bank); and 13 Selwyn Street (former UFS dispensary), and
- Interwar: Glenhuntly Road, nos 421-439 (Reid's Buildings, including 3 shopfronts), 527-537 (including 3 shopfronts); and 21 Selwyn Street (telephone exchange). (Criterion E)

**Primary source**

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*Glen Eira Heritage Review of Elsternwick Structure Plan Area 2019 Stage 2 Report prepared by RBA Architects + Conservation Consultants Pty Ltd.*

This document is an incorporated document in the Glen Eira Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## 8.5 SUBMISSION - INQUIRY TO EXAMINE THE PLANNING AND ENVIRONMENT ACT 1987

**Author:** Charlotte Griffith, Senior Strategic Planner

**Trim No:** 21/1341055

**Attachments:** 1. Attachment - Submission to inquiry [↓](#)

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### EXECUTIVE SUMMARY

The Legislative Council's Environment and Planning Committee is seeking submissions to its Inquiry into the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework in relation to planning and heritage protection. The Environment and Planning Committee is required to report its findings by June 2022.

The report presents Council's submission (Attachment 1). In summary, officers consider the Act should strengthen the Victorian planning framework's role in the provision of affordable housing, increased sustainability outcomes, environmental protection and delivering certainty and fairness in planning decisions for communities.

The Act focuses far more on planning than the environment, and there is an opportunity to ensure that this more adequately addressed in the Act.

### RECOMMENDATION

That Council endorses this report and refers its submission (Attachment 1 to this report) and a covering letter to the Inquiry to examine the *Planning and Environment Act 1987*.

### BACKGROUND

#### What is The Environment and Planning Committee?

The Environment and Planning Committee is a standing committee appointed by the Legislative Council.

The functions of the Environment and Planning Committee are to inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.

The Environment and Planning Committee may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to its functions.

#### What is this Inquiry about?

This Inquiry is focused on the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework in relation to planning, affordable housing and heritage protection, and in particular the Committee is to examine:

- (1) the high cost of housing, including but not limited to —
  - (a) provision of social housing;
  - (b) access for first home buyers;
  - (c) the cost of rental accommodation;
  - (d) population policy - State and Local;
  - (e) factors encouraging housing as an investment vehicle;
  - (f) mandatory affordable housing in new housing developments;

- (2) environmental sustainability and vegetation protection;
- (3) delivering certainty and fairness in planning decisions for communities, including but not limited to —
  - (a) mandatory height limits and minimum apartment sizes;
  - (b) protecting Green Wedges and the urban growth boundary;
  - (c) community concerns about VCAT appeal processes;
  - (d) protecting third party appeal rights;
  - (e) the role of Ministerial call-ins;
- (4) protecting heritage in Victoria, including but not limited to —
  - (a) the adequacy of current criteria and processes for heritage protection;
  - (b) possible federal involvement in heritage protection;
  - (c) separating heritage protection from the planning administration;
  - (d) establishing a heritage tribunal to hear heritage appeals;
  - (e) the appointment of independent local and state heritage advisers;
  - (f) the role of Councils in heritage protection;
  - (g) penalties for illegal demolitions and tree removals;
- (5) ensuring residential zones are delivering the type of housing that communities want; and
- (6) any other matter the Committee considers relevant.

## ISSUES AND DISCUSSION

The *Planning and Environment Act 1987* (Act) establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. It outlines a Council's role as both a planning authority (strategic planning) and a responsible authority (statutory planning) and establishes the planning system (including the Glen Eira Planning Scheme) within which Glen Eira operates.

### Scope of the Act

- The Act sets out procedures for preparing and amending the Victoria Planning Provisions and planning schemes. It also sets out the process for obtaining permits under schemes, settling disputes, enforcing compliance with planning schemes and permits, and other administrative procedures.
- The main functions of the Act are to:
  - Set the broad objectives for planning in Victoria.
  - Set the main rules and principles for how the Victorian planning system works.
  - Set up the key planning procedures and legal instruments in the Victorian planning system.
  - Define the roles and responsibilities of the Minister, councils, government departments, the community and other stakeholders in the planning system.
- The Act is 'enabling' legislation. It does not precisely define the scope of planning, how it should be done or the detailed rules that should apply to land use and development.

These and other more detailed matters are dealt with by 'subordinate' instruments under the Act, meaning these instruments get their legal weight from the Act. These instruments include the Victoria Planning Provisions, planning schemes, regulations and Ministerial directions.

Officers have considered the Inquiry's terms of reference and have responded to each of the issues.

### **The high cost of housing**

#### **Provision of social housing**

The Act was updated to include a definition of affordable housing and to specify the household incomes in the very low, low and moderate range. The objectives of planning at Section 4 of the Act were also expanded to include the provision of affordable housing in Victoria as an objective.

Clause 16.01-2S of all planning schemes was updated to include a policy that sought to *deliver more affordable housing closer to jobs, transport and services*.

While Council welcomes their inclusion in the Act and the planning scheme, they only provide policy support rather than a statutory mechanism to require the provision of affordable housing.

Glen Eira's *Social and Affordable Housing Strategy 2019-2023* identifies 7,533 households or 13 per cent of all households in Glen Eira in housing stress. Glen Eira has a lower proportion of affordable housing compared to the Melbourne average (1.4 per cent versus 3.3 per cent of total dwellings) and the unmet need for affordable housing is in the order of 5,883 dwellings.

Council's *Social and Affordable Housing Strategy* notes that:

*For Glen Eira to meet its estimated need, over half of all new homes will need to be affordable housing. This is not achievable. A more realistic, but still aspirational target, would be for Glen Eira to reach the Melbourne average rate of 3.3 per cent social housing provision by 2036, which would require a further 1,800 social housing dwellings to be built, at a rate of 106 dwellings per year from 2019 to 2036. This would be an ambitious target, yet it would only address one third of the estimated need for social and affordable housing in 2036.*

Few affordable housing units have been constructed in Glen Eira since the changes to the Act were introduced. Some affordable housing dwellings are currently being constructed within the latest stage of Caulfield Village, and there are commitments through the redevelopment of East Village and a proposed affordable housing proposal in Egan Street, Carnegie.

This demonstrates that the policy change has not been sufficient to deliver the affordable housing units required. Officers consider the provisions in the Act and Planning Policy Framework (PPF) to be insufficient.

A statutory mechanism to require a percentage of affordable housing in developments over a certain size, whether through a rezoning or a planning permit will be required. A position paper on Council's commitment to a planning mechanism for affordable housing contributions for new development was endorsed by Council on 29 June 2021. The position paper expresses Council's support for mandatory affordable housing contributions.

#### **Access for first home buyers**

The Act and PPF do not address access for first home buyers.

Housing prices have risen significantly in recent years. Traditional detached housing (which is the dominant housing typology) in Glen Eira is becoming increasingly unaffordable. The price of housing is a significant barrier for first home buyers.

Council is preparing a Housing Strategy that will be Council's framework for managing population and housing growth to 2036 with provision for continued growth beyond this timeframe.

It will guide appropriate future residential development to the right locations. It will identify projected population and housing growth and will ensure sufficient housing land is available to accommodate projected growth over the next 15 years.

It seeks to address the lack of access for first home buyers by improving housing diversity. The Housing Strategy will address this issue as best it can within the planning system.

Planning policy seeks a balance between growth and neighbourhood character. The Housing Strategy will update Council's neighbourhood character statements and plan for future housing in a way that considers neighbourhood character.

There are *Planning Practice Notes* that help councils understand neighbourhood character (PPN43) and apply the garden area requirement (PPN84). Neither the Planning for Housing practice note (PPN90), nor the Applying the Residential Zones practice note (PPN91) make mention of affordable housing or first home buyers and need updating to reflect the changes in the Act and PPF that provide policy support for affordable housing and first home buyers.

There is little direction provided to councils to assist with the provision of affordable housing. A planning practice note or a mandatory mechanism like inclusionary zoning that support councils to secure affordable housing through the planning system is required.

Nevertheless, there are a range of factors that contribute to a lack of access to affordable housing for first home buyers and these factors are beyond the control of Council and the planning system.

Council is concerned that a lack of access to home ownership for younger residents is contributing to an intergenerational divide. Older generations have had the benefit of access to home ownership and the security that it brings. The younger generation does not have the same access.

Increasingly, housing has been used as a tool for investment and wealth creation rather than as shelter. Foreign investment laws, mortgage lending practices and negative gearing are some of the factors at a federal level that contribute to a lack of access for first homebuyers, but these are not issues that can be addressed by the Act.

There is considerable weight given to neighbourhood character in planning in Victoria. If there were equal weight given to affordable housing, especially via a statutory control rather than a policy-only focus, the planning system may be better able to deliver affordable housing to assist access for first home buyers.

#### *The cost of rental accommodation*

The Act and PPF do not address the cost of rental accommodation directly. The planning system considers use and development of land. It does not consider residential tenure. The planning system cannot mandate the price of accommodation. It is predominantly driven by the market and governed by the *Residential Tenancies Act 1997*.

Council does not consider the Act and PPF an appropriate vehicle for addressing this concern.



### Population policy, state and local

Plan Melbourne acknowledges the growth of Melbourne and when councils prepare a Housing Strategy, PPN90 makes clear that there needs to be sufficient land available to accommodate projected growth for the next 15 years, outlined in *Victoria in Future*. That is an appropriate mechanism to plan for future growth.

The focus in Plan Melbourne of accommodating growth in established areas is also supported from an environmental and financial perspective.

A more compact city is more environmentally sustainable and requires less expenditure on infrastructure on the fringe, resulting in State Government economic benefits.

Council considers that population growth and encouraging decentralisation to regional centres is less well addressed. This could be an area for improvement, especially in the wake of the Covid-19 pandemic and increased digitisation of some workforces.

### Factors encouraging housing as an investment vehicle

The planning system (through the Act) regulates how land is used and what can be built on it. It does not regulate the financial and taxation systems that enable housing to be used as an investment vehicle.

The financial system and taxation are regulated through federal legislation and accordingly, the Act and PPF are not the appropriate vehicles for addressing this concern.

### Mandatory affordable housing in new housing developments

As previously discussed, affordable housing is not sufficiently addressed in the Act or PPF.

If there were to be a change to the planning system to introduce mandatory affordable housing in new developments, the following issues (amongst others) would need to be considered.

Council has a policy requiring a minimum of five per cent affordable housing on rezoned sites. Ideally this should be extended to higher density development proposals and adopted at a State level.

Analysis should be undertaken to establish what scale of development could accommodate affordable housing, what mechanism would be used to mandate this requirement and how to ensure the housing was “affordable” in the long term.

### **Environmental sustainability and vegetation protection**

Council declared a climate emergency in May 2020 and supports changes to the Act that drives action to reduce emissions from our community to zero by 2030 and ensures our community is resilient to the impacts of climate change.

Currently the Act and PPF do not suitably address environmental sustainability and vegetation protection in a metropolitan context. The Act predominantly focuses on *planning*, with *environment* a distant second. While the legislated objectives in the Act refer to ‘sustainability’ there is no explicit definition, meaning it is open to interpretation and viewed as discretionary. Similarly, there is no mention or definition of climate change within the Act.

Without making climate change and sustainability considerations explicit or mandatory they will continue to be overlooked in favour of policy considerations that are more well defined within the Planning Scheme.

This is supported in the recently released report [Climate Change and Planning: Ensuring Victoria's planning system effectively tackles climate change](#), commissioned by the Council Alliance for Sustainable Built Environment and the Victorian Greenhouse Alliances. The report assesses the current barriers that impact the contribution the planning system can make in mitigating emissions and adapting our built environment to climate change.

It identifies a number of initiatives to address these barriers, including legislative change to the Act.

Officers support the recommendation to seek an amendment to the Act to provide clearer direction on the consideration of climate change in assessment and decision making.

Specifically:

- Inclusion of an additional, and specific, reference to climate change considerations within the Objectives of the Act, similar to the recent change relating to affordable housing. If affordable housing required a specific reference, then it is logical that climate change would also benefit from an explicit reference.
- Clarity on the duties required under the Act could be referenced under Section 12 (duties and responsibilities) to confirm that a Planning Authority must provide appropriate responses to climate change.
- Changes could be made to Section 46AZL to ensure that the principles guiding decision-making in declared areas also have consideration for appropriate mitigation and adaptation responses.

However, these legislative changes cannot be taken in isolation, as the key mechanism for implementing change under the Act is through the Planning Schemes, and update to these should be a priority. Statutory planners and other decision-makers need specific content in Planning Schemes to support them in delivering climate responsive outcomes. If there is no reference in the scheme, the ability to deliver outcomes is compromised and inconsistent and relies more heavily on individual decision-making and capacity.

These changes will also address the misalignment between the Act and the *Local Government Act 2020*. The *Local Government Act 2020* now includes an overarching governance principle that requires councils to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, (s.9 (2)(c)). Given the little or no mention of sustainability and climate change in the Act, it is challenging to fulfil this new requirement in relation to council's roles as a planning authority or responsible authority.

There is also a disconnection between the State Government's [Climate Change Strategy](#) direction to build greener homes and buildings, and the day-to-day decisions that are being made. Although [emissions reduction targets](#) and [commitments to adaptation](#) have been made, these have not yet 'trickled down' to inform decision-making within the built environment, and more particularly, to decisions made through Victoria's planning system.

To support any legislative change, preferred practice should be documented through new or amended Practice Notes. In undertaking both strategic planning, and in the assessment of developments, planners rely heavily on Practice Notes produced by the State Government. The integration of climate change consideration into these Practice Notes is currently poor, and in many cases, non-existent. Key areas that could benefit from new or updated Practice Notes include:

- The integration of climate change responses in the preparation of Structure Plans.
- How to prepare Climate Change Response Plans.
- How to apply ESD policy in practice, with reference to the role of external tools in demonstrating delivery of best practice.

**Delivering certainty and fairness in planning decisions for communities****Mandatory height limits and minimum apartment sizes**

The Victorian planning system is principally a performance-based system. Mandatory controls are used in certain circumstances. Nevertheless, the Neighbourhood and General Residential Zones have mandatory height limits built into them and there is the ability to mandate the height in the Residential Growth Zone. As a predominantly residential municipality, mandatory height limits apply to most of the land in Glen Eira.

There is some community support for more mandatory heights in activity centres and in the absence of this for preferred height limits that include better guidance on the exercise of discretion for exceeding a preferred height limit.

In this respect it is submitted that the Act and PPF should be strengthened to provide more certainty for all involved in the process. This could include:

- mandatory maximum height controls being used as a legitimate planning tool to simplify the planning system; and
- where discretionary controls are implemented, clearer guidance for the 'exercise of discretion' (eg. criteria for when height limits can be exceeded and by how much. For example, a 10 to 20 per cent increase and not double as is sometimes sought by applicants).

Apartment sizes are already discretionary. This enables consideration to be given to the quality of the space in terms of flexible furniture layouts, circulation and good natural lighting. Smaller apartments are more affordable and policy and controls that aim to improve the quality of the space may be more useful than mandating a minimum size. Well-designed smaller housing accommodates more people in well connected, areas, close to shops and services, and offers an affordable housing option. The quality of the space is more important than mandating a minimum size. Mandating a minimum size may contribute to making affordable housing even more elusive than it already is.

Considering the above, officers conclude that the current settings strike the right balance and no change is required.

**Protecting Green Wedges and the urban growth boundary**

Being an inner/middle ring municipality, Glen Eira City Council does not interact regularly with the legislative framework relating to the protection of green wedges and the urban growth boundary. There are some protections with Part 3AA of the Act and the Green Wedge Zone within the suite of VPP provides an assessment framework for the majority of uses that might undermine the purpose of the zone.

Council does acknowledge that green wedge areas are intrinsic to a healthy city of Melbourne and should be protected more robustly as development pressure increases.

There is clear direction in Plan Melbourne to support a more compact city which would reduce pressure on the urban growth boundary, yet it has been extended several times in the past. Its continued extension will not contain urban sprawl. Further extension of the urban growth boundary would also consume valuable and finite agricultural land. As such it is suggested that more robust protection is provided via the Act.

**Community concerns about VCAT appeal processes**

Feedback from the community is that VCAT far too often does not give enough weight to local concerns in their decision making. The perception is that VCAT weighs too much in favour the future interests of Victorians at the detriment of the current interests of Victorians.

There is also a perception that VCAT does not have appropriate regard to the number of objectors in considering whether the use or development may have a significant social effect.

Council also considers that the Act should elevate the status of local planning policy and enable local policy language to be directive and provide certainty in decision-making.

This will enable Council's strategic intent of approved planning policy to be delivered and improve the effectiveness of the local planning system.

The State Government planning system restricts how prescriptive or absolute local planning policies can be, resulting in applicants arguing and interpreting planning rules at VCAT, who are only required to consider local planning policy. It does not make it mandatory for VCAT to implement local planning policy. This situation negatively affects confidence and credibility of the planning system.

#### Protecting third party appeal rights

Third party appeal rights have been a fundamental aspect of the Victorian planning system since its inception and ought to remain a key part of the process. This ensures a transparent and participatory planning process.

There has been some reduction of rights, notably through the introduction of the VicSmart provisions. This is considered an appropriate balance to remove rights for minor works that have no material detriment to any person. There are opportunities through the VPPs to further identify types of minor applications that could be exempt from notice such as two lot subdivisions where there is an approved development, the display of signs in commercial and industrial areas.

A key concern is more recent changes to VPPs that remove rights for projects that are identified as *State significant projects*, non-government schools and significant housing projects on behalf of the Director of Housing. These can have significant impacts within existing areas, and third party rights should be preserved for these communities. Legislation already seeks to ensure that the views of affected parties are considered. Legislation could be strengthened to ensure that this remains the case.

#### The role of Ministerial call-ins

Council is best placed to consider planning applications as the primary decision maker. Glen Eira City Council professionally and efficiently administers planning applications in a transparent and open way. The Act provides the ability for the Minister to call in applications. It does not provide a framework for what may be called in and how an application will be considered.

While it is accepted that the Minister ought to have the power to call in applications as he sees fit, it should still be limited to applications of State significance and subject to a transparent and participatory assessment framework that includes:

- procedural fairness to all parties
- meaningful community consultation
- Council having the ability to decide who is to be notified
- Council's view of the application must be sought and given due weight.

#### Certainty and Fairness in the Planning Scheme Amendment Process

It is considered that improvements can be made to the planning scheme amendment process in achieving greater certainty, transparency and the reduction of amendment timeframes.

Steps towards achieving this include removing the Ministerial authorisation (to prepare an amendment) stage, enabling Councils to prepare and exhibit an amendment without this requirement. Council's preparation of an amendment would still have regard to advice from DELWP, but Council is best placed to decide on the preparation and exhibition of amendments that satisfy State planning policy and respond to the needs of its community.

Should this not be supported by the Committee, the Act should be updated to include a mandatory timeframe for the Ministerial authorisation process. Furthermore, in granting authorisation, the Minister should be bound by planning scheme amendment *planning practice notes* and be required to outline how the relevant practice notes have been considered, particularly for amendments that are supported by robust strategic planning justification developed through extensive community consultation.

### **Protecting heritage in Victoria**

#### **The adequacy of current criteria and processes for heritage protection**

The current criteria and process for heritage protection is generally adequate. One of the objectives of planning in Victoria is *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*. There is policy protection for heritage in the PPF and the Heritage Overlay at Clause 43.01 allows a planning authority to identify places of local heritage significance to be included in the planning scheme. Places of state significance are included on the Victorian Heritage Register.

The current framework allows for a rigorous assessment of proposed heritage places and ensures that places covered by heritage overlay require a planning permit to alter them.

While the framework is generally adequate, an improvement would be providing a legislated fast track process that provides quicker protection for at risk heritage buildings. At present the process requires an application for interim heritage protection. This does not have any guaranteed timeframe or likelihood of success. It would be more efficient if this process could be legislated through a fast-track process to enable quicker resolution.

#### **Possible federal involvement in heritage protection**

Heritage places of national significance are included on the Australian National Heritage List and the Commonwealth Heritage List. They are subject to federal heritage protection. The federal government is already involved in heritage protection to an appropriate extent.

#### **Separating heritage protection from the planning administration**

Heritage included on the Victorian Heritage Register is already separated from planning administration. This often results in a fragmented two application process with an application needing to be submitted to both a local council and Heritage Victoria for consideration. To further separate heritage consideration from planning administration would potentially add to the administrative burden of planning for councils as heritage is usually not the only planning permit trigger.

It would be ideal for heritage protection consideration to remain part of the planning administration. The system could also be highly improved if the consideration of applications associated with buildings on the Victorian Heritage Register could also be included in an ordinary council planning assessment with Heritage Victoria established as a determining referral authority. This would allow for a more integrated approach to the assessment of heritage within planning administration.

*Establishing a heritage tribunal to hear heritage appeals*

A separate heritage tribunal would also potentially add to the administrative burden of planning for councils as heritage is usually not the only planning permit trigger.

The consideration of a planning permit application needs to balance heritage among other issues such as height, setbacks, building design, sustainability, neighbourhood character etc. Heritage is not considered in isolation. The current process allows for all these factors to be considered. A separate heritage tribunal could potentially lead to a two-step process for a permit – one for heritage and one for planning.

*The appointment of independent local and state heritage advisors*

The Act does not currently require or facilitate independent local or state heritage advisors.

Glen Eira City Council is in the fortunate position of funding a local heritage advisor who provides expert advice to planners when deciding an application where heritage is a trigger for a planning permit. They also provide limited heritage advice to property owners whose land is affected by a Heritage Overlay.

If there were to be funding for a local heritage advisor, the funds would be welcome, particularly if the function of the position could be expanded to provide greater advice to owners of properties with a Heritage Overlay.

Not all councils are equally resourced, and some councils may have financial and/personnel constraints. As such, independent local and state heritage advisors provided to councils would allow for the more even and considered protection of heritage for all Victorians.

*The role of Councils in heritage protection*

Councils can and must play an ongoing role in heritage protection. Councils are best placed to work with heritage experts to identify properties for potential inclusion in the Heritage Overlay. However as noted above, different councils have different levels of resourcing, so if financial support was available to pay for heritage assessments for those councils with fewer resources, it would improve heritage protection across the state.

It is noted that there are significant impediments to preserving heritage, including the costs associated with professional reports and documentation and the time required to undertake the amendment process. There is greater opportunity to streamline this process and legislate a fast-track amendment process.

*Penalties for illegal demolitions and tree removals*

The current penalties for illegal demolitions and tree removals are inadequate. Currently fines and penalties are not significant enough.

Heritage is protected for the benefit of all Victorians and the illegal demolition of heritage sites is detrimental to the fabric of our communities. The removal of trees reduces the tree canopy and biodiversity as well as contributes to the urban heat-island effect. As development pressure increases so should the penalties for illegal demolitions and tree removals. A more nuanced penalty system could be introduced where the value of the penalty is related to the potential value of the development proposed. This could result in illegal demolitions being rendered non-profitable. Greater financial penalties that affect the viability of a site's redevelopment should be considered.

*Ensuring residential zones are delivering the type of housing that communities want*

The residential zones do not specify housing types but a Housing Strategy ensures that there is sufficient land available to meet projected growth. It considers this growth in the context of the preferred neighbourhood character, which can be either the existing character or a future character, distinct from the existing.

The “community” comprises various groups of people with a range of different housing needs. A Housing Strategy should be able to identify what sort of housing is likely to be needed and the residential zones can then be applied to ensure those needs are met. In this way, the Act seeks to provide the types of housing the community needs.

Section 4(g) of the Act seeks *to balance the present and future interests of all Victorians*. This is an important objective of planning in Victoria. Planning helps us prepare for the future. A Housing Strategy helps councils understand whether the residential zoning provides for the types of housing that are likely to be needed. It then supports a planning scheme amendment that proposes changes to the zones or schedules.

Considering the above, officers conclude that the current settings strike the right balance and no change is required

### **Any other matters**

There are no other matters that Council wishes to address.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

This is a submission to an Inquiry that is considering, among other matters, how the *Planning and Environment Act 1987* considers environmental sustainability and vegetation protection. This provides Council the direct opportunity to provide feedback on how Victoria’s planning system can effectively tackle climate change.

The submission helps advance the following goals and objectives of *Our Climate Emergency Response Strategy 2021-2025*:

- Goal 1: We embed climate change action in everything that we do
  - Objective 1.4: Advocate for stronger climate change action by other levels of government
- Goal 4: Our community is protected from the worst impacts of climate change
  - Objective 4.2: Support everyone in our community to protect and increase vegetation on private and non-Council land
- Goal 6: Net zero community emissions by 2030
  - Objective 6.1 Empower our community to reduce their emissions at home, at work, at school, and as a community
  - Objective 6.2 Support the community to choose zero or low emissions transport

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

This is a response to an Inquiry and as such does not generate any financial, resource, risk and asset management implications.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

This is a response to an Inquiry that may have future policy and legislative implications in relation to planning. Officers will follow the Inquiry and report any relevant recommendations to Council.

### **COMMUNICATION AND ENGAGEMENT**

Council promoted the Inquiry via Council’s website, social media posts and the December issue of GE News. The promotion encouraged the community to make submissions.



Officers sought views from Urban Planning and Climate and Sustainability that have been incorporated in this submission.

### **LINK TO COUNCIL PLAN**

Strategic Direction 3: A liveable and well planned city

Our planning aims to balance population growth with enhancing the unique character and heritage of our city.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts interest in this matter.

### **CONCLUSION**

As expressed in the Issues and Discussion section of this report, the most pressing issues that should be a priority for reform of the Act should be the high cost of housing (in particular affordable housing), environmental sustainability and vegetation protection and delivering certainty and fairness in planning decisions for communities.

As discussed, officers recognise that there is a lack of affordable housing in the municipality, and insufficient regulatory mechanisms to address the issue. Council's climate emergency declaration requires consideration of how the planning system can drive climate change action. Currently, the Act focuses far more on planning than the environment.

Council considers these concerns could be more adequately addressed in both the Act and the PPF.

These items have been captured in the attached submission to this report (Attachment 1). It is recommended that Council endorses this report and refers the attached submission and a covering letter to the Inquiry to examine the *Planning and Environment Act 1987*.



## GLEN EIRA CITY COUNCIL

### INQUIRY TO EXAMINE PLANNING AND ENVIRONMENT ACT - SUBMISSION

18 JANUARY 2022

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

# GLEN EIRA CITY COUNCIL SUBMISSION

## INQUIRY TO EXAMINE PLANNING AND ENVIRONMENT ACT:

Discussion and comment by chapter.

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## OVERVIEW

This is a submission from Glen Eira City Council (GECC) to the Inquiry to examine Planning and Environment Act being conducted by The Planning and Environment Committee.

The submission addresses all terms of reference, which are as follows:

- (1) the high cost of housing.
- (2) environmental sustainability and vegetation protection.
- (3) delivering certainty and fairness in planning decisions for communities.
- (4) protecting heritage in Victoria.
- (5) ensuring residential zones are delivering the type of housing that communities want.
- (6) any other matter.

The submission argues the most pressing issues for reform are the high cost of housing (in particular, affordable housing) and environmental sustainability and vegetation protection. Reform of these matters should be a priority.

There is a lack of affordable housing in the municipality, and insufficient regulatory mechanisms to address the issue. Council's climate emergency declaration requires consideration of how the planning system can drive climate change action. Currently, the Act focuses far more on planning than the environment.

Council considers these concerns could be more adequately addressed in both the Act and the Planning Policy Framework (PPF). Suggestions in relation to the other terms of reference items are included..

This submission was endorsed by Council on 1 February 2022 at its Ordinary Council Meeting.

## THE HIGH COST OF HOUSING

### Provision of social housing

The Act was updated to include a definition of affordable housing and to specify the household incomes in the very low, low and moderate range. The objectives of planning at Section 4 of the Act were also expanded to include the provision of affordable housing in Victoria as an objective.

Clause 16.01-2S of all planning schemes was updated to include a policy that sought to *deliver more affordable housing closer to jobs, transport and services*.

While Council welcomes their inclusion in the Act and the planning scheme, they only provide policy support rather than a statutory mechanism to require the provision of affordable housing.

Glen Eira's *Social and Affordable Housing Strategy 2019-2023* identifies 7,533 households or 13 per cent of all households in Glen Eira in housing stress. Glen Eira has a lower proportion of affordable housing compared to the Melbourne average (1.4 per cent versus 3.3 per cent of total dwellings) and the unmet need for affordable housing is in the order of 5,883 dwellings.

Council's *Social and Affordable Housing Strategy* notes that:

*For Glen Eira to meet its estimated need, over half of all new homes will need to be affordable housing. This is not achievable. A more realistic, but still aspirational target, would be for Glen Eira to reach the Melbourne average rate of 3.3 per cent social housing provision by 2036, which would require a further 1,800 social housing dwellings to be built, at a rate of 106 dwellings per year from 2019 to 2036. This would be an ambitious target, yet it would only address one third of the estimated need for social and affordable housing in 2036.*

Few affordable housing units have been constructed in Glen Eira since the changes to the Act were introduced. Some affordable housing dwellings are currently being constructed within the latest stage of Caulfield Village, there are commitments through the redevelopment of East Village and a proposed affordable housing proposal in Egan Street, Carnegie.

This demonstrates that the policy change has not been sufficient to deliver the affordable housing units required. Officers consider the provisions in the Act and Planning Policy Framework (PPF) to be insufficient.

A statutory mechanism to require a percentage of affordable housing in developments over a certain size, whether through a rezoning or a planning permit will be required. A position paper on Council's commitment to a planning mechanism for affordable housing contributions for new development was endorsed by Council on 29 June 2021. The position paper expresses Council's support for mandatory affordable housing contributions.

Access for first home buyers

The Act and PPF do not address access for first home buyers.

Housing prices have risen significantly in recent years. Traditional detached housing (which is by far the dominant housing typology) in Glen Eira is becoming increasingly unaffordable. The price of housing is a significant barrier for first home buyers. Council is preparing a Housing Strategy that will be Council's framework for managing population and housing growth to 2036 with provision for continued growth beyond this timeframe.

It will guide appropriate future residential development to the right locations. It will identify projected population and housing growth and will ensure sufficient housing land is available to accommodate projected growth over the next 15 years.

It seeks to address the lack of access for first home buyers by improving housing diversity. The Housing Strategy will address this issue as best it can within the planning system. Planning policy seeks a balance between growth and neighbourhood character. The Housing Strategy will update Council's neighbourhood character statements and plan for future housing in a way that considers neighbourhood character.

There are planning practice notes that help councils understand neighbourhood character (PPN43) and apply the garden area requirement (PPN84). Neither the Planning for Housing practice note (PPN90), nor the Applying the Residential Zones practice note (PPN91) make mention of affordable housing nor first home buyers and need updating to reflect the changes in the Act and PPF that provide policy support for affordable housing and first home buyers.

There is little direction provided to councils to assist with the provision of affordable housing. A planning practice note or a mandatory mechanism like inclusionary zoning that support councils to secure affordable housing through the planning system is required. Nevertheless, there are a range of factors that contribute to a lack of access to affordable housing for first home buyers and these factors are beyond the control of Council and the planning system.

Council is concerned that a lack of access to home ownership for younger residents is contributing to an intergenerational divide. Older generations have had the benefit of access to home ownership and the security that it brings. Current generations do not have the same access.

Increasingly housing has been used as a tool for investment and wealth creation rather than as shelter. Foreign investment laws, mortgage lending practices and negative gearing are some of the factors at a federal level that contribute to a lack of access for first homebuyers, but these are not issues that can be addressed by the Act.

There is considerable weight given to neighbourhood character in planning in Victoria. If there were equal weight given to affordable housing, especially via a statutory control

rather than a policy-only focus, the planning system may be better able to deliver affordable housing to assist access for first home buyers.

*The cost of rental accommodation*

The Act and PPF do not address the cost of rental accommodation directly. The planning system considers use and development of land. It does not consider residential tenure. The planning system cannot mandate the price of accommodation. It is predominantly driven by the market and governed by the *Residential Tenancies Act 1997*.

Council does not consider the Act and PPF an appropriate vehicle for addressing this concern.

*Population policy, state and local*

Plan Melbourne acknowledges the growth of Melbourne and when councils prepare a Housing Strategy, PPN90 makes clear that there needs to be sufficient land available to accommodate projected growth for the next 15 years, outlined in *Victoria in Future*. That is an appropriate mechanism to plan for future growth.

The focus in Plan Melbourne of accommodating growth in established areas is also supported from an environmental and financial perspective. A more compact city is more environmentally sustainable and requires less expenditure on infrastructure on the fringe which saves the State money.

Council considers that population growth and encouraging decentralisation to regional centres is less well addressed. This could be an area for improvement, especially in the wake of the Covid-19 pandemic and increased digitisation of some workforces.

*Factors encouraging housing as an investment vehicle*

The planning system (through the Act) regulates how land is used and what can be built on it. It does not regulate the financial and taxation systems that enable housing to be used as an investment vehicle.

The financial system and taxation are regulated through federal legislation and accordingly, the Act and PPF are not the appropriate vehicles for addressing this concern.

*Mandatory affordable housing in new housing developments*

As previously discussed, affordable housing is not sufficiently addressed in the Act or PPF.

If there were to be a change to the planning system to introduce mandatory affordable housing in new developments, the following issues (among others) would need to be considered.



Council has a policy requiring a minimum of five per cent affordable housing on rezoned sites. Ideally this should be extended to higher density development proposals and adopted at a state level.

Analysis should be undertaken to establish what scale of development could accommodate affordable housing, what mechanism would be used to mandate this requirement and how to ensure the housing was “affordable” in the long term.

## ENVIRONMENTAL SUSTAINABILITY AND VEGETATION PROTECTION

Council declared a climate emergency in May 2020 and supports changes to the Act that drive action to reduce emissions from our community to zero by 2030 and ensures our community is resilient to the impacts of climate change.

Currently the Act and PPF do not suitably address environmental sustainability and vegetation protection in a metropolitan context. The Act predominantly focuses on *planning*, with *environment* a distant second. While the legislated objectives in the Act refer to ‘sustainability’ there is no explicit definition, meaning it is open to interpretation and viewed as discretionary. Similarly, there is no mention or definition of climate change within the Act.

Without making climate change and sustainability considerations explicit or mandatory they will continue to be overlooked in favour of policy considerations that are more well defined within the Planning Scheme.

This is supported in the recently released report *Climate Change and Planning: Ensuring Victoria’s planning system effectively tackles climate change*, commissioned by the Council Alliance for Sustainable Built Environment and the Victorian Greenhouse Alliances. The report assesses the current barriers impacting the contribution the planning system can make in mitigating emissions and adapting our built environment to climate change. It identifies a number initiatives to address these barriers, including legislative change to the Act.

Council supports the recommendation to seek an amendment to the *Planning and Environment Act 1987* to provide clearer direction on the consideration of climate change in assessment and decision making. Specifically:

- Inclusion of an additional, and specific, reference to climate change considerations within the Objectives of the Act, similar to the recent change relating to affordable housing. If affordable housing required a specific reference, then it is logical that climate change would also benefit from an explicit reference.
- Clarity on the duties required under the Act could be referenced under Section 12 (duties and responsibilities) to confirm that a Planning Authority must provide appropriate responses to climate change.

- Changes could be made to Section 46AZL to ensure that the principles guiding decision-making in declared areas also have consideration for appropriate mitigation and adaptation responses.

However, these legislative changes cannot be taken in isolation, as the key mechanism for implementing change under the Act is through the Planning Schemes, and update to these should be a priority. Statutory planners and other decision-makers need specific content in Planning Schemes to support them in delivering climate responsive outcomes. If there is no reference in the scheme, the ability to deliver outcomes is compromised and inconsistent and relies more heavily on individual decision-making and capacity.

These changes will also address the misalignment between the Act and the *Local Government Act 2020*. The *Local Government Act 2020* now includes an overarching governance principle that requires councils to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, (Section 9 (2)(c)). Given the little or no mention of sustainability and climate change in the Act, it is challenging to fulfil this new requirement in relation to council's roles as a planning authority or responsible authority.

There is also a disconnect between the state government's Climate Change Strategy direction to build greener homes and buildings, and the day-to-day decisions that are being made. Although emissions reduction targets and commitments to adaptation have been made, these have not yet 'trickled down' to inform decision-making within the built environment, and more particularly, to decisions made through Victoria's planning system.

To support any legislative change, preferred practice should be documented through new or amended Practice Notes. In undertaking both strategic planning, and in the assessment of developments, planners rely heavily on Practice Notes produced by the State Government. The integration of climate change consideration into these Practice Notes is currently poor, and in many cases, non-existent. Key areas that could benefit from new or updated Practice Notes include:

- The integration of climate change responses in the preparation of Structure Plans.
- How to prepare Climate Change Response Plans.
- How to apply ESD policy in practice, with reference to the role of external tools in demonstrating delivery of best practice.

## DELIVERING CERTAINTY AND FAIRNESS IN PLANNING DECISIONS FOR COMMUNITIES

### Mandatory height limits and minimum apartment sizes

The Victorian planning system is principally a performance-based system. Mandatory controls are used in certain circumstances. Nevertheless, the Neighbourhood and General Residential Zones have mandatory height limits built into them and there is the ability to mandate the height in the Residential Growth Zone. As a predominantly residential municipality, mandatory height limits apply to most of the land in Glen Eira.

There is some community support for more mandatory heights in activity centres and in the absence of this for preferred height limits that include better guidance on the exercise of discretion for exceeding a preferred height limit.

In this respect it is submitted that the Act and PPF should be strengthened to provide more certainty for all involved in the process. This could include:

- mandatory maximum height controls being used as a legitimate planning tool to simplify the planning system; and
- where discretionary controls are implemented, clearer guidance for the 'exercise of discretion' (eg. criteria for when height limits can be exceeded and by how much. For example, a 10 to 20 per cent increase and not double as is sometimes sought by applicants).

Apartment sizes are already discretionary. This enables consideration to be given to the quality of the space in terms of flexible furniture layouts, circulation and good natural lighting. Smaller apartments are more affordable and policy and controls that aim to improve the quality of the space may be more useful than mandating a minimum size. Well-designed smaller housing accommodates more people in well connected, areas, close to shops and services, and offers an affordable housing option. The quality of the space is more important than mandating a minimum size. Mandating a minimum size may contribute to making affordable housing even more elusive than it already is.

#### Protecting Green Wedges and the urban growth boundary

Being an inner/middle ring municipality, Glen Eira City Council does not interact regularly with the legislative framework relating to the protection of green wedges and the urban growth boundary. There are some protections with Part 3AA of the Act and the Green Wedge Zone within the suite of VPP provides an assessment framework for the majority of uses that might undermine the purpose of the zone.

Council does acknowledge that green wedge areas are intrinsic to a healthy city of Melbourne and should be protected more robustly as development pressure increases. There is clear direction in Plan Melbourne to support a more compact city which would reduce pressure on the urban growth boundary, yet it has been extended several times in the past. Its continued extension will not contain urban sprawl. Further extension of the urban growth boundary would also consume valuable and finite agricultural land. As such it is suggested that more robust protection is provided via the Act.

#### Community concerns about VCAT appeal processes

Feedback from the community is that VCAT far too often does not give enough weight to local concerns in their decision making. The perception is that VCAT weighs too much in favour the future interests of Victorians at the detriment of the current interests of

Victorians. There is also a perception that VCAT does not have appropriate regard to the number of objectors in considering whether the use or development may have a significant social effect.

Council also considers that the Act should elevate the status of local planning policy and enable local policy language to be directive and provide certainty in decision-making.

This will enable Council's strategic intent of approved planning policy to be delivered and improve the effectiveness of the local planning system.

The State Government planning system restricts how prescriptive or absolute local planning policies can be — resulting in applicants arguing and interpreting planning rules at VCAT, who are only required to consider local planning policy. It does not make it mandatory for VCAT to implement local planning policy. This situation negatively affects confidence and credibility of the planning system.

#### Protecting third party appeal rights

Third party appeal rights have been a fundamental aspect of the Victorian planning system since its inception and ought to remain a key part of the process. This ensures a transparent and participatory planning process.

There has been some reduction of rights, notably through the introduction of the VicSmart provisions. This is considered an appropriate balance to remove rights for minor works that have no material detriment to any person. There are opportunities through the VPPs to further identify types of minor applications that could be exempt from notice such as two lot subdivisions where there is an approved development, the display of signs in commercial and industrial areas.

A key concern is more recent changes to VPPs that remove rights for projects that are identified as State significant projects, non-government schools and significant housing projects on behalf of the Director of Housing. These can have significant impacts within existing areas, and third-party rights should be preserved for these communities. Legislation already seeks to ensure that the views of affected parties are considered. Legislation could be strengthened to ensure that this remains the case.

#### The role of Ministerial call-ins

Council is best placed to consider planning applications as the primary decision maker. Glen Eira City Council professionally and efficiently administers planning applications in a transparent and open way. The Act provides the ability for the Minister to call-in applications. It does not provide a framework for what may be called-in and how an application will be considered.

While it is accepted that the Minister ought to have the power to call-in applications as he or she sees fit, it should still be limited to applications of State significance and subject to a transparent and participatory assessment framework that includes:

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- Procedural fairness to all parties
- Meaningful community consultation
- Council having the ability to decide who is to be notified

Council's view of the application must be sought and given due weight.

#### *Certainty and Fairness in the Planning Scheme Amendment Process*

It is considered that improvements can be made to the planning scheme amendment process in achieving greater certainty, transparency and the reduction of amendment timeframes.

Steps towards achieving this include removing the Ministerial authorisation (to prepare an amendment) stage, enabling Councils to prepare and exhibit an amendment without this requirement. Council's preparation of an amendment would still have regard to advice from DELWP, but Council is best placed to decide on the preparation and exhibition of amendments that satisfy State planning policy and respond to the needs of its community.

Should this not be supported by the Committee, the Act should be updated to include a mandatory timeframe for the Ministerial authorisation process. Furthermore, in granting authorisation, the Minister should be bound by planning scheme amendment *planning practice notes* and be required to outline how the relevant practice notes have been considered, particularly for amendments that are supported by robust strategic planning justification developed through extensive community consultation.

## PROTECTING HERITAGE IN VICTORIA

#### *The adequacy of current criteria and processes for heritage protection*

The current criteria and process for heritage protection is generally adequate. One of the objectives of planning in Victoria is *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*. There is policy protection for heritage in the PPF and the Heritage Overlay at Clause 43.01 allows a planning authority to identify places of local heritage significance to be included in the planning scheme. Places of state significance are included on the Victorian Heritage Register.

The current framework allows for a rigorous assessment of proposed heritage places and ensures that places covered by heritage overlay require a planning permit to alter them. While the framework is generally adequate, an improvement would be providing a legislated fast track process that provides quicker protection for at risk heritage buildings. At present the process requires an application for interim heritage protection. This does not have any guaranteed timeframe or likelihood of success. It would be more efficient if this process could be legislated through a fast-track process to enable quicker resolution.

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*Separating heritage protection from the planning administration*

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It would be ideal for heritage protection consideration to remain part of the planning administration. The system could also be highly improved if the consideration of applications associated with buildings on the Victorian Heritage Register could also be included in an ordinary council planning assessment with Heritage Victoria established as a determining referral authority. This would allow for a more integrated approach to the assessment of heritage within planning administration.

*Establishing a heritage tribunal to hear heritage appeals*

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*The appointment of independent local and state heritage advisors*

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Glen Eira City Council is in the fortunate position of funding a local heritage advisor who provides expert advice to planners when deciding an application where heritage is a trigger for a planning permit. They also provide limited heritage advice to property owners whose land is affected by a Heritage Overlay.

If there were to be funding for a local heritage advisor, the funds would be welcome, particularly if the function of the position could be expanded to provide greater advice to owners of properties with a Heritage Overlay.

Not all councils are equally resourced, and some councils may have financial and/personnel constraints. As such, independent local and state heritage advisors provided to councils would allow for the more even and considered protection of heritage for all Victorians.

#### *The role of Councils in heritage protection*

Councils can and must play an ongoing role in heritage protection. Councils are best placed to work with heritage experts to identify properties for potential inclusion in the Heritage Overlay. However as noted above, different councils have different levels of resourcing, so if financial support was available to pay for heritage assessments for those councils with fewer resources, it would improve heritage protection across the state.

It is noted that there are significant impediments to preserving heritage, including the costs associated with professional reports and documentation and the time required to undertake the amendment process. There is greater opportunity to streamline this process and legislate a fast-track amendment process.

#### *Penalties for illegal demolitions and tree removals*

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Heritage is protected for the benefit of all Victorians and the illegal demolition of heritage sites is detrimental to the fabric of our communities. The removal of trees reduces the tree canopy and biodiversity as well as contributes to the urban heat-island effect. As development pressure increases so should the penalties for illegal demolitions and tree removals. A more nuanced penalty system could be introduced where the value of the penalty is related to the potential value of the development proposed. This could result in illegal demolitions being rendered non-profitable. Greater financial penalties that affect the viability of a site's redevelopment should be considered.

### ENSURING RESIDENTIAL ZONES ARE DELIVERING THE TYPE OF HOUSING THAT COMMUNITIES WANT

The residential zones do not specify housing types but a Housing Strategy ensures that there is sufficient land available to meet projected growth. It considers this growth in the context of the preferred neighbourhood character, which can be either the existing character or a future character, distinct from the existing.

The "community" comprises various groups of people with a range of different housing needs. A Housing Strategy should be able to identify what sort of housing is likely to be needed and the residential zones can then be applied to ensure those needs are met. In this way, the Act seeks to provide the types of housing the community needs.



Section 4(g) of the *Planning and Environment Act 1987* seeks to *balance the present and future interests of all Victorians*. This is an important objective of planning in Victoria. Planning helps us prepare for the future. A Housing Strategy helps councils understand whether the residential zoning provides for the types of housing that are likely to be needed. It then supports a planning scheme amendment that proposes changes to the zones or schedules.

Considering the above, officers conclude that the current settings strike the right balance and no change is required

#### ANY OTHER MATTERS

There are no other matters that Council wishes to address.

If the Committee has any questions or queries in relation to Council's submission please contact Charlotte Griffith, Senior Strategic Planner at [cgriffith@gleneira.vic.gov.au](mailto:cgriffith@gleneira.vic.gov.au).

## 8.6 AMENDMENT TO THE ORDER UNDER SECTION 26(2) OF THE DOMESTIC ANIMALS ACT 1994

**Author:** Andrew Barden, Manager, Recreation and Open Space

**Trim No:** 22/16531

**Attachments:** 1. Order Pursuant to Section 26(2) of the Domestic Animals Act 1994 [↓](#)

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### EXECUTIVE SUMMARY

At the 14 December 2021 Ordinary Council Meeting, Council was presented with the outcomes of a dog off-leash trial at Wattle Grove Reserve. Council endorsed the recommendation to implement the dog off-leash area at Wattle Grove Reserve on an all-day basis. This requires an amendment to the Order under section 26(2) of the Domestic Animals Act 1994 previously endorsed on 19 May 2020 which specifies a time limit for dog off-leash at Wattle Grove Reserve of 6am-9am.

### RECOMMENDATION

That Council:

1. resolves to make an Order under section 26(2) of the Domestic Animals Act 1994, as set out in Attachment 1 to this report, to amend the off-leash time limit currently applied to Wattle Grove Reserve; and
2. authorises officers to undertake the necessary processes to formalise the change to the Order.

### BACKGROUND

In 2019, extensive community engagement was undertaken to inform the 'Dog off-leash areas within Glen Eira' report. The key findings of this report were presented to Council on 5 May 2020 and resulted in off-leash trials being undertaken at Wattle Grove Reserve, Rosanna Street Reserve and Springthorpe Gardens for a 12-month period. The off-leash designation for these locations was for a specified time period of 6am-9am.

At the 14 December 2021 Ordinary Council Meeting, Council was presented with the outcomes of the trial which demonstrated strong community support for the off-leash area at Wattle Grove Reserve to be increased to all day. This recommendation was the original recommendation of the *Dog off-leash areas in Glen Eira 2020* report. Consequently, Council endorsed the off-leash area to be implemented on an all-day basis.

The time limit of 6am-9am applied to Rosanna Street Reserve and Springthorpe Gardens was retained.

### ISSUES AND DISCUSSION

Under section 26(2) of the Domestic Animals Act 1994, Council may, by resolution, make an Order in relation to dogs (or cats) in public places within the municipality. The most recent Order by Council was made on 19 May 2020 and included the 6am-9am time limit applied to Wattle Grove Reserve for the trial period. The Order is required to be amended to reflect the removal of the time limit at this location.

Following Council endorsement, it is a requirement that the Order be published in the Victorian Government Gazette and in a newspaper circulating the Glen Eira municipal district.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

This report and its recommendations have no implications on *Our Climate Emergency Response Strategy*.

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

The endorsed change will require short term investment to update signage at the site. This was to be a requirement after the trial period regardless of outcome.

It is anticipated that the change will have minimal impact on resources including patrols by Council Officers.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The power to make an Order relating to the restraint of dogs in public places within the municipality is given to Council under section 26(2) of the Domestic Animals Act 1994.

### **COMMUNICATION AND ENGAGEMENT**

The amendment to the Order follows extensive community engagement and internal engagement with Local Laws officers who patrol open space, including dog off-leash areas. The outcomes of this engagement were previously presented to Council in May 2020 and December 2021.

The outcomes of the trial and the resultant changes to the Order will be formally communicated via the Victorian Government Gazette, Council's website and Glen Eira News.

### **LINK TO COUNCIL PLAN**

Strategic Direction 2: Well designed and maintained open spaces and places  
Our public open spaces and places support a healthy and connected community and contribute to a more sustainable and vibrant city

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have general or material conflicts of interest in this matter.

### **CONCLUSION**

Following extensive community consultation and a trial period, Council endorsed the implementation of an off-leash site at Wattle Grove Reserve on an all-day basis. The formalisation of this designation requires an amendment to the Order under section 26(2) of the Domestic Animals Act 1994. This report seeks endorsement of the amended Order (Attachment 1) and approval for its publication in the Victorian Government Gazette and in a newspaper circulating the Glen Eira municipal district.

## GLEN EIRA CITY COUNCIL

Order Pursuant to Section 26(2) of the **Domestic Animals Act 1994**

Notice is given that the Glen Eira City Council, at its Ordinary meeting held on 1 February 2022, resolved to make the following order under section 26(2) of the **Domestic Animals Act 1994**.

**1. Definitions**

In this order:

- 'Owner' has the same meaning as in the **Domestic Animals Act 1994**;
- 'Dog off-leash Area' means the whole or part of a reserve designated by signage and on Council's website as being available for the unleashing of dogs at the time(s) signposted

**2. Dog off-leash areas within Glen Eira**

The following reserves have designated dog off-leash areas:

Allnutt Park (McKinnon)	Bailey Reserve (Bentleigh East)	Bentleigh/Hodgson Reserve (Bentleigh)
Boyd Park (Murrumbeena)	Caulfield Park (Caulfield North)	Centenary Park (Bentleigh East)
Joyce Park (Ormond)	Duncan MacKinnon Reserve (Murrumbeena)	East Caulfield Reserve (Caulfield East)
EE Gunn Reserve (Ormond)	Glen Huntly Park (Caulfield East)	Greenmeadows Gardens (St Kilda East)
Harleston Park (Elsternwick)	Hopetoun Gardens (Elsternwick)	Halley Park (Bentleigh)
King George VI Memorial Reserve (Bentleigh East)	Lord Reserve (Carnegie)	McKinnon Reserve (McKinnon)
Marlborough Street Reserve (Bentleigh East)	Moorleigh Community Village Reserve (Bentleigh East)	Murrumbeena Park (Murrumbeena)
Packer Park (Carnegie)	Princes Park (Caulfield South)	Victory Park (Bentleigh)
Crown Allotment 2031 (Pawfield Park) (Caulfield East)	Wattle Grove Reserve (McKinnon)	Mackie Road Reserve (Bentleigh East)
Rosanna Street Reserve (Carnegie)	Springthorpe Gardens (Murrumbeena)	

**3. Time limits in Certain Dog off-leash Areas**

A dog may only be exercised in accordance with Clause 2 between the hours of 6.00 am and 9.00 am at the following reserves, or at parts of the following reserves as signposted:

- a) Harleston Park (Elsternwick);
- b) Hopetoun Gardens (Elsternwick);
- c) Greenmeadows Gardens (St Kilda East);
- d) Springthorpe Gardens (Murrumbeena); and
- e) Rosanna Street Reserve (Carnegie)

**4. Dog owner's obligations**

The Owner of any dog must:

- a) comply with Council's Community Local Law 2019;
- b) keep the dog under effective control by means of a chain, cord or leash, not exceeding 1.5 metres in length, while the dog is in any public area of the municipal district of the Council, except in dog off-leash areas identified in this Order (and subject to any time limits set out in this Order);
- c) keep the dog under effective control when in a dog off-leash area by means of:
  - (i) carrying a chain, cord or leash not exceeding 1.5 metres in length, sufficient to bring the dog under effective control; or
  - (ii) effective voice or hand control of the dog so as to be able to promptly place the dog on a chain, cord or leash if that becomes necessary whether to comply with the provisions of this Order or for any other reason.
- d) when exercising in a dog off-leash Area designated by Council, bring the dog under control by means of chain, cord or leash if the dog roams, or is likely to roam, to within 20 metres of:
  - (i) the principal location of an organised sporting event (training or competition);
  - (ii) a play equipment area (unless the play equipment area is fenced off such that access to that area by the dog is prevented);
  - (iii) the entrance of a school during school hours and 15 minutes prior to and after school hours;
  - (iv) the principal location of an organised public meeting;
  - (v) a permanent barbecue or picnic area (unless the permanent barbecue or picnic area is fenced off such that access to that area by the dog is prevented); or
  - (vi) if the dog does or is likely to worry, threaten, rush or attack any person or other animal.

REBECCA MCKENZIE  
Chief Executive Officer

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**8.7 PROVISION OF MICROSOFT LICENSING AGREEMENT**

**Author:** Pauline Hassakis, Procurement and Contracts Manager

**Trim No:** 22/17762

**Attachments:** 1. *Provision of Microsoft Licensing MAV Tender evaluation recommendation report - NPN 2.17-3 (CONFIDENTIAL)*

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**EXECUTIVE SUMMARY**

To appoint a panel of providers for the provision of Microsoft Licensing Arrangements.

**RECOMMENDATION**

That Council:

1. appoints the panel of providers recommended to be appointed in the MAV tender as listed in the confidential attachment to the report;
2. authorises the Chief Executive Officer to execute the contract on Council's behalf;
3. notes the attachment to the report remains confidential in accordance with Section 3(1)(g) and Section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
4. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

**BACKGROUND**

Council requires Microsoft Licensing to support the delivery of organisational requirements. Having access to a contract based on the total combined requirements of Victorian Councils will ensure competitive volume pricing and best value for Council.

Our current Microsoft agreement is due to expire, and another agreement is required to be signed. The MAV tender was awarded on 1 July 2020 for an initial period until 27 March 2022 with an option to extend for an additional period of three (3) years. Council is able to join at any point during the term of the contract.

The MAV acted as the agent to undertake the tender process as required in the *Local Government Act* and Council's Procurement Policy.

The MAV included the following categories in the scope of the tender:

- Enterprise Agreement
- Open Licenses
- Cloud Solution Providers
- Microsoft Product and Services Agreement
- Academic License

The MAV recommendation appointed a panel of providers as listed in the confidential attachment. This allows Council to leverage volume spend pricing.

**ISSUES AND DISCUSSION**

Not applicable.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Not applicable.

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

The total estimated spend for the renewal of Microsoft agreements over the next 3 years is \$1.7 million. As the MAV contract may be extended (if all options are exercised), then the total value of this contract will be an estimated \$3.4 million (as Council renews licences every 3 years).

**POLICY AND LEGISLATIVE IMPLICATIONS**

This report is in accordance with the Procurement Policy and *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

Not applicable.

**LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services. We build trust through engaging with our community, delivering quality services and making evidence-based decisions.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

The Officers recommendation is to appoint the panel of providers recommended by the MAV for the provision of Microsoft Licensing Arrangements.

The confidential attachment contains confidential information within the meaning of that term in the *Local Government Act 2020* (the Act) being 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,

and the meeting will be closed to the public (under s.66(2) of the Act). Should such information need to be considered and discussed, all documents containing such information shall remain confidential.



**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**

Nil

**12. CLOSURE OF MEETING**