



Council Meeting Notice Paper

Monday 6 May 2019 at 7pm

**Meeting will commence in Malvern Town Hall,
(enter off Glenferrie Road, Malvern)**

Vision

Stonnington will be an inclusive, healthy, creative, sustainable and smart community.

Council's vision will be implemented through four key pillars:

- **Community:** An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.
- **Liveability:** The most desirable place to live, work and visit.
- **Environment:** A cleaner, safer and better environment for current and future generations to enjoy.
- **Economy:** A City that will grow its premier status as a vibrant, innovative and creative business community.

These pillars reflect the shared priorities of our community and Council, and are consistent with our history and vision for a liveable future. For each pillar, there is a framework for our strategies, actions and measures which outline the key services and projects to be delivered to our community.

The Strategic Resource Plan sets out how Council will provide the resources needed to implement strategies and actions within the Council Plan.

Councillors

Cr Steven Stefanopoulos, Mayor
Cr Glen Atwell
Cr John Chandler
Cr Sally Davis
Cr Marcia Griffin
Cr Judy Hindle
Cr Jami Klisaris
Cr Matthew Koce
Cr Melina Sehr

NOTES

Council business is conducted in accordance with Part 4 Division 3 of the Meeting Procedure section of Council's General Local Law 2018 (No 1). Some copies are available with the agenda or you can find a copy on Council's website www.stonnington.vic.gov.au under local laws.

Councillors carry out the functions, powers, authorities and discretions vested with them under the **Local Government Act 1989**, and any other relevant legislation. Councillors impartially perform the Office of Councillor duties, in the best interests of the City of Stonnington residents to the best of their skills and judgement.

Councillors must formally declare their conflicts of interest in relation to any items listed on the agenda at the start of the meeting and immediately prior to the item being considered, in accordance with Sections 77 to 79 of the Act.

READING OF THE RECONCILIATION STATEMENT

We acknowledge that we are meeting on the traditional land of the Boonwurrung and Wurundjeri people and offer our respects to the elders past and present. We recognise and respect the cultural heritage of this land.

READING OF THE AFFIRMATION STATEMENT

We are reminded that as Councillors we are bound by our Oath of Office to undertake the duties of Councillor in the best interests of the people of the City of Stonnington and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act and any other relevant Act

Welcome

Welcome to a Stonnington City Council meeting. These meetings are an important way to ensure that your democratically elected Councillors work for you in a fair and transparent way.

About this meeting

The first page of tonight's agenda shows the different parts to the meeting, some of these are administrative and are required by Stonnington's Local Law.

In the agenda you will also find a list of all the items to be discussed under 'General Business'. Each report is written by a council officer and outlines the purpose of the report, relevant information and a recommended decision for councillors.

Council will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the Councillors present at this meeting.

Arrangements to ensure meetings are accessible to the public

Council meetings are held at the Malvern Town Hall, corner High Street and Glenferrie Road (entry via Glenferrie Road by the door closest to the Malvern Police Station).

The Malvern Town Hall has an entrance ramp and elevators to ensure that the Council Chamber is accessible to the public. Fully accessible toilet and bathroom facilities are also available.

If you require translation, interpreting services or a hearing loop set up, please contact Council's civic support on 03 8290 1331 to make appropriate arrangements before the meeting.

To ensure that people in the chamber can follow the meetings' proceedings, proposed alternate resolutions, also known as 'yellows', are displayed on a screen and microphones are used during debate.

Live webcasting

Council meetings are webcast live via Council's website, allowing those interested to view proceedings without attending Council meetings.

This gives people who may otherwise be unable to attend access to Council decisions and debate. A recording of the meeting is available on our website after the meeting (usually within 48 hours).

Only Councillors and Council officers seated around the Council table are visible on film. People in the public gallery will not be filmed, but if you speak, you will be recorded. Visit stonnington.vic.gov.au for more information.

Members of the gallery

If you choose to attend a council meeting as a member of the public gallery, you should note the role of the Chairperson and your responsibilities under the City of Stonnington General Local Law 2018(1).

Extracts from the Local Law:

81. Gallery to be Silent

- (1) Visitors must not interject or take part in the debate.
- (2) The gallery must be silent at all times during any Council Meeting.
- (3) The ring tones of mobile telephones and other devices must be turned off by people in the gallery at all times.

88. Recording or Filming Proceedings

- (1) A person must not operate an audio tape, mobile telephone or other recording or transmitting equipment or film ('a device') at any Council Meeting without first obtaining the consent of the Chairperson.
- (2) Consent given under sub-clause (1) may be revoked by the Chairperson at any time during the course of a meeting.
- (3) If a device is operated, or suspected of being operated, in contravention of sub-clause (1), the Chairperson may:
 - (a) order the person operating, or suspected of operating, the device to produce the device to the Chairperson; and
 - (b) arrange for any matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device.
- (4) Subject to sub-clause (5), the Chairperson shall return any device that has been produced to him or her pursuant to sub-clause (3) at the conclusion of the relevant Council Meeting.
- (5) If the Chairperson has been unable to arrange for the matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device, the device shall be returned to the person as soon as practicable after the deletion, erasure or removal has been carried out.

84. Removal from Chamber of a Councillor or Member of the Public

The Chairperson, or Council in the case of a suspension under clause 82, may ask any Authorised Officer or member of Victoria Police to remove from the meeting (including the gallery):

- (1) any person who the Chairperson has ordered to be removed under clause 82(3); or
- (2) any Councillor who has been suspended under clause 82 and who has not immediately left the Council Meeting.

50. Questions to Council from Members of the Public

- (1) Questions to Council from members of the public will be considered as part of the order of business of an Ordinary Meeting only when submitted in the format outlined below:
 - (a) Questions must be in writing and lodged at the office of the Chief Executive Officer by 12 noon on the day of the next scheduled Ordinary Meeting.
 - (b) A limit of five (5) questions per questioner applies.
 - (c) Questions must include the name and address of the questioner and the date of the question. Questions by facsimile or email are acceptable.
- (2) Within four (4) working days of receiving a complying question to Council from a member of the public, the Chief Executive Officer will dispatch a notice to the member of the public who submitted the question, advising that the question has been received.
- (3) At a meeting at which a question is to be considered:
 - (a) The Chairperson will acknowledge that a question or questions have been received from a (named) person and ask if that questioner is in the gallery.
 - (b) If the questioner is present in the gallery, a summary of the subject matter of the question(s) will be read out by the Chairperson and the questioner advised that a written reply to the question(s) will be issued within 14 days of that meeting date.
 - (c) If the questioner is not in the gallery, Council will respond to the question(s) in accordance with any standard correspondence to Council.
- (4) The Chairperson has the discretion to allow a question to be asked and/or answered at the meeting that is in variance with the procedure in this Local Law.
- (5) The Chairperson may refuse to acknowledge a question if, in the opinion of the Chairperson, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language or substance, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, outside Council's powers or functions, has been asked at a previous Council Meeting and a reply issued, or relates to matters that come under section 89(2) of the Act.
- (6) Any question relating to electoral matter during an Election Period will not be considered at any Council Meeting.
- (7) A copy of the questions and responses will be tabled and inserted into the minutes of the following Council Meeting.

47. Open Meetings

- (1) Subject to sub-clause (2), Council Meetings must be open to members of the public pursuant to section 89(1) of the Act.
- (2) Council may resolve, under section 89(2) of the Act, that a meeting be closed to members of the public if Confidential Business is to be discussed.

Your cooperation is appreciated, we hope you enjoy the meeting.

Mayor and Councillors, Stonnington City Council

Council Meeting Notice Paper Monday 6 May 2019 Order of Business and Index

- a) Reading of the Reconciliation Statement and Affirmation Statement
- b) Introductions
- c) Apologies
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- h) Questions to Council Officers from Councillors
- i) Tabling of Petitions and Joint Letters
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¹ Note that s.79(1)(a) of the Act requires Councillors to disclose the nature of a conflict of interest immediately before the relevant consideration or discussion.

RECOMMENDATION

That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 15 April 2019 as an accurate record of the proceedings.

m) *General Business*

1. PERCY TREYVAUD MEMORIAL PARK MASTERPLAN - ADDITIONAL INFORMATION ON PROJECT COSTS

**Acting General Manager Assets & Services: Rick Kwasek
Interim Chief Executive Officer: Simon Thomas**

PURPOSE

This report seeks to provide Council with additional information on projects costs for the Percy Treyvaud Memorial Park Masterplan.

BACKGROUND

At its meeting of 30 October 2017 Council resolved to proceed with the development of a new multipurpose sport and recreation facility at Percy Treyvaud Memorial Park; as follows.

- 1. *Note the contents of the Stonnington Indoor Sports Stadium Feasibility Study.***
- 2. *Confirm Percy Treyvaud Memorial Park as the location of a new multipurpose sport and recreation facility to host:***
 - o *Four Indoor Sports Courts;***
 - o *Chadstone Bowls Club;***
 - o *Chadstone Tennis Club;***
 - o *Chadstone Recreation and Civic Club; and***
 - o *Summer and winter season users of the sportsgrounds including Chadstone Lacrosse Club.***
- 3. *Consults with Chadstone Bowls Club and its members to discuss their facility preferences, and confirm their preferred option and bowling capacity to accommodate its program of events and activities.***
- 4. *Develop a Project Management Plan to initiate a Master Plan for Percy Treyvaud Memorial Park.***
- 5. *Provide regular community updates on the development of a master plan and the opportunities for community input to that process.***

Project Architects, Williams Ross have been appointed, a Stakeholder Group was formed and a robust engagement process undertaken to develop a masterplan for the park. Council initially facilitated community feedback on four concept site options for Percy Treyvaud Memorial Park in November 2018. The feedback process was designed to elicit qualitative feedback to inform the design of the draft masterplan.

The Draft Masterplan was refined and developed following this feedback and includes the development of four indoor courts, Chadstone Bowls Club, Chadstone Tennis Club, Chadstone Recreation and Civic Club and Summer and Winter season users of the sports ground (East Malvern Tooronga Cricket Club and Chadstone Lacrosse Club) and casual users of the park. The Masterplan responds to the above Council resolution.

At the Council meeting on the 1 April 2019, Council deferred adoption of the masterplan and resolved as follows;

That consideration of the Percy Treyvaud Memorial Park Draft Masterplan and the associated report be deferred to the meeting of Council to be held on 6 May 2019 in order to look further at the financial aspects of the proposed project.

DISCUSSION

Quantity Surveyors Currie and Brown have been appointed to provide cost control services for the project. Cost plans have been developed by the quantity surveyor for the masterplan, which inform the budget for the project.

The Quantity Surveyor is required to undertake costings on a number of key phases of the project which are broken down as follows:

- Masterplan Concept – Cost Plan A
- Schematic Design - Cost Plan B
- Detail Design and Documentation - Cost Plan C
- Tender documentation - Cost Plan D
- Post tender evaluation

Additional costing advice is provided as required to assist in cost management of the project.

The cost plan (A) summary for the Project from Currie and Brown (See Attachment A) provides a breakdown of key project elements and includes appropriate contingencies and cost escalation allowance.

The table below provides a high level cost estimate extracted from the cost plan A for the project. In addition to the standard contingency allowance a client contingency has been accommodated in the Council budget to allow for unforeseen issues. The scope of works includes upgraded facilities for the Chadstone Recreation and Civic Club, Chadstone Bowls Club, Chadstone Tennis Club, East Malvern Tooronga Cricket Club and Chadstone Lacrosse Club in accordance with the council resolution of 30 October 2017. The Draft 2019/20 Budget and Draft Strategic Resource Plan 2019/20 to 2022/23 includes provision for the project.

Description Project Cost	\$
Basement (Level1)	9,330,000
Building Works	14,485,000
Total Building costs	23,815,000
Demolition	637,360
Service Provision	238,150
ESD Initiatives	357,225
Lifts	302,000
Site works	6,024,000
External Services	614,000
Preliminaries	817,000
Net Construction Costs	32,805,000
Information Technology	164,000
Infrastructure Upgrade Allowance	164,000
Design Contingency	1,312,000
Construction Contingency	1,640,000
Temporary Hire	100,000
Total Construction Costs	36,185,000
Other Project Costs	
Furniture Fittings and Equipment	181,000
Kitchen Extra Over	75,000
Consultant	2,533,000
Headworks and Authority Charges	181,000
Total Project costs current	39,155,000
Cost escalation to completion	1,451,000
Subtotal Project Costs	40,606,000
Masterplan Site Improvement Works	1,000,000
Project Contingency	3,000,000
	44,606,000
Total Estimated Project Cost	44,606,000

It should be noted that detailed cost plans (A,B,C,D and Post Tender Evaluation) will be developed by Currie& Brown through each phase of the design process to ensure successful cost control and to assist in the management of scope and budget. This project management process will help manage costs through the delivery of a high quality, functional and efficient facility in line with council and community aspirations.

Costing Peer Review

Following the request for additional information on project costs a peer review of the cost plan developed by the Quantity Surveyor was requested.

The purpose of the peer review was to substantiate the cost plan and further interrogate the costs associated with the project. Turner and Townsend Quantity Surveyors were engaged to undertake an independent peer review of the project costs.

Turner and Townsend QS has previously provided high level cost advice for the project and were considered well placed to provide an independent review of the current cost plan.

The assessment was intended to be a holistic review of financials rather than a technical review of design information. While some savings could be achieved through a value management exercise these were considered to be at a scale that would not provide the outcome of sufficient cost savings as being sought by Council, particularly at this stage of the project.

Significant Cost savings of the scale required to make a material difference to the overall project cost would require a fundamental change to the project scope.

The Peer review by Turner and Townsend (T&T) has substantiated the current costing advice for the project provided by Currie and Brown. In their summary they indicated that

- The budget is considered appropriate at this stage of the project
- Areas are considered to be correctly measured and are consistent with T&T bulk check.
- Preliminaries are 10% which is considered reasonable in the current market.
- Cost escalation at 2%-2.4% per annum while reflecting current CPI is considered low and in our opinion should be reviewed.
- Clarifications and exclusions were found to be generally acceptable

The above comments have been reviewed by Currie & Brown who has suggested that cost escalation figures for the project be revised. These will result in a marginal adjustment to the overall costing which can be offset against design refinement options and will be included as part of the cost plan B review for the schematic design phase of the project. They go on to say that any adjustments can be accommodated within the current budget.

The peer review by Turner and Townsend has concluded that the current budget and costing advice for the project provided by Currie and Brown is appropriate.

Apportionment of Costs

Following a councillor request for a cost break down of the various components of the project, Currie and Brown were asked to apportion project costs to the various clubs and activities that occupy the site. This distribution was allocated on a general area basis depending on function and was worked out as a percentage of the total costs. The car park costs and the administration areas of the facility were allocated and apportioned relative to use. The landscape component of the masterplan was separated out as it did not specifically relate to any of the activations on site. (See Attachment B – Apportionment of Costs)

Some of the key costs to consider are around the distribution of the cost associated with the carpark with the majority of costs going to the stadium and then proportionally distributed to the various activities on site based on usage. Site works are significant due to the scale of the project inclusive of site constraints and have also been proportionally distributed across each activity. Other key areas include the administration and reception spaces which have predominantly been allocated to the stadium.

In reviewing these costs consideration needs to be given to the fact that these are high level apportionments that have been correspondingly allocated to each function and summary figures are approximate only. It should also be noted that these costs cannot be compared directly to construction costs of each individual element as separate projects. (See summary Table below)

Cost Apportionment by Activity		Total Costs \$
	Netball Stadium (Includes Associated Infrastructure)	\$26,774,000
	Bowling Greens(Includes Associated Infrastructure)	\$7,819,000
	Tennis Courts (Includes Associated Infrastructure)	\$2,529,000
	Pavilion (Includes Associated Infrastructure)	\$1,717,000
	Landscape Improvements	\$1,767,000
	Subtotal Project Costs	40,606,000

It should be noted that a project contingency and Masterplan Site improvement works need to be added to this figure to equate to the total project budget of \$44.6M

Site Purchase – cost comparison

As a means of providing a cost comparison, consideration has been given to the hypothetical option of purchasing suitably zoned land within the municipality and developing a four court stadium with associated car parking.

Property consultants (Charter Keck) were engaged to review possible options within the municipality. The site selection took into consideration footprint, height and bulk of the building, consideration of zoning, proximity to residential land and accessibility. The table below outlines the approximate footprint required for a stadium with the required administration and change facilities. It should be noted that since compulsory acquisition has potential for widely varied outcomes that depend on a broad range of individual circumstances this exercise was undertaken at a very high level.

Description	Number of Participants	Number of Public'	Number of Staff	Recommended Area (m2)	External Area (m2)
Public Spaces	0	30	3	480.0	0.0
Administration	0	0	8	110.4	0.0
Indoor Sports Courts	80	350	0	3,960.6	0.0
Support Facilities and Amenities	0	0	10	183.6	0.0
Building Services & Ancillary	0	0	0	120.0	360.0
External Areas	0	0	0	0.0	3,840.0
Sub-total	80	380	21	4,854.6	4,200
Area contingency (circulation, site planning) @ 10%					420.0
Total Projected Persons / Area	80	380	21	4,854.6	4,820

Total Site Area Required	9,475
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While the footprint suggested in the table above indicates an area of 9475sqm the provision of underground or undercroft parking would allow such a facility to be sited on a smaller site of say 4600 - 4800sqm.

There are limited non council owned sites within Stonnington that would support a building of the size and scale proposed. In light of the various constraints two potential sites were identified that could be considered for compulsory acquisition and therefore could be used for comparison.

While council has the powers to compulsorily acquire land, the process presents a number of significant risks. The types of risks that need to be considered include reputational risk in terms of council's public image, significant cost implications, program and timing and associated planning risk. Some of the process steps would include negotiation with businesses currently occupying site(s) and the need to re-zone to provide a fit for purpose use which would add significant cost and time to the process.

The first site was identified in the centre of the municipality, with a second site located in the east of the municipality. Both sites have some separation from residential areas. The determination of land value has been evaluated based on land with similar commercial uses and referencing the market for valuations in light industrial inner urban areas.

The actual value of the land varies between, \$10m - \$15m (depending on the site). As the exercise would require compulsory acquisition, in addition to the land value there would be conventional elements of compensation required. In this instance professional fees and costs, solatium (Up to 10% of purchase price) and disturbance.

The following factors are considered for compensation:

- the market value of the property on the date of acquisition
- any special value to the claimant on the date of acquisition
- any loss attributable to severance
- any loss attributable to disturbance – pecuniary loss suffered as a result of the natural, direct and reasonable consequence, e.g. relocation costs
- any legal, valuation and other professional expenses necessarily incurred by the claimant by reason of the acquisition of the interest
- Solatium – intangible amounts (not exceeding 10% of market value) which include the following:
 - the length of time you have occupied the land;
 - the inconvenience being removed from the land;
 - the period of time you were likely to have continued to occupy the land if it weren't for the acquisition; and
 - your age and circumstances and that of those who live with you.

The above compensation allowance commonly exceeds the value of the land. It would therefore result in an overall cost to Council for the land in the order of \$25m - \$30M.

Rezoning would also be required for both sites. While sites have been selected being mindful of size and scale consideration would still need to be given to the interface with adjacent properties. Regardless of location there would likely be interface issues to contend with.

By the time you add the development costs for the stadium and associated car parking outlined above, it is anticipated that the total cost of the development would be in excess of \$50M.

Based on the above land valuations and associated risks the option to seek alternate land parcels not in council ownership are seen as impractical and uneconomical to pursue further.

LEGAL ADVICE & IMPLICATIONS

Legal advice continues to be sourced in consideration of a number of property and administration matters being resolved as part of the project.

CONCLUSION

The above financial analysis has considered a number of scenarios. The costs for the project have been scrutinised by an independent Quantity Surveyor who has confirmed that the project costs are in line with the scope outlined in the Council resolution of 30 October 2017. The analysis on alternate sites not currently in council ownership has also determined that it is uneconomical for council to consider the compulsory acquisition of land for the purpose of constructing a stadium. The ability to modify the project costs to materially change the overall budget implication can only be achieved by altering the scope of the project.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

- | | |
|--|----------|
| 1. Attachment A - Currie and Brown Summary Cost Plan A | Excluded |
| 2. Attachment B - Apportionment of costs | Excluded |

RECOMMENDATION

That Council:

- 1. Note the advice provided on financial aspects of the proposed project***

2. PERCY TREYVAUD MEMORIAL PARK - MASTERPLAN

Acting General Manager Assets & Services: Rick Kwasek
Interim Chief Executive Officer: Simon Thomas

PURPOSE

The purpose of this report is to provide a summary of the community feedback on the Draft Masterplan for the Multipurpose Facility at Percy Treyvaud Memorial Park and seek endorsement to proceed to the design and implementation of the Multipurpose Facility and associated landscape improvements.

This report was tabled for consideration by Council at its meeting of 1 April 2019. At that meeting Council resolved as follows;

'That consideration of the Percy Treyvaud Memorial Park Draft Masterplan and the associated report be deferred to the meeting of Council to be held on 6 May 2019 in order to look further at the financial aspects of the proposed project.'

A report considering the financial aspects of the project has been presented earlier in this agenda, in response to the above resolution. This report is again tabled for consideration by Council.

BACKGROUND

At its meeting of 30 October 2017 Council resolved to proceed with the development of a new multipurpose sport and recreation facility at Percy Treyvaud Memorial Park. The new facility is to be built to host; four indoor sports courts; plus upgraded facilities for the Chadstone Recreation and Civic Club and its sport sections of the Chadstone Bowls Club and Chadstone Tennis Club, as well as seasonal sporting clubs (East Malvern Tooronga Cricket Club and Chadstone Lacrosse Club) and casual users of the park.

On 5 February 2018, Council resolved to implement a formal governance structure as a communication and decision making framework around the development of the Masterplan and delivery of the project.

As part of the governance structure Council resolved that a Stakeholder Group be established comprising:

- One Councillor as chair of the group (Councillor Atwell)
- General Manager, Assets & Services – Simon Thomas
- Manager, Urban & Infrastructure Projects – Rick Kwasek
- Manager, Advocacy Performance & Improvement – Tracey Limpens
- Project Consultants
- Council Officers as necessary
- Representatives from each of the Stakeholder Groups (1 representative, 1 alternate)
 - Chadstone Civic and Recreation Club (CRCC)
 - Chadstone Bowls Club
 - Chadstone Tennis Club
 - Chadstone Lacrosse Club
 - Cricket Club

- Prahran Netball Association
- Basketball Victoria
- Traders from Chadstone Road strip shops (No alternate representative)
 - Malvern Valley Primary School
 - Three residents appointed through an expression of Interest

The Stakeholder Group has met monthly during the masterplan development process with the main focus outlined in the points below;

- Participate in the development of the Masterplan for the Percy Treyvaud Memorial Park.
- Help inform the Steering Committee by providing representative and balanced input into the project on behalf of stakeholders.
- Assist the process by identifying, assessing, and prioritising stakeholder interests to achieve a balanced outcome having regard to the overall project objectives.

To ensure transparency the resulting Meeting notes from each of the Stakeholder Group were posted on the project page at connectstonnington.vic.gov.au/stadium.

Williams Ross Architects were appointed by Council as principal design consultants on 4 June 2018 and have been working on developing a masterplan for the park that carefully responds to the site context, stakeholder group input and feedback from the local community. As part of the process a number of concept options were developed for the above facility.

Development of Design Options

The first stage of the masterplan process was for the Stakeholder Group to arrive at a set of principles to help guide the assessment of masterplan. These were developed over a number of Stakeholder Group meetings and helped to set some clear guidelines and project aspirations. A workshop was run with stakeholders in which the principles were further developed and refined. Stakeholders were ultimately asked to assess options presented to them against the project principles.

In order to start the design process the architects and council officers met with each of the sporting club representatives to ascertain their specific requirements for the proposed facility and their current and future wants and needs. This information helped to develop a functional design brief which would inform the final building design. The functional design brief includes information on such things as change room requirements, floor areas and specific and essential sporting needs required by the peak body and the associated codes. In addition to meeting with the sporting clubs specific meetings were also held with each of the resident representatives and the CRCC.

From this initial information the architects undertook a spatial analysis and developed a number of '*mud maps*' that were presented to the steering committee for initial review prior to the stakeholder group. The '*mud maps*' were further developed into three options for consideration by both the Stakeholder Group and Steering Committee. The merits of each option were presented by the project Architect to the Stakeholder Group for their consideration.

At its meeting on 5 September the Stakeholder Group were asked to assess the specific merits of each option against the project principles. A general discussion followed which further explored the group's views on the respective options. Based on this initial presentation and discussion, support was demonstrated from the majority of stakeholders towards option three. The concerns of Quentin Road residents on the siting of the facility at the eastern end of the site was relayed to the project team by resident representatives.

Stakeholder meeting held on Wednesday 3 October

At the Stakeholder meeting held on Wednesday 3 October the resident representatives made it clear that local residents were keen to see all three options that had been considered as part of the Stakeholder Group process.

Resident Meeting 9 October 2018

On request from the Stakeholder Group, a resident meeting was held on 9 October 2018 with residents directly adjacent to the proposed facility on Quentin Road and Abbotsford Avenue invited by a letter box drop. However, this was not a closed meeting and many residents from other streets attended. At that meeting the project architects presented the three site options and sought feedback from those in attendance.

Some of the key issues raised regarding the three site options on display included;

- Increased traffic and parking in the local street network.
- The proximity of the facilities to Quentin Road.
- Location of car parking abutting Quentin Road.
- Entry and exit arrangements to the undercroft car park from Chadstone Rd.
- Safety and antisocial behaviour was raised as a concern.
- Amenity issues such as noise, light spill and ongoing upkeep.
- Access to public toilets.
- Location of the playground

The three councillors of the Steering Committee, Cr Steve Stefanopoulos (Mayor), Cr Glen Atwell (Chair of the Stakeholder Group), and Cr Matthew Koce, also attended the meeting to hear residents' views first hand.

Council Meeting 15 October 2018

At the Council meeting on the 15 October, Council resolved to develop an additional option based on resident feedback. This concept site option became *Option 3a* in the resulting consultation.

The engagement process therefore included four concept site options for community feedback on a preferred masterplan for Percy Treyvaud Memorial Park. A report on the concept site options was prepared by Williams Ross for the purpose of engagement. (See Attachment A – Consultation on Concept Site Options, November 2018)

Community Engagement

An engagement process on four concept site options was undertaken from 5 November to 30 November 2018. The consultation process was promoted via media releases, advertising in local print media, Council's website, letter drop (approximately 2,600 properties around Percy Treyvaud Memorial Park), as well as social media (i.e. Facebook), email newsletter, onsite signage and via the project Stakeholder Group. Two drop-in sessions were held for the community to view the concept site options, with Council officers and the project Architect and members of the project team available to answer questions. The drop-in sessions were held between 10am-12pm on Saturday 10 November and 5-7pm Wednesday 14 November at the Percy Treyvaud Memorial Park lacrosse pavilion.

The formal feedback was received via an online survey consisting of one open-ended question for each concept site option. The survey simply guided the respondent by asking a general, non-leading question: '*do you have any feedback on design option x*'. The final question asked respondents if they had any 'other feedback'. In addition to the online survey a hard copy of the survey was made available with reply paid envelopes provided.

It was compulsory for online respondents to indicate the suburb where they reside, however, for hard copy surveys some respondent's suburbs were not recorded.

During the engagement period, there were:

- 806 visits to the *Connect Stonnington* online engagement portal.
- A total of 214 survey responses were received, including 24 hardcopy surveys.
- Approximately 120 people attended the drop-in sessions.
- Seventy-nine per cent (79%) of survey respondents reside in Malvern East.

It is important to acknowledge that thirty (30) respondents indicated that they oppose the proposed multipurpose sport and recreation facility at Percy Treyvaud Memorial Park and do not support any concept design options. Several did not offer any constructive feedback on the design elements, instead outlining their concerns with Council processes and transparency of the project from the beginning

On the other hand there were also several respondents who specifically outlined that they were pleased Council has progressed the project to the design stage. Those respondents did not specify a design preference, were satisfied with any outcome, and believed that the project would be an asset to the Stonnington community.

In general, these surveys did not offer constructive feedback on the design elements of the concept site options. Instead outlining their concerns or support of the project.

The Engagement Report (See Percy Treyvaud Masterplan Engagement Report - Attachment B) provides a summary of the broad and comprehensive feedback received during consultation period. The verbatim responses were sorted into themes and analysed against the project principles established by the project Stakeholder Group.

It should be noted that there has been significant engagement on this project since Council confirmed the location of the proposed facility as Percy Treyvaud in October 2017 which is summarised below.

Since October 2017:

- 9,184 visits to the project site on Connect Stonnington engagement portal;
- 1,809 documents downloaded from Connect Stonnington engagement portal;
- 12,780 letters/notices/postcards sent to residents;
- 2,643 submissions/surveys/feedback received;
- 16 public community meetings held; and
- 7 project stakeholder meetings held.

Council acknowledges the many hours the community and stakeholders have invested in meeting with Councillors and council officers, reviewing documentation, attending stakeholder meetings, responding to surveys, meeting with fellow stakeholders and neighbours, and making submissions.

DISCUSSION

Exhibition of Draft Masterplan

On the 4 February 2019 Council resolved to place the Draft Masterplan for Percy Treyvaud Memorial Park on exhibition for a further round of consultation. The purpose was to seek community feedback on the Draft Masterplan and associated technical reports. (See Attachment C – Draft Masterplan Report January 2019 Revision C).

The exhibition period commenced 11 February 2019 and closed 3 March 2019. The exhibition was promoted via media releases, advertising in local print media, Council's website, letter drop (approximately 2,600 properties around Percy Treyvaud Memorial Park), as well as social media (i.e. Facebook), email newsletter, onsite signage and via the project Stakeholder Group. An online survey was the formal community feedback mechanism, consisting of an open text field inviting feedback on the draft masterplan.

Engagement Report Key Findings

In this round of engagement a total of 326 online submissions were received. During the exhibition period, there were 904 visits to the Connect Stonnington online engagement portal. (See Attachment D Stage 3 Engagement Report March 2019)

The sentiment is generally consistent with the results of other engagement undertaken as part of this project. Online community submissions generally stated a personal standpoint/position on whether the Masterplan and associated facility improvements within the precinct 'should' or 'should not' proceed.

Generally, submissions provided little insight or comment specific to the Masterplan design elements, and therefore an assessment against the established project principles was not possible. A small number of submitters asked clarifying questions and these will be considered by the project team should the project continue to the detailed design stage.

Overall, submitters continue to present polarised views. On face of it, there was an equal proportion of people that were either 'for' or 'against' the Masterplan and this finding is consistent with previous engagement results.

Key themes for those who oppose the development include (a response is provided to each of the key themes below):

- Concerns with Council process from the beginning of the project
- Cost of facility
- Increased intensity and impacts on residential area
- Parking and Traffic concerns

Key themes in support of the project

- Need for the Stadium
- "About time" Lack of existing indoor sporting facilities
- Benefits of improving facilities for female sport
- Benefits for local families and community

Chadstone Lacrosse had a number of concerns in relation to the orientation of the facility to the pitch. These concerns will be addressed by the design team during the schematic design phase with further engagement with sporting clubs to finalise details of the layouts as part of standard design process.

Some minor comments were also received in relation to some of the landscape improvements to the park including the location of proposed paths. These have since been clarified and minor modification have been made to the final revisions of the Masterplan to reflect the concerns.

Overwhelming support was received from local, state and national sporting associations complimenting council's plan and investment to grow participation, and improve the quality and availability of sporting facilities. Importantly Bowls Victoria, Tennis Victoria, Basketball Victoria, Cricket Australia and Netball Victoria (primary sports to be accommodated at Percy Treyvaud Memorial Park) support the Masterplan.

In total twenty independent organisations have written in their support for the project and listed as an appendix to the stage 3 engagement report.

Consultation Limitations

It is important to note that there were fifty (50) negative submissions originating from the same IP address over the exhibition period. There were eleven (11) other occurrences of negative submission duplicates originating from the same IP address ((2, 2, 2, 3, 3, 4, 5, 6, 8, 10 and 10 submissions each). Council also received fifteen (15) petition-style letters and these have all been entered as unique submissions, even though the content was identical. This report also acknowledges that Prahran Netball Association proactively recommended participation in this exhibition process to its membership. Positive submissions generally had a unique IP address with the following duplicates noted (6, 2, 3, 2 and 2 submissions originating from the same IP address).

It should also be noted that Council officers manually entered sixty-three (63) hand written submissions into the engagement portal platform resulting in sixty-three (63) submissions originating from Council's IP address (date stamped 1 March 2019 and between 4-8 March 2019). Letters received from sporting associations were not entered into the engagement portal.

Notwithstanding the identified limitations, the consultation report has considered and presented all recorded submissions.

Key Themes - Response

Council Process

Council process was a common theme raised in submissions from those that opposed the Draft Masterplan. The issues seemed to generally relate to the early feasibility study findings for the location of the proposed facility. Council on the 30 October 2017 resolved to confirm Percy Treyvaud memorial park as the site for the new multipurpose facility to host four indoor courts, Chadstone Bowls Club, Chadstone Tennis Club, Chadstone Recreation and Civic Club and Summer and Winter season users of the sports ground (East Malvern Tooronga Cricket Club and Chadstone Lacrosse Club) and casual users of the park.

The report concerns the various processes associated with the preparation of the Masterplan in response to the Council resolution of 30 October 2017. The feasibility study preceded this resolution.

Cost of the facility

Council expenditure was also raised in submissions from those that opposed the facility. The Masterplan has been developed in response to the above mentioned Council resolution, and following extensive consultation as outlined above.

The cost information provided in the report is based on information provided by Currie & Brown Quantity Surveyors prepared for the Masterplan as presented.

Increased Intensity and impacts on residents.

Submitters opposed to the development expressed concern that the new facility will increase intensity of the site and have significant impacts on residents. With additional sporting uses on site there will be an increase in intensity.

The demand on community sporting infrastructure is growing in line with an increasing population and density. Council is responding by providing appropriate and well-designed facilities to help manage this increase in demand.

The new multipurpose facility at Percy Treyvaud Memorial Park is designed to accommodate current and future users in a sympathetic and sensitive way that minimises the impact on the local street network. The design team have addressed this by ensuring the design of all outdoor areas and the car park conforms with and follows CEPTED principals (Crime Prevention Through Environmental Design)

Pedestrian safety has been addressed by maintaining the Quentin Road footpath and setting the stadium into the site so that it does not compromise sight lines for vehicles entering and exiting the site. An on-grade single level car park has been achieved providing access to the park through a pedestrian only forecourt.

The Masterplan seeks to reduce the impact of visual bulk by locating the stadium where it can be set into the ground and set back from street interfaces. The roof terrace and north-south access divides the upper storey of the facility and reduces the perception of building mass to the north. The perception of visual bulk to the park will be reduced through architectural treatment including the elevated walkway

The Masterplan also seeks to incorporate a number of environmental sustainable features which includes stormwater capture for onsite reuse, green roof systems to reduce heat loss and load, solar power to supplement usage, environmental lighting management, double glazing to manage acoustics and heat loss. A full sustainable design report by BRT Consulting is included as an appendix to the draft Masterplan report and will be used to inform the schematic design phase of the project.

Parking and Traffic concerns

The potential impact on traffic and parking and the amenity of local residential streets has continued to be a key concern expressed by the local community. These concerns are consistent with the feedback received across all previous engagement activities for the Masterplan. The services of two independent traffic consultants were engaged to analyse existing traffic and parking conditions and estimate the anticipated future use and parking requirements for the site following the redevelopment.

a) Irwinconsult Traffic Report

The *Irwinconsult* study concluded that the proposed development of the site at Percy Treyvaud Memorial Park has been analysed with the findings indicating that the proposed changes to the intersection and volumes generated by the development are considered to have a minimal effect on the surrounding local road network. Parking for the facility can be accommodated on site with the provision of 216 car parking spaces, slightly more than the total peak parking demand estimate. Details of the analysis and findings can be found in the full report in as an appendix to the draft masterplan report.

b) Trafficworks - Traffic and Parking Assessment Report.

Trafficworks was engaged to undertake a traffic and parking study for the multi-purpose sports and recreational facility proposed to be located at Percy Treyvaud Memorial Park. (See Attachment E – Traffic Works Traffic and Parking Assessment Report). The report outlines the outcomes of the traffic and parking surveys undertaken in the surrounding area and the likely impact of the facility on the surrounding road network.

The traffic and parking surveys, including car parking occupancy and duration surveys and turning movement surveys at five key intersections surrounding the subject site, were completed across six days in October and November 2018. Additionally, vehicle classification surveys at 22 different locations within the study area were also undertaken across a two week period in October 2018.

The report found that the additional traffic generated by the facility is not anticipated to unreasonably impact Chadstone Road. Chadstone Road operates as a local arterial road and is capable of carrying a mid-block two-way traffic volume of up to 1,800 vehicles in the peak hour, and the addition of facility traffic to existing volumes would not exceed this capacity.

The nearby signalised intersections of Waverley Road/Chadstone Road and Dandenong Road/Chadstone Road/Poath Road were modelled in current and post-development scenarios. The report found that small additional delays are anticipated on Saturday (both the typical and busy Saturday), and on most legs of the intersections on the modelled weekdays (both typical and busy weekday).

In response to resident feedback, Council is currently investigating the implementation of restrictions to discourage on-street parking along the currently unrestricted sections of a number of streets that surround Percy Treyvaud and in the vicinity of Chadstone Shopping Centre.

Planning Advice and Consideration

Expert independent planning advice has been received from a planning barrister in relation to the planning requirements of the Masterplan for the site.

Percy Treyvaud Memorial Park is zoned Public Park and Recreation Zone (PPRZ) under the provisions of the Stonnington Planning Scheme. Under the scheme, Council's management of the site the use of the land as a multipurpose sporting facility and indoor courts is consistent with the permitted uses set out in the scheme and does not require a planning permit. The removal of native vegetation however as part of the development of the facility will require a planning permit.

The planning process will require the engagement of an independent planning consultant to compile the relevant information and to lodge an application on behalf of Council. The report will outline the type of vegetation to be removed its location and condition and what offset planting will be provided. The merits of the application under the scheme will need to be assessed by Council. The lodgement, notification and advertising will be a transparent process including a consultative meeting and Council consideration of the application.

Further advice is being sought in this regard.

Property Matters

A number of property matters are currently being resolved as part of the project. These include:

- Removal of redundant drainage and Sewerage Easements
- Discontinuance of Chapman Road
- Discontinuance of Rob Roy Road
- Transfer of Drainage Reserve to Council
- Consolidation of Titles
- Determination of Covenant

A 223 process is currently underway for the road discontinuances on the site with submission closing on Thursday 21 March 2019. A section 223 hearing will be held to hear any submissions received prior to determining the matter.

Council has now instructed its surveyors to proceed with applications for the following:

- the removal of existing drainage and sewerage easements affecting the Property pursuant to section 22 of the *Subdivision Act 1988* (Vic); and
- the removal of the drainage and sewerage reservation within the Property and vesting of the land in Council pursuant to section 24A of the *Subdivision Act 1988* (Vic) to create Lot 1 on PS824068U.

Appropriate notifications will be provided as required.

Documents have been prepared for filing with the Supreme Court in relation to the covenant matters. The court will determine the status of the application and Council will be required to provide notice to all beneficiaries.

Project Draft Program

The current program for the project has been outlined in the table below

Table 3: Project Draft Program *

Activity	Date
Council Meeting - Adoption of Masterplan	April 2019
Schematic Design	April to May 2019
Detail Documentation	May to October 2019
Tender period	October/November 2019
Contract Award	January/ February 2020
Commence Construction	February/March 2020
Practical Completion	October 2021

*Note the above program will be further refined once the planning and property related matters have been finalised. The construction program will be finalised in conjunction with the principle contractor. Sequencing of works and provision of facilities during construction will be coordinated with clubs and user groups prior to finalising program.

POLICY IMPLICATIONS

Stonnington Recreation Strategy 2014-224 includes *Equitable Provision* as one of its six priorities. The need for additional resources for court sports (both indoor and outdoor) such as tennis, netball and basketball has been identified as a priority area for Council.

The Council Plan 2017-2021 identifies the key challenges that Council is facing. The Multipurpose Sports Facility project supports strategies to:

- Increase participation in physical activity through long term recreation planning and service delivery.
- strategically invest in open spaces, sporting fields and community facilities, and optimise use according to community needs.

An objective of the Municipal Public Health and Wellbeing Plan 2017-21 is to increase physical activity across all life stages, and to ensure the built environment supports residents to lead active and healthy lives.

FINANCIAL AND RESOURCES IMPLICATIONS

The draft 2019/2020 budget includes a provision of \$44.65M which reflects the scope of the project as adopted by Council for the delivery of the multipurpose facility at Percy Treyvaud Memorial Park. The forecast budget and funding sources are detailed in the following table and are subject to budget approval.

Table 4. – Forecast Budget and funding sources

Financial Year	Funding	
2018/19	Council	\$2.00m
2019/20	Council	\$13.20m
2020/21	Council	\$21.20m
2021/22	Council	\$08.25
	Total	\$44.65m

External funding of \$4m was announced for the indoor stadium as part of the last federal election. Potential State Government funding of \$3m is still to be sourced.

The table below provides a high level cost estimate for the proposed Multi-Purpose facility at Percy Treyvaud Memorial Park and includes associated site works and incorporated in the Masterplan. The scope of works now includes upgraded facilities for the Chadstone Bowls Club, Chadstone Tennis Club, East Malvern Toorona Cricket Club and Chadstone Lacrosse Club which results in the increase in cost estimate. The draft long term budget includes an allocation for the project and is subject to adoption by Council. A contingency allowance has also been allocated for site conditions.

Description Project Cost	\$
Basement (Level1)	9,330,000
Building Works	14,485,000
Total Building costs	23,815,000
Demolition	637,360
Service Provision	238,150
ESD Initiatives	357,225
Lifts	302,000
Site works	6,024,000
External Services	614,000
Preliminaries	817,000
Net Construction Costs	32,805,000
Information Technology	164,000

Infrastructure Upgrade Allowance		164,000
Design Contingency		1,312,000
Construction Contingency		1,640,000
Temporary Hire		100,000
Total Construction Costs		36,185,000
Other Project Costs		
Furniture Fittings and Equipment		181,000
Kitchen Extra Over		75,000
Consultant		2,533,000
Headworks and Authority Charges		181,000
Total Project costs current		39,155,000
Cost escalation to completion		1,451,000
Subtotal		40,606,000
Masterplan Site Improvement Works		1,000,000
Project Contingency		3,000,000
		44,606,000
Total Estimated Project Cost		44,606,000

The forecast allocation is sufficient to fund the project and is subject to the approval of the long term capital budget.

It should be noted that detailed cost plans (A,B,C,D and Pre-Tender) will be developed by a qualified Quantity Surveyor through each phase of the design process to ensure successful cost control and to assist in the management of scope and budget. This project management process will help to deliver a high quality, functional, efficient facility in line with council and community aspirations.

LEGAL ADVICE & IMPLICATIONS

Legal advice continues to be sourced in consideration of a number of property and administration matters being resolved as part of the project.

CONCLUSION

At its meeting of 30 October 2017 Council resolved to proceed with the development of a new multipurpose sport and recreation facility at Percy Treyvaud Memorial Park. A robust engagement process was established with Williams Ross as Project Architects commissioned to develop a masterplan for the park, including the formation of the Stakeholder Group described above. Council initially facilitated community feedback on four concept site options for Percy Treyvaud Memorial Park in November 2018. The feedback process was designed to elicit qualitative feedback to inform the design of the draft masterplan.

The Masterplan was refined and developed following this feedback and includes the development of four indoor courts, Chadstone Bowls Club, Chadstone Tennis Club,

Chadstone Recreation and Civic Club and Summer and Winter season users of the sports ground (East Malvern Tooronga Cricket Club and Chadstone Lacrosse Club) and casual users of the park.

The community feedback and final technical reports have clarified key design elements for the project. These have been incorporated into the final masterplan and the functional brief

The key concerns identified throughout the engagement have been addressed in the Masterplan and include, traffic and parking, intensity of use, visual bulk of the stadium, safety and open space provision.

Council is committed to the delivery and management of high quality sport and recreation facilities for its community. With increasing population density and resulting pressure on open space, Council is required to continually develop and evolve its public spaces and recreation facilities to help address the current shortfall. The new multipurpose facility at Percy Treyvaud Memorial Park will help facilitate participation of all ages in a range of sporting activities while it continues to deliver improved facilities for all existing users of Percy Treyvaud Memorial Park.

It is therefore recommended that the Masterplan for Percy Treyvaud Memorial Park be adopted by Council to facilitate the delivery of the new multipurpose facility at Percy Treyvaud Memorial Park

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

- | | |
|---|---------------------------------|
| 1. Attachment A - Concept Site Options Report, Nov 2018 | Circulated separately in folder |
| 2. Attachment B - Engagement Report January 2019 | Circulated separately in folder |
| 3. Attachment C - Draft Masterplan Report, Jan 2019 | Circulated separately in folder |
| 4. Attachment D - Engagement Report March 2019 | Circulated separately in folder |
| 5. Attachment E - Traffic Works Final Report | Circulated separately in folder |

RECOMMENDATION

That:

- 1. The outcomes and feedback on the exhibition of the Percy Treyvaud Memorial Park Draft Masterplan and the associated engagement report be noted.*
- 2. The Draft Masterplan for Percy Treyvaud Memorial Park be adopted.*
- 3. A planning permit be sought for the removal of native vegetation on the site associated with the implementation of the project as required.*
- 4. The update on the property related matters be noted.*
- 5. The budget and draft program for the project be noted.*

3. PLANNING APPLICATION 0865/18 - 226 WILLIAMS ROAD TOORAK - CONSTRUCTION OF A MULTI DWELLING DEVELOPMENT IN A GENERAL RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY

Acting Manager Statutory Planning: Hannah McBride-Burgess
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

For Council to consider a planning application for the construction of a multi-dwelling development in a General Residential Zone and Special Building Overlay at 226 Williams Road, Toorak.

Executive Summary

Applicant:	OLB Projects Pty Ltd C/- Mecone
Ward:	North
Zone:	General Residential Zone
Overlay:	Special Building Overlay
Neighbourhood Precinct:	Garden Suburban 1
Date lodged:	22 August 2018
Statutory days: (as at council meeting date)	41
Trigger for referral to Council:	Seven or more objections
Cultural Heritage Plan	No
Number of objections:	9 objections from 7 properties
Consultative Meeting:	Yes – held on 19 February 2019
Officer Recommendation:	Issue a Notice of Decision to Grant a Planning Permit

BACKGROUND

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Cera Stribley Architects and are known as Drawing Nos. A-TP-0000B, 100B, 0999C, 1000A, 1001F, 1002F, 1003D, 1004F, 1005D, 1100D, 2000D, 2100E, 2101D, 3000E, 3001E, 4300B, 4301B, 5001D, 5002C, 5003C, 5004D, 5005C, 5006C, 5007D, all Council date stamped 25 March 2019.

Landscape Plans were also lodged in support of the Planning Application. These are numbered TP01A dated 30 July 2018 and TP02B dated 1 August 2018, with Council date stamped 22 August 2018. A materials schedule dated November 2018 was also provided.

The proposal seeks to demolish the existing building on site and construct a three storey building containing three townhouses. Key features of the proposal are:

- The basement is accessed from Tashinny Road. Each dwelling will have private garages containing car parking spaces, bin storage and independent stair and lift access.
- At ground floor level each dwelling has its own pedestrian access from Tashinny Road. Living areas are provided at this level for each dwelling. TH1 and TH2 also has a study, whilst TH3 has two bedrooms.
- At first floor level TH1 and TH2 have three bedrooms each as well as a central rumpus room. TH3 has its main living areas leading onto an east-facing balcony.
- The second floor level contains the master suite for each dwelling. TH1 and TH3 also has balconies off their respective master suite.
- The building has been designed as a two storey base with recessed upper level. The base of the building is constructed with brick veneer (light grey), whilst the top level is constructed with metal cladding (charcoal).
- The maximum height of the building is approximately 9.8m (excluding the lift overrun).

It is noted that the above description relates to a proposal that was formally amended following advertising. The following changes were made to the described plans from those that were advertised:

- Increase in the northern setback of the basement from 0.393m to 0.693m, increasing again to 1.502m at its western end.
- Deletion of the second floor terrace for TH2 on the northern side of the building.
- Provision of a splay to the eastern side of the proposed vehicular crossover to Tashinny Road.

The plans have not been re-advertised given no additional material detriment would arise.

Site and Surrounds

The site is located on the eastern side of Williams Road, at its junction with Tashinny Road. The site has the following significant characteristics:

- A frontage to Williams Road of 16.76m, a frontage to Tashinny Road of 43.7m, and a total site area of 732sqm.
- The site currently accommodates a single storey Victorian villa with no off-site car parking.
- The site falls approximately 2m from southwest to northeast.
- A large *Angophora costata* (Smooth Barked Apple Myrtle) tree sits centrally along the Tashinny Road frontage, approximately 1m inside the subject site.

The wider area is residential in nature and displays a mixed character in terms of building scale and architectural style, including single detached dwellings, a mix of 1960's and 1970's apartment buildings and Old Victorian houses.

Directly to the north of the subject site at no. 228 Williams Road is a single storey dwelling. The building is sited behind a high solid fence and vehicle access to the site is via a shared laneway providing access to the site.

The dwelling at No. 1 Tashinny Road is located to the east of the site. The dwelling presents to Tashinny Road as a single storey brick dwelling, however part of the dwelling at the rear is double storey.

To the south, is Tashiny Road. The dwelling at No. 224 Williams Road is located on the opposite side of Tashiny Road.

To the west, is Williams Road. A three storey apartment building is located on the opposite side of Williams Road at 219 Williams Road.

Previous Planning Application(s)

A search of Council records indicates that there are no planning applications registered to this site.

The Title

The site is described on Certificate of Title Volume 3205 Folio 807 and is known as Lot 1 on Title Plan 709586B. The subject site is burdened in part by a restrictive covenant comprised in Transfer No. 80967 dated 18 December 1886.

The restrictive covenant provides that (emphasis added):

.. shall not nor will at any time permit or suffer any hotel manufactory or shop to be erected opened or carried on upon the said land or any part thereof and shall not nor will at any time permit or suffer such land or any buildings which may be erected thereon to be used for any noisy offensive or dangerous trades pursuits or operations or for any purpose which shall in any way be a nuisance damage or annoyance to the said Charles Alexander Smyth his heirs executors administrators assigns or transferees or to the owners or occupiers of the land in the neighbourhood. And that no building shall be erected on any part of the said land for any purpose other than that of a private dwelling house and of the requisite outbuildings and offices belonging to such dwelling house. "

The Covenant is not considered to be breached for the following reasons:

- The covenant is not a single dwelling covenant (given the absence of the word 'one' before 'private dwelling' in place of 'a'). As such, the construction of more than one dwelling is not prohibited; and
- Despite the car park being in a shared arrangement, the proposed development would still result in a building used for the purpose of private dwelling houses.

Planning Controls

The following controls/permit triggers are considerations for this application:

Zone

Clause 32.08 – General Residential Zone

Pursuant to Clause 32.08-04 a permit is required to construct two or more dwellings on a lot.

The Zone also requires:

- A minimum garden area of 35% (based on a lot greater than 650sqm). The proposal complies with this (39%);
- A mandatory building height of 9m, unless the site has a slope of 2.5 degrees or greater when measured across an 8m section, in which case the building can rise to a mandatory maximum building height of 10m.

As per the plan Council date stamped 22 August 2018, four sections have been provided that show the 2.5 degree slope – of which three are broadly in the location of the building. This information supports the assessment of the slope of the land being assessed as greater than 2.5 degrees,

Overlay(s)

Clause 44.05 – Special Building Overlay

Pursuant to Clause 44.05-2 a permit is required to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Clause 52.06-2 a Permit is not required given the requisite number of car spaces per three bedroom dwelling have been provided on the land.

Relevant Planning Policies

Clause 9 Plan Melbourne

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Clause 21.02 Overview

Clause 21.03 Vision

Clause 21.05 Housing

Clause 21.06 Built Environment and Heritage

Clause 22.05 Environmentally Sustainable Development

Clause 22.18 Water Sensitive Urban Design

Clause 22.23 Neighbourhood Character Policy

Clause 32.08 General Residential Zone

Clause 52.06 Car Parking

Clause 55 Two or more dwellings on a lot

Clause 65 Decision Guidelines

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by sending notices to the owners and occupiers of adjoining land (and by placing 2 signs on the site). The public notification of the application has been completed satisfactorily.

The site is located in North Ward and 9 objections from 7 different properties have been received. These can be summarised as follows:

- Overdevelopment of the site;
- The proposal is not in keeping with the surrounding area as well as that recently approved at 6-8 Tashinny Road;
- The proposal will damage the existing tree fronting Tashinny Road;
- The proposal is an inappropriate architectural style;
- Impact from traffic, including the vehicle location, due to cars parked on both sides of Tashinny Road;
- Poor landscaping fronting Tashinny Road;
- Impact to flooding in area;
- Loss of privacy;
- Loss of heritage fabric;

- Construction noise;
- Potential exceedance of mandatory height given slope has not been demonstrated;
- Non-compliance with Clause 22.23 – Neighbourhood Character;
- Basement layout problematic and will discourage vehicles from utilising it.

A Consultative Meeting was held on 19 February 2019. The meeting was attended by Councillors Griffin and Koce, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans.

Referrals

Melbourne Water

- No objection

Urban Design (advertised proposal)

- The basement and building crowds the northern interface with the adjoining property and severely limits a meaningful landscape interface to the adjoining property and its private open space. It is suggested that the northern setback of the basement, and the building above, be increased to enable a satisfactory in-ground small canopy-tree landscaping to the northern edge of the site.
- The proposal presents an unreasonable degree of visual bulk to the adjoining private open space of No.228 Williams Road. It is suggested that the proposed northern terrace of TH2 be removed to moderate this impact.
- Due to the removal of some substantial canopy trees within the last 12 months, the proposed removal of further existing canopy trees, and the proposed extent of the basement; there is inadequate space for a meaningful landscape setting for this development. It is suggested that the overall landscape response be substantially improved to compensate for the loss of these existing canopy trees.

Planner Response:

The revised plans have addressed concerns raised by Council's Urban Design Advisor as the terrace on the northern side of the dwelling has been removed and the setback of part of the basement from the northern boundary has been increased to allow more room for landscaping

Parks

- The basement/built form has been designed appropriately to protect the significant *Angophora costata* (Smooth Barked Apple Myrtle) based on the recommendations of Treelogic;
- No detail is provided of the proposed new fence in the design;
- A Tree Management Plan is to be provided to protect this tree;
- Council may also require a bond (denoted as \$36,750) for the retained tree to ensure compliance with the TMP.
- No objection in terms of the revised crossover splay to the east.

Transport and Parking

- The proposal meets the statutory car parking requirements;
- The proposed number of vehicles is not anticipated to impact the road network;
- Headroom must be shown at a minimum 2.1m clearance throughout the ramp and basement;
- All structures and vegetation within the sightline triangles must be below 0.9m;
- Ramp grades are acceptable;
- A 6m diameter turntable must be provided to allow for a B99 vehicle;

Infrastructure

- The proposal provides a reasonable response to comments provided in April of 2018.
- The following conditions are necessary:
 - The existing levels of the 1m overland flow along the eastern boundary must not be modified;
 - All fences along the side and rear boundaries within 3m of the eastern boundary must be timber paling or similar to ensure flooding is able to pass into and through the property and onto the surface of the northern ROW;
 - The applicable flood level for the property is 14.9 Australian Height Datum. The proposed basement must be provided with an apex of at least 15.10 Australian Height Datum, and all doors, windows, openings, vents and finished floor levels must also be at this height;
 - A legal point of discharge must be sought;
 - Existing footpath levels must not be altered;
 - The Applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 annual rain incident. Alternatively the owner may provide stormwater tanks that are in total minimum 2000L greater than that required to satisfy Water Sensitive Urban Design requirements. Those tanks must be connected to the toilets.

KEY ISSUES

The key questions that arise from this application are the following:

- Will the proposal acceptably respond to the existing and preferred character of the area?
- Will the proposal give rise to unreasonable off-site amenity impacts?
- Will the proposal provide appropriate levels of internal amenity for its future occupants?
- Will the proposed car parking provision and layout be acceptable?
- Other matters such as ESD, flooding and impact to trees.

Will the proposal acceptably respond to the existing and preferred character of the area?

Despite the subject site having a frontage to a Category 1 Road Zone (Williams Road), the site forms part of the 'Incremental Change Area' given no tram or smart bus service it. As per Clause 21.05, an Incremental Change Area can be defined as follows:

In the remaining residential areas (outside the Heritage Overlay and Neighbourhood Character Overlay), direct multi-unit development (2-3 storeys) to lots capable of accommodating increased density.

Further, the site forms part of the General Residential Zone which does not prohibit a development greater than two storeys. Three levels can be contemplated within the 10m mandatory maximum height that applies to the land.

Given the sites' strategic setting, coupled with its physical frontage to a robust thoroughfare of Williams Road and its location at a corner site, the proposition of a three level building is considered reasonable subject to appropriate design.

In terms of design, the proposal presents with a two storey base to Williams Road and Tashinny Road with a recessed upper floor.

The base of the building is constructed with curved corners and a brick veneer – both of which assist to soften the building when viewed from the southwest and southeast respectively. This is best demonstrated within the artist impressions attached to this report.

In terms of the proposed front setback to Williams Road, the primary two storey elevation aligns with the verandah setback of 228 Williams Road and is thus forward of the primary façade of this adjoining dwelling. However, the proposal ‘steps back’ at its northern end to adopt a slightly greater setback than the primary façade of 228 Williams Road. The proposal is also setback so that it is respectful to the setback of the dwelling at No. 224 Williams Road which has a setback of approximately 5.815 metres. This is considered an appropriate response to acknowledge the setback to the north whilst allowing the building to mark the corner at the southern end of the Williams Road frontage.

Along Tashinny Road the proposal has varied setbacks at both the lower levels and the upper floor which successfully breaks down this longer elevation. The location of the *Angophora costata* (Smooth Barked Apple Myrtle) has somewhat dictated the setbacks along this frontage by requiring a large break along the centre of this frontage. The top level is generally recessed from the south as well as from the east which allows the building to recede when viewed from the lower-scale residential hinterland within Tashinny Road proper. The pergola within the eastern setback at first floor level is also considered successful in mediating between the subject site and those properties to the east.

It is also noted that Tashinny Road contains three storey forms at its western end, such as obliquely opposite the site at no. 2. The proposal would sit comfortably within this more robust environment.

In response to the policy contained at Clause 22.23 (Garden Suburban 1) the following is noted:

- The proposed building will not dominate either Williams Road or Tashinny Road street frontages for those reasons provided above;
- The proposal provides a contemporary and high quality building that does not seek to replicate nor mimic the surrounding development. The brick appearance is a reference to some of the older stock within the area as well as some of the 60’s infill (an example being directly across the road to the west). Whilst curved facades are not found within this predominantly Victorian and Edwardian area, they are nonetheless considered successful to moderate and soften its corners whilst not striking as an attempt to replicate art-deco features.
- The proposal has been oriented to and setback from both street frontages.
- The proposal provides reasonable opportunities for landscaping:
 - A number of medium-large trees are proposed within the Williams Road frontage (four), as well as a complimentary level of landscaping for the retained Smooth Barked Apple Myrtle along the Tashinny Road frontage. Even so, it is considered necessary to require a further medium-sized canopy tree within the front setback at the eastern end of the Tashinny Road frontage.
 - Within the northern setback there are relatively few opportunities for landscaping due to the presence of north facing secluded private open space. Even so, the revised plans have created a larger basement setback from the north which can be complimented with greater narrow, upright specimens in open areas.
 - Whilst the eastern setback has relatively little in the way of landscaping, the additional medium-sized canopy tree within the street frontage (referred above) will provide the necessary foliage to compliment existing and proposed vegetation.
- Car parking is well concealed within a single width basement.

- Proposed fencing to Williams Road is to be constructed of rendered masonry that rises to match the height of the tall front fence at 228 Williams Road. This is acceptable, particularly given a tall front fence (up to 2m) to a Category 1 Road Zone does not require a planning permit in its own right. Along Tashinny Road the proposed masonry fence to Williams Road wraps into the western end of this frontage. The remainder of the Tashinny Road frontage comprises a low (900mm) metal batten fence, with the exception of its easternmost end, which is unfenced.

Will the proposal give rise to unreasonable off-site amenity impacts?

Northern interface

Visual bulk

The most sensitive interface is located to the north at 228 Williams Road where a secondary area of secluded private open space (SPOS) to the dwelling sits directly adjacent to the property boundary. Given this SPOS is located to the north of the subject site, the critical amenity impact caused by the subject proposal is considered to be visual bulk.

Notably, the existing Victorian villa on the subject site sits proximate to this boundary at a height of RL 19.13m (or 4.4m above natural ground level (NGL)). This existing dwelling extends the entire width of this adjacent SPOS.

It is also relevant that as per the various section diagrams, the NGL within the SPOS at no. 228 varies quite considerably. However, there is no information on the survey plan that shows how this information has been gathered. As such it is not clear on the extent to which the information within these sections can be relied upon.

The sections that have been provided by the Applicant through the adjoining property to the north are:

- Section C on Plan TP-3001, which appears to cut through the western portion of the building (although is not clearly marked on the floor plans);
- Section D on Plan TP-3001, which appears to cut centrally through the building and thus through the south-facing area of SPOS (although again it is unclear where this cut line runs exactly);
- Overlooking Section TH2 on Plan TP-4301, which appears to cut centrally through the building and thus through the south-facing area of SPOS. Again, it is unclear where this cut line runs exactly. This Section also continues to show the terrace for TH2 which has since been deleted from the plans;
- Overlooking Section TH3 on Plan TP-4301, which appears to cut through the eastern portion of the northern SPOS area.

When measured from the boundary, the section diagrams show non-compliance with B17 at the first and second floor levels (see Section D and Overlooking Section TH2). However, this non-compliance becomes greater when incorporating the apparent lower NGL's of the adjacent area of SPOS. When utilising the lower NGL's as the base point for Standard B17, the proposed first floor setbacks falls short by up to 470mm whilst at second floor level the proposal falls short by up to 700mm. It is considered necessary for the proposed development to be fully compliant with the requirements of Standard B17, accordingly a condition will be included on any permit issued requiring full compliance with B17 when measured from the natural ground level of the subject site.

Given the lack of clarity around the heights of NGL within no. 228 as well as where exactly the section diagrams have been cut, a condition is recommended to require further survey information relating to the exact levels within the SPOS of no. 228.

Impact to windows

There are no south-facing windows within 228 Williams Road that would be affected by the proposal.

Overlooking

At first floor level, all north-facing windows have been screened through the use of fixed metal aluminium blades - arranged horizontally. This precludes downward views into the south-facing windows at 228 Williams Road.

At second floor level, the overlooking section TH3 shows that downward views into no. 228 are precluded by the parapet. Section TH2 must be disregarded given it continues to show the now deleted north-facing terrace. A condition will however ensure that any modified building setback or parapet height continues to preclude such downward views – noting that alterations to the northern elevation are required to deal with Standard B17 (discussed above).

Eastern interface

Impact to windows

To the east, 1 Tashinny Road has its SPOS to the north of the dwelling and thus relatively remote from the subject site. There is however one west-facing habitable room window located centrally along this elevation. The proposal is well setback from this interface and comfortably accords with the requirements of both Standard B17 (Side and Rear Setbacks) and Standard B19 (Daylight to Existing Windows).

Overlooking

The first floor east-facing terrace utilises a 1.7m tall fixed metal screen. This is annotated as having a maximum of 25% transparency which accords with Standard B22.

Whilst windows are shown within the eastern elevation at second floor level, these are clerestory windows associated with the void above the living area of TH3. As such no views in a downward direction are possible.

Will the proposal provide appropriate levels of internal amenity for its future occupants?

Each townhouse has generous internal living and bedroom areas for its future occupants. Externally, TH1 has a large area of SPOS primarily within the western setback of over 100sqm. TH2 has an area of SPOS equating to 31.16sqm and a large area of private open space within the front (Tashinny Road) setback. This complies with the requirements of Standard B28. TH3 has large areas of SPOS to the north and east that provides high levels of amenity for its future occupants.

Each living and bedroom also has ample access to daylight and sunlight.

Overall the internal amenity of the proposal is considered high.

Will the proposed car parking provision and layout be acceptable?

The proposed car parking provision of six spaces – two for each dwelling – accords with the full requirements of the Planning Scheme. Council's Traffic Engineers also considered that the number of vehicle movements would not unreasonably impact the safety and useability of the surrounding road network.

In terms of design, the basement is unusual in that a turntable is proposed at the base of the ramp - albeit only to access the garaging for TH3. Council's Engineers are satisfied with this arrangement subject to the enlargement of the turntable to 6m to accommodate a B99 vehicle. This change can be accommodated by condition.

Other more minor requirements include showing headroom is a minimum of 2.1m as well as ensuring all vegetation and structures within the sightline triangles are below 0.9m. This can also be sought via condition.

ESD initiatives

As per the Sustainable Management Plan prepared by Sustainable Development Consultants dated August 2018, the proposal includes ESD initiatives such as a water tank (9000L), efficient air conditioners, LED lighting, external clothes lines etc (full list provided from page 7 of this SMP).

The STORM rating provided by the proposal is 106% which complies with the 100% benchmark. Further, the BESS score is 61%, with pass-marks provided for the four mandatory categories (Water, Energy, Stormwater and IEQ).

Overall the initiatives proposed are acceptable. A condition will require that this SMP form part of the Planning Permit.

Special Building Overlay (flooding) impact

The relevant authority for the Special Building Overlay (SBO) is Melbourne Water. Melbourne Water have confirmed that they have no objection to the proposal. Council's Infrastructure Engineer has also reviewed the proposal and provided their general support for the development subject to the following conditions:

- The existing levels of the 1m overland flow along the eastern boundary must not be modified;
- All fences along the side and rear boundaries within 3m of the eastern boundary must be timber paling or similar to ensure flooding is able to pass into and through the property and onto the surface of the northern ROW;
- The applicable flood level for the property is 14.9 AHD. The proposed basement must be provided with an apex of at least 15.10 AHD (already shown on the plans), and all doors, windows, openings, vents and finished floor levels must also be at this height;
- A legal point of discharge must be sought;
- Existing footpath levels must not be altered;
- The Applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 annual rain incident. Alternatively the owner may provide stormwater tanks that are in total minimum 2000L greater than that required to satisfy WSUD requirements. Those tanks must be connected to the toilets.

These issues will be sought via condition.

Impact to trees

Council's Arborist has reviewed the proposal in relation to the *Angophora costata* (Smooth Barked Apple Myrtle) within the Tashinny Road frontage. Subject to a Tree Management Plan, bank guarantee and details relating to fencing within the Tree Protection Zone of this tree, no concern was raised.

In relation to the bank guarantee, Council's Arborist has indicated that a sum of \$36,750 is appropriate. A condition will require this outcome.

There is also a *Macadamia integrifolia* (Macadamia Nut) tree within the northern property of 228 Williams Road (Tree 11). As shown on the floor plans, compliance with *Australian Standard* is indicated given no projection into the Structural Root Zone (SRZ) and no greater than 10% into the Tree Protection Zone (TPZ). However, substantial retaining walls appear to be proposed along the northern property boundary to deal with the change in levels. A condition within the TPZ will require that this be closely considered to ensure no unreasonable ground disturbance. It may be necessary to underpin the retaining wall with pier-and-beam construction.

Objections

In response to the grounds of objection not already discussed in the report, the following comments are made:

- Construction noise is not a consideration of the planning process but rather dealt with as part of Local Laws.

Human Rights Consideration

This application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Stonnington Planning Scheme), reviewed by the State Government and which complies with the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Having assessed the application against the relevant planning controls, it is recommended that the proposal be supported for the following reasons:

- The proposed development of the site for three townhouses within a three storey building is in accordance with State and Local policy to consolidate housing in locations proximate to services and transport.
- The proposed design of the development will respond appropriately to the existing and preferred character of the area.
- The proposal will, subject to condition, result in reasonable amenity impacts.
- The proposal will, subject to condition, ensure the protection of mature trees within and adjacent to the site.

ATTACHMENTS

1. PA - 865-18 - 226 Williams Road Toorak - Attachment 1 of 1 Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 865/18 for the land located at 226 Williams Road Toorak be issued under the Stonnington Planning Scheme for the construction of a multi-dwelling development in a General Residential Zone and Special Building subject to the following conditions:

1. ***Before the commencement of the development, one electronic copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans Council date stamped 25 March 2019 (various revisions) but modified to show:***
 - a) ***A survey plan that provides a number of well-spaced survey points within the directly adjacent secluded private open space at 228 Williams Road;***
 - b) ***Correction to the section diagrams to show:***
 - i. ***Correct natural ground levels within 228 Williams Road;***
 - ii. ***Exactly where each section diagram cuts through the site; and***
 - iii. ***The deletion of the northern terrace on overlooking section TH2.***
 - c) ***The entire northern elevation to comply with Standard B17 (Side and Rear Setbacks) when measured from the natural ground level of the subject site. Compliance with Standard B22 (Overlooking) must be maintained despite any changes in wall setback and height.***
 - d) ***The basement turntable increased in size to a diameter of 6m unless otherwise agreed with by the Responsible Authority.***
 - e) ***Headroom of 2.1m provided throughout the basement, including above the basement ramp.***
 - f) ***The plans annotated to note that the existing levels of the 1m overland flow along the eastern boundary must not be modified;***
 - g) ***All new fences along the side and rear boundaries within 3m of the eastern boundary must be timber paling or similar to ensure flooding is able to pass into and through the property and onto the surface of the northern ROW;***
 - h) ***The proposed basement apex and all doors, windows, openings, vents and finished floor levels at least 15.10 AHD;***
 - i) ***Any changes as required by conditions 3 (SMP), 5 (Landscape Plan), 7 (TMP) and 14 (stormwater detention).***
2. ***The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.***
3. ***Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must be generally in accordance with the plan prepared by Sustainable Development Consultants dated August 2018.***

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without written consent of the Responsible Authority.

- 4. Prior to the occupation of the development approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.***
- 5. Concurrent with the endorsement of plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plans TP01 and TP02 dated 30 July 2018 and 1 August 2018 respectively but modified to show:***
 - a) Additional landscaping along the northern property boundary as brought about by the increases in basement setbacks within the revised plans.***
 - b) The planting of a medium-sized canopy tree to the east of the Tashinny Road basement ramp and to the south of the proposed fence.***
 - c) A notation on the plans that no vegetation or structures above 900mm will be placed within the basement ramp sight triangles.***
- 6. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
- 7. Concurrent with the endorsement of development plans a Tree Management Plan prepared by a suitably qualified arborist must be approved by the Responsible Authority. When approved, the tree management plan will form part of this permit and all works must be done in accordance with the tree management plan.***

The Tree Management Plan must detail measures to protect and ensure the viability of *Macadamia integrifolia* (Macadamia Nut) located within 228 Williams Road and the *Angophora costata* (Smooth Barked Apple Myrtle) within the Tashinny Road frontage.

Specifically, details of any retaining walls along the northern boundary adjacent to the Macadamia Nut tree and Tashinny Road fencing adjacent to the Smooth Barked Apple Myrtle must be provided.

Without limiting the generality of the Tree Management Plan it must have at least three sections as follows:

- a) ***Pre-construction (including demolition)– details to include a tree protection zone, height barrier around the tree protection zone, amount and type of mulch to be placed above the tree protection zone and method of cutting any roots or branches which extend beyond the tree protection zone.***
- b) ***During-construction – details to include watering regime during construction and method of protection of exposed roots.***
- c) ***Post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.***

Pre-construction works and any root cutting must be inspected and approved by the Parks Unit. Removal of protection works and cessation of the tree management plan must be authorised by the Parks Unit.

8. ***No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
9. ***Prior to the commencement of the development, fencing around the mature street trees is to be erected and maintained for the duration of the construction at the site. All fencing must be compliant with Section 4 of AS 4970.***
10. ***Prior to the endorsement of plans and prior to any development commencing on the site (including demolition and excavation whether or not a planning permit is required), the owner/ developer must enter into a Deed with the Responsible Authority and provide it with a bank guarantee of \$36,750 as security against a failure to protect the health of the Angophora costata (Smooth Barked Apple Myrtle) tree to be retained. The applicant must meet all costs associated with drafting and execution of the Deed, including those incurred by the responsible authority. Once a period of 12 months has lapsed following the completion of all works at the site the Responsible Authority may discharge the bank guarantee upon the written request of the obligor. At that time, the Responsible Authority will inspect the tree and, provided they have not been detrimentally affected, the bank guarantee will be discharged.***
11. ***Concurrent with the endorsement of plans or prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), whichever occurs sooner, a letter of engagement must be provided to the Responsible Authority from the project arborist selected to oversee all relevant tree protection works. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).***
12. ***The project arborist must maintain a log book detailing all site visits. The log book must be made available to the Responsible Authority within 24 hours of any request.***

13. ***Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), the project arborist must advise the Responsible Authority in writing that the Tree Protection Fences have been installed to their satisfaction.***
14. ***The applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand alone detention system, the owner may provide stormwater collection tanks that are in total 2000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets as well as used for irrigation.***
15. ***All costs for the removal and replacement of the street tree/s are to be borne by the permit holder and paid for at the time of applying for a vehicle crossing permit. All works (removal, species selection and planting) in this regard will be undertaken by Council.***
16. ***Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.***
17. ***The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.***
18. ***All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.***
19. ***Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***
20. ***Prior to the development commencing a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in compliance with Council's report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.***
21. ***The crossover must be constructed to Council's Standard Vehicle Crossover Guidelines unless otherwise approved by the Responsible Authority. Separate consent for crossovers is required from Council's Building and Local Law Unit.***
22. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 and in accordance with the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
23. ***Adequate provision must be made for the storage and collection of wastes and recyclables within the site prior to the commencement of use or occupation of the building. This area must be appropriately graded, drained and screened from public view to the satisfaction of the Responsible Authority.***

24. *All plant and equipment (including air-conditioning units) shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.*
25. *This permit will expire if one of the following circumstances applies:*
- a) *The development is not started within two years of the date of this permit.*
 - b) *The development is not completed within four years of the date of this permit.*

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

NOTES:

- I. This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.*
- II. Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.*
- III. Council has adopted a zero tolerance approach in respect to the failure to implement the vegetation related requirements of Planning Permits and endorsed documentation. Any failure to fully adhere to these requirements will be cause for prosecution. This is the first and only warning which will be issued.*
- IV. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".*
- V. At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:*
 - i. Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and*
 - ii. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

4. 1 / 8 MOTHERWELL STREET SOUTH YARRA - VEHICLE CROSSING APPLICATION

Manager Amenity & Compliance: Madeleine Grove
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

The purpose of this report is to determine a Vehicle Crossing Application for 1/8 Motherwell Street, South Yarra.

Consideration of this application has been 'called up' by Councillors.

BACKGROUND

On 31 December 2018 Council received an application from the owner of Unit 1, 8 Motherwell Street to construct a new vehicle crossing. The unit is part of an existing three-storey block of twelve flats.

Currently, there is an allocation of eleven car parking spaces at the rear of the site that are accessed via the existing crossover. These car spaces are part of the Common Property and are leased to 11 of the unit owners.

Unit 1 does not have an off street car space at the rear of the site nor is there enough room for the creation of another car space. As a result of this, the apartment owners have entered into a 99 year lease with the Owners Corporation to create a car space in the Common Property within the front setback.

The applicant seeks approval for a 3m wide vehicle crossing on the Motherwell Street frontage of the property, with 1.3m splays either side of the crossing as per Council's Vehicle Crossing Policy. The applicant proposes to locate the crossing immediately to the right of an existing Council street tree.

The application was referred to Council's Arborist as the proposed crossing location was in close proximity to an established Claret Ash street tree. Council's Arborist requested that the applicant conduct a Non-Destructive Root Investigation (NDRI) to ascertain the risk of damage to the nearby street tree.

The owner engaged the services of an independent arborist who advised the owner that due to the proximity of tree to the proposed crossing, the street tree would require removal should the construction of the crossing be approved.

Vehicle Crossing Policy

Council's Vehicle Crossing Policy was adopted by Council on 17 September 2007. One of the key objectives of the policy is to prevent inappropriate loss of significant street trees, vegetation and landscaping. This objective is linked to other Council policies such as the Urban Forest Strategy which aims to provide clear direction for the protection, management and planting of trees on public and private land across Stonnington.

In protecting public street trees, a minimum of 2 metres or 10 times the diameter of the tree trunk at its base (whichever is greater), must be provided between the trunk of any street tree and the edge of the crossover unless Council's Arborist allows otherwise.

DISCUSSION

Removal of a Healthy Street Tree

The applicant is proposing to remove an established, 30-year-old Claret Ash tree from its present location in the naturestrip on the Motherwell Street frontage of the property so as to enable access to a car parking space.

The relevant objectives are considered to be:

- To prevent inappropriate loss of significant street trees, vegetation and landscaping;

The tree is part of a consistent avenue of Claret Ash trees and it contributes significantly to the streetscape of Motherwell Street.

Council's Arborist is of the view that a successful replanting or replacement of such a substantial tree is not possible, as the size of the root ball associated with a tree of similar size would not fit into the available space on the nature strip. Additionally, an independent arborist has confirmed that the tree will require removal if the crossover is to be constructed in the proposed location. As a consequence, the options are to either to retain a healthy street tree or to remove the tree to allow for the construction of the proposed vehicle crossing.

The applicant has provided two examples of existing street trees located in close proximity to vehicle crossings at 11a White Street, Malvern and 13 Epping Street, Malvern East.

In reviewing these examples it is considered that in both cases the established street trees were most likely planted beside existing crossovers many years ago. As the trees have now reached maturity, the increase in the trunk girth after 40-50 years has reduced the distance between the edge of the crossover and the street trees.

In contrast, the scenario at 8 Motherwell Street involves an existing established street tree, prior to the proposed construction of a vehicle crossing. The applicant proposes reducing the soil level directly beside the trunk to construct a new vehicle crossing where there are most likely large structural roots that stabilise the tree and supply the tree with the level of moisture it requires to remain alive.

If the applicant had demonstrated by way of NDRI that no structural roots are present where the excavation is to occur, then Council's Arboriculture Unit would have had no objection to the proposal.

If the NDRI indicates that structural roots would be severed by the construction works which could compromise the health and structural stability of the street tree, then Council's Arboriculture Unit would not support the proposal.

Transport and Parking considerations

The applicant proposes a 2.8m wide crossing with 1.3m splays on either side of the crossing. Due to the proximity of the street tree, a splay on the eastern (or left) side of the crossing may not be possible. The vehicle crossing could be approved without the requirement of an eastern splay. In this case Council's Transport Engineer has recommended that the owner provides a B99 turning template that demonstrates access and egress to the property.

Using the applicable Australian Standard there are approximately three parking spaces abutting the subject site on-street. Four informal spaces would occupy the spaces dependent on a different mix (i.e. smaller cars) of cars using the spaces. The proposal would retain one space on the east side of the crossing, and one on the west side. Therefore, there would be a net loss of one on-street parking space, as the space directly in front of the crossing would be moved off-street.

CONCLUSION

The Vehicle Crossing application for 1/8 Motherwell Street has been considered by Officers in consultation with relevant Council Departments.

It is considered that the application fails to meet Council Vehicle Crossing Policy objectives, namely:

- To prevent inappropriate loss of significant street trees, vegetation and landscaping

The primary concern of the application is the removal of the Claret Ash street tree. The vehicle crossing application is not supported as the crossing cannot be constructed on the Motherwell Street frontage of the property without the destruction of the street tree.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

1. 1 / 8 Motherwell Street South Yarra - Attachment 1 Excluded

RECOMMENDATION

That Council:

1. ***Refuse the Vehicle Crossing Application for 1/8 Motherwell Street on the basis of non-compliance with Council's Vehicle Crossing Policy and the Urban Forest Strategy objective to prevent inappropriate loss of significant street trees, vegetation and landscaping;***
2. ***Advise the Applicant of Council's decision.***

5. VCAT QUARTERLY REPORT - JANUARY 2019 - MARCH 2019 (1ST QUARTER)

Acting Manager Statutory Planning: Hannah McBride-Burgess
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

To inform Councillors of the planning decisions issued by the Victorian Civil and Administrative Tribunal (VCAT) between January and March 2019.

BACKGROUND

Council has acknowledged that it is important to review and understand how decisions at VCAT are made and the implications of these decisions. As a result, this report is prepared, outlining all decisions issued by VCAT in the 1st quarter of 2019.

KEY ISSUES

21 cases were determined by VCAT in the 1st quarter of 2019, which was within the normal range of 20 – 25 cases per quarter.

In the 1st quarter, there were 3 outright wins (14.3%) and 8 losses (38.1%). In addition to the outright wins, 9 positions of consent were reached (42.8%). These are generally considered to be positive outcomes as Council only consents to the matter being settled if it is satisfied with the resulting outcome. The remaining case (4.8%) was withdrawn.

There are two notable wins in the 1st quarter of 2019.

The first win relates to a proposal that sought to reconstruct the main front section of the heritage building at 16 Moonga Road, Toorak, approximately 9.1m forward from its existing 21.7m setback to Moonga Road, and then construct a large extension to the rear of the relocated building. The Tribunal agreed with Council that the proposal will adversely affect the character and appearance of the heritage place. VCAT found relocation should generally be considered as the last resort in ensuring the survival of a heritage building and there was no evidence to show the existing house cannot survive in its existing location. Consequently, VCAT affirmed Council's decision and directed no permit be issued.

The second win relates to an amendment application that sought to extend the hours of operations for the external courtyard associated with a wine bar at 1160 High Street, Armadale (i.e. from 9pm Thursday to Saturday and 8:30pm on any other day to 10pm on any day). The Tribunal agreed with the Council that the subject site has a number of sensitive interfaces and an extension in operating hours associated with the courtyard can give rise to unreasonable off-site amenity impacts. As a result, the Tribunal affirmed Council's refusal.

There are also two losses that are worthy of noting.

The first one relates to a proposal for a 22-storey mixed use development at 671 Chapel Street, South Yarra. Council resolved to support the application given the site context, the policy support for higher density development in the Forrest Hill Precinct, and the provision of significant community benefits. Council's decision was contested by a number of objectors. On appeal, the Tribunal agreed the subject site enjoyed strong strategic support for higher density development.

It also acknowledged that there were already a number of tall buildings forming the backdrop to the Melbourne High School (MHS) building. However, the Tribunal considered that the proposal will add to the existing buildings which impact and overbear the MHS building. It concluded that the proposed development was “too tall, too broad and too close to its boundary with the MHS building”. On this basis, VCAT found the proposal to be unacceptable and overturned Council’s decision.

The second loss involves an application for a three-storey apartment building at 5 Canberra Road, Toorak. Council’s key concerns related to inadequate side setbacks and inadequate landscaping response. Notably, this was the second attempt for a multi-dwelling development on this site, after the first application was refused by the Council and VCAT. Having considered the application afresh, with regard to the previous VCAT decision, the Tribunal was satisfied with the proposed side setbacks and the ability to plant canopy trees within the proposed side setbacks, subject to appropriate initial planting and ongoing maintenance. With regard to other concerns raised by the objectors such as built form, off-site amenity impacts, and traffic and parking impacts, the Tribunal found these aspects of the proposal to be acceptable.

RECOMMENDATION

That Council:

- 1. Receives and notes the VCAT Report (January 2019 - March 2019).***

6. AMENDMENT C282 - THE AVENUE PRECINCT EXTENSION AND THREE INDIVIDUAL PLACES - CONSIDERATION OF SUBMISSIONS

Acting Manager City Strategy: Anthony De Pasquale
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

The purpose of this report is for Council to consider:

- The submissions received on Amendment C282.
- A response to the submissions received.
- Whether to request the Minister for Planning to appoint an independent Panel for Amendment C282 and refer submissions to the Panel for consideration.

BACKGROUND

Council conducted four separate heritage investigations into a potential extension to a precinct and seventeen (17) individual places. The four heritage investigations were:

1. The Avenue Precinct Extension (Windsor)
2. Two interwar places identified in the Federation Houses Study
3. A peer review of three places in the Federation Houses Study
4. Twelve individual places in Armadale

For a full list of the individual properties investigated refer to **Attachment 1**.

1. The Avenue Precinct Extension (Windsor)

Prahran Character and Conservation Review 1993 and Amendment L24

The properties at 44 to 56 The Avenue, Windsor were identified in the *Prahran Character and Conservation Review 1993* as being significant. Heritage Controls were applied through Planning Scheme Amendment L24 and the Heritage Overlay was applied on 27 July 1994.

The Study also recommended that the western side of The Avenue be investigated for a possible extension.

Amendment C181

A planning application was received on 15 August 2012 to demolish the building at 42 The Avenue, Windsor. A subsequent review of the *The Avenue Precinct (HO148)* identified that the property was mistakenly omitted from the mapping in the *Prahran Character and Conservation Review 1993*.

- On 6 May 2013, Council resolved to pursue a Planning Scheme Amendment (Amendment C181) to extend the current boundary to include the property at 42 The Avenue Windsor. Amendment C181 for permanent heritage controls at the site and 13 street trees adjacent to the frontages of 42 to 56 The Avenue, came into effect on 23 April 2015.

Victorian Houses Heritage Study

31-33 The Avenue, Windsor was part of the original Stage 1 of the *Victorian Houses Heritage Study 2017*, which investigated the significance of the houses grouped under the Victorian era theme and was not recommended to be investigated further as a place of individual significance.

Stables – 31-33 The Avenue, Windsor

On 4 December 2017, a letter was tabled requesting Council protect a Victorian Era stables at the rear of 31-33 The Avenue Windsor. In response Council reviewed relevant heritage information documentation pertaining to this property. Upon reviewing the *City of Prahran Character and Conservation Review 1993*, it was noted that the property was included in the Western side of The Avenue recommended to be investigated for a possible extension.

Heritage Investigation

Council commissioned Bryce Raworth to conduct an investigation to determine whether there is strategic justification to extend HO148 to include the properties on the western side of the street.

The memorandum by Bryce Raworth from October 2018 concludes that the western section of The Avenue from 31 to 53 (odd numbers) is of sufficient historical and aesthetic significance to warrant inclusion within HO148.

2 & 3. Two interwar places identified in the Federation Houses Study

Federation Houses Study 2017

The places at 46 Kyarra Road, Windsor and 15 Mercer Road, Armadale were identified as part of the *Federation Houses Study 2017*. Both progressed through to Stage 2 of the Study and were found to not meet the threshold for individual significance.

44 Murphy Street, South Yarra was identified within the Federation Houses Study 2017. During stage 2, it was found that the place (as well as the place at 13-15 Avalon Road, Armadale) was of the interwar era and should be assessed in a separate heritage study

Adoption of Federation Houses Study

On 18 September 2017, a report was brought to Council to present the findings from the *Federation Houses Study 2017* and for Council to consider applying to the Minister for Planning to obtain authorisation to prepare and exhibit Amendment C270.

Council resolved to seek a peer review of the following three places considered in the Study:

- 3 & 5 Wrexham Road, Windsor;
- 5 Mercer Road, Armadale; and
- 46 Kyarra Road, Glen Iris.

Council also resolved to investigate the following two identified interwar places for potential heritage significance:

- 13-15 Avalon Road, Armadale; and
- 44 Murphy Street, South Yarra.

Heritage Investigation

Following this recommendation, Council commissioned Bryce Raworth Pty Ltd to conduct an investigation to determine whether these places met the threshold for individual significance.

The peer review of the three Federation places and an assessment of the two Interwar Places undertaken by Bryce Raworth determined that there was a sound basis to seek heritage controls for the federation houses at 15 Mercer Road, Armadale, 46 Kyarra Road, Glen Iris and the interwar flats at 44 Murphy Street, South Yarra.

4. Twelve individual places in Armadale

City of Stonnington Heritage Gap Study 2009

The City of Stonnington commissioned Bryce Raworth Pty Ltd to investigate precinct gaps within the Heritage Overlay and to prepare the *Stonnington Heritage Overlay Gap Study 2009*.

The area bound by Kooyong Road, Malvern Road, Horsburgh Grove and Murray Streets was identified in the *City of Stonnington Gap Study Interim Report 2008 (Bryce Raworth Pty Ltd)*. The report did not recommend further investigation of the area.

Erskine/Murray Precinct Investigation 2017

On 21 August 2017, Council resolved to engage heritage consultants to investigate the area bound by Kooyong Road, Malvern Road, Horsburgh Grove and Murray Street for potential heritage significance as a precinct in part or whole.

Council commissioned GJM Heritage Pty Ltd to provide advice which was presented to Council to consider at its meeting on 18 September 2017. The advice concluded that the investigation area did not meet the threshold as a precinct within the Heritage Overlay. Council resolved to undertake a further heritage investigation into twelve places within the investigation area.

Following this recommendation, Council commissioned Bryce Raworth Pty Ltd to conduct the further investigation. Of the 12 sites identified, only 1026 Malvern Road, Armadale was found to warrant further investigation with view to implementing individual heritage controls.

Council Meeting 17 September 2018

The findings of the four heritage investigations were considered by Council on 17 September 2018. It was resolved to request authorisation from the Minister for Planning for an Amendment to the Planning Scheme to apply the Heritage Overlay to extension to *The Avenue Precinct* (HO148) and the individual places (46 Kyarra Road, Glen Iris, 15 Mercer Road, Armadale, 44 Murphy Street, South Yarra and 1026 Malvern Road, Armadale).

Amendment C283 – Interim Heritage Controls

Following Council's meeting on 18 September 2018, Council pursued interim controls for the abovementioned places.

Amendment C283 proposes to apply the Heritage Overlay to the places on an interim basis while Amendment C282 for permanent heritage controls is progressed.

Amendment C283 was approved on 28 March 2019, the interim controls will expire on 7 January 2020.

Amendment C282 – Permanent Heritage Controls

In December 2018, Council received conditional authorisation to prepare Amendment C282 subject to the removal of 15 Mercer Road, Armadale. It was considered that this building did not present an intact example of either a late-Victorian era residence or a successful interwar villa and did not sufficiently meet the criteria for local heritage significance.

Formal exhibition of Amendment C282 took place from 14 February to 15 March 2019.

Letters (including a Frequently Asked Questions sheet) were sent to all owners and occupiers of affected properties, adjoining properties, prescribed authorities and stakeholders. Notice was placed in the Stonnington Leader and Government Gazette and full amendment documentation was made available on the Department of Environment, Land, Water and Planning and City of Stonnington's websites.

Council also offered one-on-one meetings with Council Officers and its heritage consultants if affected parties wished to obtain more information on the Amendment.

DISCUSSION

As a result of exhibition, Council has received four (4) submissions to date. Two (2) supporting and two (2) opposing the Amendment. Refer to **Attachment 2** for the mapped location of submitters.

Submissions 2 and 4 support the application of the Heritage Overlay to protect the places deemed to be of heritage significance to the City of Stonnington. Additionally, submission 2 suggests that further controls are necessary to ensure the protection of the brick front fence, bay seating and stained glass windows at 44 Murphy Street, South Yarra.

Objecting submissions 1 and 3 both relate to the perceived heritage significance of places within the proposed Heritage Overlays.

The key issues raised in the submissions and the proposed Council responses to these issues is summarised below. A more comprehensive response to submissions is detailed in **Attachment 3**.

Key Issues Raised in the Submissions

Heritage Significance

Issue Summary:

The perceived heritage significance of the properties is the primary issue raised in the two opposing submissions.

Submission 1 and 3 both relate to *The Avenue Precinct*. The submissions state that the inclusion of a mid-century block of flats and modern townhouses along with unsympathetic alterations and additions to a number of places within the proposed extension undermines the cohesiveness of the precinct.

Further, Submission 1 disputes the controls being applied to 31-33 The Avenue, stating that "the property has, in the past, been described as 'insignificant' from a heritage and cultural point of view".

A number of significant elements of 44 Murphy Street were discussed within Submission 2. It was believed that there was a need for further heritage controls to protect the brick front fence and bay seating at the front of the premises. The Submission also recommended internal controls to protect stained glass windows, the common property entrance and stairwells.

Submission 3 relates directly to 47-47A The Avenue, disputing the application of heritage controls in light of the significant modifications and additions that have been made to the building, diminishing any Victorian features. Submission 3 also mentions the extensive redevelopment and modifications to buildings found throughout the proposed extension.

Response:

Bryce Raworth Pty Ltd (heritage advisor) recognises that the inclusion of double storey apartment blocks and townhouses within the proposed extension to The Avenue precinct may reduce the integrity and architectural distinction of the existing precinct. However, it is maintained that the extended HO148 would encompass both sides of the street and be readily legible as a precinct of predominantly Victorian development. Furthermore, the proportion of non-contributory infill introduced as a result of the precinct extension would remain comparatively low.

In regards to 31-33 The Avenue, it is maintained that the two buildings remain readily legible to their Victorian form and contribute to the proposed The Avenue heritage precinct in terms of their period, form, scale and character. The heritage advisor is of the view that they are of sufficient integrity and significance to warrant inclusion within the proposed extension to HO148.

In response to the recommendation for additional controls made in Submission 2, the heritage advisor has resolved to amend the citation for 44 Murphy Street to specifically identify the brick front fence and bay seating as significant elements. However, no internal controls are proposed.

In response to Submission 3, a second inspection of the place at 47 and 47A The Avenue was undertaken. The heritage advisor noted the following:

"It is acknowledged that the Victorian villa at 47 The Avenue has undergone numerous unsympathetic alterations over the years and has been denuded of much of its Victorian detailing."

Consequently, the following recommendation was made.

"The building was identified as being a 'contributory' heritage place in the 2018 citation – the equivalent of a C grading – on account of the unsympathetic alterations to its front facade. However, upon reconsideration, the order of change is such that the building's contributory status is marginal, and it may be better considered a non-contributory element within the streetscape."

Recommended changes to Amendment

Some minor changes are proposed to the Amendment. These include:

- Updating The Avenue Precinct citation to better reflect changes that have occurred to places. This is proposed for:
 - 47 and 47A The Avenue, Windsor – With consideration for Submission 3, Citation and Schedule of Buildings is to be updated to reflect a *non-contributory* grading.
 - 44 Murphy Street, South Yarra – With consideration for Submission 2, Citation is to be updated to specifically identify the front brick front fence and bay seating as significant elements

Next Steps

There remains some outstanding issues from the submissions that have not been resolved. It is therefore recommended that Council forward submissions received on Amendment C282 to an independent Panel.

Council needs to make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will confirm the hearing dates. In accordance with Ministerial Direction No. 15, Council must request the appointment of a Panel under Part 8 of the Act within 40 business days after the closing date of submissions unless an extension of time is sought by Council.

In accordance with established protocols pre-set dates for a directions hearing and Panel hearing have been set as follows:

- Directions Hearing - week beginning 27 May 2019
- Panel Hearing - week beginning 24 June 2019

On receipt of the Panel report for Amendment C282, a report will be prepared for Council to consider the Panel's recommendations.

POLICY IMPLICATIONS

The City of Stonnington is committed to the retention and conservation of its heritage houses. The Amendment will deliver an outcome for protection of houses of heritage value and significance in the municipality, consistent with the objectives of the planning scheme.

The Amendment is consistent with the following Council Plan (2017-2021) strategy:

“Preserve Stonnington’s heritage architecture and balance its existing character with complementary and sustainable development”

It is also consistent with Council’s Municipal Strategic Statement Clause 21.06 of the Stonnington Planning Scheme, which seeks to:

“Protect and enhance all places which are significant and contributory to the heritage values of the City of Stonnington”

The Amendment is also consistent with Council's Local Heritage Policy at Clause 22.04. This seeks to:

“Recognise, conserve and enhance places in the City identified as having architectural and cultural or historic significance”

The Amendment is consistent with Council's Heritage Strategy and Heritage Action Plan (2018) which is currently focusing on the assessment of individual houses and precincts not included within the Heritage Overlay.

FINANCIAL AND RESOURCES IMPLICATIONS

Heritage investigations represent a significant commitment of resources by the City Strategy Unit. The financial cost and resourcing of heritage investigations and planning scheme amendments has been included in the budget of Council's City Strategy Unit for 2018/19 and 2019/20.

The indicative timeframe for Amendment C282 is shown in the below table:

Dec 2018	Feb-Mar 2019	Mar-Apr 2019	June 2019	October 2019	Dec 2019
Authorisation	Exhibition	Consideration of Submissions	Panel Hearing	Adoption	Approval

LEGAL ADVICE & IMPLICATIONS

All submitters to Amendment C282 have the opportunity to be heard by an independent Planning Panel.

As interim controls have been introduced as of 28 March 2019 (Amendment C283), any application for development (including demolition) will be assessed pursuant to the provisions of the Heritage Overlay and the owners will have the right of appeal to VCAT.

CONCLUSION

Amendment C282 has been prepared to deliver upon Council Heritage objectives by proposing to extend the current precinct boundary for *The Avenue Precinct* (HO148) to include additional properties to the west as well as new Heritage Overlays to three individual properties.

Exhibition of Amendment C282 has concluded and Council has received four (4) submissions to the Amendment. Submissions have raised a number of issues relating to heritage significance. Consequently, two minor changes have been proposed to the Amendment.

It is recommended that an independent Panel be requested to consider the Amendment and that all submissions are referred to this Panel. Council's position to the Panel is recommended to be based on the response to the submissions outlined in this report and attachments.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

- | | | |
|----|--|----------|
| 1. | Attachment 1 - Heritage Investigations | Excluded |
| 2. | Attachment 2 - Map of Submissions | Excluded |
| 3. | Attachment 3 - Table of Submissions | Excluded |

RECOMMENDATION

That Council:

- 1. Requests the Minister for Planning appoint a Panel pursuant to Section 23 of the Planning and Environment Act 1987 to hear submissions and consider proposed Amendment C282 to the Stonnington Planning Scheme.***
- 2. In its submission to the Panel Hearing, adopts a position in support of Amendment C282, generally in accordance with the officer's response to the submissions as contained in this report and Attachment 3.***
- 3. Refers the submissions and any late submissions received prior to the Directions Hearing affecting Amendment C282 to the Panel appointed to consider Amendment C282.***
- 4. Advises the submitters to the proposed Amendment C282 of Council's decision.***
- 5. Authorises Council officers to make minor changes to Amendment documents (generally in accordance with the attachments).***

7. TREE & PARKING ISSUES - BOWEN STREET, PRAHRAN

Traffic Engineer: David Ventura
Manager Parks & Environment : Simon Holloway
Manager Transport & Parking: Ian McLauchlan
Acting General Manager Assets & Services: Rick Kwasek

Councillor Briefing at its meeting on 10 December 2018 resolved that the matter be deferred to the meeting to be held on 29 January 2019.

PURPOSE

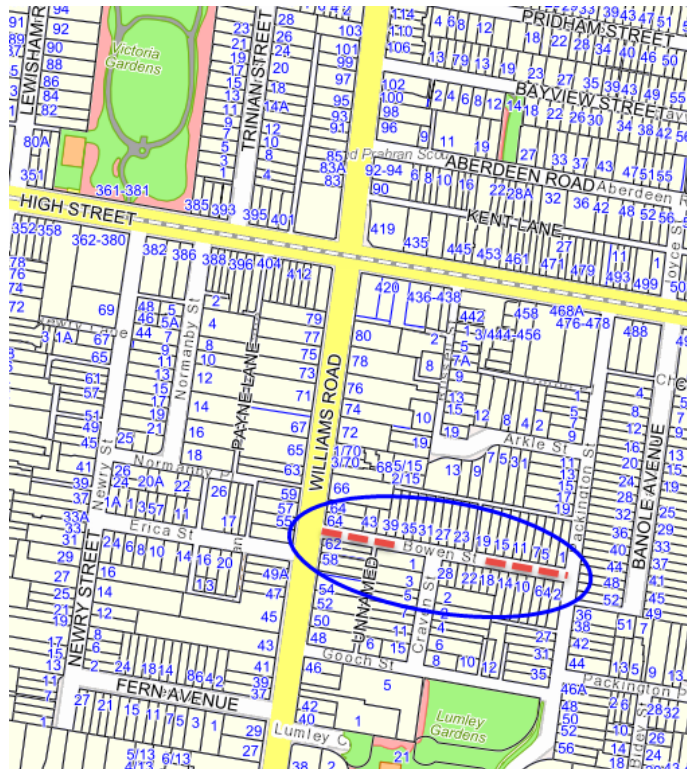
The purpose of this report is to seek Council resolution on a number of separate, though interrelated tree and parking issues in Bowen Street, Prahran.

This report has been prepared in response to multiple resident requests.

BACKGROUND

Context

Bowen Street is a 175 metre long narrow street, approx. 6.8 metre wide carriageway and approximately 1.5 metre wide footpaths, which runs east – west between Williams Road and Packington Street in Prahran. It is a residential street (38 properties) with predominantly single fronted period dwellings with very small front gardens.



Tree issues

Street trees

Street trees are currently planted in the narrow footpaths on either side of the street. (See Attachment 1 – Bowen Street images)

The street is planted with a mix of tree species of varying age, size and quality. There are 29 street trees as follows:

- 10 x *Lophostemon confertus* (Queensland Brush Box)
- 2 x *Melaleuca linarifolia* (Snow in Summer)
- 1 x *Melaleuca styphelioides* (Prickly Paperbark)
- 16 x *Tristaniopsis laurina* (Kanooka / Water Gum)

The existing street trees provide valuable shade and contribute significantly to the character and amenity of the streetscape in Bowen Street.

Importantly, there is no borrowed landscape of any significance as the size of the neighbouring private gardens does not provide any opportunity for tree planting.

Impact of street trees on Council and private assets

Roots of a number of street trees in Bowen Street have impacted on Council assets, including footpath, kerb and channel and drainage pits. While these impacts are widespread in the street, they are not outside Council's maintenance intervention levels.

Passage along the footpath (approx. 1.5 metres wide) has been compromised by the larger street trees and roots to the point that at a number of locations access for wheelchairs, mobility scooters and prams / pushers is restricted.

Council has received multiple resident requests over time for footpath repairs and investigation of tree root issues relating to private property from residents of Bowen Street.

Multi-signature Letter

A resident multi-signature letter (signed by residents from 30 properties) was received by Council on 20 October 2017 requesting replacement of the existing street trees with Crepe Myrtle's as per Willis Street, Prahran. The letter said this would:

1. Improve the street's amenity and appearance;
2. Improve the safety of the street.

The letter conveyed concerns about the condition of the footpath, tree trunks protruding over the road pavement, the condition of some trees and the mix of species planted in Bowen Street.

The letter was signed by 37 residents from 30 properties.

Arboriculture assessment

In response to the multi-signature letter, Council conducted an arboricultural assessment of street trees in Bowen Street and noted their varying age, size, quality and impact on adjoining infrastructure.

This initial assessment identified that:

- The street is a mix of native species *Lophostemon confertus* (Queensland Brush Box), *Melaleuca linariifolia* (Snow in Summer), *Melaleuca styphelioides* (Prickly Paperbark) and *Tristaniopsis laurina* (Kanooka).
- While a couple of the younger trees are showing signs of being stressed the majority of the street trees are healthy and structurally sound.
- The streetscape is dominated by the existing street trees with virtually no borrowed landscape from the adjacent properties.
- The footpaths are narrow and have been compromised in the vicinity of some of the street trees.
- While the street has been planted with larger growing tree species in the past it would only accommodate small growing species if replanted (in the footpath) to ensure compliance with accessibility requirements.

The assessment confirmed that the existing street trees provide a substantial, positive contribution to the streetscape character and amenity, however are causing issues in relation to accessibility and impact on the roadside environment.

In light of the ongoing conflict between tree roots and surrounding infrastructure and the restricted pedestrian access resulting from the large trees in a narrow footpath, an argument could be mounted for their removal and replacement if deemed appropriate.

Resident Survey

Following this, Council surveyed residents and property owners in Bowen Street. This was conducted in May 2018.

The survey sought feedback on three tree planting options as follows. The aim of providing these options was to gauge an initial community response to both the removal of trees and their replacement location:

1. Retain the existing street trees and plant vacant sites in the footpath with a selected small tree species. Any trees removed in the future from the street would also be replaced with the selected small tree species.
2. Remove all existing street trees and replant in the footpath with a selected small tree species. The new smaller trees would be planted closer together to compensate for the loss of canopy cover.
3. Remove all existing street trees and replant in the road pavement with a selected medium / large tree species. This option was likely to result in the loss of 3-4 car parking spaces along the street. Bowen Street currently has an approximate parking capacity of 49 spaces in total.

Included with the letter were indicative tree planting plans, one for each option. These plans were to give an indication (conceptual) of how each option would look if implemented. (See Attachment 2).

The letter stated that there were issues with each option that required further investigation such as below ground utilities / services and a detailed assessment of impact on traffic and parking. It stated that should the project proceed, the final tree planting plan may vary considerably from these indicative plans.

Survey Response

In total, 26 responses to the survey were received. The results were:

Option	Respondents' preferred option
1. Retain existing trees and plant vacant sites in the footpath	3
2. Remove all existing trees and replant in the footpath.	18
3. Remove all existing trees and replant in the road.	5
Total	26

One respondent indicated their support was dependent on a resolution to the resident parking permit issue (see parking issues background and discussion).

The survey response indicated that:

- 3 respondents (12%) support the retention of existing street trees.
- 23 respondents (88%) support the removal of all existing street trees.
- Of those supporting the removal of existing street trees, 18 respondents (78%) support replanting with a smaller tree species in the footpath, while 5 respondents (21%) support replanting with a medium to large tree species in the road way.

Parking issues

Community Submission

Whilst the above was occurring, a separate multi signatory letter was received by Council from 47 residents representing 36 properties requesting a change to the parking restrictions.

The residents were from both sides of the street, and were located throughout the entirety of Bowen Street. Residents were seeking improved access to parking during the day, as they were concerned that parking was difficult within close proximity of their homes.

The multi-signatory letter specifically asked for 2-HOUR parking on both sides of the street operating between 9am to 6pm from Monday to Saturday.

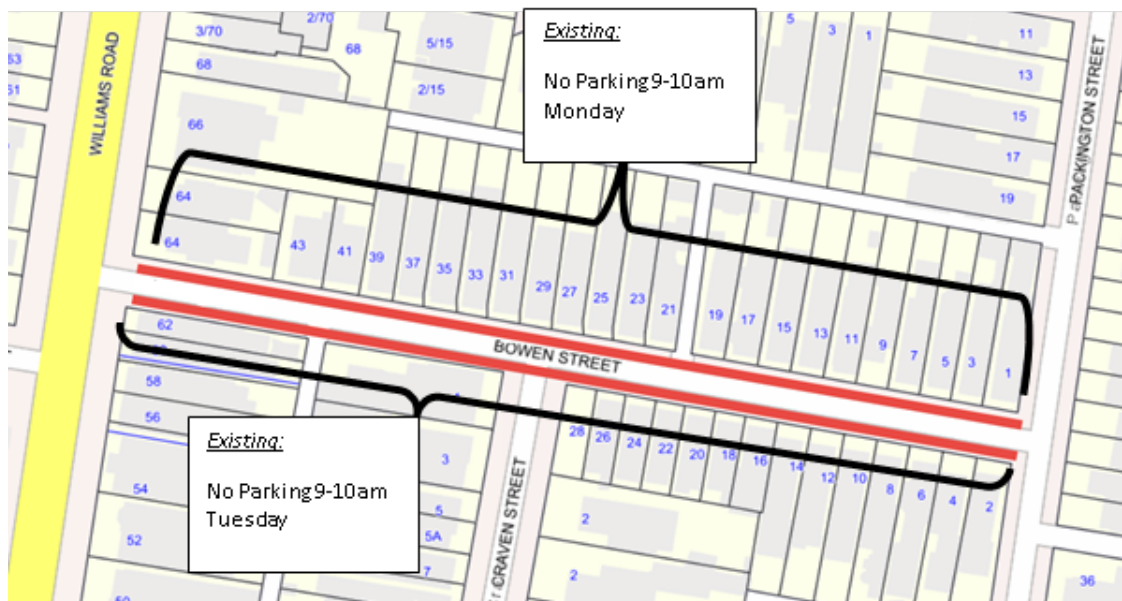
Existing Parking Restrictions

Parking in Bowen Street is likely to be a combination of residents and their visitors, including residents from other local streets that intersect with Bowen Street for example Craven Street, Packington Street and Williams Road.

Bowen Street has an approximate capacity of 49 spaces in total, with 27 parking spaces on the north side and 22 parking spaces on the south side. Parking spaces are not marked in the street, hence this is approximate depending on how motorists park in the street.

No parking restrictions currently apply in Bowen Street with the exception of the street sweeper NO PARKING restriction that operates between 9am and 10am on Monday (north side) and Tuesday (south side).

The location and layout of the subject section of Bowen Street is shown below.



DISCUSSION

In light of one option to address current issues with the street trees being to plant in the road way, it was determined that Council should respond to issues raised about street trees and parking through an integrated process.

Tree issues

Urban Forest Strategy

Council's *Urban Forest Strategy* highlights the importance of street trees and the wider urban forest to the City of Stonnington's liveability, environment and prosperity. It notes that the City of Stonnington is fortunate to have a diverse and mature urban forest that underpins the character and amenity of the City.

The strategy prioritises the retention of existing trees across the landscape to the extent possible and commits Council to only support the removal of healthy, established trees where there is a compelling arboricultural, community safety or public value reason to do so.

The strategy highlights that increasing levels of development and housing densification on private land is resulting in decreasing numbers of private trees within the City and reduced opportunities for future tree growth. This places an increased importance on maximising, where possible, the inclusion of canopy trees in new developments and retaining and growing large canopy trees on public land

The strategy also notes the substantial challenge in managing the impact of large and maturing street trees on adjoining infrastructure and seeks to resolve this conflict to the extent possible without compromising the health and safety of trees.

Importantly, the *Urban Forest Strategy* highlights the importance of tree canopy cover and notes that this, rather than number of trees, is used as the key indicator of the quality and function of an urban forest.

Trees with large canopies provide the greatest benefits to the community and the environment. Compared to smaller trees, large trees with spreading canopies provide more shade and cooling, have a greater visual impact, reduce larger volumes of stormwater runoff, remove more air pollutants and provide more habitat.

Existing trees and community response

The mature and maturing street trees in Bowen Street, of mixed species, provide a key feature of the street.

The existing, established street trees are predominantly healthy and structurally sound, provide valuable shade and contribute significantly to the character and amenity of the streetscape.

Despite this, residents have requested via a multi-signature letter and survey responses that the existing street trees be removed and replaced in order to improve the street's amenity and appearance (through uniformity of species) and improve the safety of the street (access and impact on surrounding infrastructure).

An arboricultural assessment of the street trees in Bowen Street has confirmed that a large number of mature and maturing street trees are impacting on public and private assets along the street and restricting pedestrian access along the footpaths. It is expected that issues associated with the street trees and their root systems and restriction of access will continue to increase in the future.

In light of these ongoing and increasing issues, there is a substantive case for the removal and replacement of the street trees.

However, any removal of street trees in Bowen Street would have a significant impact on the character and amenity of the streetscape and urban forest values over the short to medium term (10 - 15 years).

If the existing street trees were removed, there are two broad options for replanting – in the footpaths or in the roadway.

1. *Planting in the footpath*

Given the very narrow widths of the footpaths, the limited growing environment for new trees and the proximity of public and private assets, Council would only replant a small tree species back into the footpath. This would most likely be a small, deciduous tree, such as a Crepe Myrtle. Such a species would provide limited canopy cover, shade and long term impact on character and streetscape amenity.

While smaller tree species could be planted at denser spacings, they would unlikely be able to achieve the level of canopy cover and benefit of either the existing tree plantings or trees planted into the roadway.

2. *Planting in the roadway*

Replacing removed trees by planting in the roadway presents an opportunity to plant large canopy tree species where tree height, spread, canopy cover and urban forest values could be maximised over time. Planting larger tree species into the roadway, which is common in narrow streets in the western end of the city, enables tree canopy to be achieved where otherwise it would not be possible if planted into footpaths.

Planting new trees in the roadway in Bowen Street would certainly impact parking availability, however this could be minimised through tree numbers, spacing and location.

In light of Council's commitments in its *Urban Forest Strategy* to grow the urban forest and maximise tree canopy cover, in particular on public land, replacing removed trees by planting into the roadway in Bowen Street is clearly a preferable option that will deliver maximum social, economic and environmental benefits.

Replanting removed trees back into a narrow footpath with smaller tree species is less preferable from an urban forest perspective and will deliver fewer benefits.

As such, it is recommended that Council should only entertain the proposal to remove street trees in Bowen Street on the basis that tree replacement takes the form of large canopy tree species planted into the roadway, where tree height, spread, canopy cover and urban forest values can be maximised over time.

A detailed planting plan that identifies suitable species, number, spacing and siting is required to understand the extent and nature of a replanting program and any loss of parking.

It is recommended that Council respond to the community request to remove existing street trees in Bowen Street with the development of such a planting plan featuring in road tree plantings and consult residents on the impact on parking and their level of support.

Parking issues

Investigation

The parking problem identified in the multi signatory letter concerned a lack of daytime parking opportunities.

An independent parking survey was undertaken by a contractor on Wednesday 2 May 2018 over the time period 6am to 11pm, to capture the parking occupancy during a day not affected by the street sweeper restrictions.

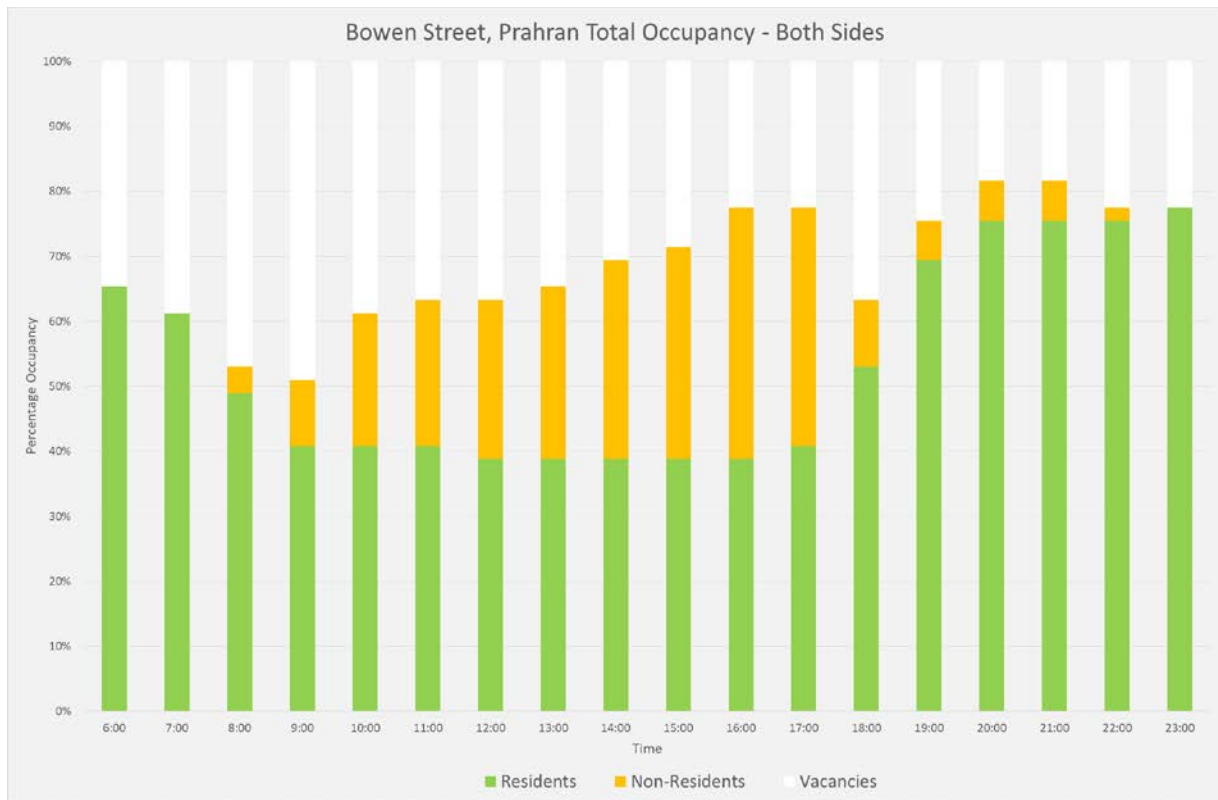
It has been assumed that residents in Bowen Street would mostly not have residential permits as there are currently no parking restrictions installed. Therefore, any vehicles parked at 6am were counted as a resident (seen in green in chart below). The remaining vehicles were deemed as non-residents based on their short stays and when they arrived in the street. This allowed for Council to be able to track how long vehicles stayed in the street and when others arrived.

This is an assumption made in order to track how long the vehicles parked in the street at 6am remained parked in that space and when other vehicles arrive in Bowen Street. It is considered a reasonable assumption given that 6am is early morning prior to when a majority of residents would leave for work etc.

Vehicles parked in Bowen Street at 6am may not be Bowen Street residents, however short of interviewing people as they park or leave the street, or seek registered owner details(which is not permitted unless there is an offence), options are limited,. This is a consistent approach taken for all parking investigations throughout the municipality in streets that have no parking restrictions.

As residential parking permits are issued based on parking permit areas rather than specific streets, installing parking restrictions may not assist as the resident demand is already high. With residential parking permits these vehicles would not be removed. Residents from Craven Street or Packington Street could still use residential parking permits to park in Bowen Street as they are located nearby within the same permit area.

In an attempt to determine resident vehicles parked at night, any vehicles that were parked at 11pm were counted as a resident and the below graph was produced. The below graph demonstrates the parking occupancy on both sides of the street during the survey.



The results show that the maximum number of vehicles observed parked in Bowen Street during the survey was 40 vehicles (occupancy rate 82% at 8pm). This occurred from 8pm to 10pm. This also demonstrated that at the most heavily occupied time (in the evening) during the survey, 9 vacant car spaces were available throughout Bowen Street.

The highest occupancies were recorded after 6pm. From this pattern it is seen that more vehicles are parked at night rather than business hours (9am to 5pm). Although the occupancy levels are higher in the evening, the majority has been estimated to be residential vehicles. Based on the location of the street, it is unclear as to why non-residential vehicles would park in the street during the evening. In comparison to a street located near Chapel Street which would have a number of non-residential generators, there is no obvious generator of non-residential parking. It is assumed therefore that some of these vehicles could be residents returning home or residents from surrounding streets (Craven Street, Packington Street and Williams Road) parking in Bowen Street.

This pattern highlights that the number of resident vehicles parked reduces in the morning and continues during business hours. The resident numbers rise late in the afternoon as they have arrived at some point in the afternoon and remained parked for the remainder of the survey. Although the number of estimated non-resident vehicles begins to increase from 10am onwards, the peak non-residential occupancy levels are between 4pm and 6pm.

In this time period the total occupancy level is at 78% which equates to approximately 11 vacant parking spaces. Based on the resident demand it may be difficult for a resident returning home to find a parking space at these times.

Between 9am and 6pm the average occupancy was 66%. On average this equates to 17 vacant spaces available for residents to park. Based on the above, parking restrictions could be installed during the day to eliminate the non-resident vehicles (circled on the chart below). A 2-HOUR parking limit would provide further parking opportunities for residents and their visitors during the circled time period.



As mentioned earlier, Bowen Street is subject to NO PARKING restrictions to allow for street sweeper operation. The above investigation was conducted on a day where the street sweeper restrictions did not apply. When the street sweeper restriction does apply on Mondays and Tuesdays, the on-street supply is almost halved. It is reasonable to assume that on those days, the parking occupancy would be high on the side where the NO PARKING restriction does not apply. It is also reasonable to assume that the resident demand cannot be accommodated on one side of the street only. Other streets in the local area have similar NO PARKING restrictions which align with the Bowen Street restrictions. As such, during these times it is reasonable to assume that other residents may look to park in Bowen Street should parking not be available in their street and vice versa.

When there are no resident priority parking restrictions, a non-resident vehicle has the opportunity to park on the non-street sweeper side, further reducing the already limited supply for residents.

As such, installing resident priority parking restrictions could provide residents with further parking opportunities during the day. In addition, it would assist with providing opportunities for residents during street sweeper operation times.

If the proposal to remove all existing street trees and replant them in the footpath with a selected small tree species proceeds the number of on-street parking spaces would remain the same. Therefore, the on-street parking supply would not be reduced and the above parking investigation is still considered reflective of current conditions.

Proposal Development

The multi-signatory letter submitted sought a change to both sides of the street. Restrictions are typically considered in streets without existing restrictions where any of the following 3 criteria are met: the average parking occupancy between 9am and 6pm exceeds 67% occupancy (2/3 occupied); the average parking occupancy in any 4 hour period exceeds 90%; or, in any 4 hour period there is survey evidence that residents have to walk more than 150m to a vacant parking space.

As stated above, the occupancy during business hours is 66%. It is considered that a 2-HOUR restriction on both sides during business hours would assist with the initial problem of non-resident parking intrusion.

Ordinarily, one side of the street is considered in streets with no existing resident priority parking restrictions to provide a balance between short term and long term parking. However, as the street is subject to street sweeper restrictions, it is considered that during street sweeper days the available parking supply is almost halved. Restricting only one side of the street would allow non-resident vehicles to occupy the unrestricted parking (noting this is the only available parking in the street during the street sweeper operation). Therefore, it is reasonable to consider parking restrictions on both sides of Bowen Street.

Based on the above investigation, it is recommended that the residents of Bowen Street be consulted on a proposal to install:

- 2-HOUR restrictions operating 10am to 6pm Monday, and 9am to 6pm Tuesday to Friday on the north side of Bowen Street; and
- 2-HOUR restrictions operating 10am to 6pm Tuesday, and 9am to 6pm Monday, Wednesday to Friday on the south side of Bowen Street.

Request for a Street Meeting

One of the residents responding to the consultation has made a written request for Council to convene a street meeting to discuss the resident concerns. The request was received after being advised of the parking survey analysis. Such a meeting is not considered required as the officers undertaking the assessments are aware of the matters raised, and the recommendation to Council accords with previous requests made.

POLICY IMPLICATIONS

Council's Urban Forest Strategy provides clear direction for the protection, management and planting of trees on public and private land across Stonnington and addresses the key challenges facing Stonnington's urban forest.

The Urban Forest Strategy seeks to achieve the following outcomes:

- Increased vegetation cover
- Improved health and quality of the urban forest
- Greater resilience to a changing climate
- Reduced urban heat island effect
- Enhanced amenity and liveability

While the Urban Forest Strategy seeks to prioritise the retention of existing trees across the landscape to the extent possible, it also notes the significant challenge of managing conflict between growing street trees and their roots with adjoining infrastructure.

The proposed response to Bowen Street resident requests in relation to street trees is consistent with Council's Urban Forest Strategy.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost of removing the existing trees, replacing them and establishing the new trees would be in the order of approximately \$25,000, depending on planting location and the treatment of planting sites. This could be funded from existing budget allocations in capital account X9799 *Trees – Accelerated Urban Forest Strategy Implementation*.

The cost to complete the parking study across the area selected was \$1,390 excluding GST, and was funded from the 2017/18 Financial Year budget.

LEGAL ADVICE & IMPLICATIONS

None

CONCLUSION

The City of Stonnington receives a number of requests each year to remove and replace existing street trees. Such requests can be based on a range of community concerns, including species selection, species mix / consistency, tree size, damage to private property, damage to public assets and restricted access.

Subject to an arboricultural assessment of each site, Council generally does not support such requests to remove / replace trees in light of its commitment to protect and value existing trees. Council is committed to only support the removal of healthy, established trees where there is a compelling arboricultural, community safety or public value reason to do so.

In the case of the request from Bowen Street residents to remove and replace the existing street trees, Council has assessed the existing trees and conducted a resident survey. Having considered the impact the existing street trees are having on footpath access and Council and private infrastructure and level of community support, the report acknowledges that there is a substantive case for the removal and replacement of the street trees, noting that such removal would have a significant impact on the character and amenity of the streetscape and urban forest values over the short to medium term

The report concludes that replacing removed trees by planting large canopy tree species into the roadway in Bowen Street is clearly a preferable option than planting small species back into a narrow and constrained footpath. Planting larger trees into the roadway will deliver maximum social, economic and environmental benefits and support the *Urban Forest Strategy* objectives to grow the urban forest and maximise tree canopy cover as a key priority.

It is recommended that Council respond to the community request to remove existing street trees in Bowen Street with the development of a planting plan featuring in road tree plantings and consult residents on the impact on parking and their level of support.

Separately, a multi-signatory letter was received by Council asking for the installation of parking restrictions. In response to this request from residents, a parking survey was conducted which revealed an average parking occupancy of 66% during 9am to 6pm on weekdays. It is considered that a 2-HOUR restriction on both sides during business hours would assist with the initial problem of non-resident parking intrusion.

As such, it is proposed that Council consult the residents on a proposal to install 2-HOUR parking restrictions on both sides of Bowen Street outside of the existing street sweeper restrictions.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

- | | | |
|----|---|----------|
| 1. | Attachment 1 - Bowen Street Tree Images | Excluded |
| 2. | Attachment 2 - Bowen Street tree planting options included in resident survey | Excluded |

RECOMMENDATION

That:

- 1. Having regard to, the request from residents for removal and replacement of the street trees, the emerging issues concerning the impact of trees on the existing infrastructure in the street, the impact of street trees and tree roots on pedestrian and disability access along the footpaths, and feedback from the recent community survey, Council support the proposal to remove street trees in Bowen Street on the basis that tree replacement takes the form of large canopy tree species planted into the roadway, where tree height, spread, canopy cover and urban forest values can be maximised over time.***
- 2. A detailed tree removal and replacement plan be prepared, including large canopy trees planted into the roadway identifying any impact on parking.***
- 3. Consultation be undertaken with residents of Bowen Street on the tree removal and replacement plan.***
- 4. Consultation be undertaken with residents of Bowen Street on the proposal to install parking restrictions as follows:***
 - a. 2-HOUR restrictions operating 10am to 6pm Monday, and 9am to 6pm Tuesday to Friday on the north side of Bowen Street; and***
 - b. 2-HOUR restrictions operating 10am to 6pm Tuesday, and 9am to 6pm Monday, Wednesday to Friday on the south side of Bowen Street.***

8. CATO STREET CAR PARK DEVELOPMENT SITE - SHORTLISTED NAMES

Senior Communications and Stakeholder Advisor: Jane Lovell
Acting General Manager Assets & Services: Rick Kwasek

PURPOSE

To update Council on the naming process for the new urban parkland and two-level underground car park currently referred to as Cato Square and to seek Council endorsement to consult with the community on a name for the square.

BACKGROUND

Updates on the Cato Street car park redevelopment project have been presented at various Council briefings and meetings (August 2011, April 2013, May 2014, January 2015, April 2015, 12 October 2015, February 2016, June 2016, 4 February 2017, 17 February 2017), the most recent being the Council meeting of 18 February 2019 when a proposed pricing structure for the new two-level underground car park was adopted.

The Cato Street car park redevelopment site covers an area of over 9,000 square metres bounded by Cato, Izett, Wattle and Chatham streets in Prahran. The site's location, close to the Chapel Street and Commercial Road retail precincts and within easy walking distance of the Prahran train station, provides an important strategic link between Grattan Gardens and Princes Gardens.

When completed in late-2019, this landmark project will deliver a significant area of urgently needed open space for passive recreation and community events for those that live work and visit Prahran, plus 20 per cent more basement car spaces for shoppers and businesses in the surrounding retail precincts.

During construction the site has been given the working title, Cato Square, with the plan to establish a permanent name for the urban parkland and car park to enable the branding marketing and wayfinding to complete prior to the opening.

DISCUSSION

In mid-2018, Council appointed brand and place making consultants, Hoyne, to develop naming options and a brand identity for the new two-level underground car park and urban parkland in Prahran.

To inform the name and brand identify process, in September 2018, Hoyne undertook a number of key stakeholder interviews and a community consultation program.

Key stakeholders contacted for interviews were Reconciliation Stonnington, the Chapel Street Precinct Association, Lyons Architects and the Boon Wurrung Foundation. Despite multiple requests Hoyne were unable to secure an interview with the traditional owner organisation, the Boon Wurrung Foundation. Hoyne also met with the steering committee for a naming workshop.

The community consultation program was delivered via an online survey where interested community members were encouraged to share their connection with Prahran – what it means to them today, and what they would like it become in the future. The survey was promoted via newspaper advertising, social media and direct mail to 6,000+ homes and businesses. At the close of the consultation, 104 surveys were completed.

Eighteen emails, referencing Cr Chandler as a name for the site, were also received during the consultation period. Hoyne also collected input from the Cato Square Steering Committee at an additional workshop held in October 2018.

All feedback and naming suggestions were ultimately considered by the Steering Committee prior to creating the shortlist.

Community survey insights

Results from the community survey, completed by 104 respondents (73 who live and 25 who work in the area), provided insights into what Prahran means to the community now, and how they would like to see it in the future.

In brief, the online survey revealed:

What do you like most about Prahran?

Most respondents like Prahran for its food and retail offerings, the diverse community, the area's character and vibrancy, plus its green spaces and public transport links.

What word would you use to describe your experience of Prahran now?

The most popular responses to describe the Prahran experience now were: busy, community, convenient, diverse, exciting, fun and vibrant.

What word would you like to use to describe your experience of Prahran in the future?

Looking to the future respondents would like Prahran described as: clean, community, exciting, family friendly, green, safe and vibrant.

Cato Square Steering Committee meeting – December 2018

At the December 2018 meeting of the Cato Square Steering Committee, Hoyne presented name and brand identity options for consideration.

Based on stakeholder engagement and community survey insights, Hoyne established a personality for the square being (ambitious, innovative, engaging and welcoming), and brand identity options for the parkland.

Two options for brand identity were considered by the Steering Committee:

1. *Showstopper*: Hosting curated events, festivals and activities on a world stage. Encouraging community connections and a destination point for tourists.
2. *Local Fusion*: Celebrates the vibrant culture, food, fashion and voices of this dynamic neighbourhood. It is an exchange of information and ideas driven by tailored activations and grass roots conversation.

The committee saw *Local Fusion* as appropriate for the precinct and the preferred brand identity for the square. The committee considered it as best fit to deliver a mix of larger events together with community activities and passive recreation.

A number of naming options were considered by Hoyne and were provided to the Steering Committee in a naming summary. (See Attachment 1 – Naming Summary)

At the meeting, Hoyne recommended the following names for consideration:

1. Cato Circus
2. Lyric Place

The Steering Committee was undecided on the recommended names, and requested Hoyne provide an alternate list of name locators and descriptors to be considered

At its February 2019 Cato Square Steering Committee meeting, Hoyne provided the following list of name locators and descriptors for consideration:

Locators	Descriptors
Stonnington	Grounds
Prahran	Garden
Chapel	Commons
Commercial	Square
Cato	Plaza
Greville	Park
Chatham	Quarter
Izett	Place
	Yards
	Side

Hoyne developed a naming Criteria to assess the names against a number of key attributes. (See Attachment 2 – Naming Criteria) From this list of alternate naming options the Committee settled on the following two names as the preferred one for the square:

- (i) Cato Square
- (ii) Prahran Square

The Committee also suggested a third option, Pur-ra-ran Square (the Aboriginal spelling for Prahran), and a fourth option, Prahran Square with Pur-ra-ran as subtext, be submitted for Council consideration.

Letters were subsequently sent to traditional owners' organisations, the Boon Wurrung Foundation and the Wurundjuri Tribe, seeking their approval for Pur-ra-ran to be considered as a name for the site. It was seen as appropriate to seek approval from the traditional owners before the name can be considered.

The Boon Wurrung Foundation provided the following response on 15 March 2019, *"Pur-ra-ran is not actually a Boonwurrung word and, therefore, the Boon Wurrung Foundation do not support it for renaming of Cato Square."*

Given the Boon Wurrung Foundation response, the shortlisted name, Pur-ra-ran Square, cannot be considered for the site.

Reconciliation Stonnington more recently contacted Council suggesting the name, 'Wominjeka' (welcome). Wominjeka has been used in a number of public facilities such as the Children's area in the Melbourne Museum and Monash University has a welcoming campaign for new students called Wominjeika. Since it has been a name or title previously used in a number of situations it was therefore seen as not appropriate by the Steering Committee for the naming of the square. It should also be noted that while it was offered as an option by reconciliation Stonnington if it was to be considered it would however require formal approval by the traditional owners.

On 15 March, the Boon Wurrung Foundation wrote to council suggesting that Cato Square to be renamed to 'Birrarung Square'. Birrarung is a Boonwurrung word meaning land partially surrounded by water.

The locator name Birrarung is already used for the park adjacent to Federation Square (Birrarung Marr) and was therefore not considered appropriate to be used in this location.

Subject to Council endorsement of the shortlisted names, the committee agreed the community be consulted before a final Council decision was made. The engagement would run through an online poll on the ConnectStonnington website, advertised in the local newspaper, on social media and by direct mail to the 6,000+ residents and businesses previously consulted.

POLICY IMPLICATIONS

The community engagement process and associated communications to decide a permanent name for the Cato Street car park redevelopment site is in accordance with Council's Media and Communications Policy.

FINANCIAL AND RESOURCES IMPLICATIONS

The budget for the project provides for communication and engagement activities associated with the project.

LEGAL ADVICE & IMPLICATIONS

There are no legal implications associated with the naming process for the Cato Street car park development site.

CONCLUSION

Over the past eight months a comprehensive engagement process has been undertaken to develop options for the permanent name and brand identity for the new urban parkland and two-level underground car park currently under construction in Prahran.

Throughout the process and following consultation Hoyne had developed a number of options to be considered by the steering committee. In addition Hoyne delivered name and brand identity options to the Steering Committee, who supported the brand identity, "*Local Fusion*". Following consideration of the options the steering committee had settled on two names for consultation.

- (i) Cato Square
- (ii) Prahran Square

The Steering Committee more recently considered the name suggested by the Boon Wurrung Foundation, "*Birrarung*", however due to its use for a park adjacent to Federation Square, it was not seen as appropriate to include in the shortlist.

The Steering Committee further suggested that subject to Council endorsement, the community be engaged on the proposed shortlisted names prior to a further report summarising the consultation coming to Council to consider a permanent name for the square.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

- | | |
|--|----------|
| 1. Attachment 1 - Naming Summary | Excluded |
| 2. Attachment 2 - Cato Naming Criteria | Excluded |

RECOMMENDATION

That:

1. *Council endorse for consultation the two shortlisted names for the new urban parkland and two-level underground car park currently under construction in Prahran as:
 - (i) *Cato Square*
 - (ii) *Prahran Square;**
2. *Community engagement on the shortlisted names be undertaken; and*
3. *Following community engagement on the shortlisted names, a further report be presented to Council for council consideration on the permanent name for the square.*

9. GERMAN SHEPHERD DOG CLUB ALTERNATIVE LOCATION INVESTIGATION

Recreation Services Coordinator: Grant Smethurst
Manager Leisure & Wellbeing: James Rouse
General Manager Community & Culture: Cath Harrod

PURPOSE

The purpose of this report is to present the findings of an investigation into the establishment of a permanent dog park at Tooronga Park for the community and to accommodate the needs of the German Shepherd Dog Club.

BACKGROUND

On 5 June 2017 Council considered a report on the request from East Malvern Junior Football Club (EMJFC) for use of Basil Reserve Oval on Sunday mornings during the winter season, at a time the venue was being used by the German Shepherd Dog Club Malvern Branch (GSDC). Council resolved to:

1. *Advise East Malvern Junior Football Club that it is not prepared to relocate the German Shepherd Dog Club from Basil Reserve Oval during the 2017 winter season;*
2. *Advise the German Shepherd Dog Club that it wishes to explore options to relocate the Club to another venue in the future; and*
3. *Receive a report on the options to accommodate the German Shepherd Dog Club at any alternate locations suitable for the Club's activities by September 2017.*

On 20 November 2017 Council considered a report that presented the findings of an investigation into the feasibility of relocating the GSDC to an alternate location and prior to the commencement of the 2018 football season. Council resolved to:

1. *Work with the German Shepherd Dog Club, Malvern Branch and operator of Council's Pound to develop a proposal to establish a permanent dog park at Tooronga Park for the community and to accommodate the needs of the German Shepherd Dog Club and further support pound operations.*
2. *Receive a proposal to establish a permanent dog park at Tooronga Park for further consideration.*
3. *Agree to relocate the German Shepherd Dog Club from Basil Oval to Waverley Oval by March 2018 to allow for the expansion and growth of junior sport in Stonnington, including junior girl's football.*

The GSDC commenced operation at Waverley Oval on 8 April 2018.

DISCUSSION

Council engaged LMH Consulting in partnership with Paws 4 Play to determine the suitability of Tooronga Park as a permanent location for the GSDC and as the site of a dedicated dog park. The report detailing the findings of the review is included as Attachment 1.

The review first established the facility requirements of the GSDC. These included:

- the location, configuration, size and safety of a site
- Sufficient car parking with provision for 20 in-sight of the operational area
- Floodlighting for safe use of the open space on Wednesday evenings

- A pavilion including kiosk, meeting and storage space

Open Space

The practical area available at Toorong Park is less than half the size of the area used by the Club at Basil Oval without taking into account any additional reduction in space associated with buffers that might be required to adequately separate GSDC from other park activities. The long narrow configuration of the park would bring club activities into conflict with shared trail users and does not allow for the co-location of activity stations such that there are direct and multiple sight lines between instructors. The capacity of the park is also limited by the vegetation plantings which minimise the clear open space available for the layout of equipment used during GSDC activities. The GSDC also advised that a fence would be required between the park and the railway line to prevent any dogs that may become loose from venturing onto the railway line.

Facilities

There are no pavilion or storage facilities on site, no car parking on site or within sight of the park and there is no floodlighting to run Wednesday evening training programs as they currently do.

Existing Users

Weekends are a peak use time for the park by dogs and volunteers associated with Save-A-Dog Scheme (SADS) and for off-leash activities of residents and their dogs.

If the construction of a new building was considered to accommodate the GSDC as either an extension of the existing SADS building or adjacent to it, SADS would first like to discuss with Council their facility needs before consideration is given to a building for the GSDC. Any restriction on access to the park from the rear of the existing SADS building that would result in dogs and volunteers having to exit via the front of the building and through the reception area to access the park is not supported by SADS.

The loss of space and trees within the park and the potential for conflict between the two organisations activities is of further concern to SADS.

Mitigation

There is limited space for a building to accommodate the GSDC. It would either restrict SADS access to the site or encroach on the park, and is unlikely to attract significant use by other groups. Floodlighting would need to be installed to support existing club activities.

The removal of existing trees and vegetation would be required to increase the capacity of the site. A fence to separate the park from the railway line would need to be 235m long.

Restrictions on park and shared path users would need to be considered to reduce the potential conflict with GSDC activities. These would be difficult and impractical to administer and could lead to further conflict between park users and the club.

Dog Park

Three options were considered for making greater provision for dog owners at the park. These options were:

- To fence the site or a portion of the site with the option of introducing landscape elements and/or dog education equipment within the fenced area.
- Introducing landscape and/or equipment elements without fencing the park
- Not making any changes to the site in terms of its features for dog owners and their dogs.

The site is largely enclosed by the freeway barrier fencing the railway line and the Depot and SADS building, making it ideal for an off-leash area without having to erect an internal fence.

Generally fencing is only required or should only be considered when there is a need to separate dog off-leash activities from other busy areas within a park. Fencing concentrates use into a confined space and increases the maintenance costs for the area. Creating a fenced area is likely to attract visitations from further afield which puts more pressure on the site.

The review concluded that there is little justification for fencing within Tooronga Park and that introducing additional elements relating only to dogs would be an over-servicing of the site. Tooronga Park appears to be operating quite successfully as a dog off-lead park and retaining it as an open off-leash area preserves it as a flexible space that can accommodate various uses.

Recommendations of the Review

The review recommended that:

1. The GSDC not be relocated to Tooronga Park on the grounds that:
 - The site is not of a suitable size or configuration to accommodate the needs of the club
 - Impracticality and cost of providing pavilion facilities at the site
 - The inability to provide 'within sight' car parking for instructors
2. Tooronga Park remain a dog off-lead area
3. Tooronga Park not be fenced because the site does not have the capacity to accommodate a higher level of provision, it would restrict the use of the park for other activities, and it would be over-servicing the site.

East Malvern Junior Football Club

The number of teams fielded by EMJFC increased from 34 in 2017 to 38 in 2018. Extra teams were added in under-8, under-10 and under-11 mixed age groups, and under-10, under-12 and under-14 girls competitions. The club dropped a team from the under-12 mixed and under-17 boy's competitions. All of the club's home matches were played across the three grounds in Darling Park – DW Lucas, Basil and Stanley Grose Ovals. It was the youngest age groups that benefited from access to Basil Oval as the Club was able to configure multiple fields of play across the ground to accommodate concurrent matches.

Having moved the GSDC away from Basil Oval to accommodate the demonstrated growth of EMJFC, returning the GSDC to that venue is not recommended.

Waverley Oval

Waverley Oval satisfies the GSDC needs in terms of workable open space, the provision of floodlights, storage space with direct access to the ground and an appropriate indoor space. GSDC have indicated they have been very pleased with the Waverley Oval location and are happy to continue using Waverly Oval as their home site.

The club had exclusive use of the facilities on Wednesday evening. On Sundays the GSDC was allocated the use of the ground from 9am to 12pm and the pavilion from 8:30am to 12:30pm. The cricket club was asked to delay the start of their Sunday afternoon matches by 30 minutes to 1pm so that their on ground pre-match preparations would not overlap with the GSDC activities. This was managed well by the home team.

The GSDCs equipment was moved into the existing garage on site that had previously accommodated the storage requirements of Council's curator, and some of the equipment belonging to the cricket and football clubs.

The equipment required by the cricket pitch curator is now stored in a shipping container on the railway station side of the oval alongside another container for the football club. These shipping containers are hired by Council at a cost of \$236 per month.

Upon completion of Dunlop Pavilion the contents of the existing cricket club container at that site will be moved into the new pavilion and the container moved to Waverley Oval to accommodate the equipment required to be stored at that site by the cricket club.

Council's existing strategic resource plan (SRP) includes \$400k in 2019-20 for renovation of the toilet and shower facilities within Bert Healey Pavilion at Waverley Oval. With a Female Friendly Facilities Grant from the state government of \$200k and additional funding from Council of \$200k, the draft SRP for 2019-20 includes \$800k. This will enable the scope of the planned renovation of the pavilion to expand and include the creation of storage spaces to replace the need for shipping containers on-site and make some minor modifications to the canteen facilities to accommodate the GSDC requirements.

As Waverley Oval sits alongside busy Waverley Road the GSDC has requested that gates be added to the existing gaps in the fence to prevent any dogs running on to the road if they were to be distracted by the traffic and escape their handlers during obedience training. To alleviate this concern Council Officers will investigate options for gates that can be closed off during dog club allocated times.

The GSDC has now shared the use of Waverley Oval for the 2018 winter season and 2018-19 summer season. Based upon this experience, Waverley Oval represents a suitable venue for the GSDC. With some investment in improvements to the off-field facilities the needs of the GSDC and their summer and winter co-tenants can be adequately accommodated

POLICY IMPLICATIONS

The Recreation Strategy 2014-2024 includes a direction to promote local area participation in sport and recreation for females, juniors and older adults by reviewing the allocation of clubs to sportsgrounds and pavilions. The re-allocation of users at Basil Reserve and Waverley Oval has enabled Council to maintain opportunities for participation in dog obedience club activities and to maximise sporting opportunities for junior participants.

The continued support of the GSDC is consistent with Council's Domestic Animal Management Plan 2016-2021, the promotion of responsible management of dogs as part of the community, and the benefits of dog obedience training.

Council's Public Realm Strategy 2010 identifies the need to implement special 'dog parks' or smaller dog enclosures within appropriate public spaces. Alternative locations for special dog parks or dog enclosures have not been identified as part of this investigation.

FINANCIAL AND RESOURCES IMPLICATIONS

The establishment of Waverley Oval as the venue for the activities of the GSDC represents the cheapest option for the relocation of the club within Stonnington. It makes use of an existing sportsground, floodlights, pavilion and storage facilities to meet the club's needs.

Council's draft budget for 2019-20 includes \$800k for the renovation of Bert Healey Pavilion at Waverley Oval. The scope of the project includes the renovation of the toilet and shower facilities, improved accessibility and the provision of additional storage spaces to meet the requirements of the cricket and football clubs and Council's cricket pitch curator.

CONCLUSION

Toorong Park is a valuable area of open space with a mix of grassed and vegetated areas that is a popular local venue providing a public park, playground and dog off-lead area for a variety of casual and unstructured activities. The park is not however of a suitable size or configuration to accommodate the needs of the GSDC and nor should it be fenced to create a dedicated dog-park as it would restrict the use of the park for other activities, and it would be over-servicing the site.

The relocation of GSDC to Waverley Oval and the shared use of the facilities for a full summer and winter season has demonstrated the ability to accommodate the clubs needs at an existing facility.

In the absence of any other more suitable location within Stonnington, Waverley Oval represents the best option for the GSDC in the medium term. The identification of an alternative location(s) for a special dog park or dog enclosure will require further investigation if such a facility is desired.

HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

1. Toorak Park Feasibility Review - Relocation of the German Shepherd Dog Club Excluded

RECOMMENDATION

That:

1. *Tooronga Park be retained in its current form for its existing uses.*
2. *Waverley Oval be confirmed as the new home of the German Shepherd Dog Club.*
3. *A further report be prepared on options for redevelopment/refurbishment of Bert Healey Pavilion to accommodate the needs of the new and existing users of Waverley Oval.*

o) *Confidential*

1. **SOMERS AVENUE - FORMAL REVIEW OF ROAD - ROAD SEGMENT REMOVAL**

Acting General Manager Assets & Services: Rick Kwasek

Confidential report circulated separately.

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