



Ordinary Council Meeting Agenda

Monday 20 July 2020 at 7 pm

**Virtual Meeting via Zoom, Virtual Meeting
via Zoom**

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

Chief Executive Officer

Jacqui Weatherill

Executive Staff

Chris Balfour – Director Corporate Services
Stuart Draffin – Director Planning & Place
Cath Harrod – Director Covid Response
Rick Kwasek – Director Environment & Infrastructure
Greg Curcio – Director Engagement & Innovation
James Rouse – Acting Director Community & Wellbeing

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.

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 the democratically elected Councillors work for the community in a fair and transparent way.

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).

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.

About this meeting

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

The agenda lists 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 the 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 via the door closest to the Malvern Police Station). The Town Hall has an entrance ramp and elevators to ensure that the Council Chamber is accessible to all. Accessible toilets are also available. If you require translation, interpreting services or a hearing loop, 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 proceedings, the meeting agenda, motions and proposed alternate resolutions (also known as 'yellows'), are displayed on a screen.

Live webcasting

Council meetings are webcast live via Council's website, allowing those interested to view proceedings without attending the meeting. This gives people who are 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. People in the public gallery will not be filmed, but if you speak, you will be recorded.

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 (usually the Mayor) 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, Deputy Mayor and Councillors, Stonnington City Council

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- 1 Reading of the Reconciliation Statement and Affirmation Statement**
- 2 Introductions**
- 3 Apologies**
- 4 Adoption and confirmation of minutes of previous meeting(s) in accordance with Section 93 of the Act and Clause 49 of General Local Law 2018 (No. 1)**

4.1 Minutes of the Ordinary Council Meeting held on 6 July 2020

Officer Recommendation

That the Council confirms the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 6 July 2020 as an accurate record of the proceedings.

5 Disclosure by Councillors of any conflicts of interest in accordance with Section 79 of the Act

6 Questions to Council from Members of the Public

7 Correspondence (only if related to Council business)

8 Questions to Council Officers from Councillors

9 Tabling of Petitions and Joint Letters

10 Notices of Motion

Nil.

11 Reports of Special and Other Committees - Assembly of Councillors

12 Reports by Delegates

13 General Business

13.1 Planning Amendment 1042/16 - 10-16 Cecil Place, Prahran

Planning Appeals Coordinator: Edward Wilkinson

Director Planning & Place: Stuart Draffin

Purpose of Report

For Council to consider an application to VCAT to amend Planning Permit 1042/16 under Section 87A. The permit allows demolition; use of the land as dwellings, office; and building and works in an Activity Centre Zone, Heritage Overlay and Special Building Overlay; and reduction in car parking requirements and loading bay requirements at 10-16 Cecil Place, Prahran.

This item was considered at the Council meeting of 6 July 2020. The application was deferred and is now presented to Council for further consideration.

Officer Recommendation Summary

That Council advise VCAT that it **supports the amendments to the permit** subject to the conditions outlined in the Officer Recommendation.

Executive Summary

Applicant:	Bensons Property Group Pty Ltd
Ward:	South
Zone:	Activity Centre Zone
Overlay:	Heritage Overlay Special Building Overlay Incorporated Plan Overlay
Date Lodged:	27 April 2020
Trigger for Referral to Council:	Number of statements of grounds
Number of Statements of Grounds:	80
Officer Recommendation:	That Council advise VCAT that it supports the amendment

Background

History

Planning Permit 1042/16 was issued at the direction of VCAT on 5 January 2018 after Council failed to determine the application within the statutory timeframe. The permit allows for demolition; use of the land as dwellings, offices; and buildings and works in an Activity Centre Zone, Heritage Overlay and Special Building Overlay; and reduction in car parking requirements and loading bay requirements.

Essentially, the existing planning permit allows for a development with the following key elements:

- Demolition of the existing buildings on site;
- Construction of a ten (10) storey building and basement containing 88 car parking spaces;
- Uses including a ground floor shop, food and drink premises and residential entry to Cecil Street; access to a loading bay, service areas, bicycle storage and office tenancies on ground and first floors from Anchor Place; and a total of 53 apartments on floors 1 through 9;
- An overall building height of 33.64 metres, excluding plant and lift overrun.

The permit was corrected on 16 January 2018 in accordance with Section 71 of the Planning and Environment Act 1997 to correct an administrative error where Melbourne Waters conditions were not placed on the permit.

Plans to comply with Conditions 1, 4, 5, 6, 7, 8 and 11 were endorsed by Council on 14 April 2020.

A Section 72 amendment was approved concurrently with the endorsement of plans on 14 April 2020 and allowed for numerous changes to the plans including the following key elements:

- Deletion of two basement floors (levels 3 and 4) and introduction of a mechanical car stacker system and car lifts, with reallocation of parking spaces;
- Changes to the size and layout of ground floor commercial tenancies;
- Changes to the internal layout of apartments and external common area;
- Revised locations and size of services and lift overrun; and
- Reduction of external metal blades to elevations.

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Hayball Architects and are known as Project No. 2440, Drawing No's: TP0.01, TP100 to TP110, TP200 to TP205, TP300, TP400 to TP410, TP1401 to TP1403, Revision 1 dated 7 February 2020.

The applicant seeks approval for the following amendments to the plans:

- Change the land use from a combination of retail, food and drinks premises, office and dwellings to student accommodation;
- Provision of 184 student lodging rooms with a total of 241 beds;
- Deletion of the basement and reduction in the number of car parking spaces from 87 to zero;
- Increase the number of bicycle parking spaces from 37 to 94;
- Slight relocation of the crossover toward the western boundary;
- Rearrangement of the ground floor layout including replacement of commercial land uses with common areas, reception and back-of house, laundry, bike store and ancillary bike workshop, gymnasium and coffee kiosk;
- A 500mm front setback to Cecil Place at ground floor;
- Reduction in level 3, 4 and 5 building envelope at the north-west corner of the podium element fronting Anchor Place;
- Internal rearrangements including an update to the core layout;
- Deletion of private balconies and provision of communal terraces on Levels 1, 6 and 8; and

- Minor external changes including revised façade and finishes schedule.

The applicant seeks amendments to the permit pre-amble and conditions as follows:

- Amend the preamble to alter the permitted use of the land from dwellings and office to student accommodation;
- Amend condition 1 to reflect the amended plans and delete a) to e), g) and h) as the plans demonstrate compliance with these requirements;
- Amend condition 3 to reflect the current architecture firm;
- Delete conditions 4 (Waste Management Plan), 5 (Sustainable Management Plan), 8 (Water Sensitive Urban Design Response), 10 (Car Parking Allocation Plan), 13 (music and entertainment noise associated within food and drinks premises); and
- Amend condition 24 and delete conditions 25 and 26 (all Melbourne Water conditions relating to flooding).

Site and Surrounds

The subject site is located on the southern side of Cecil Place approximately 65 metres east of Chapel Street. The site is irregular in shape and made up of two parcels of land, namely 10 Cecil Place and 12-16 Cecil Place. The site has dual street frontages, with a northern frontage to Cecil Place of 27.46 metres and a southern frontage to Anchor Place of 32.51 metres, a depth of approximately 44 metres providing an overall area of approximately 1,263sqm.

The subject site is currently developed with two attached double-storey commercial buildings which provide approximately 1,340sqm office floor area and 31 car spaces in total. There is no significant vegetation on site. The T-shaped building at 10 Cecil Place takes pedestrian access from Cecil Place and vehicular access from Anchor Place. The rectangular shaped building at 12-16 Cecil Place has both pedestrian and vehicular access from Cecil Place. Council's heritage records indicate that both buildings are ungraded.

The subject site forms part of the Prahran/South Yarra Principal Activity Centre, which comprises a wide range of land uses such as shops, food and drink premises, offices and entertainment. This area has experienced significant redevelopment over the past several years and displays a mixed built form ranging from large multi-dwelling developments to single storey commercial buildings on a range of allotment sizes.

The site is located approximately 500 metres east of the Prahran Railway Station and has access to tram services operating along Chapel Street to the west and High Street to the south, in addition to numerous bus services that operate in the area. A range of other public infrastructure exists in the vicinity including the Prahran Aquatic Centre, Alfred Hospital and public open space areas including Princess Gardens to the north.

The key features of surrounding properties are summarised as follows:

- To the north, on the opposite side of Cecil Place, is a four-storey public car park at 8-14 King Street. The car park has 300 spaces and presents to Cecil Place as a two-storey building with a recessed third level. Cecil Place is a two-way no-through road with on-street parking/loading zone provided along the southern side.
- To the north-west of the subject site is 8 Cecil Place, which is occupied by a double-storey heritage building (A2 graded). Planning Permit 1212/16 issued on 23 July 2018 allows for partial demolition of the existing building and construction of a 6-storey mixed-use development.
- To the south-west of the subject site is 11-13 Anchor Place comprising a single-storey ungraded substation.
- Across Anchor Place, to the south of the subject site, are 4-10 Anchor Place and 12 Anchor Place. The former is developed with a row of two-storey buildings with

residential use on the first floor. 12 Anchor Place is developed with a 5-storey U-shaped apartment building. This building is built to the Anchor Place boundary with a number of north-facing windows and balconies.

- Diagonally to the south-east of the subject site is a 12-storey mixed use building at 201-209 High Street.
- To the east of the subject site is 27 Clifton Street which is used as a public car park. The site is within the Public Use Zone as the car park is earmarked for potential future open space, as identified in Schedule 1 to the Activity Centre Zone.
- Further east, 25 Clifton Street is developed with an 8-storey mixed-use development.

Previous Planning Application/s

The history of Planning Permit 1042/16, which this application seeks to amend, is detailed within the Background section above.

A search of Council records indicates the following additional planning application pertaining to the subject site:

- Planning Permit 932/05 was issued on 27 September 2005 for the construction of a fence at 12-16 Cecil Place.

The Title

The site comprises two parcels of land described on the following Certificates of Title:

Volume 9899 Folio 628 – Lot 1 on Title Plan 140784Q.

Volume 10001 Folio 324 – Unit 1 on Strata Plan 036963G.

No covenants affect the land and the applicant has signed a declaration to this effect.

Planning Controls

Section 87A of the *Planning and Environment Act 1987* provides for a person who is entitled to use or develop land to apply directly to VCAT to amend a planning permit. This is an alternative process to a request to Council to amend a permit pursuant to Section 72. The Tribunal will hold a hearing to determine the merits of the proposal, in a similar manner to an application for a review of a decision made by Council. The hearing is scheduled to take place on 23 September 2020. In making the decision, the Tribunal must take into account the provisions of the Stonnington Planning Scheme.

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

Zone

Clause 37.08 – Activity Centre Zone (Schedule 1)

Pursuant to Clause 37.08-2 and Schedule 1, a permit is required to use land for Accommodation (other than Dependent person's unit, Dwelling, Camping and caravan park and Corrective institution).

Pursuant to Clause 37.08-5, a permit is required to construct a building or construct or carry out works.

Overlays

Clause 43.01 Heritage Overlay (HO126)

Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building and to construct buildings and works.

Clause 43.03 Incorporated Plan Overlay (Schedule 3)

Schedule 3 seeks to manage late night liquor licence trading in the Chapel Street Precinct. The overlay is not relevant to this proposal.

Clause 44.05 Special Building Overlay (Schedule 2)

The Overlay partially affects the land. Pursuant to Clause 44.05-1 a permit is required for construction of buildings and works.

Pursuant to Schedule 2 Stonnington City Council is the relevant floodplain management authority as the land is subject to overland flooding from the local drainage system. It is noted that the original permit application was referred to Melbourne Water pursuant to the SBO, however Schedule 2 was subsequently introduced into the Planning Scheme by way of Amendment C221 on 13 June 2019. Therefore Melbourne Water is no longer a determining referral authority.

Particular Provisions

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces specified under Clause 52.06-5 must be provided on the land. However, the use of land as accommodation is not a use specified in Table 1 under Clause 52.06-5.

Clause 52.06-6 stipulates that where a use of land is not specified in Table 1, before the new use commences car parking spaces must be provided to the satisfaction of the Responsible Authority. Council therefore must consider whether the absence of any car parking spaces on site is acceptable.

Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage have been provided on the land. Pursuant to Clause 52.34-5, a residential building of four or more storeys is required to provide 1 bicycle parking space to each 10 lodging rooms, as well as 1 visitor bicycle parking space to each 10 lodging rooms.

The development proposes a total of 184 lodging rooms, therefore a total of 36 bicycle parking spaces (18 for residents and 18 for visitors) are required to be provided on site. A total of 94 bicycle parking spaces are proposed to be provided on site, therefore a permit is not required under this provision.

It is noted that Council's Student Housing Policy at Clause 22.08 suggests provision of bicycle storage at the rate of one for every three beds. The development proposes a total of 241 beds which equates to 80 bicycle parking spaces. The development meets this strategy.

Clause 53.18 – Stormwater Management in Urban Development

Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 and 53.18-6 and should meet all the standards of Clauses 53.18-5 and 53.18-6.

General Provisions

Clause 66.02 – Use and Development Referrals

Pursuant to Clause 66.02-11, Integrated Public Transport Planning, an application for a residential building comprising 60 or more lodging rooms must be referred to the Head, Transport for Victoria as a determining referral authority.

Relevant Planning Policies

Clause 11 - Settlement

Clause 11.03-1S - Activity centres

Clause 15 - Built Environment and Heritage
Clause 16.01-1S - Integrated housing
Clause 16.01-2S - Location of residential development
Clause 21.03 - Vision
Clause 21.04 - Economic Development
Clause 21.05 - Housing
Clause 21.06 - Built Environment and Heritage
Clause 22.05 - Environmentally Sustainable Development
Clause 22.08 - Student Housing Policy
Clause 22.18 - Stormwater Management (Water Sensitive Urban Design)

Advertising

At the direction of VCAT, the applicant has given notice of the application to affected parties by serving documents on owners and occupiers of adjoining land, previous objectors and referral authorities and by placing a sign on the site and a notice in the local newspaper.

The site is located in South Ward and statements of grounds from 80 parties have been received. The key concerns are summarised as follows:

- Overdevelopment
- Overcrowding
- Overlooking
- Overshadowing
- Visual bulk
- Insufficient car parking
- Amenity impacts to area
- Lack of need for student accommodation in this location

Referrals

Comments from relevant departments were sought and are summarised below.

Urban Design

- The proposed amendment to the development is generally consistent with the previous scheme approved by VCAT.
- Nonetheless, with the proposed change of use, it will be important for the ground floor uses to contribute to the activation of the adjoining streets. This will require clear glazing to the ground floor areas along the north, east and south of the building, rather than the specified 'Dark Grey' (GL01) glazing.

Planner note: The suggested requirement for clear glazing at ground level forms part of the recommended permit conditions.

Transport & Parking

- The provision of no parking spaces is suitable given the proximity to alternate transport modes, the nature of the development being student accommodation and is consistent with other 'zero parking' developments in the area.
- In this scenario, future residents of this development would be likely to use these different modes of transport rather than relying on a private vehicle.
- In addition, the ancillary uses such as the gym would not be open to patrons outside of this development which would not generate an outside source of parking requirements.
- The provision of no off-street parking can be considered satisfactory on condition that the applicant ensure that all prospective residents be made aware in advance that they will not be eligible for resident parking permits, noting that the majority of streets in the

surrounding area have existing parking restrictions and further restrictions may be introduced in future.

- As there is no parking spaces proposed on site, the traffic generation of the development would be negligible.
- The width of the entry ramp off Anchor Place is satisfactory.
- The plans should show a minimum vertical headroom clearance of 2.2m provided at the access entrance on Anchor Place with any garage door in the open position.
- The plans should show a minimum clearance height throughout the loading area of 4m.
- Due to the built form of the proposed development, formal sight triangles cannot be provided. In lieu of this, convex mirrors are proposed on either side of the accessway to assist with sight lines to vehicles and pedestrians. The number of vehicle movements from the site would be low as they would only be associated with site loading from the one loading bay proposed. It is considered that with the mirrors and the wide accessway proposed that sight distance at the property boundary would be sufficient.
- Anchor Place is a narrow one-way street. Swept path diagrams have been provided in the TIA to demonstrate the scenario of a B99 vehicle and waste vehicle entering the accessway. It appears that these movements can be achieved without a vehicle requiring to reverse back onto Anchor Place. This can be supported, however no swept path diagrams of larger vehicles that could potentially be used for loading have been shown.
- A minimum floor grade of 1:200 for covered areas is required to allow for drainage, as per the Australian Standards.
- The bicycle parking provision exceeds the Planning Scheme requirement, however given the lack of car parking provision the excess may not be considered sufficient.
- The bicycle parking specifications have been detailed in the TIA however the dimensions of bicycle parking must also be included on the plans.
- The proposal includes the installation of one double width crossing on the Anchor Place frontage. All other redundant crossings are to be removed and returned to kerb channel, to the satisfaction of Council's Building and Local Laws Unit.
- The Anchor Place frontage of the site is subject to "No Stopping" restrictions. As such, alterations to the vehicle crossings on this frontage will not impact on-street parking opportunities.

Planner note: Draft permit conditions have been included in the recommendation to address the above considerations as appropriate.

Waste Management

- The development represents 184 rateable residential tenements. Presuming 'shared bin' arrangements, the standard allocation of bins for the development would be 92 x 240 litre MGB's collected weekly plus 92 x 240 litre MRB's collected fortnightly. The standard allocation of bins for the development would therefore be 184 x 240 litre bins.
- The 'City of Stonnington Residential Waste Management Guidelines' requires a WMP to be submitted with any planning permit application for a student housing development, or a development of four or more storeys, or a residential development within a commercial area.
- A reasonably comprehensive WMP accompanied this proposal. Aside from the issues detailed below, the WMP responded well to the waste management challenges presented in the plans.

- The WMP cites “Collection of each waste stream will be five times weekly for both waste streams. Flexibility with collection frequency can allow for further increases during periods of increased volumes.” This is contrary to the Stonnington Residential Waste Management Guidelines that state: “A collection frequency of more than twice per week will be discouraged. Notwithstanding four ‘waste collection free’ days must be maintained per week.”
The number of days wastes are collected from the development must be reduced.
- Council’s Waste Collection & Disposal Services Policy states that every rateable tenement is liable to pay a garbage charge irrespective of the level of waste collection services provided to the tenement by Council.
- This Policy principal must be reinforced within the WMP.
- Condition 4 should be amended to address the above issues and 4.b) may be deleted as it is no longer relevant.

Planner note: The suggested changes to the WMP form part of the recommended permit conditions.

Infrastructure

- The applicable flood level for the buildings fronting Anchor Place is 16.34m. All floor levels of buildings fronting Anchor Place must be at or above 16.54m to AHD.
- Given the proposed deletion of Conditions 1.c) and d), a standalone condition should be included to state that a permanent masonry or similar waterproof barrier at a minimum height of 16.31m to AHD must be provided for the full length of the eastern boundary and maintained to prevent flood waters entering the development, and there shall be no openings, windows, doors or vents below 16.31m to AHD.

Planner note: With regard to the first dot point, it is noted that the previous VCAT decision was based on the floor levels to Anchor Place being 16.54m to AHD. The amended plans show a reduced floor level of between 16.17m to 16.22m, however this is not considered sufficient to protect the building from potential flooding from the local drainage system. The above requirements have been included in the recommended permit conditions.

Environmentally Sustainable Design (ESD and WSUD)

- The proposed design has similarities to the endorsed plans in terms of height and mass. Beyond this, it is a different building inside and outside and with a new use. The ESD standard is effectively lower in terms of daylight, water and energy, as compared to the endorsed plans.
- The removal of the ESD, WSUD and WMP conditions is not supported.
- Any approval should include conditions to at least meet the ESD standards of the endorsed plans, and also align with the current codes (ie. NCC 2019) and standards, due to the new use, to protect the health and safety of building users and the public.
- Permit conditions are recommended as follows:

Condition 1e) should be amended to read:

Water sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent, including a rainwater tank capacity of at least 30,000 litres, associated with a roof catchment area of no less than 790 square metres. The rainwater tank is to be annotated as being plumbed to all toilets on levels 1 and 2, irrigation and general wash down, and indicative equipment and maintenance access areas are to be shown.

Condition 1f) should be retained.

Additional Condition 1 requirements should be included to require the following:

- Delineation of all roof catchment connected to the rainwater tank, including all major roofs and terraces on levels 1, 3, 6 and 8, with a total catchment area is to be at least 790 square metres.
- Design measures as identified in the BESS Report, as required to legitimately meet or exceed the following scores: Water - 50%; Energy - 50%, and Indoor Environment Quality (IEQ) - 61%.
- Amended design to include fixed exterior shading to the north and operable exterior adding to the east and west.
- Amended design such that all student accommodation units and primary work spaces meet the BESS daylight criteria per floor.
- End-of-trip bicycle facilities for staff.

Condition 5 should be amended to retain a) through g) and include the following new requirements:

- a complete, published BESS Report, with an overall score that legitimately exceeds 50%, and that meets the following score values: Water \geq 50%; Energy \geq 50%, and Indoor Environment Quality (IEQ) \geq 61%;
- the applicable building code to assess energy is to be NCC 2019, unless a 30% improvement on NCC 2016 can be demonstrated.

Condition 8 should be retained.

Planner note: The above requirements have been included in the recommended permit conditions.

The application was referred to Transport for Victoria however no response has been received to date. Under Regulation 20 of the *Planning and Environment Regulations 2015* a Referral Authority has 21 days to respond to a referral. If no response is received within this timeframe, the Responsible Authority may determine the application. As the referral was sent on 12 May 2020, the prescribed time has now elapsed.

Key Issues and Discussion

The amendments to the permit and plans are to be assessed against the relevant planning controls affecting the proposal. However, it must be noted that only the changes to the approved proposal are considered as part of this assessment.

As the height, massing and general footprint of the building have been approved under the original permit, they do not make up part of this application and cannot be re-assessed as part of these proposed amendments.

Strategic context

The site is located within an Activity Centre Zone which includes the following purposes:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage a mixture of uses and the intensive development of the activity centre:

- *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
- *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

The key consideration in the assessment of the proposed amendment is the extent to which there is policy support for student accommodation in this location.

At the State level, relevant planning policy encourages higher density development to be located in or close to activity centres, employment corridors and public transport so as to improve housing choice and make efficient use of existing infrastructure. The proposed development is consistent with the overarching themes of the State Policies having regard to the following:

- The subject site is located within a Principal Activity Centre where substantial change is encouraged. The proposal is in accordance with the objective and direction of Clause 11.03-1S, which encourages a diversity of housing types at higher densities in and around activity centres.
- The site is highly accessible to public transport infrastructure, with Prahran Railway Station located within walking distance and trams along Chapel Street, High Street and Commercial Road. The development of the subject site for a multi-storey residential building is in line with the policy direction of Clause 16.01-1S which seeks to ensure an appropriate quantity, quality and type of housing is provided, including student accommodation; and Clause 16.01-2S which encourages high density development on sites that are well located in relation to jobs, services and public transport.
- The proposal accords with the objective of Clause 16.01-3S that seeks to provide for a range of housing types to meet diverse needs.

At the Local policy level, Council's policies promote the Prahran/South Yarra Principal Activity Centre as an area for high density housing. Notably, Clause 21.05-2 (Location of residential development) identifies the subject site as being within an area suitable for substantial change. The proposal is consistent with Clause 21.05-5 (Specific housing needs) which seeks to address the need for appropriate accommodation for specific needs groups such as students. The policy supports suitable student accommodation close to large tertiary institutions. The subject site is located within 250 metres of the former Swinburne, Prahran Campus.

Student Housing Policy

The above strategies are underpinned by Council's Student Housing Policy at Clause 22.08. The policy identifies Swinburne, Prahran Campus as a large tertiary institution within the municipality, along with Holmesglen TAFE in Chadstone and the Caulfield Campus of Monash University which is on the periphery of the municipality. It is acknowledged that since the policy was adopted by Council, the Swinburne site is now occupied by two alternative education providers: Melbourne Polytechnic and Prahran High School. Melbourne Polytechnic is a tertiary institution offering both TAFE and Higher Education (Degrees).

Importantly, the policy acknowledges that land close to the abovementioned institutions also generally offers direct public transport access to other major tertiary institutions in central Melbourne. As outlined above, the subject site has excellent access to all modes of public transport and enjoys direct access to other major tertiary institutions including in central Melbourne, as well as Monash University Caulfield Campus via trams along Chapel Street and Dandenong Road. The location also benefits from the retail, entertainment and services offered in the Chapel Street precinct. The objectives of the policy are:

- *To channel purpose-built student housing into locations which have good access by foot or public transport to the tertiary institutions which generate the demand for this type of housing, and which offer high accessibility to relevant facilities such as shops, community facilities and appropriate services.*

- *To provide on-site car and bicycle parking to meet anticipated student needs.*
- *To ensure that the design, mass, scale, and character of student housing is appropriate to its location and sensitive to its impact on surrounding properties.*
- *To ensure that the layout, standards, and facilities for student housing provides a positive living experience for students.*
- *To ensure that the layout of the site and the design of buildings contributes to a high level of personal safety and security for student occupants.*
- *To ensure that appropriate management is in place to minimise negative impacts on surrounding properties, and to create a positive and safe living environment for students.*
- *To ensure that student housing is only occupied by bona fide tertiary students.*

The policy context for this proposal is one which supports a student housing development on this site, provided it meets the relevant policy requirements for parking, amenity, and design. The considerations are fundamentally limited to whether there is adequate provision of car and bicycle parking, and if the building has been designed to respond to its context and meet the internal amenity, safety and social needs of students whilst minimising any negative off-site impacts.

A student housing proposal must respond to a number of policies under key categories detailed at Clause 22.08-3. The proposed development is considered to provide an appropriate response as discussed below.

Location

The site is identified on Map 1 at Clause 22.08-3 as being in a *preferred student housing location* as it is within 400 metres of the former Swinburne site which is now occupied by another tertiary institution. Furthermore, the site is located within the Activity Centre Zone which is well suited to accommodate student housing at higher densities given the available infrastructure and services.

Car Parking

A Traffic Impact Assessment report was submitted with the application. The report identifies that student housing is typically associated with reduced car ownership and the proposal is unlikely to cause adverse traffic and parking impacts given the activity centre context of the site. Council's Traffic Engineers support this view.

The policy encourages reduced parking provision that reflects the reduced car ownership pattern of overseas students and the location of developments which are in close proximity to a tertiary institution or public transport. As previously outlined, the site is highly accessible to various sustainable transport options including public transport, cycling and pedestrian links. There are also several car share schemes within the Activity Centre which reduce the dependence on vehicle ownership which is supported by Local policy.

The proposal does not include any car parking spaces which is considered an appropriate response to this policy and will likely minimise traffic congestion as the development does not attract additional cars into the Activity Centre. It is noted that occupants of the development would not be eligible for resident parking permits, therefore they would be bound by all parking restrictions in the surrounding area.

Bicycle Parking

The proposal includes accessible ground floor areas specifically set aside for bicycle parking within the development. The facilities include 6 external visitor spaces at the Cecil Place frontage and two internal secure bike store rooms both accessed from Anchor Place, with 72 and 16 spaces respectively. The provision of a total 94 bicycle parking spaces exceeds the State planning provision requirements by 58 spaces, and also exceeds the rate of one space for every three beds (80 spaces) as recommended by Local Policy. Thus the bicycle parking provision is considered to be sufficient and will assist to offset the lack of car parking. The separate access arrangements to the bicycle areas are considered appropriate.

Internal Layout and Facilities

The amended development proposes several common areas to promote student interaction and a sense of community. These areas include a communal lounge / games room with associated café kiosk, open and enclosed study spaces, a gymnasium and a bike workshop at ground level; a first floor terrace on the west side of the building; a sixth floor kitchen / dining room with direct access to a large outdoor terrace with a north-west orientation; and two outdoor terraces at the front and rear of the building on the eighth floor. The spaces are generally of open-plan design and are sufficiently dimensioned to be capable of being used for multiple functions and achieve passive surveillance within the development. All upper floor areas are accessible to all students via lift and stairs. The sixth floor terrace and the north facing terrace on the eighth floor will both receive excellent solar access and all internal communal spaces are provided with generous glazing for solar access. The external terraces provide for vegetation around the perimeter which is consistent with the previously approved development. The policy provides that all residents should have access to either communal or private open space and does not specifically call for secluded private open space areas for individual lodging rooms, such as balconies, therefore the communal facilities proposed comply with the objectives of the policy.

A student housing development must address potential offsite impacts such as noise, waste disposal, and neighbourhood character. It is considered that noise generated from the use (eg. from students on the external terraces) will be residential in nature and will be comfortably absorbed within the surrounding residential and commercial environment of the activity centre. Notably, the deletion of private balconies will assist to limit the potential noise associated with use of the outdoor areas. Waste disposal will be managed via a comprehensive Waste Management Plan. It is noted that a loading bay is provided on the ground floor accessed from Anchor Place and waste will be collected on site by a private waste contractor. A determination of whether the scale and mass of the building is compatible with the neighbourhood character has previously been undertaken during the original assessment and was found to be acceptable by VCAT. Specific changes to the built form proposed by this amendment are discussed in detail below.

The Student Housing Policy seeks to limit *excessive* overlooking between rooms within the development and on adjoining properties. The lodging rooms have generally been located and designed to limit overlooking and privacy screens are proposed where appropriate to protect neighbouring amenity. Screens are provided on level 1 and 2 to the south facing windows of the north-west wing, the north facing windows of the south-west wing and all south facing windows. Above the second floor, the south facing windows are not proposed to be screened as they are not within 9m of neighbouring habitable rooms on the opposite side of Anchor Place. North facing corridors within the south-west wing are provided with highlight windows on levels 3 to 6. The sixth and eighth floor terraces are each provided with 2.55m high mesh balustrading set behind planter boxes. These measures are considered adequate to mitigate excessive or unreasonable overlooking.

The accommodation floors are arranged with a mixture of self-contained studios, twin student rooms, and clusters which essentially contain either 2 or 5 separate lodging rooms with a communal kitchen/dining area. The 5-room clusters also each include a lounge area within the kitchen/dining space. This configuration is supported as it promotes student interaction and a sense of community, as sought by policy.

The lodging rooms have been internally designed in accordance with policy objectives to meet the anticipated needs of resident students. The policy does not dictate a minimum room size; rather it requires that each room is large enough to provide for specific student requirements such as a desk, book shelves, storage space, a table or bench on which to prepare and eat food, basic cooking facilities, a sink and fridge. The rooms are sufficiently sized and designed to provide a private area to sleep and study and all rooms have access to either a private (studio) or shared (cluster) bathroom and kitchen facilities, including provision for storage and a place to eat. All rooms have an operable window external to the building for natural daylight and fresh air. A communal laundry is provided on the ground floor comprising both washing and drying facilities.

Management

The policy calls for the proper and appropriate use of student housing via ongoing management arrangements. This can be achieved by way of a detailed Management Plan which is to be submitted for approval prior to commencement of the use. The plan should outline how the complex will be managed, provide detailed information for students and visitors, provide a set of house rules for behaviour and grievance or dispute procedures, and detail measures to ensure the use does not cause negative amenity impacts on the surrounding area. The requirement for a management plan is included in the recommended conditions.

Furthermore, to ensure the use is confined to exclusively housing students, it is policy to require a Section 173 Agreement to be entered into. This requirements also forms part of the recommended permit conditions.

Built Form

It has previously been established by the original approval that the subject site is in a suitable location for a substantial residential development of ten storeys in the form proposed. The amended proposal is generally in accordance with the approved development in terms of its height, building envelope and architectural appearance.

The amendment seeks to reduce the ground floor setback to Cecil Place to 500mm where previously a staggered façade was provided to the shop, residential entry and food and drink premises. The façade is provided with expansive glazing to the common areas and incorporates integrated seating along the frontage. These measures will improve the public realm interface and assist to activate the street.

The ground floor setback to Anchor Place is generally maintained with the exception of the loading bay entrance which was previously recessed and will now align with the façade. The overall level of glazing to the Anchor Place façade is generally consistent with the approved development and will continue to provide the same level of streetscape activation. It is noted that the extent of access to services along this frontage has not been increased.

Above ground floor, the north-west corner of the western wing on Levels 1 to 6 has been deleted, providing an increased setback along the entire southern boundary of 8 Cecil Place of 2.45m. This will reduce visual bulk impacts on the neighbouring property.

Deletion of residential apartment balconies will streamline the appearance of the building. The introduction of a retractable roof to the sixth floor terrace and pergolas to the eight floor terraces will provide the required amenity for occupants. As they are lightweight structures they will not add excessive visual bulk to the appearance of the development. Other

changes to the elevations include minor changes to external finishes and colours. However the approved muted, natural colour palette of greys and browns has been retained, as has the overall verticality to the façade treatment which reflects the vertical ordering of the existing heritage streetscape.

Importantly, the plans continue to demonstrate compliance with the approved built form requirements of the existing permit, including the ten storey height, a three storey podium to both Cecil Place and Anchor Place, floor to floor heights, a differentiation in materials and form of the upper levels above streetwall on Cecil Place, and upper level setbacks to all boundaries. The envelope of the upper levels also reflects the shape of the approved development. The minor nature of the proposed changes does not result in any increased overshadowing of private properties or the public realm.

Overall, the built form changes proposed do not transform the approved development, they are considered to be inconsequential and the development remains consistent with the objectives of planning policy applicable to the Activity Centre Zone.

Sustainable Design Assessment

An updated Sustainability Management Plan (SMP) has been submitted which incorporates the changes to the built form and layout of the development. The development achieves a BESS score of 51% and a STORM rating of 101% which are considered to meet best practice.

In order to satisfy the objectives of Council's ESD Policy at Clause 22.05 and Stormwater Management (WSUD) Policy at Clause 22.18, as well as meet the requirements of Clause 53.18, the plans are required to be amended as recommended by Council's ESD Officer. The suggested permit conditions are included within the recommendation.

Conclusion

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

- The site is in a preferred location for student housing accommodation.
- The site has excellent access to existing infrastructure and sustainable modes of transport.
- The absence of car parking on site is consistent with State and Local policy objectives to reduce reliance on private vehicles.
- The amended proposal represents a built form outcome which is generally consistent with the approved development.
- The use and development does not create any unreasonable off site amenity impacts.
- The proposal offers future occupants with an acceptable level of internal amenity.

Governance Compliance

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

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 & Responsibilities Act 2006.

Attachments

1. 1042-16 - 10-16 Cecil Place, Prahran [13.1.1 - 18 pages]

Officer Recommendation

That Council ADVISE VCAT and other interested parties that it supports the application to amend Planning Permit No: 1042/16 for the land located at 10-16 Cecil Place, Prahran, to allow Demolition; use of the land as Accommodation (student housing); and buildings and works in an Activity Centre Zone, Heritage Overlay and Special Building Overlay, subject to the following changes to permit conditions (shown strikethrough and underlined and renumbered accordingly):

1. Before the commencement of the use and development, one (1) electronic copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by ~~Fender Katsalidis~~ Hayball Architects and are dated ~~13 September 2017~~ 7 February 2020 but modified to show:
 - a) ~~deletion of two levels of levels 7, 8 or 9;~~
 - b) ~~modifications to the podium fronting Cecil Place as shown on the plans prepared by Fender Katsalidas Architects titled 'Level 3 Floor Plan – Option dated 18 October 17 and 1 November 2017';~~
 - c) ~~The eastern side of the development waterproofed and with a minimum finished floor level of 16.31m AHD;~~
 - d) ~~no openings, windows, doors or vents are to be provided along the east elevation below 16.31m AHD;~~
 - e) ~~location and capacity of the rainwater tanks and, subject to the requirements of the SMP, an annotation that confirms the rainwater tanks will be connected to toilets (including the residential toilets) for flushing;~~
 - e) water sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent, including a rainwater tank capacity of at least 30,000 litres, associated with a roof catchment area of no less than 790 square metres. The rainwater tank is to be annotated as being plumbed to all toilets on levels 1 and 2, irrigation and general wash down, and indicative equipment and maintenance access areas are to be shown;
 - f) any changes as required by condition 4 (WMP), 5 (SMP), 7 (wind assessment report) and 8 (WSUD);
 - g) ~~a convex mirror on the western wall adjacent to the loading bay;~~
 - h) ~~the placement of angled vertical fins on level 2 balconies of south facing apartments to reduce direct views;~~
 - g) A minimum vertical headroom clearance of 2.2m provided at the access entrance on Anchor Place with the garage door in the open position;
 - h) A minimum clearance height throughout the loading area of 4m;
 - i) All bicycle parking to be dimensioned in accordance with Australian Standards;
 - j) All redundant vehicle crossings shown to be removed and reinstated to kerb and channel to the satisfaction of Council;
 - k) provision of clear glazing to the ground floor areas along the north, east and south elevations of the building;

- l) The finished floor levels of the loading bay, pedestrian entry, bike workshop and bike stores fronting Anchor Place must be at least 16.54m to AHD;
 - m) delineation of all roof catchment connected to the rainwater tank, including all major roofs and terraces on levels 1, 3, 6 and 8, with a total catchment area is to be at least 790 square metres;
 - n) design measures as identified in the BESS Report, as required to legitimately meet or exceed the following scores: Water - 50%; Energy - 50%, and Indoor Environment Quality (IEQ) - 61%;
 - o) amended design to include fixed exterior shading to the north and operable exterior adding to the east and west;
 - p) Amended design such that all student accommodation units and primary work spaces meet the BESS daylight criteria per floor;
 - q) End-of-trip bicycle facilities for staff.
- all to the satisfaction of the Responsible Authority.
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 (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Except with the consent of the responsible authority, Fender Katsalidas Hayball Architects (or another architectural consultancy to the satisfaction of the responsible authority) must be retained to provide architectural oversight prior to and during construction of the project as shown in the endorsed plans to the satisfaction of the responsible authority.
 4. Concurrent within the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:
 - a) Dimensions of waste areas.
 - b) ~~The number of bins to be provided in accordance with the 'City of Stonnington Residential Waste Management Guidelines'.~~
 - c) Method of waste and recyclables collection.
 - d) Hours of waste and recyclables collection.
 - e) Method of presentation of bins for waste collection.
 - f) Sufficient headroom within the car park to allow the passage of waste collection vehicles.
 - g) Sufficient turning circles for the waste collection vehicles to drive out in a forward direction.
 - h) Strategies for how the generation of waste and recyclables from the development will be minimised.
 - i) Clarification on how residents and retail tenants will dispose of their wastes.
 - j) Provision of internal access for all commercial tenants to dispose of their wastes.
 - k) Four waste collection free days per week from the development must be maintained.

- l) **Confirmation that every rateable tenement is liable to pay a garbage charge irrespective of the level of waste collection services provided to the tenement by Council.**

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the Plan, to the satisfaction of the Responsible Authority.

5. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP prepared by Sustainable Development Consultants dated October 2016 (and updated as necessary to reflect the plans prepared by Fender Katsalidis Architects dated 13 September 2017, 18 October 2017 and 1 November 2017). 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. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must include, but not necessarily limited to, the following:

- a) demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed;
- b) identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards;
- c) document the means by which the appropriate target or performance is to be achieved;
- d) identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring;
- e) demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time;
- f) demonstrates how the policy objectives of Clause 22.18 are achieved, including details on plans of how each impervious area is treated, and that all toilets and the irrigation system are connected to the water tank;
- g) commitment to the development of a construction phase stormwater pollution reduction strategy;
- h) ~~commitment to minimum insulation values and glazing performance.~~
- i) ~~commitment to a minimum efficiency rating of the reverse cycle systems.~~
- j) ~~specification of the heating and cooling systems to be used for the non-residential spaces.~~
- k) ~~commitment to the provision of a Building Users Guide to future occupants of both the residential and non-residential components of the development.~~
- h) **a complete, published BESS Report, with an overall score that legitimately exceeds 50%, and that meets the following score values: Water ≥ 50%; Energy ≥ 50%, and Indoor Environment Quality (IEQ) ≥ 61%;**
- i) **the applicable building code to assess energy is to be NCC 2019, unless a 30% improvement on NCC 2016 can be demonstrated.**

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.

- 6. Prior to the occupation of the development approved under this permit, a report from the author of the Sustainable 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 Sustainable Management Plan have been implemented in accordance with the approved plan.**
- 7. Concurrent with the endorsement of plans, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner/applicant's wind climate experts, referencing the use of architectural features and planting to resolve any issues identified.**
- 8. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Stormwater Management (Water Sensitive Urban Design) Policy to the satisfaction of the Responsible Authority.**
- 9. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed plans and/or stormwater management report.**
- ~~**10. Prior to the occupation of the building, a Car Parking Allocation Plan must be submitted to and approved by the Responsible Authority. The Car Parking Allocation Plan must specify how the car spaces will be allocated to individual dwellings and commercial staff, to the satisfaction of the Responsible Authority. When approved, the Car Parking Allocation Plan will be endorsed and form part of the permit.**~~
- 11. Concurrent with the endorsement of plans, the Applicant is to provide to Council's GIS department a digital 3D model of the development site to specification.**
- 12. Prior to the occupation of the building/ commencement of use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.**
- ~~**13. The provision of music and entertainment on the ground floor food and drinks premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.**~~
- 14. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.**
- 15. Any projection over the street must have a minimum vertical clearance above the footpath level of 2.7 metres and a minimum horizontal clearance of 750 millimetres from the street kerb unless otherwise approved in writing by the Responsible Authority.**

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. 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.
18. The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.
19. All plant and equipment (including air-conditioning units) must be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and 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. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.
20. 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 accordance with that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.
21. The level of the footpaths and/or laneways at the property line must not be lowered or altered to facilitate access to the site.
22. Prior to occupation of the building or commencement of use, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.
23. 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.

MELBOURNE WATER CONDITIONS

24. The ground floor retail, lobbies and service rooms must be constructed with finished floor levels set no lower than 15.69 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 15.39m to AHD.
25. ~~The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 15.69m to AHD which is 300mm above the applicable flood level of 15.39m to AHD.~~
26. ~~All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.~~
27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

END MELBOURNE WATER CONDITIONS

28. ~~Prior to the occupation of the building, the submission of a preventative maintenance agreement with a qualified maintenance provider for the automatic parking units must be provided to the satisfaction of Council.~~

29. A permanent masonry or similar waterproof barrier at a minimum height of 16.31m to AHD must be provided for the full length of the eastern boundary, and maintained to prevent flooding entering the development. No openings, windows, doors or vents are permissible below 16.31m to AHD.
30. Prior to the occupation of the development, a Management Plan must be submitted to and approved by the Responsible Authority for the student accommodation on the land. When approved, the plan will be endorsed and will then form part of the permit. The Management Plan must establish a set of 'house rules' for the use, to be followed thereafter to the satisfaction of the Responsible Authority. The Management Plan must ensure that a suitably qualified full time manager with responsibility to oversee students is either on-site during general business hours or contactable off-site after hours by both professionally trained staff and residents. The Management Plan must also detail the maintenance, cleaning, garbage storage and collection, supervision and security of the site.
31. Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
- a) The student accommodation provided on the land is to be used for the exclusive accommodation of students enrolled at a secondary or tertiary level educational institution (excluding any person employed on a permanent full-time basis) and is to be vacated within three months of completion of studies or commencement of employment on a permanent full-time basis.
 - b) The building is to operate at all times in accordance with the Management Plan as required by this permit to the satisfaction of the Responsible Authority. The Management Plan must establish a set of 'house rules' for the use, to be followed thereafter, to the satisfaction of the Responsible Authority. The plan must ensure that a suitably qualified full time manager with responsibility to oversee student behaviour is either on-site during general business hours or contactable off-site after hours by both professionally trained staff and residents. The Management Plan must also detail the maintenance, cleaning, garbage storage and collection, supervision and security of the site.

The requirements contained in the agreement must form part of any lease of the premises which the owner of the land under this permit may enter into with another party. The permit holder must bear the costs and expenses of this agreement, including preparation, execution and registration on title.

32. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three (3) years of the date of this permit.
 - b) The development is not completed within five (5) years of the date of this permit.
 - c) The use is not commenced within five years of the date of this permit.
 - d) The use is discontinued for a period of two years or more.

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.

13.2 Planning Application 0993/19 - 6/643-645 Toorak Road, Toorak

Manager Statutory Planning: Alex Kastaniotis

Director Planning & Place: Stuart Draffin

Purpose of Report

For Council to consider a planning application for an extension to an existing dwelling on a lot that contains more than one dwelling in a General Residential Zone at 6/643-645 Toorak Road, Toorak.

Officer Recommendation Summary

That Council authorise Officers to issue a **Notice of Decision to grant a planning permit** subject to conditions outlined in the Officer Recommendation.

Executive Summary

Applicant:	URPS Pty Ltd
Ward:	North
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	None
Neighbourhood Precinct:	Garden estate
Date Lodged:	03 December 2019
Statutory Days: (as at Council Meeting date)	84
Trigger for Referral to Council:	4 storeys and Councillor call up
Number of Objections:	4
Consultative Meeting:	Yes, held on 9 July 2020
Officer Recommendation	Notice of Decision to Grant a Planning Permit

Background

The Proposal

The plans that form part of the basis of Council's consideration are as follows TP01b-TP07b, Council date stamped 26 March 2020.

Key features of the proposal include:

- Demolition of all internal walls, fitting and fixtures except for some of the existing walls in the kitchen, master bedroom and laundry. As well as demolition of the north facing windows of the bedrooms and sunroom, removal of the balustrade of the terrace along its eastern and southern perimeter. These works do not require a planning permit. Construction of a kitchen in the south east corner of the lot (currently a terrace) resulting in an increase in the height of the south east corner of the building from approximately 11.7 metres to 12 metres.

Internal reconfiguration and extension to the dwelling to include three bedrooms (currently two), one with walk in robe and ensuite, laundry, bathroom, open plan living and dining area connected to raised kitchen

Site and Surrounds

The site is located on the north-west corner of Toorak Road and Moonga Road, Toorak and is occupied by a part three/part four storey multi-unit building.

The existing building is brick with a flat roof and undercroft car park to the north that is typical for units built in the 1960s. This existing building is part of the group of four three/four storey brick buildings with a similar style. They are located on the adjoining western lots at 637, 639, 641 Toorak Road and the subject site. The building opposite the site to the east at 647 Toorak Road has a similar architectural style with undercroft parking albeit with a pitched roof element.

The existing building on the subject site has an 'U' shape building footprint, where the three wings are positioned in parallel to the western, southern, and eastern boundaries of the site. A driveway leading to the central court of the building is accessible from Moonga Road, at the northeast corner of the site.

Previous Planning Application/s

A search of Council's records indicates a number of planning permits issued for the site for front fences, as well as the following permits (NB no permits have previously been issued for unit 6):

Unit 1

Planning Permit 424/03 was issued on 22 May 2003 for a porch to replace the western end of the existing verandah area with a glass roof open canopy. A sail was also approved to be attached around the eastern end of the existing verandah as well as removal of a chimney.

Planning Permit 289/05 was issued on 11 May 2005 for '*Buildings and works (conversion of verandah into a porch and installation of shade sail)*'. More specifically the permit allowed the:

- Conversion of the ground floor verandah to enclose half of it into a porch and the other half with a shade sail. The porch featured a glass wall facing the flats private open space.

Unit 2

Planning Permit 1053/04 was issued on 17 May 2005 for '*Alterations and additions to include a roof deck and studio on a multi-unit development.*' This included internal alterations to the existing floor plan, including new kitchen, stairwell and relocation of rooms. More significantly it added a new second level above the existing first floor to be constructed on existing flat roof. The upper level comprised of a studio, balcony and a south and north facing roof garden.

A secondary consent application was later approved on 15 June 2010 which extended the width of the roof deck area, added a skylight as well as increasing the height of the studio.

It is noted that no planning permit was located for the entire building complex, however, Council's records have identified historical building plans circa 1960 with the subject site formerly referred to as Flat 2.

The Title

A 2.44m wide drainage and sewerage easement runs east to west along the north of the lot.

The site was subject to a strata subdivision and is subject to body corporate unit entitlements and liabilities.

Common property comprises all the land in the parcel except the land contained in units 1 to 16 inclusive. Further to this, the upper boundary of the unit six terrace (subject site) is located three metres above the outer surface of the roof of that part of the first storey.

DIAGRAM 1
SOUTH ELEVATION OF BUILDING

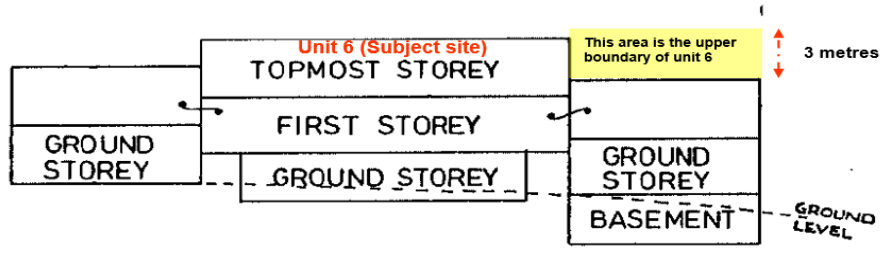


Figure 1: Diagram derived from the Title Plan with edits and notations showing the title boundaries. The yellow is located above the unit below and is the location of the proposed kitchen.

DIAGRAM 5
TOPMOST STOREY

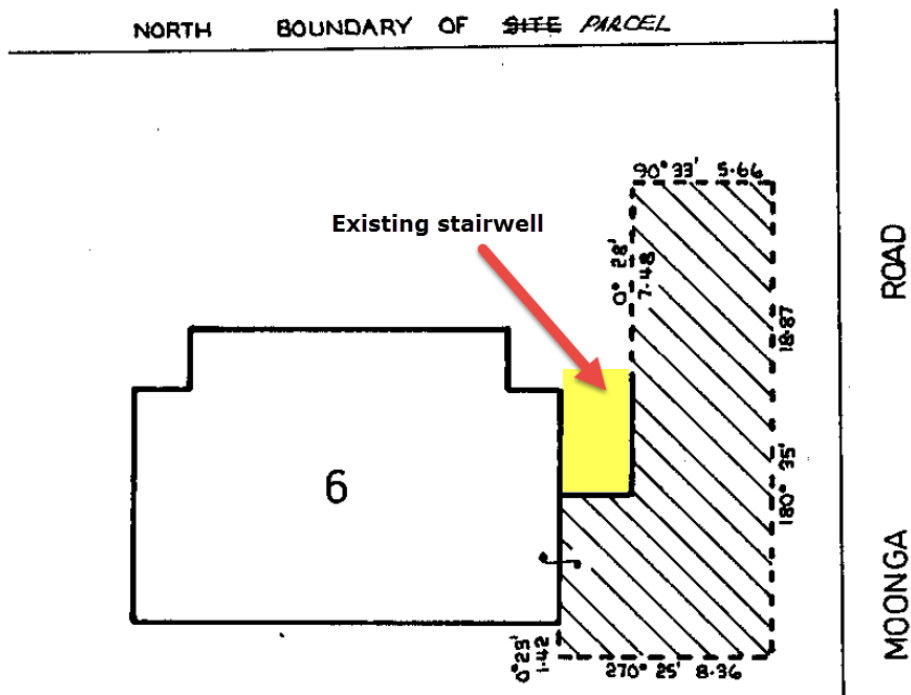


Figure 2: Diagram derived from the Title Plan. The dashed lines depict part of unit 6 where the upper boundary is three metres above the outer surface of the roof of that part of the first storey.

The site summary/legend on the plans identifies a portion of the land as 'traversable land' i.e. land identified on the plan that is located outside the registered title boundary for lot 6 on the plan. The rear rooftop terrace (north of the stairwell) extends beyond the title boundary and is therefore 'traversable land.'

Legal advice was submitted by the applicant in relation to the traversable land and noted:

The land at the site is described in strata plan SP24717Q. As part of the way of defining boundaries in strata plans, bold lines were shown where the boundary was defined by a building and dotted lines were marked where the boundaries are not defined by buildings. In the land of the 'Traversable Land' the boundary of this area is shown by measurement alone. That is, it is not defined by structure.

I have tried to undertake a search of the survey report for the property, which would normally give some indication as to why a measurement was undertaken in a particular way. Unfortunately, the survey report for this site was not imaged and is not currently obtainable. Interestingly, the earlier LP plan for the site is now redundant and removed but the survey report for the earlier plan is available. However, it does not shed any further light on the traversable land.

I have undertaken a search of aerial photography from around 1984 and can see the property as constructed. I am, however, unable to determine the size of the terrace area from the aerial photograph.

... These [the building plans plans] show the proposed size of the rooftop terrace, which does not accord with either the built terrace, or the title measurements.

I have not been able to at this time determine from a Council or Land Titles document, an explanation for why the 'traversable land' exists.

The advice further confirmed that the:

...proposed works at the site and note that the works do not in any way propose any changes to the rooftop to the north of the existing stairwell. As such, there are no proposed works that require the traversable land to be on title, or the agreement with the other owners of the Owners Corporation...

In reviewing the existing conditions it is clear that the area of traversable land is in the exclusive possession of Lot 6 (subject site) as it is only able to be accessed by Lot 6 through the existing sunroom, despite part of the traversable land being part of the common property on the strata plan SP24717.

The legal advice provided further went on to explain that:

The land may be occupied as a consequence of an agreement between lot owners (at the relevant time) and the then owner of lot 6, whereby the agreement allowed the owner of lot 6 to extend the terrace beyond the title boundary and into the 'traversable land'. The current owner may have rights as a result of this agreement to stop the other owners from arguing that the traversable land must be returned to common property.

The land is likely to be subject to a claim by the owner of a prescriptive easement, which can apply over common property. Such easement would have arisen as a consequence of long use of the traversable area, being use in excess of twenty years.

As a result of one or all of the above, the other lot owners at the property are unlikely going to be able to demand that the owner of lot 6 be prevented from using the traversable land.

Given that no works are proposed on the traversable land in question, the traversable land is not relevant to the consideration of this planning permit application. The issuing of a planning permit for buildings and works that is not associated with the traversable land is not reliant on the regularisation of this land.

Planning Controls

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

Control	Permit Requirement
General Residential Zone	Clause 32.08-6: Extend a dwelling if there are two or more dwellings on the lot.

The following Clauses of the Stonnington Planning Scheme do not trigger a requirement for a planning permit but are relevant to the consideration of the proposal:

Clause 22.23 – Neighbourhood Character Policy

Clause 52.06 – Car parking

Relevant Planning Policies

Clause 16.01-1S – Integrated Housing
Clause 16.01-2S – Location of residential development
Clause 16.01-3 – Housing diversity
Clause 21.03-2 – Vision
Clause 21.05-2 – Location of residential development
Clause 21.06 – Built Environment and Heritage
Clause 21.06-1 – Overall urban structure
Clause 21.06-4 – Built form character
Clause 22.23 – Neighbourhood Character Policy
Clause 32.08 – General Residential Zone
Clause 55 – Two or more dwellings on a lot (ResCode)
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 two signs on the site. The public notification of the application has been completed satisfactorily.

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

- The proposal does not respond to the relevant provisions of the Stonnington Planning Scheme (Planning Scheme) including the zone and various policy provisions such as clauses 21.06 and 22.23 and setbacks.
- The proposal does not respond to the preferred or existing character of the area by way of materials and elevated form and creates visual bulk.
- Concern at the absence of a Construction Management Plan.
- Noise of the new room above the existing apartment below.
- Overlooking into the courtyard of apartment 3.
- The proposal fails to apply for a car parking waiver pursuant to clause 52.06 of the Planning Scheme given the dwelling will contain three bedrooms with only one car space provided. It is considered that a waiver of a car space would be unacceptable.

- Aspects of the proposal are located outside the title boundary and encroach on common property which would impact the lawful use and enjoyment of common property.
- The architectural plans erroneously identify part of the land to be the subject of the permit as “traversable”.
- Consent from the Owners Corporation has not been requested or provided, and will be in breach of the rules of the Owners Corporation.

A Consultative Meeting was held on 9 July 2020. The meeting was attended by Councillors Koce and Griffin, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans.

Referrals

Urban Design

- No objection was received from Council’s Urban Designer.

Key Issues and Discussion

Neighbourhood Character

Clause 55.02-1 seeks to ensure the following objectives are met:

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- To ensure that development responds to the features of the site and the surrounding area

The proposal is considered to comfortably meet this by being of an appropriate scale and height as the prevailing character in the area which largely comprises of detached double storey dwellings with pitched roofs as well as postwar 1960s two and three storey brick flats with flat roofs. Many of the residential buildings in the area of a grand scale, equivalent to the total height of the proposed extended building.

A number of grand Federation/Interwar (constructed in 1915-1920) detached dwellings are also located at 618, 620 and 632 Toorak Road.

The properties at 619 Toorak Road (constructed in 2003), 667 Toorak Road (1997), 669 Toorak Road (1999), 671 Toorak Road (2011) and many other properties located on the side streets at the rear of the subject site contribute to what is clearly an evolving neighbourhood which comprises an eclectic mix of housing types. The area is expected to continue to undergo this change into the future owing to its location along a tram corridor and inner city location zoned to allow developments up to 13.5m in height (or 14.5m on a sloping site).

Having regard to Clause 22.23 (Neighbourhood Character Policy) the proposal is considered to comfortably fit into the existing building by way of the following design features:

- The addition is contemporary, however, it complements the built form and scale of the immediate area which contains a number of multistorey flats. It is noted that the eastern part of the existing building is currently four storeys with the proposed maximum overall height of 11.5 metres (Moonga Road elevation) or 10.2 metres (Toorak Road elevation) generally matching the existing roof line.
- The addition will be formed of a simple geometry comprising a rectangular volume with slightly sloping skillion roof form above. The architecture represents a contemporary design which integrates with the fabric of the existing building. The rectilinear language of the extension is further expressed by the detailing and palette of materials applied to

the elevations which include timber framed clear and obscure glazing panels and paint finishes to match those already existing.

- The roof form incorporates eaves.
- It does not exacerbate site coverage, remove trees or impact on landscaping.

Maximum building height and number of storeys:

Pursuant to schedule 3 of clause 32.08 (General Residential Zone), the development must not exceed a height of 13.5 metres. The maximum height of the proposed building is 11.5 metres and is therefore compliant with both the height and storey provisions.

Amenity Impacts

Overshadowing

The property affected by overshadowing is unit 3 which is located on the ground floor along the Toorak Road frontage.

Standard B21 requires:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

*If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.**

**officer's emphasis*

The total area of Secluded Private Open Space (SPOS) for unit 3 is 78m², therefore 75% of this space is 58.5m² – the lesser area would therefore be 40m² which needs to receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

Currently, at no time during the day does Unit 3 receive this level of sunlight to its SPOS by virtue of overshadowing from the subject site and its southern orientation.

The best case scenario is at 9am where 35% of the 78m² SPOS (i.e. 28m²) is unshadowed, this gradually reduces throughout the day as follows:

Time	Existing unshadowed area	Proposed unshadowed area (post-development)	Difference in shadowed area
9am	28m ² (35%)	28m ² (35%)	No change
10am	24.5m ² (32%)	24.2m ² (31.5%)	0.3m ² increase in shadow
11am	21.5m ² (27.5%)	17m ² (21.8%)	4.5m ² increase in shadow
12pm	17.5m ² (22.5%)	11.3m ² (14.5%)	6.2m ² increase in shadow
1pm	13.5m ² (17.3%)	9.1m ² (12%)	4.4m ² increase in shadow
2pm	15m ² (19.3%)	13m ² (16%)	2m ² increase in shadow
3pm	17.5m ² (22.5%)	17m ² (21.8%)	No change

Given the size of the kitchen being proposed, the design response is not considered to sensitively respond to the constraints of undertaking an extension within an existing apartment complex. It is considered that the proposal could reduce the extent of

overshadowing by setting the kitchen back 1 metre from Toorak Road, a condition on any permit that may be issued is therefore recommended. An analysis undertaken on the effects of a 1 metre increase in the setback indicates that a reduction in overshadowing would be achieved.

Overlooking

Eastern (Moonga Rd) elevation

No screening is required as the proposal directly faces Moonga Road as opposed to an adjacent property. It is also noted that the existing windows to the apartment that face Moonga Road are not screened. Notwithstanding this, the applicant proposes to use obscure glazing for some of the window panels where the proposed appliances and joinery (fridge, cabinets etc) will be located. The elevations have been designed to retain the pattern of fenestration typical for this style of building and is supported. It is noted that the glazing has not been labelled as 'fixed', but given there is no ResCode requirement to screen these windows it is not necessary to request this level of detailing.

Northern (rear) elevation

No screening required given the habitable rooms comprising of Bed 1 and the Living Room face the internal driveway/parking area and the nearest adjoining property (1 Moonga Road) is more than 10 metres away. It is noted that there may be some minor loss of privacy due to the proposed floor to ceiling windows which replace some of the existing wall potentially allowing some views into the balcony of the dwelling below (Unit 4) from the north facing windows, however, this is consistent with existing conditions whereby the Master Bedroom and Bedroom 2 have clear glazing facing this area. It is further observed that views into the balcony of the dwelling below are also possible by those who access and use the car park and look up as well as directly from the east and west wings which contain windows looking into the car park and internal spaces.

Southern (Toorak Rd) elevation

The proposed windows to the apartment that face Toorak Road will not be frosted or screened. Given these windows provide outlook to the street and it is not considered good urban design practice to frost street facing windows. It is noted that the existing terrace currently overlooks into the existing open space of the ground floor apartment, and that the balcony of unit 5 currently overlooks into the front garden at a much more significant level than the proposed kitchen of unit 6. Therefore, there is no increase in overlooking and that the objective of limiting overlooking has been met.

Notwithstanding, the proposed condition of permit to setback the Kitchen by 1 metre from the southern title boundary and potentially retain part of it as a terrace will not worsen the existing conditions with regards to overlooking into the front garden of Unit 3.

Setbacks

In accordance with Standard B6 and recognising the sites corner location, the side walls of the extension fronting the side street (Moonga Road) are required to be setback at least the same distance as the setback of the front wall of the existing building on the abutting allotment facing Moonga Road which is approximately 2.5 metres – taken to be 1 Moonga Road. The proposal comfortably meets this requirement as it proposes does not seek to reduce the side setbacks, maintaining the existing Sunroom setback of 4 metres. The proposal makes no change to the front setback to Toorak Road, nor the side and rear setbacks to the north and west, therefore Standard B17 does not apply.

The design carefully integrates with the existing building by virtue of its scale, materiality and height. It has been cleverly designed to complement the apartment complex by neatly fitting in to the corner and using glazing to match the remainder of the building. The slight pitch in the flat roof and increased height clearly distinguishes the extension as a contemporary addition and ensures it does not mimic the existing 1960s building. This ensures that the reduced setbacks do not look out of character, noting that the proposal has not been built to the title boundary and continues to provide a significant level of openness when viewed from the corner of Toorak Road and Moonga Road.

The use of glazing in lieu of cladding or other solid material for much of the east elevation will have a positive visual impact by reducing perceptions of visual bulk and by maintaining the prevailing character (as they relate to 1960s flats, and the existing building).

On-site Amenity and Facilities

Private open space

The proposal will retain the northern outdoor terrace (i.e. rooftop area) which is partially outside of the title boundary of Unit 6 but in exclusive use by Unit 6. Excluding the portion that is not within the title boundary, there is approximately 31m² of open space provided in this area which has a minimum dimension (width) of 4.3 metres. The development therefore exceeds the requirements of Standard B28 which requires a roof-top area of 10m² with a minimum width of 2 metres.

Common Property

The applicant has confirmed by e-mail that the application does not propose works to occur outside of the title boundary. Proposed Section AA on TP06B denotes a raised structural zone (in black) with the intention being to rely on this structural zone to carry out proposed works.

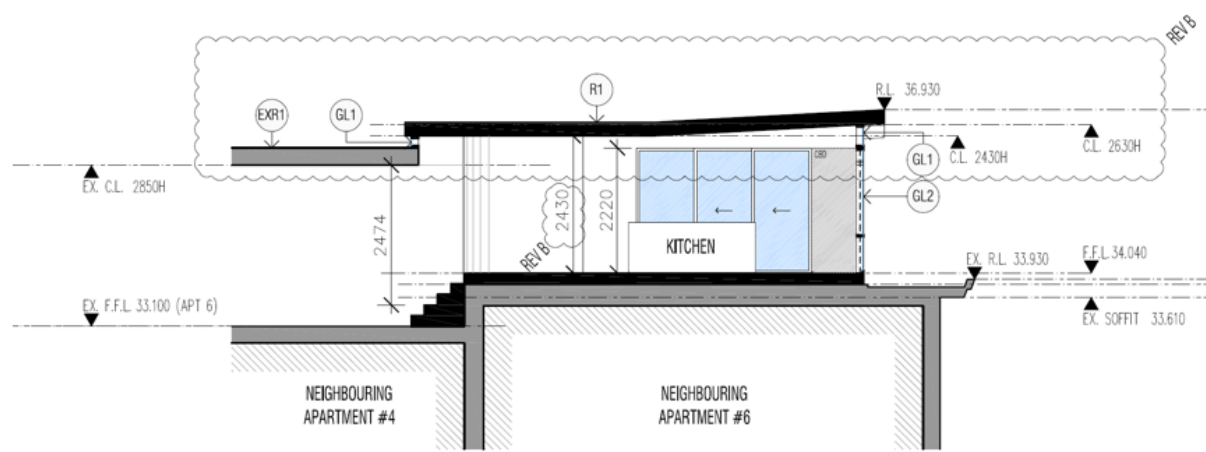


Figure 3: Proposed section diagram showing the proposed raised structural zone.

It has been identified that the overall roof height appears to exceed the upper limits of Unit 6 by several centimetres. A condition on any permit that may be granted will be imposed to address this and ensure the extension is wholly contained within the upper and lower title boundaries of the lot in accordance with the Certificate of Title and Title Plan Diagram.

It is noted that a section of the units northern rear terrace is not wholly within its boundaries but this is a separate matter and is not subject to rectification through this current planning permit application. The owner and relevant building surveyor have an obligation, in consultation with a land surveyor to ensure all works are wholly within the title boundaries.

Car Parking

The application requires the provision of two car parking spaces pursuant to Clause 52.06 of the Stonnington Planning Scheme given the apartment is increasing from two bedrooms to three bedrooms. It is noted that the existing unit has two bedrooms and a study, pursuant to Clause 52.06 and for the purposes of car parking, a study is counted as a bedroom, therefore the existing apartment generates a requirement of two car spaces. The applicant has advised that Lot 13 and 16 are the two car parking spaces associated with the apartment.

Sustainable Design Assessment

Clause 22.18 – Stormwater Management:

A STORM Rating Report was not required to be submitted as part of Clause 22.18 given the dwelling will only be increased from 222m² to 256m² which is less than the 50m² trigger outlined in the local policy.

Clause 22.05 – Environmentally Sustainable Development (ESD):

A Sustainability Design Assessment was not considered necessary given that the proposal is for an extension to an existing 1960s building with six existing apartments. It is considered burdensome to require the applicant to retrofit ESD initiatives into the design given the location on the top floor with apartments below as well as common property. Notwithstanding, as part of the renovation and extension of this property it is considered there will be some gains in energy efficiency due to building requirements.

Objections

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

- The proposal does not respond to the preferred or existing character of the area by way of materials and elevated form and creates visual bulk.

Planning officer's response: The use of a generally flat roof and extensive glazing is considered to respect the existing building which utilises the same character features. Furthermore, the surrounding neighbourhood contains an eclectic mix of dwelling types and built form as outlined in the body of the report under the neighbourhood character assessment.

- Concern at the absence of a Construction Management Plan.

Planning officer's response: An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.

- Noise of the new room above the existing apartment below.

Planning officer's response: The proposed residential use will have noise impacts consistent with those normal to a residential zone, and any requirements for particular materials to be used to meet the Building Regulations will be assessed at the application for Building Permit stage.

- Aspects of the proposal are located outside the title boundary and encroach common property which would impact the lawful use and enjoyment of common property.

Planning officer's response: the overall roof height appears to exceed the upper limits of Unit 6 which will be addressed by way of condition. It is noted that the existing conditions are such that the subject site is not wholly within its boundaries but this is a separate matter.

- Consent from the Owners Corporation has not been requested or provided, and will be in breach of the rules of the Owners Corporation.

Planning officer's response: Successive VCAT cases have reiterated that a planning permit can still be issued without the relevant owner's corporation approval being granted. The owner must still abide by any Owner's Corporation requirements similar to how the issuing of a planning permit does not mandate the issuing of a building permit.

Conclusion

Subject to the conditions that are recommended the proposal is supported as it demonstrates ResCode compliance with regards to the objectives of Clause 55 of the Stonnington Planning Scheme.

Governance Compliance

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

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 & Responsibilities Act 2006.

Attachments

1. 0993/19 - 6/643-645 Toorak Road, Toorak [13.2.1 - 17 pages]

Officer Recommendation

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 993/19 for the land located at 6/643-645 Toorak Road, Toorak under the Stonnington Planning Scheme for Extension to an existing dwelling on a lot that contains more than one dwelling in a General Residential Zone subject to the following conditions:

1. **Before the commencement of the development, one copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans (advertised in April 2020) but modified to show:**
 - a) **the proposed kitchen setback an additional 1 metre from the southern boundary, with the retention of the terrace in this setback if desired;**
 - b) **all works are to be shown wholly within the title boundary and the height of the extension lowered to be wholly contained within the upper title boundaries of the lot in accordance with the Certificate of Title and Title**

Plan Diagram. This upper boundary is to be clearly shown on the elevation plans;

- c) All areas shown on the plans that are within common property, including the stairwell, adjacent store room and parts of the rear terrace, to be annotated as such on the plans;**
- d) storage areas to be dimensioned to clearly show compliance with Standard B44.**

To the satisfaction of the Responsible Authority.

- 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. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.**
- 4. All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and 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. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.**
- 5. 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

- A. This planning permit does not authorise any buildings and works to be carried out on common property without the relevant Owners Corporation's consent and any other applicable approvals.**
- B. Where existing works have been undertaken outside of the title boundary, this has not formed part of this application and has not been assessed.**
- C. 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.**
- D. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information**

regarding noise from domestic services can be found in the Environmental Protection Act 1970.

- E. Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.

“Significant Tree” means a tree or palm:

- a) with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;
- b) with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;
- c) with a trunk circumference of 180 cm or greater measured at its base; or
- d) with a total circumference of all its trunks of 180 cm or greater measured at its base.

Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.

- F. 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.
- G. 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.
- H. 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.

13.3 Affordable Housing Discussion Paper and Community Engagement

Manager City Strategy: Susan Price
Director Planning & Place: Stuart Draffin

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

- C2** Strengthen Council's commitment to support our diverse and inclusive communities.
- C4** Enhance community engagement to ensure Council makes long-term decisions in the best interests of the community.

Purpose of Report

To seek Council endorsement of an Affordable Housing Discussion Paper which will be used to inform and guide discussion during the Affordable Housing community engagement period.

Officer Recommendation

That Council:

- 1. ENDORSE the Affordable Housing Discussion Paper for the purposes of community engagement; and**
- 2. NOTE that community engagement will be undertaken in line with COVID-19 restrictions.**

Executive Summary

Following Council endorsement of a 'Statement of Commitment' on the issue of Affordable Housing, an Affordable Housing Discussion Paper has been developed. The Discussion Paper provides a broad overview on the issue of Affordable Housing in Stonnington and forms a basis on which to commence community engagement. A community engagement program will also be developed cognisant of COVID-19 implications. Council endorsement is now sought for the Affordable Housing Discussion Paper for the purposes of community engagement, and Council is asked to note that community engagement will be undertaken in line with COVID-19 restrictions.

Background

At its meeting on 2 December 2019, Council endorsed a 'Statement of Commitment' on the issue of Affordable Housing in Stonnington. In the Statement, Council committed to:

- 1. Developing an Affordable Housing discussion paper and subsequent policy or strategy, to outline the housing and service needs of the most at-need groups in Stonnington.*
- 2. Taking a whole-of-Council approach to supporting Stonnington residents experiencing housing stress and homelessness.*

Council also committed to engaging with the Stonnington community to seek its views on:

3. *Advocating to the Victorian Government to provide Affordable Housing on State Government-owned sites in Stonnington.*
4. *Collaborating with other councils to seek a consistent minimum level of Affordable Housing on development sites.*
5. *Negotiating for inclusion of on-site Affordable Housing opportunities through the rezoning process for strategic sites.*
6. *Advocating to the State Government for planning controls that facilitate Affordable Housing.*
7. *Examining the viability of innovative private market Affordable Housing solutions.*

Key Issues and Discussion

Affordable Housing Discussion Paper

An Affordable Housing Discussion Paper (refer **Attachment 1**) has been developed in line with Council's 'Statement of Commitment'. The Discussion Paper is intended to provide a broad overview of the issues relevant to Council on the topic of Affordable Housing. It aims to inform the community and stakeholders, and guide discussion during the community engagement period. The Discussion Paper addresses: -

- What is Affordable Housing;
- Types of Affordable Housing;
- Who needs Affordable Housing;
- Demand for Affordable Housing in Stonnington;
- Benefits of Affordable Housing to the community;
- Challenges facing Affordable Housing providers; and
- Council's role in Affordable Housing.

The Discussion Paper also poses a series of questions throughout the document which aims to prompt the reader to think about various aspects of Affordable Housing and promote feedback. The questions cover issues such as what types of Affordable Housing would you like to see in Stonnington, is the cost of housing having an impact on your or your families/friends' ability to meet other living costs, and what incentives should Council consider to encourage the provision of Affordable Housing.

Community Engagement

The engagement proposed at this stage of the project is intended to be a visioning exercise seeking the community's ideas and views on the issue of Affordable Housing generally. It is not seeking comments or feedback on a specific Council strategy or policy position. In the context of changing COVID-19 restrictions, a draft community engagement plan will be developed to allow for maximum flexibility. Further details are included in the Stakeholder Consultation section of this report.

Conclusion

By endorsing the 'Statement of Commitment' in December 2019, Council took the first step in developing an Affordable Housing framework for Stonnington. This Discussion Paper and community engagement are the next steps in the process and will open an important dialogue with the community to find out the issues of importance to them. The feedback received from the community engagement will be used to inform the development of a more comprehensive Affordable Housing policy/strategy for Stonnington.

Governance Compliance

Policy Implications

Plan Melbourne 2017–2050

This State Government plan highlights Victoria's increasing population growth and change, and recognises the need to cater for diverse housing needs and lifestyles. It emphasises the need for enabling people to be able to live closer to jobs, public transport and services for social, economic and environmental reasons. Council's response to the issue of Affordable Housing is required to align with the principles of Plan Melbourne, specifically Direction 2.3 "*Increase the supply of social and affordable housing*".

Council Plan 2017-2021

The Affordable Housing Discussion Paper is a step towards developing a framework plan to address the issue of Affordable Housing in Stonnington which supports Council Plan strategy C2. It will also formulate an approach to advocate with State and Federal governments for the provision and quality of Affordable Housing in Stonnington.

Financial and Resource Implications

The Affordable Housing project and associated community engagement is co-funded from the City Strategy budget over the 2019/2020 and 2020/21 financial years, and from a \$35,000 grant awarded to Council from the Department of Environment, Land, Water and Planning (DELWP) through its 'Voluntary Affordable Housing Agreements Grants Program'.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

Stakeholder Consultation

The community engagement period is expected to run for between 4-6 weeks (longer than initially planned due to the likelihood of it being focused on online activities).

In the context of changing COVID-19 restrictions, community engagement activities are being developed to allow for flexibility. A number of engagement activities have already been identified as appropriate and will include an online survey, online ideas board and online interactive sessions with Council's Affordable Housing consultant Rachel Hornsby (from Hornsby and Co.). In the event restrictions are further eased, pop-up stalls with appropriate social distancing and hygiene measures in place may be considered. These would be considered based on advice from the State Government and in conjunction with Council's Risk and Environmental Health Departments.

All engagement activities will be promoted through Council's website, online media, print media and library displays.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. Stonnington Affordable Housing Discussion Paper (July 2020) [13.3.1 - 16 pages]

13.4 Arts and Cultural Grant Recipient Recommendations 2020/21

Manager Event, Arts & Culture: Alison Leach
Acting Director Community & Wellbeing: James Rouse

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

- C1** Enhance community health and wellbeing outcomes through quality service delivery and strategic partnerships.
- C2** Strengthen Council's commitment to support our diverse and inclusive communities.

Economy: A City that will grow its premier status as a vibrant, innovative and creative business community.

- EC4** Promote Stonnington's premier precincts, employment clusters and cultural assets as hubs for shopping, hospitality, entertainment and culture.

Environment: A cleaner, safer and better environment for current and future generations to enjoy.

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

- C1** Enhance community health and wellbeing outcomes through quality service delivery and strategic partnerships.
- C2** Strengthen Council's commitment to support our diverse and inclusive communities.

Economy: A City that will grow its premier status as a vibrant, innovative and creative business community.

- EC4** Promote Stonnington's premier precincts, employment clusters and cultural assets as hubs for shopping, hospitality, entertainment and culture.

Purpose of Report

To endorse projects and programs recommended for funding through Council's Arts and Cultural Grants program for the 2020/21 financial year.

Officer Recommendation

That Council:

- 1. ENDORSE a total of \$324,871 of the Arts and Cultural Grants pool of funds for 2020/21 to 37 applicants that have been recommended by the arts and cultural grants assessment panel for funding as shown in Attachment 1.**
- 2. ENDORSE that the remaining balance of \$5,129 be reflected as savings within the 2020/21 budget.**

Executive Summary

Council's support of arts and cultural activities is an investment in the community's wellbeing. The City of Stonnington's Arts and Cultural Grants program brings creative, innovative, dynamic and contemporary projects that enhance the cultural, community and

economic development of the City of Stonnington as a sought-after area to live, work and play.

The rich and diverse range of arts and cultural activities supported by the Arts and Cultural Grants is a key economic driver for local traders and brings vital business to our local community. Taking place throughout the precincts, these activities attract visitors and patrons from across Melbourne to shop, buy dinner or have pre-show drinks.

COVID-19 has dramatically impacted on the viability of the arts and cultural sector. As restrictions ease, arts and cultural activity will play a critical role in rebuilding social confidence and supporting arts and cultural practitioners along with providing opportunities for local community to reconnect.

The Arts and Cultural Grants are open to all artists, organisations and individuals seeking to deliver arts projects within Stonnington. Applicants do not need to be based in Stonnington; however, the activity or project must be delivered within the municipality.

The annual Arts and Cultural Grants program contributes to the wellbeing of the community, strengthens its cultural reputation, supports a vibrant artistic community and attracts economic stimulus for local traders.

Background

City of Stonnington receives many more applications than it can support. The success of an application rests ultimately on the merits of the proposal against the assessment criteria and competition with other applications considered for funding. In some cases, the panel will recommend part funding of an amount less than requested based on the application and supporting documents.

A panel of assessors was convened prior to grant applications closing and submitted for Director approval (as per Council requirements). Assessments are made against the stated assessment criteria within the grant guidelines and applications are rated and ranked in relation to each other. Grant decisions are based primarily on information supplied in the application and support material provided.

Applications for Arts and Cultural Grants opened on 4 February 2020 and closed on 10 April 2020. Calls for submissions were made from February to April 2020 via Arts Hub Australian arts industry website (advertisement and editorial), direct email, Council's website and What's On EDM, as well as other social media platforms. Potential applicants were invited to attend an Arts and Culture Grants information session held on 4 February 2020, and Council Officers were available during the application submission period to speak with applicants via phone, email and in person.

Key Issues and Discussion

Council typically receives more requests for funding than it can support. The importance of the Arts and Cultural Grants program has increased significantly as a result of COVID-19 and the immediate and severe impact it has had on the arts sector. Council received a total of 47 applications for financial and in-kind support with requests totalling \$628,003.

The 2020/21 operating budget has an allocation of \$440,000 for Arts and Cultural Grants. Council has already committed a total of \$110,000 for triennial funding from 1 July 2018 to 30 June 2021, leaving a remaining allocation of \$330,000.

Each application has been assessed against the following criteria by the grant assessment panel and checked for any outstanding acquittal requirements on previous grants.

In addition to the assessment criteria below, a key consideration for the panel was the continued and potential future impact of COVID-19 in Victoria. Key considerations addressed were the potential impact on revenue and social interaction, as well as the likely contribution to community and economic recovery.

Theme	Criteria	Weighting
Artistic	1. Provide clear and detailed information on the project including expected outcomes.	30%
	2. Propose an innovative project and prove your capacity to deliver it by providing a detailed project timeline and relevant artistic support material.	
	3. Include and/or celebrate local or specific communities within the City of Stonnington.	
	4. Demonstrate potential or confirmed career advancement opportunities for artists involved in the project. This could be through an extension of skills or development of existing and new audiences.	
Capacity	5. Facilitate arts and business partnerships including local businesses.	10%
Financial	6. Show a viable, accountable budget with diverse sources of income.	20%
Marketing	7. Demonstrate a commitment to maximising audience numbers and participation from the local community.	30%
	8. Provide a detailed marketing plan.	
	9. Demonstrate a capacity to attract participation and audience numbers from the wider metropolitan area and regional Victoria.	
Operational	10. Propose projects that align with City of Stonnington Council Plan.	10%

Conclusion

The panel has recommended funding for a total of 37 applications across a diverse range of artforms that will enhance the cultural vibrancy of the municipality and work to sustain our local arts and cultural profile. Of the 37 applications recommended for funding, only one application has received funds as part of the previous grant round and will be required to complete and acquit the 2019/20 project, prior to entering into an agreement for 2020/21 and receiving any payments.

The recommended projects are realistic, have outcomes that are scalable and can be achieved in a socially responsible format, contributing to and supporting Council's community and economy recovery plans.

Governance Compliance

Policy Implications

The Arts and Cultural Grants program sits within the strategic objectives of Community and Liveability in the Council Plan.

The program is aligned with Council's strategy to recognise and enhance Stonnington's diverse culture and indigenous heritage through programs and events which support the arts, traditions and heritage.

Financial and Resource Implications

Council's 2020/21 budget allocation for Arts and Cultural Grants is \$440,000 of which \$434,871 has been recommended to be allocated to sponsoring arts and cultural projects and programs, including \$110,000 of Triennial funds endorsed for 2018/19, 2019/20 and 2020/21.

The remaining \$5,129 will be reflected as savings within the 2020/21 budget.

Endorsed applicants will be required to enter into a sponsorship agreement as per the relevant Arts and Cultural Grant Guidelines (available in Docs on Tap (Reference Documents) for Councillor reference) that clearly outline the requirements of the grant recipient including acquittal requirements and the return of any unspent funds should the project not be able to proceed within 2020/21.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

Arts and Cultural Grant recipients are required to enter into a formal sponsorship agreement with Council. Sponsorship agreements are reviewed by Council's Risk and Integrity team and Corporate Counsel.

Stakeholder Consultation

All applicants will be notified on the outcome of their application in writing once endorsed by Council.

Successful applicants will be provided with a confirmation letter and accompanying sponsorship agreement documentation.

Unsuccessful applicants will be notified in writing and offered an opportunity to receive feedback on their application.

Arts and culture grant recipients (and their projects) will be announced on Council's website and in a media release. All arts and cultural grant projects will be promoted across Council's communication avenues including *What's On Stonnington* and *Stonnington News*. Projects taking place within Chapel Off Chapel will be promoted across Chapel's communications channels.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. CONFIDENTIAL REDACTED - Arts and Culture Grant Recipient Recommendations 2020 21 [13.4.1 - 53 pages]
2. CONFIDENTIAL REDACTED - Panel Assessment Score and Recommendation Spreadsheet [13.4.2 - 7 pages]

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989

13.5 Draft Gardiners Creek Masterplan

Manager Open Space & Environment: Simon Holloway

Director Environment & Infrastructure: Rick Kwasek

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

- C5** Increase participation in physical activity through long-term recreation planning and service delivery.

Environment: A cleaner, safer and better environment for current and future generations to enjoy.

- E2** Maximise efficiency of water use and improve water quality entering waterways.
- E3** Enhance biodiversity values throughout the City to protect and increase flora and fauna.

Liveability: The most desirable place to live, work and visit.

- L1** Strategically invest in open spaces, sporting fields and community facilities, and optimise use according to community needs.

Purpose of Report

To present the draft Gardiners Creek (KooyongKoot) Masterplan and seek endorsement from Council to release the plan for public exhibition prior to final adoption.

Officer Recommendation

That Council:

- 1. NOTE the development of the draft Gardiners Creek (KooyongKoot) Masterplan.**
- 2. ENDORSE the public exhibition of the draft Gardiners Creek (KooyongKoot) Masterplan for a period of four (4) weeks, commencing late July 2020.**
- 3. CONSIDER a report following the public exhibition period regarding the final adoption of the Gardiners Creek (KooyongKoot) Masterplan.**

Executive Summary

In 2019, the City of Stonnington completed its landmark and award-winning Yarra River Biodiversity Project. This \$8m project, delivered over eight years, sought to improve water quality, increase habitat connectivity, grow the urban forest and provide enhanced recreational and educational opportunities for the community along the iconic Yarra River.

In 2018/19, Council committed to extend this successful waterway and biodiversity corridor improvement model to Gardiners Creek. Council supported the development of a masterplan to provide a long-term vision and overarching framework for the transformation and enhancement of Gardiners Creek and surrounding open spaces along the corridor.

Gardiners Creek is a significant waterway within the City of Stonnington, extending 8.7km in length and featuring five of Stonnington's seven biodiversity hotspots as well as many sports grounds, recreation hubs, a key commuter cycling route, highly valued open space and the Malvern Valley Golf Course.

The masterplan aims to provide strategic direction for the revitalisation and improvement of the Gardiners Creek corridor through revegetation and biodiversity improvements, water sensitive urban design, shared path upgrades and enhancing opportunities for active and passive recreation. The development of the draft masterplan has involved extensive consultation with neighbouring councils, Melbourne Water, Traditional Owners, sports clubs, community groups, local businesses, residents and users of the area.

Background

The City of Stonnington has a strong commitment to protect and enhance biodiversity and improve waterway health throughout the municipality.

In 2010, Council began the award-winning Yarra River Biodiversity Project – one of the largest river regeneration projects in the Yarra River’s history. Council has invested over \$8 million to improve water quality, increase habitat connectivity, grow the urban forest and provide enhanced recreational and educational opportunities for the community along this iconic waterway. The project involved extensive weed control, indigenous revegetation, shared path upgrades, public art installations, interactive education elements and the creation of passive recreation nodes to enable people to connect more directly with the river.

In 2018/19, Council committed to extend this successful waterway and biodiversity corridor improvement model to Gardiners Creek. Council supported the development of a masterplan to provide a long-term vision and overarching framework for the transformation and enhancement of Gardiners Creek and surrounding open spaces along the corridor.

Gardiners Creek and surrounding area

Gardiners Creek is a significant waterway within Stonnington that provides an important biodiversity corridor as well as highly valued open space, commuter route, recreation hubs, Indigenous heritage, public transport links and the Malvern Valley Golf Course. Open space along the waterway corridor, and within the scope of the masterplan, accounts for 45% of all open space in the City of Stonnington.

Originally known as *KooyongKoot*, within Stonnington, Gardiners Creek extends for approximately 8.7km from Warrigal Road through to its junction with the Yarra River. The creek largely forms the northern municipal boundary between Stonnington and Boroondara.

As much of the waterway is a concrete canal, the area requires regeneration works to naturalise the area, re-instate biodiversity values, support stormwater treatment and provide improved passive and active recreation opportunities, supporting community interactions with nature.

A key feature of the Gardiners Creek landscape is the Gardiners Creek Trail, a shared use path for pedestrians and cyclists that follows the creek through the eastern suburbs, crossing multiple local government areas. The trail is defined by the Victorian Government as a *Strategic Cycling Corridor*. These corridors are developed to improve cycling to and around major activity centres in metropolitan Melbourne.

Gardiners Creek (KooyongKoot) Masterplan

The draft Gardiners Creek (KooyongKoot) Masterplan articulates a long-term vision and overarching framework for the transformation and enhancement of Gardiners Creek and adjacent open spaces. The vision identified in the plan is:

The Gardiners Creek corridor will be a resilient environmental landscape nurturing the wellness of people and Country. As a loved community destination, it will form a vital

link through the municipality, offering green respite from the urban surrounds with rich biodiversity and habitat.

The masterplan uses six key drivers as a framework to analyse and understand the project area:

1. Access and connectivity
2. Water – catchment, connections and health
3. Open space – active and passive recreation
4. Biodiversity
5. Cultural values
6. Governance

The project area has been divided into nine character ‘zones’. Each character zone has its own sub-vision to ensure the uniqueness and individual character of each site is recognised and enhanced, and includes a range of advocacy, infrastructure, revegetation and collaboration opportunities including:

- Advocating to the state government to widen the shared user path beneath the M1 freeway bridge
- Advocating to the state government / Melbourne Water to naturalise the concrete canal in sections of Gardiners Creek
- Biodiversity improvements
- Water sensitive urban design treatments including a wetland in Tooronga Park
- Passive recreation improvements e.g. BBQs, picnic and play areas, fitness stations
- Shared path upgrades.

Consultation and engagement

A comprehensive consultation and engagement process was undertaken to inform the preparation of the masterplan involving surveys, workshops, written submissions and meetings with key stakeholders. These activities helped Council collect views and information from a cross section of the community and align its focus with community expectations. A summary of the consultation process is included in the masterplan (see Attachment A).

Key Issues and Discussion

Exhibition process

It is proposed to exhibit the draft Gardiners Creek (KooyongKoot) Masterplan for a period of four (4) weeks prior to final adoption by Council. This process includes exhibiting the draft masterplan document on the Connect Stonnington website, providing the community with the opportunity to add comments, supply feedback and ask questions, as well as running a series of pop up sessions and key stakeholder meetings. The release of the draft masterplan will be promoted through various Council publications and communication channels.

Masterplan adoption

Following the public exhibition period, a report will be presented to Council in August to seek Council adoption of the Gardiners Creek (KooyongKoot) Masterplan.

Masterplan implementation

It is envisaged that the masterplan will be implemented in collaboration with other organisations where possible, including state government agencies and neighbouring councils.

Council will actively seek grant funding as well as support from a range of internal capital budgets, subject to programming. This flexible approach to implementation enables Council to respond to opportunities as they arise, for example grant funding or develop collaborative projects with the City of Boroondara.

It is proposed that the initial implementation years focus on opportunities related to Council's climate emergency response, including shared path upgrades, water management projects and biodiversity improvements.

Following adoption of the final masterplan, it is proposed that Council officers return to Council each year seeking endorsement for the following year's implementation plan.

Collaboration with the key stakeholders

Following endorsement of the draft masterplan for exhibition, Council Officers will actively engage with key stakeholder groups as well as seek feedback from the broader community, including the City of Boroondara, other municipalities, Melbourne Water, Yarra Valley Water, sports clubs and community groups.

The City of Boroondara has expressed interest in working in collaboration with Council along Gardiners Creek and there are many options for joint project planning and delivery.

Conclusion

The draft Gardiners Creek (KooyongKoot) Masterplan provides a long-term vision for the transformation of this important and highly valued area within the City of Stonnington.

A comprehensive consultation process has informed the preparation of a draft masterplan which aims to transform and enhance Gardiners Creek and surrounding area through revegetation and biodiversity improvements, water sensitive urban design, shared path upgrades and enhancing opportunities for active and passive recreation.

Governance Compliance

Policy Implications

Environment is one of the four pillars of the *Council Plan 2018-2021*, which includes strategies to improve water quality, enhance biodiversity values and protect, maintain and grow the urban forest.

These commitments are given further direction through the *Sustainable Environment Strategy 2018 – 2023* and the *Urban Forest Strategy*, both of which include strategies to protect, maintain and enhance areas of natural environment throughout the city.

Financial and Resource Implications

The draft Gardiners Creek (KooyongKoot) Masterplan is intended to be a long-term plan, implemented over many years.

Within Council's 10-year capital program, an annual budget of \$600,000 has been included for biodiversity and waterway projects (X8725). In addition, other funding sources will be sought including complementary budgets from the capital program as well as external funding sources, such as grants.

It is envisaged that the masterplan will be implemented – and funded - in collaboration with other organisations where possible, including state government agencies and neighbouring councils.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

Stakeholder Consultation

A lengthy consultation process to inform the preparation of the draft masterplan involved:

- An online survey on the Connect Stonnington website
- Advertising signs at locations along Gardiners Creek
- Direct mail postcard to properties and businesses surrounding Gardiners Creek
- Interception surveys at locations along Gardiners Creek
- Advertisement in Stonnington Leader
- Pop Up session at TH King Oval with consultants and Stonnington staff
- Workshop at TH King Pavilion with consultants and Stonnington staff
- Meetings with key stakeholders including Traditional Owners, Melbourne Water and neighbouring councils.

These activities helped Council collect views and information from a cross section of the community and align its focus with community expectations.

A comprehensive community consultation process is proposed to seek feedback on the draft masterplan and will include the following:

- A copy of the draft masterplan and an online survey on the Connect Stonnington website
- Advertising signs along Gardiners Creek
- Pop Up sessions along Gardiners Creek (depending on physical distancing requirements) with consultants and Stonnington staff
- Online workshop with consultants and Stonnington staff
- Meetings with key stakeholders including Traditional Owners, Melbourne Water and neighbouring councils.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. DRAFT Gardiners Creek Master Plan June 2020 [**13.5.1** - 64 pages]
2. DRAFT Gardiners Creek Master Plan - strategies - June 2020 [**13.5.2** - 19 pages]
3. DRAFT Gardiners Creek Masterplan - appendices - June 2020 [**13.5.3** - 50 pages]

13.6 Draft Cycling Strategy engagement report and update for adoption

Manager Transport & Parking: Ian McLauchlan
Director Environment & Infrastructure: Rick Kwasek

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

- C1** Enhance community health and wellbeing outcomes through quality service delivery and strategic partnerships.
- C5** Increase participation in physical activity through long-term recreation planning and service delivery.

Environment: A cleaner, safer and better environment for current and future generations to enjoy.

- E1** Reduce energy use and associated greenhouse gas emissions.
- E8** Promote and facilitate the use of sustainable transport options across the city.

Liveability: The most desirable place to live, work and visit.

- L5** Advocate for improved and accessible public transport to enhance liveability and economic growth.

Purpose of Report

To inform Council of the outcome of community consultation on the Draft Cycling Strategy, including an outline of the amendments made in response to community feedback and seek adoption of the Cycling Strategy 2020-2025.

Officer Recommendation

That Council:

- 1. APPROVE the Cycling Strategy 2020-2025 (refer Attachment 1)**
- 2. NOTE the community feedback received on the Draft Cycling Strategy (refer Attachment 2) and updates made to the Cycling Strategy 2020 - 2025 in response.**

Executive Summary

The draft Cycling Strategy was endorsed for public consultation at the Council meeting of 2 December 2019. Community consultation was undertaken for a period of six weeks over January 2020 to March 2020, which resulted in a total of 51 community responses along with responses from Bicycle Network and City of Port Phillip. The Department of Transport was invited to participate but have not responded. The consultation feedback has been considered and the final Cycling Strategy updated to reflect community and stakeholder input.

Background

The Cycling Strategy sits under the Integrated Transport Plan and is a key component of Council's response to the transport challenges facing Stonnington.

The aim of the five-year Cycling Strategy is to *increase the number of people cycling in Stonnington, with a focus on improving safety for both the cyclists and community.*

To inform preparation of the Draft Cycling Strategy, Council asked the community to share their thoughts on cycling in Stonnington. Almost 600 responses were received via the online survey platform, as previously reported to Council in December 2019.

In summary the community who responded identified improved on-road lanes (87%) and off-road paths (70%) as the two biggest initiatives which would encourage cycling. About a quarter of respondents also said that safe crossing facilities and lower speed limits would also encourage them to cycle (or cycle more).

Community respondents asked for better road infrastructure, including facilities which make cycling safer and more comfortable. The current design of the road network limits the ability for a wide range of people to safely access nearby businesses and services via bicycle.

Cycling-related feedback from the draft ITP consultation was also taken into careful consideration to guide cycle projects and priority within the Draft Cycling Strategy.

The Draft Cycling Strategy sought to respond to community feedback and build on lessons from the implementation of previous strategies and specifically targeted:

1. Cyclist safety – in particular along the Chapel Street corridor
2. Connections and cycle paths which everyone can feel comfortable using
3. Supporting State investment in strategic infrastructure (Strategic Cycling Corridors)

Safety

There have been some 1,300 crashes in Stonnington over the past five years, of which more than one in five (approx. 300) involved a person riding a bike. There is more than one bike crash every week on average.

Creating safer cycling environments will encourage more people to ride bikes and enable those already cycling to ride more comfortably and confidently. These behaviours will help normalise cycling and change perceptions of people on bikes, building a positive environment of safety.

Chapel Street

Chapel Street is a preferred cyclist route and has been identified as a Strategic Cycle Corridor (SCC) by the Department of Transport. Council-commissioned investigations and analysis in 2018-2019 confirmed the long-standing assumption that Chapel Street is a major trip attractor and will continue to be a preferred route, irrespective of any improvements along adjacent routes.

There is strong evidence that significant overrepresentation of cyclist crashes occurs on Chapel Street. This reflects both the higher volume of people riding to and through the area, as well as significant potential to improve conditions for bike riders.

Chapel Street, between Dandenong Road and the Yarra River, has also been identified by the Victorian Safe System Road Infrastructure Program (SSRIP) Team as one of Melbourne's highest risk routes for cyclists. By major route, Chapel Street had the second-highest number of cyclist crashes (22) over the three years, behind only St Kilda Road (27).

Chapel Street was recognised by the RACV in February 2019 as the top priority for improved safe bicycle infrastructure to form part of a proposed cycle super-highway network. This cycling network also formed a part of the Infrastructure Australia annual priority list of projects released in February 2020.

The Chapel Street corridor continues to face safety risks and access challenges for people riding bikes, reaffirmed by crash statistics outlining serious injuries and deaths. Council has implemented initiatives including the introduction of a bicycle lanes adjacent to the parking lanes and bicycle storage boxes at key intersections along Chapel Street. These initiatives have not resulted in any significant improvements to safety statistics in Chapel Street.

Connections and Pathways

Community feedback indicated that the off-road paths in Stonnington are where people feel most comfortable and safe cycling. The width of a pathway, low-stress environment and overall quality of surface and amenities means that Stonnington's shared paths have matured as 'paths for everyone'.

The draft Stonnington Cycling Strategy proposed actions to improve safety and access to the riverside/off-road path network for both cyclists and pedestrians, including:

- Progressively separating walkers and cyclists – this means beginning to provide separate paths for pedestrians and cyclists (where space permits), enabling walkers, strollers and people with pets to travel at a more leisurely pace without conflict with bike riders, and vice versa.
- Providing improved connections to the riverside/off-road paths - by identifying gaps between other cycling paths and the river path (on a local scale) and providing new connections.

Supporting State investment in strategic infrastructure (Strategic Cycle Corridors)

Major road schemes (including adding bicycle lanes and suitable protections) requires investment and commitment from both state and local government and various agencies and authorities.

Through delivery of improvements to Chapel Street and improvements to off-road paths, Council will continue to support investment in cycling infrastructure in the municipality, including delivery of strategic cycling corridors as they are proposed. This means collaborating with authorities through the design and approval process and advocating for measures which prioritise people riding bicycles at intersections and provide direct and safe routes.

Other actions:

The draft Cycling Strategy also stated that Council will continue to:

- improve safety through other mechanisms (i.e. customer requests), continue to understand how the area is changing and identify areas of high demand, address user conflicts and provide greater choice in ways of travel.
- deliver (directly and indirectly) other facilities which make cycling easier or more convenient, such as more and better-quality bicycle parking.
- deliver measures outlined in other plans and strategies, such as the Road Safety Strategy, Open Space Strategy, Structure Plans and Chapel ReVision.

Key Issues and Discussion

Community engagement on the draft Cycling Strategy was undertaken for a period of six weeks over January-March 2020, using the public exhibition online forum "Stonnington Connect" to exhibit the draft Cycling Strategy with a concurrent media release, an advertorial

in the Leader, and social media advertising along with direct contact with key stakeholder groups.

A total of 51 written responses were received from the community as a result of the consultation process. Of these responses, 17(33%) were supportive of the strategy in the draft form, a further 16(32%) supported the strategy with a suggested change or clarification, 11(21%) were not against the strategy but suggested a change or addition to the strategy, 4(8%) were neither in support or against and 3(6%) were against the preparation of a cycling strategy.

The Department of Transport was invited to participate but have not responded. Feedback was received from City of Port Phillip by way of a phone conversation. City of Port Phillip staff were generally supportive of the Strategy, with a request to ensure consideration of local north-south linkages aligned across municipal boundaries. The City of Yarra was invited to participate but have not responded.

Bicycle Network have expressed support for the Strategy focus on cycling safety and the Chapel Street corridor. Bicycle Network provided some promotion of the consultation period to their membership base and included a story on their website linking to Council's 'Have Your Say' website page to encourage feedback.

This community feedback and proposed responses and updates made to the Draft Cycling Strategy are addressed in more detail below.

Chapel Street

31 responses, or 60% of the community feedback, specifically mentioned support for a focus on safety and priority given to the Chapel Street corridor. 21 of these (40% of total) supported with no change to the Strategy, and 10 (20% of total) supported with some change.

While respondents were encouraging of this initiative, those who wanted some change sought greater commitment from Council to a specific program of actions such as reallocation of parking space, as well as some indication of timing. These components are considered to be related to project implementation as well as strategic direction. While the Strategy has been amended to clarify options for delivering safety improvements on Chapel Street, this feedback can also be addressed at a project delivery stage.

Four responses sought clarification of the status of alternative north-south cycling routes, and suggested measures including incorporating more information and direction on local cycling 'shimmy' routes through local streets (similar to those in Melbourne's northern suburbs providing a local alternative to major cycling corridors, as well as improving Williams Road for north-sought commuter cycling access. The Strategy has been updated to address consideration given to both Williams Road and Punt Road for north-south cycling links, recognising that these roads are both on the State declared road network, and as such provide a higher order movement role, are not under control or management of Council and do not offer a safe cycling environment.

Many of the respondents who were generally supportive of the strategy included a personal anecdote or shared an experience of cycling on Chapel Street and expressed a sense of relief that the safety issues for cyclists in the area had been recognised in the Strategy and could potentially be addressed. Other respondents expressed some frustration at the time taken for Council to propose safety improvements on Chapel Street and sought more immediate action.

Off-Road Paths

A range of responses were made in relation to issues with the existing shared paths network, including conflict between pedestrians and cyclists, pathway capacity, surfacing, and a desire for separated facilities. The Cycling Strategy has been updated to reflect this feedback, primarily to clarify that while it is recognised that separate facilities for pedestrians and cyclists is industry best practice, and would be desirable, there are a range of practical constraints to achieving this. The Strategy states that Council will continue to work with the community and other stakeholders to identify and implement opportunities for greater safety and separation where practical.

Other Connections

There were two responses seeking greater recognition of East – West connections across the municipality. The Strategy has been updated to address this through further discussion on the role and restrictions of major East-West corridors such as High Street and Malvern Road that would be most suitable for these links, but are currently compromised in terms of providing safe, dedicated cycling infrastructure due to accommodating tram services and clearways.

Several respondents raised improved access across Dandenong Road and Waverley Road at East Malvern. Since the completion of the community engagement period, Council has installed on-road cycle markings and new infrastructure to provide a safe continuation of the Strategic Cycle Corridor along Bruce Street in East Malvern to connect with crossings of Waverley Road and Dandenong Road. The Strategy has also been updated to clarify the responsibilities of the Council and the State Government in funding major regional infrastructure.

One respondent requested the Strategy recognise potential connections through parks and open space where appropriate. It is accepted that cyclists often use these linkages, however it is also important to consider other users of these spaces and seek to minimise any potential conflict or adverse effects from cycle access through these areas. It is not considered appropriate for the Strategy to encourage greater cycling access through parks and open space where appropriate facilities do not already exist (i.e. the off-road shared path network).

Summary of updates to the Cycling Strategy 2020 - 2025

As a result of the feedback, the following updates were made to the final Cycling Strategy 2020-2025:

Additional clarification of strategic direction and justification of Chapel Street as the preferred North-South corridor for cycling in the west of the municipality

Inclusion of further reference to providing a safe cycling network for a broad range of user demographics, trip purposes and types of cyclists

Further discussion on shared paths, user behaviour, best practice in seeking separation where possible, and practical constraints to this.

Additional discussion on the importance of consistent and safe surfacing along with maintenance on both the on-road and off-road path network.

More detailed reference to regional connections to the south and across major barriers, including Dandenong Road, as well as information on Bruce Street project

Additional content to further clarify and address the need for East-West connectivity and explain the constraints of providing cycle infrastructure on arterial roads with clearway and trams.

Conclusion

The Cycling Strategy 2020 – 2025 will complement the City of Stonnington's Municipal Strategic Statement and Integrated Transport Plan to promote sustainable and active transport uptake within the municipality. The key challenges facing cycling, including safety and a connected network are proposed to be addressed by the targeted actions of the Strategy.

The community consultation process for the draft Cycling Strategy resulted in a total of 53 responses, which were typically supportive of and in line with the direction of the Strategy but sought some additions, clarification and a greater commitment to action by Council.

It is recommended that the updates made as a result of community consultation be noted, and the Cycling Strategy 2020 – 2025 now be considered by Council for formal adoption.

Governance Compliance

Policy Implications

Transport policy is central to achieving outcomes related to the four key pillars identified in the Council Plan 2017- 2021: Community, Liveability, Environment and Economy. The draft Integrated Transport Plan complements the City of Stonnington's Municipal Strategic Statement to provide an integration of land use and transport policy and is supplemented by a range of strategies addressing specific areas such as Road Safety, Cycling and Walking, which have a greater focus on project identification and implementation.

Financial and Resource Implications

The proposed works and actions in implementing the strategy would be funded from existing and proposed Council budget allocations together with funding applications to government where applicable.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

Stakeholder Consultation

The report has been exhibited to the community seeking feedback on-line via Stonnington Connect, a concurrent media release, an advertorial in the local newspaper and social media advertising in line with the communication plan.

It is proposed that an appropriate communications document will be prepared to outline the key elements of the Cycling Strategy and our proposed actions.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. Cycling Strategy 2020-2025 [**13.6.1** - 49 pages]
2. Cycling Strategy - Community Feedback - March 2019 [**13.6.2** - 7 pages]

13.7 Short Stay Accommodation - post 12 month observation

Manager Liveability & Compliance: Madeleine Grove

Director Planning & Place: Stuart Draffin

Linkage to Council Plan

Community: An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.

C3 Implement community safety initiatives and fair compliance processes to address community safety issues.

Purpose of Report

To report and discuss the findings of data collected over a 12-month period related to short stay accommodation.

Officer Recommendation

That Council:

- 1. NOTE the report and current data associated with short stay accommodation.**
- 2. NOTE that Officers will monitor and record short stay accommodation issues and report these to Council when the issues evolve beyond the capabilities of current legislation or should the needs of the Stonnington community, change.**

Executive Summary

A report tabled at Council meeting on 3 June 2019 titled, 'Short Stay Accommodation' discussed the current and potential issues related to short stay accommodation in Stonnington, predominately associated with party noise and human behaviour.

Council Officers have collected data related to short stay accommodation issues in Stonnington for the period, January 2019 to June 2020. Two complaints were recorded during this period relating to party noise. Both complaints were successfully resolved within five days by contacting and alerting the property owner of the alleged issues. This is in line with the existing response process and timeframes, supported by the Stonnington Local Law (No. 1) 2018.

The data collected since the original report supports the proposal that the status quo remain, and that Council Officers continue to monitor issues associated with short stay accommodation and report to Council should issues emerge and evolve beyond the capabilities of current legislation.

Background

A report tabled at Council meeting on 3 June 2019 titled, 'Short Stay Accommodation' discussed present and potential issues related to short stay accommodation including party noise and human behavior.

The report presented a case study of a Malvern property and discussed the approach by other councils in managing issues related to short stay accommodation. The Report considered various options including the strengths and weaknesses of introducing a new

local law, similar to the Mornington Peninsular Shire's '*Short Stay Rental Accommodation*' Local Law.

The proposal to continue to manage issues within the parameters of the current legislation, including the more recent *Owners Corporations Amendment (Short-Stay Accommodation) Act 2018*, was also discussed.

The report concluded that given the low number of presenting offences, an additional limitation or restriction on property rights, such as the introduction of a new Local Law, was not justified at that time.

It was therefore recommended that Officers continue to collect data related to short stay accommodation issues in Stonnington over the following 12 months and report to Council after that time. This report responds to that commitment. The report tabled at Council on 3 June 2019 is at **Attachment 1** for reference.

Key Issues and Discussion

Council Officers collected data over a 12-month period, (June 2019 to June 2020), by recording resident issues and complaints in Council's Customer Request Management System (CRMS).

For thoroughness, Officers also searched all complaints containing 'key words' related to short stay accommodation from the CRMS system for the period between January 2019 to June 2020.

The data indicated two (2) complaints related to short stay accommodation were received since the last report, one in March 2019 and the second in February 2020. Both complaints were in relation to party noise and were managed by Officers contacting and alerting the property owners to the alleged issues. The data shows both complaints were resolved within five days of the complainant notifying Council.

In order to inform any future planning on this issue, Officers are continuing to collate information relevant to short stay accommodation issues and to maintain an environmental scan of the issue and responses by neighbouring councils.

Recent information obtained regarding Mornington Peninsular Shire's '*Short Stay Rental Accommodation*' Local Law, suggests that there have been overall benefits to the community, as property owners are directly accountable for any amenity issues caused by their tenants. Mornington Peninsula Shire have reported to have over 3000 registrations and have issued over 150 fines in relation to short stay accommodation. Interestingly, of these infringements, only few are in response to amenity breaches and are predominantly in response to registration renewal.

Mornington Peninsula Shire have advised of two successful prosecutions under the new Local Law and reported that isolated cases are still experienced where properties operating as short stay accommodation affect the area.

To date, it is not known whether or not the post COVID-19 period will result in any change to this type of accommodation in Stonnington and it is proposed that the issue be reviewed again should the impact of visitors and tourists to Stonnington see an increase in the impact of short-stay accommodation on the amenity of permanent Stonnington residents and the liveability of the City.

Conclusion

The result from the data collected during January 2019 to June 2020 indicates that the number of complaints (2), associated with short stay accommodation, does not justify a change to the Stonnington Local Law and that the current legislative frameworks provides sufficient protection for residents. Council Officers will continue to monitor and record short stay accommodation issues and report these to Council, should issues evolve beyond the capabilities of current legislation or should the needs of the Stonnington community change.

Governance Compliance

Policy Implications

There are no policy implications associated with this report.

Financial and Resource Implications

There are no financial and resource implications associated with this report.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

Stakeholder Consultation

There was no requirement for external stakeholder consultation in this proposal.

Human Rights Consideration

Complies with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. Short Stay Accommodation Report - 3 June 2019 [13.7.1 - 6 pages]

14 Other General Business

15 Urgent Business

16 Confidential Business

16.1 Confidential: Potential Lease

Acting Director Community & Wellbeing: James Rouse

Confidential report is circulated separately under the Local Government Act 1989 Section 66 (2) (a) of the Local Government Act 2020. This document is confidential information under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.2 Confidential: Potential Property Purchase

Director Corporate Services: Chris Balfour

Confidential report is circulated separately under the Local Government Act 1989 Section 66 (2) (a) of the Local Government Act 2020. This document is confidential information under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.3 Confidential: Regional Business Case Advanced Waste & Resource Recovery Technologies

Director Environment & Infrastructure: Rick Kwasek

Confidential report is circulated separately under the Local Government Act 1989 Section 66 (2) (a) of the Local Government Act 2020. This document is confidential information under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.