



Ordinary Council Meeting Agenda

Monday 1 March 2021 at 7 PM

**Council Chamber, Malvern Town Hall
Corner Glenferrie Road & High Street Malvern**

Vision

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

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

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

These pillars reflect the shared priorities of our community and Council, and are consistent with our history and vision for a liveable future. For each pillar, there is a framework for our strategies, actions and measures which outline the key services and projects to be delivered to our community. The Strategic Resource Plan sets out how Council will provide the resources needed to implement strategies and actions within the Council Plan.

Councillors

Cr Kate Hely (Mayor)

Cr Melina Sehr (Deputy Mayor)

Cr Jami Klisaris

Cr Alexander Lew

Cr Polly Morgan

Cr Marcia Griffin

Cr Matthew Koce

Cr Mike Scott

Cr Nicki Batagol

Chief Executive Officer

Jacqui Weatherill

Executive Staff

Annaliese Battista – Director Planning & Place

Cath Harrod – Director Covid Response

Rick Kwasek – Director Environment & Infrastructure

Greg Curcio – Director Customer & Technology

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. The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. 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 C – Meeting Procedure section of Council’s Governance Rules.

Councillors carry out the functions, powers, authorities and discretions vested with them under the **Local Government Act 2020**, 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 Part 6 – Council integrity, Division 2 – Conflict of Interest of the Act.

About this meeting

The agenda, as specified in Stonnington’s Governance Rules, lists of all the items to be discussed. 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 at the meeting.

Arrangements to ensure meetings are accessible to the public

Council meetings are generally 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 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 screens.

Live webcasting

Council meetings are broadcast live via Council’s website, allowing those interested to view proceedings without needing to attend the meeting. This gives people who are unable to attend, the ability to view 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 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 Governance Rules – Division 8 – Questions to Council from Members of the Public, Division 12 – Recording of Proceedings and Division 13 Behaviour.

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)

4.1 Minutes of the Ordinary Council Meeting held on 15 February 2021 & Confidential Minutes of the Confidential Council Meeting held on 15 February 2021

Officer Recommendation

That the Council confirms the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 15 February 2021 & Minutes of the Confidential Council Meeting held on 15 February 2021 as an accurate record of the proceedings.

5 Disclosure by Councillors of any conflicts of interest

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 - Informal Meetings of Councillors

12 Reports by Delegates

13 Urgent Business

14 General Business

14.1 Planning Amendment 0285/17 - 22 & part 24 Toorak Road, South Yarra

Manager Statutory Planning: Alex Kastaniotis
Director Planning & Place: Annaliese Battista

Purpose of Report

For Council to consider a Section 72 amendment to approved plans and permit comprising an increase in the hours for the sale and consumption of liquor and an increase in the red line area at 22 & part of 24 Toorak Road, South Yarra.

Abstract

Proposal

The proposal seeks permission for an increase in the hours for the sale and consumption of liquor and an increase in the red line area to include an additional area on Ralston Street.

The existing hours for the sale and consumption of liquor in accordance with condition 3 of the planning permit are:

- Good Friday and ANZAC DAY: 12 noon and 11pm.
- Any Other day: 9am to 11pm.

The proposed hours are:

- Good Friday and ANZAC DAY: 12 noon and 11pm.
- Any Other day: 9am to 1am.

Officer Recommendation Summary

That Council authorise Officers to issue a **Notice of Decision to Grant an Amended Planning Permit** subject to conditions outlined in the Officer Recommendation. The proposal is supported for the following reasons:

- The proposal responds adequately to the relevant State and Local Planning Policy. In particular the application responds to policy listed at Clause 22.10 (Licensed Premises) of the Stonnington Planning Scheme.
- The proposal, subject to conditions, will not have any unreasonable adverse impacts on the surrounding properties in particular having regards to the dwellings above and in the nearby vicinity.

Issues

The following are the key issues in respect of this application:

- Noise impacts from the increased number of patrons and extended hours of operation (refer to assessment).
- Amenity impacts on the residential properties (refer to assessment).

Officer's response

The proposed increase in the hours for the sale and consumption of liquor and increase in the red line area is acceptable. Subject to conditions in relation to restricting the hours for the sale

and consumption of liquor it is considered that the amenity impacts on the surrounding residential properties can be appropriately managed.

Executive Summary

Applicant:	Murat Ovaz Yagiz Restaurant
Ward:	North
Zone:	Activity Centre Zone - Schedule 1
Overlay:	Design and Development Overlay - Schedule 20 Heritage Overlay - Schedule 150
Date Lodged:	7 September 2020
Statutory Days: (as at Council Meeting date)	118
Trigger for Referral to Council:	Number of objections and Councillor call up
Patron Numbers	Existing: 155 patrons (139 patrons internally and 16 patrons external) Proposed: 161 patrons (139 patrons internally and 22 patrons external).
Number of Objections:	10 objections (from 9 different properties)
Consultative Meeting:	Yes – held on 8 December 2020
Officer Recommendation	Notice of Decision to Grant an Amended Planning Permit

Background

The Proposal

The plans that form part of the basis of Council's consideration were prepared by the applicant and are known as Drawing No. A.100 and Council date stamped 8 October 2020.

Key features of the proposal are:

- Amend condition 2 of the permit to allow a maximum of 161 patrons (139 patrons internally and 22 externally) instead of 155 patrons (139 patrons internally and 16 patrons externally).
- Amend condition 3 of the permit to increase the hours for the sale and consumption of liquor from 9am to 1am Monday to Sunday (instead of 9am to 11pm). No increase in hours is proposed for Good Friday and Anzac Day.
- An amendment to the Red Line Plan (area where alcohol can be consumed) to include an additional 3.2sqm area on the Ralston Street frontage.

Site and Surrounds

The site is located on the southern side of Toorak Road and fronts Toorak Road and Ralston Street. The site has the following significant characteristics:

- The site forms part of a development which adjoins and shares a common boundary with Caroline Gardens, an established parcel of open space.
- The site is improved by a six-storey building. The building contains the following:

- Three levels of basement car parking.
- Commercial tenancies at ground level, fronting Toorak Road.
- Dwellings at the rear of the site at ground level.
- Dwellings located from Level 1 to Level 6.
- The tenancy that is the subject to the application is located at ground floor level on the corner of Ralston Street and Toorak Road.
- Toorak Road is located within the Activity Centre Zone, comprising a mix of various commercial, residential and office use. Land located further south (along Ralston Street and Caroline Street) is located within the General Residential Zone.
- The site is well serviced by public transport with both the South Yarra Railway Station (Cranbourne, Frankston, Pakenham and Sandringham Train line) and tram services (no. 58 tram) located within walking distance.

The site interfaces with the adjoining properties as follows:

- To the north is Toorak Road, which comprises on-street parking and two lanes of traffic in each direction separated by a central tram line. On the other side of Toorak Road are a row of double storey commercial tenancies.
- Land immediately to the east is No.34 Toorak Road, which comprises a single storey restaurant. This property is narrow and extends to Southwick Lane.
- The land to the south is Caroline Street Gardens. This Parkland is approximately 2000 square metres in size and is the closest area of public open space to the subject site. The reserve adjoins Ralston Street to the west and Caroline Street to the east.
- To the west is Ralston Street, which is a one-way street comprising on-street parking. Ralston Street provides vehicular and pedestrian access between Punt and Toorak Roads. On the other side of Ralston Street is No. 16 Toorak Road, which is a double storey building comprising several commercial tenancies. There are no residential premises located within the building.

There are a number of licensed venues that are located on Toorak Road, within close proximity to the subject site. The venues are as follows:

- Vesper Bistro and Bar - Restaurant and Café liquor licence - 23-25 Toorak Road, South Yarra
 - Licence operates between 10am and 11pm on a Sunday and between 7am and 12:30am on any other day.
- South Press Winehouse - General liquor licence - 27 Toorak Road, South Yarra
 - Licence operates between 11am and 12midnight on any other day then Good Friday and Anzac Day (internal), 11am and 10pm in the external courtyard on Monday to Thursday and 11am and 11pm in the external courtyard Friday to Sunday.
- Bar Carolina - Restaurant and Café liquor licence - 44 Toorak Road, South Yarra
 - Licence operates between 7am and 1 am on any other day then Good Friday and Anzac Day (internal) and 7am and 11pm on any other day then Good Friday and Anzac Day within the rear courtyard.
- France Soir - Restaurant and Café liquor licence - 11 Toorak Road, South Yarra
 - Licence operates between 10am and 1am Sunday and 7am and 1am on any other day then Sunday, Good Friday and Anzac Day.
- Arcadia - General liquor licence (late night) - 2-10 Toorak Road, South Yarra
 - License operates until 3am the following day on any other day then Good Friday (internal) and until 11:30pm on any other day then Good Friday for the rooftop garden.

Previous Planning Application/s

A search of Council records indicates the following relevant planning applications:

- Planning Permit No. 285/17 was issued under delegation on 20 September 2017. The permit allowed a restaurant and café liquor licence associated with of the land as a restaurant (as of right use) in an Activity Centre and associated reduction in the car parking requirement. The permit was issued subject to a number of conditions including the following:
 - Hours:
12 noon and 11pm Good Friday and Anzac Day
9 am to 11pm and other day.
 - Maximum number of patrons: 155 patrons (139 patrons internally and 16 externally).
 - The predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises to the satisfaction of the Responsible Authority.
 - Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time, to the satisfaction of the Responsible Authority.
 - Compliance with the requirements of the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2, Compliance with Council's Local Laws for waste collection.
- Planning Permit No. 200/11 was issued by Council at the direction of VCAT on 11 September 2012. The permit allowed partial demolition, construction of buildings and construction and carrying out of works (including multi-level building and basements); use of land in a Business 1 Zone for dwellings, a reduction of the car parking requirement associated with the use of the land for shops and dwellings and a waiver of the loading bay requirement. The permit was issued subject to a number of conditions, including Condition 3 which required the owner to enter into a S173 Agreement with Council with regard to remediation works within Caroline Gardens which adjoins the subject site to the south.

The Section 173 Agreement was approved by Council in 2015 and subsequently lodged at the Titles Office and executed.

In the surrounding area, the following planning permit is of relevance:

16 Toorak Road - Located directly to the west of the subject site.

- Planning Permit No. 634/20 was issued under delegation on 22 January 2021. The permit allowed use of the land for the sale and consumption of liquor (restaurant and café) in associated with a food and drink premises (café) (as-of-right) in an Activity Centre Zone. The permit was issued subject to a number of conditions including the following:
 - Hours within the internal area: 7:00am to 1:00am the following day, Monday to Sunday and 12:00am to 1:00am the following day ANZAC DAY and Good Friday.
 - Hours within the footpath trading area: 7:00am to 12:30am Monday to Sunday and 12:00am to 12:30am the following day, Anzac Day and Good Friday.
 - Maximum number of patrons: 60 (60 patrons internal and 10 on the footpath trading area).

The Title

The site is described on Certificate of Title Volume 11841 Folio 426 known as Lot 1R and Part of 2R on Plan of Subdivision 732040F and no covenants or easements affect the land.

A Section 173 Agreement affects the land (AL840019A dated 24/04/2015) which requires:

The Owner agrees that it will:

(1) enter into discussions with the Responsible Authority in relation to the protection and remediation of Caroline Gardens;

(2) once agreement has been reached concerning the extent of works required for the remediation of Caroline Gardens, prepare and lodge with the Responsible Authority the Caroline Gardens Remediation Plan, to the satisfaction of both parties. Once approved, the Caroline Gardens Remediation Plan will be endorsed and will then form part of the Planning Permit;

(3) prior to the occupation of dwellings approved by the Planning Permit, construct the works required under the Caroline Gardens Remediation Plan at the cost of the Owner;

(4) if any works on the Land under the Planning Permit or the Caroline Gardens Remediation Plan require that the toilet block or water tank in Caroline Gardens be removed or if those works result in damage to the toilet block or water tank, return such facilities to full working order by whatever means necessary as a matter of high priority and at the full cost of the Owner;

*(5) design the development and construction process so as to ensure minimal disruption to the use of the public toilets and **BBQ** in Caroline Gardens; and*

(6) pay any supervision payment to the Responsible Authority prior to the commencement of any remediation works under the Caroline Gardens Remediation Plan, being a capped charge of up to 2.5% (plus GST) of the cost of the works, all to the satisfaction of the Responsible Authority.

The application will not contravene the requirements of the Section 173 Agreement.

Planning Controls

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

Zone

Clause 37.08 – Activity Centre Zone- Schedule 1

Pursuant to Clause 37.08-3 (Use of land) a permit is not required to use the land for a restaurant as it is located at ground floor level.

Overlay

Clause 43.01 - Heritage Overlay -Schedule 150

Pursuant to Clause 43.0-1 a permit is required to construct a building or construct or carry out works (including demolition).

As no external buildings and works are proposed no planning permit is required.

Clause 43.02 – Design and Development Overlay- Schedule 20

Pursuant to Clause 43.02-1 a permit is required to construct a building or construct or carry out works.

As no external buildings and works are proposed no planning permit is required.

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Clause 52.06-5, column B of Table 1 (number of car parking spaces) applies to the site. Specifically, the statutory rate for use of the land as a restaurant is 3.5 car parking spaces to each 100 square metres of leasable floor area.

In this amendment, no change to the existing floor area is proposed. As such, the Clause is not triggered.

Clause 52.27- Licensed Premises

Pursuant to Clause 52.27 a permit is required to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998. A restaurant and cafe liquor licence is required under this Act and therefore a planning permit is required to increase the hours and red line area associated with the licence.

Relevant Planning Policies

Clause 9 – Plan Melbourne
Clause 11 – Settlement
Clause 17 – Economic Development
Clause 21.03 – Vision
Clause 21.04 – Economic Development
Clause 22.10 – Licensed Premises Policy
Clause 52.06 – Car Parking
Clause 52.27 – Licensed Premises
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 9 different properties were received, summarised as follows:

- Amenity impacts associated with noise, smoking, alcohol.
- Increase of hours in a residential area.
- Parking.

A Consultative Meeting was held on 8 December 2020. The meeting was attended by Councillor(s) Hely and Griffin, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans.

Referrals

Community and Health Planner (Comments based on the material Advertised in October 2020)

- The main concern with the proposed change in trading hours is the potential amenity impact and in particular, noise disturbance to residences immediately adjacent, associated with an extension to the trading hours to 1pm.
- The case for extending the trading hours includes reference to examples of licensed premises operating in the area with trading hours similar to what is proposed. There are however, a few key differences worth noting:

- The Arcadia Hotel located at 2 Toorak Road operates under a Late Night (General) license with trading hours for internal areas until 3am and the external rooftop bar until 11.30pm each day. There are no residences in close proximity to this venue.
- Frances Soir Restaurant located at 11 Toorak Road operates until 1am however; this venue is also not situated in close proximity to residential dwellings.
- South Press Winehouse, which is directly opposite Yagiz, operates under a General licence that includes internal and external areas. The internal areas trade until 12 midnight while the external courtyard area closes by 10pm from Monday to Thursday and 11pm from Friday to Sunday.
- It is common practice for external areas to cease trading earlier in the evening given the greater risk of noise disturbance to residences nearby. While the proposal to extend the red line area to include a portion of Ralston Street is approved, it is recommended that an 11pm closing time be retained for the external footpath trading area.
- Given the proximity of the venue to residential dwellings, the proposed change to a daily closing time of 1pm for the internal area is also not generally supported. A smaller increase is recommended with 11pm retained for trading from Sunday to Wednesday and an increase in hours to midnight from Thursday to Saturday.

Planner Response:

As will be discussed in the assessment section of the report, conditions will be included on the permit requiring a restriction to the proposed hours for the sale and consumption of liquor to 12am on a Friday and Saturday (internal) and 11pm any other day (internal and external).

Local Laws (Comments based on the material Advertised in October 2020)

- As there are several restaurants in close vicinity, this premises should not affect the local amenity. Local Laws has no issues with the proposal.

Key Issues and Discussion

Strategic Setting

The site is situated within an Activity Centre Zone – Schedule 1 (ACZ1) where the use of the land for a restaurant does not require a planning permit. The relevant land use objectives of the Schedule to the zone seek to:

- *To provide a premier shopping, business, civic, cultural and entertainment destination in a local, metropolitan and national context.*
- *To provide a range of uses that are accessible to all and complement the role of the Activity Centre.*
- *To provide a diversity of retail, hospitality, entertainment, medical and community and cultural uses and a range of employment choices including corporate, boutique and incubator offices.*
- *To provide flexibility for lower levels of buildings to be utilised for a mix of uses.*

The Activity Centre Zone - Schedule 1 encourages a range of uses that are accessible to all and complement the role of the Activity Centre. Clause 21.04 (Economic Development) of the Stonnington Planning Scheme highlights that hospitality uses are recognised for their contribution to the vitality and viability of the City; however they should not dominate or adversely affect activity centres and the surrounding residential areas.

In addition, the Activity Centre Zone - Schedule 1 objective that relate to land use seek to promote among other things a “premier entertainment destination”; and to support Toorak Road as a distinctive commercial precinct. The restaurant and liquor licence is consistent with these objectives.

The restaurant and café liquor licence provides a vibrant and desirable use which is compatible with the Precinct 2 – South Yarra, in accordance with the objectives Activity Centre Zone - Schedule 1. In particular, the existing restaurant on the subject site provides a hospitality option in a suitable location whilst not unreasonably impacting the amenity of the residential land within close proximity to the site. Subject to conditions, the proposed amendment to the liquor licence to increase the hours and red line area will continue to provide a hospitality option, whilst not unreasonably impacting the amenity of the residential land surrounding the site; this will be discussed further below.

Clause 22.10 (Licensed Premises Policy) discourages trading past 11.00pm outside of Principal Activity Centres and for licenced premises adjacent to a residential zone/use unless the Responsible Authority is satisfied that the use will not adversely affect the amenity of the area. It is policy that the operation of licensed premises should not unreasonably impact the amenity and safety of surrounding uses, in relation to noise, hours of operation and car parking demand amongst other things. The subject site is located as part of the Principal Activity Centre, however because it is located adjacent to residential properties an appropriate balance must be reached. An assessment of these factors is undertaken below.

Amenity Impacts

Hours and Patron Numbers

The restaurant currently has a Restaurant and Café Liquor Licence that allows the sale and consumption of liquor between 12noon and 11pm on Good Friday and Anzac Day and between 9am and 11pm any other day. The proposed hours are between 12 noon and 11pm (unchanged) Good Friday and Anzac Day and between 9am to 1am (additional two hours) both internal and external any other day.

A planning permit is required for the proposed extension of the hours until 1am each day and for the proposed increase in the red line area and patron numbers on Ralston Street

Clause 22.10 (Licensed Premises Policy) discourages trading past 11.00pm outside of Principal Activity Centres and for licenced premises adjacent to a residential zone/use unless the Responsible Authority is satisfied that the use will not adversely affect the amenity of the area. It is preferred that any trading after 11:00pm occur in a Principal or Major Activity centre. The proposal is located within an Activity Centre Zone where the purpose of the Zone (amongst other things) is to “provide a range of uses that are accessible to all and complement the role of the Activity Centre”.

There were several objections received that raised concerns in regard to the proposed increase in hours. It is acknowledged that the proposed increased trading hours are outside the preferred trading hours outlined by Clause 22.10. However, it must be acknowledged that residents who reside in or opposite an Activity Centre cannot expect the same level of amenity as residents who reside in the wider residential hinterland area. A balance needs to be struck, between protecting the amenity of the residential properties located directly above and surrounding the site and acknowledging the sites location within an Activity Centre Zone.

The site is located on an arterial road and within the South Yarra Precinct of the Chapel Street Activity Centre where a number of licensed premises exist. As highlighted in the

referral comments received from Council's Community and Health Planner there are a number of licensed premises operating in the area with trading hours similar to what is proposed, however the difference between other premises and the proposed is the location of the subject site. In regard to the physical context of the subject site, directly above the subject site and to the rear of the building are apartments. To the immediate east and west of the site are commercial tenancies located on Toorak Road. A permit was recently issued for 16 Toorak Road directly to the west of the subject site to allow a restaurant and café liquor licence. The permit allows for the sale and consumption of liquor between 7:00am to 1:00 the following day, Monday to Sunday (internal) and 7:00am to 12:30am Monday to Sunday (footpath).

Given the subject site is located within a residential building, it is considered that the 1am trading that has been proposed may cause unreasonable amenity impacts to the residential properties within the building. As Friday and Saturday nights are typically nights where the restaurants on Toorak Road are already busy and open late, increasing the proposed hours to 12am on a Friday and Saturday is considered reasonable. Given the predominant activity of the restaurant is the serving of meals and the proposal allows patrons to consume a drink with the meals, it is considered that the extended hours on a Friday and Saturday evening will not unreasonably affect the amenity of the area. The restriction of the hours to 12am Friday and Saturday are also within the recommended time range by Council's Community and Health planner.

With regard to patron numbers, the application seeks permission for an addition 6 patrons to consume liquor on the Ralston Street footpath. This is acceptable given the existing footpath trading area on Toorak Road currently allows trading for 16 people. However, given there are residential properties located above the premises and on Ralston Street a condition will be included on the amended permit requiring the footpath trading to cease at 11pm.

The impacts of the proposed hours or patron numbers are not anticipated to result in any significant increase in adverse effects on the surrounding residential properties given the conditions proposed on the permit will cease the service of alcohol at 11pm most days, except for Friday and Saturday where it will cease at 12am. It is also worthy to mention that the use of the land for the purpose of a restaurant can extend past 11.00pm without a Planning Permit as the use of the land as a restaurant does not require planning approval.

The hours and patrons numbers proposed as part of this amendment application are deemed to be reasonable for a restaurant of this nature within the Activity Centre Zone, are in line with Council policy and as such will not result in adverse amenity impacts on the surrounding residential properties.

Noise

A licensed restaurant is considered a low-risk entertainment use and will not generate unreasonable noise given its nature. Further, as conditions will be included on the permit that will only allow liquor to be consumed for an additional one hour on Friday and Saturday, the proposal will not create unreasonable noise impacts on the residential properties located directly above the site and on Ralston Street.

A Noise and Amenity Action Plan forms part of the endorsed plans and this will continue to form part of the endorsed plans. Furthermore, the following conditions, contained in the existing Permit, will continue to prevent potential noise impacts:

- Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels

from the plant and equipment area are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

- The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.

In light of the above, the proposal will not result in unreasonable noise impacts.

Car Parking

The onsite car parking arrangement remains unchanged as part of this amendment. As discussed above, the amendment does not involve any changes to the floor area and Clause 52.06 (Car parking) is not further triggered. As a reduction in the car parking requirement has been approved under the existing Permit, this cannot be opposed.

In addition, the amendment is not expected to generate unreasonable traffic impact for the following reasons:

- It is proposed to increase the patron number to allow an additional 6 patrons. The increased scale is moderate and will not unreasonably increase the existing traffic volume.
- Council's Local Planning Policy at Clause 22.05 (Environmental Sustainable Development) seeks to ensure that the built environment is designed to promote the use of walking, cycling and public transport, and to minimise car dependency. The current car parking arrangement is considered responsive to the policy and consistent with other uses in a predominantly commercialised street.
- The subject site is situated in an Activity Centre Zone, where numerous public transport options, including trains, trams and buses, are conveniently accessible. For instance, trams run along Toorak Road, and South Yarra Station is located in the immediate vicinity. Given the convenient access to public transport, the premises will be well serviced by public transport.
- Off-street carparking and other public parking space are available in this area including timed car parking during daylight hours and less restricted car parking during evenings and weekends.

Conclusion

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

- The proposal responds adequately to the relevant State and Local Planning Policy. In particular the application responds to policy listed at Clause 22.10 (Licensed Premises) of the Stonnington Planning Scheme.
- The proposal, subject to conditions, will not have any unreasonable adverse impacts on the surrounding properties in particular having regards to the dwellings above and in the nearby vicinity.

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. 0285/17 - 22 and part of 24 Toorak Road, South Yarra [14.1.1 - 10 pages]

Officer Recommendation

Note: Bold wording below indicates amended conditions.

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Section 72 Amendment to Planning Permit No: 285/17 for the land located at 22 & part 24 Toorak Road, South Yarra under the Stonnington Planning Scheme for a Restaurant and Café liquor licence associated with use of the land as a restaurant (as of right use) in an Activity Centre Zone and associated reduction in the car parking requirement subject to the following conditions:

1. ***Before the commencement of the extended hours, 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 date stamped 08 October 2020 and 18 May 2017 but modified to show:***

- a) ***A revised Noise and Amenity Action Plan in accordance with the updated hours, patron numbers and red line area.***

All to the satisfaction of the Responsible Authority.

2. The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.
3. ***A maximum number of 161 patrons (139 patrons internally and 22 patrons externally) may be housed on the premises at any one time to the satisfaction of the Responsible Authority.***
4. ***Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licenced area between the hours of:***

Internal area:

- a) ***Good Friday and ANZAC Day: 12 noon and 11pm;***
- b) ***Friday and Saturday: 9am and 12am***
- c) ***Sunday to Thursday: 9am and 11pm.***

External area (footpath trading area):

- d) ***Good Friday and ANZAC Day: 12 noon and 11pm;***
- e) ***Any other day: 9am and 11pm***
5. The predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises to the satisfaction of the Responsible Authority.

6. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time, to the satisfaction of the Responsible Authority.
7. ***The approved Noise and Amenity Action Plan forms part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.***
8. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
9. The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.
10. Bottles and rubbish must not be removed from the premises between the hours of 11pm and 7am the following day except for Sundays and Public Holidays when bottles and rubbish must not be removed from within the premises before 9am.
11. 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
12. Speakers must not be located within the footpath trading area unless with the written consent of the Responsible Authority.
13. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years from the date of this permit.
 - b) 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.

Notes:

Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.

This permit does not give any authority to occupy the footpath for trading without prior approval from Council's Local Laws department. A permit must be obtained for footpath trading and it must accord with the relevant Footpath Trading Code.

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.

14.2 Amendment C304 Heritage Compilation Amendment Report on submissions

Manager City Strategy: Susan Price

Director Planning & Place: Annaliese Battista

Linkage to Council Plan

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

- L2** Preserve Stonnington's heritage architecture and balance its existing character with complementary and sustainable development.

Purpose of Report

To update Council on the submissions received during the public exhibition of Amendment C304ston, and consider Council's proposed response to these submissions.

To consider requesting the Minister for Planning to appoint an independent planning panel to consider submissions.

Officer Recommendation

That Council:

- 1. RECEIVE and NOTE submissions received in response to exhibition of Amendment C304ston;**
- 2. REQUEST the Minister for Planning to appoint a Panel pursuant to Section 23 of the Planning and Environment Act 1987 to hear and consider submissions to Amendment C304ston;**
- 3. REFER the submissions and any late submissions to the Panel appointed to consider Amendment C304ston;**
- 4. In its submissions to Panel, ADOPT a position pursuant to Section 23 of the Planning and Environment Act 1987 generally in accordance with the officer response to submissions and other minor changes as outlined in Attachments 3 and 4; and**
- 5. WRITE to the submitters to Amendment C304ston to advise them of Council's decision.**

Executive Summary

Amendment C304ston seeks to implement the outcomes of a number of heritage investigations by proposing to apply the Heritage Overlay to one new precinct and three individual places, and making revisions and extensions to four existing precincts. In response to the application of the Heritage Overlay, changes are also proposed to other planning controls that apply to some of the affected properties.

As a result of a public exhibition in late 2020, a total of 53 submissions were received; 40 in support of the amendment, and 13 opposing the amendment or requesting changes. Council engaged an independent heritage consultant to review and respond to the submissions and inform Council officers' response to submissions. While a number of minor changes are recommended in response to submissions received and anomalies identified, officers consider that overall the Amendment will appropriately implement planning controls to

achieve Council's objectives. It is recommended that Council refer the submissions to an independent planning Panel.

Background

In December 2018, the Stonnington Heritage Strategy and Action Plan 2018-2029 was adopted by Council. A key action of the Strategy is to investigate places of potential heritage significance. While a suburb by suburb approach for systematically identifying places is underway, this work will take some time. In the meantime, as part of Council's ongoing program of protecting heritage places, this collection of heritage investigations has been grouped to progress through the amendment process.

Planning Scheme Amendment C304ston is a compilation heritage amendment, resulting from heritage investigations of various areas of South Yarra, Prahran, and Armadale. At its meeting on 1 June 2020, Council considered the findings of these investigations and resolved, among other things, to request authorisation to prepare and exhibit Amendment C304ston. The Amendment proposes the following changes and additions to the Heritage Overlay and interrelated controls:

- Introduction of one entirely new heritage precinct:
HO640 - Brocklesby Precinct.
- Introduction of three new places of individual heritage significance:
HO643 – 151 Finch Street, Glen Iris; **HO644** – 546 Orrong Road, Glen Iris; and **HO645** – 35 Larnook Street, Prahran.
- Changes to four (4) existing precincts:
HO128 – Palermo Estate, South Yarra; **HO150** – Toorak Road, South Yarra; **HO178** – Airlie Avenue, Prahran; and **HO386** – Chomley Street, Prahran; and
- As a result of the review of these precincts, two (2) new precincts are proposed:
HO641 – Lee Terrace, South Yarra; and **HO642** – Chapel Street North, South Yarra.

A summary of the changes proposed to the Heritage Overlay by Amendment C304ston is included as **Attachment 1**.

In addition, the Amendment proposes to incorporate into the planning scheme Statements of Significance for each of heritage places affected by the Amendment. The Statements of Significance provide a heritage grading for each property, which assists in determining how any future planning permit applications will be considered within the context of Council's Heritage Policy. The exhibited Statements of Significance are included as **Attachment 2**.

Key Issues and Discussion

The Amendment was publicly exhibited from 29 October to 9 December 2020. Fifty-three (53) submissions to the Amendment were received. Forty (40) were in support of the Amendment (primarily the introduction of the Brocklesby Precinct), while thirteen (13) requested changes or opposed the amendment.

Opposing submissions primarily disputed the heritage values of the submitter's property and sought to ensure the Heritage Overlay was not applied, or that a lower heritage grading was applied. Officers have prepared a summary and proposed response to each submission in **Attachment 3**, along with maps of the relevant precinct or place to identify the location of submitters. In most cases, officers consider that the Amendment is appropriate as proposed. As detailed in the response table, however, there are two instances where changes to the Exhibited Responses are recommended in direct response to the submissions. These are:

- Support the preparation of an Incorporated Plan to present to the Planning Panel in regard to the dwelling at 151 Finch Street, Glen Iris. This will provide certainty and reduce administrative burden in the event that internal controls are applied to the dwelling; and
- Amend the Statement of Significance for HO178 – Airlie Avenue, Prahran, to change the grading of 554A High Street, Prahran, from ‘contributory’ to ‘non-contributory’.

As a result of the exhibition process, a number of other minor changes are recommended by officers to ensure that the Amendment appropriately reflects the heritage value of places and results in appropriate controls. These proposed changes are listed in **Attachment 4**.

Conclusion

In response to the exhibition of Amendment C304 and submissions received, officers consider that the Amendment has a strong strategic foundation and that the heritage overlay should be applied in the manner proposed in the exhibited Amendment subject to a number of minor changes, which are outlined in **Attachments 3 and 4**.

Given there are unresolved submissions, Council needs to refer the submissions to an independent Planning Panel in accordance with section 23 of the *Planning and Environment Act 1987*.

Officers recommend that Council endorse the Amendment generally as exhibited, subject to the proposed changes detailed in **Attachments 3 and 4**, and that this position be presented to Panel.

Governance Compliance

Policy Implications

This Amendment responds to the Council Plan’s goal of ‘preserving Stonnington’s heritage architecture, and continues the implementation of Council’s Heritage Policy and Action Plan 2018 – 2029.

Financial and Resource Implications

The financial and resource implications associated with this heritage amendment are factored into 2020/21 and 2021/22 financial budget allocation.

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

Council will be represented by legal counsel at the Panel hearing, who will manage and mitigate any risk implications as appropriate.

Stakeholder Consultation

The amendment was exhibited as per the requirements of the Planning and Environment Act 1987 between 29 October and 9 December 2021.

Human Rights Consideration

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

Attachments

1. Summary of Amendment 210203 [**14.2.1** - 10 pages]
2. Combined Statements of Significance [**14.2.2** - 32 pages]
3. Response to Submissions 210205 [**14.2.3** - 14 pages]
4. Recommended Revisions 210205 [**14.2.4** - 3 pages]

14.3 Outdoor dining - options for extension of program

COVID Recovery Manager: Sean Ross

Director Planning & Place: Annaliese Battista

Linkage to Council Plan

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

EC1 Develop long-term plans to ensure sustainability of Stonnington's activity centres.

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

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

L4 Enhance the design outcomes of public spaces, places and buildings.

Purpose of Report

To provide Council with an update on the expended outdoor dining initiatives implemented in response to the economic impacts associated with the COVID-19 pandemic. The outdoor dining expansion was initiated over the warmer months, and this report proposes the extension of some targeted components as part of a pilot program with an evaluation report coming to Council in May/June 2021.

Officer Recommendation

That Council:

1. ***APPROVE the extension of roadside dining permits free of charge until 30 June 2021 as part of a pilot for venues that:***
 - a) ***Express an interest in extending their permits into the winter months***
 - b) ***Have upgraded or maintained their existing roadside dining site through measures like decking or flooring***
 - c) ***Can gain consent from neighbouring businesses for this extended period***
2. ***APPROVE the extension of extended footpath trading permits free of charge until 30 June 2021 for venues that:***
 - a) ***Express an interest in extending their permits into winter***
 - b) ***Can gain consent from neighbouring businesses for this extended period.***
3. ***APPROVE the extension of waiving all footpath trading permit fees until 30 June 2021.***
4. ***NOTE the evaluation of the pilot program will form part of a report to Council prior to 30 June outlining options for an outdoor dining program going forward.***

Executive Summary

In late October 2020, Council implemented initiatives in line with direction from the Victorian Government to encourage outdoor dining due to COVID-19 restrictions. The extended outdoor dining program has had strong uptake across Stonnington, with more than 150 hospitality businesses participating. Initial permits issued by Council are set to expire on 31 March 2021.

These increased and creative outdoor dining space have proved to be an effective way of reactivating our precincts. This report provides a summary of the program, describes the evaluation currently underway and seeks endorsement to extend some targeted components while a more detailed report to Council is compiled.

Background

Council's outdoor dining program was driven by the Victoria's Government's COVID-19 restrictions and the push for outdoor dining given the reduced risk of COVID-19 transmission. While this program was developed and delivered as a public health response, additional outdoor dining spaces have been a significant driver of re-activating our precincts as restrictions were lifted.

Council approached this through three key initiatives:

1. **Roadside dining** enabling over 50 bars, cafes and restaurants to use car parking spaces where safe and practical to create additional space for people to eat or drink.
2. **Extended footpath trading** enabling approximately 100 venues to use space in front of neighbouring properties where vacant or with consent to create additional space for people to eat or drink.
3. **Onstreet dining** through partial street closures at Beatty Avenue, Armadale and Greville Street, Prahran to open streets up for venues to create additional space for people to eat or drink and create a more friendly pedestrian environment.

This program was delivered through a \$500,000 support package from the Victorian Government, which will be expended by the time permits expire on March 31 2021. Funding was also available for venues directly from the Victorian Government, including grants of up to \$5,000 to enable hospitality venues to trade outdoors.

Additional potential funding of up to \$500,000 for Council from the Victorian Government was announced on 4 February 2021. Officers are preparing an application for this funding and the outcome of this will be available in a future report to Council.

This program has been overwhelmingly well received by businesses involved. Extended targeted components will allow Council to maintain momentum for the program while a thorough evaluation process is undertaken to inform a more detailed report to Council outlining options for outdoor dining going forward.

Key Issues and Discussion

A summary and recommendation for all three initiatives are outlined below, as well as an outline of the evaluation process currently underway.

Roadside dining

Close to 60 businesses in Stonnington successfully obtained a COVID-19 Roadside Dining Permit to use on-street car parking spaces for dining where safe and practical and where neighbouring businesses provided consent.

[Safety criteria](#) included considering only sites with speed limits of less than or equal to 40km/h, the need for 3m width of roadway to be maintained for through traffic, avoiding clearways, ensuring a safe distance from tram stops and a number of other factors. The majority of applications were successful, with only 14 denied – usually due to local traffic conditions or lack of consent from neighbouring business.

Officers developed a model that could be rolled out quickly and with no costs to businesses, this included water barriers and covers and optional toppers such as planter boxes. At the

time of rollout, local Victoria Police contacts commended Council for the safety of the roadside structures.

A photo of the base rollout is below, as is an installation at the Windsor Alehouse after treatment by the venue. A [map of the sites](#) is available.



Permits were issued until 30 March 2021, consistent with other inner Melbourne councils and aligned with temporary liquor license extensions granted by the Victorian Commission for Gambling and Liquor Regulation.

There are a number of sites across Stonnington where venues have invested in upkeep and improvements to their roadside dining structures such as decking or flooring. These would make ideal sites to extend the program until June 30 2021 to test the program's viability during the colder months. A photo below shows installed decking at Moby on High Street, Armadale – an example of a site that could be included in a possible extension.



The first stage of the program has been funded through a Victorian Government grant. To give venues a greater understanding of the future viability of the program during cooler months, it is recommended that Council continue to pay for the barrier hire at sites targeted sites interested in extending their permits until June 30 2021. This is expected to cost approximately \$40,000-\$50,000 but generate significant benefits to the visitor economy during this period.

A list of potential sites that would be considered for extension is included in **Attachment 1**. Consultation with all permit holders is currently underway as part of our evaluation, these conversations may identify other sites for potential extension. A number of venues listed on the attachment have already indicated interest in extending their permits.

Additional potential funding of up to \$500,000 for Council to enable outdoor dining from the Victorian Government was announced on 4 February 2021, this grant pool is capped at \$5m for all councils. Officers are preparing an application for this funding with the plan that this grant will fund the program extension.

Sites deemed to be under-used or without significant upkeep will have their permits lapse on March 31 2021 as originally flagged with car parking spaces returned to the street network.

Extended footpath trading

Obtaining a COVID-19 Roadside Dining Permit allowed businesses to use the footpath of neighbouring businesses, where safe and practical to do so, if:

- the neighbouring business was vacant, or
- with the consent of the neighbouring business.

Approximately 100 hospitality businesses have received permits since the promotion of an accelerated application process that granted pre-approval for businesses that meet set criteria.

For traders wishing to continue with this extended dining option, this will also be available at no charge until 30 June 2021 to coincide with the State Government's extension of temporary liquor licences.

Council's Liveability and Compliance Team has commenced work on embedding extended footpath trading into Council's program offering to hospitality businesses beyond 30 June 2021.

Footpath trading permit fees

Fee free permits for extended footpath trading and roadside dining were granted until 31 March 2021. This coincided with a 12-month waiver of footpath trading fees from 1 April 2020 to 31 March 2021 which was part of Council's COVID-19 support program for businesses. This fee waiver has resulted in approximately \$1,000,000 support to the Stonnington business community, to date.

Given the pressures that still face Stonnington's business community, exhibited recently through the 'snap lockdown', it is recommended that all footpath trading permit fees continue to be waived until 30 June 2021. The total cost of this extension would be approximately \$300,000 – this total takes into account waiving application fees for new businesses and the other components of [footpath trading](#) incorporating A-boards, Goods, Night Club Queue and Real Estate Pointer Board permits.

On 1 October 2021, a simplified fee system will be introduced to include a more Covid safe desktop assessment of trading permits and to align with the recent "Better Approvals" program, designed to "cut red tape". A proposed flat rate fee structure is proposed, based on

trading site frontage categories of small, medium and large and will include the option to continue with extended dining at a percentage of the standard dining area fee (at a percentage rate yet to be determined).

It is important to note that footpath trading fees are charged for business use of what would otherwise be the public realm for use by all members of the community and permits are only granted where pedestrian, public transport, cycling and vehicle traffic conditions allow. Use of these spaces is guided by Council's [Footpath Trading and Awnings Policy, 2013](#).

Onstreet dining

Partial street closures at Beatty Street, Armadale and Greville Street, Prahran have allowed participating hospitality businesses to create additional space for people to eat or drink and create a more friendly pedestrian environment.

1. Part of Greville Street, Prahran has been closed to vehicles since early November with traffic diverted. Four businesses have used the space created in a 'summer pop-up' style activation.
- Part of Beatty Avenue, Armadale has been closed from Friday afternoon to late Sunday evening to allow two businesses to create additional space for people to eat or drink and create a more friendly pedestrian environment.

Both sites had festoon lighting installed to provide light during the evening and create an atmosphere for dining. Given the need for traffic management and lighting, these closures are more expensive on a per business basis to roll out and maintain than roadside dining.

Both activations have been well received, in particular on social media, but a thorough evaluation of these partial closures will outline their impact on the broader business area and not just on the businesses involved.





Evaluation

Evaluation will include an economic study across the cities of Yarra, Stonnington and Melbourne. This will include items such as credit card trends, spend patterns, people and vehicle movement, signs of improved visitation and evaluation against the project costs.

On a local level (independent of other councils), Council's Economic Development team is coordinating:

- An independent placemaking evaluation (coordinated by VillageWell in partnership with Council's City Strategy team).
- Phone interviews with venues taking part in roadside dining and on-street dining.
- Intercept surveys over weekends with diners and shoppers in key areas.
- Online engagement via Connect Stonnington with tailored surveys for: neighbouring businesses, general business community, general community and residents who live close to a roadside dining or street closure.
- Internal review of process and implementation.

Components of this work are underway, with the full evaluation to be completed by April 2021, results will be provided to Council before June 30 2021 as part of a report outlining options for outdoor dining going forward.

Conclusion

The City of Stonnington's outdoor dining initiative have been a key action to reactivate our shopping precincts as Melbourne emerged from COVID-19 restrictions.

While this series of initiatives were delivered through a public health and economic response, the success and response to these have been exciting and further evaluation and work will help to ensure that expanded outdoor dining can effectively play a role in Stonnington's precincts for years to come.

Governance Compliance

Policy Implications

There are no policy implications associated with this report.

Financial and Resource Implications

The below outlines the costs to-date and forecast costs of the outdoor dining program through to 31 March 2021. This does not include costs related to staff time to deliver the program. With the recommendation of venues to pay for barrier hire for the extended permit there are no additional major implications on Council's budget in the short term.

Roadside dining – including barrier hire, installation and topper furnishings	\$446,000
Onstreet dining – traffic management, festoon lighting, covers, fencing and photography	\$111,700

As the first stage of the program is still underway these costs may vary before the final summary.

This program was delivered through a \$500,000 support package from the Victorian Government to help facilitate these initiatives, this money has been expended. Additional potential funding of up to \$500,000 for Council to enable outdoor dining from the Victorian Government was announced on 4 February 2021, this grant pool is capped at \$5m for all councils. Officers are preparing an application for this funding and the outcome of this application will be available in a future report to Council.

A more detailed report to Council will outline options for the outdoor dining going forward and the budget implications of this.

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

Risks were identified and resolved in the initial design and implementation of this program.

Stakeholder Consultation

Council's direction on this report will trigger consultation with key stakeholders such as precinct associations and direct engagement with all businesses in the roadside dining, extended footpath trading and on-street dining programs.

Human Rights Consideration

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

Attachments

1. Marquee sites - February 2021 [14.3.1 - 3 pages]

15 Confidential Business

15.1 Legal Issues

Director Environment & Infrastructure: Rick Kwasek

Confidential report is circulated separately.

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) (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.