



## **GLEN EIRA CITY COUNCIL**

### **ORDINARY COUNCIL MEETING**

# **MINUTES**

29 NOVEMBER 2016

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**ORDINARY MEETING OF COUNCIL**  
to be held in the Council Chamber, Glen Eira Council Offices,  
corner Hawthorn Road and Glen Eira Road, Caulfield  
on Tuesday, 15 November 2016 at 7.34 pm

*The Mayor, Cr Delahunty provided explanatory context to trialling a process for public participation (clause 230 of the Local Law). The Mayor invited members of the community who wished to ask a question or make a statement to write their question on the forms provided. At a later stage of the meeting, Council will suspend standing orders for a period of 15 minutes where the Mayor will invite the questioner to ask their question. The Mayor will refer questions to the most appropriate person to respond.*

**1. ACKNOWLEDGEMENT**

The Mayor read the acknowledgement.

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

**2. APOLOGIES**

An apology from Cr Sztrajt was submitted to the meeting.

**Moved: Cr Magee**

**Seconded: Cr Silver**

That the apology from Cr Dan Sztrajt be received and noted

**CARRIED UNANIMOUSLY**

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

The Mayor read the Oath of Office.

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

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

- Cr Davey declared an indirect conflict of interest because of conflicting duties in item 12.2 – Tender Recommendation for Gas Management Infrastructure at Clayton Regional Landfill

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

Copies of Minutes previously circulated.

##### **Recommendation**

**Moved: Cr Silver**

**Seconded: Cr Athanasopoulos**

That the minutes of the Ordinary Council meeting held on 15 November 2016 be confirmed.

**CARRIED UNANIMOUSLY**

#### **5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

There were no petitions submitted to the meeting.

#### **6. DOCUMENTS FOR SEALING**

There were no documents for sealing submitted to the meeting.

#### **7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**

There were no reports by delegates submitted to the meeting.

**8. REPORTS FROM COMMITTEES****a. Advisory Committees**

There were no reports from Advisory Committee submitted to the meeting.

**b. Records of Assembly****Moved: Cr Magee****Seconded: Cr Davey**

That the Record of the Assemblies held on 10 November 2016 and 15 November 2016 be received and noted.

**CARRIED UNANIMOUSLY**

*Prior to the motion to suspend standing orders, the Mayor provided further information advising that the questions and responses will not be minuted.*

**Procedural Motion****Moved: Cr Delahunty****Seconded: Cr Davey**

That Council suspend standing orders for a period of 15 minutes at 7.39pm.

**CARRIED**

**Procedural Motion****Moved: Cr Delahunty****Seconded: Cr Magee**

That Council resume standing orders at 7.55pm.

**CARRIED UNANIMOUSLY**

**Assembly of Councillors**

**10 November 2016**

**Record under S 80 A (2)**

**Briefing commenced at 6.40PM.**

**A. Present**

Councillor Mary Delahunty, Mayor  
Councillor Tony Athanasopoulos  
Councillor Clare Davey  
Councillor Margaret Esakoff  
Councillor Jamie Hyams  
Councillor Joel Silver  
Councillor Dan Sztrajt  
Councillor Nina Taylor

Officers

Rebecca McKenzie, CEO  
Peter Jones  
Samantha Krull  
Rachel Olivier  
Janice Pouw  
Ron Torres  
John Vastianos  
Rocky Camera  
Aiden Mullen

Apologies

Nil

**B. Matters considered.**

*Cr Athanasopoulos declared an indirect conflict of interest because of conflicting duties in the Ormond Station 'Value Capture' item.*

*Cr Athanasopoulos left the room prior to discussion on this item*

- (i) Ormond Station 'Value Capture' - Planning Scheme Amendment Draft Submission.

*Cr Athanasopoulos entered the room for the presentation by Mark Hayes*

- (ii) Local Government Act. – Presentation by Mark Hayes of Maddocks

*Cr Magee entered the briefing at 7.49pm*

*Cr Delahunty left the room at 7.50pm and re-entered at 7.51pm*

*Cr Davey left the room at 8pm and re-entered at 8.03pm*

*Cr Esakoff left the room at 8.40pm and re-entered at 8.41pm*

*Cr Silver left the room at 8.41pm and re-entered at 8.43pm*

The briefing was adjourned at 9.17pm and resumed at 9.27pm

9.27pm the briefing resumed in the presence of:

Cr Mary Delahunty, Mayor  
Cr Clare Davey  
Cr Margaret Esakoff  
Cr Jamie Hyams  
Cr Jim Magee  
Cr Joel Silver  
Cr Dan Sztrajt  
Cr Nina Taylor

*Cr Athanasopoulos was not present at the resumption of the briefing as he had previously declared an Indirect Conflict of Interest in the first item, Ormond Station 'Value Capture' that required further discussion.*

(iii) Council Papers for the 15 November 2016 Council Meeting

*Cr Athanasopoulos entered the room for the remainder of the briefing.*

- (a) Agenda Item 5 - Petition – Tennis Courts Koornang Park, Carnegie
- (b) Agenda Item 9.1 - VCAT Watch
- (c) Agenda Item 9.2 - Residential Lease 6 Aileen Avenue, Caulfield South
- (d) Agenda Item 9.3 - Creation of Easement Abutting 31 Daley Street, McKinnon
- (e) Agenda Item 9.4 - Submission to Infrastructure Victoria on Draft 30 Year Infrastructure Strategy
- (f) Agenda Item 9.5 - Financial Management Report for the Period Ending 30 September 2016
- (g) Agenda Item 9.6 - Appointment of Councillor Representatives to Audit Committee
- (h) Agenda Item 9.7 - Citizen of the Year Awards Advisory Committee
- (i) Agenda Item 9.8 - Council Meeting Cycle 2017
- (j) Agenda Item 11.1 – Requests for a report - Cr Magee, National Disability Insurance Scheme (NDIS)
- (k) Agenda Item 11.1 – Request for a report - Cr Silver, Traffic and Pedestrian Studies
- (l) Agenda Item 11.4 – Public Questions to Council

(iv) General Business raised by Councillors

- (a) Cr Delahunty - Public Participation at Council Meetings



Continuation of Council Papers for 15 November 2016 Council Meeting

(m) Agenda Item 8 - Records of Assembly

- (a) 4 October 2016
- (b) 10 October 2016

(v) General Business raised by Councillors

- (a) Cr Athanasopoulos – Council's claims process
- (b) Cr Magee – reports of dumped hard rubbish
- (c) Cr Hyams – Governance Digest

**Fin 11.20.PM**

**Council Pre-Meeting**

**15 November 2016**

**Record under S 80 A (2)**

**Meeting Commenced at 6.45pm**

**A. Present**

Cr Mary Delahunty, Mayor  
Cr Tony Athanasopoulos  
Cr Clare Davey  
Cr Margaret Esakoff  
Cr Jamie Hyams  
Cr Jim Magee  
Cr Joel Silver  
Cr Dan Sztrajt  
Cr Nina Taylor

Officers

Rebecca McKenzie, CEO  
Peter Jones  
Samantha Krull  
Ron Torres  
John Vastianos  
Janice Pouw

**B. Matters considered**

- (i) Public Participation at Council Meetings
- (ii) Council papers for 15 November 2016 consisting of 8 Officer reports together with standing items on the Agenda
  - (a) Agenda Item 5 - Petition – Tennis Courts Koornang Park, Carnegie
  - (b) Agenda Item 9.2 - Residential Lease 6 Aileen Avenue, Caulfield South
  - (d) Agenda Item 9.4 - Submission to Infrastructure Victoria on Draft 30 Year Infrastructure Strategy
  - (f) Agenda Item 9.7 - Citizen of the Year Awards Advisory Committee
  - (g) Agenda Item 9.8 - Council Meeting Cycle 2017
  - (h) Agenda Item 10 – Urgent Business
  - (i) Agenda Item 11.1 – Requests for a report - Cr Magee, National Disability Insurance Scheme (NDIS)
  - (j) Agenda Item 11.1 – Request for a report - Cr Silver, Traffic and Pedestrian Studies
  - (k) Agenda Item 11.4 – Public Questions to Council

**Fin 7.25pm**

**9. PRESENTATION OF OFFICERS REPORTS**

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**Item 9.1 VCAT WATCH*****Author: Rocky Camera - Manager Town Planning******File No: N/A******Attachments: Table of new appeals lodged*****PURPOSE AND SUMMARY**

To report to Council recent VCAT decisions.

**RECOMMENDATION**

That Council notes:

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

**BACKGROUND**

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

**ISSUES AND DISCUSSION**

ADDRESS	<b>34 BENT STREET, BENTLEIGH</b>
PROPOSAL	TWO STOREY CHILD CARE CENTRE
COUNCIL DECISION	REFUSAL (DPC)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	REFUSAL
APPELLANT	HSB HOLDINGS PTY LTD



***“It is self-evident on reading the local policy that the subject land is not a preferred location for a child care centre and is in a location that is discouraged by policy:***

- ***It is not located on an identified main or secondary road. [I note that in the Bentleigh Urban Village there does not seem to be a secondary or main road other than Centre Road identified by the map at Clause 22.11].***
  - ***It is not proximate to schools and pre-schools in a way that promotes synergies.***
  - ***It is not a corner site with vehicular access from a service or side road.***
  - ***It is on a local street where the location of child care centres is discouraged.”*** VCAT Member – Margaret Baird
- The subject site is located within the General Residential Zone and the Bentleigh Urban Village.
  - The application was refused on grounds relating to the location of the site being inconsistent with the preferred location for child care centres and issues relating to car parking and the drop off/pick up of children.
  - In determining the application, the Tribunal held that the Planning Scheme generally encourages community facilities including child care centres in and around activity centres. The Tribunal also noted that residential areas are appropriate locations for child care centres.
  - However, the proposed location of the child care centre in this case was not appropriate and did not meet Council’s Local Policy expectations for the location of a child care centre.
  - The Tribunal held that the proposed one space reduction in car parking was not appropriate, and that the applicant’s case was not adequately supported by an up to date car parking demand assessment.

- The Tribunal held that policy actively discourages pick up and drop off occurring in a basement and that the workability of the basement to accommodate pick up and drop off had not been adequately resolved.
- The Tribunal determined that no acoustic assessment had occurred to inform the design and that no information had been presented to the Tribunal to help inform its decision. The Tribunal held that an acoustic assessment should have been an integral part of the design response.
- On the above basis the Tribunal affirmed Council's decision to refuse the application.

ADDRESS	<b>20 WHEELER STREET, ORMOND</b>
PROPOSAL	A THREE STOREY BUILDING COMPRISING SEVEN DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• INTRODUCTION OF A VISITOR CAR SPACE.</li> <li>• INTRODUCTION OF A 'BREAK' IN THE SECOND FLOOR BUILT FORM.</li> <li>• MINOR MODIFICATIONS TO INTERNAL LAYOUTS</li> </ul> THE CHANGES WERE CONSIDERED AN IMPROVEMENT HOWEVER DID NOT ADDRESS THE OFFICER'S ORIGINAL CONCERNS WITH THE PROPOSAL
VCAT DECISION	REFUSAL
APPELLANT	ARCHSIGN PTY LTD



***“I find the fundamental issue is whether the scale of development proposed for the review site is too great. Whilst I acknowledge that increased residential densities are expected in this Neighbourhood Centre, I find that construction of six, three storey dwellings and one, two storey dwelling on this single width lot fails to strike the appropriate balance between the scale and massing of the built form and its interface with adjoining dwellings.”*** VCAT Member – Jane Tait

- The subject site is located within the General Residential Zone in the Ormond Neighbourhood Centre.
- The application was refused on grounds relating to neighbourhood character, the visual dominance of the development, car parking and non-compliance with side and rear setbacks and overshadowing impacts.
- The Tribunal held that there was a significant degree of strategic planning support for an intensification of residential development on the subject land (with the right design). However, the proposal did not meet fundamental objectives of Council’s Housing Diversity Area Policy to be respectful of the scale of development on adjoining sites.
- The Tribunal shared Council’s concerns with neighbourhood character impacts and held that the design was not an appropriate response to the adjoining lower scale residential development.
- On the above basis the Tribunal affirmed Council’s decision to refuse the application.

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

N/A

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

N/A

#### **COMMUNICATION AND ENGAGEMENT**

N/A

#### **LINK TO COUNCIL PLAN**

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

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

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

#### **CONCLUSION**

N/A

**Moved: Cr Esakoff**

**Seconded: Cr Taylor**

That Council notes:

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

**CARRIED UNANIMOUSLY**



**ATTACHMENT: TABLE OF NEW APPEALS LODGED**

<b>COMPULSORY CONFERENCE (MEDIATION)</b>	<b>FULL HEARING</b>	<b>PROPERTY</b>	<b>PROPOSAL</b>	<b>ZONE</b>	<b>COUNCIL DECISION</b>	<b>APPEAL AGAINST</b>
(Held on 20 September 2016)	Commencing 18 October 2016.	31 Station Street, Caulfield East (Caulfield Village)	Stages 4, 5 & 6 of the Residential Precinct and Mixed Use Precinct Construction of 397 dwellings, shops and a restaurant with basement car parking	Priority Development Zone	Refusal (Manager)	Refusal (Applicant)
	18 November 2016	19 Celia Street, Bentleigh East	Construction of two double storey dwellings	Neighbourhood Residential Zone	Permit (Manager)	Conditions (Applicant)
30 January 2017	14 March 2017	670-676 Glen Huntly Road, Caulfield	Construction of a five storey building comprising a shop and 34 dwellings	Commercial 1 Zone	Refusal (Manager)	Refusal (Applicant)
	24 March 2017	40 Hopkins Street, McKinnon	Construction of two double storey attached dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	24 March 2017	23 Windsor Avenue, Bentleigh	Construction of two double storey attached dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
8 February 2017	27 March 2017	441-495 Inkerman Road, St Kilda East	Construction of a four storey building comprising 27 retired living units (retirement village)	Neighbourhood Residential Zone	Refusal (Resolution)	Refusal (Applicant)
15 February 2017	27 March 2017	3 Heather Street, Bentleigh East	Construction of a three storey building comprising six dwellings	General Residential Zone	Refusal (Manager)	Refusal (Applicant)

9 February 2017	29 March 2017	411-415 Glen Huntly Road , Elsterwick	Construction of an eight storey development comprising a shop and 37 dwellings	Commercial 1 Zone	Refusal (Manager)	Refusal (Applicant)
	31 March 2017	591 Glen Huntly, Elsterwick	Construction of a three storey office building	Commercial 1 Zone	Refusal (Manager)	Refusal (Applicant)
	6 April 2017	8 Bokhara, Caulfield South	Construction of two double storey attached dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
	7 April 2017	71 Patterson Road, Bentleigh	Construction of a four storey building comprising a restaurant and five dwellings	Commercial 1 Zone	Refusal (Manager)	Refusal (Applicant)
	10 April 2017	291 Grange Road and 4 Walsh Street, Ormond	Construction of a three storey building comprising 23 dwellings	General Residential Zone	Refusal (Manager)	Refusal (Applicant)
	11 April 2017	9 Windsor Avenue, Bentleigh	Construction of two double storey attached dwellings	Neighbourhood Residential Zone	Permit (Manager)	Conditions (Applicant)
	21 April 2017	1036 Glen Huntly Road and 1A Laura Street, Caulfield South	Construction of a child care centre.	General Residential Zone	Notice of Decision (Delegate Planning Committee)	(Notice of Decision) Objector
	4 May 2017	5 Caroola Court, Ormond	Construction of two double storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)

**Item 9.2 Advocacy Options for VCAT**

**Author:** Rocky Camera, Manager Town Planning

**Attachments:** N/A

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**PURPOSE AND SUMMARY**

This report responds to a Council resolution requesting a report from officers.

At the Ordinary Council Meeting held on 10 October 2016, Council resolved:

*“That a report be prepared which outlines advocacy option seeking VCAT reverting to being an administrative appeals body only, rather than a de facto planning authority, which is tasked with reviewing compliance of Council planning decisions with law and regulation.”*

**RECOMMENDATION**

That Council:

1. notes this report.
2. notes that, through the adopted Planning Scheme Review, Council has commenced a program of structure planning, policy reviews, and the reinforcing of neighbourhood character and activity centre planning provisions. The outcomes of this program have the potential to strengthen Council's position in VCAT appeals.
3. considers its VCAT advocacy position in June 2018. This will allow time to monitor the effect of Council's Planning Scheme Review program on Glen Eira's number of appeals or success rate at VCAT.

**BACKGROUND**

The Victorian Civil and Administrative Tribunal (VCAT) is part of Victoria's court system, which is independent of Parliament and executive government. It is a tribunal that hears and decides civil and administrative legal cases.

There are four *divisions*, each led by a deputy president: administrative, civil, human rights and residential tenancies. Similar types of cases are handled through 'Lists' within each division. List is the name given to sections of VCAT that hear and decide specific types of cases.

Administrative Division deals with professional conduct inquiries and applications from people seeking review of decisions made by government and other authorities. It has three Lists: Legal Practice, Planning and Environment, and Review and Regulation.

The Planning and Environment List is responsible for hearing and deciding on town planning applications which are in dispute. Appeals to VCAT are typically lodged by permit applicants and/or objectors against a decision made by a Responsible Authority (i.e. Council). When a decision is appealed, VCAT becomes the ultimate decision maker on the application. VCAT has the power to overturn a Council decision, and its decisions are binding.

In 2014 a number of reforms were introduced to the Victorian Civil and Administrative Tribunal Act 1998. These reforms included:

- Allowing VCAT to invite Council to reconsider its decision at any time during a VCAT hearing;
- Allowing VCAT the ability to require Council's reimburse the applicant's VCAT fees if a permit is not granted within the prescribed timeframe; and
- Allowing VCAT the power to remove a person as a party to a proceeding if it considers that the person's interests are not affected by the preceding.

There have been calls in the past from various community/advocacy groups to change VCAT's role. For example:

- Compel VCAT to implement Local Policy rather than simply consider it
- VCAT should review only planning appeals if there have been legal and technical errors or inconsistencies in council decisions (and not act as the Responsible Authority)
- Limit the substitution of amended plans at VCAT
- VCAT should be a one-stop-shop for enforcement
- VCAT should rescind the ability for a permit applicant to have their VCAT fees reimbursed for 'failure appeals'

## **ISSUES AND DISCUSSION**

Should Council wish to advocate for VCAT reform, there are a number of options available to advocate directly, or in partnership with other bodies. These can include:

- Through peak bodies for local government in Victoria such as the Municipal Association of Victoria
- In partnership with neighbouring Councils, such as through the Inner South Metro Mayors' Forum
- Directly to the Attorney- General who is responsible for VCAT.
- Directly to the Minister for Planning

Council's own Planning Scheme Review and associated workplan was adopted by Council in August 2016. This followed a process of substantial community engagement and extensive analysis of Glen Eira's planning provisions. The adopted workplan commits to, amongst others: Structure Planning in Activity Centres, update the Municipal Strategic Statement, Neighbourhood character policy and provisions review, strengthening of local policies. It is envisaged that the outcomes of the workplan will be an overall reduction in the number of VCAT appeals, or more favourable decision outcomes for Glen Eira.

On this basis, Council should monitor the effect of the workplan outcomes on Glen Eira's number of VCAT appeals or success rate at VCAT. Furthermore, Council should continue to be part of broad sector advocacy on VCAT reform. This is likely to be more effective than advocacy by a single council.

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

N/A

**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

There are a number of broad sector channels Council can utilise, should Council wish to advocate for VCAT reform.

In the meantime, the adopted Planning Scheme Review workplan will result in a range of updated planning provisions and strategies which have the potential to strengthen Council's position in VCAT appeals.

**Moved: Cr Hyams**

**Seconded: Cr Silver**

That Council:

1. notes this report;
2. notes that, through the adopted Planning Scheme Review, Council has commenced a program of structure planning, policy review, and the reinforcing of neighbourhood character and activity centre planning provisions in VCAT appeals; and
3. considers its VCAT advocacy position in June 2018. This will allow time to monitor the effect of Council's Planning Scheme Review program on Glen Eira's number of appeals or success rate at VCAT.

**CARRIED UNANIMOUSLY**

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**Item 9.3 ORMOND STATION - PLANNING SCHEME AMENDMENT - SUBMISSION**

**Author:** *Russell Smith – Coordinator Strategic Planning (acting)*

**File No:**

**Attachments:** *Submission*

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**PURPOSE AND SUMMARY**

On 25 October 2016, the State Government initiated consultation on draft town planning controls for the Ormond Railway Station. These are in the form of a proposed planning scheme amendment. The draft controls seek to facilitate a large scale development for the site that could include residential and commercial uses.

This report provides an overview of the provisions proposed in the amendment and suggests a draft submission for Council to consider.

Submissions must be lodged with the State Government's Standing Advisory Committee by 9 December 2016.

**RECOMMENDATION**

That Council:

1. Adopts the attached submission
2. Submits the submission to the Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee prior to 5pm Friday 9 December 2016.

**BACKGROUND**

Following on from the Victorian Government's commitment to removing 50 level crossings, the Level Crossing Removal Authority (LXRA) has indicated that some of these stations are intended to be developed further.

Ormond is the first station in Glen Eira where the LXRA has indicated its development interest. Other stations within Glen Eira may also follow a similar process in the future.

The current planning controls limit intensive development from occurring. Therefore, the State Government is required to change ('amend') the planning scheme to progress the development potential. To assist the State Government unlock potential development opportunities across the railway network, the Minister for Planning has appointed the Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee. The Committee is required to consider public submissions and provide a recommendation to the Minister for Planning.

The amendment has been prepared by the Minister for Planning, who is the planning authority for the amendment. The amendment has been made at the request of the Level Crossing Removal Authority.

The Amendment has been on exhibition since 25 October 2016 and submissions close 9 December 2016.

Following on from the exhibition process the Standing Advisory Committee will allow submitters to make a public submission in February.

**ISSUES AND DISCUSSION**

*What the Planning Scheme Amendment Proposes to do:*

- Change the zoning of the land from a Public Use Zone to a Comprehensive Development Zone to allow for a mix of residential, commercial and retail uses.
- Make the Minister for Planning the decision maker for any future permit application.
- Exempt any permit process from statutory notification requirements and prevents anyone from lodging an appeal to VCAT.
- Insert a new incorporated document to the planning scheme that sets out design objectives and a building envelope – that ranges in height from 5-6 storeys to 12-13 storeys.
- Exempt most uses from the need for planning approval (construction still need permission).
- Exempts the *Gaming* requirements from the Planning Scheme.

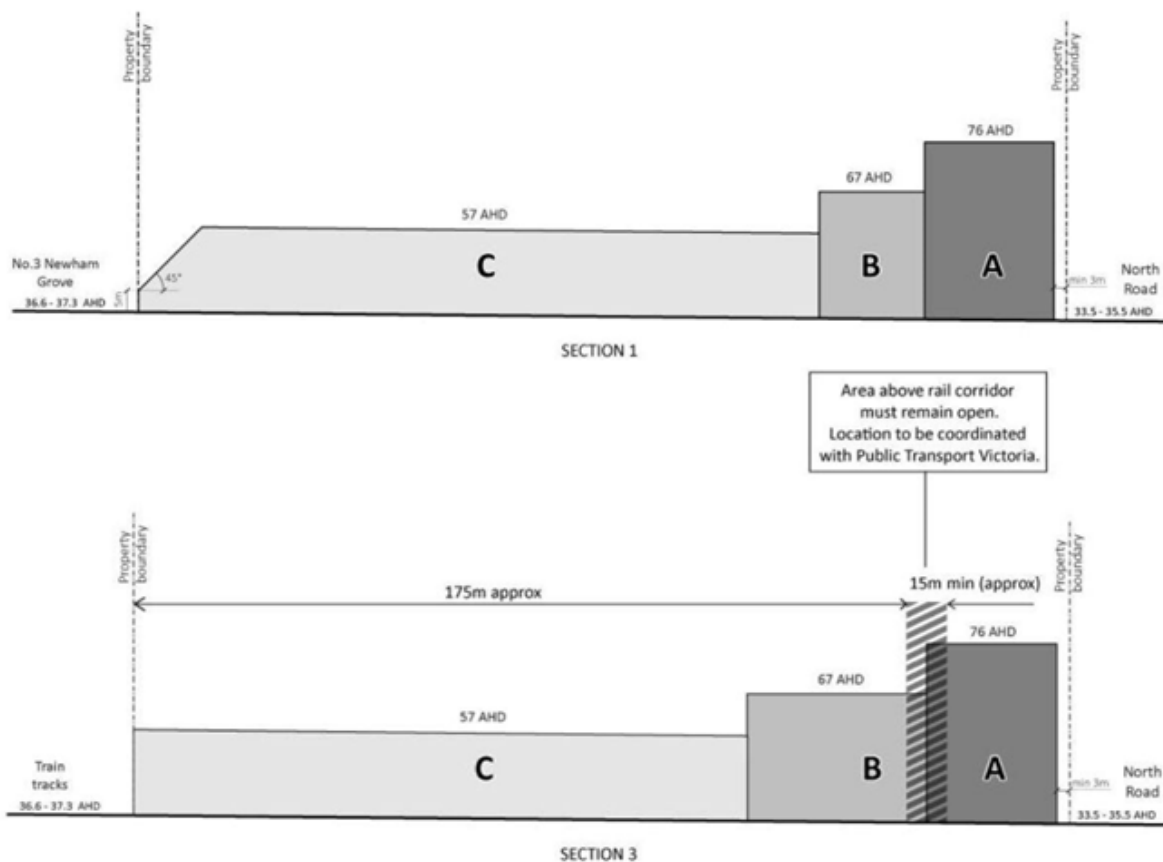


Figure 1: Side cross section view of proposed building envelope (Source: Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee)

**PART 1: Building Envelope Plan**

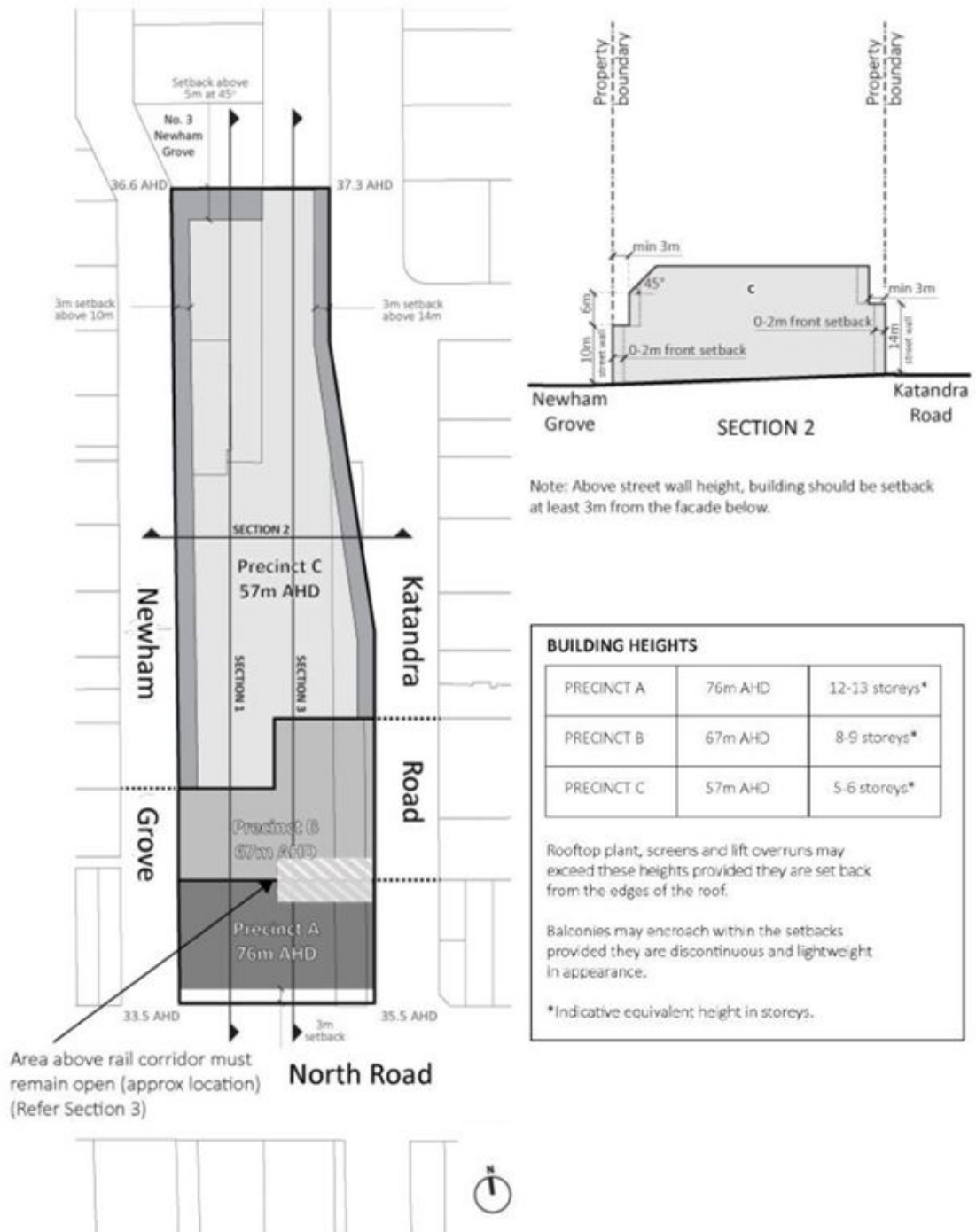


Figure 2: Overhead view and number of storeys (Source: Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee)



Officers have facilitated a cross-disciplinary review from across Council's internal departments, along with receiving independent expert urban design advice. The following issues and opportunities have been identified:

The challenges with the proposal, as drafted are:

1. The proposed height and scale of development is contrary to Council's established hierarchy of centres and local policy, being more than twice the height of any other building within any Neighbourhood Centre in Glen Eira and equal to or higher than buildings within our Urban Villages.
2. The proposed supermarket use and amount of retail floor space is excessive and will:
  - a. Economically have a negative impact upon the existing Ormond shopping centre.
  - b. Economically have a negative impact upon higher order Urban Village centres.
  - c. Generate excess traffic levels within nearby local streets (2-3 times their saturation levels).
  - d. Potentially reduce the future housing growth upon the existing General Residential Zone land within this local road network due to traffic saturation.
3. The intensity of use will potentially require the widening of Katandra Road and possibly force removal of Council's Shared Use Path.
4. The design may result in an "island" style of development that has little interaction with the Ormond shopping strip.
5. There are design shortcomings with the residential and heritage interfaces.
6. The lack of quality open space and connections between spaces.
7. The removal of notification and appeal rights from any future permit process and the inclusion of possible gaming uses.

Officers consider that the proposed planning controls could be redrafted and improved to deliver:

1. A high quality / best practice development that is at an appropriate height and scale for the Ormond Neighbourhood Centre context.
2. An office and small scale retail element that contributes to the vitality and viability of Ormond and surrounding centres.
3. An integrated development strengthening pedestrian connectivity through the centre along North Road and side streets.
4. A development that respects the adjoining residential and heritage context.
5. A development that ensures the protection of the Shared Use Path, creates public open space and promotes traffic safety.
6. New public open spaces and improved amenity along North Road.

7. A transparent planning process that provides for more meaningful community input and rights of appeal.

These have been captured in the Ormond Precinct Opportunities Framework Plan and will be included as part of the submission. Officers envisage that the suggested improvements could significantly contribute to the functionality, vibrancy, safety and interconnectedness of the project with the existing Ormond retail center.

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

Some additional expenditure has been required for the use of consultants. It is anticipated that a peer review of the retail impact assessment, traffic impact assessment and planning assessment may be required.

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

Plan Melbourne and the Draft Victorian Infrastructure Strategy 2016 identify intensification and encouraging of development opportunities at and around railway stations.

The proposal, as drafted, is considered to contradict Council's local planning policies in terms of the scale, intensity and location of the development.

#### **COMMUNICATION AND ENGAGEMENT**

As a Standing Advisory Committee has been appointed, the exhibition of this amendment is run through Planning Panels Victoria and not by Council.

#### **LINK TO COUNCIL PLAN**

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

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

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

#### **CONCLUSION**

Officers consider that the proposal, as drafted, raises a number of concerns. While not opposed with the Plan Melbourne direction to provide additional commerce and living opportunities on or near railway stations, the approach taken, we believe, needs to also be cognisant of:

- Scale of development with regard to the established hierarchy of centres including the need for "landmark buildings" within neighbourhood centres.
- The impacts of the Supermarket and associated retail floor space proposed:
  - o Traffic generation will saturate the local street network by 2-3 times the accepted level.
  - o Potential loss of development potential in General Residential Zone.
  - o Undermining economic viability of higher order retail centres.

- The importance of the pedestrian amenity, open space and the Shared Use Path along Katandra Road.
- Missing the opportunity to providing a significant community benefit to the residents and traders of Glen Eira, especially Ormond, through good design, integration with the existing centre, provision of open spaces and by providing public realm works that improve the functionality, safety and vibrancy of the neighbourhood centre.

**Moved: Cr Athanasopoulos**

**Seconded: Cr Davey**

That Council:

1. adopts the attached submission;
2. submits the submission to the Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee prior to 5pm Friday 9 December 2016.

### **AMENDMENT**

**Moved: Cr Esakoff**

**Seconded: Cr Hyams**

That Council:

1. adopts the attached submission;
2. submits the submission to the Level Crossing Removal Project Integrated Development Opportunities Standing Advisory Committee prior to 5pm Friday 9 December 2016; and
3. replaces the third dot point under 'Opportunities' on page 8 of the submission to read:  
'Council provisionally contends that the maximum building height should be no higher than five storeys in Precinct A at the North Road frontage, scaling down to the north to a maximum of 2-3 storeys (with the 3<sup>rd</sup> storey being well set back). In order to provide a clear position for our community, these should be mandatory maximum heights, and not discretionary ones. Council foreshadows that it will prepare further urban design analysis to justify this maximum building height at the Standing Advisory Committee hearing in February 2017.'

### **Procedural Motion**

**Moved: Cr Hyams**

**Seconded: Cr Athanasopoulos**

That Council grants Cr Esakoff an extension to speak for an additional 3 minutes.

**CARRIED UNANIMOUSLY**

The AMENDMENT was PUT and **LOST**

The original motion moved by Cr Athanasopoulos and seconded by Cr Davey was PUT and **CARRIED UNANIMOUSLY**



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CITY COUNCIL

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MURRUMBEENA  
ORMOND  
ST KILDA EAST

# SUBMISSION

ORMOND VALUE CAPTURE  
PLANNING SCHEME AMENDMENT  
23 November 2016

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**GLEN EIRA CITY COUNCIL**  
DRAFT SUBMISSION  
ORMOND DEVELOPMENT AMENDMENT

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## Executive Summary

The Council objects to the proposed planning scheme amendment. The main points of objection to the proposed amendment are as follows:

1. The height and scale of development is contrary to Council's established hierarchy of centres and local policy, being more than twice the height of any other building within any Neighbourhood Centre in Glen Eira and equal to or higher than buildings within our Urban Villages.
2. The proposed supermarket use and amount of retail floor space is excessive and will:
  - a. Economically have a negative impact upon the existing Ormond shopping centre.
  - b. Economically have a negative impact upon nearby higher order Urban Village centres.
  - c. Generate excess traffic levels within nearby local streets (2-3 times their saturation levels).
  - d. Potentially reduce the development potential upon the existing General Residential Zone land within this local road network due to traffic saturation.
3. The intensity of use will potentially require the widening of Katandra Road and possibly forced removal of Council's Shared Use Path .
4. The design may result in an "island" style of development that has little interaction with the Ormond shopping strip which may exacerbate item 2a (above).
5. A future design will potentially result in unacceptable residential and heritage interfaces.
6. Lack of quality open space and connections between spaces
7. The removal of notification and appeal rights from any future permit process and the inclusion of possible gaming and gambling uses.

Council in its submission has also sought to outline key opportunities for any future project that go some way in attempting to address the above issues and seek to provide a positive outcome for Ormond community:

1. Provide for a high quality / best practice development that is at an appropriate height and scale for the Ormond Neighbourhood Centre context.
2. Provides for an office and small scale retail element that contributes to the vitality and viability of Ormond and surrounding centres.
3. An integrated development strengthening pedestrian connectivity through the centre, along North Road and side streets.
4. A development that respects the adjoining residential and heritage context.
5. A development that ensures the protection of the Shared Use Path, creates public open space and promotes traffic safety.
6. Opportunity for new open spaces and improved amenity along North Road
7. Promotes best practice, transparent planning process and community consultation.

## Strategic Context

The strategic context for Ormond and the site is set out from a number of State and Local Government strategies and policies predominantly being Plan Melbourne and the Glen Eira planning scheme.

### Plan Melbourne and the Plan Melbourne Refresh

Plan Melbourne 2014 is the current metropolitan strategy and is currently being reviewed under the *Plan Melbourne Refresh*. By the time of the Panel hearing, this update may be complete.

Plan Melbourne designates all *Activity Centres* within metropolitan Melbourne through the *Metropolitan Melbourne Structure Plan*. Plan Melbourne also stipulates a number of initiatives to be undertaken in short, medium and long term timeframes by authorities.

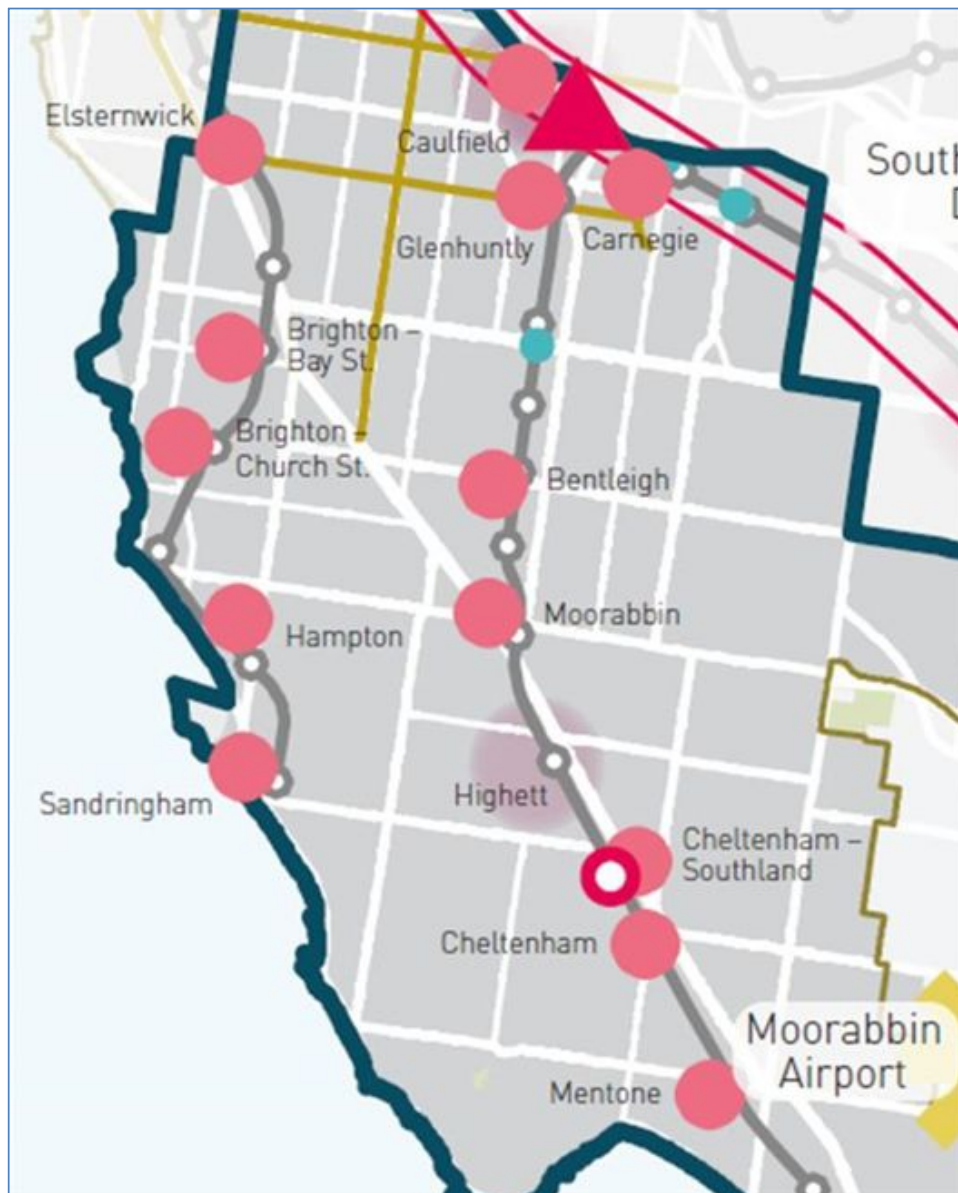


Figure 1: Activity Centres Identified by Plan Melbourne, Close up of Map 34 – Southern Subregion



The map identifies the Glen Eira suburbs of Caulfield, Glenhuntly, Carnegie, Elsternwick, Bentleigh and Moorabbin as activity centres. Ormond is not identified within Plan Melbourne as an *activity centre*.

Plan Melbourne Initiatives 1.6.1 and 1.6.2 propose identifying new urban-renewal precincts and sites as well as new development and investment opportunities around the existing rail network, and planned transport network – based on transit-orientated development principles.

In the short term, these initiatives identify the inner-north and inner west, the central city, the Monash corridor associated with the Cranbourne-Pakenham Rail Project to create employment opportunities associated with planned investment.

In the medium term, the initiatives go into more detail on where and when these should occur: North Melbourne Station, Richmond station precinct, stations as part of the Melbourne Rail Link, Ringwood station, Frankston Station and Clayton. Within the Glen Eira municipality Plan Melbourne identifies Murrumbeena and Carnegie stations – as they are associated with the Cranbourne-Pakenham Rail Corridor Project. Ormond Station and other Frankston Line stations are not specifically mentioned.

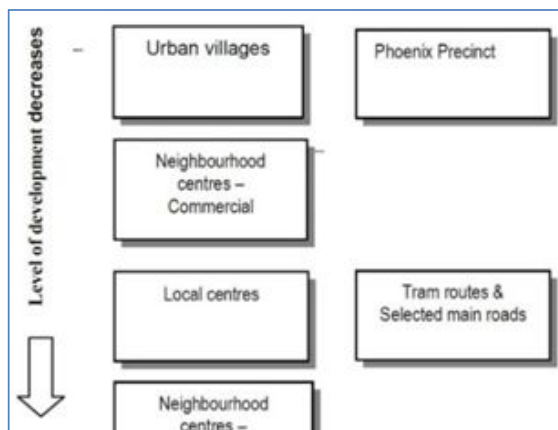
The *Plan Melbourne Refresh* process will result in some changes to the metropolitan strategy. However, throughout the process and discussion paper there has been no specific mention of Ormond becoming a designated *activity centre* or an emerging activity centre.

### The Glen Eira Planning Scheme

The Glen Eira Planning Scheme provides clear policy direction for delivering Council's strategic vision for development and land use within the municipality. Council's Municipal Strategic Statement (MSS) outlines a Strategic Land Use Framework Plan which identifies locations in which specific land use outcomes will be supported and promoted.

A key concept of the Strategic Land Use Framework Plan is the setting of a hierarchy of activity centres. A targeted approach has been employed to identify areas throughout the municipality where areas of increased housing diversity, including higher density development, is encouraged and facilitated through local planning policies and statutory controls.

Various categories of housing diversity areas have been developed within Council's MSS (Clause 21.04 – Housing and Residential Development) to guide development



of particular densities, masses and scales within each area, as expressed in Figure 1: Urban Villages are the preferred locations for the municipality's highest densities of residential development and are guided by Council's Urban Villages Policy - Clause 22.05 of the Glen Eira Planning Scheme. In regards to Urban Villages, Council's MSS states:

*Urban villages are typically characterised by: mixed use areas; a pedestrian scale with increased casual surveillance; interconnected modes of public transport; public areas and open space; and a range of dwellings and higher density dwellings.*

Neighbourhood Centres are envisaged to be developed at lesser densities than the Urban Villages. In regards to Neighbourhood Centres, Council's MSS states:

*These are distributed throughout the City, to serve as the focus for individual neighbourhoods and provide a mix of small-scale convenience retailing and service uses. Apartments and shop top housing is encouraged within the commercial areas of these centres. Single dwellings and multi unit development are encouraged immediately adjoining the commercial areas of these centres.*

Ormond is identified as a *neighbourhood centre* within the Glen Eira Planning Scheme.

## **Housing Diversity Area Policy (HDAP)**

The Housing Diversity Area Policy (HDAP) builds upon the MSS framework and hierarchy of centres within the municipality of Glen Eira. It helps direct higher densities of development for those locations in close proximity to commercial strips, services and public transport.

In regards to Neighbourhood Centres, the Council's Housing Diversity Area Policy states that it is policy to:

*Recognise neighbourhood centres as locations which provide significant opportunities for housing diversity, but at a lesser scale and density than developments in urban villages and the Phoenix Precinct.*

The highest buildings (in terms of number of storeys) approved in Council's urban villages and Phoenix Precinct are:

- Phoenix Precinct – 20 storeys
- Carnegie – 13 storeys.
- Elsternwick – 11 storeys
- Bentleigh – 8 storeys

The highest buildings (in terms of number of storeys) in each of the neighbourhood centres within Glen Eira were as follows:

- 4 storeys – McKinnon.
- 5 storeys – Alma Village, Caulfield South, Moorabbin and Murrumbeena.
- 6 storeys – Ormond, Bentleigh East, Caulfield Park, Glenhuntly and Hughesdale.

It is to be noted that the majority of recent developments were lower in height by a magnitude of 1-2 storeys than these above figures. Also, these buildings may not have been constructed yet.

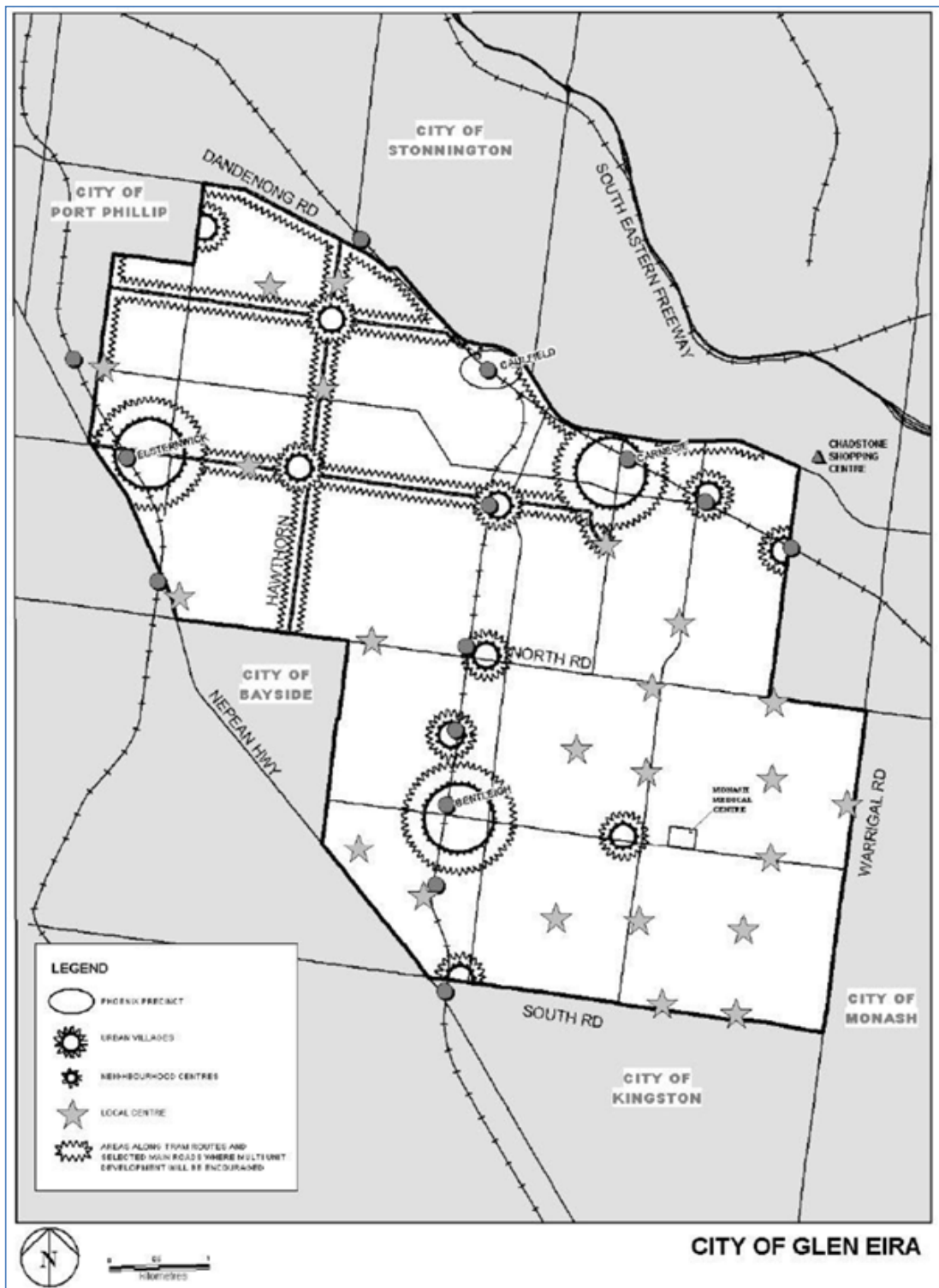


Figure 3: Residential Framework Plan

## Ormond Neighbourhood Centre

Ormond Neighbourhood Centre consists of an east-west commercial strip located on North Road which is radially surrounded by residentially zoned land. The Frankston railway line runs north-south through the middle of the centre with the Ormond Railway Station located on the northern side of North Road. North Road itself is a six-lane declared main road with a median strip.

The centre's boundaries extend north to Foch Street and Oakleigh Road. The centre is bounded to the east by Grange and Jasper Roads, although a small portion of residentially zoned land extends approximately 250 metres further east adjacent North Road. To the south, the centre is located immediately adjacent the McKinnon Neighbourhood Centre though the centres' boundary is at Murray Road. To the west, the centre is bounded by Wheatley and Booran Roads.

The commercial strip is zoned predominantly Commercial 1 Zone, with a considerable portion of the south western quadrant zoned Mixed Use Zone. The majority of the strip consists of fine grained lots developed for mixed-use buildings – retail uses with shop-top housing - of approximately 2-4 storeys, though some larger development opportunities also exist within the centre.

The majority of the remaining land within Ormond Neighbourhood Centre is zoned General Residential Zone which allows development to a maximum building height of 10.5 metres, or approximately three storeys. However, residential land surrounding the site has typically been developed for one and two storey dwellings.

Land located immediately west of the subject site is affected by the Heritage Overlay (HO75) which extends beyond the northern boundary of the centre to Beatty Crescent, and also extends south towards the McKinnon Neighbourhood Activity Centre.

EE Gunn Reserve is located immediately north of the Ormond Neighbourhood Centre adjacent to Foch Street and provides for public open space for the community.

A number of schools and community uses are also scattered throughout the centre.

### **The Subject Site – Ormond Railway Station**

The subject site, Ormond Railway Station, is located at the centre of the Ormond Neighbourhood Centre on North Road and extends north, with commercially zoned land extending east and west of the site along North Road. The site is also closely located to three schools and a child care centre.

The site is bound to the east and west by Katandra Road and Newham Grove, respectively, with no vehicle or pedestrian link provided to the north of the site.

In terms of zoning and development, all remaining sites adjacent the subject site to the north, east and west are zoned General Residential Zone with properties to the west of the subject site affected by the Heritage Overlay.

# Issues and Opportunities

## 1. Height & Scale

***The height and scale of the proposal is contrary to Council's established hierarchy of centres and local policy, being more than twice the height of any other building within any Neighbourhood Centre in Glen Eira and equal to or higher than buildings within our Urban Villages.***

### Issues

- The current proposal contemplates a 13 storey building on the site. This is more than twice the number of storeys in all other neighbourhood centre and is of a scale beyond that of the Urban Village activity centres even exceeding the Bentleigh Activity Centre's tallest building by 5 storeys. This is in direct opposition to Council's housing diversity policy which requires development "at a lesser scale and density than developments in urban villages..."
- Documentation mentions a landmark building to occur on the site. A landmark building does not necessarily have to be exceedingly taller than existing or future surrounding buildings.

### Opportunities

- Project could be an exemplar of good development – high internal amenity, high integration and fit into its site context – visually, functionally, economically, and provide for affordable housing, a housing mix, and ecologically sustainable design.
- Building envelope to be altered to propose a height and built form that reflects neighbourhood centre development scale and that respects the residential and heritage precinct interfaces.
- In order to provide a clear position for our community, mandatory maximum heights should be set, and not a discretionary ones. Council foreshadows that it will prepare further urban design analysis to justify a final maximum building height at the Standing Advisory Committee hearing in February 2017.

## 2. Economic Impact

***The proposed Supermarket use and amount of retail floor space is excessive and will:***

- a. ***Economically have a negative impact upon the existing Ormond shopping centre.***
- b. ***Economically have a negative impact upon nearby higher order Urban Village centres.***
- c. ***Generate excess traffic levels within nearby local streets (2-3 times their saturation levels – Connector Street Level 2).***
- d. ***Potentially reduce the development yield upon the existing General Residential Zone land within this local road network due to traffic saturation.***

### Issues

- Full line supermarkets should be located in Urban Villages and not in a neighbourhood centre like Ormond. The economic impact shows this will have a detrimental effect across nearby centres in Glen Eira.
- There is an existing small scale supermarket fulfilling the grocery needs of Ormond.
- The submitted *retail needs and economic impact assessment* indicates that the site could include a full-line supermarket with a combined leasable floor area not exceeding 6,900 square metres. The report indicates that the supermarket may potentially take up 4,100 square metres.
- The submitted *retail needs and economic impact assessment* indicates that there will be a negative impact on the nearby higher order *urban villages* such as Bentleigh, Carnegie and Elsternwick. The impact to *Bentleigh* will total -\$21.4M in losses and -\$10.5M on Carnegie in 2021/22.
- The Ormond centre currently has a vacancy rate of 9.3% of retail floor space and indicates that there are challenges facing the centre. The *retail needs and economic impact assessment* however indicates that following on from the potential development, the impact will be a -4.9% change in total trading level for the existing Ormond centre.
- Site access and potential design may result in an "island" site that will not benefit the rest of the Ormond shopping strip.
- The saturation of the surrounding street network may result in less potential for redevelopment of sites within the General Residential Zone due to the surrounding road network being unable to reasonably absorb any additional traffic movements.

### Opportunities

- Provide commercial land uses that contribute to the economic performance of Ormond and Glen Eira's network of activity centres by providing;
  - An office and business centre to provide needed professional employment opportunities in the area.
  - Fine grain shops at ground level that add vibrancy around the station precinct
  - Prevention of a large commercial anchor store within the site.
- Reduce the overall area of the proposed retail area and provide for better connections and inclusion to the existing centre.  
The retail needs report indicates that the traffic numbers going through Ormond on North Road should be providing sufficient traffic to enable a successful centre. However, it is acknowledged that *the width of the road and the lack of convenient parking creates challenges for the centre's status.*

### 3. **Access & Connectivity**

***The intensity of use will potentially require the widening of Katandra Road and possibly the forced removal of Council's Shared Use Path.***

### Issues

- The Shared User Path is the main north-south recreational and commuter Shared User Path within the municipality and its safety should not be compromised with conflict points such as access points particularly given that these are proposed to be 3 lanes wide (2 exit lanes and an entry lane). In addition to the aforementioned the design of just a 2.5 m wide refuge area between exit and entry lanes is inadequate for this environment.

- Three nearby local schools and a child care centre with high pedestrian activity which will be affected by the significant increase in vehicular traffic movements.

#### **Opportunities**

- Proponent to provide further traffic modelling to better reflect the true traffic impacts.
- Investigate providing vehicular access points along Newham Grove.
- Explore opportunities to improve pedestrian amenity along North Road

#### **Integration with the Centre**

***The design may result in an “island” style of development that has little interaction with the Ormond shopping strip.***

#### **Issues**

- Vehicle access to the site and its likely finished surface levels are in conflict with the Shared Use Space.
- Site access plan appears to not encourage pedestrian movement and circulation through the site.
- Open space is not guaranteed to be provided.
- Primary pedestrian access only shown at south west and southern edges of the site. This may result in a big-box internalised development that turns it back on Katandra Road and one that would have a poor visual and functional connection to Katandra Road, North Road, the railway station, Newham Grove and the Ormond centre as a whole.

#### **Opportunities**

- Vehicle access to the site and its likely finished surface levels are in conflict with the Shared Use Space.
- Open space to be provided to the north of the site.
- Pedestrian access and movement to be encouraged through the site.
- Retain civic space to the southwest of the site and protect space from significant overshadowing.

### **5. Residential & Heritage Interface**

***Concerns of the design with the residential and heritage interfaces.***

#### **Issues**

- The building extends to the north stepping down to a height of 6 storeys, and extending over a block into the residential area to the north. The western residential area is within a Heritage Precinct.

#### **Opportunities**



- Lower building height of Precinct C to integrate with the adjoining General Residential Zone which has a mandatory maximum height of 3 storeys.
- Impose a podium requirement and upper level setback within the proposed building envelope.

**6. Open Space and Amenity**

***Lack of quality open space and connections between spaces.***

***Opportunity for new open spaces and improved amenity along North Road***

**Issues**

- Proposal fails to secure or identify Public Open Space for the wider community and residents.
- Concerns of the impacts on the public realm on the station forecourt.
- Quality of pedestrian amenity along North Road.

### **Opportunities**

- Maintain existing station forecourt at south western corner of site.
- Provide open space to the north western corner of site and pedestrian access to Walsh Street.
- Explore opportunities to improve pedestrian amenity along North Road. Pedestrian priority areas to be provided along the southern areas of Newham Grove and Katandra Road.
- Retain street trees within Newham Grove and Katandra Road.
- Explore street tree planting along North Road.

## **7. *Open & Transparent Decision Making***

***The removal of notification and appeal rights from any future permit process and the inclusion of possible gaming uses.***

### **Issues**

- Planning permit process has no notification or appeal rights.
- Future apartments appear to not be subjected to apartment standards.
- No guarantee of public notification or input into design detail for a potentially substantial building which is located close to residential properties.
- Exemption of Gaming from planning permission is not considered a reasonable outcome and is at odds with community standards due to the significant negative social and economic effects gaming can have on communities.

### **Opportunities**

- Reinstate notification and appeal rights.
- Remove Gaming permit exemptions from documentation.

## **8. *Other issues an opportunities***

### **Issues**

- Affordable / social housing not required as part of the proposal.

### **Opportunities**

- Create requirements for a percentage of affordable / social housing.

# Opportunity Framework Plan

A draft Ormond Station and surrounding environs framework plan has been developed to aid in visualising many of the aforementioned opportunities. Particular attention has been made to the proposal's interaction with the public realm and interfacing with residential areas.



**Figure 4: Ormond Station Opportunity Framework Plan**

## Conclusion

The current proposal raises a number of concerns for Council. While not opposed with the Plan Melbourne direction to provide additional commerce and living opportunities on or near railway stations, the approach taken we believe needs to also be cognisant of:

- Scale of development with regard to the established hierarchy of centres including the need for “landmark buildings” within neighbourhood centres.
- The impacts of the Supermarket and associated retail floor space proposed:
  - o Traffic generation will saturate the local street network by 2-3 times the accepted level.
  - o Potential loss of development potential in General Residential Zone.
  - o Undermining economic viability of higher order retail centres.
- The importance of the pedestrian amenity, open space and the Shared Use Path along Katandra Road.
- Missing the opportunity to providing a significant community benefit to the residents and traders of Glen Eira, especially Ormond, through good design, integration with the existing centre, provision of open spaces and by providing public realm works that improve the functionality, safety and vibrancy of the neighbourhood centre.



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**Item 9.4 GLEN EIRA SECONDARY COLLEGE PEDESTRIAN SIGNALS**

**Author:** Terry Alexandrou, Traffic Engineering Team Leader

**Attachments:** Correspondence from Glen Eira College Council  
Pedestrian Crossing Photographs

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**PURPOSE AND SUMMARY**

This report responds to a Council resolution requesting a report from officers.

At the Ordinary Council Meeting of 10 October 2016, Council resolved:

*“That Council receives a report detailing:*

1. *any relevant traffic and pedestrian studies conducted around the area of Glen Eira College;*
2. *information from other similar schools with split campus and the traffic controls they employ;*
3. *The best way to engage decision makers including VicRoads, the Minister for Roads and any other relevant state and federal members on the issue.”*

**RECOMMENDATION**

That Council:

1. notes this report;
2. writes to the Minister for Roads and Road Safety, and the Minister for Education to advocate for:
  - a. the installation of variable electronic speed limit signs
  - b. an increased time period for the 40 km/h school speed limit
  - c. the provision of a mast arm at the pedestrian operated signals at Glen Eira Secondary College for additional signal lanterns.

**BACKGROUND**

The Glen Eira Secondary College is located on the corner of Booran and Glen Eira Roads. The campus is split across both sides of Booran Road (Figure 1).

Pedestrian operated signals (POS) are provided on Booran Road to assist pedestrians with crossing between the two halves of the campus. This section of Booran Road is a 'declared secondary arterial road' under the care and management of VicRoads. That is, it is not a local road under Council management and control.

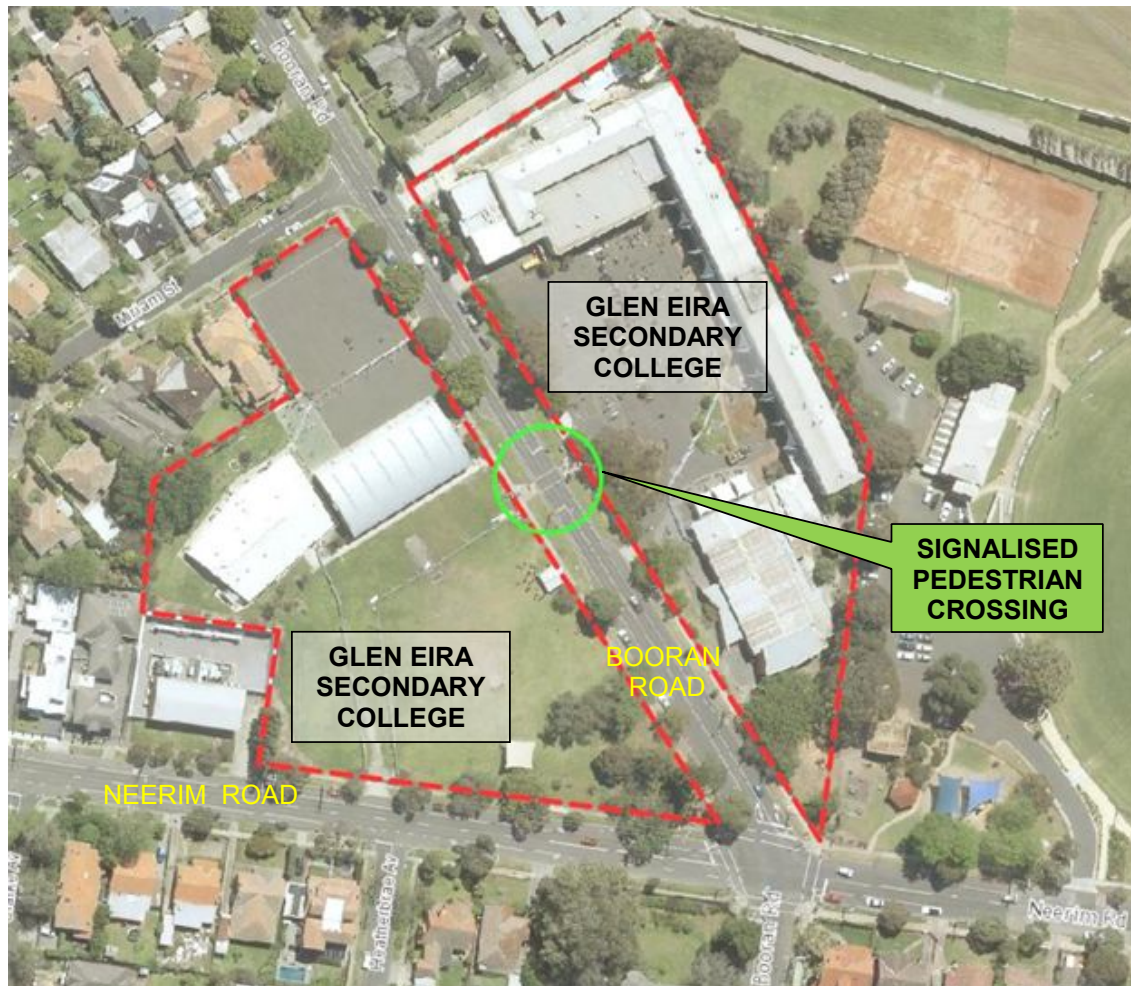


Figure 1

### Glen Eira Secondary College split campus each side of Booran Road

The College, through the Glen Eira Secondary College Council, has raised various concerns in regards to the traffic conditions at the POS since mid-2014 which include:

- Vehicles running the red lights and nearly hitting students using the POS.
- Vehicles speeding along Booran Road in the vicinity of the school and through the POS.

VicRoads officers, the Victoria Police and Council officers have met with the school on various occasions to look at the matter. These meetings have resulted in:

- The part-time school speed zones being introduced along Booran Road south of Neerim Road and along Neerim Road from Manchester Grove to Farnham Street (arranged by Council in early 2015).
- Street trees have been trimmed (by Council) to ensure that the signals are not obstructed by the foliage.
- The traffic signal lanterns at the POS have been upgraded to LED lanterns (by VicRoads).
- The line marking in this section of Booran Road has been refreshed (by VicRoads)

- Extra police enforcement has been requested with regards to driver behavior (by Council and VicRoads).

In addition, Council has also provided a school crossing supervisor at the intersection of Booran and Neerim Roads during the school drop off and pick up periods. This was requested by the school and implemented after a study of the school pedestrian volumes at the intersection showed that it was warranted.

Currently the 40 km/h part time school speed limit applies between 8-9:30am and 2:30-4pm on School Days. VicRoads had advised the school that they would investigate the provision of variable electronic speed limit signs and if the time period of the 40 km/h part time school speed limit along Booran Road adjacent to the school could be increased to apply between 8am and 4:30 pm on School Days.

VicRoads was contacted about the speed limit investigation at this location. VicRoads advised that they undertook on-site observations in December 2015 and found general compliance from drivers with both the speed limit and the pedestrian crossing operation. However they also observed that a number of students did not look to observe approaching vehicles before commencing to cross the road.

VicRoads subsequently advised that the existing static part time school speed limit signs on Booran Road are in accordance with the current Speed Zoning Guidelines and are appropriate and consistent with other locations on similar roads across the state. Therefore VicRoads will not support an increase to the time period of the 40 km/h school speed limit.

The school has sent an email (see **Attachment 1**) to various Councillors, to request further Council support in the form of advocacy to the Minister for Roads and Road Safety to install the variable electronic LED school speed limit signs to increase the time period of the school speed limit.

## ISSUES AND DISCUSSION

Council officers have met with the school and VicRoads in regards to this matter. However, given that Booran Road is a VicRoads road, any investigations relating to the crossing should be conducted by VicRoads.

Council's Walking Strategy requires that at least two schools be audited each year. Glen Eira Secondary College is scheduled to be audited in the 2017/18 financial year (three schools are currently being audited for the 2016/17 financial year – East Bentleigh Primary School, Bentleigh West Primary School, and Tucker Road Bentleigh Primary School).

There are two schools in Glen Eira that have split campuses on relatively busy roads. These are:

- McKinnon Primary School on Tucker Road (which is a major Council road); and
- Glen Huntly Primary School on Grange Road (which is a VicRoads road).

At Tucker Road and at Grange Road, there are POS outside the schools to assist pedestrians to cross the road between the the two parts of the school campus. At Grange Road there is also a pedestrian bridge. However, there are only stairs. Therefore, VicRoads installed the POS in 2008 following concerns from the school community that it was not safe to cross Grange Road near the school with prams or in a wheelchair.

One of the main differences to the POS at Booran Road is that the Grange Road and Tucker Road POS also have signal lanterns provided over the roadway on traffic signal mast arms, rather than just the signal pedestals adjacent to the road (see **Attachment 2**). This improves the visibility of the POS.

VicRoads has previously indicated that one of the issues with the POS outside the Glen Eira Secondary College is the proximity to the traffic signals at the intersection of Booran and Neerim Roads. There is concern that southeast bound drivers may be running through the red light at the POS because they are concentrating on green signals at the intersection ahead (Figure 2). This is often referred to as *visual deception of the traffic signals*.



Figure 2 - Booran Road POS with Neerim Road lights in the background

Extensive research has proven that at lower vehicle speeds the severity of an injury to a pedestrian hit by a vehicle is reduced and the reaction time of drivers is improved, hence why a 40 km/h speed limit (rather than 50 or 60) would be advantageous in the event of a crash. However, the fundamental issue with the Booran Road site is that motorists are not always obeying the red signals at the POS. This is unlikely to change by reducing the speed limit. It is suggested that traffic signal mast arm lanterns be provided which may increase the visibility of the POS and reduce the visual deception that potentially has been occurring.

The school has taken the correct steps to approach VicRoads to assess their concerns in relation to this matter in the first instance. As the speed limit assessment and the matter of funding at this location rests with the State Government, the next step would be to approach the relevant Ministers.

It is suggested that the best way to engage the Minister for Roads and Roads Safety, The Hon. Luke Donnellan MP and the Minister for Education, The Hon. James Merlino MP, is to write to them in support of the school's request and also for the provision of mast arm traffic signal lanterns. It may also be advantageous to invite the Ministers, along with any relevant VicRoads officers to attend the site at a time nominated by the school, so that they can see the issues first hand.

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

N/A



**LINK TO COUNCIL PLAN**

Transport Planning – To promote the safe movement of pedestrian, bicycle and vehicle traffic in a way that minimises the impact of traffic and parking on the local amenity and physical environment.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

VicRoads, as the relevant road authority in this instance, is best placed to investigate any concerns raised by the community. Having undertaken its own assessment, VicRoads has indicated that an increased time period for the 40 km/h speed limit during the school day is not supported as it is not in accordance with the school speed limits set out in the Victorian Speed Zoning Guidelines.

If Council wishes to pursue this matter further, Council could write a letter to the Minister for Roads and Road Safety, and the Minister for Education on behalf of the school to advocate for:

- The installation of variable electronic speed limit signs in place of the static, non-illuminated signs.
- an increased time period for the 40 km/h school speed limit.
- the provision of a mast arm at the POS for additional signal lanterns in order to increase the visibility of the crossing and reduce the visual deception created by the signalised intersection to the south.

**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That Council receives a report detailing:

1. notes this report;
2. writes to the Minister for Roads and Road Safety, the Minister for Education and relevant State Government representatives to advocate for:
  - (a) the installation of variable electronic speed limit signs
  - (b) an increased time period for the 40 km/h school speed limit; and
  - (c) the provision of a mast arm at the pedestrian operated signals at Glen Eira Secondary College for additional signal lanterns.

**CARRIED UNANIMOUSLY**

**Attachment 1****To:** Cr. Neil Pilling**Subject:** Glen Eira College School Crossing

27 September 2016

Councillor Neil Pilling (Mayor)

Dear Cr Pilling (Mayor)

I am writing to express my concern about the dangerous pedestrian crossing on Booran Rd, Caulfield East outside Glen Eira College, where my children attend school. This issue was raised on the front page of the Caulfield/Glen Eira Leader (27 September).

As you are aware the school campus is split in two across Booran Rd. The pedestrian crossing with traffic lights allows students to cross. This crossing is dangerous as students are crossing this busy road during the whole day for lessons in the gym and the English Language Centre as well as to use the recreational space at recess and lunchtime.

Parents and staff are very worried as there have been some near misses at this crossing with cars not stopping in time, or not stopping at all, in some cases. This is despite teacher supervision of the crossing during the school day and a crossing supervisor before and after school. This is an accident waiting to happen to one of our children.

A variable electronic sign is required for this school zone so that the zone is applicable throughout the school day. This will make the crossing more visible to drivers as well as extend the 40km/h speed limit throughout the school day.

My understanding is that VicRoads have advised the school that there will be a 5-10 year wait for the school to receive the appropriate signage. This is unacceptable given what could happen to one of our children in the meantime.

Glen Eira Council has been supportive in doing what it can but this is a VicRoads responsibility.

I urge you to raise this matter with the Minister for Roads and Road Safety on behalf of our children and Glen Eira College to urgently install a variable electronic school zone sign before a terrible accident occurs.

Thank you for your support in addressing this issue.

Yours sincerely

Ruth Gordon  
Vice President  
Glen Eira Council

Attachment 2



Booran Road Pedestrian Operated Signals (without mast arm)



Grange Road Pedestrian Operated Signals (with mast arm)

**Item 9.5 LEASE 274-276 GLEN EIRA ROAD, ELSTERNWICK****Author:** *Noel Kiernan, Manager Buildings and Properties***File No:** *RIM307598-02***Attachments:** *1. Location plan*

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**PURPOSE AND SUMMARY**

This report seeks Council's approval to commence the Planning Permit process for additional rooms for the Elsternwick Maternal Child Health service, and once that is finalised, enter into a new lease for the additional rooms.

Council's Maternal and Child Health (MCH) currently leases premises at 274-276 Glen Eira Road. The leased area is inadequate for the provision of the service required. The Centre has no space for new parent groups and parents need to travel to the Caulfield Centre to attend a group. The office space is small with only two small offices for the three staff that operate from the Centre.

Space immediately adjacent and connected to the Centre (the rear rooms) have recently become available for lease. This presents an opportunity to provide a full range of MCH services from the Centre.

Prior to finalising any leasing arrangement for these additional rooms, an amended planning permit application will need to be submitted to Council's Town Planning Department to authorise the use of these rooms as a maternal child and health clinic, and to amend the associated carparking requirements.

**RECOMMENDATION**

THAT Council:

- i) Authorises officers to seek an amendment to the existing Planning Permit;
- ii) On the condition that an amended Planning Permit is secured, authorises officers to finalise the terms of a commercial lease for the additional area with the landlord, Mobile Instant Printing Services Pty Ltd; and
- iii) Executes the above lease and any future options in an appropriate manner by affixing the Council Seal.

**BACKGROUND**

Council's Elsternwick MCH Centre was relocated from 55 Orrong Road, Elsternwick to 274-276 Glen Eira Road, Elsternwick in 2011. This was to allow for the expansion of the existing Council kindergarten services.

As there were no Council properties in the local area suitable to relocate these services to, Council entered in to a commercial lease with Mobile Instant Printing Services Pty Ltd for rooms fronting Glen Eira Road, close to Orrong Road.

Council's existing lease for the front rooms runs until 9 March 2020. The landlord recently advised officers that the rooms to the rear of Council's existing MCH service have recently become vacant. The landlord will allow Council to lease both areas enabling Council to expand this service.

**ISSUES AND DISCUSSION**

The Elsternwick MCH service is currently the busiest of all Council's MCH services. Last year the Elsternwick MCH Centre had the highest birth rate of all seven MCH Centres in Glen Eira.

Within its existing rooms, the Elsternwick MCH Centre is currently operating a limited service with two small offices, a cupboard space utilised by the Outreach MCH nurse and a small waiting room area.

First Time parent groups, which are run weekly, cannot be offered in this small space and parents currently need to travel to the Caulfield Children's Centre for these groups.

The existing front rooms and the additional rear rooms are separated by a sealed door and can be combined to provide the additional space needed. The condition of the rear rooms is good. Minor capital works and some general refurbishment will be required to reconfigure the internal layout to make best use of the space.

The landlord has offered a new lease for the rear rooms that will broadly accord with those of the front room. It is not possible to merge the two leases into one, as the landlord uses a managing agent to manage the existing lease and wants to manage the new (rear rooms) lease directly. Officers consider this acceptable. Future lease options for the rear rooms will be secured under the same timeframes as the lease arrangements for the front rooms.

A Planning Permit was issued in January 2011 that authorised the use of the land as a maternal child and health clinic and the reduction of the car parking requirement. This permit only authorised the use to be conducted in the front rooms that are currently leased and did not include the rear rooms. Now that the rear rooms are proposed to be used, the Planning Permit will need to be amended to include those rooms and any further associated reduction in the car parking requirement.

Several conditions of the permit will also need to be changed including the additional staff that are proposed (currently staff numbers are capped by the Planning Permit to no more than 2), the new parent group and changes to the room layouts. The amended planning permit application will be submitted to the Town Planning Department by an external planning consultant to ensure neutrality.

Officers do not intend to finalise a lease with Mobile Instant Printing Pty Ltd for the additional rear rooms until the amendment planning permit is obtained.

**FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

The initial rental for the rear rooms will be \$2,600 per month, plus GST (equivalent to \$31,200 per annum plus GST).<sup>1</sup> It will rise by 4% per annum.

The construction and refurbishment costs for combining the two tenancies are estimated at \$47,000 plus GST. These additional costs will be funded from Council's 2016-17 Capital Works Program and the forecast adjustment will be reported in Council's Financial Management Report.

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<sup>1</sup> Council currently pays \$3,380 per month, plus GST (equivalent to \$44,616 per annum plus GST) for the front rooms. The combined total going forward will start at \$75,816 per annum plus GST, with 4% fixed annual increases applicable for both leases.

The Planning Permit fees are estimated at \$6,800 plus GST.

Going forward Council will be responsible for general maintenance and repairs to the leased areas, building insurance reimbursement, utilities and services.

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

Council will be required to enter in to a commercial real estate lease with the landlord. There are no other policy or legislative implications associated with the lease.

The amended Planning Permit will be subject to the requirements of the Glen Eira Planning Scheme and the Planning and Environment Act 1987.

#### **COMMUNICATION AND ENGAGEMENT**

No other community engagement or public notice requirements are required by entering in to a new lease.

#### **LINK TO COUNCIL PLAN**

Theme 1 Services that support the community: to maintain high service standards and deliver universal community services that support the needs of families, youth and the aged.

Theme 7 Council's Community Plan: enhance and develop sustainable community assets and infrastructure to meet the needs of the current and future generations.

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

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

#### **CONCLUSION**

Entering in to a new lease for additional rooms for the Elsternwick Maternal & Child Health Centre will ensure that the service continues to meets the needs of families in the community, in particular the high demand in Elsternwick.

**Moved: Cr Magee**

**Seconded: Cr Davey**

That Council:

- 1) authorises officers to seek an amendment to the existing Planning Permit;
- 2) on the condition that an amended Planning Permit is secured, authorises officers to finalise the terms of a commercial lease for the additional area with the landlord, Mobile Instant Printing Services Pty Ltd; and
- 3) executes the above lease and any future options in an appropriate manner by affixing the Council seal.

**CARRIED UNANIMOUSLY**

ATTACHMENT 1

Location plan



**Item 9.6 ROAD AND RESERVE DISCONTINUANCE - ROAD AND RESERVE ABUTTING 2 FURNEAUX GROVE, EAST STKILDA**

**Author:** *Noel Kiernan, Manager Buildings and Properties*

**File No:** *16//21943*

**Attachments:** *1. Location Plan  
2. Plan of Survey*

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**PURPOSE AND SUMMARY**

Caulfield Grammar School has requested Council discontinue and sell the 3.05m wide road and 0.30m wide reserve together with a section of previously discontinued road and reserve adjoining the rear of 2 Furneaux Grove in St Kilda East, a total land area of 75m<sup>2</sup>.

This report seeks approval to commence the statutory procedures to discontinue the road and sell the land.

**RECOMMENDATION**

That Council resolves:

- (a) That statutory procedures be commenced pursuant to section 206 clause 3 of Schedule 10 to the Local Government Act 1989 (*the Act*) to discontinue and sell the 3.05m wide road at the rear of 2 Furneaux Grove, St Kilda East, shown hatched in Attachment 1;
- (b) To note that procedures will be implemented under part 4 of the Planning and Environment Act, 1987 and sections 24A and 35 (8) of the Subdivision Act, 1988 to vest the 0.30m wide reserve, shown cross-hatched in Attachment 1, remove reserve status from the land and combine the land with the land from the discontinued road and the land from the previously discontinued road and reserve, as one lot in a Plan of Subdivision;
- (c) That statutory procedures be commenced pursuant to section 189 of the Act for the sale of the land from the 0.30m wide reserve, shown cross-hatched in Attachment 1, together with the land from the previously discontinued road and reserve, shown as parcel A in Attachment 1, at the rear of 2 Furneaux Grove, St Kilda East;
- (d) As part of the statutory procedures, place a public notice about the proposed discontinuance and sale of the 3.05m wide road and the sale of the land from 0.30m wide reserve, together with the land from the previously discontinued road and reserve, in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers, on Council's website and also write to any adjoining property owners and for the notice to state that Council intends to sell the land to the Caulfield Grammar School, as the owner of the adjoining property at 2 Furneaux Grove, St Kilda East, by private treaty in accordance with Council policy;



- (e) Following the completion of the public notification process of Council's intentions to discontinue and sell the land from the road and reserve, in the event that no submissions are received all of the statutory procedures for the discontinuance and sale of the road and reserve, including the publication of the discontinuance of the road in the Victoria Government Gazette, be finalised;
- (f) In the event that no submissions are received, officers be authorised to finalise the sale of the land from the road and reserve, including the land from the previously discontinued road and reserve, to the Caulfield Grammar School as the adjoining owner, in an appropriate manner, including the affixing of the common seal;
- (g) In the event that it receives submissions, invite submitters to be heard at an Ordinary Council meeting and then determine whether to discontinue and sell the road and reserve; and
- (h) To note that the discontinuance and sale of the road will not affect any right, power or interest held by South East Water in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.

## **BACKGROUND**

Council received a request from the Caulfield Grammar School (School) to acquire the land at the rear of its property at 2 Furneaux Grove, St Kilda East. The land comprises a 3.05m wide road, shown hatched on the plan in Attachment 1, together with a 0.30m wide reserve (known as a "revenge strip") shown cross-hatched on Attachment 1.

A recent site inspection has confirmed that the road and reserve are presently enclosed within the School's property at 2 Furneaux Grove. This occupation appears to have prevailed for a considerable period of time. The School owns all of the adjoining land and it is proposed to incorporate the property together with the land from the road and reserve as part of the School grounds.

In addition to the section of road and reserve mentioned above, an additional portion of land at the rear of 2 Furneaux Grove, shown as parcel A on the plan in Attachment 1, has been identified as being available for purchase. This parcel of land is the balance of the land remaining from a previous discontinuance undertaken in 1983, which was not sold at the time.

The School has signed a Letter of Offer to acquire the land conditional on Council successfully completing the statutory procedures.

## **ISSUES AND DISCUSSION**

Council and all necessary service authorities have been consulted in respect to the proposal and no objections have been received.

South East Water has a sewer within the land and will require an easement to be retained.

Furthermore, the discontinuance in 1983 created a drainage and sewer easement over all of the land in the former road and reserve. Accordingly, the additional land, identified as parcel A, will be subject to an easement in favour of the Melbourne and Metropolitan Board of Works (now South East Water).

**FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

The School has signed a Letter of Offer agreeing to acquire the land at current market value (\$63,195.00 inclusive of GST) and has also agreed to meet all of Council's reasonable costs associated with undertaking the necessary procedures (estimated at \$27,078.80 inclusive of GST).

**POLICY AND LEGISLATIVE IMPLICATIONS**

Prior to deciding whether or not to discontinue and sell the road and the reserve, together with the section of previously discontinued road and reserve, Council is required to undertake the following procedures:

- Procedures under section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* to discontinue and sell the 3.05m wide road, shown hatched on Attachment 1;
- Procedures under part 4 of the *Planning & Environment Act 1987* and section 24A and 35(8) of the *Subdivision Act 1988* to vest the 0.30m wide reserve, shown cross-hatched on the Attachment 1, in Council and remove reserve status from the land.
- Procedures under section 189 of the *Local Government Act 1989* for the sale of the land from the 0.30m wide reserve together with the section of previously discontinued road and reserve, shown cross-hatched and as parcel A respectively on Attachment 1.

The above 3 parcels of land will be combined as one lot in Plan of Subdivision PS803455F, shown in Attachment 2

Council's Road and Reserve Discontinuance and Sale Policy provides guidance in relation to discontinuance and sale of road and reserves and the procedures have been carried out in accordance with the Policy.

**COMMUNICATION AND ENGAGEMENT**

These procedures will involve Council giving public notice in the newspapers generally circulating within the municipality and on its website, of its intention to discontinue and sell the land and invite submissions from affected parties.

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

**LINK TO COUNCIL PLAN**

Community Facilities and Assets: to ensure that Council assets meet community requirements and are funded in a sustainable manner.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

It is considered that the road and reserve are no longer required for public use and it would be appropriate for the road and reserve to be discontinued and sold to the Caulfield Grammar School, so that the land at the rear of the School's property at 2 Furneaux Grove, St Kilda East, can be more beneficially used by the School.

This report recommends that Council commences the necessary procedures for the discontinuance and sale of the land from both the road and reserve, together with the section of previously discontinued road and reserve, to the School by private treaty in accordance with Council's Policy.

**Moved: Cr Silver****Seconded: Cr Magee**

That Council resolves:

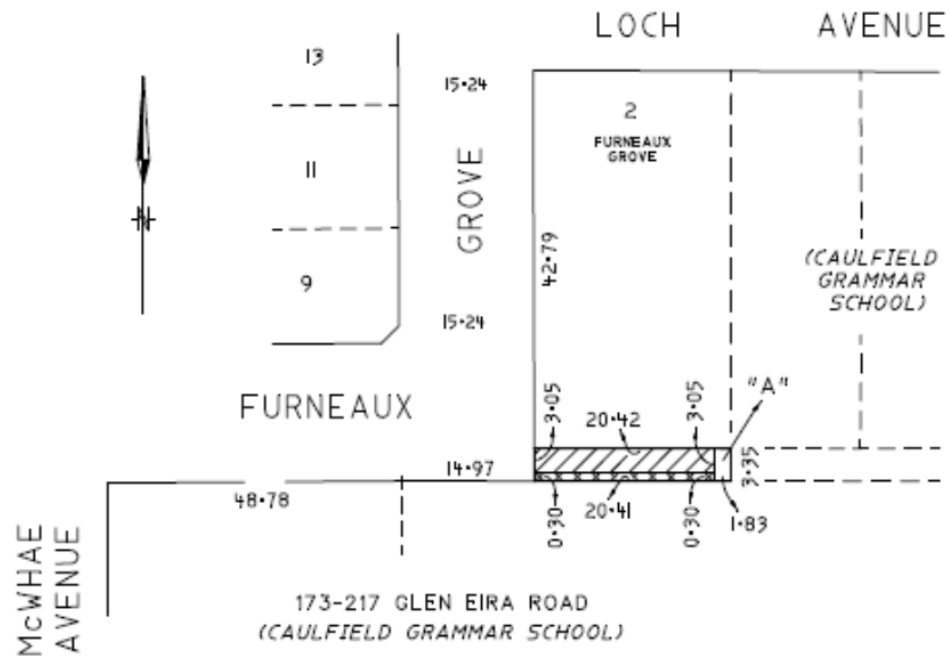
- (i) that statutory procedures be commenced pursuant to section 206 clause 3 of Schedule 10 to the Local Government Act 1989 (*the Act*) to discontinue and sell the 3.05m wide road at the rear of 2 Furneaux Grove, St Kilda East, shown hatched in Attachment 1 of the report;
- (j) to note that procedures will be implemented under part 4 of the Planning and Environment Act, 1987 and sections 24A and 35 (8) of the Subdivision Act, 1988 to vest the 0.30m wide reserve, shown cross-hatched in Attachment 1 of the report, remove reserve status from the land and combine the land with the land from the discontinued road and the land from the previously discontinued road and reserve, as one lot in a Plan of Subdivision;
- (k) that statutory procedures be commenced pursuant to section 189 of the Act for the sale of the land from the 0.30m wide reserve, shown cross-hatched in Attachment 1, together with the land from the previously discontinued road and reserve, shown as parcel A in Attachment 1, at the rear of 2 Furneaux Grove, St Kilda East;
- (l) as part of the statutory procedures, place a public notice about the proposed discontinuance and sale of the 3.05m wide road and the sale of the land from 0.30m wide reserve, together with the land from the previously discontinued road and reserve, in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers, on Council's website and also write to any adjoining property owners and for the notice to state that Council intends to sell the land to the Caulfield Grammar School, as the owner of the adjoining property at 2 Furneaux Grove, St Kilda East, by private treaty in accordance with Council policy;
- (m) following the completion of the public notification process of Council's intentions to discontinue and sell the land from the road and reserve, in the event that no submissions are received all of the statutory procedures for the discontinuance and sale of the road and reserve, including the publication of the discontinuance of the road in the Victoria Government Gazette, be finalised;

- (n) in the event that no submissions are received, officers be authorised to finalise the sale of the land from the road and reserve, including the land from the previously discontinued road and reserve, to the Caulfield Grammar School as the adjoining owner, in an appropriate manner, including the affixing of the common seal;
- (o) in the event that it receives submissions, invite submitters to be heard at an Ordinary Council meeting and then determine whether to discontinue and sell the road and reserve; and
- (p) to note that the discontinuance and sale of the road will not affect any right, power or interest held by South East Water in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.

**CARRIED UNANIMOUSLY**

ATTACHMENT 1


Site plan

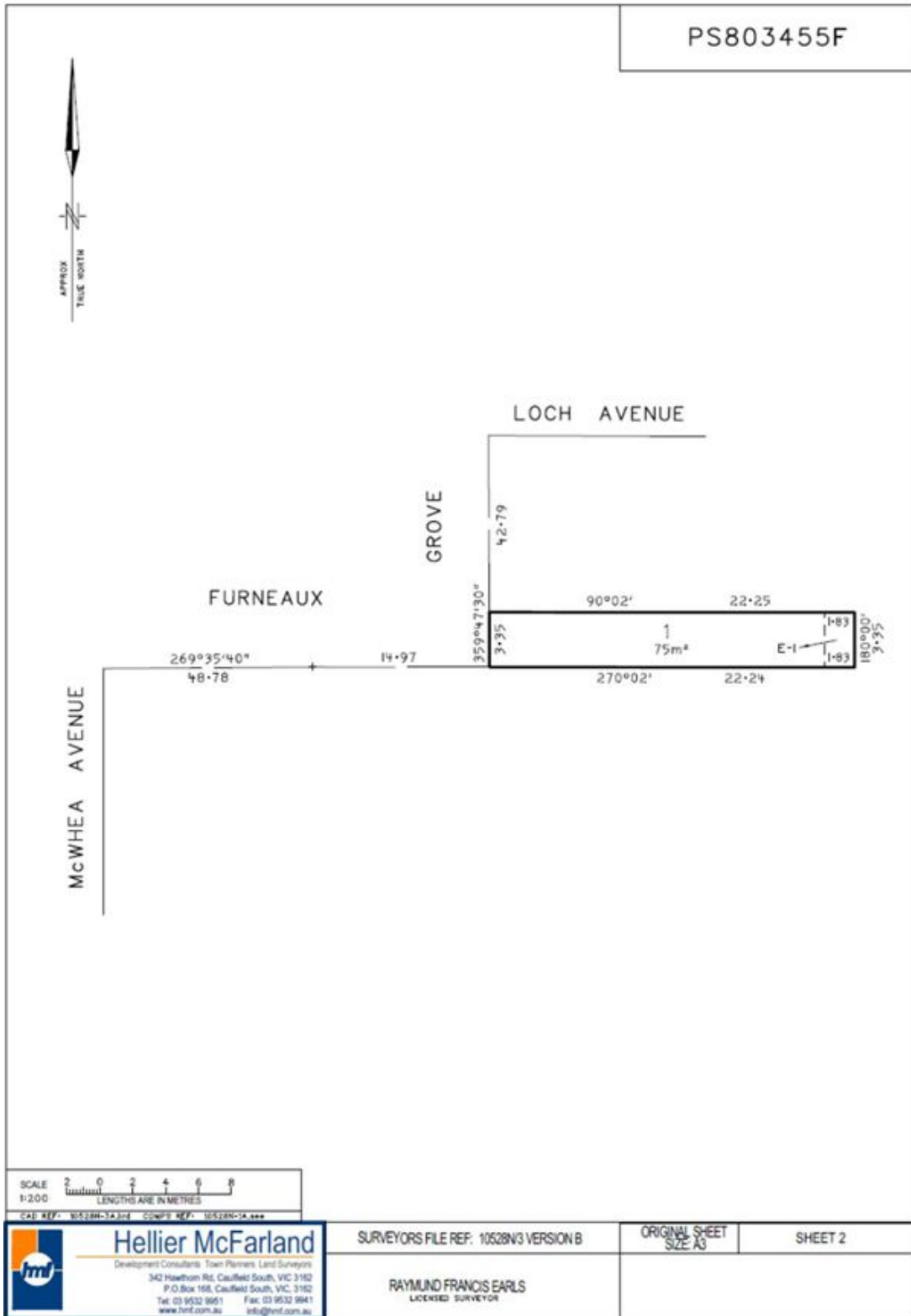




ATTACHMENT 2

Plan of subdivision

<b>PLAN OF SUBDIVISION</b> <small>UNDER SECTION 35(8) OF THE SUBDIVISION ACT 1988</small>		<b>EDITION 1</b>	<b>PS803455F</b>
<b>LOCATION OF LAND</b>		GLEN EIRA CITY COUNCIL	
PARISH: PRAHRAN TOWNSHIP: SECTION: CROWN ALLOTMENT: CROWN PORTION: 226 (PT)  TITLE REFERENCE: Vol 11644 Fol's 038 TO 041  LAST PLAN REFERENCE: PART RESERVE No.1 & PART ROAD R1 ON LP1771 LOTS 1 & 2 TP959461A  POSTAL ADDRESS: (At time of subdivision) 2 FURNEAUX GROVE, ST.KILDA EAST  MGA94 Co-ordinates of approx centre of land in plan E 324 380 N 5 806 110 ZONE: 55			
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>	
<b>IDENTIFIER</b>	<b>COUNCIL/BODY/PERSON</b>	<b>PURPOSE OF PLAN:</b>  <ul style="list-style-type: none"> <li>TO VEST THAT PART OF RESERVE No.1 ON LP1771 (BEING PART OF Vol 11644 Fol 040) THAT IS CONTAINED WITHIN LOT 1 ON THIS PLAN TO GLEN EIRA CITY COUNCIL UNDER THE PROVISIONS OF SECTION 24A OF THE SUBDIVISION ACT 1988.</li> <li>REMOVAL BY GLEN EIRA CITY COUNCIL OF THE RESERVATION FROM THAT PART OF RESERVE No.1 ON LP1771 THAT IS CONTAINED WITHIN LOT 1 ON THIS PLAN UNDER THE PROVISIONS OF SECTION 24A OF THE SUBDIVISION ACT 1988.</li> </ul> GROUNDS FOR VESTING AND REMOVAL: CITY OF GLEN EIRA PLANNING PERMIT No.....	
NIL	NIL		
<b>NOTATIONS</b>		<b>OTHER PURPOSE OF PLAN:</b> INCLUDE LAND FROM ROAD DISCONTINUANCE:  <ul style="list-style-type: none"> <li>THAT PART OF ROAD R1 SHOWN ON LP1771 AND CONTAINED WITHIN LOT 1 ON THIS PLAN HAS BEEN DISCONTINUED AND VESTED TO GLEN EIRA CITY COUNCIL VIDE GOVT.GAZ. No.</li> <li>ALL OF THE LAND IN LOTS 1 &amp; 2 ON TP959461A BEING THE LAND FORMERLY PART OF ROAD AND RESERVE ON LP1771 THAT WAS DISCONTINUED AND VESTED IN THE CITY OF CAULFIELD VIDE GOVT. GAZETTE No.81 24/8/1983 Pg2636.</li> </ul>	
<b>DEPTH LIMITATION</b>	DOES NOT APPLY		
Survey: This plan is/are not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s) PRAHRAN PMs 317 & 344 In Proclaimed Survey Area No. STAGING This is/ is not a staged subdivision. Planning Permit No.			
<b>Easement Information</b>			
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			
<b>Easement Reference</b>	<b>Purpose</b>	<b>Width (Metres)</b>	<b>Origin</b>
LOT 1	SEWERAGE	SEE DIAG	THIS PLAN
E-1	DRAINAGE & SEWERAGE AS PROVIDED FOR IN Sec.52B(2)(e) LGA	SEE DIAG	GOVT.GAZ. No.81 Dated 24/8/1983 Pg2636
		Land Benefited/In Favour Of	
		SOUTH EAST WATER CORPORATION	
		MNBW	
 Development Consultants Town Planners Land Surveyors 342 Hawthorn Rd, Caulfield South, VIC 3162 P.O.Box 198, Caulfield South, VIC, 3162 Tel: 03 9532 9951 Fax: 03 9532 9961 www.hmf.com.au info@hmf.com.au		SURVEYORS FILE REF: 10528N3 VERSION B	
		RAYMUND FRANCIS EARLS LICENSED SURVEYOR	
		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2 SHEETS





**Item 9.7 CHANGES TO IMMUNISATION POLICY****Author:** *Tammy Gelley***File No:****Attachments:** *A. Existing Immunisation policy with proposed changes  
B. Clean version of Immunisation Policy with proposed changes*

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**PURPOSE AND SUMMARY**

The Immunisation policy (18.7) that was amended and adopted by Council in March 2014 is due for review.

This report seeks approval of the amended policy

**RECOMMENDATION**

That Council:

1. Approve the proposed amendments to the attached Immunisation policy.

**BACKGROUND**

Council policies are reviewed periodically to ensure that they are current and compliant with relevant legislation.

Council offers free vaccinations to all children as per the National Immunisation Program Schedule. These are offered at Council's 10 community immunisation sessions which are held throughout the municipality and also through Council's school immunisation program.

In 2015-2016 Council administered 10,368 vaccinations.

**ISSUES AND DISCUSSION**

Minor amendments are proposed to the policy including referencing *No Jab No Play* and *No Jab No Pay* legislation introduced on January 1 2016.

These laws require all children to be fully vaccinated before they can commence at early childhood education and care service and for families to receive their Child Care Benefit and Child Care Rebate.

Attachment A to this report is Council's existing Immunisation policy with proposed changes shown tracked.

Attachment B to this report is a "clean" version of the Immunisation policy with proposed changes accepted into a final version of the policy.

**FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

Nil

**POLICY AND LEGISLATIVE IMPLICATIONS**

Not applicable

**COMMUNICATION AND ENGAGEMENT**

Not applicable

**LINK TO COUNCIL PLAN**

Theme 1 Services that support the community: Deliver children's services that provide support, education and improve health and wellbeing outcomes for young children and their families subject to State Government policies and funding arrangements.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council approve the proposed amendments to the attached immunisation policy.

**Moved: Cr Hyams**

**Seconded: Cr Esakoff**

That Council approves the proposed amendments to the attached Immunisation Policy, version 3.

*It is recorded that Cr Silver vacated the Chamber at 9.13pm.*

*It is further recorded that Cr Esakoff entered the Chamber at 9.13pm.*

**CARRIED UNANIMOUSLY**

# Immunisation

Date first adopted: 1 July 2002	Version: 3	Status: Reviewed
Amended and adopted: 24 November 2009 18 March 2014	Next review date: <del>June 2016</del> <u>November 2018</u>	
Position Title of Responsible Business Unit Manager:	Manager <del>Community Development</del> <u>Public Health</u>	

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## 1. TITLE

Immunisation

## 2. OBJECTIVE

To provide an immunisation service that is accessible and meets the needs of the community.

## 3. BACKGROUND

3.1 The Public Health and Wellbeing Act 2008~~08~~(Vic) ('Act') requires:

- (a) that Council must coordinate and provide an immunisation service to children; and
- (b) that Council has an officer that is authorised to issue immunisation certificates for children residing in or attending primary schools in the municipality.

3.2 Council has endorsed the provision of community, school, kindergarten and other general immunisation programs as being an important service for families ~~who that cannot afford the out-of-pocket expenses of visiting a medical practitioner, or who, for other reasons,~~ choose to use Council's immunisation service.

## 4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
N/a	

## 5. POLICY

- 5.1 Council will provide vaccinations as scheduled within the Australian Immunisation Handbook to all children holding a Medicare card, free of charge.
- 5.2 Council's Immunisation Officer will issue immunisation certificates to children in accordance with the Act.
- 5.3 ~~Council will continue to work collaboratively with local medical practitioners to achieve the federally set municipal vaccination rates for all vaccines scheduled by the National Health and Medical Research Council.~~

## 6. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the Charter of Human Rights and Responsibilities Act 2006.

## 7. ASSOCIATED DOCUMENTS

Immunisation Policy and Procedures Manual

Immunisation

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Glen Eira City Council

8. **REFERENCES/RESOURCES**

Australian Immunisation Handbook

*Charter of Human Rights and Responsibilities Act 2006* [\(Vic\)](#)

*Drugs, Poisons and Controlled Substances Regulations 2006* [\(Vic\)](#)

National Health and Medical Research Council

*Public Health and Wellbeing Act 2008* [\(Vic\)](#)

*Public Health and Wellbeing Regulations 2009* [\(Vic\)](#)

*Health Records Act 2001* [\(Vic\)](#)

*No Jab No Pay/Play suite of legislative changes introduced by the Public Health and Wellbeing*

*Amendment (No Jab, No Play) Act 2015* [\(Vic\)](#), *Public Health and Wellbeing Amendment (No Jab, No*

*Play) Regulations 2015* [\(Vic\)](#) and the *Social Services Legislation Amendment (No Jab No Pay) Act 2015*

[\(Cth\)](#)

# Immunisation

Date first adopted: 1 July 2002  Amended and adopted: 24 November 2009 18 March 2014	Version: 3  Next review date: November 2018	Status: Reviewed
Position Title of Responsible Business Unit Manager:	Manager Public Health	

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## 1. TITLE

Immunisation

## 2. OBJECTIVE

To provide an immunisation service that is accessible and meets the needs of the community.

## 3. BACKGROUND

3.1 The Public Health and Wellbeing Act 2008(Vic) ('Act') requires:

- (a) that Council must coordinate and provide an immunisation service to children; and
- (b) that Council has an officer that is authorised to issue immunisation certificates for children residing in or attending primary schools in the municipality.

3.2 Council has endorsed the provision of community, school, kindergarten and other general immunisation programs as being an important service for families who choose to use Council's immunisation service.

## 4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
N/a	

## 5. POLICY

- 5.1 Council will provide vaccinations as scheduled within the Australian Immunisation Handbook to all children holding a Medicare card, free of charge.
- 5.2 Council's Immunisation Officer will issue immunisation certificates to children in accordance with the Act.
- 5.3 Council will continue to work collaboratively with local medical practitioners to achieve the federally set municipal vaccination rates for all vaccines scheduled by the National Health and Medical Research Council.

## 6. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the Charter of Human Rights and Responsibilities Act 2006.

## 7. ASSOCIATED DOCUMENTS

Immunisation Policy and Procedures Manual

Immunisation

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Glen Eira City Council

## 8. REFERENCES/RESOURCES

Australian Immunisation Handbook

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

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National Health and Medical Research Council

*Public Health and Wellbeing Act 2008 (Vic)*

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*Play) Regulations 2015 (Vic)* and the *Social Services Legislation Amendment (No Jab No Pay) Act 2015*

*(Cth)*

**Item 9.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 OCTOBER 2016**

**Author:** John Vastianos (*Chief Financial Officer*)

**File No:** 16/1712618

**Attachments:** Yes

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**PURPOSE AND SUMMARY**

To report Council's finances in the Financial Management Report for the period ending 31 October 2016.

**RECOMMENDATION**

That Council notes the Financial Management Report for the period ending 31 October 2016.

**BACKGROUND**

The report includes a comparison of year-to-date (YTD) actual income and expenditure with budgeted (YTD and forecast end-of-year) and other information for the current financial year.

This report also provides a review of the 2016-17 Capital Works Program, cash flow reports and investment reports.

**ISSUES AND DISCUSSION**

Council's forecast cash balance has improved but is still expected to remain at relatively low levels sufficient to cover current liabilities.

One of the items which has placed additional pressure on Council's Liquidity Ratio is classification of leave entitlements. Notwithstanding a majority of leave entitlements are not expected to be settled within 12 months, almost all leave entitlements are classified as current liability provisions in Council's balance sheet, placing greater pressure on the liquidity ratio.

**FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS**

The key financial objectives for Council are:

- Manage finances appropriately within the constraints set by the State Government's Rate Capping regime.
- Generate funds to provide additional public open space and renew and upgrade our ageing assets and community facilities.
- Maintain essential services at not less than current levels.
- Set rates and fee increases that are manageable and sustainable.
- Focus on continuous improvement.
- Keep day-to-day costs and rates below our peers.

**POLICY AND LEGISLATIVE IMPLICATIONS**

Section 138 of the *Local Government Act 1989* (the Act).

**COMMUNICATION AND ENGAGEMENT**

Council officers in preparing the Financial Management Report, take into account other plans and strategies in regard to services and initiatives which commit financial and non-financial resources for the current financial year.

**LINK TO COUNCIL PLAN**

Theme 4: Governance – To deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

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

**Moved: Cr Magee**

**Seconded: Cr Athanasopoulos**

That Council notes the Financial Management Report for the period ending 31 October 2016.

*It is recorded that Cr Silver entered the Chamber at 9.14pm.*

**CARRIED UNANIMOUSLY**

**1. Contents**

Executive Summary ..... 4  
Financial Strategy..... 9  
Assurance Map ..... 12  
Income Statement ..... 14  
Balance Sheet..... 15  
Performance Graphs ..... 16  
Capital Works Program Expenditure ..... 20

**Executive Summary*****for the period ending 31 October 2016*****a) Current Month Budget Result**

At the end of October 2016, the performance against budget from ordinary activities showed a positive variance of \$5.13m due to higher than anticipated income of \$2.54m and favorable variance in operating expenditure of \$2.58m (refer to page 16 for details of the variances).

**b) Current Month Forecast Result**

The forecast result expected for the financial year is an operating surplus of \$22.72m compared with the original adopted 2016-17 Annual Budget of \$17.22m.

Any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$950k and a decrease in operating expenditure of \$680k.

**c) Liquidity**

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

Council needs to ensure working capital is maintained such that sufficient cash reserves are available to meet normal cash flow requirements. Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves.

Council will continue to have a large investment in capital works projects. Council is required to hold sufficient cash to cover 'Restricted Assets' such as: Residential Aged Care Deposits, Public Open Space Reserve, Contract Deposits and *Fire Services Property Levy*.

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

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

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

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

***Open Space Reserve***

The balance of the Open Space Reserve as at 31 October 2016 is as follows:

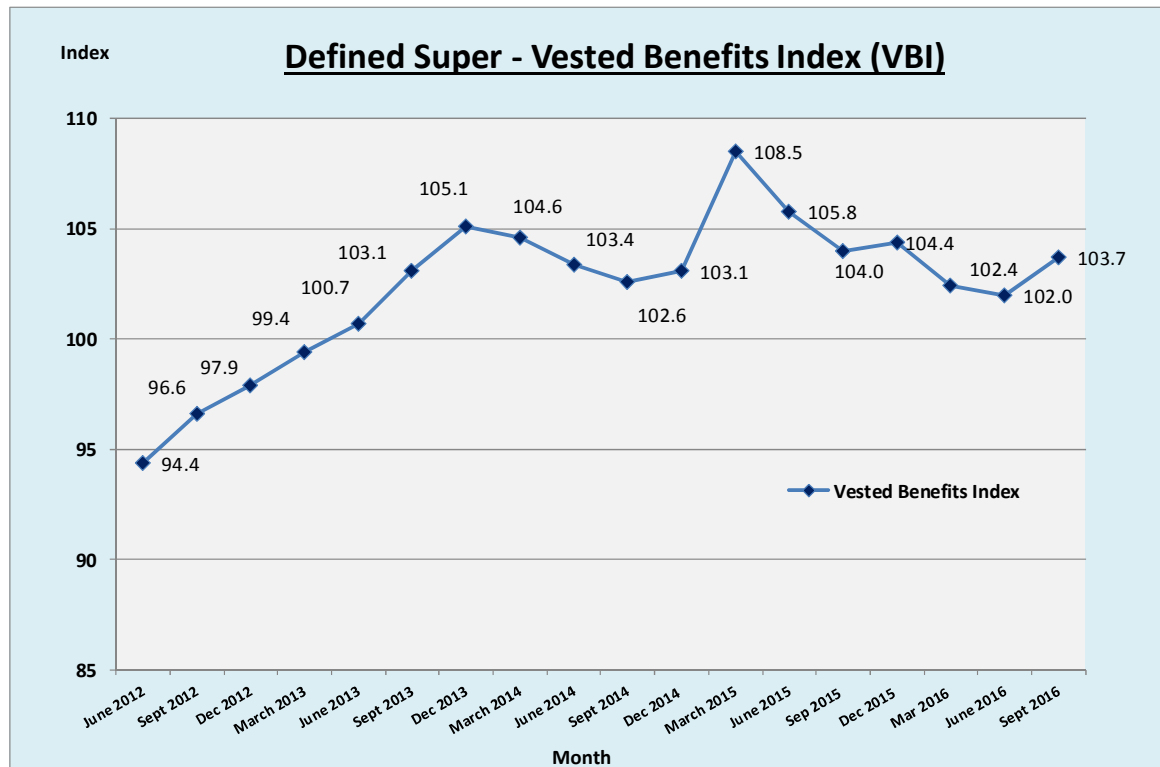
<b>Description</b>	<b>2016-17 Current Month Actual</b>	<b>2016-17 Year-to-Date</b>
Open Space Contributions Received	\$556,320	\$2,907,711
Open Space Capital Expenditure	(\$386,226)	(\$1,560,875)
<b>Net Movement</b>	<b>\$170,094</b>	<b>\$1,346,836</b>
<b>Opening Balance as at 1 July 2016</b>		<b>\$4,093,307</b>
<b>Closing Balance – Open Space Reserve</b>		<b>\$5,440,143</b>

**e) Superannuation – Defined Benefits Scheme**

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

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day.

For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 June 2012:





**f) Forecast adjustments for October 2016*****Income from ordinary activities increase of \$950k***

The favourable income forecast movement is mainly due to:

- **Grants (Operating & Capital)** – includes monies received from State and Federal sources, for the purposes of funding the delivery of Council's services to ratepayers. Capital grants include funds specifically for the purposes of funding the *Capital Works Program*.

***Operating Grants***

The increase in grants of \$156k is mainly due to HACC funding received for Community Care of \$132k relating to services such as home care and delivered meals.

- **User Fees** – relate mainly to the recovery of service delivery costs through the charging of fees to users of Council's services. These include use of leisure, community facilities and the provision of human services such as family day care and home care services.

The increase of \$172k is mainly due to higher than forecast town planning income relating to planning permit fees and subdivision fees.

- **Statutory Fees and Fines** – relate mainly to fees and fines levied in accordance with legislation and include animal registrations, health act registrations and parking fines.

The increase of \$324k is mainly due to higher than forecast parking infringements income across the municipality. This increase is due to the emphasis on safety around schools and balancing trader and patron parking due to increased building activity and the grade separation works.

- **Contributions (Monetary)** – relates to open space contributions received during the year. These contributions are transferred to the Open Space Reserve pursuant to section 18 of the *Subdivision Act 1988*.

The increase of \$152k is based on the timing of Council receiving open space contributions. These amounts are variable in nature and it is difficult to determine the exact timing of anticipated contributions.

***Expenditure from ordinary activities decrease of \$680k***

The favourable expenditure forecast movement is mainly due to:

- **Employee Costs** – include all labour related expenditure and on-costs such as allowances, leave entitlements, employer superannuation and WorkSafe. The decrease of \$488k is due to the timing of staff recruitment.
- **Contractor payments** – relate mainly to the provision of Council services by external providers. The decrease of \$104k is due to the timing for general contracting services.

**g) Capital Works Expenditure Program**

As at the end of October 2016, total capital works expenditure in 2016-17 is expected to be \$39.11M, represented by:

- New capital works projects as per the 2016-17 Annual Budget \$31.36m
- Capital works funding \$1.94m
- Carry forward expenditure from the 2015-16 financial year \$2.05m
- Forecast increase year to date \$3.76m.

***Capital Works forecast adjustments of \$2.1m for October 2016 relate to:***

- The acquisition of 6 Aileen Avenue, Caulfield South – \$2.1m authorised by Council on 9th August 2016. Council acquired the property on 18th August 2016 to provide the community with an additional 676 square metres of open space.

## Financial Strategy

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In previous years the Auditor-General published the results for individual Councils. In 2014-15 the Auditor-General assessed the financial sustainability risk at a sector level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 10 provides indicators for Glen Eira City Council.

### (a) Financial sustainability risk indicators

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

**Financial Strategy (continued)****(b) Financial sustainability risk assessment criteria**

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

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

Source: Victorian Auditor-General's Office.

Financial Strategy (continued)

Monthly Report Relative to Financial Strategy

Financial Sustainability Risk Indicators	Objective	2015-2016 Actuals	2016-2017 Annual Budget as at 30 June 2017	2016-2017 Annual Forecast as at 30 June 2017	2016-2017 Risk based on Annual Forecast as at 30 June 2017	Comment
(1) Net Result	Generating surpluses consistently of greater than 0%.	7.70%	10.41%	13.53%	Low	Council is generating positive surpluses.
(2) Liquidity	To measure Council's ability to repay short-term liabilities as they fall due. The indicator is to be greater than 1.0.	0.99	1.04	1.03	Low	Council's forecast to 30 June 2017 indicates a Liquidity Ratio of around 1.0.
(3) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	19.48%	16.07%	15.29%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(4) Internal Financing	Generating enough cash from operations to fund new assets. The indicator is to be greater than 100%.	119.53%	116.94%	119.03%	Low	Council is generating enough cash from operations to fund new assets.
(5) Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. The indicator is to be more than 1.5.	1.72	1.57	1.76	Low	Council operates at a low level of risk with respect to capital replacement.
(6) Renewal Gap	To ensure there is sufficient spending on Council's asset base. The indicator is to be greater than 1.0.	1.42	1.22	1.22	Low	Council spends sufficient funds on its asset base.
Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate.	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,535	\$1,594	\$1,598		Average rates and charges are well below the average of inner metropolitan Councils. In 2014-15 Glen Eira is the second lowest of the 21 Inner Melbourne Councils (2013-14: also second lowest) and is \$266 per assessment (\$16.6m) below the average outcome. This means that Council charges \$16.6m p.a. less than inner metropolitan municipalities and has \$16.6m p.a. less for upgrading or providing facilities and services.
<ul style="list-style-type: none"> <li>Average Rates and Charges</li> <li>Pensioner Rate Rebate</li> </ul>		\$270	\$270	\$270		
Operating costs per property should be kept as low as possible in order to generate <u>both</u> operating surpluses <u>and</u> lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$2,119	\$2,340	\$2,290		In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$176 less per assessment (\$11m) than the average for the Inner Melbourne Councils grouping.

**Assurance Map**

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

Council's Strategic Risks	Risk Rating	Type of Assurance					Internal Audit	Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties			Internal Audit		
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review		
1. Legislation or Standards – Changes generally	F							Food Safety (2011/12) Statutory Planning (2013/14)
2. Funding – Shortfalls	H							
3. Contracts – contracting process by Council	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
4. Insurance – failure to comply with policy	H							
5. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
6. Terrorist Attack – Lone Wolf	H							Security Protocol Review (2014)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance inspectors	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
7. IT – security compromised	H	●				●	●	IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14) Regular penetration testing on the internal and external network infrastructure and external websites
8. Advice – incorrect advice provided	H	●	●	●			●	Statutory Planning (2013/14)
9. Infrastructure – serious deficiency	H	●		●	●		●	Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
10. Road Management Act / Plan – failure to comply	H	●	●			●		
11. Clayton Landfill – tightening of requirements and fines	H	●				●	●	Clayton Landfill Review (2014/15)
12. Health & Safety – safe & healthy work place not maintained	H	●	●			●	●	SafetyMAP recertification (2013/14) OH&S Review (2015/16)
13. Embezzlement	H	●	●		●		●	Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing) Risk Management Framework (2015-16)
14. Public Liability General	M	●	●				●	Risk Management Framework (2015-16)

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



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

## Income Statement

for the period ending 31 October 2016

	2016-17 Year to Date Actual	2016-17 Year to Date Budget	2016-17 Year to Date Variance	2016-17 Year to Date Variance	2016-17 Last Month Forecast	2016-17 Current Month Forecast	2016-17 Current Month Forecast Movement \$ 000's	2016-17 Annual Budget	2016-17 Budget Forecast Variance	2016-17 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's		\$ 000's	\$ 000's	(%)
<b>Income</b>										
<b>Income from Ordinary Activities</b>										
General Rates	85,190	85,051	139	0.2%	85,201	85,190	(11)	85,051	139	0.2%
Supplementary Rates	571	570	1	0.2%	800	846	46	800	46	5.7%
Waste and Recycling Charges	14,222	14,187	35	0.2%	14,798	14,856	59	14,821	35	0.2%
Grants (Operating and Capital)	9,131	8,676	455	5.2%	24,743	24,899	156	24,443	455	1.9%
Interest Received	415	300	115	38.3%	973	1,015	42	900	115	12.8%
User Fees	8,432	8,352	79	0.9%	25,271	25,443	172	25,500	(57)	(0.2%)
Statutory Fees and Fines	2,735	1,657	1,078	65.0%	6,364	6,688	324	5,610	1,078	19.2%
Contributions (Monetary)	2,908	2,264	644	28.5%	5,888	6,040	152	5,500	540	9.8%
Other Income	669	674	(5)	(0.8%)	2,306	2,316	10	2,321	(6)	(0.2%)
<b>Total Income from Ordinary Activities</b>	<b>124,273</b>	<b>121,731</b>	<b>2,541</b>	<b>2.09%</b>	<b>166,343</b>	<b>167,293</b>	<b>950</b>	<b>164,947</b>	<b>2,346</b>	<b>1.4%</b>
<b>Expenses</b>										
<b>Expenses from Ordinary Activities</b>										
Employee Costs	22,408	23,233	825	3.6%	70,073	69,585	488	70,660	1,074	1.5%
Materials and Consumables	1,594	2,018	423	21.0%	5,744	5,713	31	6,040	327	5.4%
Contractor Payments	8,489	9,114	625	6.9%	29,154	29,050	104	29,729	679	2.3%
Maintenance	1,576	2,111	534	25.3%	5,966	5,943	23	6,323	380	6.0%
Utility Services	1,352	1,583	231	14.6%	4,052	3,988	64	4,218	231	5.5%
Insurances	604	667	63	9.5%	1,013	1,011	2	1,075	63	5.9%
Other Expenses	1,409	1,449	39	2.7%	4,386	4,383	4	4,438	55	1.2%
Grants and Subsidies	458	301	(157)	(52.3%)	1,042	1,079	(37)	922	(157)	(17.1%)
Borrowing Costs	270	270	(0)	(0.0%)	763	762	2	762	(0)	(0.0%)
<b>Total Expenses from Ordinary Activities</b>	<b>38,161</b>	<b>40,745</b>	<b>2,584</b>	<b>6.3%</b>	<b>122,194</b>	<b>121,514</b>	<b>680</b>	<b>124,166</b>	<b>2,652</b>	<b>2.1%</b>
<b>Surplus before non operational activities</b>	<b>86,111</b>	<b>80,986</b>	<b>5,125</b>	<b>6.3%</b>	<b>44,149</b>	<b>45,779</b>	<b>1,630</b>	<b>40,781</b>	<b>4,998</b>	<b>12.3%</b>
<b>Non-operational Activities</b>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	333	240	93	38.8%	694	654	(40)	481	173	36.1%
Written Down Value of Assets Sold/Disposed	451	510	59	11.6%	1,447	1,471	(24)	1,531	59	3.9%
Depreciation and Amortisation	7,233	7,505	272	3.6%	22,301	22,242	58	22,514	272	1.2%
<b>Surplus for the period</b>	<b>78,761</b>	<b>73,211</b>	<b>5,549</b>	<b>7.6%</b>	<b>21,095</b>	<b>22,719</b>	<b>1,624</b>	<b>17,216</b>	<b>5,502</b>	<b>32.0%</b>
<i>Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.</i>										

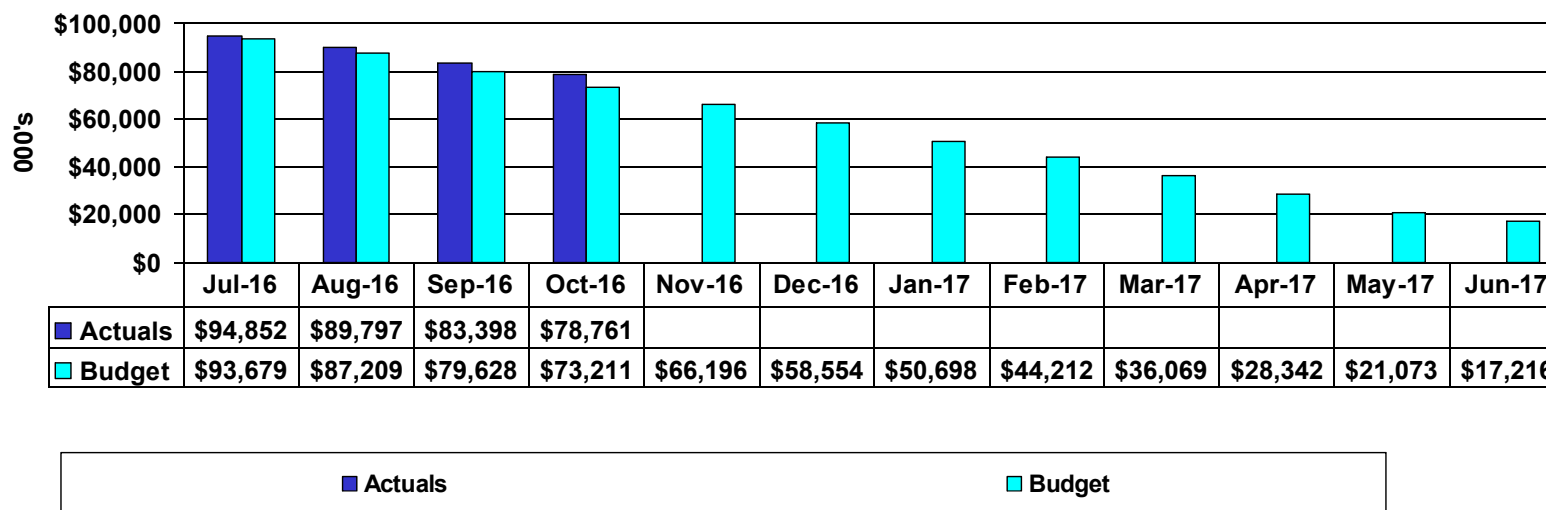


**Balance Sheet***for the period ending 31 October 2016*

	Actuals 2015-16	Annual Budget 2016-17	Annual Forecast 2016-17	Year to Date Actual 2016-17	Previous Month's Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
<b>Assets</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	45,930	45,582	46,784	50,130	50,743
Trade and Other Receivables	10,408	8,984	10,408	86,137	96,111
Other Assets	1,297	1,309	1,297	391	462
<b>Total Current Assets</b>	<b>57,635</b>	<b>55,875</b>	<b>58,489</b>	<b>136,657</b>	<b>147,317</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	2,047,138	1,727,370	2,063,193	2,046,453	2,041,506
Intangible Assets	1,042	750	1,042	928	4,956
Investments in Joint Operations	2,125	2,595	2,125	2,125	2,125
Other Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>2,050,310</b>	<b>1,730,720</b>	<b>2,066,365</b>	<b>2,049,511</b>	<b>2,048,592</b>
<b>TOTAL ASSETS</b>	<b>2,107,945</b>	<b>1,786,595</b>	<b>2,124,854</b>	<b>2,186,168</b>	<b>2,195,909</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	16,494	11,832	14,994	6,406	5,991
Trust Funds and Deposits	25,501	24,670	25,501	36,196	41,553
Provisions	12,891	13,692	12,891	12,501	12,466
Interest-Bearing Liabilities	3,149	3,349	3,349	3,270	3,264
<b>Total Current Liabilities</b>	<b>58,035</b>	<b>53,543</b>	<b>56,735</b>	<b>58,374</b>	<b>63,274</b>
<b>Non-Current Liabilities</b>					
Provisions	1,186	1,187	1,186	1,186	1,186
Interest-Bearing Liabilities	21,734	18,113	18,113	20,658	20,931
Other Liabilities - Joint Operations	2,568	3,352	2,568	2,568	2,568
<b>Total Non-Current Liabilities</b>	<b>25,488</b>	<b>22,652</b>	<b>21,867</b>	<b>24,412</b>	<b>24,686</b>
<b>Total Liabilities</b>	<b>83,523</b>	<b>76,195</b>	<b>78,602</b>	<b>82,786</b>	<b>87,960</b>
<b>Net Assets</b>	<b>2,024,422</b>	<b>1,710,400</b>	<b>2,046,252</b>	<b>2,103,382</b>	<b>2,107,949</b>
<b>Equity</b>					
Accumulated Surplus	890,150	908,144	911,980	967,564	972,399
Asset Revaluation Reserve	1,130,179	797,983	1,130,179	1,130,377	1,130,308
Public Open Space Reserve	4,093	4,273	4,093	5,440	5,242
<b>Total Equity</b>	<b>2,024,422</b>	<b>1,710,400</b>	<b>2,046,252</b>	<b>2,103,382</b>	<b>2,107,949</b>

Performance Graphs

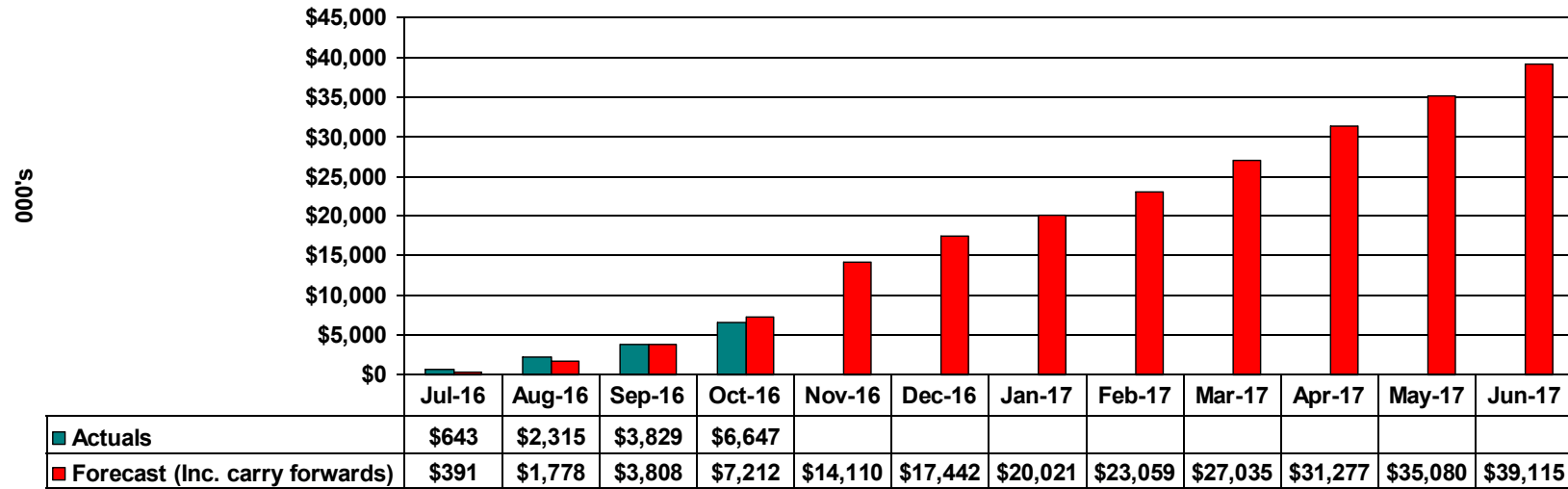
**Financial Performance**  
*for the period ending 31 October 2016*



The October 2016 year to date financial performance was \$5.55m better than the year to date budget mainly due to:

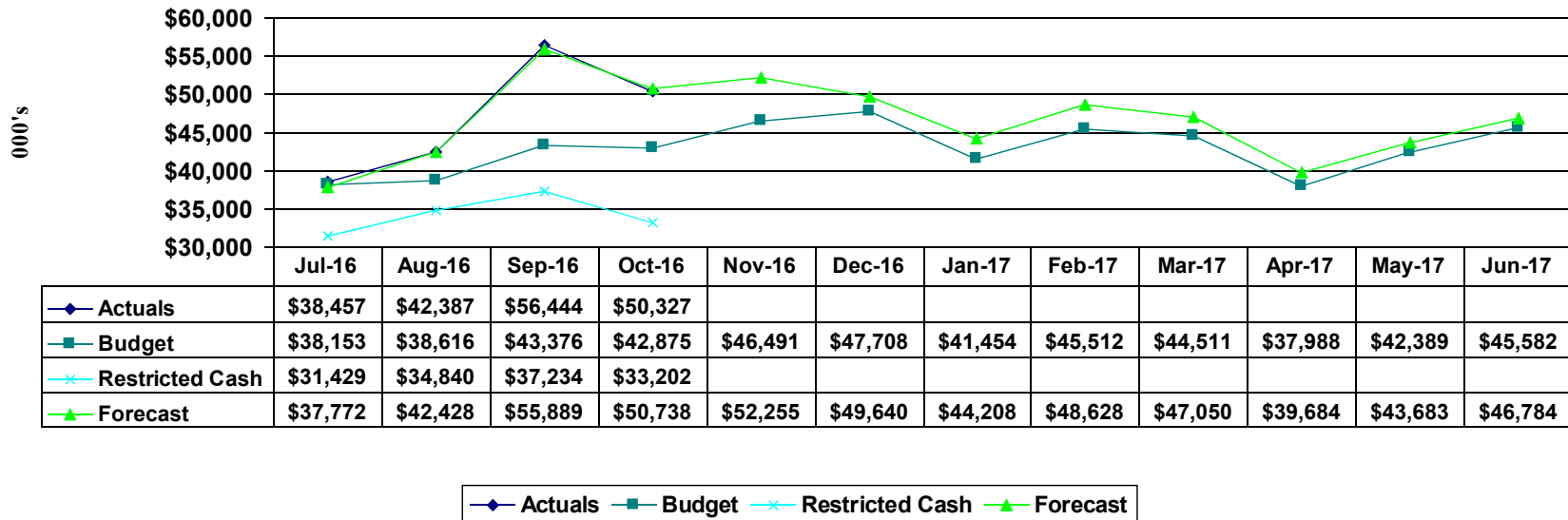
- Better than anticipated income received for statutory fees and fines \$1.1m, open space contributions \$644k, government grants \$455k, general rates and charges \$139k and interest received \$115k.
- Favourable variances in expenditure items including: employee costs \$825k, contractors \$625k, maintenance \$534k, materials and consumables \$423k and insurances \$63k.
- Minor unfavourable variance in grants and subsidies \$157k.

**Capital Works Expenditure**  
*for the period ending 31 October 2016*



Council's capital expenditure is behind forecast by \$565k.

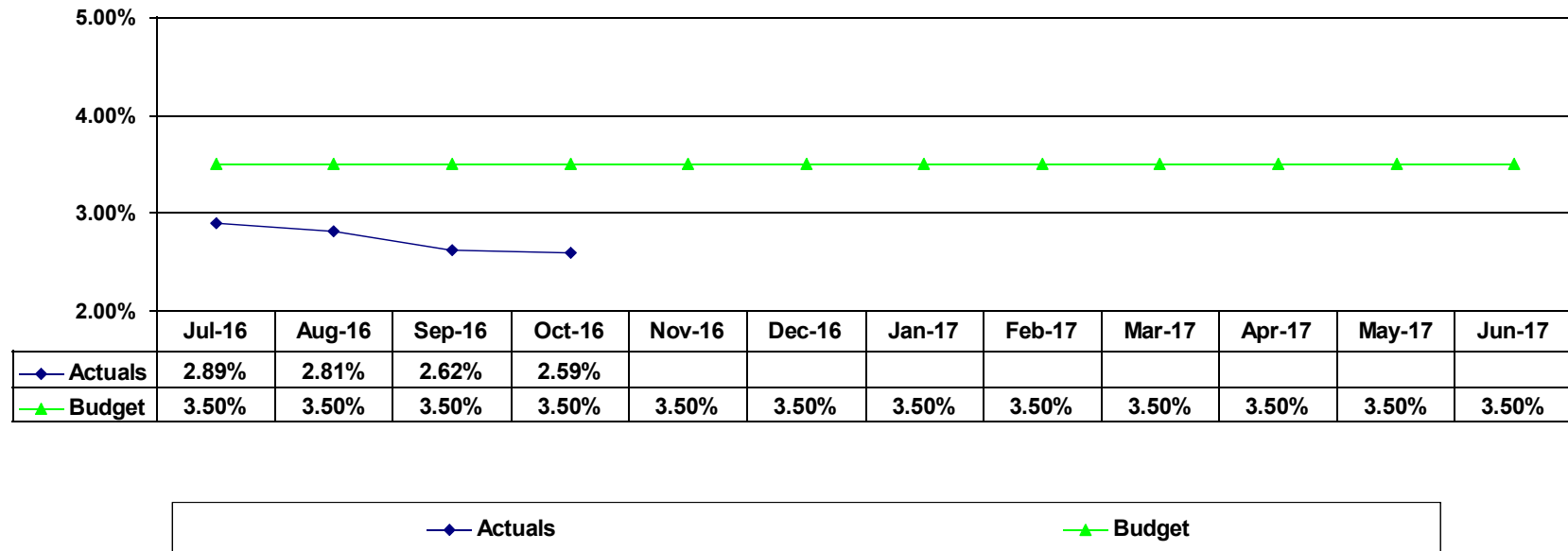
**Cash and Investments Balances  
for the period ending 31 October 2016**



Council’s year to date cash balance of \$50.33m is higher than budget for the current month. Council’s forecast position to June 2017 of \$46.78m has been adjusted to reflect the movements in Council’s Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 31 October 2016 include: residential aged care deposits of \$23.25m, trust funds and deposits \$4.1m (including asset protection permits), open space reserve \$5.44m and fire services property levy \$413k.

**Actual Interest Rate vs Budget Interest Rate  
for the period ending 31 October 2016**



Council achieved a lower return of 2.59% against the budget of 3.50%.

**Capital Works Program Expenditure**

for period ending 31 October 2016

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>CAPITAL WORKS: PRIORITY ITEMS</b>									
Information Systems	-	837,500	-	837,500	104,545	-	(104,545)	837,500	-
Vehicle Replacements	-	1,706,112	-	1,706,112	424,100	147,407	(276,693)	1,706,112	-
Footpath Replacement	-	1,725,000	-	1,725,000	520,421	575,000	54,579	1,725,000	-
Kerb and Channel Replacement	-	160,000	-	160,000	2,745	56,000	53,255	160,000	-
Road Rehabilitation	-	3,082,409	-	3,082,409	209,018	270,000	60,982	3,082,409	-
Drainage Improvement	-	3,482,000	-	3,482,000	1,279,547	400,000	(879,547)	3,482,000	-
Local Road Resurfacing	-	1,500,000	-	1,500,000	14,587	166,000	151,413	1,500,000	-
Right of Way Renewal	-	330,000	-	330,000	182,841	182,000	(841)	330,000	-
Traffic Signal Renewal	-	100,000	-	100,000	-	-	-	100,000	-
Local Area Traffic Management (LATM) Replacement	-	500,000	-	500,000	13,240	40,000	26,760	500,000	-
Car Park Rehabilitation	-	775,000	-	775,000	27,287	-	(27,287)	775,000	-
Roads to Recovery	-	714,999	665,001	1,380,000	196,593	200,000	3,407	1,380,000	-
<b>TOTAL PRIORITY ITEMS</b>	<b>-</b>	<b>14,913,020</b>	<b>665,001</b>	<b>15,578,021</b>	<b>2,974,924</b>	<b>2,036,407</b>	<b>(938,517)</b>	<b>15,578,021</b>	<b>-</b>
<b>CAPITAL WORKS: ROLLING ANNUAL</b>									
<b>CAPITAL WORKS: ROLLING ANNUAL- ENVIRONMENTAL INITIATIVES</b>									
Bicycle Strategy Implementation	101,000	250,000	-	351,000	27,115	115,000	87,885	351,000	-
Warm season grass Program	-	600,000	700,000	1,300,000	2,750	250,000	247,250	1,300,000	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL- ENVIRONMENTAL INITIATIVES</b>	<b>101,000</b>	<b>850,000</b>	<b>700,000</b>	<b>1,651,000</b>	<b>29,865</b>	<b>365,000</b>	<b>335,135</b>	<b>1,651,000</b>	<b>-</b>
<b>CAPITAL WORKS: ROLLING ANNUAL-LIBRARIES</b>									
Library and Information Services	-	793,467	62,811	856,278	313,819	350,126	36,307	856,278	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL- LIBRARIES</b>	<b>-</b>	<b>793,467</b>	<b>62,811</b>	<b>856,278</b>	<b>313,819</b>	<b>350,126</b>	<b>36,307</b>	<b>856,278</b>	<b>-</b>
<b>CAPITAL WORKS: ROLLING ANNUAL-TRAFFIC MANAGEMENT</b>									
Blackspot Treatment	-	18,000	-	18,000	-	-	-	18,000	-
Traffic Engineering	412,955	1,075,000	-	1,487,955	282,615	212,758	(69,857)	1,487,955	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL- TRAFFIC MANAGEMENT</b>	<b>412,955</b>	<b>1,093,000</b>	<b>-</b>	<b>1,505,955</b>	<b>282,615</b>	<b>212,758</b>	<b>(69,857)</b>	<b>1,505,955</b>	<b>-</b>
<b>CAPITAL WORKS: ROLLING ANNUAL-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</b>									
Playground Minor Equipment/Art Rolling Program	-	345,000	-	345,000	185,154	220,000	34,846	365,000	20,000
Carnegie Swim Centre Capital Maintenance	-	50,000	-	50,000	-	10,000	10,000	50,000	-
Minor Park Improvements	-	899,050	-	899,050	286,240	402,050	115,810	899,050	-
Sports Ground Lighting	-	80,000	-	80,000	32	40,000	39,968	80,000	-
Public Hall Furniture	-	4,000	-	4,000	4,900	4,000	(900)	4,000	-
Shade Sails Rolling Program	-	105,000	-	105,000	-	105,000	105,000	105,000	-
Plinth Curbing	-	85,000	-	85,000	57,309	45,000	(12,309)	85,000	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL- PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</b>	<b>-</b>	<b>1,568,050</b>	<b>-</b>	<b>1,568,050</b>	<b>533,635</b>	<b>826,050</b>	<b>292,415</b>	<b>1,588,050</b>	<b>20,000</b>

**Capital Works Program Expenditure**

for period ending 31 October 2016 (continued)

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>CAPITAL WORKS: ROLLING ANNUAL-BUILDING WORKS</b>									
Building Improvements	-	550,500	-	550,500	107,326	139,800	32,474	550,500	-
Kitchen/ Joinery Renewal	-	30,000	-	30,000	-	20,000	20,000	30,000	-
Roof Renewal	-	113,700	-	113,700	3,849	22,740	18,891	113,700	-
Painting Program	-	111,650	-	111,650	17,282	23,300	6,018	111,650	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL-BUILDING WORKS</b>	-	<b>805,850</b>	-	<b>805,850</b>	<b>128,457</b>	<b>205,840</b>	<b>77,383</b>	<b>805,850</b>	-
<b>CAPITAL WORKS: ROLLING ANNUAL-SHOPPING CENTRES</b>									
Annual Shopping Streetscape Program	-	567,000	-	567,000	4,565	-	(4,565)	567,000	-
<b>TOTAL CAPITAL WORKS: ROLLING ANNUAL-SHOPPING CENTRES</b>	-	<b>567,000</b>	-	<b>567,000</b>	<b>4,565</b>	-	<b>(4,565)</b>	<b>567,000</b>	-
<b>TOTAL ROLLING ANNUAL</b>	<b>513,955</b>	<b>5,677,367</b>	<b>762,811</b>	<b>6,954,133</b>	<b>1,292,956</b>	<b>1,959,774</b>	<b>666,818</b>	<b>6,974,133</b>	<b>20,000</b>
<b>CAPITAL WORKS: MAJOR PROJECTS</b>									
Lord Hex Pavilion, Carnegie	-	220,000	-	220,000	-	-	-	220,000	-
Duncan Mackinnon Pavilion	-	-	-	-	10,192	-	(10,192)	-	-
Marlborough Pavilion, Bentleigh East	-	25,000	-	25,000	-	-	-	25,000	-
Carnegie Swim Centre	-	280,000	-	280,000	380	50,000	49,620	280,000	-
<b>TOTAL MAJOR PROJECTS</b>	-	<b>525,000</b>	-	<b>525,000</b>	<b>10,572</b>	<b>50,000</b>	<b>39,428</b>	<b>525,000</b>	-
<b>CAPITAL WORKS: OPEN SPACE STRATEGY IMPLEMENTATION</b>									
Open Space Strategy Initiatives	-	900,000	-	900,000	23,364	200,000	176,636	900,000	-
Booran Reserve	-	3,962,495	97,000	4,059,495	1,560,875	2,150,000	589,125	4,059,495	-
<b>TOTAL OPEN SPACE STRATEGY IMPLEMENTATION</b>	-	<b>4,862,495</b>	<b>97,000</b>	<b>4,959,495</b>	<b>1,584,239</b>	<b>2,350,000</b>	<b>765,761</b>	<b>4,959,495</b>	-
<b>SHORT TERM PROJECTS</b>									
<b>CAPITAL WORKS: SHORT TERM-ENVIRONMENTAL INITIATIVES</b>									
Building Improvements	-	716,676	-	716,676	88,725	200,000	111,275	716,676	-
Park Lighting Energy Efficiency Upgrade	-	218,337	-	218,337	-	-	-	218,337	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-ENVIRONMENTAL INITIATIVES</b>	-	<b>935,013</b>	-	<b>935,013</b>	<b>88,725</b>	<b>200,000</b>	<b>111,275</b>	<b>935,013</b>	-
<b>CAPITAL WORKS: SHORT TERM-AGED CARE</b>									
Building Improvements	-	83,000	-	83,000	-	83,000	83,000	83,000	-
ILU Refurbishment	-	120,000	-	120,000	-	24,000	24,000	120,000	-
Residential Services Minor Improvements	-	220,000	-	220,000	31,068	60,000	28,932	220,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-AGED CARE</b>	-	<b>423,000</b>	-	<b>423,000</b>	<b>31,068</b>	<b>167,000</b>	<b>135,932</b>	<b>423,000</b>	-
<b>CAPITAL WORKS: SHORT TERM-FAMILY &amp; CHILDREN'S SERVICES</b>									
Replacement FDC of Equipment	-	10,000	-	10,000	9,658	-	(9,658)	10,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-FAMILY &amp; CHILDREN'S SERVICES</b>	-	<b>10,000</b>	-	<b>10,000</b>	<b>9,658</b>	-	<b>(9,658)</b>	<b>10,000</b>	-

## Capital Works Program Expenditure

for period ending 31 October 2016 (continued)

Description	2016-17 Carry Forwards from 2015-16	2016-17 Adopted Annual Capital Budget	2016-17 Capital Grant Funding	2016-17 Budget Plus 2015-16 Carry Forward	2016-17 YTD Work In Progress	2016-17 YTD Forecast	2016-17 YTD Variance	2016-17 Annual Forecast Projected end of June 2017 expenditure	2016-17 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>CAPITAL WORKS: SHORT TERM-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</b>									
ILU Refurbishment	-	50,000	-	50,000	-	10,000	10,000	50,000	-
Multi-purpose Sports Court redevelopment	99,880	165,000	-	264,880	67,771	95,000	27,229	264,880	-
Recreation	130,000	875,000	195,000	1,200,000	9,865	25,000	15,135	1,200,000	-
Parks & Gardens	-	158,000	-	158,000	34,146	18,000	(16,146)	308,000	150,000
Outdoor Fitness Stations and Instructional Signage	-	70,000	-	70,000	-	-	-	70,000	-
Bin Enclosures	-	37,500	-	37,500	33,447	37,500	4,053	37,500	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-PUBLIC OPEN SPACES AND RECREATIONAL FACILITIES</b>	<b>229,880</b>	<b>1,355,500</b>	<b>195,000</b>	<b>1,780,380</b>	<b>145,229</b>	<b>185,500</b>	<b>40,271</b>	<b>1,930,380</b>	<b>150,000</b>
<b>CAPITAL WORKS: SHORT TERM-TRAFFIC MANAGEMENT</b>									
Parking Ticket Machines	-	150,000	-	150,000	-	-	-	150,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-TRAFFIC MANAGEMENT</b>	<b>-</b>	<b>150,000</b>	<b>-</b>	<b>150,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>150,000</b>	<b>-</b>
<b>CAPITAL WORKS: SHORT TERM-BUILDING WORKS</b>									
Renewal of Heating Ventilation Air Conditioning	-	972,000	-	972,000	5,378	-	(5,378)	972,000	-
Land Acquisition- 6, Aileen Avenue, Caulfield South	-	-	-	-	210,000	-	(210,000)	2,100,000	2,100,000
Land Acquisition- 53, Magnolia Road, Gardenvale	-	-	-	-	5,279	-	(5,279)	1,490,000	1,490,000
Building Improvements	-	538,635	219,000	757,635	94,289	148,000	53,711	757,635	-
Disability Access Upgrade	-	65,000	-	65,000	10,474	65,000	54,526	65,000	-
GESAC	1,311,128	250,000	-	1,561,128	170,624	30,000	(140,624)	1,561,128	-
Public Toilet Exeloo	-	180,000	-	180,000	-	-	-	180,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-BUILDING WORKS</b>	<b>1,311,128</b>	<b>2,005,635</b>	<b>219,000</b>	<b>3,535,763</b>	<b>496,044</b>	<b>243,000</b>	<b>(253,044)</b>	<b>7,125,763</b>	<b>3,590,000</b>
<b>CAPITAL WORKS: SHORT TERM-LIBRARIES</b>									
Smart Sorter Machine	-	250,000	-	250,000	-	-	-	250,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-LIBRARIES</b>	<b>-</b>	<b>250,000</b>	<b>-</b>	<b>250,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>250,000</b>	<b>-</b>
<b>CAPITAL WORKS: SHORT TERM-OTHER</b>									
Furniture & Fittings	-	50,000	-	50,000	-	-	-	50,000	-
Refurbishment of outdoor play space	-	45,000	-	45,000	5,384	-	(5,384)	45,000	-
Drainage Asset Management Decision tool	-	28,000	-	28,000	-	-	-	28,000	-
Annual Plant and Equipment Replacement	-	131,000	-	131,000	7,885	20,000	12,115	131,000	-
<b>TOTAL CAPITAL WORKS: SHORT TERM-OTHER</b>	<b>-</b>	<b>254,000</b>	<b>-</b>	<b>254,000</b>	<b>13,269</b>	<b>20,000</b>	<b>6,731</b>	<b>254,000</b>	<b>-</b>
<b>TOTAL SHORT TERM PROJECTS</b>	<b>1,541,008</b>	<b>5,383,148</b>	<b>414,000</b>	<b>7,338,156</b>	<b>783,993</b>	<b>815,500</b>	<b>31,507</b>	<b>11,078,156</b>	<b>3,740,000</b>
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>2,054,963</b>	<b>31,361,030</b>	<b>1,938,812</b>	<b>35,354,805</b>	<b>6,646,684</b>	<b>7,211,681</b>	<b>564,997</b>	<b>39,114,805</b>	<b>3,760,000</b>



**Item 9.9 COUNCILLOR APPOINTMENTS TO EXTERNAL BODIES****Author:** Janice Pouw – Coordinator Councillor Business**File No:****Attachments:****PURPOSE AND SUMMARY**

To appoint Councillor members as representatives to external bodies.

**RECOMMENDATION**

That Council appoints the following Councillors to the external bodies as listed below for the 2016/17 Council year:

<i>Municipal Association of Victoria</i>	
<b>No: of Appointees Required</b>	<b>2016/17 Councillor Appointment</b>
1 Representative 1 Substitute	

<i>Metropolitan Transport Forum</i>	
<b>No: of Appointees Required</b>	<b>2016/17 Councillor Appointment</b>
1 Representative 1 Substitute	

<i>Metropolitan Local Government Waste Forum</i>	
<b>No: of Appointees Required</b>	<b>2016/17 Councillor Appointment</b>
1 Representative 1 Substitute	

**BACKGROUND**

Councillors who are formally appointed by resolution to external bodies, advocate and vote on behalf of Council, keeping in mind Council's position on the matter before them.

It should be noted that Councillor members were appointed to the Audit Committee and the

Citizen of the Year Advisory Committee at the 15 November 2016 Council meeting.

#### **ISSUES AND DISCUSSION**

The Municipal Association of Victoria meet throughout the year in addition to the MAV State Council meetings held in May and October.

The Metropolitan Transport Forum currently meet on a monthly basis.

A review of the future meeting schedule is expected for the Metropolitan Local Government Waste Forum. In the past six meetings have been held each year.

#### **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.

#### **COMMUNICATION AND ENGAGEMENT**

There was no communication and engagement associated with this report.

#### **LINK TO COUNCIL PLAN**

Theme 4: Governance – To deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.

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

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

#### **CONCLUSION**

It is intended that Councillors are appointed to the external bodies for the 2016 /17 Council year.

**Moved: Cr Delahunty**

**Seconded: Cr Hyams**

That the matter of Councillor appointments to external bodies be deferred to a Special Council Meeting to be held at 7.30pm, Tuesday 13 December 2016 in the Council Chamber, Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

**CARRIED UNANIMOUSLY**

**10. URGENT BUSINESS****10.1 Delegated Planning Committee****Moved: Cr Hyams****Seconded: Cr Silver**

That the matter of the Delegated Planning Committee be dealt with as an item of urgent business.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff vacated the Chamber at 9.20pm and re-entered at 9.23pm.*

**Moved: Cr Hyams****Seconded: Cr Silver**

THAT Council :

- A. In exercise of the powers conferred by section 86 of the *Local Government Act 1989* Council resolves to dissolve the Delegated Planning Committee and revoke the existing delegation to the Delegated Planning Committee dated 9 August 2016 effective immediately upon the Instrument of Delegation referred to in paragraph (b) in item B. below coming into effect;
- B. In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and under section 188 of the *Planning and Environment Act 1987*, Council resolves:
  - (a) that the existing delegations to staff dated 9 August 2016 be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph (b) coming into effect;
  - (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'A';
  - (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
  - (d) that the Instrument of Delegation be sealed;
  - (e) that the Instrument of Delegation:
    - (i) comes into force immediately the seal of Council is affixed to it; and
    - (ii) remains in force until Council determines to vary or revoke it.
- C. Notes the Guidelines for the Administration of the Delegated Planning Forum and its contribution to fair and timely town planning decision making.

**CARRIED UNANIMOUSLY**

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**Glen Eira City Council**

**S6 Instrument of Delegation**

**to**

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

**Glen Eira City Council**

**INSTRUMENT OF DELEGATION**

**Members of Council Staff**

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that references in the Schedule are as follows:
  - 'CTP' means Coordinator Town Planning;
  - 'CStratP' means Coordinator Strategic Planning;
  - 'DIEL' means Director Infrastructure, Environment and Leisure;
  - 'DPP' ' means Director Planning and Place;
  - 'ESC' means Engineering Services Coordinator;
  - 'MIA' means Manager Infrastructure Assets;
  - 'MCSC' means Manager Community Safety and -Compliance;
  - 'MCF' means Manager City Futures;
  - 'MTP' means Manager Town Planning
  - 'PBCM' means Planning and Building Compliance Manager;
  - 'PSO' means Planning Support Officer;
  - 'PTO' means Planning Technical Officer;
  - 'PTP' means Principal Town Planner;
  - 'SP' means Subdivision Planner;
  - 'Specific Planning Officers' means DPP, CTP, CStratP, PBCM, MCSC, MTP, MCF, PTO, PTP, SP, STP, SupP and TP;
  - 'STP' means Senior Town Planner;
  - 'StratP' means Strategic Planner;
  - 'SupP' means Supervising Planner; and
  - 'TP' means Town Planner.<sup>sa</sup>
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 29 November 9-August 2016 ; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

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

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

(a) policy; or

(b) strategy adopted by Council; or:

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

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

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

.....Councillor

.....Chief Executive Officer

1  
SCHEDULE

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

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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	Specific Planning Officers	
s.18	Duty to make amendment etc available.	Specific Planning Officers	
s.19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to take any other steps necessary to tell anyone who may be affected by the amendment about its preparation.	DPP MTP <a href="#">MCF</a>	
s.19	Function of receiving notice of preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	Power to apply to Minister for exemption from the requirements of s.19.	Specific Planning Officers	
s.21(2)	Duty to make submissions available.	Specific Planning Officers	
s.21A(4)	Duty to publish notice in accordance with section.	Specific Planning Officers	
s.22	Duty to consider all submissions.	Specific Planning Officers	

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.32(2)	Duty to give more notice if required.	Specific Planning Officers	
s.33(1)	Duty to give more notice of changes to an amendment.	Specific Planning Officers	
s.36(2)	Duty to give notice of approval of amendment.	Specific Planning Officers	
s.38(5)	Duty to give notice of revocation of an amendment.	Specific Planning Officers	
s.39	Function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT.	Specific Planning Officers	
s.40(1)	Function of lodging copy of approved amendment.	Specific Planning Officers	
s.41	Duty to make approved amendment available.	Specific Planning Officers	
s.42	Duty to make copy of planning scheme available.	Specific Planning Officers	
s.46AS(ac)	Power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria.	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GF	duty to comply with directions issued by the Minister	DPP MTP <a href="#">MCF</a>	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DPP MTP <a href="#">MCF</a>	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	where council is a collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under Part 2 of the Planning and Environment Act 1987	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	must be done in accordance with Local Government Act 1989
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	
s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	<a href="#">DIELAE</a> DPP MIA MTP <a href="#">MCF</a>	where council is a collecting agency or development agency
s.46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	Specific Planning Officers	
s.46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	Specific Planning Officers	
s.46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	Specific Planning Officers	Power to reduce or waive infrastructure levy is limited to DIEL, DPP, MTP, <a href="#">MCF</a>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid or agreement is in place, prior to issuing building permit.	Specific Planning Officers	
s.46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	Specific Planning Officers	
s.46P(1)	Power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured.	Specific Planning Officers	
s.46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	<a href="#">DIELAE</a> <a href="#">DPPT</a> MIA MTP <a href="#">MCE</a>	
s.46Q(1)	Duty to keep proper accounts of levies paid.	Specific Planning Officers	
s.46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services or facilities on behalf of development agency or plan preparation costs incurred by a development agency.	Specific Planning Officers	
s.46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	DI <del>E</del> LAE DP <del>P</del> T MTP MCF	Only applies when levy is paid to Council as a development agency.
s.46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a).	DP <del>P</del> T MTP MCF	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s.46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan.	Specific Planning Officers	Must be done in accordance with Part 3.
s.46Q(4)(e)	Duty to expend that amount on other works etc.	DP <del>P</del> T	With the consent of, and in the manner approved by, the Minister.
s.46QC	Power to recover any amount of levy payable under Part 3B.	Specific Planning Officers	
s.46QD	duty to prepare report and give a report to the Minister.	DI <del>E</del> LAE DP <del>P</del> T MIA MTP MCF	Where council is a collecting agency or development agency.
s.49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	PSO Specific Planning Officers	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.49(2)	Duty to make register available for inspection.	PSO Specific Planning Officers	
s.50(4)	Duty to amend application.	Specific Planning Officers	
s.50(5)	Power to refuse to amend application.	Specific Planning Officers	
s.50(6)	Duty to make note of amendment to application in register.	PSO Specific Planning Officers	
s.50A(1)	Power to make amendment to application.	PSO Specific Planning Officers	
s.50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given.	Specific Planning Officers	
s.50A(4)	Duty to note amendment to application in register.	PSO Specific Planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.51	Duty to make copy of application available for inspection.	Specific Planning Officers	
s.52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person.	Specific Planning Officers	
s.52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	Specific Planning Officers	
s.52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme.	Specific Planning Officers	
s.52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant.	Specific Planning Officers	
s.52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant.	Specific Planning Officers	
s.52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected.	Specific Planning Officers	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	Specific Planning Officers	
s.52(3)	Power to give any further notice of an application where appropriate.	Specific Planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it.	Specific Planning Officers	
s.53(1A)	Power to require the applicant to give the notice under section 52(1AA).	Specific Planning Officers	
s.54(1)	Power to require the applicant to provide more information.	Specific Planning Officers	
s.54(1A)	Duty to give notice in writing of information required under s.54(1).	Specific Planning Officers	
s.54(1B)	Duty to specify the lapse date for an application.	Specific Planning Officers	
s.54A(3)	Power to decide to extend time or refuse to extend time to give required information.	Specific Planning Officers	
s.54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s.54A(3).	Specific Planning Officers	
s.55(1)	Duty to give copy application, together with the prescribed information to every referral authority specified in the planning scheme.	Specific Planning Officers	
s.57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	DPP† MTP <a href="#">MCF</a>	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57(3)	Function of receiving name and address of persons to who notice of decision is to go.	Specific Planning Officers	
s.57(5)	Duty to make available for inspection copy of all objections.	Specific Planning Officers	
s.57A(4)	Duty to amend application in accordance with applicant's request, subject to s.57A(5).	Specific Planning Officers	
s.57A(5)	Power to refuse to amend application.	Specific Planning Officers	
s.57A(6)	Duty to note amendments to application in register.	PSO Specific Planning Officers	
s.57B(1)	Duty to determine whether and to whom notice should be given.	Specific Planning Officers	
s.57B(2)	Duty to consider certain matters in determining whether notice should be given.	Specific Planning Officers	
s.57C(1)	Duty to give copy of amended application to referral authority.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58	Duty to consider every application for a permit.	Specific Planning Officers	
s.58A	Power to request advice from the Planning Application Committee.	DPP+ MTP <a href="#">MCF</a>	
s.60	Duty to consider certain matters.	Specific Planning Officers	
s.60(1A)	Power to consider certain matters before deciding an application.	Specific Planning Officers	
s.60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect.	Specific Planning Officers	

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>⌚ i) the application is contrary to law; or</li> <li>⌚ ii) the application is inconsistent with policy; or</li> <li>⌚ iii) a referral or authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the Planning Scheme or <a href="#">Planning and Environment Act</a>.</li> </ul>
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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<a href="#">s.61(1)</a>	<a href="#">Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application.</a>	<a href="#">DPP</a> <a href="#">MTP</a> <a href="#">CTP</a>	<p><a href="#">Delegation to be exercised at a Delegated Planning Forum.</a></p> <p><a href="#">The power cannot be exercised where:</a></p> <p><a href="#">i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or</a></p> <p><a href="#">ii) an application is for use of land for gaming machines.</a></p> <p><a href="#">The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</a></p> <p><a href="#">The power to refuse a permit can only be exercised where the delegate considers that:</a></p> <p><a href="#">i)the application is contrary to law; or</a></p> <p><a href="#">ii)the application is inconsistent with policy;</a></p> <p><a href="#">or</a></p> <p><a href="#">iii) a referral or authority has directed refusal; or</a></p> <p><a href="#">iv)the applicant has failed to carry out a direction pursuant to the Planning Scheme or Palnning and Environment Act.</a></p>

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>

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

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

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

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

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<a href="#">s.73</a>	<a href="#">Power to decide to grant amendment subject to conditions.</a>	<a href="#">DPP</a> <a href="#">MTP</a> <a href="#">CTP</a>	<a href="#">Delegation to be exercised at a Delegated Planning Forum.</a>  <a href="#">The power cannot be exercised where:</a> <a href="#">i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or</a> <a href="#">ii) an application is for use of land for gaming machines.</a>
s.74	Duty to issue amended permit to applicant if no objectors.	Specific Planning Officers	
s.76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	Specific Planning Officers	
s.76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	PSO Specific Planning Officers	
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit.
s.76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s.64 or s.76.	Specific Planning Officers	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s.76D	Duty to comply with direction of Minister to issue amended permit.	Specific Planning Officers	
s.83	Function of being respondent to an appeal.	Specific Planning Officers	
s.83B	Duty to give or publish notice of application for review.	Specific Planning Officers	
s.84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	CStratP DPP† MTP MCF	The power may only be exercised by the delegate where: i) no objections have been lodged; and ii) the application is generally in compliance with existing policy or guidelines.
s.84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit.	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit.	Specific Planning Officers	
s.84(6)	Duty to issue permit on receipt of advice within 3 working days.	Specific Planning Officers	
s.86	Duty to issue a permit at order of VCAT within 3 working days.	Specific Planning Officers	
s.87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	CStratP DPPT MCSC MTP MCE PBCM SupP	
s.90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	Specific Planning Officers	
s.91(2)	Duty to comply with the directions of the VCAT.	Specific Planning Officers	
s.91(2A)	Duty to issue amended permit to owner if VCAT so directs.	Specific Planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90.	Specific Planning Officers	
s.93(2)	Duty to give notice of VCAT order to stop development.	Specific Planning Officers	
s.95(3)	Function of referring certain applications to the Minister.	Specific Planning Officers	
s.95(4)	Duty to comply with an order or direction.	Specific Planning Officers	
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	Specific Planning Officers	
s.96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land.	DPP	
s.96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	Specific Planning Officers	
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C.	Specific Planning Officers	
s.96F	Duty to consider panel's report under s.96E.	Not delegated	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s.23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> ).	Specific Planning Officers	
s.96H(3)	Power to give notice in compliance with Minister's direction.	Specific Planning Officers	
s.96J	Power to issue permit as directed by the Minister.	Specific Planning Officers	
s.96K	Duty to comply with direction of the Minister to give notice of refusal.	Specific Planning Officers	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate.	Specific Planning Officers	
s.97C	Power to request Minister to decide the application.	Not delegated	
s.97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	Specific Planning Officers	
s.97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	Specific Planning Officers	
s.97G(6)	Duty to make a copy of permits issued under s.97F available for inspection.	Specific Planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.97L	Duty to include Ministerial decisions in a register kept under s.49.	Specific Planning Officers	
s.97MH	Duty to provide information or assistance to the Planning Application Committee.	DPP MTP <a href="#">MCF</a>	
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	DPP MTP <a href="#">MCF</a>	
s.97O	Duty to consider application and issue or refuse to issue certificate of compliance.	Specific Planning Officers	
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	Specific Planning Officers	
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	Specific Planning Officers	
s.97Q(4)	Duty to comply with directions of VCAT.	Specific Planning Officers	
s.97R	Duty to keep register of all applications for certificate of compliance and related decisions.	Specific Planning Officers	
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	Specific Planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	Specific Planning Officers	
s.101	Function of receiving claim for expenses in conjunction with claim.	Specific Planning Officers	
s.103	Power to reject a claim for compensation in certain circumstances.	DPP	
s.107(1)	Function of receiving claim for compensation.	Specific Planning Officers	
s.107(3)	Power to agree to extend time for making a claim.	DPP	
s.114(1)	Power to apply to VCAT for an enforcement order.	DPP MCSC MTP <a href="#">MCF</a> PBCM SupP	
s.117(1)(a)	Function of making a submission to VCAT where objections are received.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	Power to apply for an interim enforcement order where s.114 application has been made.	DPP MCSC MTP <a href="#">MCF</a> PBCM SupP	
s.123(1)	Power to carry out work required by enforcement order and recover costs.	DPP	
s.123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s.123(1).	DPP	Except Crown land
s.129	Function of recovering penalties.	DPP MCSC MTP <a href="#">MCF</a> PBCM	
s.130(5)	Power to allow person served with an infringement notice further time.	DPP MTP <a href="#">MCF</a> MCSC PBCM	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.133	Power to appoint authorised officer to enter land to carry out specific functions.	DPP	
s.149A(1)	Power to refer a matter to VCAT for determination.	CTP DPP MCSC MTP <a href="#">MCF</a> PBCM SupP	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement.	CStratP DPP MTP <a href="#">MCF</a> PTP SupP	
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement incurred by the panel in carrying out its function unless the Minister directs otherwise under subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4).	DPP MTP <a href="#">MCF</a>	
s.171(2)(f)	Power to carry out studies and commission reports.	DPP	
s.171(2)(g)	Power to grant and reserve easements.	DPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.173	Power to enter into agreement covering. matters set out in s.174	DI <del>E</del> LAE DPP	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority.	DI <del>E</del> LAE DPP ESC MCSC MIA MTP <u>MCF</u> PBCM	
---	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or the Responsible Authority.	DI <del>E</del> LAE DPP ESC MCSC MIA MTP <u>MCF</u> PBCM	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.177(2)	Power to end a s.173 with the agreement of all those bound by an covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DI <del>E</del> LAE MCSC MTP MCF PBCM	
s.178	Power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DI <del>E</del> LAE DPP	
s.178A(1)	Function of receiving application to amend or end an agreement.	Specific Planning Officers	
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1).	CTP DPP MTP MCF PTP SupP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	
s.178A(5)	Power to propose to amend or end an agreement.	DPP	
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	Specific Planning Officers	
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	Specific Planning Officers	
s.178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end.	Specific Planning Officers	
s.178C(4)	Function of determining how to give notice under s.178C(2).	Specific Planning Officers	
s.178E(1)	Duty not to make decision until after 14 days after notice has been given.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different to the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(2)(c)	Power to refuse to amend or end the agreement.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	After considering objections, submissions and matters in s.178B.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(3)(d)	Power to refuse to amend or end the agreement.	CTP DPP MTP <a href="#">MCF</a> PTP SupP	After considering objections, submissions and matters in s.178B.
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b).	Specific Planning Officers	
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or 3(d.)	Specific Planning Officers	
s.178F(4)	Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to VCAT has been determined or withdrawn.	Specific Planning Officers	
s.178G	Duty to sign amended agreement and give copy to each party to the agreement.	DPP	
s.178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement.	DPP	
s.178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	DPP MTP <a href="#">MCF</a>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.179(2)	Duty to make available for inspection copy agreement.	DI <del>E</del> LAE MIA Specific Planning Officers	
s.181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	DI <del>E</del> LAE DPP MTP <a href="#">MCF</a>	
s.181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	DPP MTP <a href="#">MCF</a>	
s.181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	DPP MTP <a href="#">MCF</a>	
s.182	Power to enforce an agreement.	DI <del>E</del> LAE DPP MCSC MTP <a href="#">MCF</a> PBCM	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.183	Duty to tell Registrar of Titles of ending/amendment of agreement.	<a href="#">DIELAE</a> Specific Planning Officers	
s.184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision.	DPP MTP <a href="#">MCF</a>	
s.184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application has been made to VCAT for review of a failure to amend or end an agreement.	DPP MTP <a href="#">MCF</a>	
s.184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement.	DPP MTP <a href="#">MCF</a>	
s.184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision.	DPP MTP <a href="#">MCF</a>	
s.184G(2)	Duty to comply with a direction of VCAT.	Specific Planning Officers	
s.184G(3)	Duty to give notice as directed by VCAT.	Specific planning Officers	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.198(1)	Function to receive application for planning certificate.	Specific Planning Officers	
s.199(1)	Duty to give planning certificate to applicant.	Specific Planning Officers	
s.201(1)	Function of receiving application for declaration of underlying zoning.	Specific Planning Officers	
s.201(3)	Duty to make declaration.	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make a decision relating to the conduct of a mediation before VCAT, including a decision to settle the mediation.	Specific Planning Officers	<ol style="list-style-type: none"> <li>1. Where Council is a party to a mediation before VCAT.</li> <li>2. If the matter has previously been subject to a determination by Council or Delegated Planning Committee <a href="#">or delegate at a Delegated Planning Forum</a>, can only be exercised if, in the opinion of DPP, MTP, <a href="#">MCF</a> or SupP the matter being mediated is of a minor nature and the intent of the <a href="#">decision of the Council's</a> or Delegated Planning Committee's <a href="#">or delegate at the Delegated Planning Forum decision</a> is not compromised; or</li> <li>3. If the matter has previously <a href="#">been</a> subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPP, MTP, <a href="#">MCF</a> or SupP if the decision to settle the mediation involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.</li> </ol>
-	Determine that a matter be considered at a mediation before VCAT.	CStratP DPP MTP <a href="#">MCF</a> SupP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>	<b>Column 1</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
-	Power to decide, in relation to any planning scheme or permit that a specified thing has or has not been done to the satisfaction of Council.	Specific Planning Officers	
-	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of consent.	Specific Planning Officers	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit.	Specific Planning Officers	
-	Power to give written authorisation in accordance with a provision of a planning scheme.	Specific Planning Officers	
s.201UAB(1)	Function of providing the Growth Areas Authority with information relating to any land within municipal district.	DPP MTP <a href="#">MCF</a> SupP	
s.201UAB(2)	Function to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible.	DPP MTP <a href="#">MCF</a> SupP	

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r. 6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s.54 of the Act.	Specific Planning Officers	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Specific Planning Officers	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	Specific Planning Officers	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2015</b>			
(THESE REGULATIONS EXPIRE ON 14 OCTOBER 2016).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.16	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	CTP DPP MTP <a href="#">MCF</a>	
r.17	Power to waive or rebate a fee relating to an amendment of a planning scheme.	CTP DPP MTP <a href="#">MCF</a>	
r.18	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17.	CTP DPP MTP <a href="#">MCF</a>	

<b>GLEN EIRA PLANNING SCHEME</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
13 – 19.03, 21-22.04-4, 31 - 37, 41, 42.02, 42.03, 43.01, 45.01, 45.03, 45.06, 51, 52.04, 52.05, 52.06-2 – 52.06-5, 52.07-52.27, 52.29-52.30, 54-55, 61-64, 67	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
43.04-3	<ul style="list-style-type: none"> <li>▪ Power to allow a Development Plan to be prepared and implemented in stages.</li> <li>▪ Power to amend a Development Plan.</li> </ul>	<a href="#">DPP</a> <a href="#">MTP</a> <a href="#">CTP</a> Not delegated	Power can only be exercised by <a href="#">delegate at</a> Delegated Planning <a href="#">Forum</a> <a href="#">Committee</a> or <a href="#">by</a> Council.
52.01 – 52.02, 56, 65, 66	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
52.06-1	<ul style="list-style-type: none"> <li>• Power to reduce or waive car parking.</li> <li>• Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5.</li> </ul>	Specific Planning Officers	The power to reduce or waive car parking specified in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.  An application involving a reduction of more than ten car spaces may only be determined by DPP or MTP
52.28	Power to grant permit for gaming machines.	Not delegated	<del>Can only be exercised by Delegated</del>

<b>GLEN EIRA PLANNING SCHEME</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<del>Planning Committee or Council</del>
19.04, 43.04-1, 52.03	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions in relation to brothel and Sexually Explicit Adult Entertainment Venue applications, development plan approvals, specific sites and exclusions.	Not delegated	<del>Can only be exercised by Delegated Planning Committee or Council</del>

**10.2 Councillor Appointments to External Bodies – Special Council Meeting****Moved: Cr Delahunty****Seconded: Cr Hyams**

That a Special Council Meeting be called to consider the Councillor Appointments to External Bodies and be dealt with as an item of urgent business.

**CARRIED UNANIMOUSLY**

**Moved: Cr Delahunty****Seconded: Cr Magee**

That the matter of Councillor appointments to external bodies be considered at a Special Council Meeting to be held at 7.30pm, Tuesday 13 December 2016 in the Council Chamber, Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

**CARRIED UNANIMOUSLY**

**10. ORDINARY BUSINESS****11.1 Requests for reports from Officers****(a) Cr Silver****Moved: Cr Silver****Seconded: Cr Hyams**

That Council receives a report investigating:

1. the number of photographs held that document the history of the Cities of Glen Eira, Caulfield and Moorabbin; and
2. the preferred method of digitising these resources and making them available online.

**CARRIED UNANIMOUSLY**

**10.2 Right of reply - NIL****10.3 Councillor questions - NIL****10.4 Public questions to Council**

Questions were submitted from three people to the 29 November Council Meeting. None of the questions were read at the meeting as the questioners were not present in the Chamber. Responses will be sent in accordance with the Local Law.

**12. CONSIDERATION OF CONFIDENTIAL ITEMS****Moved: Cr Magee****Seconded: Cr Hyams**

That pursuant to Section 89(2) of the Local Government Act 1989, the council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel Matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal Advice
- (g) Matters affecting the security of council property
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**CARRIED UNANIMOUSLY**

**Table of Contents**

- 12.1 Citizen of the Year Awards 2017
- 12.2 Tender Recommendation for Gas Management Infrastructure at Clayton Regional Landfill

It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.

*It is recorded Cr Davey declared an indirect conflict of interest and vacated the Chamber at 9.39pm prior to any discussion on this matter.*

*It is further recorded that Cr Magee entered the Chamber at 9.39pm.*



**12.2 Tender Recommendation for Gas Management Infrastructure at Clayton Regional Landfill****Moved: Cr Hyams****Seconded: Cr Magee**

That Council:

- 1) endorses the recommendation of the Clayton South Regional Landfill Joint Venture Management Committee.
- 2) awards Contract No 4-2016 *Installation of Leachate Extraction Pumps and Piping, Installation of Air Piping and Monitoring of Gas and Leachate Extraction Infrastructure* at the Clayton South Regional Landfill to Run Energy Pty Ltd, ABN 49102672766, in accordance with the schedule of rates submitted.
- 3) agrees to the Clayton South Regional Landfill Joint Venture Management Committee preparing a contract in accordance with the conditions included in the tender.
- 4) executes the contract (together with other member Councils) in an appropriate manner including by affixing of the Council Seal.
- 5) incorporates this resolution into the public minutes of this Meeting.

**CARRIED UNANIMOUSLY***It is recorded that Cr Davey entered the Chamber at 9.40pm.***Moved: Cr Hyams****Seconded: Cr Magee**

That the meeting be resumed in open Council.

**CARRIED UNANIMOUSLY**

**13. CLOSURE OF MEETING**

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.41pm.

Confirmed this 20 Day of December 2016

Chairperson: .....