



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**  
**TUESDAY 22 NOVEMBER 2022**

**AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn and Glen Eira Roads, Caulfield  
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 Sue Pennicuik  
Councillor Li Zhang  
Councillor Simone Zmood  
Councillor David Zyngier

**Chief Executive Officer:** Rebecca McKenzie



## INDEX

1.	<b>ACKNOWLEDGEMENT .....</b>	<b>5</b>
2.	<b>APOLOGIES.....</b>	<b>5</b>
3.	<b>REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA .....</b>	<b>5</b>
4.	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS .....</b>	<b>6</b>
5.	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....</b>	<b>6</b>
6.	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS.....</b>	<b>6</b>
7.	<b>REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY .....</b>	<b>7</b>
	<b>7.1 Advisory Committees .....</b>	<b>7</b>
	7.1.1 Advisory Committee Minutes.....	7
	<b>7.2 Records of Assembly.....</b>	<b>22</b>
	7.2.1 Records of Assemblies of Councillors .....	22
8.	<b>OFFICER REPORTS (AS LISTED).....</b>	<b>27</b>
	8.1 9-13 Derby Road Caulfield East .....	27
	8.2 1104 Glenhuntly Road Glen Huntly .....	295
	8.3 VCAT Watch .....	428
	8.4 Caulfield Racecourse Incorporated Document Works Package 3-5 - Waste Management Plan Requirement.....	431
	8.5 Pavilion Priority List Review .....	480
	8.6 Feasibility of an Annual Vegetation Planting Week by Glen Eira .....	486
	8.7 Inclusion of 5 Trees in the Classified Tree Register.....	492
	8.8 Bentleigh East Neighbourhood Activity Centre - Design and Development Overlay Controls .....	500
	8.9 Quarterly Services Performance Report (2022-23 Quarter 1).....	511
	8.10 Review and Update Council Delegations.....	560
	8.11 Road Discontinuance Proposal Merriwoola Street St Kilda East .....	642
	8.12 Multideck Commuter Carparks Project Update.....	736
	8.13 Appointment of Councillors to Advisory Committees and Review of the Advisory Committee Terms of Reference .....	740
	8.14 Financial Management Report (31 October 2022).....	777
	8.15 Safe Cycling Corridor - Inkerman Road.....	798

9. URGENT BUSINESS..... 1309

10. ORDINARY BUSINESS..... 1309

    10.1 Requests for reports from a member of Council staff ..... 1309

    10.2 Right of reply ..... 1309

    10.3 Notice of Motion ..... 1309

    10.4 Councillor questions..... 1309

    10.5 Written public questions to Council ..... 1309

11. CONFIDENTIAL ITEMS..... 1309

    Nil

12. CLOSURE OF MEETING..... 1309



### **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 Thursday 24 November 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 2 November 2022 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:** *Karling Colomiere, Coordinator Councillor Business*

**Trim No:** *22/15829*

**Attachments:** 1. *Youth Advisory Committee Minutes of 20 October 2022* [↓](#)  
2. *Community Grants Advisory Committee - Minutes 25 October 2022* [↓](#)  
3. *Strategic Transport Advisory Committee Meeting Minutes - 3 November 2022* [↓](#)

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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 – 20 October 2022
2. Community Grants Advisory Committee Meeting Minutes – 25 October 2022
3. Strategic Transport Advisory Committee Meeting Minutes - 3 November 2022



**Youth Advisory Committee Meeting Minutes**  
**Thursday 20 October 2022**  
**Caulfield Cup Room, Glen Eira City Council Town Hall & 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 6:08pm with Acknowledgement of Country.

**Present**

Cr Li Zhang  
Cr David Zyngier  
Mark Saunders – Director Community Wellbeing  
Angela Morcos – Manager Family, Youth and Children’s Services  
Shae Elms – Coordinator Youth Services  
Lucy Brownlie – Youth Development Officer  
Romilly Miller – Community Representative  
Alex Swieca – Community Representative  
Maria Haywood – Community Representative  
Jonah Roseby – Community Representative  
Akiva Kaltmann – Community Representative  
Lucia Bekinschtein – Community Representative  
Audrey King – Community Representative  
Elianna Ben-David – Community Representative

**Apologies**

Cr Tony Athanasopoulos  
Peninah Silverstein – Community Representative  
Monique Andjelic – Community Representative  
Emily Qiao – Community Representative  
Sahiti Ravi – Community Representative

**Guests**

Julia Hardiman - Senior Urban Designer

**Matters considered:**

- i. Welcome/Introduction/Apologies/Conflict of Interest
- ii. Minutes 18 August/Business Arising
- iii. School Engagement Program Update
- iv. Placemaking Framework
- v. Other Business
- vi. Next Meeting

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

- Cr David Zyngier opened the meeting.

**ii. Minutes 18 Aug 2022/Business Arising**

Previous meeting minutes confirmed by Council.

- **Action item** - *Email Youth Committee Members inviting them to express their interest in supporting the facilitation of the Term 4 School Engagement Program.*  
Youth Committee Members have been invited to express interest in facilitating the Term 4 School Engagement Program.
- **Action Item-** *Invite participating schools, and schools that express interest in participating in the School Engagement Program, to a special final meeting to be held at Town Hall.*  
Youth Services has sent an expression of interest to participating schools for a special final meeting at the end of the year.
- **Action Item-** *Email Committee Members a copy of the Media and News Literacy presentation which has links to all resources discussed.*  
The presentation and links to resources have been emailed.
- **Action Item** - *Support an interested Youth Committee Member to write an article for Glen Eira News on fake news.*  
Youth Services have invited Youth Committee Members to express interest in writing an article for Glen Eira News.

**iii. School Engagement Program Proposal**

An overview of the program was presented to the Committee outlining program attendance, the schools' working projects, involvement of the Youth Advisory community representatives, ongoing recruitment of schools, and the Term Four topic.

The Term Four topic is focused on community spaces. One session with primary schools and one session with secondary schools have been held to date. The sessions included an overview of placemaking concepts along with a presentation from Council's Aboriginal Community Officer about inclusive spaces and places. A member of the Youth Events and Leadership Team and a participant in Youth Services' programs also presented about places and spaces that are safe, inclusive and welcoming from their perspectives as young people in Glen Eira.

Youth Services are promoting the program through school-based programs being offered in Term Four, via Council's website and it will be featured in a special edition of the Keeping Up to Date Newsletter just for schools.

The Committee discussed potential changes to the program for 2023 which may lead to increased participation from schools. Suggestions included:

- Councillors attending school assemblies to promote the program
- Varying the times that the program runs, including considering lunchtimes (without

- compromising social and play time for students), before or after school, and one or two full day sessions throughout the year instead of two shorter sessions each term
- Demonstrating the impact of the 2022 program to assist schools to understand the program's benefits
- Face-to-face meetings instead of online

**Action:** Youth Services to consider suggestions from the Youth Advisory Committee when feedback is sought from schools about the School Engagement Program at the end of 2022.

#### **iv. Placemaking Framework**

A presentation was shared with the Committee about Council's Placemaking Framework prior to inviting feedback from the Committee to inform the Placemaking Draft Action Plan. The presentation included a definition of placemaking and public spaces and provided an overview of different types of placemaking such as projects, activation, place management, and ways to trial different options.

The presentation outlined the objectives of the Placemaking Draft Action Plan which are:

- Social Strengthening
- Economic Prosperity
- Climate Change
- Cultural Engagement
- Diversity and Inclusion
- Healthy Places

The Committee agreed that all the objectives are important, especially climate change and diversity and inclusion. The Committee also agreed that the objectives are not mutually exclusive, can be combined and complement each other.

The Committee was asked to provide feedback about public places and spaces that they like, places and spaces that could be improved, and suggestions about engaging the community to activate public spaces. Discussion included:

- Packer Park – is a good example of a place that has lots of green space and is inclusive because it has quiet areas
- Places that cater for a range of ages are a good use of spaces
- Equitable attention needs to be paid to spaces across the whole municipality
- Places near public transport can be more accessible, and it is important to consider safety of transport and the places at night
- Maintenance of places and clearing rubbish is important
- Non-smoking places are important
- Balancing places for passive and quieter activities with places for activities
- Temporary and "pop-up" activities including busking and activating vacant buildings
- Seeking input from the community should be representative of the range of needs and interests

#### **v. Other Business**

The following activities and events were promoted to the Youth Advisory Committee:

- The official opening of the Bentleigh Library and Youth Hub
- Diwali Festival
- Joining other Council Advisory Committees once their term on the Youth Advisory Committee concludes
- 2023 Youth Events and Leadership Team

**vi. Next Meeting**

Meeting dates for 2023 – to be confirmed.

Meeting closed at 7:09pm.

**Summary of Action Items**

Action Item	Assigned To
Youth Services to consider suggestions from the Youth Advisory Committee when feedback is sought from schools about the School Engagement Program at the end of 2022	Youth Services



**GLEN EIRA  
COMMUNITY GRANTS  
ADVISORY COMMITTEE MEETING**

## MINUTES

The Community Grants Advisory Committee meeting commenced at 5.37pm

Tuesday 25 October 2022

*Ogaki Room - Glen Eira Town Hall*

**Present:**

*Councillors:* Cr Sam Parasol (Chair) Glen Eira Councillor Committee Member  
Cr Li Zhang Glen Eira Councillor Committee Member

*Council Staff:* Mark Saunders Director Community Wellbeing  
Sharon Sykes Manager Community Development  
Ana Tsaganos Coordinator Community Strengthening

**1 Apologies**

Cr Sue Pennicuik

**2 Conflicts of Interest Declaration**

No conflict of interests were declared by Councillors or Officers

**3 Action Items Update from last Committee Meeting**

Title/Item	Action	Update	Responsible Officer	Active/Closed
<b>Glen Eira Adult Learning Centre – Funding Agreement 2022-2025</b>	The Committee recommends that Council approves the Funding Agreement for Glen Eira Adult Learning Centre from 1 July 2022 to 30 June 2025 to fund \$24,881 per annum plus GST for service provision to deliver a Career Development Program, Volunteer Development Program and Wellbeing and Social Connection Activities increasing by the amount of the consumer price index annually.	Funding Agreement is currently on hold. An additional funding request is being considered at this Community Grant Advisory Committee meeting.	Ana Tsaganos	Active
<b>Small Grants</b>	<b>Monash Caulfield Child Care Association Inc.</b> The Committee recommends that Council funds a Small Grant of	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active

Title/Item	Action	Update	Responsible Officer	Active/ Closed
	\$1,000 for Monash Caulfield Child Care Centre to deliver their <i>'Environment as a Third Teacher'</i> and renew a range of indoor and outdoor resources, equipment and children's furniture.			
	<b>St Paul's McKinnon Football Netball Club</b> The Committee recommends that Council does not fund a Small Grant of \$1,000 for St Paul's McKinnon Football Netball Club's project 'Development of Strategic Plan for 3-5 years' to support their new committee to develop a strategic business plan for their Club.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Musculoskeletal Australia (MSK)</b> The Committee recommends that Council funds a Small Grant of \$1,000 for Musculoskeletal Australia to install a new sign promoting the MSK Help Line.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>East Bentleigh Soccer Club</b> The Committee recommends that Council funds a Small Grant of \$1,000 towards the East Bentleigh Soccer Club social fundraising event.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
<b>Facility Hire Grants</b>	<b>Maccabi Australia</b> The Committee recommends that Council funds a Facility Hire Grant of \$148 for Maccabi Australia towards the Israeli Fitness Dance Class for the Glen Eira community at the Caulfield Park Bandstand.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Glen Eira City Choir</b> The Committee recommends that Council funds a Facility Hire Grant of \$1,562 for Glen Eira City Choir to deliver their concert 'A Palette of Sounds' at the Auditorium in October 2022.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Victorian Association of Jewish Ex &amp; Servicemen &amp; Women Australia (VAJEX)</b> The Committee recommends that Council funds a Facility Hire Grant of \$1,561 for VAJEX to deliver an ANZAC Commemoration Service in the Auditorium in April 2023.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Glen Eira Emergency Climate Action Network (GECAN)</b> The Committee recommends that Council funds a Facility Hire	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active

Title/Item	Action	Update	Responsible Officer	Active/Closed
	Grant of \$334 towards the GECAN film event in the Theatrette.			
	<b>Maccabi Victoria Inc.</b> The Committee recommends that Council funds a Facility Hire Grant of \$1,305 for Maccabi Victoria to deliver the 'Play On' launch at Caulfield Pavilion in November 2022.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Bentleigh Probus Club</b> The Committee recommends that Council funds a Facility Hire Grant of \$148 for Bentleigh Probus Club to deliver a social event at Allnutt Park in October 2022.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>Ripponlea Kindergarten Inc.</b> The Committee recommends that Council funds a Facility Hire Grant of \$148 for Ripponlea Kindergarten to deliver a social event at Harleston Park in October 2022.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
	<b>National Council of Jewish Women of Australia (NCJWA Vic)</b> The Committee recommends that Council funds a Facility Hire Grant of \$250.50 for NCJWA Vic to deliver an anniversary event for the Caring Mums program at Caulfield Park Pavilion in November 2022.	Due to be confirmed at OCM on 2 November. Update: Grant was withdrawn on 20 October as the event is now scheduled to take place in an alternative venue.	Ana Tsaganos	Active
<b>Variation/ Extension 2019-2020</b>	<b>Kehilat Nitzan Tikkun Olam PBI LTD</b> The Committee recommends that Council approves an extension of the acquittal of a grant of \$2,828 to Kehilat Nitzan Tikkun Olam PBI LTD until 30 June 2023.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active
<b>Variation/ Extension 2020-2021</b>	<b>St Kilda Steiner Kindergarten</b> The Committee recommends that Council approves an extension of the acquittal of a grant of \$2,134 to St Kilda Steiner Kindergarten until 31 October 2023.	Due to be confirmed at OCM on 2 November.	Ana Tsaganos	Active

#### 4 Summary of meeting minutes from previous meeting

The Community Grants Advisory Committee met on 28 September 2022 and provided recommendations in relation to four Small Grant Applications, eight Facility Hire Grant Applications, one extension on acquittal for previously approved grant from 2019-2020 and one extension on acquittal for previously approved grant from 2020-2021.

Recommendations from this meeting will be presented for approval by Council at the Ordinary Council Meeting on 2 November 2022.

## 5 Items for Discussion:

### 5.1 Glen Eira Adult Learning Centre Funding Agreement 2022-2025 – Update

At the Ordinary Council Meeting on 30 August 2022, Council adopted the recommendation made by the Community Grants Advisory Committee to approve the Funding Agreement for Glen Eira Adult Learning Centre (GEALC) from 1 July 2022 to 30 June 2025 to fund \$24,881 per annum for service provision to deliver a Career Development Program, Volunteer Development Program and Wellbeing and Social Connection Activities.

The 2022-2025 Funding Agreement excluded a rental assistance component as GEALC's future tenancy at the time was unclear. GEALC has requested that the Funding Agreement be amended to include rental assistance from 1 July to 31 December 2022 of \$10,000 for its current premises.

Further negotiations for rental assistance for periods beyond 2022 will occur once GEALC secures and moves into new premises. The Funding Agreement will include a statement that future rental assistance will be presented as variations to the agreement.

**Recommendation: The Committee recommends that Council approves an amendment to the Community Funding Agreement for Glen Eira Adult Learning Centre from 1 July 2022 to 30 June 2025 to include an additional funding grant of \$10,000 for rental costs for its accommodation for the period 1 July to 31 December 2022.**

**Moved: Cr Li Zhang**

**Seconded: Cr Sam Parasol  
Motion Passed Unanimously**

### 5.2 Facility Hire Grant Applications

#### 5.2.1 Carnegie Community Choir

Carnegie Community Choir submitted a Facility Hire Grant application to hire the Carnegie Library Boyd Room each Wednesday on a weekly basis from 19 October 2022 to 28 June 2023 at a cost of \$1,176. The facility will be used to hold Choir practice sessions for its 20 members.

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

**Recommendation: The Committee recommends that Council funds a Facility Hire Grant of \$1,176 for Carnegie Community Choir towards the hire of the Boyd Room for weekly classes from 19 October 2022 to 28 June 2023.**

**Moved: Cr Sam Parasol**

**Seconded: Cr Li Zhang  
Motion Passed Unanimously**

#### 5.2.2 Russian Cultural and TV Association Sputnik

Russian Cultural and TV Association Sputnik submitted a Facility Hire Grant application to hire the Auditorium on 12 February 2023 at a cost of \$1,037.50. The facility will be used to hold a concert of Classical Music. This concert will be dedicated to 190th anniversary of Johannes Brahms and includes works by Robert Schumann and Johannes Brahms. It is expected that 350 people will attend.

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

**Recommendation:** The Committee recommends that Council funds a Facility Hire Grant of \$1,037.50 for Russian Cultural and TV Association Sputnik to hire the Auditorium on 12 February 2023 to deliver a Concert of Classical Music.

**Moved:** Cr Li Zhang

**Seconded:** Cr Sam Parasol  
**Motion Passed Unanimously**

### 5.2.3 Glen Eira Adult Learning Centre (GEALC)

GEALC submitted a Facility Hire Grant application to hire the Carnegie Library Boyd Rooms for Term Four (eight weeks) from 5 October 2022 at a cost of \$420. The facility will be used to hold additional English Language classes each Wednesday, offering both Level 2 and Level 3 English. There are 40 people expected to attend the classes.

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

**Recommendation:** The Committee recommends that Council funds a Facility Hire Grant of \$420 for Glen Eira Adult Learning Centre to hire the Carnegie Library Boyd Room for eight weeks commencing 5 October 2022.

**Moved:** Cr Li Zhang

**Seconded:** Cr Sam Parasol  
**Motion Passed Unanimously**

### 5.2.4 Ormond Netball Club (FH 22 - 045)

Ormond Netball Club submitted a Facility Hire Grant application to hire the Duncan MacKinnon Reserve on 3 December 2022 at a cost of \$377.40. The facility will be used to hold the club's Annual General Meeting and Presentation Day. The Club expects 100 people to attend the event.

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

**Recommendation:** The Committee recommends that Council funds a Facility Hire Grant of \$377.40 for Ormond Netball Club to hire Duncan Mackinnon Reserve on 3 December 2022 for its Annual General Meeting and Presentation Day.

**Moved:** Cr Sam Parasol

**Seconded:** Cr Li Zhang  
**Motion Passed Unanimously**

## 5.3 Community Grants Program Guidelines

Revised Guidelines for the 2023-2024 Community Grants Program have been drafted. These guidelines have been reviewed with reference to the Victorian Auditor-General's Office's report *Fraud Control Over Local Government Grants. (May 2022)*. A report submitted to our Audit and Risk Committee confirmed that Council's grants processes align well with the Auditor-General's report and could further be improved with some changes made to the program including the guidelines. Improvements in the guidelines have focused on greater transparency around the assessment process and increased rigour of the recommendation procedures. The guidelines have also considered Councillor feedback received throughout the assessment process of the 2022-2023 Community Grants Program.

Throughout the Guidelines, wording changes have been proposed to assist with easy English, dates have been updated to cater for the 2023-2024 program and new photographs are











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

**Author:** *Karling Colomiere, Coordinator Councillor Business*

**Trim No:** *22/15797*

**Attachments:** 1. *19 October 2022 Assembly* [↓](#)  
2. *25 October 2022 Assembly* [↓](#)  
3. *2 November 2022 Pre-meeting* [↓](#)

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**RECOMMENDATION**

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

1. 19 October 2022 Assembly;
2. 25 October 2022 Assembly; and
3. 2 November 2022 Pre-meeting









## 8. OFFICER REPORTS (AS LISTED)

### 8.1 9-13 DERBY ROAD CAULFIELD EAST

**Author:** Michael Dowel, Senior Urban Planner

**Trim No:** 22/1270125

**Attachments:**

1. 9-13 Derby Road Caulfield East - Amended plans [↓](#)
2. 9-13 Derby Road Caulfield East - Traffic advice and swept paths [↓](#)
3. 9-13 Derby Road Caulfield East - Facade Strategy [↓](#)
4. 9-13 Derby Road Caulfield East - Waste management plan [↓](#)
5. 9-13 Derby Road Caulfield East - Acoustic Assessment [↓](#)
6. 9-13 Derby Road Caulfield East - Previous Decision Plans [↓](#)
7. 9-13 Derby Road Caulfield East - Planning Permit [↓](#)

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## EXECUTIVE SUMMARY

This report provides Council with an assessment of planning permit application number GE/DP-32984/2019/A at 9-13 Derby Road, Caulfield East, which proposes to amend the permit that allows for the partial demolition of the existing building and construction of a 12 storey mixed use building, comprising of student housing and a food and drink premises in a Heritage Overlay. The amendments include:

- Reduced the number of student rooms from 93 to 88 and subsequent changes to the internal layout of the building;
- Amend Condition 16 to reduce car parking requirements from 0.2 spaces for each bed available, to 0.1 spaces;
- Reduce the number of bicycle spaces from 36 to 27;
- Additional basement parking level;
- The height of the lift overrun increased by 700mm;
- Addition of a DDA lift in lieu of ramps in the lobby;
- Additional plant room added to rooftop, resulting in the communal terrace being split into two areas of 28sqm and 30.5sqm;
- New infill metal clad facade at ground level to Derby Road, concealing fire booster cupboard, gas meters and recessed entry/air lock;
- Increased floor area for the food and drink premises from 92.4sqm to 145.5sqm;
- Southern light courts for floors 1 to 3 reduced from 14.3sqm to 12.5sqm, whilst increasing their widths from 4.9m to 6.3m; and
- Reduction of glazing on the southern and eastern elevation.

The applicant has also sought to satisfy the requirements of condition numbers 1 (amended plans), 3 (Facade Strategy), 6 (Acoustic report) and 12 (Waste Management Plan) of the Permit.

For background, following a compulsory conference at the Victorian Civil and Administrative Tribunal (VCAT), Council resolved to give its consent to the issuing of a planning permit at the Ordinary Council meeting on 23 February 2021. Of relevance to the current amendment was that the Council resolution varied the officer's recommendation with respect to Condition 16 to require a higher number of car spaces for student accommodation use. Ultimately, this varied position was accepted by the applicant and the permit was issued.

The changes to the building envelope are generally minor, or because of requirements of Condition 1 of the permit.

The key considerations are whether the reduction of car parking and the design of the car parking areas are appropriate, whether the proposed built form changes continue to respect the existing heritage building as well as mitigating any unreasonable external and internal amenity impacts. In addition to this, consideration needs to be given to whether conditions of the permit have now been satisfied.

The amended application has been assessed against the relevant planning policies contained in the Glen Eira Planning Scheme, the purpose and decision guidelines of the Commercial 1 Zone, Heritage Overlay and Parking Overlay, the Heritage Policy, the Student Housing Policy and the Car Parking requirements at Clause 52.06 of the Glen Eira Planning Scheme.

The amendments to the permit adequately satisfy the purposes and decision guidelines that apply to the amended application, subject to further conditional requirements for additional information to be shown on the plans. The parking provision is sufficient for the future occupants, which encourages more sustainable transport options, whilst not causing unreasonable impacts on car parking or traffic in the surrounding area.

**RECOMMENDATION**

That Council issues an Amended Planning Permit for Application No. GE/DP-32984/2019/A at 9-13 Derby Road, Caulfield East in accordance with the following changes to existing conditions:

Condition 1 amended to read as follows:

1. 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 Drawing No's: TP02 to TP27, Revisions G and H, dated 22 July 2022, prepared by CHT Architects, but modified to show:
  - a) Any changes required as recommended in the Acoustic Report referred to in Condition 6.
  - b) *...deleted...*
  - c) Any changes required as a consequence of the Facade Strategy referred to in Condition 3. The colour material schedule from the strategy is to be included in the architectural plan set.
  - d) *...deleted...*
  - e) *...deleted...*
  - f) *...deleted...*
  - g) *...deleted...*
  - h) *...deleted...*
  - i) *...deleted...*
  - j) *...deleted...*
  - k) *...deleted...*
  - l) *...deleted...*
  - m) *...deleted...*
  - n) The design details of the external windows or glazed curtain wall system, including details of the colour and reflectivity of the glazing.
  - o) *...deleted...*
  - p) Car parking provided in accordance with condition 16.
  - q) 36 bicycle spaces are to be provided onsite. The design of these facilities is to accord with Clause 52.34 of the Glen Eira Planning Scheme or Australian Standard AS2890.3-1993.
  - r) Car lift to have at least a 2.1m height clearance.
  - s) Sight triangles to be notated as being clear of visual obstructions
  - t) Car spaces located next to a wall to have at least 300mm clearance to open doors.
  - u) Kerbs for the basement ramps modified to meet the requirements of Figure 2.8 of AS2890.1:2004.
  - v) Visitor bike parking spaces to be appropriately signed.

Condition 3 replaced in its entirety with a new condition to read as follows:

3. Before the development starts, a Facade Strategy to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Facade Strategy will be endorsed and will form part of the permit. The strategy must be generally in accordance with the Facade Strategy, prepared by CHT Architects and dated 2 June 2022, however further modified to show:

- a) Light Bronze Aluminium cladding to the doorway area of the street wall infill section to be updated to a more suitable Heritage sensitive material.

Condition 12 replaced in its entirety with a new condition to read as follows:

12. Before the building is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 19 April 2022, however further modified to show:
  - a) Incorporate a scaled drawing of bin stores and bins layout within the WMP document. Additional drawings should be included detailing internal waste receptacles in student rooms and communal areas.
  - b) A swept path drawing for a waste collection vehicle within the WMP document.
  - c) Review the bin area space to incorporate space for a future glass-only stream demonstrated in attached drawing.
  - d) Specify where the allocated temporary internal storage space for hard waste will be located and include in drawings.

Condition 16 amended to read as follows:

16. The car parking allocation for the approved development must be:
  - (a) Student housing; 0.1 spaces for each bed available. This can be inclusive of the 3 car share spaces and 1 student housing office/reception space; and
  - (b) Food and Drink Premises staff; 2 car spaces.

Condition 19 replaced in its entirety with a new condition to read as follows:

19. Before the buildings are occupied, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:
  - a) Introduction of vehicle conflict and a signal system that controls the vehicle movements in the ground floor car park to ensure there will not be any head on collisions. This is due to the conflict that will likely arise from vehicles parking on ground floor travelling on the same single vehicular accessway as vehicles exiting;
  - b) Demonstration that vehicles exiting the car lift will be able to do so in a forward direction. Swept path diagrams and mechanisms to achieve this must be provided accordingly;
  - c) Details regarding how the car lift will be managed, including user induction, signage and contingency plans if the lift is inoperable;
  - d) Detail relating to vehicle queuing for the car lift. Queuing must not occur in the right of way;
  - e) Ensure that the default position of the car lift is set at ground floor;
  - f) Ongoing maintenance of the car lift system; and
  - g) Instructions to owners and occupiers about the operation of the car lift system.

<b>Address</b>	9-13 Derby Road Caulfield East
<b>Application number</b>	GE/DP-32984/2019/A
<b>Title details</b>	Lot 1 TP548981P and Lot 1 TP600743T
<b>Restrictions on title</b>	There are no restrictions on the titles
<b>Existing permit allows</b>	Partial demolition of 9 Derby Road, demolition of 13 Derby Road, construction of a 12 storey mixed-use building with a basement, use of the land for Accommodation (Student Housing) and reduction of the car parking requirements for the Student Housing and a Food and Drink Premises, on land affected by the Heritage Overlay.
<b>Cultural Heritage Management Plan</b>	None required

## THE PROPOSAL

Proposed amendments are:

### Conditions

Amend Condition 16, which currently reads as:

16. *The car parking allocation for the approved development must be:*
- (a) *Student housing; 0.2 spaces for each bed available. This can be inclusive of the 3 car share spaces and 1 student housing office/reception space;*
  - (b) *Food and Drink Premises staff; 2 car spaces.*

To now read as:

16. *The car parking allocation for the approved development must be:*
- (a) *Student housing; 0.1 spaces for each bed available. This can be inclusive of the 3 car share spaces and 1 student housing office/reception space;*
  - (b) *Food and Drink Premises staff; 2 car spaces.*

### Changes to plans

The following changes are proposed to the plans:

- Reduced the number of student rooms from 93 to 88 and subsequent changes to the internal layout of the building;
- Reduce the number of bicycle spaces from 36 to 27;
- Additional basement parking level;
- The height of the lift overrun increased by 700mm;
- Addition of a DDA lift in lieu of ramps in the lobby;
- Additional plant room added to rooftop, resulting in the communal terrace being split into two areas of 28sqm and 30.5sqm;
- New infill metal clad facade at ground level to Derby Road, concealing fire booster cupboard, gas meters and recessed entry/airlock;
- Increased floor area for the food and drink premises from 92.4sqm to 145.5sqm;
- Southern light courts for floors 1 to 3 reduced from 14.3sqm to 12.5sqm, whilst increasing their widths from 4.9m to 6.3m; and
- Reduction of glazing on the southern and eastern elevation.

### Compliance with conditions

The applicant seeks to satisfy the following conditions of the permit:

- Condition 1 (Amended plans);
- Condition 3 (Facade Strategy);
- Condition 6 (Acoustic report); and
- Condition 12 (Waste Management Plan)

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

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

### Applicable planning controls and the relevant decision guidelines

#### *Commercial 1 Zone*

Under the provisions of the Commercial 1 Zone at Clause 34.01 of the Scheme, a planning permit is required to:

- Use the land for the purpose of Accommodation (Student Housing) (clause 34.01-1)
- Construct a building and carry out works (clause 34.01-4)

The applicable decision guidelines include:

#### *General*

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

#### *Use*

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

#### *Buildings and works*

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandah, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances,*

*illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*

*Heritage Overlay, Schedule 71 (Derby Road and environs, Caulfield North precinct)*

Under the provisions of the Heritage Overlay at Clause 43.01 of the Scheme, a planning permit is required to:

- Demolish or remove a building (clause 43.01-1)
- Construct a building or construct or carry out works (clause 43.01-1)

The applicable decision guidelines include:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guideline specified in the schedule to this overlay.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

*Clause 45.09 (Parking Overlay) and Clause 52.06 (Car parking)*

Under the provisions of Clause 45.09 (Parking Overlay) of the Scheme, the total number of car parking spaces required for the student housing is 26 spaces, which is based off a calculation of 0.3 spaces to each bed available (for a development which proposes 88 rooms/beds).

Under the provisions of Clause 52.06 (Car parking), the total number of car parking spaces required for the food and drink premises is five spaces, which is based off a calculation of 3.5 spaces to every 100sqm of leasable floor area (for a development which proposes 145sqm of food and drink premises floor area).

The application proposes nine spaces for the student housing and two for the food and drink premises.

Clause 52.06 enables consideration of a lesser rate based on the following factors:

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

Relevant planning policies to consider as part of the application

- Clause 15.01 (Built environment)
  - *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
  - *To create a distinctive and liveable city with quality design and amenity.*
  - *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*
  - *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*
  - *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*
- Clause 15.03 (Heritage)
  - *To ensure the conservation of places of heritage significance.*
- Clause 16.01 (Residential development)
  - *To facilitate well-located, integrated and diverse housing that meets community needs.*

- *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are Metropolitan activity centres and major activity centres.*
- Clause 18 (Transport)
  - *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*
  - *To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.*
  - *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
  - *To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.*
- Clause 21.10 (Heritage)
  - *Protect places identified as having architectural, cultural or historical significance.*
  - *Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.*
  - *Enhance knowledge and popular understanding of Glen Eira's architectural, cultural and historic heritage.*
- Clause 21.12 (Transport)
  - *To advocate and encourage the provision of a safe, convenient and efficient transportation network which meets the needs of Glen Eira's residents, businesses and through traffic.*
  - *To encourage increased access and use of public transport.*
  - *To minimise the adverse effects of vehicular traffic, especially in Glen Eira's residential areas.*
  - *To ensure the adequate provision of car parking in appropriate locations to serve the needs of business and its customers.*
- Clause 22.01 (Heritage Policy)
  - *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.*
  - *To preserve the scale and pattern of streetscapes in heritage precincts.*
  - *To ensure that additions and new buildings and works to a heritage place respect the significance of the place and/or precinct.*
  - *To ensure the design of new development respects, complements and responds to the heritage significance of the precinct.*
  - *To promote design excellence which supports the ongoing significance of heritage places.*
  - *To ensure that non-contributory buildings in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the significance of the heritage precinct*

- Clause 22.06 (Phoenix Precinct)
  - *To promote the Phoenix Precinct as a regionally significant (major) activity centre.*
  - *To convey and implement the preferred vision for land use, development and infrastructure within the Precinct based on the Phoenix Precinct Urban Design Framework.*
  - *To create a high quality, vibrant urban environment with a strong sense of place and community, high standards in architecture and urban design, safety and permeability and a strong pedestrian and public transport focus.*
  - *To ensure that all use and development of land and infrastructure provision is coordinated and undertaken to achieve a balanced planning outcome for the community.*
  
- Clause 22.09 (Student Housing Policy)
  - *To channel student housing to locations in close proximity to Monash University, Caulfield Campus and Holmesglen Institute of TAFE, with good access to public transport, commercial, community, educational and recreational facilities.*
  - *To meet the housing needs of the future student population within the City of Glen Eira.*
  - *To require student housing development to deliver a good living experience and foster a sense of community among the residents.*
  - *To ensure that the density, mass, scale and character of student housing developments is appropriate to the location.*
  - *To ensure that the design and siting of new student housing development is sensitive to and respectful of the scale of existing residential development on adjoining sites, and to the neighbourhood character.*
  - *To ensure that the design and siting of the development is respectful to the amenity of the adjoining properties.*
  - *To ensure that student housing developments are appropriately managed and used for the purpose for which they were constructed and that off-site amenity impacts are minimised.*
  - *To ensure the renovation or re-use of buildings for the accommodation of students provides a suitable living environment for students and has limited amenity impacts on the adjoining properties.*

#### Other relevant matters

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

Clause 71.02 of the Scheme provides the operational provisions for the planning policy framework. In relation to integrated decision making, Clause 71.02-3 sets out that:

*The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

Applicable planning scheme amendments

Since the permit was issued in April 2021 there have been changes made and further changes proposed to the Scheme.

*Planning Scheme Amendment C220glen*

The amendment proposes to replace the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Glen Eira Planning Scheme with a Municipal Planning Strategy (MPS) at Clause 02 and local policies within the Planning Policy Framework at Clauses 11 to 19, utilising a mix of existing policy within the planning scheme and new policy derived from recently adopted council strategies, consistent with the new structure of planning schemes introduced by Amendment VC148.

Pursuant to Section 60(1A)(g) of The Act, Council may consider any other strategic plan, policy statement, code or guideline that has been adopted by the Council. As the amendment has now been adopted by Council and sent to the Minister for Planning for approval, it has now gained the status of a 'seriously entertained document' and carries weight in the assessment.

Most of the changes proposed by C220glen are considered to be policy neutral in the context of the amendments proposed. However, the following proposed policies are considered relevant to the merits of the proposed amendments.

- *Clause 16.01-1L-02 (Student Accommodation)*

*Policy guidelines - Consider as relevant:*

*Providing an area of communal open space:*

- *At a ratio of 2.5 square metres per bed.*
- *In a maximum of two parcels, each parcel with a minimum dimension of 3 metres.*
- *At ground floor, if possible.*
- *Located on the north side of the building, if possible.*
- *With the southern boundary of the communal open space set back from any wall to the north of the space at least 2 metres plus 90 per cent of the height of the wall.*

*The provision of bicycle parking at the following rates:*

- *Two spaces for every three beds.*
- *One electric bicycle space and charging station for every four beds.*

- *Clause 18.02-1L (Sustainable personal transport)*

*Policy guidelines - Consider as relevant:*

*The provision of bicycle parking at the following rates:*

- *One space to each dwelling.*
- *One visitor space to each four dwellings.*
- *One electric bicycle space to each four dwellings.*

*Policy documents – Consider as relevant*

- *Parking Policy 2020 (Glen Eira City Council, 2020)*

The Parking Policy 2020 seeks to:

*Encourage students to come by public transport, those who do drive, parking should be provided by the university.*

#### *Caulfield Structure Plan*

At the Ordinary Council meeting on 20 September 2022, Council adopted the Caulfield Structure Plan.

The subject site is included within the Derby Road precinct, which has been identified for residential growth as well as balancing the protection of the heritage main street.

The objectives for the Derby Road Precinct include:

- *To further develop the precinct as the northern retail and mixed-use core of the Centre which include commercial office floorspace.*
- *To encourage built form that reflects the gateway location to the Centre.*
- *To ensure that development respects the heritage character of Derby Road.*

The built form framework identifies the site and the rest of the western side of Derby Road as being suitable for a two storey street wall height, which transitions to eight stories at the rear.

#### *Planning Scheme Amendment VC204*

Planning Scheme Amendment VC204 was approved on 9 December 2021 and improved consistency between the objectives and strategies of the *Transport Integration Act 2010* and state planning policy in the Planning Policy Framework (PPF), allowing for more integrated land use and transport planning decision making, a greater understanding of interaction between land use planning and transport planning, and better transport and land use outcomes for Victorians.

The updated Clause 18 of the Scheme also creates greater clarity and consistency in planning policy for transport and places a much greater emphasis on safety and sustainability.

## **CONTEXT**

The subject site is located on the western side of Derby Road, between Sir John Monash Drive and Dandenong Road. The site is formed of two lots with overall area of approximately 541sqm. The location of the site is shown in the map below:



Figure 1 - Subject site and surrounding area

The site was previously occupied by two single-storey buildings. Demolition of most of 9 Derby Road and all of 13 Derby Road was undertaken in December 2020, which was lawfully undertaken under a separate planning permit.

Land to the north is occupied by a double-storey building and two single-storey buildings, with Zagame’s Hotel further to the north. Land to the south is occupied by double-storey buildings. Land to the east includes double-storey buildings and pedestrian access to the Caulfield Plaza Shopping Centre. Land to the west is occupied by the Zagame’s Hotel car park.

The site is within the Caulfield Major Activity Centre as defined in Plan Melbourne. Caulfield Station is located south-east of the site. The multi-storey mixed-use Caulfield Village development is located to the south-west of the railway line and Normanby Road.

Relevant planning history

On 4 February 2020, planning application number GE/DP-32984/2019 for the current Student Housing proposal was refused on the following grounds:

1. *The height and massing of the proposed development is excessive and will appear overly dominant when viewed from the surrounding streets and its appearance will not adequately respect the existing or preferred neighbourhood character of the Derby Road commercial area and its surrounds contrary to:*
  - *Clause 15.01-1R (Urban Design – Metropolitan Melbourne);*

- *Clause 15.01-2S (Building Design);*
- *Clause 15.01-5S (Neighbourhood Character);*
- *Clause 15.03-1S (Heritage Conservation);*
- *Clause 22.01 (Heritage Policy);*
- *Clause 22.06 (Phoenix Precinct Policy); and*
- *Clause 22.09 (Student Housing Policy);*

*of the Glen Eira Planning Scheme.*

2. *The proposed building would be contrary to the purpose of the Commercial 1 Zone as the density of the student housing takes the form of a building that would be too tall and bulky and not respect the scale of the Derby Road commercial area and its surrounds.*
3. *The bulk, form and appearance of the proposed building will adversely affect the significance of the Derby Road and environs heritage place.*
4. *The bulk, form and appearance of the proposed building will not be in keeping with the character and appearance of adjacent buildings and the Derby Road and environs heritage place.*

The applicant lodged an appeal against the refusal of that application at VCAT on 19 March 2020. Two compulsory conferences were held on 14 September 2020 and 17 November 2020. The result of these conferences was the submission of amended plans, which have been included as an attachment to this report.

Council was required to form a position on the compulsory conference amended plans, which was undertaken at the Ordinary Council meeting on 23 February 2021. Council determined to accept the amended plans and consent to the permit being issued, subject to the following Condition 1 requirements:

- (a) *Any changes required as recommended in the Acoustic Report referred to in Condition 6.*
- (b) *The addition of detailed notes and information to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system in accordance with Clause 58.03-8 of the Glen Eira Planning Scheme.*
- (c) *Any changes required as a consequence of the Facade Strategy referred to in Condition 3.*
- (d) *Screening must be provided to ensure that there are no direct views into the Student Housing rooms. 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.*
- (e) *All trafficable external balconies (including the balcony to the communal area and kitchen) must have a balustrade to a height of at least 1.2 metres above balcony floor level.*
- (f) *All non-trafficable balconies must not allow access from adjacent windows.*
- (g) *Drawing No. TP26 to show the vertical planter screen that is shown on Drawing No. TP06.*
- (h) *Notes to state that there will be no air conditioner condenser units located on private balconies or in locations visible from any street.*
- (i) *The location, material and colour of the TBA element on Drawing No. TP23 (north elevation) to be clearly identified.*

- (j) *All Student Housing rooms to have ventilation provided through openable windows and adequate access to daylight through light courts of at least 3 square metres with a minimum dimension of 1 metre clear to the sky.*
- (k) *Privacy screens between adjacent balconies to a height of at least 1.7 metres above balcony floor level.*
- (l) *Replacement of the proposed "brick style coloured concrete" with an alternative cladding system equivalent to CSR "Inbrick" or Austral "Panel brick" or an alternative product of an equal or similar quality which provides an acceptable brick style or an alternate higher quality brick or brick cladding.*
- (m) *The outlines of the adjoining buildings at 7 and 15 Derby Road to be shown on the south and north elevations, respectively.*
- (n) *The design details of the external windows or glazed curtain wall system, including details of the colour and reflectivity of the glazing.*
- (o) *The design of bicycle parking facilities to accord with Clause 52.34 of the Glen Eira Planning Scheme or Australian Standard AS2890.3-1993.*
- (p) *Car parking provided in accordance with condition 16, which may necessitate additional basement levels or the provision of a mechanical car stacker system.*

Condition 16 was resolved by Council to be written as follows:

16. *The car parking allocation for the approved development must be:*
- (a) *Student housing; 0.2 spaces for each bed available. This can be inclusive of the 3 car share spaces and 1 student housing office/reception space;*  
*and*
  - (b) *Food and Drink Premises staff; 2 car spaces.*

Accordingly the matter was settled and the permit was issued on 27 April 2021.

## **PROCEDURAL REQUIREMENTS**

### Consultation and engagement

No public notice has been given for the amended application. The main items of contention from a neighbouring impact perspective were considered to be the proposed reduction in the southern lightwell sizes and the reduction of the car parking rate in accordance with Condition 16. All other external changes to the building are a result of Condition 1 requirements, or not clearly visible from adjoining or nearby properties.

### *Light court changes*

The light courts facing the property to the south will be reducing in depth from 3.7m to 2.02m for floors 1 to 3, however the width of the lightwells is increasing from 4.9m to 6.3m. The property to the south is a commercial site and there are no amenity impacts to that property as a result of these changes.

With respect to equitable development rights of that property, this is actually increased by the removal of two windows that use the lightwell, which will make it easier for a redevelopment of the land to the south to respond to in the event of a future application at that site.

The change to the size of the lightwell has no discernible impact on the presentation of the southern elevation of the building, as it only applies to the lower levels of the building that will

have limited visibility from the public realm and as there will still be sufficient visual interest provided.

*Reduction of car spaces*

The plans that formed the basis of the settlement outcome at VCAT proposed six on-site car spaces. The amended plans propose 11 car spaces. As more car spaces are now proposed compared to what were previously proposed, this would not result in any material detriment to any person.

*Submissions received*

It is noted that a submission was received for the amended application via a comment through the Planning Alerts website. As notice for the amended application was not required, pursuant to Section 60(3) of the Act:

*...the responsible authority is not required to consider any objection or submission received in respect of the application before deciding the application.*

This means that the matters set out in the submission cannot be considered.

External statutory referral authorities

The original permit application was referred to the Head, Transport for Victoria as more than 60 dwellings were proposed. The Department of Transport provided comments advising that they did not object to the application, subject to two conditions being included in the permit (conditions 24 and 25).

As the number of dwellings is reducing, a referral of the amended application to the Head, Transport for Victoria was not considered necessary.

Comments from Council departments

<p><b>Traffic Engineering</b></p>	<p>Council’s Traffic Engineer is supportive of the proposed amendments subject to the following:</p> <p><i>Accessway and car space design</i></p> <ul style="list-style-type: none"> <li>• Car lift to have at least 2.1m height clearance.</li> <li>• Sight triangles are clear of visual obstructions.</li> <li>• Car spaces that were located next to a wall have at least 300mm clearance to open doors.</li> <li>• Kerb ramps to be demonstrated to meet the requirements of Figure 2.8 of AS2890.1:2004</li> </ul> <p><i>Car parking management</i></p> <ul style="list-style-type: none"> <li>• A Car Parking Management Plan (CPMP) is required to ensure users are familiar with how to use the car lift, management of vehicle queuing and maintenance of the system.</li> </ul> <p><i>Amendment to Condition 16 car parking rate</i></p>
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	<ul style="list-style-type: none"> <li>• Previously supported the reduction of 31 car spaces for the student accommodation use and one car space for the food and drink premises. This was supported for the following reasons:  <i>...it is acknowledged that majority of the tenants would be Monash University students and they do not require a car to commute to the university. Additionally, the subject site has good access to public transport and various amenities that students need their day to day life. Therefore, the proposal would not require to fully satisfy the statutory requirement</i></li> <li>• The proposed amendments seek a reduction of 17 car spaces for the student accommodation and three car spaces for the food and drink premises. Overall, the reduction sought is now 12 car spaces less than that previously proposed. Based on this, there are no objections to the change to the car parking rate set out in Condition 16 of the permit.  <i>Bicycle parking</i></li> <li>• The amended application proposes to reduce the number of bicycle spaces provided from 36 to 27. Whilst the statutory requirement is 27 spaces, given the reduction of car parking sought, it is recommended that additional bicycle parking is provided. The nine spaces should therefore be reinstated.</li> <li>• It is unclear about the type of bicycle parking spaces proposed. Bike parking spaces must be appropriately dimensioned and provided as per the requirements specified in AS2890.3:2015.</li> <li>• Visitor bike parking spaces must be appropriately signed.</li> </ul>
<p><b>Heritage</b></p>	<p>Council’s Heritage Advisor has provided the following comments on the amended proposal and compliance with Condition 3 (Facade Strategy):</p> <p><i>Overall comments</i></p> <ul style="list-style-type: none"> <li>• The design approach generally considers to the heritage context in an appropriate way. It proposes conservation and discreet modification to the contributory heritage façade, uses formal articulation attempt to moderate the bulk and scale of the development, introduces a thoughtful fenestration approach and a discreet but subtly varied and textured material and finishes palette that is contemporary while sympathetic to the characteristics of HO71—Derby Road and environs, Caulfield North.</li> </ul> <p><i>Retention and repair works</i></p>

	<ul style="list-style-type: none"> <li>• The proposed retention and repair work to the contributory facade of 13 Derby Road as an entry to the residential tower is considered positively from a heritage perspective. The general scope of works, which includes removal of existing anchor plates and paint from rendered surfaces, removal of drummy and damaged render, and render repair is appropriate.</li> <li>• I would question to use of Light Bronze Aluminium Cladding to the doorway area of the street wall infill section the development to the north of the contributory facade as being a non-sympathetic contextual response. The design of the element otherwise is suitably recessive within the street context.</li> </ul> <p><i>Tower, podium and crown (Derby Road):</i></p> <ul style="list-style-type: none"> <li>• As noted above, the general design approach for the tower indicated in the Facade Strategy represents an improved response.</li> <li>• The design is generally more visually recessive. It has been simplified and responds to the classical detailing of the contributory facade to 13 Derby Road.</li> <li>• The articulation of the form facing Derby Road and to the side elevations attempts to break down the scale and bulk of the proposition through formal articulation of the main form, a contextual fenestration response that is more appropriate than curtain wall approach or the 'busy' array of windows critiqued in previous heritage advice.</li> <li>• The use of texture, materials, colour and detailing generally responds in a sympathetic but contemporary way to the heritage context of Derby Road,</li> </ul> <p><i>Tower (Sir John Monash Drive):</i></p> <ul style="list-style-type: none"> <li>• The rear face of the tower, as noted in the advice provided by the previous Glen Eira heritage advisor, also sits within the context of a Heritage Overlay, albeit in a streetscape of low integrity.</li> </ul>
<p><b>Waste</b></p>	<p>Council's Waste Officer has made the following recommendations after reviewing the waste management plan (WMP) submitted to Council for approval:</p> <ul style="list-style-type: none"> <li>• Amend the WMP to incorporate a scaled drawing of bin stores and bins layout within the WMP document.</li> <li>• Additional drawings should be included detailing internal waste receptacles in student rooms and communal areas.</li> <li>• Include a swept path drawing for a waste collection vehicle within the WMP document.</li> <li>• Review the bin area space to incorporate space for a future glass-only stream.</li> </ul>

	<ul style="list-style-type: none"> <li>Specify where the allocated temporary internal storage space for hard waste will be located and include in drawings.</li> </ul>
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**ISSUES AND DISCUSSION**

Conditional Requirements:

In addition to the amendments sought pursuant to Section 72 of the Act, the applicant also seeks to satisfy several conditions of the permit. The following assesses each of those requirements.

*Condition 1 (Amended plans)*

- a. *Any changes required as recommended in the Acoustic Report referred to in Condition 6.*

Condition 6 of the permit requires the following:

*Before the development starts, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of the permit. The Acoustic Report must be prepared by a suitably qualified Acoustician and must detail any attenuation measures required to protect residents within the building from external noise associated with the nearby railway line and major roads. These measures must achieve noise level in the bedrooms and other rooms in accordance with Australian Standard AS2107, or otherwise, to the satisfaction of the Responsible Authority.*

An acoustic report has been provided with the amended application, identified as Acoustic Assessment, prepared by JTA and dated March 2022.

The report has identified the external noise sources that require mitigation measures within the development as being road noise from Dandenong Road, train noise from the nearby train lines and tram noise from Derby Road. The report sets out several construction material requirements and techniques that are required to reduce noise levels within the habitable areas of the building to an acceptable level.

The amended plans do not contain any references to the requirements set out in the acoustic report. Therefore, Condition 1 (a) has not been satisfied and will remain on the permit.

- b. *The addition of detailed notes and information to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system in accordance with Clause 58.03-8 of the Glen Eira Planning Scheme.*

Notations have been added to the plans detailing the requirement for a 10,000L rainwater collection tank, which will be below the basement and used for flushing of toilets. This is based on a STORM Assessment calculation for the amended development, consistent with Clause 58.03-8 of the Scheme. This condition is satisfied.

- c. Any changes required as a consequence of the Facade Strategy referred to in Condition 3.

Condition 3 of the permit requires the following:

*Before the development starts, a Facade Strategy to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Facade Strategy will be endorsed and will form part of the permit. The Facade Strategy must be prepared by a suitably qualified person with expertise in urban design, architecture and heritage buildings and must provide details of the construction documentation of all facade elements that will contribute to the external presentation and function of the building, including:*

- (a) *Detail of all external materials and finishes for all aspects of the building, including the use of high quality architectural treatments.*
- (b) *A report which substantiates that the Facade Strategy is appropriate in its context including the relationship with the surrounding heritage context.*

A Facade Strategy has been provided with the amended application, prepared by CHT Architects and dated 2 June 2022.

The Facade Strategy contains specific details of all external materials and finishes for all aspect of the building.

The Facade Strategy has been reviewed by Council’s Heritage Advisor, who is generally supportive of it, subject to changes to the proposed Light Bronze Aluminium Cladding proposed to the ground floor facade facing Derby Road, as shown in the following image:

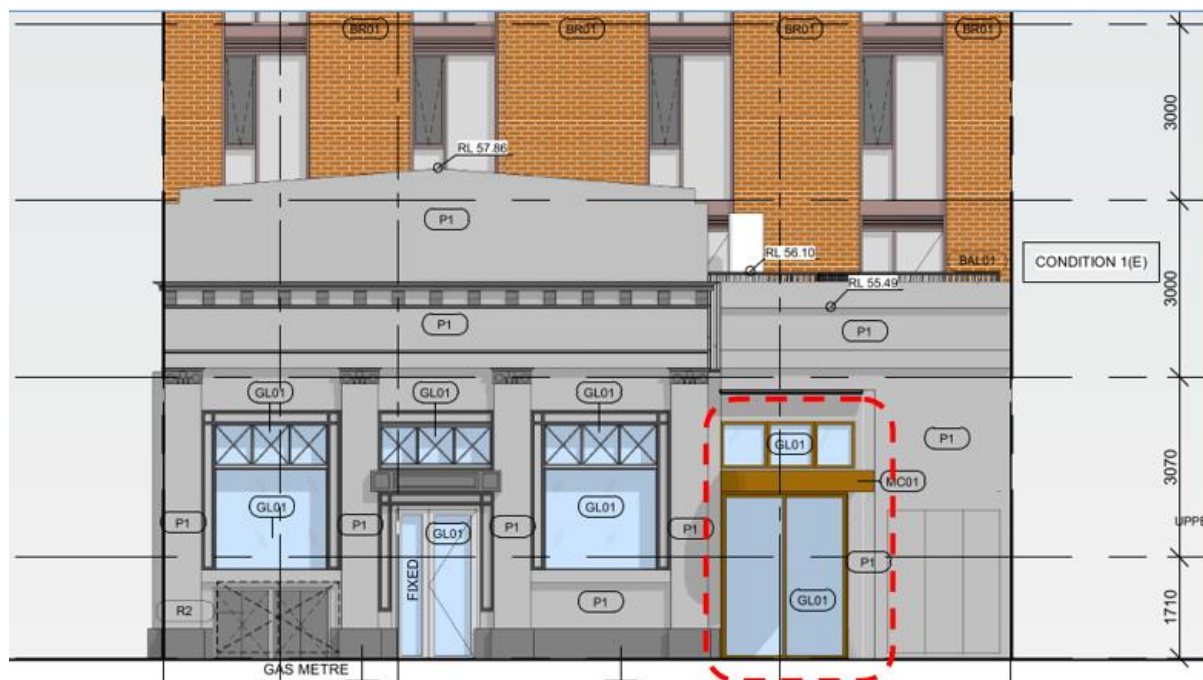


Figure 2 - Ground floor facade showing bronze finishes

The recommendation from the Heritage Advisor is for a more sympathetic material and colour, which better reflects the heritage features of the retained section of the building

and as seen in the wider heritage precinct. This recommendation is supported and is addressed by recommended changes to Condition 3.

The Facade Strategy is otherwise considered to have included high quality architectural treatments, with sufficient substantiation of how it is appropriate in its context, including the relationship with the surrounding heritage context.

- d. *Screening must be provided to ensure that there are no direct views into the Student Housing rooms. 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.*

Direct views between habitable room windows facing each other within the northern light court have been mitigated by proposed screening to 1.7m above the finished floor level to the east facing windows at all levels.

Balconies and communal terraces that have direct views also have screening to 1.7m above their finished surface levels.

This condition is therefore satisfied.

- e. *All trafficable external balconies (including the balcony to the communal area and kitchen) must have a balustrade to a height of at least 1.2 metres above balcony floor level.*

Balcony balustrades have a minimum height of 1.5m. This condition is satisfied.

- f. *All non-trafficable balconies must not allow access from adjacent windows.*

Notations have been included on the floor plans where there are non-trafficable balconies that they are not accessible. This condition is satisfied.

- g. *Drawing No. TP26 to show the vertical planter screen that is shown on Drawing No. TP06.*

The vertical planting screens are shown on Drawing No. TP26, which is the section drawing of the communal terrace areas. This condition is satisfied.

- h. *Notes to state that there will be no air conditioner condenser units located on private balconies or in locations visible from any street.*

Notations have been provided on each elevation sheet stating the above. This condition is satisfied.

- i. *The location, material and colour of the TBA element on Drawing No. TP23 (north elevation) to be clearly identified.*

Clarity has been provided by a notation stating that TBA was referring to the existing neighbouring building that is seen in the background of the proposal on the north elevation. This condition is satisfied.

- j. *All Student Housing rooms to have ventilation provided through openable windows and adequate access to daylight through light courts of at least 3 square metres with a minimum dimension of 1 metre clear to the sky.*

There are two light courts for the building measuring 12.5m<sup>2</sup> and 16m<sup>2</sup> and each is well over 1.0m in depth. All windows either face one of these light courts or an external wall to the building. This condition is satisfied.

- k. *Privacy screens between adjacent balconies to a height of at least 1.7 metres above balcony floor level.*

1.7m high obscured glass or vertical planter screens have been notated between adjacent balconies. This condition is satisfied.

- l. *Replacement of the proposed "brick style coloured concrete" with an alternative cladding system equivalent to CSR "Inbrick" or Austral "Panel brick" or an alternative product of an equal or similar quality which provides an acceptable brick style or an alternate higher quality brick or brick cladding.*

The "brick style coloured concrete" has been replaced with a "recycling look tumbled sandstone tone brick snap in a stretcher bond". The Facade Strategy provides further details of this material as being "equivalent to CSR 'InBrick' or Austral 'Panel Brick'". The product specifications for these materials are described as:

*InBrick is an inlay brick system that embeds genuine clay brick tiles into precast concrete panels, providing the look and feel of brick, with its durable aesthetic, to precast concrete panels.*

The Austral 'Panel Brick' material contains similar descriptions, including it being:

*Panel Brick is a revolutionary product that combines the simplicity and ease of precast concrete with the timeless beauty and style of Dovetail brick facings.*

The quality of either system is considered acceptable, as it will present the same as a purely brick construction method. This condition is satisfied.

- m. *The outlines of the adjoining buildings at 7 and 15 Derby Road to be shown on the south and north elevations, respectively.*

Outlines of buildings have been shown on the north and south elevations. This condition is satisfied.

- n. *The design details of the external windows or glazed curtain wall system, including details of the colour and reflectivity of the glazing.*

The glazing colours have been nominated and included in the material schedule within the Facade Strategy as being clear or grey. However, details as to whether each glazing type is reflective or not have not been provided.

It is noted that the Facade Strategy identifies the grey glazing to the roof terrace as "creating a reflective box".

It is recommended that this condition remain on the permit and further details of the reflectiveness of the glazing be clarified on the plans and in the Facade Strategy.

- o. *The design of bicycle parking facilities to accord with Clause 52.34 of the Glen Eira Planning Scheme or Australian Standard AS2890.3-1993.*

A notation has been provided next to the bicycle spaces on the Basement 01 Plan stating the above. This condition has been satisfied.

- p. Car parking provided in accordance with condition 16, which may necessitate additional basement levels or the provision of a mechanical car stacker system.*

The applicant seeks an amendment to the car parking rates for the student accommodation use, which is assessed later in this report.

With respect to information shown on the plans, a total of 11 car spaces have been shown on the plans, which is consistent with the amendment sought by the applicant. However, the allocation of two spaces for the food and drink premises has not been clearly notated. This condition should therefore remain on the permit, however modified to delete reference to the mechanical car stacker system as one is not required.

#### *Condition 3 (Facade Strategy)*

Assessment relating the Facade Strategy has been included under conditions 1 (c), (l) and (n) above.

#### *Condition 6 (Acoustic report)*

Assessment relating to the acoustic report has included under Condition 1(a) above.

#### *Condition 12 (Waste management plan)*

The Waste Management Plan (WMP) has been reviewed by Council's Waste Officer, who is generally supportive of the WMP, subject to the recommendations set out in the referral comments section earlier in this report. It is recommended that Condition 12 of the permit be amended to reflect these requirements.

#### Amendments sought pursuant to Section 72 of the Act

The assessment of the proposal must be confined to the aspects of the approved development that are to be amended.

The planning controls each contain a purpose and decision guidelines. The following assessment will respond to relevant requirements along with other matters required to be considered under the Scheme and the Act, as applicable to the proposed amendments.

This will be done by responding to the following questions:

- Are the proposed amendments to the design and built form acceptable and will they cause any unacceptable amenity impacts?
- Are the transport arrangements acceptable for the proposed amendments, including the quantum of parking, the layout and appearance of parking areas and the effects of traffic to be generated by the amended proposal?

*Are the proposed amendments to the design and built form acceptable and will they cause any unacceptable amenity impacts?*

The main changes impacting the external appearance of the development include:

- The height of the lift overrun increased by 700mm;
- Additional plant room added to rooftop, resulting in the communal terrace being split into two areas of 28sqm and 30.5sqm;
- New infill metal clad facade at ground to Derby Road concealing fire booster cupboard, gas meters and recessed entry/airlock;
- Southern light court for floors 1 to 3 reduced from 14.3sqm to 12.5sqm but their widths increased from 4.9m to 6.3m;
- Reduction of glazing on the southern elevation; and
- Internal changes to the layout of the building.

Other built form changes have been made to the development, however these are tied to the changes required under conditions of the permit which have been assessed separately in this report.

The proposed changes are considered to be well incorporated into the overall building design and will not cause any material detriment to adjoining properties, noting that they are commercially zoned and used buildings. Combined with the changes required by Condition 1 of the planning permit, including the incorporation of facade changes in accordance with the Facade Strategy and the alternative brickwork, the overall appearance of the building will be an improvement when viewed within the Derby Road Heritage Precinct.

The following assesses each change in more detail.

#### *Lift overrun*

The height of the lift overrun will increase by 700mm, however the visibility of this will be limited from the streetscape and adjoining properties given it only comprises an area of approximately 60sqm of the 540sqm of the site and is setback from all boundaries, noting the more substantial setback to Derby Road of 19.8m. The height of the remainder of the building remains unchanged.

The additional height will therefore have no impact on the amenity of the adjoining or surrounding properties, noting their non-residential uses, will not adversely impact the heritage significance of the retained sections of the building, or its contribution to the heritage precinct. It is therefore considered acceptable.

#### *Communal open space*

The communal rooftop terrace will now be split into two areas measuring 28sqm and 30.5sqm. This is in addition to the existing terrace open space at the first floor which will not be changing as part of this application, whilst there are several other communal areas throughout the building in the form of a kitchen and study area at ground level, communal break out space within the third, fifth and eighth floors.

Council's current and proposed Student Housing/accommodation policy specifies for communal open space to be provided:

- *at ground floor if possible;*
- *at a ratio of 2.5m<sup>2</sup> per bed; and*
- *in a maximum of two parcels, each parcel with a minimum dimension of 3 metres that is orientated to allow solar access.*

While this proposed splitting of the rooftop area seeks a further variation to that sought by policy, the overall area of communal open space is still well above that required by policy. The current plans provide for 232sqm and 220sqm of indoor and outdoor communal areas respectively, whilst the amended plans provide 246sqm and 158sqm respectively. Based on the number of beds now proposed, policy would require 220sqm in total.

The splitting of the rooftop area into two spaces is considered reasonable, as it offers more zones for groups to occupy, whilst also offering different options in different conditions (ie. wind direction impacts).

Overall, the development will provide excellent on-site communal spaces for the future occupants of the building and the change is supported.

*New infill metal clad facade at ground level to Derby Road, concealing fire booster cupboard, gas meters and recessed entry/airlock*

New infill metal cladding has been incorporated into the ground floor facade to conceal a proposed fire booster cupboard. This is a fire safety requirement imposed by the relevant fire authority and common in most buildings of this scale. The plans also add gas meters to the front facade of the building, again at the requirement of the relevant gas authority.

As a result of these changes, the pedestrian entrance to the building has been modified by reducing the splay area.

The fire and gas infrastructure have both been integrated into the building facade as shown in the following image:



Figure 3 - Ground floor facade showing fire and gas services

Council’s Heritage Advisor has also reviewed the changes and raised no issues.

The changes to the pedestrian entrance are minor and don't change the width of the doorway. Subject to the recommendations of Council's Heritage Advisor regarding the replacement of the bronze material with a more sympathetic material, the changes are considered acceptable.

*Southern light courts for floors 1 to 3 reduced from 14.3sqm to 12.5sqm, whilst increasing their widths from 4.9m to 6.3m*

As discussed in the notice requirements section of this report, the changes to the light courts do not result in any material detriment to any adjoining properties and have minimal impact on the presentation of the building to the public realm.

As less rooms now rely on the use of the light courts for access to daylight, ventilation and outlook, this is seen as an improvement to the internal amenity of the building.

The changes to the light courts are considered acceptable.

*Reduction of glazing on the southern and eastern elevation*

The layout of the south facing apartments from floors four to eight have changed due to the relocation of the stairwell. As a consequence, the windows have altered slightly by consolidating windows into fewer, yet larger windows.

From the ninth floor upwards, the design now completely splits from the previous floors to form a higher glazed, more modern look with a separate render utilised on the wall.

The design changes made to the mid-floors on the eastern facade have been carried over to the southern elevation and the same goes for the upper floors, which would appear to be for continuity.

Most of these changes are a result of the response to the Facade Strategy required by Condition 3 and acceptable.

The changes to the windows of the lower levels of the southern and eastern elevation are minor in the context of the approved development. They do not result in any amenity impacts on adjoining or nearby properties given they are all commercial uses, whilst the elevations still contain sufficient visual interest to ensure they are still read in the round. The changes are considered acceptable.

*Internal changes to the layout of the building*

The amended application makes several changes to the layout of the ground floor and student accommodation levels above.

The changes to the ground floor generally rationalise the previously convoluted DDA access arrangements that included several long ramps that occupied a large part of the floor area. To reduce the requirements for so many ramps, a DDA lift is now proposed, which has enabled more of the ground floor to be used by the food and drink premises. This is an appropriate alternate design solution that will improve the functionality of this area.

The changes to the layout of the student accommodation rooms generally results in similar sized rooms, however less are reliant on the light courts for daylight, ventilation and outlook which is a positive change. The internal amenity of the rooms is otherwise consistent with that previously approved.

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

Based on the decision plans, Condition 16 would require 18 car spaces. Allowing for the reduction of beds now proposed in the amended application, this number would reduce to 17 car spaces.

The car parking requirement under the Parking Overlay for the student accommodation for the amended application is 26 car spaces.

The food and drink premises is increasing in size and now requires one additional car space under Clause 52.06 (Car parking) of the Scheme.

The applicant proposes to provide 11 car spaces, with nine for the student accommodation and two for the food and drink premises. This equates to a car parking rate of 0.1 per bed for the student accommodation.

Overall, the number of car spaces has increased from six car spaces on the decision plans to 11 on the amended plans. This has been achieved by the inclusion of an extra basement level. The lower basement level will have seven car spaces, accessed via a car lift, while the upper basement level will have three car spaces accessed via a ramp from the rear laneway. The remaining car space is provided at ground level and is a disabled parking designed space.

Council's Traffic Engineer had no objections to the lower car parking rates proposed with the original approval. They continue to have no objections on the amended car parking provisions.

Both the applicants and Council's traffic engineers agree on the following relevant considerations under Clause 52.06:

- The Car Parking Demand Assessment has demonstrated that the proposal will generate an actual car parking demand of two car spaces for staff and one for a receptionist.
- The proposed development supports the future growth and development of the Caulfield Activity Centre. Local businesses will benefit from the extra trade resulting from student residents in the area.
- The subject site has excellent access to train, tram and bus services. Residents, staff and customers are likely to make extensive use of these services.
- Car parking use for students is much lower compared to standard apartment style developments.
- Subject to a condition, the number of bicycle spaces will help offset the need for private car use.

Since the permit was issued, the Scheme has been amended to now require more weight to be given to sustainable transport, as opposed to private car use. Clause 18.01-3S (Sustainable and safe transport) now includes the following strategy:

- *Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.*

This is a considerable change to the Scheme since the permit was issued and must be considered.

The current version of the Student Housing Policy in the Scheme specifies a bicycle parking rate of one space per three beds. This is increased to two spaces for every three beds in the proposed Student Accommodation policy proposed by Amendment C220glen.

It is considered that there is now a much greater emphasis on providing sustainable transport options by the Scheme. This supports the applicants request to reduce the car parking rate from 0.2 to 0.1 car spaces per student housing bedroom.

Neither the applicants nor Council's traffic engineer have raised any concerns with impacts to existing car parking availability within the surrounding area. Both agree that if sustainable transport opportunities exist, then students are more likely to utilise this instead of private car use.

Subject to a condition to retain the 36 bicycle spaces currently shown on the original decision plans, it is considered that the relevant considerations in the Scheme support the reduced car parking rate for the student accommodation from 0.2 to 0.1 car spaces per bedroom. This change is therefore acceptable.

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

Climate emergency implications have been considered in the drafting of this report. The amended permit application is considered to have a positive impact towards Council's Climate Emergency Response due to the reduction in car parking proposed and use of more sustainable transport options.

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

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

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

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

#### **LINK TO COUNCIL 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 conflict of interest in this matter.

#### **CONCLUSION**

Council is required to balance many competing planning policy considerations in the interest of net community benefit and sustainability. It is required to undertake analysis of the site

and surrounding area and apply this against the established planning framework contained in the Scheme.

In relation to the amended proposal, it is considered that it would achieve an appropriate outcome and it is recommended that Council approve the amendments, subject to the conditions that are included in the recommendation.































































































































































































































































































































































































































































































## 8.2 1104 GLENHUNTLY ROAD GLEN HUNTLY

**Author:** Samuel Laing, Urban Planner

**Trim No:** 22/1288883

- Attachments:**
1. 1104 Glen Huntly Road Glen Huntly - GE/CP-32895/2019/A - Advertised Plans [↓](#)
  2. 1104 Glen Huntly Road Glen Huntly - GE/CP-32895/2019/A - Advertised Documents [↓](#)
  3. 1104 Glen Huntly Road Glen Huntly - GE/CP-32895/2019 - Planning Permit [↓](#)
  4. 1104 Glen Huntly Road Glen Huntly - GE/CP-32895/2019 - Endorsed Plans (4/12/19) [↓](#)

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### EXECUTIVE SUMMARY

This report provides Council with an assessment of planning permit application number GE/CP-32895/2019/A at 1104 Glenhuntly Road, Glen Huntly, which proposes to amend the permit that allows for the use of the land for a food and drink premises, and the sale and consumption of liquor. The amendments include an increase the hours of trading and patron numbers, increase the area in which liquor can be supplied and consumed and waive the car parking requirement.

The key considerations are whether the intensity of the use is appropriate to the site layout, locality and will not unreasonably impact the amenity of the neighbouring properties and the impact that the changes to the licenced premises will have on the amenity of the surrounding area.

The application was advertised to the surrounding properties as part of the assessment process, with a total of 15 objections received. The grounds for objection included that a bar is an incompatible land use for the General Residential Zone, amenity impacts, the extent and impact of the footpath trading area and car parking issues.

The amendments to the permit adequately satisfy the purposes and decision guidelines that apply to the amended application, subject to further conditional requirements to manage amenity impacts and the appearance of the works.

### RECOMMENDATION

That Council issues a Notice of Decision to Amend a Permit (No. GE/CP-32895/2019/A) to increase the area associated with the use of the land for a food and drink premises and sale and consumption of liquor, buildings and works and the waiver of the car parking requirement and to modify the hours of operation and patron numbers at 1104 Glenhuntly Road, Glen Huntly, in accordance with the following conditions:

#### Amended plans

1. Before the buildings and works starts, or any increase in the use starts as approved by the Amended Permit (GE/CP-32895/2019/A), amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans identified as Proposed Floor Plan, dated May 2022, but further modified to show:

- a. A set of plans prepared by a suitably qualified person, drawn to a scale of 1:100 and appropriately dimensioned, illustrating the acoustic measures as specified within the Acoustic Report required by Condition 10;
- b. An amended Venue Management Plan in accordance with Condition 8;
- c. An amended Acoustic Report in accordance with Condition 10; and
- d. A Waste Management Plan in accordance with Condition 15.

#### Layout not to be altered

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

#### Patron numbers

3. Not more than 70 patrons and 5 staff are permitted on the premises at any one time, except with the prior written consent of the Responsible Authority.
4. Not more than 16 patrons are permitted in the rear outdoor area at any one time, except with the prior written consent of the Responsible Authority.
5. Public entry to the site must cease at 10pm each evening.

#### Hours of operation

6. The use of the land as a food and drink premises must only operate between the hours of:
  - a. Indoor premises  
Monday to Wednesday: 9am to 10pm  
Thursday to Sunday: 9am to 12am
  - b. Footpath trading area and rear outdoor area  
Monday to Sunday: 9am to 10pm
7. The sale and consumption of liquor may only occur in conjunction with use of the land as a food and drink premises, within the endorsed red line area and between the following hours:
  - a. Indoor premises  
Monday to Wednesday: 12pm to 10pm  
Thursday to Sunday: 12pm to 12am
  - b. Footpath trading area and rear outdoor area  
Monday to Sunday: 12pm to 10pm

Venue Management Plan

8. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, an amended Venue Management Plan, prepared for Lowdee Group P/L and dated May 2022, must be submitted to and approved by the Responsible Authority. When approved, the Venue Management Plan will be endorsed and form part of the permit. The amended Venue Management Plan must include the following changes:
  - a. Reflect the operating hours set out in Conditions 6 and 7.
  - b. Remove and replace the reference to Poath Road from Section 13.1 with the correct building entrance location.
  - c. Remove all reference to waste management and collection.

Implementation of the Venue Management Plan

9. The provisions and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Acoustic Report

10. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, an amended Acoustic Report, prepared by Audiometric & Acoustic Services, dated 26 August 2022 must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and form part of the permit. The amended Acoustic Report must include the following changes:
  - a. Remove all references to acoustic treatments and seating from outside of the endorsed red line area

Implementation of the Acoustic Report

11. Before the amended use starts, the provisions and requirements of the endorsed Acoustic Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

- Acoustic Report after use commences

12. Within two months of amended use approved by this amended permit (GE/CP-32895/2019/A) starting, an updated Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated Acoustic Report must demonstrate compliance with Condition 14 and that the required level of noise attenuation has been achieved in accordance with Conditions 10 and 14 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).

Control of noise

13. No amplified music is permitted other than background level music played inside the venue.

14. Noise levels generated from the use must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

#### Waste Management Plan

15. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
- a. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
  - b. Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
  - c. Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
  - d. Details for best practice waste management once operating.

#### Implementation of the Waste Management Plan

16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

#### General amenity

17. The use must be managed so that the amenity of the area is not detrimentally affected though the:
- a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any buildings, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil; and
  - d. The presence of vermin.

to the satisfaction of the Responsible Authority.

Access

18. The access point located at the southern title boundary must only be used for emergency exit, waste collection, deliveries, and staff and employee access.

Permit expiry

19. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two years of the date of this Amended Permit (GE/CP-32895/2019/A).
  - b. The development is not completed within five years of the date of this Amended Permit (GE/CP-32895/2019/A).
  - c. The use is discontinued for a period of two years.

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

<b>Address</b>	1104 Glenhuntly Road Glen Huntly
<b>Title details</b>	Lot 2 on Plan of Subdivision 046456
<b>Restrictions on title</b>	A registered restrictive covenant does not apply to the land
<b>Existing permit allows</b>	Use of the land for a food and drink premises and sale and consumption of liquor in accordance with the endorsed plans
<b>Cultural Heritage Management Plan required</b>	None required

## THE PROPOSAL

This application seeks to amend existing Planning Permit GE/CP-32895/2019 under Section 72 of the *Planning and Environment Act 1987* (the Act). The existing permit allows the use of the land as a food and drink premises and the sale and consumption of liquor within the ground floor of the existing double-storey building and in parts of the rear outdoor area and footpath on Glenhuntly Road.

The proposed amendments seek to increase the area in which liquor can be supplied and consumed, increase patron numbers, extend the operating hours, waive the car parking requirement, and the construction of acoustic barriers and an awning over the rear outdoor area.

### Increase the area in which liquor can be served and consumed

It is proposed to extend the red line area within the footpath on Glen Huntly Road by 6.7sqm to a total of 8.7sqm and to include the entire first floor of the existing building.

### Patron numbers

It is proposed to increase patron numbers from 45 to 96.

### Trading hours

It is proposed to increase trading hours as follows:

<b>Component</b>	<b>Existing Trading Hours</b>	<b>Proposed Trading Hours</b>	<b>Difference</b>
<b>Use of land as a food and drink premises</b>			
Internal areas	9am to 10pm, Tuesday to Sunday	9am to 12am (midnight), Monday to Sunday	Two additional hours after 10pm and trading to occur on Mondays
External areas	9am to 10pm, Tuesday to Sunday	9am to 10pm, Monday to Sunday	Trading to occur on Mondays
<b>Sale and consumption of liquor</b>			
Internal areas	12pm to 10pm (or 11pm up to a maximum of 10 days per year subject to maintaining an appropriate logbook), Tuesday to Sunday	12pm to 12am (midnight), Monday to Sunday	Two additional hours after 10pm, trading to occur on Mondays, and the abolition of the logbook requirement

External areas	12pm to 10pm (or 11pm up to a maximum of 10 days per year), Tuesday to Sunday	12pm to 10pm, Monday to Sunday	Trading to occur on Mondays
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Waiver of car parking requirement

This amended application does not propose any on-site car parking, therefore a reduction of two car spaces is required under Clause 52.06-5 of the Glen Eira Planning Scheme (the Scheme).

Buildings and works

The acoustic report submitted with the application to amend the permit recommends the installation of barriers around and an awning over the rear outdoor area for noise attenuation purposes. A permit is required for these works.

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

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

Applicable planning controls and the relevant decision guidelines

*Clause 32.08 (General Residential Zone - Schedule 2)*

A planning permit is required under Clause 32.08 (General Residential Zone) of the Scheme, as the application proposes buildings and works that will be associated with a Section 2 use, being a food and drink premise (in this case, a bar).

The applicable decision guidelines include:

*General*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

*Non-residential use and development*

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*

- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

#### *Schedule 2 to the General Residential Zone*

- *The amenity impact on surrounding land uses.*
- *Whether opportunities exist to avoid a building being visually obtrusive through the use of alternative building designs, particularly for developments with overall building heights in excess of 10.5 metres.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off-street car parking.*

#### *Clause 45.09 (Parking Overlay - Schedule 2)*

A planning permit is not required under Clause 45.09 (Parking Overlay) of the Scheme with reference to Schedule 2, as this provision relates to the development of student housing.

#### *Clause 52.06 (Car Parking)*

A planning permit is now required under Clause 52.06 (Car Parking) of the Scheme, as the application seeks to extend the use into the first floor, which is an additional 75sqm of leasable floor area. This equates to a requirement of two on-site car spaces. This will need to be reflected in the permit preamble if an amended planning permit is issued.

The applicable decision guidelines include:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
- *Efficiencies gained from the consolidation of shared car parking spaces.*
- *Public car parks intended to serve the land.*
- *On street parking in non-residential zones.*
- *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*

- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

#### *Clause 52.27 (Licenced Premises)*

A planning permit is required under Clause 52.27 (Licenced Premises) of the Scheme, as the application seeks to extend the hours for trading, increase patron numbers and increase the area in which liquor can be supplied and consumed.

The applicable decision guidelines include:

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

#### *Planning Policy Framework (PPF)*

The following State Planning Policies are of most relevance to this application:

- Clause 13 Environmental Risks and Amenity.
- Clause 13.05 Noise.
- Clause 13.07-1S Land Use Compatibility.
- Clause 15.01-1S Urban Design.
- Clause 17.02-1S Business.

#### *Local Planning Policy Framework (LPPF)*

The following Key Strategic Statements of the Municipal Strategic Statement (MSS) and the following Local Planning Policies are of most relevance to this application:

Municipal Strategic Statement:

- Clause 21.06 Business.
- Clause 21.08 Institutional and Non-Residential Uses in Residential Areas.

Local Planning Policies:

- Clause 22.02 Non-Residential Uses in Residential Zones Policy.

#### Applicable planning scheme amendments

Since the permit was issued in December 2019 there have been changes made and further changes proposed to the Scheme.

#### *Planning Scheme Amendment C220glen*

Planning Scheme Amendment C220glen is now considered a 'seriously entertained amendment' and is therefore must be addressed as part of this application.

The amendment proposes to replace the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Glen Eira Planning Scheme with a Municipal Planning Strategy (MPS) at Clause 02 and local policies within the Planning Policy Framework at Clauses 11 to 19, utilising a mix of existing policy within the planning scheme and new policy derived from recently adopted council strategies, consistent with the new structure of planning schemes introduced by Amendment VC148.

At the Ordinary Council Meeting on 9 August 2022 Council resolved to adopt the amendment. It has been forwarded to the Minister for Planning for approval.

Specific to this application, Amendment C220glen proposes changes to the existing Non-Residential Uses in Residential Zones Policy at Clause 22.02. The extent of these changes is policy neutral to the application.

#### *Planning Scheme Amendment VC204*

Planning Scheme Amendment VC204 was approved on 9 December 2021 and improved consistency between the objectives and strategies of the *Transport Integration Act 2010* and state planning policy in the Planning Policy Framework (PPF), allowing for more integrated land use and transport planning decision making, a greater understanding of interaction between land use planning and transport planning, and better transport and land use outcomes for Victorians.

The updated Clause 18 of the Scheme also creates greater clarity and consistency in planning policy for transport and places a much greater emphasis on safety and sustainability.

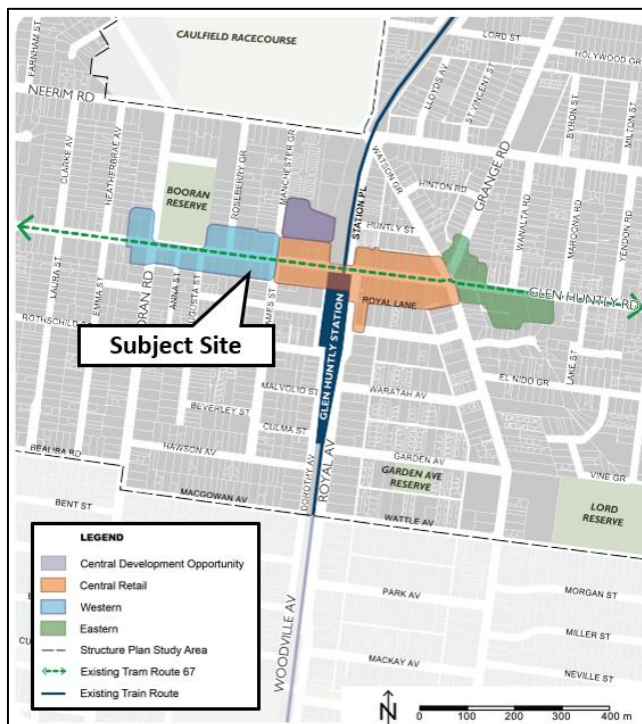
#### *Glen Huntly Structure Plan*

Council has prepared and undertaken consultation with the community on the Glen Huntly Structure Plan (Structure Plan). A final Structure Plan was discussed and endorsed by Council at the Ordinary Council Meeting on 23 September 2021.

Council is now working on preparing an Amendment to the Scheme to implement the key directions in the Structure Plan in the form of permanent planning controls.

The subject site is located within the Western Precinct of the Glen Huntly Activity Centre, as identified in the Structure Plan. The strategic policy intent behind the Western Precinct is to:

*“provide opportunity for a moderate increase in housing provision, maintain a mix of uses with direct access to Booran Reserve and to small-scale retail, retain employment diversity, and create a gateway to the Central Retail Precinct”.*



Above. Map illustrating the location of the subject site within the land use precincts of the Glen Huntly Activity Centre (Source: Glen Huntly Structure Plan 2021–2036).

The subject site is located within an area identified as being suitable for redevelopment of up to six storeys. As the land is currently within the General Residential Zone, this would require a rezoning of the land. The Structure Plan identifies this as being needed by stating:

*“the introduction of new zones where needed to ensure they support the commercial, residential and mixed-use activities needed.”*

**CONTEXT**



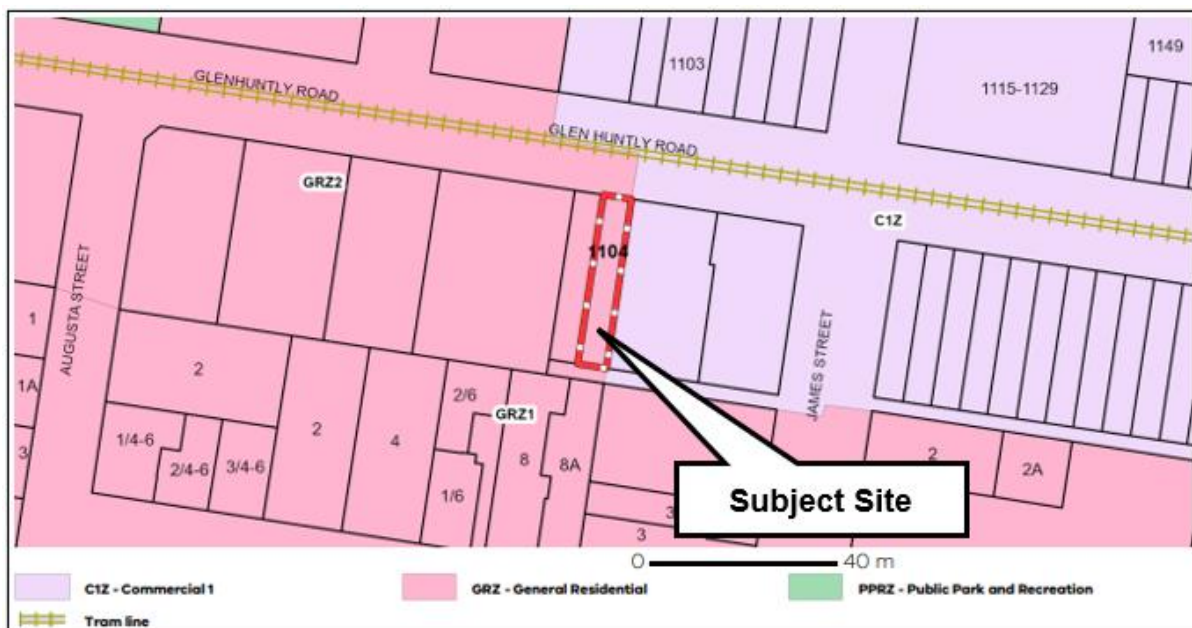
Aerial view of the subject site and surrounding area

The subject site is located on the southern side of Glenhuntly Road, approximately 35m west of the intersection with James Street. The site has a regular shape and a principally north/south orientation. It has a width of 6.06m and a depth of 36.27m, resulting in a total site area of 219sqm. The southern rear boundary is adjacent to an unnamed Right-of-Way (ROW). This ROW has historically provided the site with vehicle access.

The northern front part of the site is currently occupied by a two-storey building built of brick with a corrugated iron hip roof. This building has a footprint of 104sqm (which equates to roughly half of the total site area) and a shopfront to Glenhuntly Road. This shopfront is characterised by a pair of large, single plane windows that flank the centrally located front door, and an awning that extends over the Council-owned footpath.

The southern rear part of the site is open to the air, save for a detached water closet of approximately 7sqm. This water closet has been constructed on the western title boundary, at a distance of 4m from the rear elevation of the two-storey building. The area between these two structures is presently utilised by the current tenant of the property as an area for patrons (including for the consumption of alcohol).

The subject site is located within a General Residential Zone – Schedule 2 (GRZ2). The land to the south and west of the site is also within a General Residential Zone and is occupied by a single storey semi-detached dwelling and a double storey “shop-top” house respectively.



Above. Map demonstrating the zoning controls for the subject site and the surrounding area (Source: VicPlan).

The land to the north and east of the site, however, is on the interface of the Commercial 1 Zone (C1Z). The abutting allotment to the east is occupied by a double storey “shop-top” building, with a medical centre and community pharmacy currently operating at ground floor level. The allotments opposite the site, on the other side of Glenhuntly Road, are occupied by a mix of single and double storey commercial built forms.

The surrounding area comprises a mix of residential and commercial built form of varying type, scale, and appearance. The residential zoned land is typically occupied by single and

double storey dwellings, detached and semi-detached, as well as some two and three storey apartment complexes. The commercial zoned land along Glenhuntly Road is generally occupied by one and two storey commercial buildings.

### RELEVANT PLANNING HISTORY

Council records indicate that the subject site has a long history of commercial use including a take away food premises (Council Ref. GE/PP-4898/1988), office (Council Ref. GE/PP-5005/1989), and veterinary clinic (Council Ref. GE/PP-8426/1996).

Notwithstanding, Planning Permit GE/CP-32895/2019 was approved on 4 December 2019, which allowed the following:

*The use of the land for a food and drink premises and the sale and consumption of liquor in accordance with the endorsed plans.*

Importantly, under the Scheme, a 'food and drink premises' is a broad land use term that encapsulates five specific land uses including a bar, convenience restaurant, hotel, restaurant, and take away food premises.

The conditions imposed on this permit restrict the use of the land for a food and drink premises to between the hours of 9am and 10pm from Tuesday to Sunday (or to 11pm for a maximum of 10 days per year if appropriately recorded within a logbook), and the sale and consumption of liquor to within the areas delineated on the endorsed red line plan and between the hours of 12pm and 10pm from Tuesday to Sunday.

The existing licensed 'red line area' includes the entire ground floor of the existing double-storey building, the part of the rear outdoor area between the existing building and the detached water closet, and a small part (2sqm) of the Council-controlled footpath directly in front of the existing building on Glenhuntly Road.

The application to amend Planning Permit GE/CP-32895/2019 was submitted on 30 May 2022.

### PROCEDURAL REQUIREMENTS

#### Consultation and engagement

Public notification of the application was given via notices to the owners and occupiers of adjoining and surrounding properties and by placing notices on the northern and southern title boundaries, adjacent to Glenhuntly Road and the unnamed Right-of-Way respectively.

It is noted that for applications under Clause 52.27 (Licensed premises), Victoria Police are only required to be notified if the use operates after 1am. Therefore, Victoria Police were not given notice of the application.

15 objections were received. The main concerns raised by the objecting parties included:

- Land use (bar) is inappropriate for and incompatible with the General Residential Zone.
- Noise.
- Adverse smells and fumes.
- Privacy and amenity impacts from patrons leaving the subject site.
- Car parking.

- Current occupation of the footpath area obstructs pedestrian access and presents as a safety hazard.
- Public safety.
- Smoking within a designated smoke-free zone (footpath trading area).
- Cumulative impact of other liquor outlets and venues.
- Location unsuitable for the number of patrons and staff proposed.
- Antisocial behaviour from patrons during trading hours.
- Insufficient bathroom and toilet facilities provided for the number of patrons and staff proposed.

A planning conference was chaired by Cr. Athanasopoulos and attended by the applicant and four objectors.

External statutory referral authorities

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

It is noted that applications under Clause 52.27 (Licensed premises) are only required to be referred to the Victorian Commission for Gambling and Liquor Reform (VCGLR) if they are to operate after 1am. Therefore, the application was not referred to the VCGLR.

Comments from Council departments

<p>City Futures</p>	<p>Council officers sought comment from City Futures in relation to the future zoning of the subject site, noting its designation within the Structure Plan.</p> <p>The response provided by City Futures indicated an intention to pursue rezoning the subject site as part of the planning scheme amendment. This would see the subject site rezoned within the Commercial 1 Zone and height and upper-level setback controlled applied under a Design and Development Overlay. City Futures plan to seek authorisation for this amendment in early/mid-2023.</p> <p>Importantly, a food and drink premises does not require a permit in the Commercial 1 Zone under the current version of the Scheme.</p>
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**ISSUES AND DISCUSSION**

The assessment of the proposal has regard to the following:

- Zoning and policy context
- Amenity impacts
- Antisocial patron behaviour
- Increase in patron numbers
- Increase in trading hours
- Footpath trading
- Car parking and traffic
- Buildings and works associated with a Section 2 use
- Objectors' concerns

The extent of Council's assessment to the above matters must be confined to the changes sought by the proposed amendment, not the use in its entirety.

#### Zoning and policy context

The GRZ2 that applies to the land allows “for educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs providing that these are delivered in appropriate locations”. A bar is identified as a Section 2 use within the GRZ2 (a use that needs a permit). The inclusion of a bar within Section 2 at Clause 32.08-2 suggests that it is not in itself a use that is fundamentally incompatible with the intent and purpose of the zone and, by extension, that the impacts commonly associated with bars can be suitably managed to tolerable levels through regulatory/control mechanisms such as permit conditions.

Notwithstanding the above, the existing planning permit allows a bar (or any other type of food and drink premises for that matter) to lawfully operate at the subject site, providing that the conditions on the permit are met.

#### Amenity impacts

##### *Noise*

An acoustic report was prepared by a suitably qualified professional for the proposal at the request of Council officers. The nearest existing noise sensitive receivers were identified as nos. 1094 and 1098 Glen Huntly Road (to the west), no. 1 James Street (to the south-east), and nos. 2/6, 8, and 8A Etna Street (to the south-west and south).

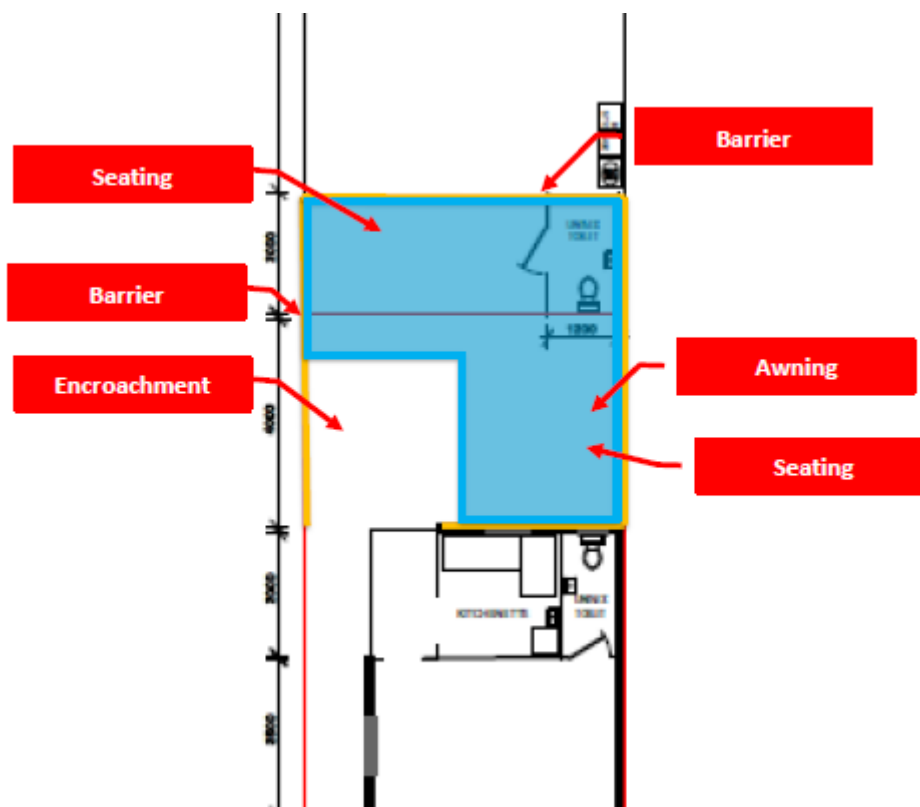
The acoustic report recommends the following mitigation measures to ensure that noise impacts are limited to acceptable levels:

- *The rear outdoor area should not operate after 10pm nightly.*
- *Patrons will be required to use the internal toilets post 10pm.*
- *Seating for no more than 16 patrons should be provided in the rear outdoor seating area.*
- *Seating for no more than 10 people should be provided for the street front area and should be moved inside nightly at 10pm as per the liquor license condition.*
- *Without further assessment there should be no music played in outdoor areas, live or pre-recorded.*
- *Only background level music should be played inside the venue.*
- *Music should be no louder than 74 dB(A) as measured in the middle of each room.*
- *The venue should at all times comply with the limits of the EPA publication 1826.4: ‘Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II’ (State of Victoria, 2021).*
- *A suitable barrier and awning are required to attenuate patron noise levels to below the adopted criteria.*
- *Either the side door needs to remain closed at all times the venue is operating, or an airlock system should be installed as per the specified construction in Section 8.4.*

With respect to the design of the barrier and awning, the acoustic report makes the following design suggestions:

*Construction of the external walls and awning should be 3 m in height and must be nonpermeable with a minimum surface density of 12 kg/m<sup>2</sup>. No gaps that would degrade the acoustic performance should be present, particularly where the wall meets the awning/roof.*

The following is the area to which the external walls and awnings would apply:



*Acoustic Report – Acoustic walls and awning locations*

Clause 22.02-5 (General Amenity) of the Scheme seeks to implement ‘agent of change’ principles to minimise the effect of non-residential uses on residential amenity. These principles generally put the onus on the applicant proposing a new use or development to mitigate any external effects. Specifically, Clause 22.02-5 requires acoustic treatment and screening to be incorporated into the design of new noise-generating uses or development as appropriate.

The recommendations by the acoustic engineer are supported, as they will ensure that any noise impacts from the proposal will not adversely impact the adjoining and surrounding properties. These recommendations will also provide greater noise mitigation measures for the rear courtyard area than are currently required by the permit.

Conditions are also required to endorse the acoustic report and require its recommendations to be implemented before the amended use starts, whilst a further acoustic assessment and report will be required within two months of the amended use starting, to demonstrate that noise levels are being managed in accordance with the endorsed acoustic report, or if they are not, measures to bring the use into compliance.

### *Waste*

The submitted Venue Management Plan includes measures to manage waste in the development. These measures have been considered in the context of the surrounding residential neighbourhood, and generally seek to minimise the effect of the development on the residential amenity. They include only removing waste from the premises between 9am and 10pm and employing cleaners to clean and remove rubbish inside and around the outside of the premises “*on an ongoing basis*”.

Whilst it is considered that these measures will minimise the effect of the development on the residential amenity, as required by Clause 22.02-5 (General Amenity), further detail is required to ensure that they have their intended effect. For instance, there is no clarity in the phrase “*on an ongoing basis*”. Therefore, it has been recommended that a Waste Management Plan be provided to Council’s Waste Services department for review and endorsement and for all reference to the topic of waste management to be removed from the Venue Management Plan, to remove any doubt of how waste is to be managed in the development.

### Antisocial patron behaviour

A Venue Management Plan was provided with the application. Whilst there are minor inconsistencies and errors within this plan, it is considered that these can be addressed via an amended documents permit condition.

Notwithstanding, Section 14 of the Venue Management Plan addresses the subject of patron behaviour. Here, patrons are required to abide by a code of conduct whilst on the premises and queuing for entry into the premises. The Venue Management Plan states that compliance with this code is a condition of entry and that compliance is to be enforced by on-site crowd controllers/security personnel, who are to be directly employed by the venue and appropriately licenced under the *Private Security Act 2004*.

Section 15 of the Venue Management Plan addresses the subject of patrons leaving the premises. Council is urged to consider that it is difficult to plan for and ultimately regulate the behaviour of patrons once they have left the premises. Nevertheless, the measures and actions proposed by the applicant to mitigate impacts associated with patrons leaving the premises include the display of signage at the venue exits to remind patrons to leave quietly due to the residential properties close by and to have a crowd controller present outside of the premises to monitor patrons as they leave.

The submitted Venue Management Plan does not explicitly identify the exit points to be used by patrons. In this instance, it is not considered appropriate to allow patrons to leave via the southern title boundary given its proximity to the residential properties close by.

Conditions included in the recommendation give effect to the above measures including through the endorsement of the Venue Management Plan (once amended). Recommended conditions also restrict the use of the venue entry at the more sensitive southern interface for emergency exit, deliveries, waste collection, and staff and employee access.

### Increase in patron numbers

It is proposed in this application to increase patron numbers from 45 to 96.

The existing permit also allows up to five staff to be on the premises during hours of operation. Therefore, the total number of people that could potentially be on the premises at any one time is 101 persons (96 patrons plus five staff).

Whilst patrons and staff will likely be dispersed across the indoor and outdoor parts of the premises during the day and early evening times, the earlier closing time that is proposed for the outdoor premises (10pm) will result in patrons moving into the indoor premises. Therefore, it is imperative that up to 101 persons can be accommodated within the existing building.

The plans submitted with the application indicate that the existing building comprises 160sqm of leasable floor area. However, Council officers note that the parts of the existing building that are to be set aside for the actual bar use (i.e., excluding all toilets, stairways, passageways, and the like) are approximately 114sqm.

The *National Construction Code (NCC)* – a uniform set of technical provisions for the design and construction of buildings and other structures – generally require one patron per square metre for seated patrons and 0.5 patrons per square metre for standing patrons.

The existing permit allows 45 patrons within an area of roughly 74sqm (calculated as the leasable floor area at ground floor level less the combined area of all toilets, stairways, passageways, and the like). This equates to roughly 1.64sqm of floor space per patron.

The below table, however, illustrates that the proposed maximum patron number would result in a patron density of up to 1.19sqm per patron, of which is considered inappropriate for a bar operating in (and adjacent to) the GRZ2. Instead, it is recommended that an increase to the maximum patron numbers should result in a maximum patron density that is commensurate with what is currently permitted under the existing approval.

• <b>Description</b>	• <b>Maximum number of patrons on the premises at any one time</b>	• <b>Floor area set aside for the actual bar use (i.e., excluding all toilets, stairways, passageways, and the like)</b>	• <b>Maximum patron density</b>
• Existing approval	• 45 patrons	• 74sqm	• 1.64sqm per patron
• Proposed amendment	• 96 patrons	• 114sqm	• 1.19sqm per patron
• Recommendation	• 70 patrons	• 114sqm	• 1.62sqm per patron

Therefore, it is recommended that the maximum allowable patron number that can be on the site any one time be increased to 70 (this is the existing allowed number plus an additional 25 patrons) as this number results in a similar maximum patron density as previously approved.

Increase in trading hours

It is proposed in this application to extend the terminal hour for trading by two hours from 10pm to 12am midnight, and to allow trade to occur on Mondays. It is important to note that this application does not seek to extend the terminal hour for the outdoor areas, being the

footpath trading area and rear courtyard. They can continue to be used or inhabited under the existing permit (ie. 10pm), however the recommendations to mitigate noise impacts for the rear courtyard further reduce the amenity impacts potentially caused by this area.

It is considered that the noise generated by patrons in the internal areas of the premises can be suitably managed through permit conditions requiring the implementation of the recommendations made in the submitted acoustic report and the endorsement of a Venue Management Plan.

Consideration must also be given to the external noise generated by patrons leaving the premises, particularly at later hours of the night given the impact it may have on adjoining residential properties. Whilst it is recognised as being the worst-case scenario, the potential for 70 patrons (as recommended) to be leaving the site is inappropriate for a bar operating in (and adjacent to) the GRZ2, particularly from an amenity point of view.

Therefore, it has been recommended that conditions be imposed on the amended permit restricting public entry into the site from 10pm.

Footpath trading

This application proposes to increase the extent of the red line area within the footpath on Glenhuntly Road by 6.7sqm to a total of 8.7sqm. The existing permit allows liquor to be consumed in a 2sqm area within the footpath on Glenhuntly Road. A comparison of the parts of the existing and proposed red line areas within this footpath is presented in the below table.

<p><i>Existing red line area within the footpath on Glen Huntly Road (Ref. GE/CP-32895/2019).</i></p>	<p><i>Proposed red line area within the footpath on Glen Huntly Road (Ref. GE/CP-32895/2019/A).</i></p>

This section of the footpath on Glenhuntly Road is approximately 3.9m wide and is a Council-owned asset.

The decision guidelines at Clause 52.27 (Licenced Premises) of the Scheme, require Council officers to consider, among other things, the likely impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

However, pursuant to Clause 62.01 (Uses not requiring a permit) of the Scheme, if the use of land in a road is associated with the use of adjoining land and is authorised by the Council under a local law, then it is exempt from a planning permit. It is noted that a footpath trading

permit has been issued by Council that is consistent with the area shown on the amended plans.

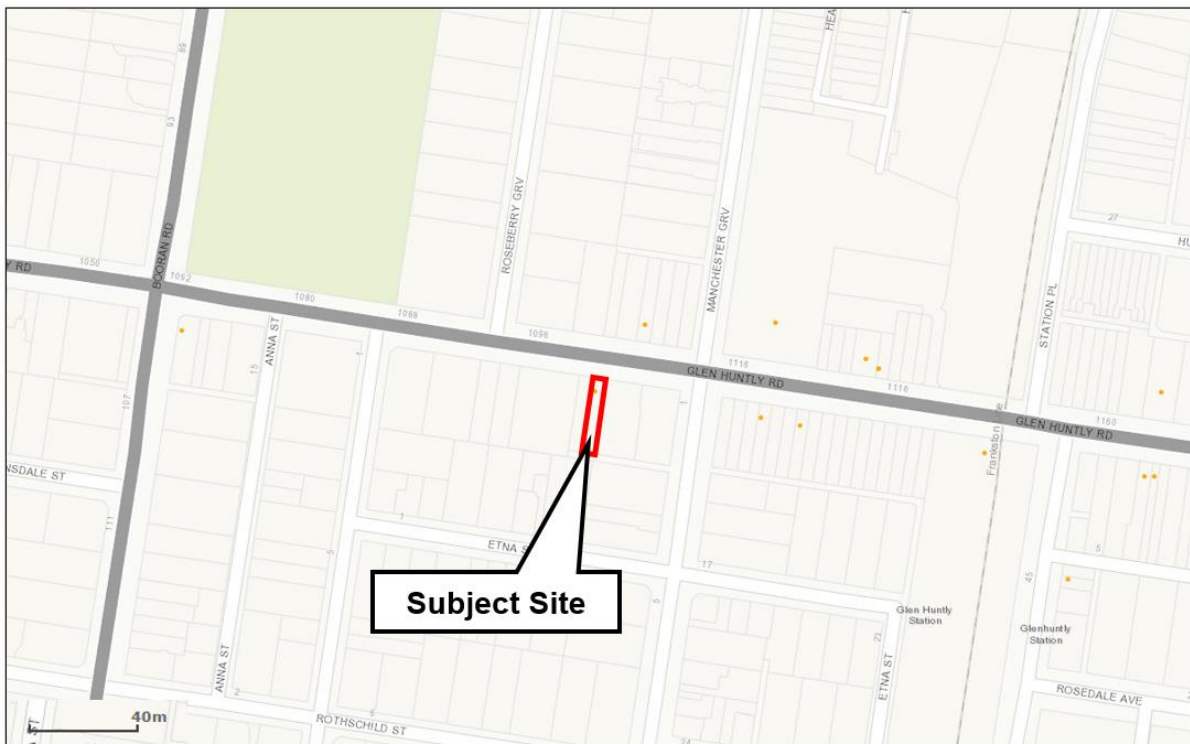
The VCGLR require liquor licence plans to show footpath trading areas where liquor is to be consumed, therefore the applicant needs to show this on their planning permit plans.

It is therefore considered that the extent of Council’s consideration of impacts from the footpath trading area are very confined.

Notwithstanding this, given the commercial context of the subject site and surrounding area to the north and east, it is not considered unreasonable to allow for the use of the footpath trading area to increase to now span the site frontage, noting that there are no changes to the hours of operation of this area proposed.

Cumulative impact of other licensed venues

It is noted that there are several other licenced venues in the surrounding area. These venues predominantly hold either café and restaurant or packaged liquor licences. The locations of these venues are shown on the below map (depicted by the orange-coloured dots).



Above. Map of existing licenced venues in the surrounding area.

There are two other active venues with on-premises licences (authorising the sale of liquor on and off the premises) in surrounding area. These are Hendrick’s Burgers (a burger restaurant), which operates from the south-eastern corner at the intersection of Booran and Glenhuntly Roads (roughly 190m west of the subject site), and Whyte Café (a café that closes at 2:30pm on weekdays and at 3pm on weekends), which operates at 1122 Glenhuntly Road (roughly 75m east of the subject site).

As the subject site is the only bar in the surrounding area, the likelihood of large numbers of patrons walking between venues and causing amenity issues late at night is low. In addition,

Glenhuntly Station is to the east of the site, meaning that patrons will not need to walk through residential areas to access/leave the site via train.

#### Car parking and traffic

This amended application proposes the waiver of two car parking spaces required under Clause 52.06-5 of the Scheme.

To support the waiver of the statutory rate, a car parking demand assessment was undertaken by a qualified traffic engineer engaged by the applicant. This assessment concluded that a waiver is appropriate in this instance given the proximity of the subject site to public and active transport networks and the availability of on-street car parking. This assessment is supported by Council's Traffic Engineer.

Since the permit was issued, the Scheme has been amended to now require more weight to be given to sustainable transport, as opposed to private car use. Clause 18.01-3S (Sustainable and safe transport) now includes the following strategy:

- *Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.*

This is a considerable change to the scheme since the permit was issued and must be considered.

Council officers note that the subject site not only has conveniently walkable access to multiple public transport nodes, including Glenhuntly Station and Tram Route 67, but is also within easy walking distance of the heart of the Glen Huntly Activity Centre.

It is therefore considered that the subject site is well-positioned to support the long-term goal of increasing reliance on modes of transport other than cars, which is emphasised within Council's *Integrated Transport Strategy 2018-2031* and reflected in the State policy at Clause 18 (Transport).

The submitted car parking demand assessment demonstrates adequate on-street car parking is available within the surrounding road network to accommodate the demand for two spaces. Specifically, it was shown that there were:

- 11 vacant, publicly accessible spaces on a weekday (Friday) at 12pm, increasing to 20 spaces at 6pm, and then to 35 spaces at 9pm.
- 14 vacant, publicly accessible spaces on a weekend (Saturday) at 12pm, increasing to 25 spaces at 6pm, and then to 31 spaces at 9pm.

It is also worth noting that the size, shape, and location of the land presents some challenges in terms of providing vehicle access and car parking on the site.

Based on the above, it is considered reasonable to support the waiver of the car parking requirement on the basis that the subject site has convenient access to public transport and that it has been demonstrated that there is sufficient capacity within the current supply of on-street car parking to absorb the increased demand of the proposal.

Some objections have raised concerns that vehicles of patrons may impede emergency vehicles or park across the driveways/accessways of residential buildings nearby. Vehicles, whether related to this or other developments in the street, are obliged to park on the street in accordance with any parking regulations.

### Buildings and works associated with a Section 2 use

The submitted acoustic report has recommended the implementation of acoustic measures including barriers and screening to ensure that noise emitted from the site does not exceed the levels specified within the relevant regulations and standards.

These buildings and works trigger a permit under Clause 32.08-9 (General Residential Zone) of the Scheme.

The design and siting of the acoustic measures will be compatible with residential uses, as per the corresponding decision guidelines of the GRZ2.

Here, it is considered unlikely that these buildings and works will have an unreasonable impact as both adjoining properties (nos. 1102 and 1106 Glenhuntly Road) are used for commercial purposes at ground floor.

Therefore, a condition detailed in the recommendation to have a set of architectural plans prepared by a suitably qualified person and submitted to the responsible authority for assessment is warranted.

### Objector concerns

Council received 15 objections to the proposal as part of the assessment process. The grounds for objection included that a bar is incompatible with the General Residential Zone, amenity impacts including noise, odours, and antisocial patron behaviour both on and off the premises, and car parking and traffic.

Whilst issues with smoking and toilet numbers were raised in the objections, it is noted that these are regulated under different legislation and are therefore outside of the scope of this assessment and the amended permit more generally.

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

Climate emergency implications have been considered in the drafting of this report. The amended permit application is considered to have a positive impact towards Council's Climate Emergency Response due to the reduction in car parking proposed and use of more sustainable transport options.

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

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

### **POLICY AND LEGISLATIVE IMPLICATIONS**

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

### **LINK TO COUNCIL 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 conflict of interest in this matter.

**CONCLUSION**

Council is required to balance many competing planning policy considerations in the interest of net community benefit and sustainability. It is required to undertake analysis of the site and surrounding area and apply this against the established planning framework contained in the Scheme, albeit in the confinement of the amendments proposed.

Subject to the recommended conditions, the amendments are relatively minor with respect to their potential to cause unreasonable offsite amenity impacts. The existing permit contains limited restrictions in mitigating noise impacts from the area of the use most likely to cause off-site amenity impacts, being the rear courtyard. The recommendations of the acoustic report and their implementation through permit conditions will reduce the amenity impacts currently experienced from this area.

The extension of the use into the first floor will have no unreasonable impacts on the surrounding area, subject to the conditions implementing the requirements of the acoustic report.

Council's ambit of discretion for the footpath trading area extension is confined given a local law footpath trading permit has already been granted that permits this extension.

The increase in the patron numbers to the recommended limit of 70 and the increased hours of operation of the internal areas of the use, are not considered to cause unreasonable amenity impacts to the surrounding area, subject to the conditions relating to the acoustic report, venue management plan and waste management plan.

Overall, it is considered that the amendments are acceptable in the context of an existing commercial use that is located within an activity centre that is identified for intensive change.

It is therefore recommended that Council issues a Notice of Decision to Amend a Permit, subject to the conditions that are included in the recommendation.





























































































































































































































### 8.3 VCAT WATCH

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

**Trim No:** 22/1285706

**Attachments:** 1. VCAT Watch - Attachment - 22 November 2022 [↓](#)

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#### EXECUTIVE SUMMARY

To report to Council regarding applications currently before, and any recent decisions of the Victorian Civil and Administrative Tribunal (VCAT).

#### RECOMMENDATION

That Council notes the update on Victorian Civil and Administrative Tribunal matters.

#### BACKGROUND

The VCAT process is an integral part of the planning permit process and provides an opportunity for an independent review of planning decisions. VCAT is required to take into consideration any relevant planning policy when reviewing a decision.

#### 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 two new appeals have been lodged. One new decision was received, being resolved by the consent of the parties and is discussed below.

##### Application resolved

<b>Address</b>	5 Quinns Road Bentleigh East
<b>Proposal</b>	Construction of five, three storey dwellings on a lot
<b>Council decision</b>	Refusal
<b>VCAT decision</b>	Permit
<b>Summary of consent</b>	At a compulsory conference, the applicant circulated amended plans that increased the setback of the top level from the street, modified the design details of the building facade and made changes to the vehicle access and car parking arrangements. There were no objector parties to the appeal. The changes on the amended plans resolved Council's grounds of refusal and the matter was settled.

#### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

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

#### FINANCIAL, RESOURCE 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.

**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 conflict of interest in this matter.

**CONCLUSION**

The report provides an update of the applications before VCAT.



#### 8.4 CAULFIELD RACECOURSE INCORPORATED DOCUMENT WORKS PACKAGE 3-5 - WASTE MANAGEMENT PLAN REQUIREMENT

**Author:** Michael Dowel, Senior Urban Planner

**Trim No:** 22/1280616

**Attachments:** 1. Waste Management Plan - October 2022 [↓](#)

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#### EXECUTIVE SUMMARY

This report provides Council with an assessment of a plan lodged on behalf of the Melbourne Racing Club (the Applicant) in response to Requirement 9 of the Caulfield Racecourse Incorporated Document dated November 2021 (Incorporated Document).

The Incorporated Document was approved by the Minister for Planning on 24 December 2021 by Planning Scheme Amendment C229glen. This was approved as part of the State Governments Development Facilitation Program.

Whilst the Minister for Planning approved the proposed buildings and works, Council is the responsible authority for approving multiple Requirements within the Incorporated Document. The approval of Requirements is limited in scope and requires that Council determine whether discreet changes have been made to the plans as detailed in the Incorporated Document. Due to the limited scope and nature of the provisions, Council is required to form a view on the 'as submitted' proposal, and, is unable to impose any 'conditional changes' since this is not a regular planning permit application process.

Council must therefore determine whether the applicant has satisfied Requirement 9 of the Incorporated Document which is as follows:

#### Waste Management Plan

9. *Prior to the commencement of the development associated with Works Packages 3 and 4, excluding demolition, bulk excavation and early site preparation works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The amended WMP must be generally in accordance with the Waste Management Plan prepared by WSP and dated 18 May 2021 and include the following:*
  - a) *Details of the collection of waste associated with WP3 and 4, including:*
    - i. *the provision of bulk waste collection bins or approved alternative;*
    - ii. *recycling bins;*
    - iii. *the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority;*
    - iv. *Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.*
  - b) *Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection;*

- c) *appropriate areas of bin storage on site and areas of waste bin storage on collection days;*
- d) *details for best practice waste management once operating;*
- e) *details of how the immediate area will not be impacted by noise, smell and pollution from the waste areas.*

*The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority.*

## **RECOMMENDATION**

That Council approves Works Package 3 and 4 – Waste Management Plan, prepared by WSP and dated 29 September 2022 (included within Attachment 1).

## **BACKGROUND**

On 24 December 2021, The Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning (the Minister), gazetted Planning Scheme Amendment C229glen. This amendment applied the Specific Controls Overlay – Schedule 7 (SCO7) to the Caulfield Racecourse land area and approved the Caulfield Racecourse Incorporated Document dated November 2021 (Incorporated Document) as part of the *Glen Eira Planning Scheme*.

The SCO7 and Incorporated Document approval relates to several projects for the Caulfield Racecourse as follows:

- Works Package 3 (Northern Precinct Public Realm and Clubhouse)
- Works Package 4 (New Administration Building)
- Works Package 5 (Second track, lighting for night racing and associated facilities)

More specifically, the Incorporated Document allows for the following buildings and works to take place:

- Patron arrival area and public forecourt
- Demolition of the existing Glasshouse building and works to the Clubhouse building
- Mounting yards, parade ring and associated race day facilities
- Administration building at the western end of the precinct
- Second track, lighting towers, maintenance facilities and associated infrastructure
- Upgrades to the existing track
- Upgrades to the existing fence
- Landscape works
- Tree removal and relocation
- Associated demolition works

The Incorporated Document includes 16 Requirements that need to be satisfied. They require amended plans or supporting documents, such as light tower plans, landscape plans, car parking and traffic management plan, waste management plan, light spill management plan, stormwater and drainage and cultural heritage assets. Approval needs to be given before works can commence for each stage.

The Minister approved the *Incorporated Plan* but is the responsible authority for only Requirements 1 (amended plans) and 8 (construction management plan). Council is the responsible authority for the other 14 Requirements.

The process for the introduction of planning controls by the Minister for Planning on 24 December 2021 did not include formal stakeholder and community consultation. The process established by the Minister for the submission and assessment of documents, to satisfy the relevant clauses, does not enable public consultation or engagement.

## ASSESSMENT

The applicant has submitted a *Waste Management Plan* (the *Plan*) for endorsement in relation to Requirement 9, which states:

9. *Prior to the commencement of the development associated with Works Packages 3 and 4, excluding demolition, bulk excavation and early site preparation works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The amended WMP must be generally in accordance with the Waste Management Plan prepared by WSP and dated 18 May 2021 and include the following:*
  - a) *Details of the collection of waste associated with WP3 and 4, including:*
    - i. *the provision of bulk waste collection bins or approved alternative,*
    - ii. *recycling bins,*
    - iii. *the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority,*
    - iv. *Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours;*
  - b) *Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection;*
  - c) *Appropriate areas of bin storage on site and areas of waste bin storage on collection days;*
  - d) *Details for best practice waste management once operating;*
  - e) *Details of how the immediate area will not be impacted by noise, smell and pollution from the waste areas.*

*The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority.*

A referral was made to Council's Sustainability and Waste Project Officer as part of the assessment of the *Plan*. The initial review identified changes were required which were provided to the applicant. A revised *Plan*, Revision E and dated 21 September 2022 was provided to Council to address all concerns raised.

Based on the assessment of the requirements of Requirement 9, it is concluded that:

Details of the collection of waste associated with WP3 and 4

Under Section 3.4 in the *Plan*, details relating to the bulk waste collection bins for small, medium and large events has been provided. This includes adequate recycling provisions as well as streams for garbage, paper/cardboard, food organics and glass.

All bin storage will be located internal to the site, incorporated into a dedicated waste facility and will also be collected internally. The waste storage area will be in the northwest corner of the subject site, adjacent the Boomerang Building and Float Car Park as shown in the following image:



• Figure 1 - Site plan showing location of waste storage area

This area is not publicly accessible except for the use of the Float Car Park, which limits its interaction with patrons. The area is also screened by 3m high fencing and gates to further limit its visibility.

The *Plan* also includes details for ensuring the bins and storage are kept clean, with provision for a bin washing down area. The use of this in association with the location of the waste storage area, will ensure that odours are appropriately managed.

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

Collections will be undertaken by a private collector who will be collecting recycling as well as separate streams for paper/cardboard, glass and food organics. Collection times will be limited to relevant EPA noise guidelines, which are outlined in Section 4.4 of the *Plan*.

Appropriate areas of bin storage on site and areas of waste bin storage on collection days;

As detailed earlier in this report, appropriate waste storage is provided, whilst collection will occur from this area as well. All internal waste collection will be conducted within the site boundaries.

#### Details for best practice waste management once operating

Waste systems will be sorted and managed in accordance with best practice. Best practice follows the Victorian Government's waste policy (Recycling Victoria – A New Economy, March 2020). Key measures set out in Section 3.2 of the *Plan* include:

- *Throughout the development it will be ensured that it is as easy to dispose of recyclable materials as it is garbage. This will be achieved by ensuring the development is appropriately furnished with bin stations throughout the various workspaces, ancillary spaces and communal areas. The bin stations are to be clearly signed such that waste stream separation is easily identifiable and correct use of the bins is upheld.*
- *Bin stations encourage the separation of recyclable materials. This system incorporates the provision of multiple bins for different waste streams at central locations and common areas for ease of disposal. This system is beneficial, as users are required to make a conscious decision as to which bin they place their items. This typically results in a reduced volume of garbage (landfill). In addition, the use of bin stations minimises the number of locations cleaners are required to service throughout the development.*
- *During high-profile events quality waste receptacles are recommended. These receptacles can be removed and stored between events.*

#### Details of how the immediate area will not be impacted by noise, smell and pollution from the waste areas.

The *Plan* outlines that the bin area will be well ventilated in accordance with Australian Standards, bin washing will take place to reduce odours and collection times will be in accordance with EPA noise control guidelines.

It is considered that the *Plan* has satisfactorily responded to the matters set out in Requirement 9 of the Incorporated Document.

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

The consideration of this planning approval is limited in its scope to addressing the relevant requirements within the Incorporated Document. This does not include Council's *Our Climate Emergency Response Strategy 2021–2025*.

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

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

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Planning and Environment Act 1987* and matters set out in the Incorporated Document have been taken into consideration as part of the assessment of this application.

**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 conflict of interest in this matter.

**CONCLUSION**

That the submitted plan satisfies Requirement 9 of the Incorporated Document as discussed in this report.























































































## 8.5 PAVILION PRIORITY LIST REVIEW

**Author:** Lauren Dangerfield, Recreation Development Coordinator

**Trim No:** 22/1270541

**Attachments:** 1. Pavilion Priority List 2022 [↓](#)

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### EXECUTIVE SUMMARY

This report presents the revised Pavilion Priority List for Council endorsement. The Pavilion Priority List provides Council with a clear and equitable approach to its renewal and upgrade program and guides the long-term financial investment in pavilions.

The review has involved the rating of pavilions against the five criteria within the *Pavilion Redevelopment Strategy* and considers the upgrades, redevelopments and changes in use that have occurred since the *Strategy* was endorsed in 2017.

### RECOMMENDATION

That Council:

1. endorse the revised Pavilion Priority List 2022 that is attached to this report; and
2. note that Officers will communicate the updated Pavilion Priority List to sports club and the community.

### BACKGROUND

Council is the primary provider of community-based sport and recreation facilities and is responsible for the maintenance and development of 25 pavilions that provide a range of recreation, social and sporting opportunities to the broader community.

At the 25 July 2017 Ordinary Council meeting, Council endorsed the *Pavilion Redevelopment Strategy*, including the Pavilion Priority List.

The *Strategy* outlines a vision and set of assessment criteria which align with Council's broad strategic objectives. These criteria include:

- Functionality – measures the suitability of core infrastructure;
- Open Space Capacity – explores capacity of location for expanded or additional use;
- Utilisation – takes a snapshot of current usage levels;
- Condition – evaluates the structural integrity and building compliance; and
- Opportunity – quantifies a range of additional or ancillary functions.

The *Pavilion Redevelopment Strategy* was developed to meet changing sporting and community needs, in particular the increasing participation by women and girls in community sport and the need to provide female-friendly facilities, as well as the evolution of traditional sports pavilions becoming adaptable community hubs that can support other organised and casual use.

Investment in sports facilities can be highly political and the *Strategy* and List provide Council and the community with a clear and equitable approach to our renewal program, budget process and planning.

Given the political nature of sports facility funding, the List also informs Council advocacy and provides potential funding partners with clear direction on these priorities.

## ISSUES AND DISCUSSION

The Pavilion Priority List (Attachment 1) has been updated to consider the changes since its endorsement in 2017.

There are 15 pavilions rated, and consistent with the 2017 Priority List, pavilions that have had recent full redevelopments have not been rated.

Minor refurbishment works to improve functionality are accounted in the rating process, however it is noted that these are often temporary measures and that more complete works will be required in the future.

The following outlines the key changes considered as part of the review.

### *Upgrades and Redevelopment*

Since 2017 the following upgrades have been undertaken:

**King George VI Reserve Pavilion** – upgraded in 2019 to provide:

- Female-friendly / accessible change areas and amenities;
- Umpires change room and bathroom;
- Storage opportunities; and
- Social area with a modern canteen and servery window.

**McKinnon Reserve Pavilion** – upgraded in 2019 to provide female-friendly / accessible change areas and amenities

**Victory Park Pavilion** – upgraded in 2020 to provide:

- Additional female-friendly / accessible change areas and amenities;
- Unisex umpire change rooms;
- Upgraded kiosk; and
- Viewing window and additional storage.

**EE Gunn Reserve Pavilion** – upgraded in 2020 to provide:

- Two additional female-friendly / accessible change rooms
- Upgrades bathrooms and toilet amenities

**Mackie Road Reserve pavilion** – upgraded in 2021 to provide female-friendly / accessible change rooms and amenities

**Koornang Park Pavilion** – upgraded in 2019 and 2021 to provide:

- Female-friendly / accessible change rooms and amenities;
- Improved storage facilities;
- New kitchen and servery; and
- Extended social area and viewing area including additional scorers box.

**Lord Reserve Pavilion** – demolition of Lord Reserve Hex Pavilion and Lord Reserve Cream Brick Pavilion, and construction of Lord Reserve Pavilion (due for completion in November 2022) to provide:

- Female-friendly / accessible change rooms and amenities;
- Umpires change rooms and amenities;
- Separate storage areas;

- Public amenities;
- First aid room; and
- Social room.

**Murrumbeena Park Community Hub** – Complete redevelopment of the Murrumbeena Park Pavilion to provide:

- Female-friendly / accessible change rooms and amenities;
- Umpires change rooms and amenities;
- 140-seat function room;
- Multi-purpose community room and outdoor playground;
- Two meeting rooms; and
- Changing Places facility.

#### *Change in Use*

Caulfield Park Grey Brick Pavilion was previously used as a minor satellite pavilion, however with large growth in junior football (soccer), the pavilion is now central to the provision of community sport at Caulfield Park.

#### *Gender Equity*

Caulfield Park Grey Brick Pavilion and Bailey Reserve Softball Pavilion remain the only pavilions that have not been upgraded to provide female-friendly change rooms and amenities.

Gender equity remains a high priority for Council and is reflected in the strategy criteria as well as the Licenced Sports Club Allocation and Charging Policy. The Victorian Government also continues to further embed gender equity in the provision of sports infrastructure through legislative change; most recently through the development of the Fair Access Policy Roadmap which supports gender equitable access to and use of community sports infrastructure in Victoria. Under this legislation, all Victorian Councils will need to ensure equitable access to sporting facilities for people of all genders by 2024 to be considered eligible to receive infrastructure funding from the labour Government.

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

This project aligns with the *Climate Emergency Response Strategy* and in particular objective 3.1 *Ensure all new and existing buildings and infrastructure are resilient to climate change impacts.*

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

Pavilion redevelopment projects have previously been committed to in *the Long-Term Financial Plan*, and it is not proposed that the updated Priority List would alter Council's commitment to deliver pavilion redevelopment projects. However, the affordability of projects due to the changes in the construction market with supply chain issues, material escalations and workforce shortages will present delivery risks to the Council. This will likely increase the cost of future pavilion redevelopments beyond the provision in the *Long-Term Financial Plan*. Therefore, the staging and timing of future pavilions project must be diligently planned and considered by the Council to ensure commitments to the community are able to be delivered.

Additionally, it is critical to ensure State or Federal funding opportunities align with Council priorities. However, in some case grant opportunities may not and these circumstances Council would need considered the matter on a case-by-case basis.

Upcoming commitments for State election include:

- Liberal: \$500,000 – Renovation of Bailey Reserve Pavilion
- Labor: \$3million - Mackie Road Reserve Pavilion
- Liberal: \$3.5million – McKinnon Reserve Pavilion

This is in addition to a Federal Labor commitment of \$1.53million for a new cycling pavilion at Packer Park.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

N/A

## **COMMUNICATION AND ENGAGEMENT**

The *Pavilion Redevelopment Strategy* underwent a community engagement process prior to endorsement in 2017. This included direct consultation with tenant sports club and associations in addition to the broader community.

The revised Pavilion Priority List will be distributed to tenant sports clubs following endorsement by Council.

## **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 any general or material conflict interest in this matter.

## **CONCLUSION**

The Pavilion Priority List has been updated to account for pavilion upgrades and changes in usage since 2017.

The *Pavilion Redevelopment Strategy* and Priority List provides Council and the community with a clear and equitable framework for prioritising investment. It will inform annual budgets, advocacy and guide long-term financial planning.





**8.6 FEASIBILITY OF AN ANNUAL VEGETATION PLANTING WEEK BY GLEN EIRA**

**Author:** Jess Van Der Werff, Coordinator Open Space Maintenance

**Trim No:** 22/1287264

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

At the 30 August 2022 Ordinary Council meeting, Councillors requested a report be prepared on the logistics, feasibility and costs of holding annual native planting events to further support Glen Eira's *Climate Emergency Response* and *Urban Forest Strategy*.

Officers have investigated options and provided a recommendation that Council support a week-long 'Treebration' community planting and urban biodiversity event in autumn 2023 comprising a community planting day and plant giveaway, focussing on indigenous species and school planting events. Also recommended is an additional plant giveaway in the spring of the same year.

These events will bring together teams from across Council and will require committed support from Media and Communications, Events and the Sustainability team to assist with the planning, promotion and running of the planting week and associated activities.

**RECOMMENDATION**

That Council:

1. Supports holding one week community event in autumn 2023 that would include:
  - A community planting day concentrating on increasing urban biodiversity and habitat corridors within Glen Eira City Council.
  - A specific planting event focussing on local schools during the week.
  - A plant giveaway event focussing on local indigenous species, to encourage biodiversity and habitat planting on private properties and provide education to the community on the value of urban biodiversity and the impacts of invasive weed species.
2. Supports the undertaking of an additional community plant giveaway in spring 2023
  - As above, this giveaway would focus on local indigenous species, to encourage biodiversity and habitat planting on private properties and further educate the community on the value of urban biodiversity and the impacts of invasive weed species.
3. Supports Parks Services to undertake an analysis following the events planned in 2023 in preparation for additional planting days and other community events in 2024.

**BACKGROUND**

Suburban sprawl and habitat fragmentation is one of the major conservation issues confronting biodiversity in urban areas. As Glen Eira is recognised as having the least amount of open space per person of any council area in Melbourne, with more residents living beyond the State Government's recommended 400 metres from open space than anywhere else in Victoria, the change needs to occur on both public and private land. One of the key priority actions for Council's *Urban Forest Strategy* (UFS) is to encourage landowners to plant native tree and vegetation species in their yards and on nature strips to improve local urban biodiversity.

To further support our *Climate Emergency Response* and UFS, officers investigated the logistics, feasibility and cost of holding an annual native vegetation planting week. The recommendation is to conduct this in collaboration with Glen Eira school children and their families that would include trees, shrubs and grasses to coincide with International Tree Day or another appropriate day. The objective would be to engage children, young people and the community in the values of urban biodiversity, discuss the impacts of invasive weed species and encourage native planting on private property as well as enhancing biodiversity in our parks and open spaces.

### **Recent Events**

Officers have recently held two community events geared towards encouraging residents to plant native species.

On Sunday 31 July 2022, Parks Services held a community plant giveaway with stations set up across the three wards of Glen Eira:

- TUCKER WARD - Halley Park, Bentleigh
- ROSSTOWN WARD - Koornang Park, Carnegie
- CAMDEN WARD - Hopetoun Gardens, Elsternwick

The event was highly successful with over 700 plants going out and excellent feedback from the community.

More recently, on Sunday 2 October 2022, Parks Services held a planting day at the south end of Boyd Park, abutting Glen Eira's only example of remnant River Red Gum Woodland vegetation. The day was managed jointly with Rob Scott from Naturelinks as well as a guest appearance by Gio Fitzpatrick, a Melbourne based ecologist who spoke to participants about the importance of biodiversity planting on private properties. We had more than 50 participants who had a wonderful time planting out indigenous plants in one of our first habitat focussed plantings.

Although numerous attempts were made, officers were unfortunately unable to make contact with any of the local schools to undertake a planned school planting event in the week prior to the community planting day.

### **ISSUES AND DISCUSSION**

#### **Community plant giveaways and planting days will increase urban biodiversity in Glen Eira**

Urban biodiversity corridors are increasingly being seen as the solution to supporting and maintaining urban biodiversity. Research conducted in the UK on the role of small household gardens in the provision of pollinator biodiversity revealed that large gardens are not solely responsible for maintaining urban biodiversity. There are significant benefits and therefore

gains to be made from increasing biodiversity in residential areas, to link our public open green spaces and provide habitat connectivity for pollinators and other wildlife to live in our urban areas. Providing indigenous plants to residents for planting in their private gardens encourage residents to become more involved and engaged in habitat protection and biodiversity in their local area.

As noted in Glen Eira’s *Open Space Strategy*, there is only one remnant plant community remaining in the municipality. Located on public land at the southern end of Boyd Park in Murrumbeena, this area is protected with an existing Vegetation Protection Overlay. This is the last remaining remnant of the River Red Gum Woodland community that would once have covered a large part of Glen Eira. This park is currently the focus of habitat planting with a focus on connectivity between the existing remnant and planted *Eucalyptus camaldulensis*, including the enhancement of understory plants for fauna habitat.

Additionally, there are other areas of open space that have been replanted with indigenous species to reflect the original character, including Mallanbool Reserve and Packer Park. As defined in the *Urban Forest Strategy*, Glen Eira’s urban forest is the sum of all trees, understory, shrubs, groundcovers, and grasses across the municipality – public and private. The *Strategy* outlines several key recommendations to support the increase in urban forest, and therefore urban biodiversity, in the municipality.

**Community plant giveaways and planting days align with the *Urban Forest Strategy Implementation Plan***

Under the *UFS Implementation Plan* there are several actions that can be performed in this space.

**Table 1: *Urban Forest Strategy Implementation Plan* Actions**

#	Actions	Outcome/Goal
<b>Grow the Urban Forest</b>		
24	<p>Include understory plantings in parks where possible to improve biodiversity. As a priority the following parks have the opportunity to strengthen native vegetation patches through more plantings:</p> <ul style="list-style-type: none"> <li>• Caulfield Park</li> <li>• Packer Park</li> <li>• Mallanbool Reserve</li> <li>• Boyd Park</li> </ul> <p>Include understory planting where possible in all public landscaping and kerb outstands in commercial strips</p>	Increase the amount of understory planted in public spaces.
<b>Adapt to Climate Change and Reduce Urban Heat</b>		
39	<p>Continue to engage with the community, local landowners/occupiers and owners/renters to plant and grow vegetation including trees within their property, with a priority for indigenous plantings where possible, eg. through the Neighbourhood Sustainable Garden Program</p>	A range of programs that seek to support and incentivise planting vegetation on private property.

<p>46</p>	<p>Consider the creation of biodiversity corridors, using vegetation planted in streets and public space to link larger natural areas, eg. areas of remnant vegetation, Boyd Park, Sky Rail Park, Ester Creek trail, and Allnutt Park, and look at habitat creation initiatives such as species-specific nesting hollows and native bee homes.</p>	<p>Establishment of vegetated biodiversity corridors.</p>
<p>56</p>	<p>Partner and collaborate with the community to run community planting programs:</p> <ul style="list-style-type: none"> <li>• community tree planting days at community facilities (non Council-owned land);</li> <li>• support school gardens;</li> <li>• support schools tree planting — free tree giveaways or community planting days; and</li> <li>• community grants program for schools to plant trees to improve health and wellbeing and adapt to climate change, eg. Shadeways School Program.</li> </ul>	<p>Trees planted on non-Council owned land.</p>

**Other sites for community planting**

Along with Packer Park, Mallanbool Reserve, Boyd Park and Caulfield Park there are a number of other parks and reserves throughout the municipality that could be included in biodiversity planting into the future.

These reserves include but are not limited to:

- Wattle Grove Reserve
- Elster Creek Trail
- King George IV Memorial Reserve
- Allnutt Park
- Marara Road Reserve
- Springthorpe Gardens
- Riley Reserve

An annual review of the performance of community plant giveaways and planting days will need to be undertaken to ensure that benefits and objectives are being achieved.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The project aligns with the *Climate Emergency Response Strategy* and in particular 3.2 *Increase and diversify public green space across the municipality, ensuring equal access to all.*

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

Community plant giveaways run on a Sunday are estimated to have a combined cost (staff and materials) of approximately \$4,200 per event. Community planting days are estimated to have a combined cost of approximately \$6,000 plus contractor site costs per event. Given their alignment with the *Urban Forest Strategy Implementation Plan 2021*, these costs can be funded by a combination of UFS funding and Parks Services recurrent budget.

The delivery of annual planting days will see an approximate increase of 10% in yearly planting and as plantings mature, they will require more specialised maintenance. Over the next 3 years, this may result in adjustment of the Parks Services maintenance schedules and resources.

Building relationships with schools and other community groups will require an investment of staff time and resources. This can presently be delivered with existing staff resources within the proposed planting days and giveaways. However, additional resources and staff training will be required if further engagement with schools and community groups is required outside of these events.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

No policy or legislative implications have been identified

### **COMMUNICATION AND ENGAGEMENT**

Community communication and engagement with plant giveaways and planting days will be promoted to the community in the following ways:

- Glen Eira News articles
- Glen Eira Website
- Broad distribution of promotional material
- Sustainability e-Newsletters
- Glen Eira social media channels including Facebook and Instagram
- Direct communication through conversations, letters and emails to community groups and schools, community leaders, key stakeholders and interested residents throughout Glen Eira

### **LINK TO COUNCIL PLAN**

Strategic Direction 4: A green and sustainable community

Our actions and priorities aim to protect our community from the worst impacts of climate change

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

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

### **CONCLUSION**

Key priority actions from Glen Eira's UFS outline the need to improve biodiversity and strengthen native vegetation patches through more planting. This is further highlighted under an action to creating biodiversity corridors by using vegetation planted in streets and public space to link larger natural areas and an action to engage with landowners and the wider community to plant native species in their yards and on nature strips to improve local urban biodiversity.

Undertaking community plant giveaways and community planting days will directly link in with the UFS in forming stronger relationships with our community and engaging with them in increasing biodiversity both in private gardens and the wider public open space. Education on the importance of habitat gardening and biodiversity corridors will directly support the implementation and desired outcomes of the UFS on the ground.

Building and enhancing relationships with schools and community gardens will also assist in identifying appropriate projects and partnerships that can further engage children, young people and the community in the environment.

## 8.7 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER

**Author:** Christian Renaud, Arborist (Vegetation Assessment Officer)

**Trim No:** 22/1287584

- Attachments:**
1. Council Tree Report for CTR Inclusion River Red Gum - 534A Neerim Rd, Murrumbena 76CTR2021 [↓](#)
  2. Council Tree Report for CTR Inclusion Bull Bay Magnolia - 61 Allison Rd, Elsternwick 226CTR2021 [↓](#)
  3. Council Tree Report for CTR Inclusion Lilly Pilly - 61 Allison Rd, Elsternwick 226CTR2021 [↓](#)
  4. Council Tree Report for CTR Inclusion Liquidambar - 39 Hoddle St, Elsternwick 279CTR2021 [↓](#)
  5. Council Tree Report for CTR Inclusion Camphor Laurel - 13 Charles St, Elsternwick 290CTR2021 [↓](#)

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### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's support for the inclusion of a further 5 trees in the Classified Tree Register.

The details of each tree and the assessment completed is provided in the tree assessment reports attached.

### RECOMMENDATION

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) River Red Gum (*Eucalyptus camaldulensis*) located at 534A Neerim Rd, Murrumbena – 76/CTR/2021;
  - b) Bull Bay Magnolia (*Magnolia grandiflora*) located at 61 Allison Rd, Elsternwick – 226/CTR/2021;
  - c) Lilly Pilly (*Syzygium smithii*) located at 61 Allison Rd, Elsternwick – 226/CTR/2021;
  - d) Liquidambar (*Liquidambar styraciflua*) located at 39 Hoddle St, Elsternwick – 279/CTR/2021;
  - e) Camphor Laurel (*Cinnamomum camphora*) located at 13 Charles St, Elsternwick – 290/CTR/2021;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in his report in the Classified Tree Register.

### BACKGROUND

There are now 158 trees included in the Classified Tree Register, with a large indigenous River Red Gum located on private lands recently celebrated as the 150<sup>th</sup> tree to be listed. An article highlighting this tree has been published in *Glen Eira News*.

Numerous enquiries from the public are received every week regarding protection of trees in Glen Eira, particularly for trees on private lands and new nominations continue to be submitted.

### ISSUES AND DISCUSSION

The 5 trees inspected and assessed for this Council Report are all located on private property, with 1 property having 2 different trees nominated by the landowner. The other 3 trees on private properties were nominated by third party residents of Glen Eira.

The assessments of these 5 eligible trees were all undertaken in accordance with Council's Classified Tree Local Law and *Classified Tree Policy*, with all the trees listed in part 1 of the recommendation.

Each assessment is conducted to determine if the relevant tree satisfies one or more of the Categories of Significance contained within the *Policy*, with consideration also given to the relevance of the negative criteria applicable to each tree. The assessment of each tree therefore considered the following:

- value;
- uniqueness;
- rarity;
- age;
- size;
- aesthetic value;
- growth habit;
- history;
- Aboriginal culture; and
- habitat.

Each tree recommended for inclusion in the Register satisfied two or more of the Categories of Significance to be deemed eligible.

External Consultant Arborists have assisted Council Arborists in conducting initial inspections of these trees and documenting the required tree data. Following the preliminary assessment completed by Council Arborists, notification of each assessment was provided to all the relevant landholders, giving them the opportunity to make a submission regarding the assessment. No submissions objecting to any of the preliminary assessments were received from any relevant landholders and the final assessment of each tree was completed. Notification was subsequently provided to each relevant landholder advising that the eligible tree would be presented to Council for endorsement and inclusion in the Register.

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The protection of significant trees across the municipality aligns with Glen Eira City Council's adopted *Our Climate Emergency Response Strategy 2021-25*. Specifically, in regard to Principle 4 and Action 3.2, which both seek to maximise and diversify our green and natural spaces.

The ever-growing public awareness of the need for urgent action in combating Climate Change is reflected in the greater appreciation of the value of trees in the urban environment and the need to protect our established trees. The Classified Tree Register is a small yet

vital component within the broader *Urban Forest Strategy* to mitigate the impacts of Climate Change.

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

The cost of including the 5 trees in the Classified Tree Register, administering permit applications and engaging additional resources can be accommodated within the existing operating budget of Parks Services.

### **COMMUNICATION AND ENGAGEMENT**

The assessment of the trees nominated for inclusion in the Classified Tree Register was managed and conducted in accordance with Council's Classified Tree Policy and Classified Tree Local Law.

All relevant landholders were advised of the outcome of the Council arborist's preliminary assessment between 02 September 2022 and 20 September 2022.

Relevant landholders were notified that inclusion of a tree in the Classified Tree Register may result in future management, financial and development constraints because of the tree being in the Classified Tree Register.

All relevant landholders and nominators will be notified of the decision regarding each tree.

### **LINK TO COUNCIL PLAN**

Strategic Direction 4: A green and sustainable community

Our actions and priorities aim to protect our community from the worst impacts of climate change

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

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

### **CONCLUSION**

Our trees and green spaces make the urban environment more attractive and pleasing to live in and are also crucial in providing a healthier environment for all residents. Large, mature trees are especially important for providing shading to reduce the Urban Heat Island effect, reduce pollution and water run-off, and clean our air while also providing significant visual appeal that contributes to the distinctive character of a neighbourhood, providing for a more pleasant and liveable space.

Through the Classified Tree Register, Council is able to encourage the community to consider the importance of our most significant trees and cultivate a broader understanding around the value of our Urban Forest.











## 8.8 BENTLEIGH EAST NEIGHBOURHOOD ACTIVITY CENTRE - DESIGN AND DEVELOPMENT OVERLAY CONTROLS

**Author:** Charlotte Griffith, Senior Strategic Planner

**Trim No:** 22/1184166

**Attachments:** 1. [SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY](#) ↓  
2. [SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS](#) ↓

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### EXECUTIVE SUMMARY

The *Built Form Framework* for the Bentleigh East Neighbourhood Activity Centre (NAC) was adopted by Council at the Ordinary Council Meeting on 23 November 2021.

The adopted *Built Form Framework* serves as a foundation for drafting the statutory planning controls which will be introduced into the planning scheme via new Design and Development Overlay schedule controls (DDO).

Proposed Schedule 13 – Bentleigh East Neighbourhood Activity Centre (DDO13) has now been drafted and is ready to proceed through the statutory amendment process.

DDO13 will introduce permanent built form planning controls (heights and setbacks) into the planning scheme for the commercial land within the centre as reflected in the *Built Form Framework*.

The report seeks Council's endorsement of the planning controls and authorisation to prepare a planning scheme amendment. This process follows the same process being applied to the planning controls being sought for the Caulfield South and Caulfield Park Activity Centres.

### RECOMMENDATION

That Council:

1. endorses Schedule 13 to Clause 43.02 Design and Development Overlay (Attachment 1 to this report) as the basis for a proposed planning scheme amendment;
2. authorises the Manager City Futures to make any administrative changes required where changes do not affect the purpose or intent of the proposed amendment;
3. seeks authorisation from the Minister for Planning to prepare an amendment to the Glen Eira Planning Scheme in accordance with Section 8A of the *Planning and Environment Act 1987*; and
4. notes that if authorisation is received from the Minister for Planning, Council exhibits the proposed amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.

### BACKGROUND

In 2021, Council prepared *Built Form Framework* plans for three neighbourhood activity centres, including the Bentleigh East NAC. The planning scheme amendments for the other two centres - Caulfield South and Caulfield Park NAC, have recently been authorised and exhibited.

Bentleigh East NAC is designated as a Neighbourhood Activity Centre in *Plan Melbourne*, the State Government's metropolitan planning strategy. This designation recognises that the Bentleigh East NAC is a place that has good access to services and facilities and is a local centre with commercial uses.

Council developed the Bentleigh East NAC *Built Form Framework* to provide the analysis and strategic justification required to prepare new planning scheme controls. These controls will be contained within the new Schedule 13 to the Design and Development Overlay (DDO13).

The adopted *Built Form Framework* for Bentleigh East NAC acknowledges the centre's strategic role as a neighbourhood activity centre in meeting the employment and housing needs of a growing population and considers the built form context that will accommodate the expected growth.

### ISSUES AND DISCUSSION

The *Built Form Framework* was prepared to provide the strategic justification for a planning scheme amendment to introduce building height and setback controls where there are currently limited planning controls.

The proposed planning controls only focus on the commercial zones within the centre.

Building heights and setbacks proposed by the Bentleigh East NAC *Built Form Framework* were developed following a detailed urban design assessment of the centre coupled with an assessment against the *Planning Policy Framework*. This assessment resulted in a built form outcome that could be achieved without adversely impacting on the local character and amenity of the centre and surrounding residential neighbourhood.

The heights contained in the DDO seek to apply preferred maximum heights up to 5 storeys in the main retail strip of Centre Rd and up to 6 storeys at the intersection of East Boundary Rd and larger sites at the western end of the centre. A preferred maximum street wall height of 3 storeys is applied across the centre (with additional storeys being set back from the street wall). A range of upper-level setbacks are detailed across the three precincts to apply a transition between new buildings and existing residential interfaces. (See Attachment 1)

Proposed DDO13 (planning controls) includes discretionary building height controls and setback requirements. They are not mandatory controls.

Most provisions in *Victorian Planning Schemes* are performance based. They specify the objective to be achieved and enable a range of ways of to achieve it based on the particular characteristics of the site and its surrounds.

Planning Practice Note 59 *The Role of Mandatory Provisions in Planning Schemes* states that *mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.*

Planning Practice Note 60 *Height and Setback Controls for Activity Centres* states *mandatory height and setback controls...will only be considered in exceptional circumstances.* It outlines the exceptional circumstances:

- significant sensitive coastal environments.
- significant landscape precincts.
- significant heritage places.
- protecting sites of state significance eg Shrine vista.
- flight paths.

None of these circumstances exist in Bentleigh East, hence the controls are discretionary.

Proposed DDO13 also includes broader built form requirements for all proposed development within the centre.

Proposed DDO13 will apply to all commercially zoned land within the centre. The introduction of these planning controls will ensure Council can regulate growth and change at an appropriate rate and manage the competing priorities of the community, and the development industry. The proposed controls are not seeking to increase the rate of development within the centre, rather they introduce standards to manage development when and if it does occur.

Prior to seeking authorisation from the Minister for Planning and prior to exhibition of the amendment, one minor mapping error in the adopted *Built Form Framework Plan* (original plan displayed on Page 37 of the adopted framework) will be corrected:

- The site at the south west corner at the intersection of Centre Road and East Boundary Road (730 Centre Road - East Boundary Hotel and carpark) is earmarked for development up to 6 storeys. The southern half of the site is zoned General Residential and currently subject to an 11 metre (3 storey) height restriction under that zone. Therefore, the plan has been amended to exclude this section of the site for consideration under the current amendment request, although continues to acknowledge that 6 storeys may be appropriate in the future.

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

The proposed amendment supports elements of the *Strategy*, particularly in response to key challenges associated with densification and apartment living. The proposed planning controls only focus on the commercial zones within the centre, a key growth area which places less pressure on our residential areas where tree retention/planting and maintaining site permeability is important.

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

The proposed planning scheme amendment will be prepared using the City Futures operational budget.

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

If the Minister for Planning authorises and ultimately approves this proposed amendment, the principles of the *Bentleigh East Neighbourhood Activity Centre Built Form Framework* will be translated into the *Glen Eira Planning Scheme*, allowing height restrictions and design guidelines to be implemented and enforced by Council and the Victorian Civil and Administrative Tribunal (VCAT).

#### **COMMUNICATION AND ENGAGEMENT**

The development of the *Built Form Framework* for the Bentleigh East NAC was subject to community consultation in May and June 2021 with the final Framework adopted by Council in November 2021. If Council resolves to endorse proceeding with an amendment, the next round of consultation will occur with the formal exhibition period of the planning scheme amendment, which will occur for a period of at least one calendar month pending authorisation from the Minister of Planning.

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

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.

2. If there are no submissions, Council can 'adopt' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions. When opposing submissions are provided to Council (submitters who are for and against the same issue), Council cannot change the amendment in accordance with one submitter if it prejudices the views of another. In this instance, it is preferable that the amendment is referred to an Independent Panel.
4. If a Panel is appointed, submissions are heard, and the Panel reports its findings to Council in the form of a recommendation.

The Panel may make a recommendation to:

- adopt the amendment;
- abandon the amendment; or
- 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 either to 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 input from interested parties. With regards to Amendment C247, Council is currently seeking authorisation to commence with **Step 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 conflict of interest in this matter.

## CONCLUSION

The statutory controls for the Bentleigh East NAC (Attachment 1) are presented to Council for endorsement and form the basis of a proposed planning scheme amendment.

The report recommends that Council seeks authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment for the Bentleigh East Neighbourhood Activity Centre.















## 8.9 QUARTERLY SERVICES PERFORMANCE REPORT (2022-23 QUARTER 1)

**Author:** John Vastianos, Chief Financial Officer

**Trim No:** 22/1253673

**Attachments:** 1. Quarterly Service Performance Report - Q1 2022-23 [↓](#)

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### EXECUTIVE SUMMARY

This Quarterly Service Performance Report provides Council and Glen Eira residents with information about Council's performance for the period between 1 July to 30 September 2022. This report includes information about how Council is progressing on the strategic initiatives outlined in the *Council Plan 2021-2025* and provides an overview of Council's achievements in delivering the priorities and projects in the *Annual Action Plan 2022-2023*.

### RECOMMENDATION

That Council notes the Quarterly Service Performance Report for the period ending 30 September 2022 (Attachment 1 to this report).

### BACKGROUND

The Quarterly Service Performance Report is provided to Council each quarter and published via Council's website to keep the community up to date with how Council is tracking against its commitments. This report relates to the period from 1 July to 30 September 2022 and reflects the priorities and projects outlined in the *Council Plan 2021-2025* which was adopted following extensive engagement with the Glen Eira community.

### ISSUES AND DISCUSSION

The *Action Plan* contains 48 commitments that we have set out to deliver during the financial year.

This year, our focus continues to be on:

- our advocacy efforts to maximise pre-election promises for funding and policy support;
- actively pursuing opportunities to invest in public open space;
- planning for Glen Eira's future diverse housing needs;
- our commitment to achieve net zero Council emissions by 2025; and
- promoting community inclusion and celebrating diversity through our community programs and events.

After being on hold for almost 12 months, we can now proceed with the redevelopment of the Carnegie Memorial Swimming Pool. The Heritage Council of Victoria dismissed the appeal to have the Pool included in the Victorian Heritage Register on 11 August 2022. We will now commence the tender process and aim to appoint a builder by late 2022, start construction in early 2023 and open the centre in late 2024. We have also progressed a range of initiatives and projects and commenced the delivery of our 2022-23 Capital Works Program, making good progress on a number of fronts.

Some of the highlights this quarter include:

- planting more than 1,000 small trees and shrubs during the community planting day in Boyd Park, Murrumbeena;

- the completion of the new integrated Bentleigh Library and Youth Hub, which will be open to the public on 26 October with a family-friendly open day;
- the adoption of the *Carnegie and Caulfield Structure Plans*, setting out how we will manage growth and improvement for both activity centres; and
- the return of our services to pre-COVID levels, with GEL health and fitness memberships surpassing pre-COVID numbers and our physical library loans the highest since 2020.

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

The Quarterly Services Performance Report provides the community with insights into how Council is progressing with initiatives and strategies that respond to the climate emergency, work towards emissions reduction targets and increase awareness of sustainability issues.

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

The Quarterly Service Performance Report provides a financial and operational view of Council's performance. The inclusion of additional statistical information complements monthly financial reporting and provides richer insight into the diverse range of activities undertaken by Council. Regular reporting also provides information about areas where productivity or efficiency gains have been made along with identifying trends that will assist decision making and resource allocation.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The Quarterly Service Performance Report ensures compliance with statutory requirements legislated under the:

- Glen Eira Council Community Plan 2021-25
- Glen Eira Council Integrated Planning and Reporting Framework
- *Local Government Act 2020*
- Victoria Auditor General's Office (VAGO); and
- Service specific quality and assessment standards.

### **COMMUNICATION AND ENGAGEMENT**

The Quarterly Service Performance Report has been developed in consultation with the Community Engagement Advisory Committee and Councillors to provide consistent and transparent information on Council's commitments to its community. Once endorsed by Council, the final report will be published on Council's Website.

### **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 conflict of interest in this matter.

### **CONCLUSION**

Glen Eira City Council's Quarterly Service Performance Report aims to respond to community's expectation of having reasonable access to clear and transparent information about Council's progress against key priorities and programs.































































































## 8.10 REVIEW AND UPDATE COUNCIL DELEGATIONS

**Author:** Joanne McKay, Legal and Governance Officer

**Trim No:** 22/1280130

**Attachments:** 1. Council Delegations to CEO - November 2022 [↓](#)  
2. Council Delegations to Staff - Planning and Environment Act 1987 - November 2022 [↓](#)

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### EXECUTIVE SUMMARY

To review and update the instruments of delegation from Council to:

- (a) the Chief Executive Officer (CEO); and
- (b) Council staff under the *Planning and Environment Act 1987* (Vic).

### RECOMMENDATION

That Council resolves that:

1. the instrument of delegation to the Chief Executive Officer (CEO) (CEO delegations) in Attachment 1 to this report is remade without any amendments;
2. in exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020 (Vic) there be delegated to the person holding the position or acting in or performing the duties of CEO, the powers duties and functions set out in the CEO delegations, subject to the conditions and limitations specified in that instrument;
3. the amendments to the instrument of delegation under the *Planning and Environment Act 1987* (Vic) (planning delegations) in Attachment 2 to this report are approved and adopted;
4. relevant staff be delegated the powers duties and functions, as set out in the planning delegations, subject to the specified conditions and limitations;
5. the CEO delegations and the planning delegations come into effect immediately after the passing of this Council resolution;
6. clean versions of the instruments of delegation be published on Council's website; and
7. on the coming into force of the delegations the Instrument of Delegation to the CEO approved on 9 August 2022 and the Instrument of Delegation to Council Officers under the *Planning and Environment Act 1987* approved on 9 August 2022 are revoked.

## BACKGROUND

In line with principles of good governance, Council regularly reviews and updates its delegations. There have been some legislative changes that require the delegations to be updated. These changes are outlined in the Issues and Discussion section of this report.

## ISSUES AND DISCUSSION

### 1. CEO delegations

There have been no substantive changes to the CEO delegations. It is recommended that CEO delegations are remade on a regular basis even where no changes to the instrument of delegation are being made. Council derives powers and functions from many different pieces of legislation that are often updated or amended. Updating the CEO delegations on a regular basis ensures that the CEO is delegated powers, duties, and functions appropriately in accordance with current legislative provisions.

### 2. Planning delegations

#### (a) *Administrative amendments*

There have been a number of administrative amendments to correct typos and ensure that the wording of the delegations better reflects the wording of the legislation (for example at section 41(2) and section 14 of the *Planning and Environment Act 1987*).

#### (b) *Changes to conditions and limitations*

Conditions and limitations have been updated at sections 18, 21(2), and 26(2).

#### (c) *New delegations*

New provisions and delegates have been added at sections 22(2) (relating to late submissions), 46V(4), (5) and (6) (all relating to the *Melbourne Airport Environs Strategy Plan*), and 185B(1) (relating to a duty to comply with the Minister's request for information).

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no *Climate Emergency Response Strategy* implications in Council delegating the CEO and Council staff in accordance with the delegations.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource, risk and asset management implications in Council delegating the CEO and Council staff in accordance with the delegations.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The power to delegate is given by section 11 of the *Local Government Act 2020* (Vic), and by the *Planning and Environment Act* as set out in the planning delegations.

Consistent with Council's obligations under the *Local Government Act 2020* (Vic) and Council's *Public Transparency Policy*, a clean version of the delegations will be published on Council's website.

**COMMUNICATION AND ENGAGEMENT**

Internal consultations have been conducted to ensure that the amendments are consistent with day-to-day work at Council

**LINK TO COUNCIL 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 conflict interest in this matter.

**CONCLUSION**

That Council remakes the CEO delegations without amendment and approves the proposed amendments to the planning delegations; and delegates the powers, duties and functions set out in the delegations subject to any conditions and limitations specified in the delegations to the CEO and relevant Council staff members.































































































































































## 8.11 ROAD DISCONTINUAUCE PROPOSAL MERRIWOOLA STREET ST KILDA EAST

**Author:** Jeanette Blackwood, Property Consultant

**Trim No:** 22/1287650

- Attachments:**
1. Attachment 1 - Site Plan [↓](#)
  2. Attachment 2 - CGS Master Plan [↓](#)
  3. Attachment 3 - Yarra Valley Water Sewer Plan [↓](#)
  4. Attachment 4 - Title Plan TP965744C [↓](#)
  5. Attachment 5 - Council Drainage Plan [↓](#)
  6. Attachment 6 - CGS Application [↓](#)
  7. CGS Application - Attachment A [↓](#)
  8. CGS Application - Attachment B [↓](#)
  9. CGS Application - Attachment C [↓](#)
  10. CGS Application - Attachment D [↓](#)
  11. CGS Application - Attachment E [↓](#)
  12. Legal Advice provided to owner 13 Loch Avenue (CONFIDENTIAL)
  13. Legal Advice provided to Caulfield Grammar School (CONFIDENTIAL)
  14. Legal advice provided to Council (CONFIDENTIAL)

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### EXECUTIVE SUMMARY

Caulfield Grammar School (the **School**) has requested that Council consider a proposal to discontinue and sell to the School the northern section of Merriwoola Street, St Kilda East, north of Tantram Avenue and abutting 9 to 19 Merriwoola Street, 11 and 13 Loch Avenue, 8 to 14 Merriwoola Street and 14 Tantram Avenue, shown hatched in Attachment 1 (the **Road**).

Merriwoola Street is a fully formed and constructed road previously servicing several dwellings and School buildings. The Road contains numerous assets belonging to the various service authorities.

With the exception of 13 Loch Avenue, Caulfield Grammar School has, over time, acquired all properties abutting the Road. In recent months the School has removed all dwellings from its land abutting the Road, together with 14 Tantram Avenue, in preparation for the construction of a new teaching and learning environment in accordance with its master plan.

This report seeks approval to commence the statutory procedures to discontinue the Road and sell the land from the discontinued road to the School.

### RECOMMENDATION

That Council:

1. resolves that the statutory procedures be commenced pursuant to sections 206, schedule 10, clause 3 and 207A(a) and 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* to discontinue and sell part of Merriwoola Street, St Kilda East north of Tantram Avenue, abutting 9 to 19 Merriwoola Street, 11 and 13 Loch Avenue, 8 to 14 Merriwoola Street and 14 Tantram Avenue, shown hatched in Attachment 1 (respectively, the **Road** and the **Proposal**);
2. gives public notice under section 223 of the *Local Government Act 1989* (and in compliance with section 114 of the *Local Government Act 2020*) in both *The Age* newspaper and on Council's website of the intention to discontinue the Road and sell the

land to Caulfield Grammar School, by private treaty and otherwise in accordance with *Council's Roads and Reserves Discontinuance and Sale Policy 2022*;

3. Undertakes a community engagement process, including writing to all adjoining property owners and occupiers informing them of the Proposal and providing them with a copy of the public notice;
4. resolves that, in the event that no submissions are received, a further report be presented to Council for Council to decide whether to discontinue the Road and sell the land in the discontinued road, or to discontinue only part of the Road or not to discontinue the Road and sell the land; and
5. resolves that, in the event that submissions are received, that Council considers the submissions at a subsequent ordinary meeting of Council, including hearing of any submitters who have requested to be heard as part of their submission (the day, time and place of which is to be determined) and then, following such consideration of submissions, to then determine and decide whether to discontinue the Road and sell the land in the discontinued road to the School or to discontinue only part of the Road or not to discontinue and sell the Road.

## BACKGROUND

In October 2017, Council officers first met with representatives of Caulfield Grammar School (the **School**) to discuss, in principle, the School's interest in formally applying to Council for the possible discontinuance and sale of the northern part of Merriwoola Street, St Kilda, shown hatched in **Attachment 1** (the **Road**).

Merriwoola Street is a fully formed and constructed road previously servicing several dwellings and School buildings.

With the exception of 13 Loch Avenue, Caulfield Grammar School has over time acquired all properties abutting the Road. In recent months the School has removed all dwellings from its land in Merriwoola Street together with 14 Tantram Avenue in preparation for the construction of a new teaching and learning environment in accordance with the School's Master Plan shown in **Attachment 2** (the **School's Master Plan**).

On 1 August 2022, the School submitted a formal application to Council for the discontinuance and sale of the Road. A copy of the application is contained in **Attachment 6**.

In the short term, the School's stated intention is to develop its land to the west of the Road and retain the northern section of Merriwoola Street as an access road with staff carparking and to access the School's on-ground carparking at 10-12 Merriwoola Street.

In the longer term, and consistent with the School's Master Plan, the School seeks to integrate the land from the Road to create (what the School proposes and believes will be) a safer learning environment for its students, staff and visitors.

## ISSUES AND DISCUSSION

The School Council adopted a master plan in December 2019 and a copy of the School's *Master Plan* has been provided to Council for information. The School's *Master Plan* has not been considered formally by Council.

### A recent planning permit issued to the School

On 28 March 2022, the Minister for Planning issued Planning Permit PA2101331 for the construction of an education building on the School grounds to the west of the Road. The

approved building shown as TLO1 is the first building/development on the School's *Master Plan*, shown in **Attachment 2**.

### **A recent planning permit application for 13 Loch Avenue**

The owners of 13 Loch Avenue currently have a planning application with Council GE/DP-35348/2022 for the construction of a second single storey dwelling to the rear of the existing dwelling. The proposed construction relies on Merriwoola Street for physical and legal access to the second dwelling.

The owners of 13 Loch Avenue have submitted legal advice with respect to the property's legal rights to use Merriwoola Street for access. A copy of the applicant's advice is contained within the confidential section of this report.

The School has lodged an objection to the planning application raising concerns with respect to the proposed 13 Loch Avenue development's access rights to Merriwoola Street and the implications of such access on and in relation to the School's *Master Plan*. The School contends that 13 Loch Avenue does not have legal right of access over Merriwoola Street and has submitted legal advice on the issue. A copy of the School's advice is contained within the confidential section of this report.

The 13 Loch Avenue planning permit application is at this stage to be decided by a delegate of Council as a separate matter in accordance with the *Planning and Environment Act 1987* and Council's own processes and procedures.

### **Service authority asset considerations**

Given that Merriwoola Street is a fully formed and constructed road, previously servicing several dwellings and school buildings, it contains the following assets:

<b>United Energy</b>	2 power poles and associated electrical cables.
<b>Telstra &amp; NBN</b>	Underground telecommunication cables.
<b>Optus</b>	Telecommunication cables strung on United Energy's power poles.
<b>Yarra Valley Water</b>	100mm water main and 150mm sewer main.
<b>Multinet Gas</b>	Low pressure gas main.

In conjunction with the removal of all dwellings and buildings from its land abutting the Road, and in preparation for the construction of a new Teaching and Learning Building (shown **TLO1** in the School's *Master Plan*), the School has, of its own volition and separate to the Road discontinuance application to Council, liaised with the relevant authorities to relocate or terminate services within the Road.

The Yarra Valley Water sewer within the Road also services 2 to 4 Pullman Court together with 4 to 10 Tantram Avenue, as shown on the enclosed sewer plan in **Attachment 3**. Whilst in the long term this asset may be re-routed, Council understands that the sewer is to remain in situ in the short term.

Accordingly, if the Road were to be discontinued, the sewer would be protected by a 2m wide easement, shown E-1 and E-3 on the attached preliminary Title Plan TP965744C in **Attachment 4**.

### **Council's drainage asset considerations**

The Road contains a 300mm diameter storm water drain and 2 associated pits, as shown on the attached drainage plan in **Attachment 5**. In the short term, the drain is to remain, as it

services several properties to the east of the Road, being properties not owned or occupied by the School.

Accordingly, if the Road were to be discontinued, the drain would be protected by a 3m to 4m wide easement, shown E-2 and E-3 on the attached preliminary Title Plan TP965744C in **Attachment 4**.

### **Traffic and parking considerations**

Council's Traffic Engineering Department has advised that (should the Road be discontinued) Council will require 3m x 3m splays for both 14 Tantram Avenue and 6 Merriwoola Street. Further, it has also made the following general comments:

- In the short term, if the land from the Road is retained as private parking for staff, there is unlikely to be an increase of parking in the surrounding area.
- However, when, and if, there are any plans to remove the physical 'road' pavement, a loss of parking would occur (most likely School staff parking). Therefore, so that there is no increase in parking in the surrounding area, these spaces should be 'made up' onsite.
- There are no short-term drop-off and pick-up spaces along Merriwoola Street, apart from the 2-hour parking. Therefore, extra traffic using the street is not anticipated unless the parking on one side is changed to drop off/pick up. This may then attract more parents/traffic.
- If traffic issues were to arise as a result, consideration may need to be given to removing parking on the opposite side of the street, similar to what has already been done by Council in McWhae Avenue. In doing this, some parking may be transferred into the surrounding area.

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

The School's *Master Plan* indicates there will be additional green space, harvesting of rainwater and removal of hard surfaces associated with a road discontinuance and sale of Merriwoola Street. These initiatives are consistent with the intent of Council's *Climate Emergency Strategy* and reducing the impact of urban heat effect.

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

Under Council's *Roads and Reserves Discontinuance and Sale Policy 2022* land from a discontinued road is ordinarily sold at current market value, as assessed by Council's valuer, together with an amount representing reimbursement of Council's 'out of pocket' costs and expenses associated with the statutory discontinuance procedures and the subsequent transfer of any land (including valuation, survey, advertising and consultant's/legal costs).

On the basis that part of the land would be encumbered in favour of both Yarra Valley Water and Council, as shown in the Title Plan TP965744C in **Attachment 4**, Council's contract valuer recently assessed the value of the 1,526m<sup>2</sup> parcel of land to be \$1,386,000.00 (inclusive of GST).

Council's 'out of pocket' costs and expenses are yet to be quantified at this stage.

If Council resolves to commence the discontinuance and sale procedures as recommended in this Report, the School would be responsible for the full reimbursement of Council's costs and expenses incurred in commencing and progressing the Proposal, irrespective of whether the Proposal meets with 'success' from the School's perspective.

**POLICY AND LEGISLATIVE IMPLICATIONS**

Council's *Roads and Reserves Discontinuance and Sale Policy 2022* outlines that in these instances, Council will consider whether the land is required for access, drainage or any other strategic or public purpose. If not, Council officers will consult with abutting owners to negotiate the sale to those owners.

Prior to deciding whether or not to discontinue and sell the Road, Council is required to undertake procedures under section 206, clause 3 of Schedule 10 of the *Local Government Act 1989*, and section 114 of the *Local Government Act 2020* particularly community engagement.

**COMMUNICATION AND ENGAGEMENT**

The statutory procedures to discontinue a road and sell land require Council to comply with section 223 of the *Local Government Act 1989* and to carry out community engagement in accordance with Council's *Community Engagement Policy*. Amongst other things, this will include giving public notice on both Council's website and in a newspaper generally circulating within the municipality of the intention to discontinue the Road and sell the land. The notice will invite submissions from affected parties.

In addition, surrounding property owners will be advised of the proposal in writing and informed of their right to make a submission.

**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 conflict interest in this matter.

**CONCLUSION**

Officers consider it is a reasonable proposition to carry out community consultation in relation to the Proposal to discontinue the northern section of Merriwoola Street, St Kilda East, north of Tantram Avenue and abutting 9 to 19 Merriwoola Street, 11 and 13 Loch Avenue, 8 to 14 Merriwoola Street and 14 Tantram Avenue, in order to determine if the Road is reasonably required for public use or for any other relevant public or other purpose. On this basis it would be appropriate for procedures to be commenced to discontinue the Road and to sell the land in the discontinued road to the School, subject to Council first undertaking a community engagement process and considering any and all submissions which may be received in relation to the Proposal before Council makes a final decision in the matter.

*Three documents containing legal advice are attached. These attachments concern confidential information within the meaning of that term in the Local Government Act 2020 (the Act) being legal privileged information, being information to which legal professional privilege or client legal privilege applies 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 and all documents containing such information shall remain confidential.*



















































































































































































**8.12 MULTIDECK COMMUTER CARPARKS PROJECT UPDATE**

**Author:** Rachel Harbeck, Project Officer

**Trim No:** 22/1295982

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

As part of the Urban Congestion Fund, Council received a funding commitment of \$20.6m from the Federal Government to construct two commuter carparks in Bentleigh and Elsternwick. The distribution of funds under the Urban Congestion Fund was the subject of an Auditor-General's report which highlighted concerns in relation to the grant process.

Council made the decision to commence its own due diligence process to understand if there was interest within the community for the commuter carparks and if they were viable, which involved a number of community consultation periods throughout this time.

Initially, there was majority support from the community in favour of the carparks, with specific interest in gaining further information, which resulted in Council progressing with the project feasibility phase. However, when the outcomes of this stage were shared during a second consultation process, feedback showed the community was not as supportive.

Due to the timing of the federal election, it became uncertain whether the funding for the commuter carparks would remain available. Therefore, Council resolved to put the projects on hold until confirmation of the funding was received from the Federal Government.

Subsequently, Council received advice from the Federal Government that the funding commitment for the projects would no longer be available with the Urban Congestion Fund being abolished.

**RECOMMENDATION**

That Council:

1. resolves to formally close the Multideck Commuter Carparks projects in Bentleigh and Elsternwick; and
2. advise the community that the Urban Congestion Fund has been abolished, and therefore no further work will be undertaken on the Multideck Commuter Carparks projects in Bentleigh and Elsternwick.

**BACKGROUND**

In 2019, Council received part Federal funding to develop two multideck commuter car parks located in Elsternwick and Bentleigh as part of the Urban Congestion Fund. This triggered initial community engagement about the commuter car parks with the local community. This engagement was limited to information provision. It is understood the information and approach resulted in some negative feedback.

Following this engagement, Council negotiated and secured 100 percent Federal funding (\$20.6m) and the location of both car parks changed to allow for smaller-scale development and align more closely with the Urban Congestion Fund's objectives.

In 2021, the Urban Congestion Fund was the subject of an Auditor-General's report which highlighted a number of concerns about the granting process. Council commissioned an independent probity report to review any probity risks associated with utilising the grant

money for the delivery of the two car park projects. The probity report concluded that with proper risk mitigations in place, Council should proceed with conducting community engagement to inform the decision-making about progressing (or not progressing) the car park projects.

As a result, Council decided to re-engage the community to gauge views around accepting the funding, advise of the new proposed site locations, and understand priorities for other possible initiatives should further funding become available, or advocacy opportunities arise.

Following this engagement with the community which took place throughout October and November 2021, Council resolved to undertake feasibility and further site assessment for the proposed multideck commuter car parks development in Bentleigh and Elsternwick. The decision made by Council to progress with the project was based on the feedback data from the community engagement and consultation process which showed an overall support for the project progressing.

In January 2022, Council engaged a multidisciplinary consultant team to undertake feasibility and site due diligence. The objectives of the feasibility and site due diligence included gaining a better understanding of things like demand, effects, and traffic impacts.

Council initiated a further round of engagement from 30 May to 3 July to share the outcomes of the project feasibility phase and seek community feedback to inform the decision about the next steps for the commuter multideck car parks in Elsternwick and Bentleigh. Feedback showed that while the community acknowledged the need for more car parking, residents were not in favour of the commuter carparks. The outcomes of this consultation process were presented to Council on 30 August 2022.

Councillors noted the feedback received during community consultation and resolved to support a hold point for the project until further guidance was received from the Federal Government regarding the Urban Congestion Fund.

## **ISSUES AND DISCUSSION**

### ***Advice from Federal Government***

On 26 October 2022, Council received communication from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, advising that the Federal Government had made a decision as part of the October 2022-23 Budget to withdraw the funding commitment for the commuter carpark projects in Bentleigh and Elsternwick.

### ***Other Advocacy Opportunities***

Following the Urban Congestion Fund's cancellation, Council will continue to strongly advocate to the Federal Government for more funding for integrated transport and connectivity in Glen Eira as well as essential community infrastructure, such as activity centre carparking, safer cycling and active transport infrastructure, electric vehicle charging infrastructure, or investments in supporting the public realm and perceptions of community safety.

There are major opportunities across the municipality for the Federal Government to work with Council to provide greater accessibility and improved infrastructure for residents through programs like the Infrastructure Investment Program.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Council continue to support and advocacy for the busting of congestion through multiple other measures beyond the construction of commuter carparks, which all aim to reduce the reliance of motor vehicles and therefore reducing the community carbon emissions.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The Federal Government had previously committed funding of \$20.6m under the Urban Congestion Fund, which included an initial \$1million to complete the feasibility phase for the projects. There is no current provision in the Long-Term Financial Plan (LTFP) to construct new multideck carparks for commuters or shoppers in any activity centre in the municipality, and Council has previously given direction that if these carparks were to be constructed, they would be cost neutral.

The table below outlines how much funding Council received for each site, how much was spent and how much remains.

The total year to date spent is \$835,187. The total remaining amount is \$164,813. The remaining amount is required to be returned to the Federal Government.

	<b>Bentleigh</b>	<b>Elsternwick</b>	<b>Total</b>
<b>Fund Allocation</b>	\$500,000	\$500,000	\$1,000,000
<b>FY19/20</b>	\$186,538	\$157,274	\$343,812
<b>FY20/21</b>	\$27,419	\$18,419	\$45,838
<b>FY21/22</b>	\$236,443	\$197,198	\$433,641
<b>FY22/23</b>	\$6,697	\$5,197	\$11,894
<b>Total YTD Spent</b>	\$457,098	\$378,089	\$835,187
<b>Remaining</b>	\$42,902	\$121,911	\$164,813

## POLICY AND LEGISLATIVE IMPLICATIONS

NA

## COMMUNICATION AND ENGAGEMENT

It proposed that Council will formally communicate to the community that the Urban Congestion Fund has been abolished, and therefore the funding no longer remains for the projects to progress. This will be communicated in GE news, the community engagement e-newsletter and the Have Your Say and on the current Glen Eira Council website project page.

## 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 conflict interest in this matter.

## CONCLUSION

Council had previously sought to deliver Multideck Commuter Carparks projects in Bentleigh and Elsternwick via a cost neutral approach, however the abolishment of the Urban Congestion Fund and the confirmation from the Federal Government that the funding will not be available makes this direction unachievable.

With the above in mind, and the low support from the Community following the project feasibility phase it is recommended that Council formally close the Multideck Commuter Carparks projects in Bentleigh and Elsternwick.

### 8.13 APPOINTMENT OF COUNCILLORS TO ADVISORY COMMITTEES AND REVIEW OF THE ADVISORY COMMITTEE TERMS OF REFERENCE

**Author:** Karling Colomiere, Coordinator Councillor Business

**Trim No:** 22/1301038

**Attachments:**

1. Arts and Culture - Terms of Reference [↓](#)
2. CEO Employment Matters - Terms of Reference [↓](#)
3. Citizen of the Year - Terms of Reference [↓](#)
4. Community Engagement - Terms of Reference [↓](#)
5. Community Grants - Terms of Reference [↓](#)
6. Elsternwick Cultural Precinct - Terms of Reference [↓](#)
7. Glen Eira Business and Economy - Terms of Reference [↓](#)
8. Multicultural - Terms of Reference [↓](#)
9. Glen Eira Youth - Terms of Reference [↓](#)
10. Local Laws - Terms of Reference [↓](#)
11. Open Space Sport and Recreation - Terms of Reference [↓](#)
12. Strategic Transport - Terms of Reference [↓](#)
13. Sustainability - Terms of Reference [↓](#)

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#### EXECUTIVE SUMMARY

Council is to appoint Councillors to each of Council's Advisory Committees and as delegates to represent Council on external Committees identified in this report. The Terms of Reference for each Advisory Committee have been reviewed and are attached to this report for Council's consideration.

Each of Council's Advisory Committees has been formed for a specific purpose with the committee then reporting to Council on their actions and with any recommendations requiring a resolution of Council.

Council may consider the purpose of each committee and whether the committee should be continued or revoked.

#### RECOMMENDATION

That Council:

1. appoints Councillors to the External Committees and Council's Advisory Committees as shown in the table listed under the 'Issues and Discussions' section of this report for the 2022/23 Council year; and
2. endorses the Terms of Reference attached to this report for each of the Council's Advisory Committees.

#### BACKGROUND

Council's Advisory Committees have been formed for the purpose of investigating and discussing specific topics that fall within their Terms of Reference and role of the committee.

The committees have no delegated decision-making authority but can refer matters to Council for consideration.

The Audit & Risk Committee was established in accordance with the new *Local Government Act 2020* and is no longer an Advisory Committee of Council. It has no delegated decision-making authority but can refer matters to Council for consideration.

The Councillor appointments to the external committees allow Council to have a delegated representative to attend meetings and represent Council.

The Glen Eira Community Safety Committee is also not an advisory committee of Council, however representation from Council, Victoria Police, government stakeholders and community organisations, work in partnership to make Glen Eira a safe and inclusive place.

Information on each of the Advisory Committee's meeting schedules where possible, has been provided to assist Councillors when considering which committee(s) they would like to be appointed to and to consider their ability to attend the meetings.

## ISSUES AND DISCUSSION

<u>External Committees</u>	<u>2021-2022 Current Appointment</u>	<u>2022-2023 Proposed Appointments</u>
<i>Municipal Association of Victoria (MAV)</i>	- Cr Cade - Cr Esakoff (substitute)	- Cr Zmood - Cr Esakoff (substitute)
<i>Metropolitan Transport Forum (MTF)</i>	- Cr Athanasopoulos - Cr Zyngier (substitute)	- Cr Zyngier - Cr Athanasopoulos (substitute)
<i>Eastern Alliance for Greenhouse Action (EAGA)</i>	- Cr Zyngier - Cr Zmood (substitute)	- Cr Zmood - Cr Zyngier(substitute)
<i>Local Government Working Group on Gambling (LWGOG)</i>	- Cr Zyngier	- Cr Zyngier - Cr Esakoff (substitute)
<i>VLGA (Victorian Local Government Association)</i>	- Not applicable	- To be confirmed
<u>Other Committees</u>	<u>2021-2022 Current Appointment</u>	<u>2022-2023 Proposed Appointment</u>
<i>Audit and Risk Committee</i>	- Cr Esakoff - Cr Parasol - Cr Pennicuik (substitute) - Mayor Cr Magee (substitute)	- Cr Magee - Cr Pennicuik - Cr Parasol (substitute) - Cr Zmood (substitute)
<i>Community Safety Committee</i>	- Cr Esakoff - Cr Cade - Cr Parasol	- Cr Esakoff - Cr Cade - Cr Parasol

<u>Advisory Committees</u>	<u>2021-2022 Current Appointment</u>	<u>2022-2023 Proposed Appointment</u>
<i>Arts and Culture Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Esakoff</li> <li>- Cr Zhang</li> <li>- Cr Parasol</li> <li>- Cr Cade</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Esakoff</li> <li>- Cr Zhang</li> <li>- Cr Parasol</li> <li>- Cr Cade</li> </ul>
<i>CEO Employment Matters Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Mayor Cr Magee</li> <li>- Cr Esakoff</li> <li>- Cr Zmood</li> <li>- Cr Athanasopoulos</li> </ul>	<ul style="list-style-type: none"> <li>- Mayor (to be determined)</li> <li>- Cr Magee</li> <li>- Cr Zmood</li> <li>- Cr Athanasopoulos</li> </ul>
<i>Citizen of the Year Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Mayor Cr Magee</li> <li>- Cr Cade</li> <li>- Cr Pennicuik</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Magee</li> <li>- Cr Cade</li> <li>- Cr Pennicuik</li> </ul>
<i>Community Engagement Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Zyngier</li> <li>- Cr Athanasopoulos</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Zyngier</li> <li>- Cr Athanasopoulos</li> </ul>
<i>Community Grants Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Zhang</li> <li>- Cr Parasol</li> <li>- Cr Pennicuik</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zhang</li> <li>- Cr Parasol</li> <li>- Cr Pennicuik</li> </ul>
<i>Elsternwick Cultural Precinct Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Athanasopoulos</li> <li>- Cr Cade</li> <li>- Cr Parasol</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Athanasopoulos</li> <li>- Cr Cade</li> <li>- Cr Parasol</li> </ul>
<i>Glen Eira Business and Economy Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Cade</li> <li>- Cr Parasol</li> <li>- Cr Esakoff</li> <li>- Cr Athanasopoulos</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Cade</li> <li>- Cr Parasol</li> <li>- Cr Athanasopoulos</li> </ul>
<i>Glen Eira Youth Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Zhang</li> <li>- Cr Athanasopoulos</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Zhang</li> <li>- Cr Athanasopoulos</li> </ul>
<i>Local Laws Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Cade</li> <li>- Cr Esakoff</li> <li>- Cr Pennicuik</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Cade</li> <li>- Cr Esakoff</li> <li>- Cr Pennicuik</li> </ul>
<i>Open Space, Sports and Recreation Advisory Committee</i>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Parasol</li> <li>- Cr Athanasopoulos</li> <li>- Mayor Cr Magee</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Parasol</li> <li>- Cr Athanasopoulos</li> <li>- Cr Magee</li> </ul>

<p><i>Strategic Transport Advisory Committee</i></p>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Zmood</li> <li>- Cr Athanasopoulos</li> <li>- Mayor Cr Magee</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Pennicuik</li> <li>- Cr Zmood</li> <li>- Cr Zhang</li> </ul>
<p><i>Sustainability Advisory Committee</i></p>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Zhang</li> <li>- Cr Zyngier</li> <li>- Cr Pennicuik</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zmood</li> <li>- Cr Zhang</li> <li>- Cr Zyngier</li> <li>- Cr Pennicuik</li> </ul>
<p><i>Glen Eira Multicultural Advisory Committee</i></p>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Zhang</li> <li>- Cr Athanasopoulos</li> <li>- Cr Zmood</li> </ul>	<ul style="list-style-type: none"> <li>- Cr Zyngier</li> <li>- Cr Zhang</li> <li>- Cr Athanasopoulos</li> <li>- Cr Zmood</li> </ul>

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The committees will consider the actions and objectives of the ‘*Our Climate Emergency Strategy*’ where relevant and when providing recommendations to Council.

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

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

**POLICY AND LEGISLATIVE IMPLICATIONS**

The *Local Government Act 2020*, Local Government (Governance and Integrity) Regulations 2020, Glen Eira City Council Governance Rules and *Public Transparency Policy* and any other Act or Regulation should be referred to in relation to any work considered by the Committees.

**COMMUNICATION AND ENGAGEMENT**

There was no external communication and engagement associated with this report.

**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 conflict interest in this matter.

**CONCLUSION**

It is recommended Councillors are appointed to the External Committees, Advisory Committees, Audit & Risk Committee and Community Safety Committee and endorse the Terms of Reference for each Advisory Committee as attached to the report.




































































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**8.14 FINANCIAL MANAGEMENT REPORT (31 OCTOBER 2022)**

**Author:** Alon Milstein, Financial Accountant

**Trim No:** 22/1300702

**Attachments:** 1. [October 2022 Financial Mgt Report](#) 

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with the Financial Management Report for the period ending 31 October 2022. The report is designed to identify and explain major variances at an organisational level and is provided in Attachment 1.

While 'business as usual' is slowly returning to Council operations, the financial impact of the last few years will continue to flow through to future years. It is expected that it will take some time for Council's income streams to return to pre-Covid levels. Council continues to monitor the financial and non-financial impacts due to the amount of uncertainty caused by the pandemic.

Importantly however, Covid is not the only factor now impacting Council's financial situation. The war in Ukraine, construction escalations, increased interest rates and unanticipated cost of living increases are all pointing to an increasing escalation in the level of financial and economic risk for Council. The situation is dynamic and unpredictable, resulting in an increase in risk rating of this strategic risk from medium to high.

Our *Long-Term Financial Plan* adopted in June 2022 was based on current knowledge of the potential impacts that Covid has had on Council's finances. Some of the Victorian Auditor-General's financial sustainability indicators will highlight medium to high levels of risk around Council's operating deficit, liquidity position and borrowing capacity.

**RECOMMENDATION**

That Council notes the Financial Management Report for the period ending 31 October 2022.

**BACKGROUND**

The report includes a comparison of year-to-date actual income and expenditure with budgeted year-to-date and forecast to June 2023 and other information for the current financial year. This report also provides a review of the Capital Works Program, Cash Flow, Rate Debtors and Victorian Auditor-General's Office Financial Sustainability Indicators.

**ISSUES AND DISCUSSION****(a) Key Highlights - Current Financial Position**

The forecast result expected for the financial year is a surplus of \$5.26m compared with the budget of \$1.81m. Please note that it is anticipated that both the revenue and expenditure forecast will realign with the adopted budget by the end of the financial year. Key highlights for the period ending 31 October 2022 include:

Key Highlights	September 2022	October 2022	Movement	Comments
	\$ 000's	\$ 000's	\$ 000's	
Forecast Surplus / (Deficit)	5,050	5,264	214	Increase due to minor forecast adjustments across operating income and expenditure. Refer to the Financial Management Report for details.
Forecast Cash Holdings	44,449	45,413	964	Forecast cash holdings have increased slightly compared to the previous month due to increased inflows.
Forecast Liquidity	95.49%	95.69%	0.20%	Forecast liquidity has increased due to increased inflows.
Forecast Capital Works	69,676	69,716	40	\$40k additional funding for Senior Citizen Centres entrance door upgrades project.

### (b) Open Space

Council recently acquired 10 Ames Avenue, Carnegie. The property, together with the site of the now closed Rosstown Community Aged Care Facility, also on Ames Avenue, will be converted to provide additional outdoor recreation and social facilities, and increased planting of trees and vegetation. Together, these properties have a total area of 4,068 square metres, just over an acre, similar in size to Gardenvale Park. Community consultation on design will commence in the coming weeks.

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The Financial Management Report takes into consideration Council's initiatives and strategies that respond to the climate emergency, work towards emissions reduction targets and increase awareness of sustainability issues.

In this context, Council continues to prioritise initiatives that contribute to our overall goal of net zero corporate emissions by 2025 and net zero community emissions by 2030. This includes investment in open space, tree canopy and other greening initiatives, circular economy, energy efficiency, and environmentally sustainable design.

### 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 lower than current levels;
- Mitigate risks to our community and local economy arising from the impact of the COVID-19 pandemic and 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; and
- Keep day-to-day costs manageable and rates per assessment low, relative to our peers.

### POLICY AND LEGISLATIVE IMPLICATIONS

- *Glen Eira Council Long-Term Financial Plan 2022–23 to 2031–32*

- *Glen Eira Council Revenue and Rating Plan 2022-23 to 2025-26*
- *Glen Eira Council Community Plan 2021-25*
- *Glen Eira Council Integrated Planning and Reporting Framework*
- *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**

Council must continue to carefully manage its finances and use innovation and continuous improvement measures to ensure that services are the most efficient and cost-effective that can be provided.

Council will continue to monitor the shift in risk associated with the broader economic context and its implications for Council's long term financial sustainability.





































**8.15 SAFE CYCLING CORRIDOR - INKERMAN ROAD**

**Author:** Tom Haysom, Coordinator City Transport and Place Design

**Trim No:** 22/1276145

- Attachments:**
1. Stage 2 Corridor Design Report [↓](#)
  2. Option 1 Concept Design [↓](#)
  3. Option 2 Concept Design [↓](#)
  4. Independent Cycling Demand Estimate [↓](#)
  5. Independent Emissions Analysis [↓](#)
  6. Gender Impact Assessment [↓](#)
  7. Independent Safe System Assessment [↓](#)
  8. Independent Safety Review [↓](#)
  9. Traffic Impact Assessment Report [↓](#)
  10. Stage 1 Corridor Report [↓](#)
  11. Inkerman Road Engagement Outcomes Report (Redacted) [↓](#)
  12. CoPP and GECC Section 1 Report (Co-Design) [↓](#)

**EXECUTIVE SUMMARY**

Two cycling corridor design options for the Inkerman Road corridor have been prepared and assessed:

- Option 1: One-way traffic with protected bi-directional bicycle lanes with parking on both sides (Attachment 2).
- Option 2: Two-way traffic with protected bi-directional bicycle lanes with parking on one side (Attachment 3).



Figure 1: Corridor Option 1

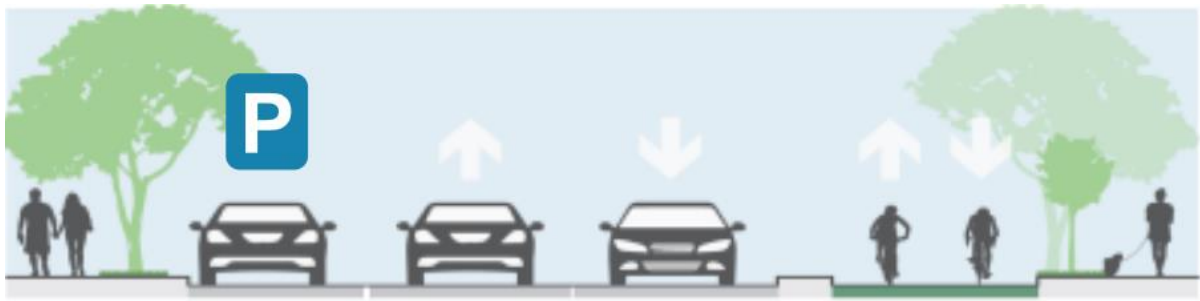


Figure 2: Corridor Option 2

Based on the criteria assessment undertaken for both designs, both Option 1 and Option 2 score better than the existing conditions. However, it should be noted that Option 1 to date has no in-principle support from the Department of Transport and would present a significant

approvals risk to proceed. Given this, Option 2 is considered to result in the best project outcome, however presents significant cost barriers.

The above design options have been prepared with the accompanying design report (Attachment 1) which details the design process of preparing the two Corridor Options.

The following assessments have been undertaken to determine the best and most feasible outcome for the corridor:

- Corridor Design Report – including an on-street car parking assessment (Attachment 1).  
This report details the design development process of preparing the two Corridor Options and details issues and responses relating to the key themes of safety, impact on the neighbourhood and feasibility of construction. It also includes an on-street car parking assessment, with the key findings:
  - Option 1 with one-way traffic will have less impact to on-street parking as parking is retained on both sides of the corridor (458 spaces, 80% parking retained)
  - Corridor Option 2, all on-street parking is lost on the south side of the road to retain two traffic lanes (267 spaces, 47% parking retained)

- An independent cycling demand estimate (Attachment 4)  
A cycling demand estimate study was undertaken to help predict the extent of cycling demand should the project be constructed. The report concluded that while “*estimating cycling demand is exceptionally difficult*” between 300-500 riders a day can be expected, with the likelihood that demand will fall towards the upper end of the range though the construction of protected bicycle lanes. This would represent a daily increase in cycling on Inkerman Road of between 84-207% on pre-pandemic (2019) levels.

Based on comparable cycling projects, the report estimated that the proportion of riders using a new cycling project that would otherwise have driven a car would be expected to average around 6-8%.

- An independent emissions analysis (Attachment 5)  
An independent emissions analysis was undertaken to assess the environmental implications of the proposed cycling corridor options. The analysis considered the emissions saved by a modal shift from car and public transport trips to cycling, whilst accounting for the construction emissions for the project.

Based on this analysis, installation of Option 1 or Option 2 would be environmentally beneficial over its life. It could contribute to reducing Glen Eira’s total transport emissions by 0.01%, an impact that can be scaled up with further establishment of dedicated cycle paths and lanes as envisioned in the Integrated Transport Strategy (ITS).

- A Gender Impact Assessment (Attachment 6)  
The Gender Equality Act 2020 requires Glen Eira City Council to undertake a gender impact assessment for services that directly and significantly impact the public. A Gender Impact Assessment (GIA) was prepared to understand the impact the proposed design options (including maintaining existing conditions) would have on men, women and gender diverse people. The GIA determined that the overall gender impact of both design Options 1 and 2 was positive compared to existing conditions.

However, Option 1 is considered preferred of the two options given it retains more parking.

- An independent Safe System Assessment (Attachment 7)  
An early safety assessment was undertaken to ensure the design options were applying road safety principles that would improve the safety all for all road users and that they were appropriate to continue further design. Key findings were that both Option 1 and Option 2 were better aligned with an overall safer outcome for all road users, compared to the existing conditions.
- An independent Safety Review (Attachment 8)  
A more detailed safety assessment was undertaken on established concept designs to measure the overall improvement (or decline) in safety for the various road users when compared to existing conditions. Key findings were as follows:
  - Both design options result in a safer outcome for all road users combined compared to existing conditions.
  - Corridor Option 2 results in a safer bicycle and vehicle outcome compared to Corridor Option 1.
  - Corridor Option 2 outcomes for pedestrians were assessed as slightly poorer than Corridor Option 1 (but still better than existing) due to fewer raised pedestrian crossing opportunities.
  - Corridor Option 1 was assessed as having poorer safety outcomes for vehicles compared to existing conditions.
- A Traffic Network Impact Assessment (Attachment 9)  
To minimise the loss of on-street parking, officers explored the feasibility of altering Inkerman Road to be one-way for vehicle movements between Normanby Road and Orrong Road.

The analysis concludes that a one-way option is very difficult to achieve due to the broader traffic distribution impacts across the road network, particularly impacts on trams on Balaclava Road. This is reflected in the absence of in-principle support from the DoT on any of the one-way options proposed for the Inkerman Road corridor. To proceed with this option would require the mitigation of these impacts and, as a result, carries a significant approval risk to proceed further.

For Option 2, limited traffic modelling has been undertaken. It is however recognised that Option 2 may also displace some traffic demand due reduction of turn lanes at intersections and less efficient signal operations for traffic movement which would have a smaller pattern of impact on public transport performance in the surrounding area, albeit to a much lesser extent than Option 1.

If Option 2 was to proceed to further detailed design, future modelling and assessment would need to be undertaken in consultation with DoT, with respect to wider network objectives and performance as opposed to in isolation as a traffic performance exercise. Following consideration of the design options, the DoT has given in-principle support to design Option 2.

- Independent costings for construction  
Cost estimates have been prepared for both corridor options. The total construction cost of the project is estimated at \$14 million for either corridor option. While the total cost of actual works for either option is estimated at \$6 million, given the volatility that

the building and construction industry has seen over the last two to three years, and uncontrollable cost escalations as a result of shortages of contractors, competition from major State projects, and disruption to supply chains as a result of COVID and war in the Ukraine, along with staging, traffic management, contingency and indirect costs, a cost contingency of 20% has been included to give a conservative estimate.

A more detailed summary and findings of each of the above assessments are included within this report, with each assessment report also attached for additional detail.

Additionally, the designs were informed via a co-design process with the following three key stakeholder groups:

- Community Reference Group (CRG)
- Strategic Transport Advisory Committee (STAC)
- Technical Advisory Group (TAG) (STAC, CRG, TAG)

This focused stakeholder engagement was undertaken to ensure that the development of the Corridor Plan reflects the community's values and priorities. Feedback and advice on potential issues and opportunities were used to inform the designs. More detail on how feedback was used to inform the design is summarised within this report and provided in the attached Engagement Outcomes Report (attachment 11), including design responses to each suggestion provided during the design workshops.

From the design, assessments, reviews and focused engagement undertaken, Option 2 demonstrates that a safe strategic cycling corridor can be achieved and is presented as the preferred design for the purpose of community consultation.

A decision to proceed to community consultation acknowledges the financial commitment required to deliver the project. The decision to proceed to construction would come through a further resolution of Council, following community consultation. It is recommended that no further design work or community consultation commence without a commitment to fund the project.

## **RECOMMENDATION**

That Council:

1. Adopts Option 2 (Attachment 3) as the preferred corridor design for the purpose of community consultation, once the following pre-conditions have been met:
  - a) Funding to deliver the project is confirmed through Council's future budget allocation process.
  - b) The City of Port Phillip resolves to proceed to wider community engagement on its section of Inkerman Road / Street.
2. No further design work and/or community consultation is to commence until pre-condition a) and b) have been met.
3. Informs community and stakeholders of Council's resolution.

### BACKGROUND

The population of Glen Eira is projected to increase by approximately 30,000 people by 2036, meaning around 20,880 more cars on our roads if current usage and ownership rates continue.

To address this, Council adopted a multi-faceted *Integrated Transport Strategy* in 2018 to find ways of encouraging the community to use different modes of transport other than driving, for the benefit of all.

One action in the *Strategy* is to conduct a *pilot* for a safe cycling route. The aim is to provide a safer alternative for those who wish to ride.

The *Integrated Transport Strategy* identified Inkerman Road as a potential key cycling corridor with strategic opportunity, being 11km from the CBD and linking the bicycle path under the Dandenong elevated rail line (Djerring trail). This was further strengthened with the proposal from the State Government to construct a separated bicycle lane on St Kilda Road (northwards from Carlisle Street). The route also aligns with the City of Port Phillip’s identification of Inkerman Street as a proposed cycling corridor in its *Integrated Transport Strategy* — enabling a fully connected corridor.

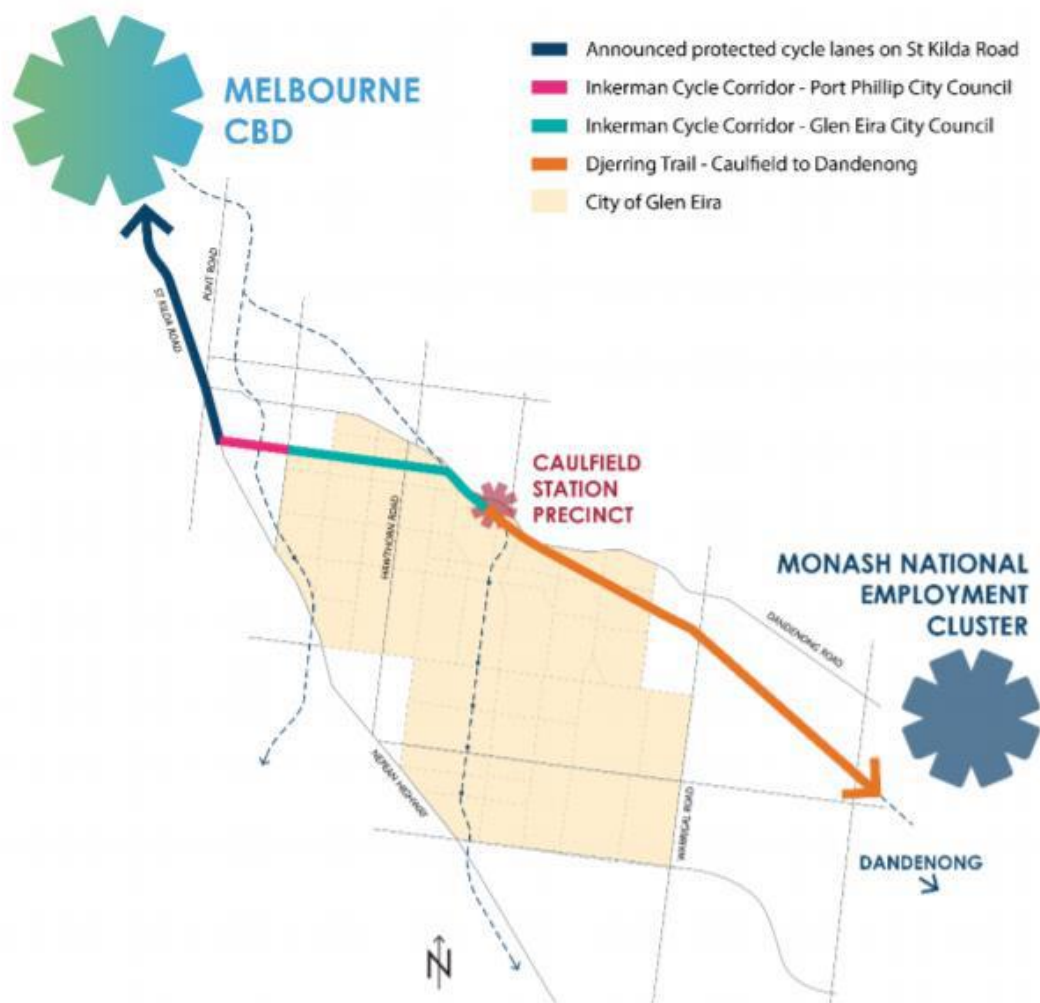


Figure 1: Inkerman Road Safe Cycling Corridor Network

After engagement with the community in early 2019, Council expanded its analysis to consider a route along Dandenong Road and routes that also involved Alma Road. A *Corridor Assessment Report* was developed that included four different route options for the safe cycling corridor. This report was released for community feedback over a six-week period.

After considering community feedback, the *Corridor Assessment Report* and an *Assessment of Routes* report, Council endorsed the following resolution at the Ordinary Council Meeting on 17 December 2019:

*That Council*

- *selects the Inkerman Road route as the preferred route for detailed design and exploration; and*
- *will receive a further report at the conclusion of the development of the Corridor Plan. The report will contain details of a functional layout, indicative costings, and outline how community concerns have been able to be addressed through the design process. No construction will occur without a further resolution of the Council.*

Following this resolution, officers worked with key stakeholders and established a Community Reference Group (CRG) to identify priority road scenarios to be further explored in the development of a Corridor Plan.

There are numerous road scenario designs that can incorporate a bike lane. These designs are dependent on several factors including road width, road type, speed and surrounding land uses. Chapter 3 of the corridor assessment report outlines the road designs that can incorporate a bike lane that could fit within the road corridor. In addition, a commitment was made that scenarios which require the removal of all parking or impacts on existing nature strips including the removal of a significant number of trees, are not considered.

This has ruled out several common bike lane designs including the ‘Copenhagen bike lane’ design, which provides protected bike lanes on each side of the road. However, this particular design does not fit within the confined road corridor and does not provide for the retention of some on-street parking.



Figure 2: Road Scenarios not considered for Inkerman Road - Corridor Assessment Report (page 68)

The Stage 1 report (Attachment 10) assessed five different ‘Road Scenarios’ which could be applied along the Inkerman Road corridor. All five options were considered through a design appraisal and stakeholder community engagement.

Considering the above, further consultation with the CRG and Council’s STAC was then undertaken to determine which two corridor options should be further explored via designs of functional layout plans. A summary of this consultation is contained in the Engagement Summary report (Attachment 11). Based on this consultation and with consideration of what road designs would most likely be achievable (from feasibility, cost, and impact to the community perspective), the following two corridor options proceeded to concept design:



Figure 3: Corridor Option 1

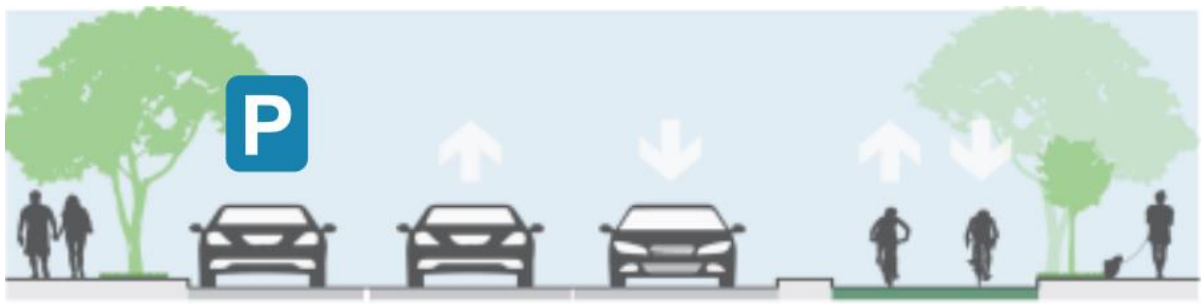


Figure 4: Corridor Option 2

Both the above road scenarios fit the kerb-to-kerb alignment of Inkerman Road (noting that the most constrained section of the corridor in Glen Eira is only 12m in width). They avoid the loss of significant trees and also retain 47-80% of on-street car parking, (depending on design option).

However, from April 2020, due to the impact of the COVID-19 pandemic and the inability to consult with the CRG and wider community, further consultation and final development of functional layout plans were put on hold. Due to the significant delay and re-prioritisation of Council’s strategic resource plan to prioritise COVID recovery, a report was put to Council on 27 April 2021. Its purpose was to seek Council’s consideration of whether to proceed with the design process for the project. Council endorsed the following resolution:

*That Council:*

1. *proceeds with the detailed design for the Inkerman Road Safe Cycling Corridor project as outlined in the 17 December 2019 Council resolution;*
2. *requests officers consult with the Community Reference Group and Technical*

- Reference Group to assist in developing a preferred corridor design;*
3. *requests Officers explore how best to address community concerns regarding parking, safety, accessibility and amenity where possible through the detailed design process;*
  4. *requests the tabling of a further report on the preferred corridor design for Council consideration, including indicative costings and how community concerns were able to be addressed through the design process. No construction will occur without a further resolution of the Council.*

The following section of this report details the development of two designs for the Inkerman Road Safe Cycling Corridor and explores their impact on parking, safety, accessibility, and amenity.

## **ISSUES AND DISCUSSION**

### **Design Process Summary:**

The development of the Inkerman Road Corridor designs has been led by Council officers and assisted by engineering design consultants Arup, with continued input and support of a Community Reference Group (CRG), Technical Advisory Group (CRG), and Strategic Transport Advisory Group (STAC).

The process of developing co-designed corridor options has included iterative feedback loops over time. The aim has been to develop an understanding of relative performance with key stakeholder groups, and an appreciation for the differences between them. Local input has been sought to both optimise the design (for example, understanding community needs for crossing points) as well as understanding concerns over how each option would affect the street environment and the end user.

This process has culminated in two corridor designs that can be presented to Council to seek a decision on proceeding further with the project or otherwise.

A summary of the design process undertaken is outlined below:

#### **1.1. Identification of Priority Road Scenarios**

A desktop review of all background data and reports prepared to date was undertaken to assess and prioritise the different road scenario design options to implement a Safe Cycling Corridor on Inkerman Road.

This analysis focused on the three criteria identified in the Corridor Assessment Report to provide a safe environment for cyclists, minimise impacts on the neighbourhood and being feasible for construction.

Five road scenario design options were identified that would fit within the existing kerb to kerb width of the road and would retain car parking on at least one side of the road.

These road scenarios were presented to the CRG, STAC and TAG for discussion. A further one-way road scenario was added for consideration following the meeting with the CRG. A summary of this consultation is contained in the engagement outcomes report (Attachment 11).

Additionally, officers met with local traders along Inkerman Road to discuss the scenarios and how each would affect them.

#### **1.2 Preliminary Draft Corridor Plan**

These two corridor design options have proceeded to concept design:

- Option 1: One-way traffic with protected bi-directional bicycle lanes with parking on both sides (Attachment 2).
- Option 2: Two-way traffic with protected bi-directional bicycle lanes with parking on one side (Attachment 3).

The designs prepared for each option allowed officers to assess impacts on on-street parking, identify opportunities to reinstate on-street parking, and identify opportunities for activation/place-making spaces along the corridor to improve the local street amenity.

The draft corridor designs were presented to the CRG and STAC to seek feedback on the impact on the neighbourhood, safety, and feasibility. The draft corridor designs were reviewed on a technical basis by the TAG. A summary of this consultation is contained in the engagement outcomes report (Attachment 11).

Feedback from these meetings was considered in refining the draft Corridor Plans (Attachment 11).

### **1.3 Technical analysis of the draft Corridor Plans**

The draft Corridor Plans were provided to various technical experts to undertake assessments of different aspects of the corridor plan to guarantee that they comply with relevant standards, are feasible for implementation, and achieve Council's strategic goals. These assessments include:

- Corridor Design Report – including an on-street car parking assessment.
- An independent Cycling Demand Estimate
- An independent Emissions Analysis
- Gender Impact Assessment
- Safe System Assessment
- An independent Safety Assessment
- Traffic Impact Assessment; and
- Independent costings for construction

The following section of this report will detail the outcome of these assessments.

### **Design Options**

As detailed above, the two corridor options that progressed to full corridor concept design were:

- Option 1: One-way traffic with protected bi-directional bicycle lanes with parking on both sides
- Option 2: Two-way traffic with protected bi-directional bicycle lanes with parking on one side

The bi-directional bicycle lane is on the south side of Inkerman Road in both options as there are fewer vehicle crossovers and side streets, meaning less cycling conflict points overall.

This is largely attributable to Caulfield Park, and by keeping the facility on the south side across the entire corridor maintains continuity.

In Option 2, parking is provided on the opposite side of the bicycle path, to maximise sight lines and reduce car door conflicts. This results in parking being available on the same side

as residential premises alongside Caulfield Park, and other key places on the north side such as the Caulfield Hebrew Congregation and Lenny's store.

These 2 corridor options were considered to have the best possible chance to succeed and be accepted by Council and DoT.

## Design Assessments

The development of these two corridor designs has allowed officers to assess the designs based on three key themes including safety, impact to neighbourhood, and feasibility. Several reports have been prepared to address key questions of these themes.

These assessments include:

- A Corridor Design Report – including an on-street car parking assessment (attachment 1).
- An independent Cycling Demand Estimate (attachment 4).
- An independent Emissions Analysis (attachment 5).
- A Gender Impact Assessment (attachment 6).
- An independent Safe System Assessment (attachment 7)
- An independent Safety Assessment (attachment 8)
- A Traffic Network Impact Assessment (attachment 9)
- Independent costings for construction

The following section of this report will detail the outcome of these assessments for the purpose of illustrating key differences between the options.

### Corridor Design Report

A Corridor Design Report has been prepared which details the design development process of preparing the two Corridor Options. The report (attachment 1) outlines key design features for each option, these include:

- Pedestrian crossings (design and locations)
- Design speeds (40km/h)
- Location of bike lane
- Land widths and buffers
- Side road treatments
- Driveway access
- Separation to traffic at mid-block locations
- Traffic signal operation / bicycle signals
- Intersection treatments
- Normanby Road tram stop interface
- Signage and line-marking
- Waste collection and emergency access

The report also details issues and responses relating to the key themes of safety, impact on the neighbourhood, and feasibility of construction.

**Car parking assessment**

The Design Report includes a car parking assessment (attachment 1). To inform the assessment, existing parking demand was surveyed by OneMileGrid on Friday 24 May, Saturday 25 May and Tuesday 28 May 2019. The peak occupancy over the day for each section was recorded, with the busiest day Friday 24 May used to calculate utilisation (demand/supply) to represent the worst-case parking scenario. Figure 5 illustrates the existing parking supply and Figure 6 illustrates the parking utilisation documented on Friday 24 May.



Figure 5: Existing Parking Supply

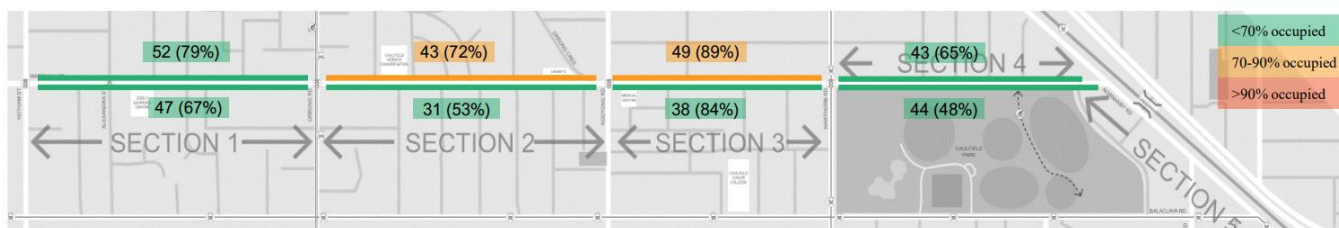


Figure 6: Parking Utilisation

The future car parking supply for each Corridor Option is shown in Figures 7 and 8. In some instances, a small increase in parking is shown due to reduction of keep clear lengths and extension of parking areas closer to intersecting streets, largely enabled by reducing the corridor speed to 40km/h (this is reflected in the below diagram with some sections being over 100% in future car parking supply, as more parking than the existing supply is added).

Parking impacts to sections 1 and 5 are identical for both Corridor Options. Corridor Option 1 with one-way traffic will have less impact to on-street parking in sections 2-4 as parking is retained on both sides of the traffic lane (overall 458 spaces, 80% parking retained). For Corridor Option 2, all on-street parking is lost on the south side of the road to retain two traffic lanes (overall 267 spaces, 47% retained).



Figure 7: Option 1 Future Car Parking Supply (# of spaces and % retained)



Figure 8: Option 2 Future Car Parking Supply (# of spaces and % retained)

The predicted difference between the demand and future supply of on-street supply for each option is illustrated in Figure 9 and Figure 10. A positive number indicates that future supply continues to exceed demand given there is currently some spare capacity. A negative number indicates a shortfall of parking. Sections with negative values could experience parking overspill, with some demand migrating into adjacent side streets.



Figure 9: Option 1 Difference between future parking supply and existing peak demand



Figure 10: Option 2 Difference between future parking supply and existing peak demand

The analysis presented in Figure 9 and Figure 10 above assumed no change in parking behaviour. However, it is expected that some mode shift change in travel behaviours (including increased uptake of on-site parking) could occur over time and have a downwards effect on the existing parking demands.

Table 1 presents the potential changes to parking along the corridor for each option. A conservative approach has been adopted for the Corridor Plan, generally assuming existing no stopping extents. However, in future design stages, sight distance assessments could be carried out with a view to adding more parking.

Section	Option 1		Option 2	
	Change to available parking	Excess (+)/shortfall (-) of parking spaces based on peak demand	Change to available parking	Excess (+)/shortfall (-) of parking spaces based on peak demand
Hotham St – Orrong Rd	-100	-63	-100	-63

<b>Orrong Rd – Kooyong Rd</b>	-1	+43	-56	-12
<b>Kooyong Rd – Hawthorn Rd</b>	-5	+8	-45	-32
<b>Hawthorn Rd – Normanby Rd</b>	+12	+83	-84	-13
<b>Normanby Rd (Inkerman Rd – Balaclava – Smith St)</b>	-17	N/A	-17	N/A
<b>Overall</b>	<b>-111</b>	<b>+71</b>	<b>-302</b>	<b>-120</b>

Table 1: Parking by section of Corridor for each option

Option 1 results in a far reduced impact (and in some sections a positive addition) to on-street parking than option 2. However, the car parking assessment notes for both options, that given the shortfall of parking demand could be spread across a number of different side roads, the total impact of this dispersion would need to be assessed at any further design stage.

### Cycling Demand Estimate

A cycling demand estimate study was undertaken (attachment 4) to help predict the extent of cycling demand should the project be constructed. The study was conducted in conjunction with the City of Port Phillip (CoPP) and broken into two sections, west of Hotham Street (CoPP section) and east of Hotham Street (Glen Eira section).

Two empirical methods were used to estimate the likely magnitude of cycling demand should the project be constructed:

1. Comparison method: analysis of observed counts from similar cycling projects in Victoria, Queensland and Western Australia.
2. Uplift factors: current demand along Inkerman Street is expanded by uplift factors derived from intercept surveys of bicycle riders at completed cycling projects across Australia.

The comparison method suggested demand could be around 900 riders on an average weekday, while the uplift method suggested demand closer to 500 riders per day towards the (busier) western end of Inkerman Street to the west of Hotham Street. Currently, the average daily cycling volume of the Glen Eira section of Inkerman Road is 163 riders.

In terms of the Glen Eira section, the demand estimate concluded that while “*estimating cycling demand is exceptionally difficult*” a range of between 300-500 riders a day can be expected, with the likelihood that demand will fall towards the upper end of the range though the construction of protected bicycle lanes (compared to un-protected buffered bicycle lanes) and if complementary actions such as high-quality connections to the Djerring Trail and St Kilda Road are incorporated. This would represent a daily increase in cycling on Inkerman Road of between 84-207% on pre-pandemic (2019) levels.

Based on comparable cycling projects, the report estimated that the proportion of riders using a new cycling project that would otherwise have driven a car would be expected to average around 6-8%.

### Environmental Assessment

An independent Emissions Analysis was undertaken (attachment 5) to assess the environmental implications of the proposed cycling corridor options.

The analysis considered the emissions saved by a modal shift from car and public transport trips to cycling, whilst accounting for the construction emissions of a kerbside barrier between the bike path and the vehicular traffic.

The results of the emissions analysis on the proposed cycle path for Glen Eira City Council are presented in Table 5. This indicates that the installation of the path would reduce emissions by 15 t CO<sub>2</sub>-e per year, offsetting all embodied emissions from its construction in just over three years. As road construction elements typically have a life expectancy of over 20 years, this will result in net emissions savings of over 250 t CO<sub>2</sub>e.

Emissions	Quantity
Emissions saved per week	290 kg CO <sub>2</sub> -e
Emissions saved per year	15 t CO <sub>2</sub> -e
Embodied emissions of barrier construction	48 t CO <sub>2</sub> -e

**Table 5: Emissions analysis results**

Based on this analysis, installation of Option 1 or Option 2 would be environmentally beneficial over its life. It could contribute to reducing Glen Eira's total transport emissions by 0.01%, an impact that can be scaled up with further establishment of dedicated cycle paths and lanes as envisioned in the ITS.

### Gender Impact Assessment

The Gender Equality Act 2020 requires Glen Eira City Council to undertake a gender impact assessment for services that directly and significantly impact the public.

A Gender Impact Assessment (GIA) (attachment 6) was prepared to understand the impact the proposed design options (including maintaining existing conditions) would have on men, women and gender diverse people. The GIA determined that the overall gender impact of both design options 1 and 2 is positive compared to existing conditions. However, Option 1 is considered preferred of the 2 options given it retains more parking.

Overall introducing a safe cycling facility along Inkerman Road is considered beneficial to gender equity. Women are more likely to feel unsafe cycling on a road without cycling infrastructure than men. Introducing separated cycling facility will increase opportunities for women to engage in cycling.

The evidence within GIA concludes that Option 1 is considered the preferred option from a gender impact perspective. This is because it provides a separated cycling facility and maintains more parking than Option 2. The GIA details that women may be more negatively impacted by parking loss if this means they need to walk further from their vehicles to their homes or place they are visiting (due to safety concerns, particularly at night). This can also be applied to the elderly and those with a disability. Additionally, the GIA notes that historically there has been a correlation with gender and care giving roles, which means women may also be more impacted by having to park further away for example, if they are travelling with young children, prams, buggies and groceries. However, both Option 1 and Option 2 are considered to have a positive gender impact outcome compared to existing conditions. A program to monitor and evaluate the outcome will be prepared if the project proceeds to detailed design and construction.

**Corridor Safety Assessments**

Early Safe System Assessment (SSA)

A Safe System Assessment (SSA) is a tool that has been developed to provide a measure of the extent to which a road infrastructure project aligns with Safe System principles which have the ultimate objective of eliminating fatal and serious injuries from crashes on the road network. An SSA is carried out by a specialist, independent and qualified team that considers each of the core components of the Safe System.

An SSA was undertaken on the two design options at an early stage in the design process and compared against the existing conditions to ensure the design options were applying road safety principles that would improve the safety all for all road users and that they were appropriate to continue further design.

The Safe System Matrix score is the sum of scores determined for seven major crash types for each of the options, summarised in the table below, noting the lower the score, the better alignment with Safe System principles. We aim to move Towards Zero.



	Option	Safe System Alignment Score
	Existing Conditions	192.5 / 448
	Design Option 1 	106.5 / 448
	Design Option 2 	112.5 / 448

Table 2: Safe System Assessment Alignment Score

The results show that both design options are better aligned with Safe System principles, compared to the existing conditions. This is primarily attributed to the dedicated bi-directional cycle path along the entire route (which significantly improves cyclist safety) and the reduced 40km/h speed limit (which reduces the likelihood and severity of all crash types) along the entire route. In addition, the proposed activation spaces along Inkerman Road improve pedestrian safety (by providing priority or low speed crossing points) and act as traffic calming along the route.

Design Option 1 has a better (lower) score than Design Option 2 because of the one-way traffic arrangement along the length of Inkerman Road, which results in fewer conflict points along the route. As a result, Design Option 1 has the best alignment with Safe System principles, followed by Design Option 2. The existing conditions has the highest overall SSA score and is therefore the least aligned with Safe System principles.

A number of ideas for consideration were included in the Safe System Assessment that would bring the project closer Towards Zero. They are listed in the attached SSA report (attachment 7) and were considered during further refinements to the design options.

Safety Assessment

Following the development of a complete set of draft concept designs, an independent Safety Review was commissioned. The intent of this assessment is to provide a relatively high-level safety review of the proposed corridor options to measure the overall improvement (or decline) in safety for the various road users when compared to existing conditions. This

assessment serves to determine whether the safety benefits justify alteration to the existing corridor. The assessment is not a detailed Road Safety Audit, this would be required at the next stage of the design if the project is to proceed.

While a more detailed coverage of safety risks is produced in the attached independent safety report (attachment 8), a summary of the main differentiators between the two options as well as key risk sources and mitigation is provided below:

- Comparative Assessment

This assessment ranks the safety outcome for the various road users for each proposed corridor option and existing conditions. The key findings are shown below:

- Both options result in a safer outcome for all road users combined compared to existing conditions.
- Corridor Option 2 results in a safer bicycle and vehicle outcome compared to Corridor Option 1.
- Corridor Option 2 outcomes for pedestrians were assessed as slightly poorer than Corridor Option 1 due to fewer raised pedestrian crossing opportunities.
- Corridor Option 1 was assessed as having poorer safety outcomes for vehicles compared to existing conditions.

User	Existing Conditions	Design Option 1	Design Option 2
Cyclists	3	2	1
Pedestrians	3	1	2
Vehicles	2	3	1
OVERALL ASSESSMENT	3	2	1

Table 3: User Safety Ranking Comparison

- Detailed design issues

A number of recommendations were made in the safety review for items that will be developed or detailed if the project proceeds to the next design stage. While some are valid, there is limited value in detailing these before detailed design, or before a single preferred option is identified. These issues include aspects such as:

- Hook turn pavement markings.
- Bicycle head start boxes.
- Exact stop line locations.
- Green pavement extents.
- Relative width of the separator kerb vs. the bicycle path.
- Minor changes to separation kerb extents adjacent wombat crossings.
- Bicycle lanterns for north-south cycling movements.

- Conflict points - property access

The Independent Safety Review found that for both design Option 1 and 2, due to the bi-directional bicycle lane, there are expected risks for cyclists given the high number of intersecting driveway crossovers on the south side of Inkerman Road, largely applicable to westbound cyclists as departing vehicles may not expect a cyclist to arrive from this direction.

To address this the design includes the provision of bicycle line markings and surface treatments at the crossovers which serves to advise the presence of bicycle lanes. With the report concluding, "*nonetheless, the prevailing issue is the unexpected arrival of a bicycle in the eastbound direction. As a primarily residential area, it is anticipated long-term residents will quickly adapt to the proposed design, and the risk associated with this item will reduce over time*".

The independent Safety Review found that Option 2 was more favourable than Option 1 in safety terms due to the absence of car parking adjacent the bicycle lane, which improves sightlines between property access points and path users.

- Conflict points - passenger car doors

Option 1 presents a unique risk scenario of car dooring conflict with other motor vehicles, where parallel parking is on the right-hand side of the one-way carriageway.

While the number of occurrences of car door opening into the traffic lane will be much lower on the passenger side, given the seat is occupied far less, the unfamiliar nature of a 'passenger side' traffic conflict may increase crash risk.

To mitigate this risk, the proposed design adopts a 0.5m buffer between the edge of the traffic and the edge of the car parking bays. While this doesn't replace the need to look for oncoming traffic, it would mean that a partially opened car door is less likely to result in a crash

Where parallel parking is on the right side, the driver side door will open head on into possible bicycle traffic. This scenario is mitigated by a separation strip.

- Conflict points - side roads

The Normanby Road underpass to Dandenong Road was identified as an existing risk and one that will be continued with the bike lane design. For the purpose of the Corridor Plan, the design has assumed that Council would not be in a position to propose new traffic signals at this location. A raised side road treatment is assumed to be provided, however the standard of treatment that can be achieved is limited by the existing retaining structures of the rail over bridge.

It has been noted that this area becomes particularly congested during peak times, and historically has experienced a number of vehicle-to-vehicle crashes.

It is therefore, recommended both within the Design Report and the independent Safety Review, that if the project is to proceed to a further detailed design stage, this intersection be subject to further design consideration and review, including considering options for signalisation with the Department of Transport.

### **Design Option 1. One-way Traffic Assessment**

As one of two design options, officers have explored the feasibility of altering Inkerman Road to be one-way for vehicle movements between Normanby Road and Orrong Road as part of the Safe Cycle Corridor Project (attachment 9). The one-way concept is being considered to

accommodate a two-way off-road cycle path along Inkerman Road and maximise the amount of on-street parking retained.

The three one-way vehicle movement options that have been tested for feasibility are as follows:

- Model Option 1: Inkerman Road to be one-way westbound between Orrong Road and Normanby Road
- Model Option 2: Inkerman Road to be one-way eastbound between Orrong Road and Normanby Road
- Model Option 3: Inkerman Road to be one-way eastbound between Hawthorn Road and Normanby Road (along the frontage of Caulfield Park).



Figure 11: One-way traffic assessment options.

Model Options 1 and 2 explore one-way options up to Orrong Road as this is the beginning of the shared section of Inkerman Road with the City of Port Phillip. Port Phillip has also resolved to consider three separated cycling designs for Inkerman Road/Street, however, none are to be one-way.

To analyse the impacts of these options, turning movement counts and origin-destination surveys were undertaken in late November 2021. The data was further interrogated and used to undertake traffic analysis at key intersections. As part of the analysis undertaken, existing surveyed traffic volumes at various intersections were factored up to cater for the 'design hour' (a VicRoads guideline in traffic modelling which adjusts traffic volumes from a 'regular day' to the '30th busiest hour' on that road for the year), as well as account for 10 years population and travel growth before analysing road configuration options for Inkerman Road.

Of considerable change was model Options 1 and 2's impact on alternative routes. By making Inkerman Road one-way, traffic will be redistributed to the intersections along Alma Road and Balaclava Road and therefore will result in increased turning movements at these intersections. Based on the anticipated increase in traffic along Balaclava Road between Normanby Road and Chapel Street, model Option 1 is predicted to increase the tram travel time in the eastbound direction by 2 minutes 51 seconds during the School Pick-Up Peak whereas model Option 2 will increase the tram travel time in the eastbound direction by 3 minutes 53 seconds in the AM Commuter Peak.

Model Option 3 presents the least distribution to a road network that is expected to experience growth into the future and has the least impact on the operation of the tram routes along Balaclava Road when compared to the other options. The worst-case delay for trams was modelled at 54 seconds, which could be reduced, or even nullified with network improvements to that route enacted by Council.

Importantly to note, as subsequent updates have been made to the design since this modelling work was undertaken, the impacts at intersections may have slightly changed, and if a one-way option was to proceed as the preferred corridor design option that further traffic modelling would be required.

To date, no in-principle support has been received from the DoT on any of the one-way options proposed for the Inkerman Road corridor. This reflects the challenges associated with broader road network implications due to displacing traffic toward Balaclava Road and subsequent tram delays associated with this option. To proceed with this option would require the mitigation of these impacts and as a result, carries a significant approval risk.

### **Design Option 2 - Traffic Assessment.**

As this option is limited in changes to the operation of traffic (as it retains two-way traffic flow), compared to a one-way option, limited traffic modelling for this option has been undertaken to understand traffic performance at this early stage of design. Detailed operational modelling to ascertain optimal signal operations and quantify the impact to traffic performance has not been undertaken and is not typically recommended for a project of this nature, if at all, until there is a narrower definition of the preferred design solution.

Any further traffic assessment needs to consider the range of users apart from vehicles that will be impacted by the construction of the Inkerman Road SCC. Considerations of mode shift and traffic redistribution would need to be incorporated to ascertain the impact to traffic performance with any degree of certainty. The exercise to achieve this can become a large and comprehensive modelling process.

Notwithstanding, using the *Inkerman Road Traffic Network Impact Assessment* (attachment 9) 'existing future conditions' as a base case, it is evident that there will also be some impact to traffic capacity under Option 2.

It should also be recognised that Option 2 may also displace some traffic demand due reduction of turn lanes at intersections and less efficient signal operations for traffic movement which would have a smaller pattern of impact on public transport performance in the surrounding area, albeit to a much lesser extent than Option 1.

If this option was to proceed to further detailed design future modelling and assessment would need to be undertaken in consultation with DoT, with respect to wider network objectives and performance as opposed to in isolation as a traffic performance exercise.

Following consideration of the design options, the DoT has given in-principle support to this option (design Option 2), while recognising, if the design was to proceed to detailed design, that further work would be required to minimise the impacts to all road users (including trams) through further intersection design and signal phasing.

### **Estimated Costings**

Cost estimates have been prepared for both corridor options. Table 4 summarises the costs for each option. It should be noted that a significant portion of the total costs presented below related to indirect costs and contingency costs. As such, it is expected that the 'total construction including escalation' costs present a conservative estimate. Noting this, a

staged cost plan was also prepared for both options. It was estimated that this would result in an increase in costs of 20% for each stage.

Items	Option 1	Option 2
Section 1: Hotham St to Orrong Road	\$1,579,628	\$1,953,583
Section 2: Orrong Road to Kooyong Road	\$1,392,252	\$981,726
Section 3: Kooyong Rd to Hawthorn Road	\$925,075	\$779,624
Section 4: Hawthorn Road to Normanby Road	\$1,088,612	\$894,404
Section 5: Normanby Road	\$625,207	\$891,207
EO for night shift work	\$841,616	\$825,082
<b>Direct Cost Total</b>	<b>\$6,452,390</b>	<b>\$6,325,626</b>
Direct Field Costs	\$2,645,480	\$2,593,506
Indirect On Cost (e.g. owners outgoings cost and agency consultant charges)	\$454,894	445,956
Contingency Risk 20% (+ 12-month cost escalation)	\$4,757,277	\$4,663,815
<b>Total Construction Including Escalation</b>	<b>\$14,310,040</b>	<b>\$14,028,903</b>

Table 4: Summary of Cost Estimate

In addition to the cost estimate presented in Table 4. Cost plans were also developed for both options if cheaper materials could be used. However, it was noted that there was limited opportunity to construct the cycling corridor using cheaper materials and the estimated cost reduction was 5%. In addition, a number of costs such as design, traffic management, project management, intersection changes and contingency would be the same cost regardless of the types of materials. The use of cheaper materials may also result in reduced safety outcomes and the requirement for an updated safety assessment.

More information on Council's financial capacity to accommodate this project and the broader financial impacts associated is contained in the '*financial, resource, risk and asset management implications*' section of this report.

#### External Funding Opportunities

This project would likely be suitable for state government grant programs. However, to apply for grants, typically detailed design and community consultation would need to be completed to demonstrate that the project could be constructed if external state government funding was provided.

#### **Stakeholder feedback**

Targeted stakeholder engagement was embedded in the project via three stakeholder groups. The purpose of the engagement was to ensure that the development of the Corridor Plan reflects the community's values and priorities and to seek feedback and advice on potential issues and opportunities to inform the designs.

The stakeholder groups involved were:

Community Reference Group (CRG)

A group made up of local community members, whose purpose was to represent diverse community views in providing advice and input on the Safe Cycling Corridor Project.

Convened in an advisory role, with no decision-making capacity. Meetings were independently chaired.

#### Technical Advisory Group (TAG)

A group that included technical experts from road management authorities and key stakeholders including; the Department of Transport, Major Road Projects Victoria, Yarra Trams, Bicycle Network and City of Port Phillip.

The group was made up of members with decision-making roles independent of Council.

#### Strategic Transport Advisory Committee (STAC)

A group consisting of Councillors and community members. The group is a formal Committee of Council with a reviewing and recommending capacity for strategic transport projects.

Group	Meeting	Purpose / Outcome
CRG	17/02/2020	Individual meetings were held for each stakeholder group to discuss previous community engagement findings, research and information, and prioritise corridor designs and help determine the feasibility of these before moving to design. Stakeholder group members also provided comments on preferred road scenario options.
TAG	20/02/2020	
STAC	20/02/2020	
CRG	16/02/2022	Re-introducing community members to the project and providing them with an update on the status of the project since meeting in 2020.
CRG	28/04/2022	To discuss and gather each groups feedback on draft Corridor Plans and parking opportunities. OneMileGrid (OMG) presented the findings from the traffic report.
STAC	02/05/2022	
TAG	05/05/2022	
CRG	08/08/2022	To discuss and get group feedback on a draft independent safety report and discuss and get feedback on the approach to engaging the wider community on draft Corridor Plan.
STAC	Scheduled for 04/08/2022	Meeting was cancelled. However, written feedback on the Independent Safety Review was sought and provided.
TAG	12/09/2022	To discuss and get group feedback on a draft independent safety report and refine technical aspects of the corridor design options.

**Table 6: Stakeholder engagement outcomes summary**

For more detail, an Engagement Outcomes Report with accompanying minutes for each meeting is attached to this report (attachment 11).

#### **City of Port Phillip**

On 5 May 2021, the City of Port Phillip (CoPP) endorsed a recommendation to proceed with preparing three concept plans for its section of the Inkerman Street / Road corridor.

CoPP officers are working through the approval process with DoT to ensure impacts for all road users are minimised. Given this work is still ongoing, it is now anticipated the CoPP designs will be presented to their Council in February 2023 seeking a decision to proceed to community consultation on a preferred design, or otherwise.

Glen Eira Council officers have been working closely with the CoPP officers to align project timeframes and design outcomes across the corridor. The section of corridor within the CoPP boundary (between St Kilda Road and Hotham Street) is wide enough for a uni-directional cycling corridor (i.e. bike lanes on both sides of the road) and has the capacity to provide parking on at least one side of the street.

Subsequently, the three concept plans for the CoPP section of the Inkerman Street / Road corridor all include a uni-directional cycling corridor and have the capacity to provide parking on at least one side of the street.

Approval risks for all concepts remain around the intersection with St Kilda Road, with CoPP officers working with the DoT to mitigate the impacts to all road users. Given this work is still ongoing, it is now anticipated the CoPP designs will be presented to their Council in February 2023 seeking a decision to proceed to community consultation on a preferred design, or otherwise.

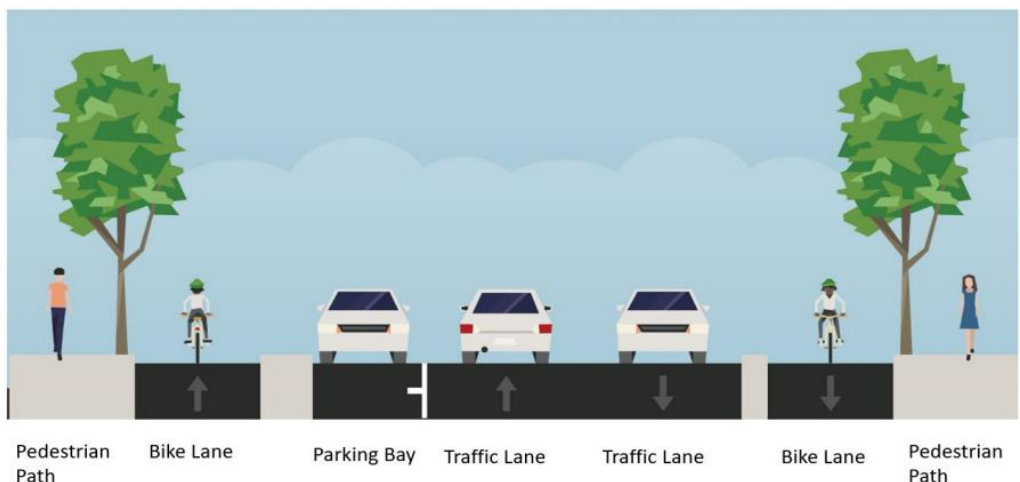
A broader risk concerns the possibility that the CoPP determines not to proceed with an Inkerman Street / Road cycling corridor. To mitigate this risk, any resolution Glen Eira Council may make to proceed to wider consultation on the Glen Eira section of the Inkerman Road corridor can be tied to a similar successful resolution from the CoPP.

If a decision is made by both Councils to proceed to further community consultation, a draft community engagement report has been prepared which proposes that consultation on the full corridor occur in tandem with the CoPP, commencing March 2023.

### Shared Section

Inkerman Road between Hotham Street and Orrong Road is shared between the GECC and the CoPP and is wide enough to accommodate uni-directional protected bike lanes and retain car parking on at least one side. Due to the CoPP resolution to not consider a bi-directional cycleway, GECC officers confirmed that they were comfortable in proceeding on preferred designs for uni-directional bike lane in the shared section between Hotham Street and Orrong Road.

Due to the constrained width of this section, parking can only be retained on one side of the street. Subsequently, there is only a design option available that allows a protected facility comprising uni-directional bike lanes with parking on one side. Any option that Council decides on east of Orrong Road can tie into this design. Further detail is provided in the shared section co-design report (attachment 12)



**Figure 12: Shared Section Inkerman Road (between Hotham Street and Orrong Road) uni-directional protected bike lanes with parking on one side of the street.**

**Department of Transport (DoT)**

The DoT is an essential partner in the design and any future delivery of a cycling corridor for Inkerman Road. While Glen Eira is the road management authority, responsible for the management and maintenance of Inkerman Road and most of Normanby Road (DoT is the road management authority for a small section of Normanby Road between Balaclava Road and Smith Street), the DoT is an approval authority for any major changes to the network including traffic signal changes at intersections.

The DoT has been involved in the development of both design options through the TAG, providing technical assistance on design consideration and offering in principle agreement on a future reduced 40km/h speed limit on Inkerman Road, noting any speed limit change in Victoria requires ministerial approval and the viability of obtaining this agreement will need to be reconfirmed in future design stages.

Following consideration of the design options, the DoT (Movement and Safety – Inner East team) has given in-principle support to the two-way option on Inkerman Road (option 2), while recognising, if the design was to proceed to detailed design, that further work would be required to minimise the impacts to all road users (including trams) through intersection design refinement and signal phasing.

To date, no in-principle support has been given on any of the one-way options (option 1) proposed for the Inkerman Road corridor. This reflects the challenges associated with broader road network implications due to displacing traffic toward Balaclava Road and subsequent tram delays associated with this option. To proceed with this option would require the mitigation of these impacts and as a result, carries a significant approval risk.

**Summary of Options**

Based on the technical design and the independent reviews the key differences between the existing condition of the corridor and the two corridor options are summarised below.

Maintaining Existing Conditions

Maintaining the existing corridor results in the worst overall outcome for safety in both the SSA and the Safety Review with both reports stating that a separated cycling facility and lower speeds would improve the safety for all modes. This option also scored the lowest in

the GIA because research indicates that women are significantly less likely to ride on a non-separated cycling facility.

Maintaining the existing conditions would make no material impact on both lowering community emissions and reducing future car use and associated issues of traffic and parking congestion. If current travel patterns continue, these impacts would only be further exacerbated. However, this option has the best outcome for on-street car parking, as it would maintain all existing parking.

Corridor Option 1:



Figure 1: Corridor Option 1

For Corridor Option 1, a significant differentiator is the ability to retain a greater supply of car parking. This requires an inherent trade-off of a one-way system with less direct access and circulation to/from Inkerman Road with one-way traffic. A side-effect of the prevalence of parking on both sides is that it can act as a potential barrier to sight-lines between modes at driveway crossings, limiting the degree of safety benefits achieved. In other areas of the design however, such as side-roads, the safety outcome is enhanced with a greater degree of pedestrian and cyclist priority achieved at raised side-road treatments. These treatments would come at some expense and may involve other risks such as underground services being affected to a larger degree during construction.

Option 1 is generally considered to have a greater impact to the look and feel of the streetscape. The visually tighter streetscape and side-road treatments offer landscape design opportunities, and may result in a slower paced environment, as well as offering a more local street character with less through-traffic.

The change to a one-way corridor has a broader road network implications and carries a significant approval risk, in particular due to displacing traffic toward Balaclava Road and subsequent tram delays if not mitigated.

Corridor Option 2

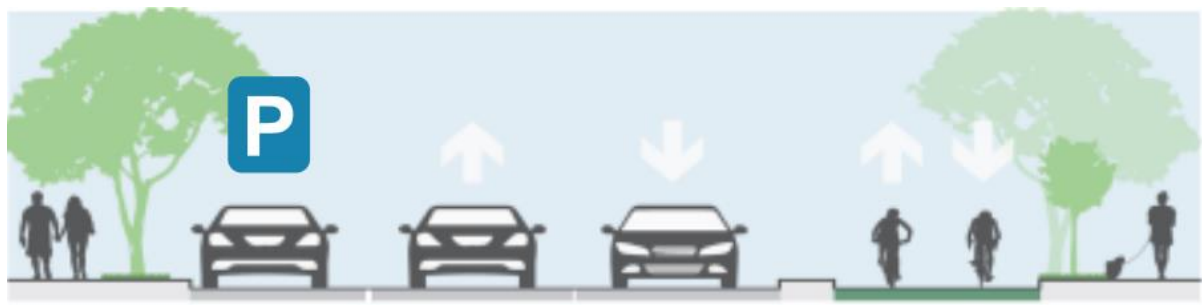


Figure 2: Corridor Option 2

For Option 2, parking is only retained on one side of the road. On-street parking would be retained at key destinations on the north such as Lenny’s store and the Caulfield Hebrew Congregation. While an overall parking deficit of around 120 spaces would result, given the

prevalence of side streets in the corridor this deficit may be absorbed, particularly if there is a shift in parking behaviours, such as increased uptake of on-site parking or mode shift. The total impact of this dispersion would need to be assessed at any further design stage.

The limited parking under Option 2 has a resultant safety benefit in that parking would not obstruct line of sight to bike riders at driveways. A limiting factor to the safety improvements achieved is the limiting priority at side roads, given that there is insufficient space to achieve ‘raised’ side road priority treatment outside of Section 1.

In Option 2, retaining two-way function of Inkerman Road as a priority over car parking supply, implies a higher through-traffic function. At some intersections, reducing flaring of approaches and changes to signal phasing may require mitigation via right turn bans in some locations to give more space and time to cyclists.

**Multi-criteria Analysis**

The two Corridor Options have been analysed and tested against a range of criteria with findings presented within this report. Table 7 below provides an assessment of the corridors against each criteria item. The values of the scores are as follows:

- 1 = Strongly beneficial
- 2 = Somewhat beneficial
- 3 = Not beneficial
- 4 = Not achieved

Criteria	Existing	Option 1	Option 2
Safe System Assessment	3	1	2
Independent Safety Assessment	3	2	1
Parking Assessment	1	2	3
Gender Impact Assessment	3	1	2
Environmental Assessment	3	2	2
Cycling Demand Assessment	3	1	1
DoT Approval	N/A	4	1
<b>Total Score</b>	<b>16</b>	<b>13</b>	<b>12</b>
<i>*lower number = more beneficial</i>			

**Table 7: Multicriteria analysis**

Based on the multicriteria assessment presented in Table 7, both Option 1 and Option 2 score better than the ‘existing – do nothing’ option which scored 16, compared to both Option 1 and 2 which scored 13 & 12. It should be noted that Option 1 scored ‘4’ for DoT approval because to date, no in-principle support has been given on any of the one-way options (option 1) proposed for the Inkerman Road corridor. Given this, Option 2 is more likely to result in a successful project outcome and is the preferred corridor option to proceed to wider engagement.

**Outstanding matters for the next design stage**

Following any decision to proceed with a preferred design option, the following matters will need to be addressed:

- Ministerial approval to reduce design speed to 40km/h
- Safety improvements at the Normanby Road underpass to Dandenong Highway
- Consultation with service providers on underground utilities
- Consultation with residents and property owners as part of public consultation
- Detailed Design
- Road Safety Audit on any Detailed Design
- Liaise with DoT to confirm the design interface and staging of delivery of Normanby Road tram stop upgrade
- Liaise with DoT to minimise the impacts to all road users (including trams) through intersection design refinement and signal phasing.

### **Alternate Consideration of Next Steps**

Based on the extensive analysis provided in this report, out of the three options considered (maintain existing conditions, Option 1, and Option 2), Option 2 provides the best outcome, not just strategically to reduce car dependency and help Glen Eira reach its transport and environmental targets (a 50:50 mode share, and zero net community emissions by 2030), but also in terms of safety outcomes for all road users and feasibility of construction.

However, it needs to be recognised that no option is perfect. Option 2 will by nature impact the availability and supply of on-street parking on Inkerman Road by utilising the limited public road space available to provide a safe cycling facility. While impacts to parking have been deliberately considered and minimised throughout the design process to achieve equitable use for all road users, best practice design to provide a safer cycling experience requires the trade-off of reduced on-street public parking on Inkerman Road.

Additionally, the merit of the project needs to be considered against the broader financial capacity to accommodate the project. To undertake the project would take a full re-prioritisation and realignment of both Council's Long-Term Financial Plan, and 10-year Capital Works Program.

Given the above, four alternate way-forward scenarios are presented below:

#### **1) Option 2 – the preferred corridor design (Council funded)**

Option 2 is the preferred corridor design. Option 2 demonstrates that a safe strategic cycling corridor can be achieved and is presented as the preferred design for the purpose of community consultation.

A decision to proceed to community consultation acknowledges the financial commitment required to deliver the project. The decision to proceed to construction would come through a further resolution of Council following community consultation. It is recommended that no further design work or community consultation commence without a commitment to fund the project.

#### **2) Option 2 – the preferred corridor design (advocacy for external funding)**

If it is determined that the Inkerman Safe Cycling Corridor is a strategic priority for Council to deliver, however, the financial impact is too great, Council can determine to advocate to State & Federal Governments seeking an allocation of up to \$14 million to support Council to fund the project, or entirely fund the project.

Given that no assurances could be given that the project could be delivered unless successful in obtaining entire or supported funding, no consultation should occur until a report is brought back to Council confirming a successful outcome in funding re-allocation.

### **3) Design refinement (less impact) of Option 2**

If it is determined that cost of the project, and the impacts of the project (on the neighbourhood, amenity and public on-street car parking loss), outweigh the other benefits of the Inkerman Safe Cycling Corridor, Council can develop a reduced impact option to seek safety improvements for all road users of the Inkerman Road corridor.

Safety improvements for all road users can be sought by reducing the speed of Inkerman Road to 40km and looking at where safer cycling opportunities can be gained, through non-physically separated treatments and safer intersection treatments.

While the outcome of this option cannot be expected to be as beneficial for safety, cycling demand (and transition of vehicle trips to cycling trips), and the associated environmental outcome compared to Option 2, it is expected that a reduced impact option can still achieve safety benefits for all road users including cyclists, as compared to the existing road environment.

This option would reconfirm Council's commitment to safe cycling and its role in helping to achieve the ITS goal of a 50/50 mode split.

### **4) Do nothing**

Council can determine not to proceed with the project.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Council has committed to a carbon emission reduction target of zero net emissions for corporate emissions by 2025 and zero net community emissions by 2030.

Action 6.2.4 in Our Climate Emergency Response Strategy 2021-2025 | Dhumbali Wurrungibiik Parbin-ata is "through implementation of the Integrated Transport Strategy, rapidly increase the quantity and quality of walking and cycling paths along major transport routes".

Supporting and transitioning trips to cycling, will be essential to transition to zero community emissions by 2030. In order to encourage people to cycle, it is essential for investment in cycling infrastructure that is safe, convenient and direct.

This project alone is expected to reduce Glen Eira's total transport emissions by 0.01%, an impact that can be scaled up with further establishment of dedicated cycle paths and lanes as envisioned in the ITS.

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

Early cost estimates for the construction of a separated cycling facility were provided to Council during its meeting of 27 April 2021. This estimated it would cost \$9.5 million to construct the project using permanent materials.

Following further development of the project through the preparation of concept designs, more detailed cost estimates have been undertaken. The total construction costs of the project are now estimated to be at \$14 million for both corridor Option 1 and Option 2. The increase in cost estimates is largely due to the volatility that the building and construction industry has seen over the last 2 to 3 years, and uncontrollable cost escalations as a result of shortages of contractors, competition from major State projects, and disruption to supply chains as a result of COVID and war in the Ukraine. This is seeking upwards pressure of 10-20% on tender prices, when compared to initial quantity surveyor estimations. Furthermore, there are additional challenges with contractors attempting to amend contracts to include renegotiation options on the basis of unforeseen risks.

It is recognised that the capital cost to implement a safe cycling corridor on the Inkerman Road corridor is significant and Council's financial capacity to accommodate the project estimate is currently limited.

Since this project is not contained in Council's Long Term Financial Plan, to undertake the project would take a full re-prioritisation and realignment of both Council's Long Term Financial Plan, and 10-year Capital Works Program. The cycling corridor will need to be considered against Council's broader strategic pipeline of work, Council Plan commitments, other Council strategies and plans and Council's financial capacity to include a project of this magnitude and nature. The implications on other capital works projects would need to be considered.

While the project would likely be suitable for State Government grant programs, to apply for grants, detailed design and community consultation would need to be completed to demonstrate that the project could be constructed. Given the unknown nature of possible future grants, this should not be relied upon for any commitment to deliver this project, rather treated as an offset on the project cost if successful.

A further risk concerns pushing detailed design and construction back beyond a phased implementation timeframe. While the project estimate of \$14 million includes provision for cost escalation and 20% of the total cost for contingency risks, these risks are significantly escalated by pushing the project back.

Currently, officers estimate that the project can be delivered within the project estimate of \$14 million under the following timeframe:

2022/23 – consultation

2023/24 – consultation / commence detailed design - \$400,000

2024/25 – complete detailed design - \$400,000

2025/26 – construction stage 1 - \$4,400,000

2026/27 – construction stage 2 - \$4,400,000

2027-28 – construction stage 3 - \$4,400,000

If the work schedule was to increase in time, this would result in increased costs and higher impacts to the community during the construction period.

It is noted that the option to maintain the corridor in its existing form has no cost (other than existing maintenance) to Council.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

This project is part of the implementation of Council's Integrated Transport Strategy 2018-2031. Future delivery of this project will also support the delivery of Council's Our Climate Emergency Response Strategy 2021-2025 | Dhumbali Wurrungi-biik Parbin-ata.

## **COMMUNICATION AND ENGAGEMENT**

Focused stakeholder engagement was undertaken to ensure that the development of the Corridor Plan reflects the community's values and priorities. Feedback and advice on potential issues and opportunities were used to inform the designs. More detail on how feedback was used to inform the design is provided in the Engagement Outcomes Report (attachment 11), including design responses to each suggestion provided during the design workshops.

If a decision is made to proceed to further community consultation (on the basis contained in the officer recommendation), a draft community engagement plan will be finalised.

## **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 conflict of interest in this matter.

## **CONCLUSION**

Based on the analysis provided in this report, out of the three options considered (maintain existing conditions, Option 1, and Option 2), Option 2 provides the best outcome, not just strategically to reduce car dependency and help Glen Eira reach its transport and environmental targets (a 50:50 mode share, and zero net community emissions by 2030), but also in terms of safety outcomes for all road users and feasibility of construction.

However, it needs to be recognised that no option is perfect. Option 2 will by nature impact the availability and supply of on-street parking on Inkerman Road by utilising the limited road space available to provide a safe cycling facility. While impacts to parking have been deliberately considered and minimised throughout the design process to achieve equitable use for all road users, best practice design to provide a safer cycling experience requires the trade-off of reduced on-street parking on Inkerman Road.

Additionally, the merit of the project needs to be considered against the broader financial capacity to accommodate the project. To undertake the project would take a full re-prioritisation and realignment of both Council's Long-Term Financial Plan, and 10-year Capital Works Program.

From the design, assessments, reviews and focused engagement undertaken, Option 2 demonstrates that a safe strategic cycling corridor can be achieved and is presented as the preferred design for the purpose of community consultation.

A decision to proceed to community consultation acknowledges the financial commitment required to deliver the project. The decision to proceed to construction would come through a further resolution of Council following community consultation. It is recommended that no further design work or community consultation commence without a commitment to fund the project.





































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































**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**