



Council Meeting Agenda

Monday 19 July 2021 at 7 PM

**Malvern Banquet Hall, Malvern Town Hall
Corner Glenferrie Road & High Street Malvern**

Information for the Community

Welcome

Welcome to a City of Stonnington Council meeting.

The Council has adopted Governance Rules in accordance with the Local Government Act 2020 which determine the way in which the Council will make decisions.

About this meeting

The agenda lists all the items to be considered by the Council. Each report is written by a Council Officer and outlines the purpose of the report, relevant information and a recommendation for the Council. The 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 generally held at the Malvern Banquet Hall, corner High Street and Glenferrie Road (entry via Glenferrie Road via the door closest to the Malvern Police Station). The Malvern Banquet Hall is accessible to all. Accessible toilets are also available. If you require translation, interpreting services or a hearing loop, please contact the Council's Civic Support Officer on 03 8290 1331 to make appropriate arrangements before the meeting.

To ensure that people in the Hall can follow proceedings, the meeting agenda, recommendations and proposed alternate recommendations are displayed on screen.

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 the Council website after the meeting (usually within 48 hours). Live captioning is occurring during the meeting. Only Councillors and Council Officers are visible. People in the public gallery will not be filmed, but if you speak, you will be recorded.

Governance Matters

This Council Meeting is conducted in accordance with the Local Government Act 2020 and the City of Stonnington Governance Rules 2020.

Recording of Council Meetings

In accordance with the Governance Rules 2020 clause 67 meetings of the Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Disclosure of Conflict of Interest

In accordance with the Local Government Act 2020, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on the Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in any item on the agenda must indicate they have a conflict of interest by clearly stating"

- The item for which they have a conflict of interest;
- Whether their conflict of interest is general or material; and
- The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

Behavior at meetings

Members of the public present at the meeting must remain silent during the proceedings other than when specifically invited to address the meeting.

The Chair may remove a person from the meeting for interjecting or offensive gesture after being asked to desist, and the Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in the meeting for either a short time, or to resume another day if the behavior at the Council table or in the gallery is significantly disrupting the Meeting.

Your cooperation would be appreciated.

Mayor, Deputy Mayor and Councillors, Stonnington City Council

Attendees

Chair	Cr Kate Hely (Mayor)
Councillors	Cr Melina Sehr (Deputy Mayor) Cr Nicki Batagol Cr Marcia Griffin Cr Jami Klisaris Cr Matthew Koce Cr Alexander Lew Cr Polly Morgan Cr Mike Scott
In attendance	Jacqui Weatherill, Chief Executive Officer Annaliese Battista, Director Planning & Place Cath Harrod, Director Community & Wellbeing Rick Kwasek, Director Environment & Infrastructure Greg Curcio, Director Customer & Technology

Welcome and Acknowledgement of Country

The Chair will open the meeting and recite the following Acknowledgement of Country.

We acknowledge we are meeting on the Traditional Lands of the Kulin Nations and pay our respects to their Elders past, present and emerging. We extend that respect to all Aboriginal and Torres Strait Islander peoples.

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.

Council Meeting Agenda Monday 19 July 2021 Order of Business

1	Reading of the Reconciliation Statement and Affirmation Statement.....	7
2	Introductions.....	7
3	Apologies	7
4	Adoption and confirmation of minutes of previous meeting(s)	7
4.1	Minutes of the Council Meeting held on 5 July 2021 & Minutes of the Confidential Council Meeting held on 5 July 2021	7
5	Disclosure by Councillors of conflicts of interest.....	7
6	Questions to the Council from Members of the Public.....	7
7	Correspondence (only if related to Council business)	7
8	Questions to Council Officers from Councillors	7
9	Tabling of Petitions and Joint Letters	7
10	Notices of Motion.....	7
11	Reports of Special and Other Committees - Informal Meetings of Councillors	7
12	Reports by Delegates	7
13	Urgent Business	8
14	Business.....	9
14.1	Planning Application 0529/20 - 745 Malvern Road, Toorak	9
14.2	Car Share Policy	30

14.3	Stonnington Development Contributions Plan Amendment C296ston - consideration of submissions.....	33
14.4	Amendment C304ston - Heritage Compilation Amendment - Further Notice	38
14.5	Malvern Heritage Review.....	41
14.6	Roadside Dining Program.....	45
14.7	Instrument of Appointment & Authorisation - Annaliese Battista	49
14.8	Percy Treyvaud Project Steering Group Appointment.....	51
14.9	Arts and Culture Grants 2021/22	55
14.10	Festivals and Events Calendar 2021/22	59
14.11	Review of Governance Rules- Order of Business at Council Meetings.....	62
15	Confidential Business	64
15.1	Proposed Lease of 'Northbrook' (1257 High Street Malvern)	64

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 Council Meeting held on 5 July 2021 & Minutes of the Confidential Council Meeting held on 5 July 2021

Officer Recommendation

That the Minutes of the Meeting of the Stonnington City Council held on 5 July 2021 and Minutes of the Confidential Meeting of the Stonnington City Council held on 5 July 2021 be confirmed as an accurate record of the proceedings.

5 Disclosure by Councillors of conflicts of interest

6 Questions to the 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 Business

14.1 Planning Application 0529/20 - 745 Malvern Road, Toorak

Acting Manager Statutory Planning: Anthony DePasquale
Director Planning & Place: Annaliese Battista

Purpose of Report

For Council to consider a planning application for the construction of four dwellings on a lot in a General Residential Zone and Special Building Overlay and creation of access to a Road Zone, Category 1 at 745 Malvern Road, Toorak.

Abstract

Proposal

The proposal seeks to construct four three-storey townhouses, each with four bedrooms. A total of eight car parking spaces (two for each dwelling) are provided, with six spaces within a basement accessed via Malvern Road and two spaces within a ground level garage accessed from a rear laneway.

Officer Recommendation Summary

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

- The proposed development is consistent with the objectives of State and Local Planning Policy.
- The development represents an appropriate design response to the preferred neighbourhood character of the area.
- The proposal provides for a satisfactory landscape response that will contribute to the landscape character of the area.
- The development will not unreasonably impact upon adjoining residential amenity as determined by compliance with ResCode (Clause 55) Objectives.
- The development will provide for an acceptable level of internal amenity.
- Sufficient car parking is provided in accordance with the Stonnington Planning Scheme and the development will not result in unreasonable traffic and parking impacts.

Issues

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

- Neighbourhood character, building height and massing (refer to Built Form assessment);
- Amenity impacts on the adjoining properties (refer to Amenity Impacts assessment); and
- Internal amenity within the development (refer to Internal Amenity assessment).

Officer's response

The proposal seeks to construct a three-storey townhouse development comprising of four dwellings.

The site is located on a main road within a “substantial change area”. In this location, increased housing density is anticipated by both State and Local planning policy. The proposal is located within walking distance to various forms of public transport, a local neighbourhood activity centre, public open spaces and education facilities, making it a convenient and well serviced location for new housing in the form proposed.

The proposal appropriately responds to the surrounding context and the preferred character of the area and is supported by Council’s Urban Designer.

The proposal meets all of the Objectives of Clause 55 and provides a high level of internal amenity without compromising the amenity of neighbouring properties.

Executive Summary

Applicant:	Jl Realty Pty Ltd c/- proUrban
Ward:	North
Zone:	General Residential Zone (Schedule 1)
Overlay:	Special Building Overlay (Schedule 1)
Neighbourhood Precinct:	Garden River
Date Lodged:	3 July 2020
Statutory Days: (as at Council Meeting date)	67
Trigger for Referral to Council:	Number of objections
Number of Objections:	9
Consultative Meeting:	Yes – held on 3 December 2020
Officer Recommendation	Notice of Decision to Grant a Permit

Background

The Proposal

The plans that form part of the basis of Council's consideration were prepared by One Design Office and are known as Project No. 19023, Drawing No's. TP02 Rev. B, TP03 Rev. C, TP04 Rev. M, TP05 Rev. M, TP06 Rev. H, TP07 Rev. H, TP08 Rev. C, TP09 Rev. E, TP10 Rev. D, TP11 Rev. C, TP12 Rev. C, TP13 Rev. I, TP14, Rev. F, TP15 Rev. B, TP16 Rev. B, TP17 Rev. H and TP18 Rev. D; and a Landscape Plan, Drawing No's. L1 and L2 prepared by Austin Landscape Design; all Council date stamped 12 May 2021.

Key features of the proposal are:

- Demolition of the existing dwelling and outbuildings on the land (no permit required).
- Construction of a three-storey, attached townhouse development comprising of four dwellings. Each dwelling has open plan living arrangements with direct access to a private courtyard on the ground floor, three bedrooms on the first floor and a master suite on the second floor (four bedrooms total). All dwellings are provided with a second floor balcony off the master bedroom.
- The front three dwellings each have private lift access between ground and second floors.

- The front dwelling is provided with private pedestrian access from Malvern Road located adjacent to the vehicle access ramp, while the remaining dwellings have a shared pedestrian pathway from Malvern Road located along the eastern side of the building.
- A total of eight car parking spaces on site. Six spaces for the front three dwellings are located in private garages within a basement accessed via a new vehicle crossover from Malvern Road at the western end of the frontage. Two spaces for the rear dwelling are located within a ground level garage accessed via a rear laneway.
- A maximum building height of 10.12 metres.
- A contemporary built form response with a flat roof form, curved wall elements, and materials comprising a mix of feature blockwork, grey render, charcoal vertical balustrade, clear balustrade, obscure and clear glazing and timber-look permeable feature screens.
- Construction of a 1.8 metre high feature blockwork front fence setback 1 metre from the street boundary, with timber look vertical picket gates and side fencing.

As noted within the Advertising section of this report, the original application proposed five dwellings yet was formally amended under Section 57A of the *Planning and Environment Act* 1987 following a consultative meeting, in order to address concerns raised by planning officers and objectors. Refer to the Advertising section for details of the specific changes.

Site and Surrounds

The site is located on the northern side of Malvern Road, between Mandeville Crescent to the west and Clendon Road to the east in Toorak. The site has the following significant characteristics:

- The land is rectangular in shape with a frontage of Malvern Road of 15.24 metres, a depth of 45.72 metres and an overall area of 696.77 square metres.
- The land is relatively flat with a gentle fall from east and to west and north to south.
- The site is presently developed with a traditional, single-storey, detached dwelling setback 6.64 metres from the street behind a low brick front fence.
- Vehicle access is currently attained solely from Mandeville Lane to the rear which extends east-west between Mandeville Crescent and Clendon Road.
- Two outbuildings extend along the entire width of the rear boundary.
- The site is sparsely landscaped and is devoid of any significant vegetation.
- There are no trees within the nature strip directly in front of the site. An electricity pole and two Telstra pits are located adjacent to the street frontage.

The site is located within a well-established residential area with a mixed character. Surrounding development is predominantly characterised by single and double-storey detached dwellings and strata units. Two properties east of the subject site, on the north-west corner of Malvern Road and Clendon Road, is a three-storey townhouse development constructed in 2008. The site is within 200 metres walking distance of the Beatty Avenue Neighbourhood Activity Centre and Toorak Railway Station.

The site has the following direct interfaces:

- To the west at 743 Malvern Road is a single-storey, detached dwelling setback 6.63 metres from the street frontage. Secluded private open space is located at the rear of the property interfacing with the subject site. At the time of making this application, a garage accessed from Mandeville Lane existed in the north-east corner abutting the common boundary, however this structure has since been demolished.

- North of the site, across Mandeville Lane, is a substantive secondary school site known as Loreto Mandeville Hall Toorak. The property is affected by a Heritage Overlay (HO80). A double-storey school building is located close to the southern boundary adjacent to the subject site, with a number of south facing windows.
- To the east at 747 Malvern Road is a single-storey, detached dwelling setback 3.7 metres from the street frontage. Secluded private open space is located at the rear of the dwelling interfacing with the subject site, however the lot does not extend the full length of the subject site's eastern boundary.
- To the north-east, abutting the remainder of the eastern boundary, is a single-storey detached dwelling addressed to 19 Clendon Road. Secluded private open space is located behind the dwelling sharing an interface with the subject site. A brick garage is located in the north-west corner, accessed from Mandeville Lane.
- Across Malvern Road to the south are a single-storey traditional dwelling at 778 Malvern Road and a contemporary block of multi-level units with basement garage at 776 Malvern Road. Properties along the southern side of Malvern Road are affected by a Heritage Overlay (HO130).

Previous Planning Application/s

There is no permit history pertaining to the subject site. A search of Council records indicates the following relevant planning applications relating to adjoining properties:

747 Malvern Road

- Planning Permit 132/18 issued by Council on 25 February 2019 allowing construction of a three-storey building containing three attached townhouses above basement car park. The development is yet to commence construction; however, the permit remains valid with an expiry date of 26 February 2023.
- Prior to the above, Planning Permit 552/17 was issued on 13 July 2017 allowing removal of a single dwelling restrictive covenant.

743 Malvern Road

- Planning Permit 407/19 issued on 7 June 2019 allowing removal of a single dwelling restrictive covenant.

The Title

The site is described on Certificate of Title Volume 8241 Folio 822 as Lot 1 on Title Plan 323505E. No covenants or easements affect the land. The lot has a right of carriageway over the road to the rear (Mandeville Lane).

Planning Controls

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

Zone

Clause 32.08 – General Residential Zone, Schedule 1

Pursuant to Clause 32.08-6 a permit is required to construct two or more dwellings on a lot.

A permit is not required to construct a front fence within 3 metres of a Road Zone, Category 1 if it does not exceed a height of 2 metres.

Pursuant to Clause 32.08-4, a minimum garden area of 35% is required to be provided on a lot greater than 650 square metres. The development provides a minimum garden area of 35% in compliance with this mandatory requirement.

Schedule 1 specifies that a building used as a dwelling must not exceed a height of 13.5 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 14.5 metres. A lift overrun may exceed the abovementioned mandatory height requirements by no more than 1.2 metres. The development complies with a proposed maximum building height of 10.12 metres to the parapet above natural ground level. The lift overruns do not protrude above the overall building height.

A development must meet the requirements of Clause 55 (ResCode). Schedule 1 modifies the following requirements:

- Site coverage (Standard B8) - Basements should not exceed 75% of the site area.
- Side and rear setbacks (Standard B17) - For a distance of at least 5 metres behind the front facade of the building fronting the street, setback new buildings (including basements) a minimum of 2 metres from at least one side boundary and at least 1 metre from the other side boundary up to 3.6 metres in height.

Overlay

Clause 44.05 - Special Building Overlay

Pursuant to Clause 44.05-2 a permit is required to construct a building or construct or carry out works. It is noted only a small portion of the land across the site's frontage is affected by the overlay.

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Table 1 at Clause 52.06-5, two car parking spaces are to be provided for each four-bedroom dwelling. There is no requirement for visitor car parking spaces as the site is located within the Principle Public Transport Network (PPTN) area.

The development proposes a total of eight car parking spaces, with two for each dwelling. This meets the statutory requirement thus a permit is not required pursuant to this Clause. However, the design standards for car parking outlined at Clause 52.06-9 are applicable to the assessment of the application.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1

Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Road Zone, Category 1. An application must be referred to the Department of Transport as the relevant Roads Corporation.

Relevant Planning Policies

Clause 11 - Settlement

Clause 15 - Built Environment and Heritage

Clause 16.01 - Residential Development

Clause 21.03 - Vision

Clause 21.05 - Housing

Clause 21.06 - Built Environment and Heritage

Clause 21.08 - Infrastructure

Clause 22.05 - Environmentally Sustainable Development

Clause 22.18 - Stormwater Management (WSUD)

Clause 22.23 – Neighbourhood Character Policy

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 site is located in North Ward and objections from nine different properties have been received. The objections are based on original plans advertised in September 2020 which proposed a total of five dwellings. The objections are summarised as follows:

- Overdevelopment
- Neighbourhood character
- Height
- Visual bulk
- Setbacks
- Walls on boundaries
- Overlooking
- Overshadowing
- Pedestrian safety
- Lack of visitor parking
- Traffic congestion
- Permeability / drainage
- Insufficient garden space
- Materials
- Noise
- Exhaust fumes
- Property devaluation

A Consultative Meeting was held on 3 December 2020. The meeting was attended by Councillors Koce and Hely, representatives of the applicant, objectors and a Council Planning Officer. The meeting subsequently resulted in a formal amendment to the application by the substitution of plans received by Council on 12 May 2021. The amended plans incorporate the following key changes:

- Reduction in the number of dwellings from five to four.
- Reduction in the number of car parking spaces from ten to eight.
- Reduction in the building footprint with the following revised setbacks:
 - Basement*
 - Front (southern) setback increased from 8.26 metres to 16.60 metres
 - Rear (northern) setback increased from minimum 1.14 metres to minimum 4.0 metres;
 - Western side setback decreased from 1.84 metres to 1.30 metres, with a portion setback 0.95 metres;
 - Eastern side wall on boundary now setback 1.30 metres;
 - Ground Floor*
 - Front setback increased from 8.51 metres to 9.01 metres;
 - Rear setback increased from minimum 1.47 metres to 4.0 metres;
 - Western side setbacks varied from 4.18 metres to 4.0-5.14 metres;
 - Eastern side setback increased from minimum 1.8 metres to 2.5 metres;
 - Eastern boundary wall length increased from 4.07 metres to 7.1 metres;
 - First Floor*
 - Rear setback increased from 1.47 metres to 3.5 metres;
 - Western side setbacks varied from 3.08-4.18 metres to 3.0-5.14 metres;
 - West facing balcony of rear dwelling deleted;

- Eastern side setbacks varied from 1.8-2.3 metres to 2.0-2.5 metres;
- Second Floor*
- Front setback increased from 9.71 metres to 10.98 metres;
 - Rear setback increased from 2.12 metres to 5.0 metres;
 - Western side setback increased from 4.47 metres to 5.14 metres;
 - Eastern side setback amended from 3.82-5.1 metres to 5.0 metres;
 - Provision of a 3 metre wide central break in built form between dwellings 2 and 3;
- Realignment of pedestrian pathways from Malvern Road to improve landscaping opportunities within frontage;
 - Increased landscaping provision around the perimeter of the site and the number of proposed trees increased from six to ten;
 - Site permeability increased from 21% to 24%; and
 - Site coverage reduced from 53% to 47% (51% at basement level).

The amended plans were re-advertised by sending notices to the owners and occupiers of adjoining land and all objectors. One further submission was received from an existing objector from the adjoining property to the west. The objection raises the following additional concerns:

- What consideration has been given to neighbouring lemon tree?
- Will the garage wall sit behind existing boundary fence?
- Potential noise and visual impact from services/plant equipment which is not shown on plans.
- Potential noise from ducted vacuum systems if proposed.
- Telstra pits at site frontage should not be relocated in front of neighbouring property.

The public notification of the application has been completed satisfactorily.

Referrals

Urban Designer (comments based on amended plans dated May 2021)

- The amended plans are generally in accordance with the previous discussion plans which I supported.
- There are no issues of concern.

Parks (comments based on amended plans dated May 2021)

- The revised design provides better opportunities for in-ground landscape content and is suitable for approval.

Transport and Parking (comments based on amended plans dated May 2021)

- The proposed car parking provision meets the statutory requirements of the Planning Scheme.
- As this site is within the PPTN area no visitor parking is required or proposed.
- It is estimated that the impact to traffic would be low and not significant in the context of the area.
- It is anticipated that there will be a reduction in two on-street parking opportunities after construction of the vehicle crossing. As the development will create eight parking opportunities off-street, it can be considered that the lost parking opportunities will be relocated on site. Therefore, there will be no net loss of parking which is acceptable.
- The accessway from Malvern Road is dimensioned at 3m which meets the minimum width required by the Planning Scheme and is satisfactory.

- The Planning Scheme states that ramps within 5m of the frontage should not be steeper than 1:10 (10%) to ensure the safety of pedestrians and vehicles. The proposed 1:8 (12.5%) ramp within 5 metres of the frontage is acceptable, as this ramp slopes down toward the footpath as opposed to ascending toward the footpath, thus this will improve the safety of pedestrians and vehicles due to increased lines of sight.
- A sight distance splay is provided on the eastern side of the Malvern Road accessway which is acceptable.
- Sight distance to the west is obscured by an existing boundary fence. A convex mirror has been located within the property boundary to overcome this.
- The garage is offset from the rear boundary which will provide improved visibility of pedestrians within the laneway when compared to existing conditions.
- As access to the rear garage at ground level is directly from a public road, it should be demonstrated that access by a B99 design vehicle does not cause obstructions to traffic in the ROW.
- The headroom within the basement is dimensioned at 2.1 metres which meets the minimum required by the Planning Scheme and is satisfactory.
- A minimum opening height of all garage doors is 2.1 metres which is acceptable.
- All proposed double garages meet or exceed the minimum required internal dimensions of 6.0 metres long by 5.5 metres wide and are satisfactory.
- The submitted swept path diagrams confirm that a B85 design vehicle can access critical spaces within the basement garage. Multiple corrective movements are required to access the spaces within the northern garage. This is acceptable as the spaces are located at the dead end of the basement, so additional maneuvers will not affect other residents. Overall, the access arrangements of the parking spaces within the car park are considered satisfactory.
- The minimum gradient of the garage floor level is to be 1:200 (0.5%) to allow for adequate drainage as stated in AS2890.1.

Planner response: The applicant subsequently provided swept path diagrams demonstrating a B99 design vehicle can access the rear garage from the laneway, with a corrective manoeuvre on both entry and exit. This is acceptable given the limited number of properties which take access from the laneway, ensuring that traffic volumes are low and congestion is unlikely.

Waste (based on initial advertised plans dated September 2020)

- Presuming 'shared bin' arrangements, the standard allocation of bins for the development would be 4 x 240 litre bins.
- In accordance with the 'City of Stonnington Residential Waste Management Guidelines', a Waste Management Plan (WMP) is not required to accompany an application for a development of this nature. Nevertheless, a Waste Management Plan has been submitted.
- The WMP proposes the use of a private waste collector, however it should provide the flexibility for future ratepayers to opt for Council waste collections.

Planner response: An amended WMP was subsequently provided which specifies that each dwelling will be provided with a 120L garbage bin and a 240L recycling bin (ie. not shared), and one additional 240L green waste bin will be shared between residents. The bins are to be located within a communal area at ground level near the frontage to ensure easy transfer to the kerb. All bins are now proposed to be collected through Council's waste collection service. Given the amended development is only proposing four dwellings and there is

sufficient room on the nature strip for the required number of bins, it is considered a Waste Management Plan is not required to form a condition of approval.

Infrastructure (based on initial advertised plans dated September 2020)

- The vehicle access ramps to the front and rear must be contained within the property and the footpath and laneway levels must not be raised.
- There are two Telstra pits within the proposed vehicular crossing in Malvern Road. The applicant will need to negotiate with Telstra to gain approval for the proposed crossing.
- Permit conditions are recommended to address stormwater drainage design, stormwater detention, and footpath and laneway levels.

Melbourne Water

- This authority does not object to the proposal subject to required conditions (15) being imposed on a permit. These conditions have been included within the recommendation.

Department of Transport

- This authority does not object to the proposal subject to required conditions (4) being imposed on a permit. These conditions have been included within the recommendation.

Key Issues and Discussion

Strategic context

The overarching policies and objectives at both a State and Local level encourage urban consolidation in established urban areas and medium density residential development in and around neighbourhood activity centres and close to public transport. These strategies call for well-designed medium-density development that respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

The Municipal Strategic Statement (MSS) recognises the need for increased densities across the municipality and identifies locations where specific outcomes are encouraged (Clause 21.03). Council's Local Policy on the location of residential development at Clause 21.05-2 seeks to maintain a clear distinction between the type of development outcomes sought in locations for higher density development and the lower density residential hinterland. Sites which are located on a main road which is a tram or priority bus route are defined as being in a "substantial change area" in which medium and higher density housing is encouraged.

The purpose of the General Residential Zone is to implement the Municipal Planning Strategy and the Planning Policy Framework, to encourage development that respects the existing neighbourhood character, and to encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The subject site has strong attributes which make it suited to being redeveloped for medium density housing. The site is not affected by any overlays, it is located on a main road containing a tram route and is in close proximity to the Beatty Avenue Neighbourhood Activity Centre and Toorak Railway Station. The site is also within reasonable walking distance of public open space at Orrong Park and Toorak Park and nearby education facilities. Therefore, it is considered to be suitably located to support the modest increase in density proposed in line with policy expectations, and the development will contribute to the mix and diversity of housing in the area.

Overall, the proposal responds adequately to the State and Local planning policy objectives for increased density and infill development, subject to an appropriate design response and landscape outcome.

The provisions of the General Residential Zone require that the proposal be assessed against the objectives and standards of Clause 55 and any modified standards specified in the schedule to the zone. A full assessment against the applicable objectives and standards has been carried out and the development achieves a high level of compliance, with the following notable matters highlighted and discussed.

Built Form

Neighbourhood Character

Standard B1 calls for a design response which is appropriate to the existing and preferred neighbourhood character and the features of the site. The Neighbourhood Character Policy at Clause 22.23 sets out the preferred character and design guidelines for development in different precincts.

The subject site is located in the Garden River neighbourhood character precinct which is defined as comprising *'buildings that contribute to the Yarra River and its landscaped setting, with innovative architectural styles set among Victorian, Edwardian and Interwar dwellings and well-planted, spacious gardens. New buildings of varying styles and scales are designed to complement and respect the river environs. Consistent front and side setbacks allow for substantial planting that contributes to the tree canopy, and softens the appearance of built form.... Low or permeable front fences provide views of building facades and front gardens. Areas within a Residential Growth or Mixed Use Zone or within a substantial change area will accommodate more development with a more compact setting but with space for canopy trees and other vegetation and high quality, responsive design'*.

The proposed development responds positively to the preferred character objectives by way of the following:

- The proposed development is of a contemporary design with a high architectural quality which will integrate into the mixed character of the locality. It will largely present as a two-storey building with a recessed upper level to Malvern Road. Noting the site's location on a main road within a substantial change area and with a height limit of 13.5 metres, higher density developments with a more robust built form and compact setting are contemplated. Despite the built form having a different architectural style to the older housing stock in the area, the contemporary development reflects other examples of modern infill development along Malvern Road and is not at odds with the scale of existing more robust buildings located along the southern side of Malvern Road opposite the site, nor other approved developments within close proximity. The building responds to the streetscape character in an innovative and contemporary manner, which is specifically sought by the policy. Coupled with appropriate setbacks, articulation and space for meaningful landscaping as discussed further below, the development is considered to be respectful of the preferred character of the area.
- The development will provide an appropriate visual presentation to the neighbouring properties and the streetscape. A high degree of articulation has been provided in the built form and building elevations through the use of horizontal and vertical elements, staggered setbacks, fenestration, balconies and various materials and finishes which are compatible with the area. The curved timber look feature screen to the first-floor façade, combined with generous street setbacks, provides a suitable transition to neighbouring properties when viewed from the street.

- The upper-level footprint is recessed from the floors below allowing it to visually recede any reduce its prominence. It has also been designed with a central break to minimise visual bulk impacts on the adjoining residential properties, as recommended by Council's Urban Designer.
- The building, including the basement, is adequately setback from all property boundaries to reflect the development pattern in the surrounding area and maintain the rhythm of spacing between neighbouring properties.
- The sufficient front, side and rear setbacks will allow for the establishment of deep soil, in-ground canopy tree planting and meaningful landscaping commensurate with the scale of the development. This will reinforce the suburban garden and landscaped setting around the new building. The proposal introduces increased landscaping around the site when compared with the existing conditions, which will complement and enhance the streetscape and strengthen the landscape character of the neighbourhood.
- Car parking will be concealed within the basement level or at the rear of the site which ensures it will not visually dominate the street frontage.
- The proposed front fencing will complement the scale of the development and is compatible with the height and character of existing front fences along the Malvern Road streetscape.

Essentially, the level of change proposed on this site is considered appropriate due to the surrounding context and provision of a suitable design response which will contribute to and enhance the neighbourhood character, whilst minimising adverse impacts on surrounding residential properties.

Street Setback

The adjoining dwellings to the west and east are setback 6.63 metres and 3.7 metres respectively from the street. Pursuant to Standard B6, the recommended setback for the new building is the average of the two adjoining setbacks which equates to 5.165 metres. The development exceeds the requirements and proposes a minimum front setback of 8.516 metres at first floor, with the ground floor setback 9.016 metres and the second-floor setback 10.981 metres. These setbacks are sufficient to ensure the infill building is recessive and respectful of the streetscape whilst making efficient use of the site.

It is noted that the proposed three-storey development on the adjoining site to the east at 747 Malvern Road has an approved street setback of 5.666 metres, while the existing three-storey development east of that site, on the corner of Clendon Road, is setback 4.05 metres from Malvern Road. The proposed setbacks are considered appropriate in this context.

Building Height

The development proposes an overall building height of approximately 10.12 metres above natural ground level. This is below with the 13.5 metre maximum height specified by the General Residential Zone, Schedule 1. The scale of the building is not dissimilar to nearby existing and approved buildings in the Malvern Road streetscape and overall the building height is compatible with the preferred character of the area as noted above.

Site Coverage and Permeability

Schedule 1 to the General Residential Zone varies Standard B8 and stipulates that a basement should not exceed 75% of the site area. The amended plans have reduced the building footprint and propose 51% site coverage at basement level and 47% site coverage above ground in compliance with the requirements.

Standard B9 recommends at least 20% site permeability. The revised design proposes a permeable area equating to 24%, again meeting the prescriptive requirement of the standard.

The relatively low site coverage and good permeability allow for the establishment of in-ground landscaping and will assist to reduce the impact of increased stormwater run-off on the drainage system; thus, the relevant objectives are considered to be met.

Landscaping

Council's MSS and various local policies emphasise the provision of high-quality landscaping and seek to ensure that it forms a key consideration of development proposals. Clause 21.06-2 (Landscape Character) seeks to *'repair and reinforce the high-quality landscape character of the City'*.

Further to this, Clause 22.23 (Neighbourhood Character Policy) seeks *'to maintain and strengthen the garden settings of buildings and the tree canopy of the neighbourhood'*. The policy further encourages a design response which *'includes planting around the perimeter of the site to strengthen the garden setting'* and to *'setback basements from all property boundaries to allow for in-ground planting'*.

The existing site is planted with a modest amount of vegetation which is proposed to be removed, however as none of it is considered significant, its removal can be supported.

The siting and layout of the proposed development, including setting the basement off all boundaries, will allow sufficient opportunities around the perimeter of the site to accommodate canopy trees, screen planting and lower-level vegetation which provides a suitable response to the scale of the development and will assist to soften the visual impact of the building. The proposed landscaping response will respect and enhance the existing landscaped character of the neighbourhood as required by Standard B13.

There are no significant trees on adjoining sites which have potential to be adversely impacted by the development. The plans indicate that the basement will encroach into the tree protection zone of a small neighbouring tree to the west, which is the lemon tree referred to in the objection from this property. However, the encroachment does not exceed 10% and is therefore acceptable as any potential impact on the tree's roots will be sufficiently limited. Similarly, the development will not encroach more than 10% into the tree protection zones of street trees located within the nature strip fronting neighbouring properties. A permit condition will require that tree protection fencing is erected prior to commencement of the development to protect the health of the street trees and neighbouring tree during construction.

Access and Parking Location

Vehicle access to three of the four dwellings is to be provided from Malvern Road via a new crossover of 3.6 metres in width. The new crossover occupies approximately 23.6% of the street frontage which is less than the maximum 33% prescribed by Standard B14. The location and design of the proposed crossover is supported by the Department of Transport and Council's Transport and Parking Unit, and it will not adversely impact any street trees as noted above. The proposed crossover is therefore acceptable.

The fourth dwelling will be accessed via the rear laneway which is also supported by Council's Transport and Parking Unit. Overall, the vehicle access arrangements and location of parking on site for each of the dwellings is considered to be convenient and appropriate.

Amenity Impacts

Side and Rear Setbacks

The development has been sited to respect the neighbourhood character and limit the amenity impacts on the adjoining properties as required by Clause 55.04. This is evidenced by the generous side and rear setbacks shown in the amended plans which provide appropriate separation from neighbouring secluded private open space areas and habitable room windows. The development is fully compliant and generally exceeds the setback requirements of Standard B17. There is a small section of permeable feature screening on the eastern side of the front dwelling which marginally encroaches, however the fascia is an allowable encroachment under the standard and it will not adversely impact the amenity of the neighbouring dwelling. It is also noted that all setbacks fully comply with Standard B19 in relation to daylight to existing habitable room windows, ensuring that adequate daylight into the adjoining dwellings is maintained.

To minimise adverse impacts of new development on the streetscape, Schedule 1 to the zone varies the side setback standard requirements and seeks new buildings, including basements, to be setback a minimum of 2 metres from at least one side boundary and at least 1 metre from the other side boundary for a minimum length of 5 metres behind the front façade. The development exceeds these requirements with a minimum setback provided to the east of 2.5 metres and 4.168 metres provided to the west. The basement level is setback more than 5 metres from the façade.

Walls on Boundaries

The rear dwelling is proposed to be constructed to both east and west side boundaries at ground level. The garage will be constructed on the western boundary for a length of 7.1 metres with an overall height of 3.6 metres. To the east, the proposed boundary wall is also 7.1 metres in length and has an overall height of 3.4 metres. The length of each boundary wall complies with the prescriptive requirements of Standard B18. The land is relatively flat and both walls exceed the prescribed average height of 3.2 metres, yet they do not exceed the maximum allowable height of 3.6 metres pursuant to the standard.

The relevant objective seeks to ensure that boundary walls respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings. Boundary walls do form part of the character of the immediate area, particularly toward the rear of sites with laneway access, and the length of each proposed boundary wall is considered modest in the context of the total length of the site's boundaries. Importantly, due to the location of the boundary walls and the layout of neighbouring sites, the walls will not adversely impact on the amenity of adjoining properties. This is evidenced by the development's compliance with the overshadowing standard (refer below) which confirms that impacts on adjacent secluded private open space are minimal, and that the walls are not located near to any existing windows associated with the neighbouring dwellings. Based on these considerations, the overall height of boundary walls is acceptable as the relevant objective is met.

Overshadowing

Due to the north-south orientation of the site and the layout and size of adjoining properties, there will be no significant or unreasonable overshadowing of neighbouring secluded private open space areas. The development achieves full compliance with Standard B21 by ensuring that more than 40 square metres of each of the three neighbouring open space areas receive a minimum of 5 hours sunlight between 9am and 3pm at the equinox.

Overlooking

The development has been designed in compliance with Standard B22 to limit views into neighbouring habitable room windows and secluded private open spaces to the west and east. Views from ground floor windows and courtyards will be sufficiently limited by existing boundary fencing which is between 1.8-2.0 metres high.

First floor habitable room windows will either be obscure to a fixed height of 1.7 metres above finished floor level or be provided with 25% visually permeable fixed external mesh screening which is overlaid with a 50% visually permeable, timber-look louvred feature screen. At second floor, the west elevation does not include any habitable room windows, and to the east, all windows face directly onto an associated balcony. Each balcony is provided with a 1.5 metre high balustrade set behind a 0.7 metre wide planter box. This effectively limits downwards views from the second-floor balconies ensuring that there are no direct views into neighbouring windows or secluded private open space within 9 metres.

To the north, the educational building is not considered to be a sensitive interface as the windows are not to typical habitable rooms. Nonetheless, the amended development is sufficiently setback at first and second floors by at least 9 metres from the adjacent windows to maintain a reasonable level of privacy for school students and staff within the building.

Internal Amenity

The development provides family sized accommodation with all dwellings having four bedrooms and total areas of between 250 and 329 square metres. The pedestrian entries to each dwelling are clearly defined and accessible and three of the four dwellings are provided with private internal lifts between ground and second floors to assist the needs of people with limited mobility.

Sufficient private open space areas are provided with ground level courtyards ranging between 34 to 59 square metres and minimum dimensions exceeding 3 metres and direct access from the living area. Additionally, second floor balconies are proposed ranging between approximately 7 to 17 square metres, accessed from the master bedroom. The private open space areas provide a functional layout and will meet the reasonable recreational and service needs of residents. The provision of private open space complies with Standard B28.

Each townhouse is oriented with a dual aspect to make appropriate use of daylight, solar energy and natural cross ventilation. The primary secluded private open space to the front dwelling is south facing, however as it is located within the front setback there is no adjacent built form to the sides and the space will receive sufficient sunlight from the east and west throughout the day. The remaining courtyards enjoy a north-westerly aspect and second floor balconies will receive excellent solar access in the morning. Due to generous separation between built form, the energy efficiency of neighbouring properties will be retained.

Each dwelling is provided with a secure storage area within the private garage of 6 cubic metres in compliance with Standard B30. Finally, sufficient space is provided for mailboxes, bin storage and other site services. A condition of permit is included to ensure that plant equipment, such as heating and cooling units, will be appropriately screened as required to minimise any associated visual or noise amenity impacts.

Car Parking and Traffic

The proposal satisfies the statutory car parking requirement of Clause 52.06 with two resident car spaces provided for each dwelling. There is no requirement for visitor parking and as such none has been provided.

Council's Traffic Engineer has confirmed that the additional traffic impacts generated by the development would be low and not significant in the context of this area, and pedestrian safety has been appropriately managed within the design of accessways.

The layout and dimensions of the car parking areas satisfy the design standards contained within Clause 52.06. A permit condition will require the floor gradient of the garages to be specified on the plans, as requested by Council's Traffic Engineer.

Sustainable Design Assessment

A Sustainable Design Assessment (SDA) is required for a development of between 2-9 dwellings pursuant to Council's Environmentally Sustainable Development Policy at Clause 22.05. A detailed Sustainable Management Plan (SMP) was submitted with the application and was updated to accord with the recently amended plans. The proposed development seeks to incorporate several ESD initiatives and achieves a BESS score of 50% which meets the best practice requirement and is satisfactory. Importantly, the development achieves a pass in the four key performance categories of Water, Energy, Stormwater and IEQ.

A Water Sensitive Urban Design Response was included within the SMP. The report indicates the development achieves a STORM rating of 100% which is achieved by the provision of rainwater tanks with a total capacity of 9,600L to collect runoff from the roof. The tank system is located beneath the basement and the floor plan is annotated to confirm connection to all toilets for re-use. The requirements of Clause 22.18 are considered to be met.

Objections

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

- Regarding drainage concerns, both Melbourne Water and Council's Infrastructure Department have no objection to the proposed development and have recommended a number of conditions to ensure that drainage and potential flooding is effectively managed.
- Noise generated by the completed development will be residential in nature and a permit condition is included to ensure it does not exceed the relevant EPA limits.
- It is acknowledged that the neighbouring garage to the west has been demolished and the development has been assessed on this basis.
- Approval for a wall on the boundary includes a building set back up to 200mm from the boundary, thereby allowing existing boundary fencing to be retained. The retention or removal of boundary fencing is a civil matter to be agreed between neighbouring properties.
- Property devaluation is not a relevant planning consideration and cannot form part of the assessment.
- The relocation of Telstra pits currently sited along the frontage will be determined by the relevant service authority. Therefore, Council cannot specify where they are located as requested by an objector.

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. 0529/20 - 745 Malvern Road, Toorak [14.1.1 - 16 pages]

Officer Recommendation

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 529/20 for the land located at 745 Malvern Road, Toorak under the Stonnington Planning Scheme for the construction of four dwellings on a lot in a General Residential Zone and Special Building Overlay and creation of access to a Road Zone, Category 1 subject to the following conditions:

1. ***Before the commencement of the development, 1 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 One Design Office, Drawing No's. TP02 to TP18 dated 2021.04.13, but modified to show:***
 - a) ***The minimum gradient of the floor level of garages annotated to be 1:200 (0.5%) to allow for adequate drainage as per AS2890.1, or 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. ***Before the development starts, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the landscape plan prepared by Austin Landscape Design, Drawing No's L1 and L2 dated 23.04.21, and include:***
 - a) ***A survey (including botanical names) of all existing vegetation to be retained and/or removed.***
 - b) ***Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.***
 - c) ***Details of surface finishes of pathways and driveways.***
 - d) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***
 - e) ***Landscaping and planting within all open areas of the site.***
 - f) ***The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.***

- g) Details of all proposed hard surface materials including pathways, patio or decked areas.**
- 4. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
- 5. Prior to the commencement of any works on the land, each Tree Protection Zone nominated within the endorsed plans must:**

 - a) Be fenced with temporary fencing compliant with Section 4 of AS 4970 to the satisfaction of the Responsible Authority.**
 - b) Include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.**
 - c) No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.**
- 6. All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from surrounding land 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.**
- 7. 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.**
- 8. 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.**
- 9. Prior to a building permit being issued, 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system and not pumped, with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.**
- 10. Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.**

11. ***The existing Malvern Road footpath levels at the property line and the levels of the rear right-of-way must not be raised or altered in any way (to facilitate the respective basement ramp and garage access).***
12. ***The applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.***
13. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 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.***
14. ***Prior to the occupation of the building, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
15. ***The project must incorporate the sustainable design commitments detailed in the endorsed Sustainable Design Assessment (BESS Report) to the satisfaction of the Responsible Authority.***
16. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***

Start Melbourne Water conditions

17. ***Finished floor levels of the dwellings must be constructed no lower than 33.60 metres to Australian Height Datum (AHD).***
18. ***Finished floor levels of the garage to Dwelling 5 must be constructed no lower than 33.30 metres to Australian Height Datum (AHD).***
19. ***The basement entrance must incorporate a flood proof apex constructed no lower than 33.36 metres to AHD.***
20. ***Any opening to the basement including windows vents etc must be constructed a minimum of 300mm above the applicable flood level.***
21. ***Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.***
22. ***Any new internal fencing must be open style (50%) of construction and any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.***
23. ***Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.***
24. ***The development including footings, retaining walls, eaves etc must be set outside any drainage easement or a minimum three (3) metres laterally clear of the outside edge of the main drain, whichever is greater.***

25. ***The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification.***
26. ***A legal Build Over Agreement for structures and works over Melbourne Water's drain must be entered into and approved with Melbourne Water prior to the commencement of construction works.***
27. ***Any new landscaping located within five (5) metres of the asset must comply with Melbourne Water's Planting Guidelines.***
28. ***No services are permitted to be installed within a Melbourne Water easement or across any Melbourne Water Asset unless prior written approval has been granted by Melbourne Water.***
29. ***Prior to a building permit being issued, a separate Build Over application must be made directly to Melbourne Water's Asset Services Team for approval of works and structures over or near Melbourne Water's assets. Design plans must be submitted to include the following:***
 - a) ***Driveway type, thickness etc;***
 - b) ***Landscaping and paving;***
 - c) ***Method of works;***
 - d) ***New fences to include footings locations being internal and along boundary. (No fence post to be located directly above the main drain);***
 - e) ***Demolition works including tree removal;***
 - f) ***A Pre and Post CCTV inspection of the underground drain must be carried out at the cost of the developer in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia;***
 - g) ***Any other structures and works that are within easement or affecting the drain.***
30. ***The owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement must be borne by the permit holder. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of the Responsible Authority and Melbourne Water for:***
 - a) ***informing land owners that a Melbourne Water asset (the Prahran Main Drain) is located over the entrance to the basement carpark;***
 - b) ***informing land owners that access to car parking located within the basement may be restricted when Melbourne Water is required to maintain or upgrade the Prahran Main Drain***
 - c) ***The Build Over agreement will form part of the Section 173 agreement.***
31. ***Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, 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

Start Department of Transport conditions:

32. ***Prior to the commencement of use or occupation, a sealed access crossover as at least 3.6 metres wide at the property boundary with the edges of the crossover angled at 60 degrees to the edge of the road, at least for the first 3.0 metres with 3.0 metres radial turnouts must be constructed to the satisfaction the Responsible Authority and at no cost to Head, Transport for Victoria.***
33. ***Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.***
34. ***Vehicles must enter and exit the land in a forward direction at all times.***
35. ***The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.***

End Department of Transport conditions

36. ***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. ***The applicable flood level is 33.3 metres to Australian Height Datum (AHD). The applicable flood level at the location of the basement entrance is 33.06 metres to AHD.***
- B. ***The property contains the Prahran Main Drain, a Melbourne Water underground storm water drain. The drain is located diagonally across Malvern Road to the south of the property and consists of a 1372mm internal diameter circular brick drain. The year of construction is unknown.***
- C. ***The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.***
- D. ***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.***
- 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:

- i. ***with a trunk circumference of 180 centimetres or greater measured at its base; or***
- ii. ***with a trunk circumference of 140 centimetres or greater measured at 1.5 metres above its base; or***
- iii. ***listed on the Significant Tree Register.***

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. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".***
- 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.***

14.2 Car Share Policy

Manager City Strategy: Susan Price

Director Planning & Place: Annaliese Battista

Linkage to Council Plan

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

E8 Promote and facilitate the use of sustainable transport options across the city.

Purpose of Report

To propose a revised Car Share Policy, in line with growth in car share usage in the City of Stonnington.

Officer Recommendation

That the Council:

- 1. ADOPT the Car Share Policy (refer Attachment 1).**
- 2. ADOPT the Car Share Fee Schedule (refer Attachment 2)**

Executive Summary

1. Since 2016, Flexicar has been the sole car share provider operating in the City of Stonnington under a license agreement. A new policy is required to ensure Council's management of car share is fit for purpose and to enable the expansion of car share.
2. Development of the Policy encompassed a review of broader best practice, consideration of community views, and engagement with car share providers.
3. The Car Share Policy aims to define the benefits of car share, establish a process for its continued expansion, broadly outline the guidelines for locating new car share, and outline roles and responsibilities for Council and car share operators.

Background

4. Car share fulfils an important role in an integrated and sustainable transport system and is well established in inner and middle ring Melbourne councils. Members benefit from the flexibility of having access to a private vehicle for journeys that cannot be undertaken by other means without the fixed costs associated with owning a car. Members often reduce private vehicle trips and kilometres driven by up to 50% and increase use of active and public transport, reducing vehicle congestion and associated emissions. Each car share vehicle can replace up to ten privately owned vehicles, freeing up to nine vehicles worth of street space. Car share is also often provided in higher density developments. Using car share can reduce transport costs and be cheaper than owning and operating a private car. Car share vehicles are also newer, safer and produce fewer greenhouse gas emissions than the average private vehicle.
5. Car share allows members of a car share service to hire vehicles on demand for short periods of one hour or more via an online booking platform. Membership is open to businesses and individuals aged 18 years or older with a good driving record and one or more years of independent driving experience. Car share vehicles are generally parked in dedicated on or off-street bays and accessible to members at any time day or night.

6. Flexicar has been the sole car share provider operating in the City of Stonnington under a license agreement first signed on 10 April 2016, following a competitive tender process. The agreement allowed Flexicar to operate vehicles from dedicated parking bays with 17 vehicles currently operating and highly utilised by the community
7. Another car share provider operates in Stonnington outside of this license agreement and currently has 21 vehicles, most without dedicated bays. While technically allowable, the operator wishes to formalise and expand their service and increased Council oversight and the ability to collect fees would provide a community benefit.
8. In light of the above, a new approach to managing and expanding car share is considered appropriate.

Key Issues and Discussion

Research and Engagement

9. Council Officers reviewed car share operations within Stonnington and in the City of Port Phillip and City of Yarra where it is well established, to determine the most appropriate future system of management. Council's review also included a research report from a RMIT PhD student who investigated car sharing models around the world. Engagement was undertaken with car share operators Flexicar and GoGet. Feedback was sought from internal departments on their experience with car share. This review indicated a policy which is adaptable and can facilitate growth in car share will provide a fit for purpose model going forward. Such a model would align with actions in the Integrated Transport Plan 2020-25 and Sustainable Environment Strategy 2018-2023.
10. Community views and demand for expansion of car share was considered via car share member surveys provided by local operators Flexicar and GoGet. Survey responses indicated that car share helps members avoid the need to purchase a first or second car, that most members generally use public transport or walking, and that some would consider selling their car if there were more local car share bays. Most survey respondents stated they would definitely need to buy a car if car share was removed from their neighbourhood.
11. Community feedback on car share was also sought through the Shaping Stonnington community engagement process which took place between December 2020 and February 2021. Feedback focused on ensuring car share was being well managed.

Proposed new policy

12. The Car Share Policy outlines that an application process managed by Council Officers would be used to expand car share in response to community demand and to achieve greater community benefit. If an application by a car share operator is supported and aligns with the Car Share Policy, Officers would consult with any affected property owners prior to installation. This is the same policy process utilised in City of Yarra and City of Port Phillip which currently have 182 and 282 car share bays, respectively.
13. Car share would be subject to fees (refer **Attachment 2** – Car Share Fee Schedule) including an installation fee to recover costs incurred by Council and an annual fee to cover maintenance and administration costs. Costs would be benchmarked against similar councils and subject to review. Higher annual fees would be applicable in shopping streets to recognise the higher value of parking spaces due to greater demand including for alternative uses such as roadside dining.

14. Council would be responsible for installing car share bays, maintenance and ensuring ongoing alignment with this policy. Car share operators would be responsible for providing quality vehicles, service and promotion of the service.

Governance Compliance

Policy Implications

15. Development and adoption of a Car Share Policy to increase car share is outlined in the Integrated Transport Plan 2020-2025.
16. The Sustainable Environment Strategy 2018-2023 calls for Council to continue to expand car sharing as a sustainable transport mode.
17. Car share supports an emerging theme of sustainable transport in the Draft Climate Emergency Action Plan and aligns with the Draft Stonnington Community Vision 2040.

Financial and Resource Implications

18. Costs associated with managing the car share program would be covered through existing operating budgets. Infrastructure required for new car share bays is cost-recovered under fees outlined in the policy. Higher annual fees will be applicable in shopping streets to reflect the greater demand for parking spaces.

Conflicts of Interest Disclosure

19. 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

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

Environmental Implications

21. Council support for car share and its expansion will address private vehicle dependency, reduce local vehicle kilometres and encourage use of sustainable transport and reduce car ownership. This would result in lower greenhouse gas emissions associated with transport.

Community Consultation

22. Council Officers consulted with local car share operators Flexicar and GoGet on the new Policy and to obtain car share utilisation and annual member survey data via regular email communication and meetings. Feedback was sought from internal departments on their experience with managing car share in Stonnington through email and an opportunity to review the draft Policy was provided between April and June 2021.
23. Engagement and consultation are carried out when new car share spaces are proposed.

Human Rights Consideration

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

Attachments

1. Car Share Policy [**14.2.1** - 5 pages]
2. Car Share Fee Schedule [**14.2.2** - 1 page]

14.3 Stonnington Development Contributions Plan Amendment C296ston - consideration of 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.

- L3** Balance the competing demands of maintaining residential amenity and population growth through appropriate planning.
- L6** Maintain Council's infrastructure and assets essential for the sustainable operation of the City.

Purpose of Report

To consider the submissions made on Amendment C296ston, which proposes to implement the Stonnington Municipal Wide Development Contributions Plan (DCP) and determine whether to proceed to a Planning Panel.

Officer Recommendation

That the Council:

- 1. CONSIDER submissions received in response to the exhibition of Amendment C296ston in accordance with Section 22 of the Planning and Environment Act 1987.**
- 2. REQUEST the Minister for Planning appoint an independent panel under Section 23 of the Planning and Environment Act 1987 to consider Amendment C296ston and all submissions received.**
- 3. REFER the submissions including late submissions to the Panel appointed to consider Amendment C296ston.**
- 4. ADOPT a position in support of Amendment C296ston generally in accordance with the Officer's response to submissions as contained in Attachments 3, 4 and 5 of this report and any appropriate changes identified in preparing for the hearing including through expert reports or evidence.**
- 5. NOTE that officers write to submitters to Amendment C296ston advising them of Council's decision.**

Executive Summary

1. A Development Contributions Plan (DCP) is a mechanism used to equitably levy contributions from new developments for the provision of infrastructure required to accommodate the needs of a growing population.
2. The implementation of the DCP requires a planning scheme amendment. Amendment C296ston proposes to update the planning scheme by detailing the infrastructure projects Council will undertake and the levies that new developments will be required to pay.

3. The infrastructure projects to be funded through the DCP are identified in Council's Ten-Year Capital Works Program.
4. Amendment C296ston has been exhibited to prescribed authorities, current and regular applicants/developers. Eleven submissions were received (including two late submissions).
5. This report and attachments outline Council's proposed response to the submissions and recommends Amendment C296ston be referred to an independent panel for consideration.

Background

6. On 17 February 2020, Council resolved to prepare and exhibit Amendment C296ston to apply a Development Contributions Plan (DCP) in accordance with Section 17-19 of the Planning and Environment Act 1987. Attached is the 17 February 2020 report outlining the process and DCP mechanism in more detail (refer **Attachment 1**).
7. A DCP is the planning mechanism within Victoria for Councils to implement a 'user pays' model, in which development proponents contribute towards planned infrastructure according to their projected share of consequential usage.
8. The DCP enables Council to provide the required infrastructure to service additional residents and workers coming into the municipality.
9. The proposed DCP relates to all new residential (except renovations to or replacement of an existing home), commercial, retail and industrial development. There are different rates for each category.
10. Council received conditional authorisation for Amendment C296ston from the Minister for Planning dated 19 August 2020 (refer **Attachment 2**). As a result, changes were made to address the conditions, including updating the project list and clarifying that the DCP will commence on the date the Amendment is gazetted into the Stonnington Planning Scheme.
11. The Amendment was subsequently exhibited from 25 February to 31 March 2021.

Key Issues and Discussion

12. A total of eleven (11) submissions have been made to Amendment C296ston. Of these submissions, nine oppose and request changes to the Amendment, one is generally in support and requests changes to the Amendment, and one fully supports the proposed Amendment.
13. A more detailed analysis of the submissions, Officer responses to these submissions and key themes are included in **Attachment 3**. In summary, those opposing the Amendment do so on the basis of:
 - a. The lack of relationship between development and the proposed projects.
 - b. The lack of transitional arrangements.
 - c. The impact on affordability and commercial impacts.
 - d. Requesting site specific developments be exempted.
 - e. Requesting clarification through additional exemptions.
14. Council Officers will continue to try and resolve submissions where applicable. Some changes may be pursued via the Panel process in line with the responses to submissions available in **Attachment 3**.

Review of exhibited DCP

15. To inform Council's position at Panel, consultants Urban Enterprise Pty Ltd undertook a review of the exhibited amendment documents and have recommended some changes to the Amendment. These changes include updating the projects list, demand unit calculations, project allocation in the charge areas and corresponding levies in the exhibited DCP.
16. The impact of the changes generally results in a reduction of levies per square metre for commercial, retail and industrial land uses. The changes for residential levies per dwelling are mixed with some charge areas increasing or decreasing. It is proposed that these changes be pursued through the Panel process.
17. Council Officers support these changes at this stage in the process which are reflected in an updated draft Schedule to the Development Contributions Plan Overlay and Stonnington Municipal Wide Development Contributions Plan Incorporated Plan 2020-2040 (refer **Attachments 4 and 5**).
18. Council Officers will write to those who previously received notice (and any new applicants since exhibition) to advise them of the proposed revisions identified since exhibition and will make the information more broadly available to the community by updating Council's website.
19. The DCP may be further refined prior to and during the Panel hearing. Any proposed changes will be generally consistent with Council's position.

Next steps

20. To proceed with Amendment C296ston, Council has the option of changing the Amendment to accommodate all submissions or referring them to an independent Panel.
21. Council may also elect to change parts of the Amendment to accommodate some of the submissions. However, unless all submissions are accommodated, a Panel hearing will be necessary.

Governance Compliance

Policy Implications

22. This Amendment responds to Council's adopted Stonnington Planning Scheme Review (2018) which includes the following action:

Investigate a city-wide development contributions plan. Progress this to determine possible development contributions plans or infrastructure contributions plans to implement into the Planning Scheme as appropriate.

Financial and Resource Implications

23. The DCP is expected to collect in the order of \$46 million over 20 years. Based on current estimations, the DCP could collect approximately \$2 million per year.
24. The levies collected would have to be acquitted against the DCP projects (including in annual reports to the Minister for Planning) and cannot be spent on projects that are not included in the DCP.
25. The costs associated with delivering Amendment C296ston have been included in the budget of Council's City Strategy unit for 2020/2021 and 2021/2022.

Environmental Implications

26. There are no environmental implications relevant to this report.

Conflicts of Interest Disclosure

27. 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

28. Should Council decide to proceed with the Amendment, legal representation would be required at the Panel Hearing. Advice continues to be sought as required.

Community Consultation

Purpose:	To fulfil the statutory obligations under the <i>Planning and Environment Act 1987</i> by consulting with those potentially affected by the Amendment.
IAP2 Goal:	Consult
Exhibition period	25 February to 31 March 2021
Method:	<ul style="list-style-type: none"> • Direct notification (via letter) was sent to prescribed authorities, major land owners and current planning applicants, developers, town planning consultants and land owners with significant planning permits in the last two years. • All occupiers were notified by non-direct means through Council's community newsletter (Stonnington News), and updates on Council's website. • Public notice in the Age and the Government Gazette • Dedicated Council / State Government webpage with Development Contributions Levy Calculator • Frequently Asked Questions Information Sheet • Stonnington News Article (Summer edition, page 4) • Two Virtual Information Sessions
Reach:	Three attendees at information sessions and 505 letters sent. Stonnington Connect Page has been viewed 758 times.
Summary of feedback:	Eleven Submissions received. Refer to Attachment 3 .
Impact:	Submissions recommended to be referred to independent Planning Panel.

Human Rights Consideration

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

Attachments

1. Development Contributions Plan Council Report 17-02-2020 [**14.3.1** - 8 pages]
2. Stonnington C296ston Minister for Planning Authorisation Letter [**14.3.2** - 2 pages]
3. Key Themes and Response to Submissions [**14.3.3** - 8 pages]
4. Draft Schedule to the Development Contributions Plan Overlay Post Exhibition Track Changes Clause 45.06 [**14.3.4** - 7 pages]

5. Stonnington Municipal Wide Development Contributions Plan 2020-2040 Post Exhibition and Peer Review Track Changes [**14.3.5** - 87 pages]

14.4 Amendment C304ston - Heritage Compilation Amendment - Further Notice

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 a further notice process for Amendment C304ston, note the single submission received and endorse the Council's proposed response to the submission.

Officer Recommendation

That the Council:

- 1. NOTE a single submission was received in response to the further notice provided of Amendment C304ston;**
- 2. REFER the submission and any late submissions to the Panel appointed to consider Amendment C304ston;**
- 3. 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 Attachment 3; and**
- 4. WRITE to all persons who made a submission to Amendment C304ston to advise them of the decision.**

Executive Summary

1. 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.
2. Council considered submissions to the amendment received during exhibition at its meeting on 1 March 2021.
3. Council has received one additional submission in response to recent further notice of the amendment. The submission objects to the regrading of a property already within the Heritage Overlay from 'ungraded' to 'Significant'.
4. Officers do not recommend any changes to the Amendment in response to the submission and recommend that it is referred to the Panel appointed for Amendment C304ston.

Background

5. Amendment C304ston to the Stonnington Planning Scheme was exhibited for public comment in late 2020. A total of 53 submissions were considered by Council at its meeting on 1 March 2021. Forty (40) were supportive and 13 sought changes.

6. Council resolved to refer the submissions and any late submissions to an independent Planning Panel; and supported the Council officer recommendations for minor changes to the Amendment.
7. An additional supportive submission (Submission 54) about 151 Finch Street, Glen Iris was subsequently received. Consistent with the Council resolution, it was also referred to the Panel.
8. In preparation for the Planning Panel, Officers identified that further notice was required to meet the obligations of the Planning & Environment Act 1987. Further notice was provided to occupiers and some landowners in the week beginning 17 May 2021. Publication of the further notice was also placed in the Government Gazette. Those notified were provided until 21 June 2021 to make a submission.
9. As a result of the further notice, one additional objecting submission was received. The submission relates to changes proposed to **HO178** – Airlie Ave, Prahran; specifically, the regrading of a property already within the Heritage Overlay.
10. A summary of the changes proposed to Schedule 178 to the Heritage Overlay (HO178) is included as **Attachment 1**.
11. The Statement of Significance proposed to be incorporated into the planning scheme for HO178 - Airlie Avenue Precinct in included as **Attachment 2**.

Key Issues and Discussion

12. Consistent with earlier objections, the Submission 55 disputes the heritage value of the property. Officers have prepared a summary and proposed response to the submission in **Attachment 3**.
13. If Council is not prepared to vary the Amendment to accommodate all submissions, Council needs to refer them to an independent panel hearing to consider the Amendment and all submissions.

Governance Compliance

Policy Implications

14. 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

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

Conflicts of Interest Disclosure

16. 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

17. Council will be represented by legal counsel at the Panel hearing, who will manage and mitigate any risk implications as appropriate. Submitters will have the opportunity to be heard as part of the panel process.

Environmental Implications

18. There are no environmental implications relevant to this report.

Community Consultation

Purpose:	To fulfil the statutory obligations under the <i>Planning and Environment Act 1987</i> - consulting with those potentially affected.
IAP2 Goal:	Consult
Exhibition period	Further notice 20 May – 21 June 2021
Method:	<ul style="list-style-type: none">• Publication in Government Gazette.• Direct mail to affected owners and occupiers.• Updates to the Council website.• Opportunity for virtual consultation with Council Officers.
Reach:	<ul style="list-style-type: none">• Mail out to 1136 residents.• One submission received.
Summary of feedback:	Concern with potential development implications on private property by landowners.
Impact:	The Amendment is not proposed to change and will be referred to an independent Panel for further consideration.

Human Rights Consideration

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

Attachments

1. Summary of HO178 Airlie Avenue Precinct [14.4.1 - 1 page]
2. Statement of Significance - HO178 Airlie Avenue Precinct [14.4.2 - 6 pages]
3. Response to Submission [14.4.3 - 1 page]

14.5 Malvern Heritage Review

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.
- L3** Balance the competing demands of maintaining residential amenity and population growth through appropriate planning.

Purpose of Report

The purpose of the report is for the Council to:

- Adopt the findings and recommendations of the Malvern Heritage Review.
- Endorse the preparation of Amendment C316ston to give effect to these recommendations by applying the Heritage Overlay on a permanent basis and applying for interim controls via Amendment C315ston while permanent controls are being considered.

Officer Recommendation

That the Council:

- 1. *ADOPT the Malvern Heritage Review 2021 (Attachment 1).***
- 2. *REQUESTS the Minister for Planning prepare, adopt and approve Stonnington Planning Scheme Amendment C315ston pursuant to section 20(4) of the Planning and Environment Act 1987 to apply interim heritage controls to the places identified in the Malvern Heritage Review (not currently within a Heritage Overlay).***
- 3. *SEEK authorisation from the Minister for Planning to prepare Stonnington Planning Scheme Amendment C316ston to implement the Malvern Heritage Review on a permanent basis as outlined at Attachment 2 by:***
 - a. *Including all new individual places and precincts in the Heritage Overlay.***
 - b. *Updating existing places within the Heritage Overlay including refining boundaries, updating names and addresses, changes to controls, and replacing the Neighbourhood Character Overlay (NCO5) with the Heritage Overlay at 29-37 & 34-44 Dixon Street, Malvern.***
 - c. *Incorporating statements of significance for all places and precincts.***
 - d. *Updating the Heritage Design Guidelines (Attachment 3) to remove the letter grading from the definition of 'contributory place'.***
- 4. *AUTHORISE Council Officers to prepare amendment documents to support Amendments C315ston and C316ston.***
- 5. *PROVIDE advanced notice to the owners of the properties affected by Amendment C316ston that are not currently within a Heritage Overlay.***

6. Once authorisation is received, NOTIFY all prescribed authorities, owners and occupiers of the properties affected by Amendments C315ston and C316ston.

Executive Summary

1. Stonnington has a strong history of investigating, protecting and managing individual places and precincts of heritage significance. The Malvern Heritage Review is the first suburb in a municipal-wide comprehensive study.
2. The Malvern Heritage Review 2021 has been completed and proposes to:
 - a. Apply the Heritage Overlay to 19 individually significant places, and four heritage precincts; and
 - b. Update the strategic justification for 25 individually significant places and three precincts already within the Heritage Overlay (in some cases this involves a change to the extent of the Heritage Overlay and/or changes to the gradings of places within precincts).
3. A planning scheme amendment is required to implement the findings of the Review.

Background

4. Council's adopted *Heritage Strategy and Action Plan 2018-2029* provides a strong framework and commitment to heritage in Stonnington. The Strategy guides Council's program for managing heritage by identifying gaps in heritage protection and building on Council's previous strategy which added more than 2,000 places to the Heritage Overlay since 2006.
5. On 2 December 2019, Council resolved to endorse a comprehensive approach to heritage protection by undertaking suburb-by-suburb Heritage Reviews to implement the Strategy.
6. The Malvern Heritage Review is the first suburb review to be completed and is the first time a comprehensive street-by-street assessment has been undertaken in the eastern half of the municipality. The Armadale, Kooyong and Toorak Heritage Reviews are currently underway. The remainder of the suburb reviews will follow.

Key Issues and Discussion

7. Identification of heritage places and their inclusion within Heritage Overlays, provides the mechanism to protect Stonnington's rich and varied heritage buildings that are critical to the municipality's character and identity. It is also necessary to ensure that Council is providing up-to-date information explaining why protected places have heritage significance.
8. The Malvern Heritage Review was undertaken in two stages and was conducted by heritage consultants GJM Heritage Pty Ltd.

Stage 1: Citation Review

9. Stage 1 reviewed 25 individual properties and three heritage precincts already within the Heritage Overlay.
10. The recommendations include:
 - a. Incorporating a Statement of Significance to meet the requirements of Practice Note 1: 'Applying the Heritage Overlay' (revised August 2018) for all places;

- b. Revising the extent of the Heritage Overlay (the boundary) for two individual places and three precincts;
- c. Updating the gradings of places within precincts in accordance with the definitions contained within Council's Heritage Policy at Clause 22.04 of the Stonnington Planning Scheme; and
- d. Changing the controls to four individual places and one precinct.

Stage 2: Preliminary gaps assessment

- 11. The street-by-street gap review identified 19 individual places and four heritage precincts that warrant inclusion in the Heritage Overlay of the Stonnington Planning Scheme. Of these places, four are places within existing heritage precincts that do not share the heritage values of the broader precinct, and have been assessed as warranting inclusion in the Heritage Overlay in their own right.
- 12. The citations prepared as a part of the Review have been assessed using recognised criterion (HERCON criteria). A detailed comparative analysis has been undertaken to substantiate the significance of each place.
- 13. Three individual places have been previously considered. A summary of previous investigations of these properties is provided in **Attachment 4**.

Next Steps – Exhibition

- 14. To implement the findings of the Malvern Heritage Review, a planning scheme amendment is required to apply permanent heritage controls (C316ston).
- 15. Following a resolution from Council, advanced notice (letter and citation) will be provided to the owners of all properties affected by Amendment C316ston that are not currently within a Heritage Overlay.
- 16. Exhibition of Amendment C316ston is proposed to commence late 2021 once authorisation from the Minister for Planning is received. Owners and occupiers, and adjacent property owners will be notified of the proposed Amendment with a letter and accompanying FAQ sheet, including how to make a submission. At the time of exhibition, a one-on-one consultation will be offered for affected owners and occupiers to meet with a Council Officer and Council's heritage advisor.

Governance Compliance

Policy Implications

- 17. The *Planning and Environment Act 1987* requires that councils use their planning scheme to implement the objectives of planning in Victoria, including: 'To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.' (Section 4 (1)(d)).
- 18. Council's Municipal Strategic Statement at Clause 21.06 of the Stonnington Planning Scheme seeks to: 'Protect and enhance all significant and contributory heritage places within the City of Stonnington'.

Financial and Resource Implications

- 19. Amendment C316ston may result in an increase in the number of requests for demolition and accordingly increase in the number of planning scheme amendments for individual properties required. Council is requesting a blanket interim control (via Amendment

C315ston) to reduce the financial and resource burden on Council to implement individual interim controls and provide more certainty to owners while Amendment C316ston progresses assessing heritage significance on a permanent basis.

Conflicts of Interest Disclosure

20. 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

21. All affected parties will be given the opportunity to make submissions on Amendment C316ston and will be heard by an independent Planning Panel.
22. If interim controls are introduced, as proposed in Amendment C315ston, any application for development (including demolition) will be assessed pursuant to the provisions of the Heritage Overlay and the owners will have the right of appeal to VCAT.
23. Legal advice will be sought as required.

Environmental Implications

24. There are no environmental implications relevant to this report.

Community Consultation

Purpose:	Notice will be given as required under the <i>Planning and Environment Act 1987</i> - consulting with those potentially affected by the Amendment.
IAP2 Goal:	Consult
Exhibition period	Proposed September / October 2021 (pending authorisation)
Method:	<ul style="list-style-type: none">• Advanced Notice to newly affected property owners via letter• Direct notification (via letter) to affected residents• Frequently Asked Questions and information sheet• One on one meetings with a Council planner and Council's heritage advisor
Reach:	Stonnington Webpage. Reach will be added at the completion of the exhibition period.
Summary of feedback:	Collected and presented to Council with recommendations following statutory exhibition
Impact:	Not applicable at this time

Human Rights Consideration

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

Attachments

1. Malvern Heritage Review (GJM 2021) [14.5.1 - 186 pages]
2. Summary of amendments [14.5.2 - 6 pages]
3. Heritage Design Guidelines - 2017 updated July 2021 [14.5.3 - 37 pages]
4. Background to properties previously considered [14.5.4 - 2 pages]

14.6 Roadside Dining Program

Manager Economic & Place Development: Georgie Birch

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 seek approval for the continuation of the roadside dining program, in a six month and year-round format, subject to the payment of fees and compliance with criteria and conditions.

Officer Recommendation

That Council:

- 1. APPROVE the introduction of the following outdoor dining programs:**
 - a. 365 Roadside - a 12-month roadside dining permit for businesses with custom solutions subject to the application of fees, and adherence to strict criteria and permit conditions.**
 - b. Summer Roadside - a 6-month permit (1 October to 31 March) for roadside dining parklets facilitated by Council, subject to the application of fees, payment of incurred costs, and meeting strict criteria and permit conditions.**

Executive Summary

1. Community feedback and evaluation of Council's roadside dining demonstrates the program has been a success.
2. Given ongoing uncertainty surrounding COVID-19, it is recommended that the program be continued to provide businesses with additional outdoor seating.
3. Participation in one of two streams is proposed to be offered to businesses; a 6 month 'Summer' and 12 month '365' Roadside Dining permit may be applied for.
4. The streams are designed to provide options to businesses based on the level of desired investment and commitment.

Background

5. One of Council's many COVID related business initiatives was the implementation of an outdoor dining program to enable hospitality businesses to continue to trade while adhering to indoor capacity limits and density quotients.
6. 60 parklets utilising 105 car spaces were created to provide up to 1,560 additional seats on the roadside.

7. Extensive evaluation of the roadside dining program was undertaken and 1,180 responses to online, phone and intercept surveys were received. The success of the program, as demonstrated by these results, was reported to Council at its meeting on 7 June 2021 (refer **Attachment 1**).

Key Issues and Discussion

8. Based on Council's evaluation, the roadside dining program was successful in supporting businesses.
9. To date, Council has funded the roadside dining program both in kind, and with the assistance of State Government grants.
10. In the context of ongoing uncertainty, fluctuating restrictions and continued density quotients, it is Officers recommendation that the outdoor dining program be continued in two distinct formats.

Summer Dining permits

11. Participants in this stream will be issued a 6-month permit for a parklet from 1 October to 31 March. Parklets will be required to be secured using water barriers and other relevant infrastructure provided, installed and maintained by Council, the costs of which will be passed on to the permit holder.

365 Roadside permits

12. Participants in this stream will be issued with a permit to establish a fully customised parklet year round. Businesses will be required to provide their own safety barriers and renew their permits annually. All costs associated with establishment of custom parklets will be borne by the business.

Application process

13. Applications for both 365 Roadside and Summer Dining will require assessment by three Council departments to ensure they meet safety and other standards so as to mitigate Council's risk and liability.
14. Applications for both streams will open shortly for commencement/continuation of roadside dining from 1 October 2021.
15. Application fees are those outlined in the 2021/22 budget.
16. Permit conditions will address the design, safety and operation of parklets, including (but not limited to):
 - Hours of operation,
 - Amenity, noise and cleanliness standards,
 - Allowable activities in the parklet,
 - Out of hours furniture storage and waste storage and management,
 - Adherence to Government directives including that of the Chief Health Officer,
 - Current Public Liability Insurance to the value of \$20 million, and
 - Compliance with the Victoria Planning Provisions Amendment VC193.
17. Permits will be enforceable by compliance officers and may be revoked at any time if not complied with.

Governance Compliance

Policy Implications

18. There are no policy implications associated with this report.

Financial and Resource Implications

19. To date, the outdoor dining program has been delivered with the assistance of an initial \$500,000 from the State Government. Via a competitive process, Officers secured a further \$200,000 from the Victorian Government to cover additional costs. Costs incurred over the three-month extension period to 30 September 2021 will be absorbed by this.
20. The introduction of permit fees in the FY21/22 year (as per budget) from 1 October and the on-charging of costs associated with barrier hire and maintenance will ensure that the costs of the program are balanced against the advantages gained through greater trading seats/area.
21. In the approved 21/22 budget, funds have been allocated to economic recovery programs, of which this is proposed to be one. At this stage, the ongoing internal resourcing of the program is expected to be in the vicinity of \$120,000 - \$150,000 across the year, shared between the business concierge service of Economic and Place Development, and the infrastructure installation and maintenance role of City Operations.
22. There will be an additional requirement for resourcing within the Liveability & Compliance team in relation to the administration of the roadside dining permits and related invoicing. As interest in these programs is gauged over the next few months, officers will be in a better position to understand the level of resourcing required. At this stage, it is expected that it will be the equivalent of one additional FTE at Band 6, which will be offset by permit fees.
23. Due to the uncertain climate at the end of 2020 and the rollout of the initial program after lockdown, this resourcing and funding is currently unbudgeted.

Conflicts of Interest Disclosure

24. 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

25. Installation of infrastructure will be managed in accordance with permit conditions and approved traffic management plans. Businesses are required to have their own public liability insurance.

Environmental Implications

26. The City of Stonnington is committed to transitioning to a zero-carbon future, including reducing emissions for its own operations and supporting the community to reach zero net emissions as quickly as possible.
27. The proposed 365-Roadside dining program will likely require the use of outdoor heaters through the cooler/winter months. This will have an impact on businesses' LPG gas consumption and associated greenhouse gas emissions.
28. It is difficult to predict how many businesses will take up the opportunity for the 365-Roadside permit, however, preliminary estimations by Council Officers are assuming 20 businesses, which indicates that heater related emissions could be in the order of 27 tonnes CO₂-e for the four-month cooler/winter period, equivalent to 1.5 households per annum.

29. While outdoor gas heaters are not large emissions sources, Council encourages businesses to limit their use as much as possible due to the gas usage and inefficiency of heating uninsulated open areas.

Community Consultation

Purpose	Our community engagement process for the first phase of outdoor dining was comprehensive and reported to Council on 7 June 2021.
IAP2 Goal	Consult
Exhibition period	We engaged with our community to evaluate the initial phase of the program in February and March 2021.
Method	Online, intercept and phone (Council and independent) surveys.
Reach	1,180 survey responses
Summary of feedback	Reported to Council on 7 June 2021 – report available in Docs on Tap
Impact	Sought feedback and developed future programs to balance the needs of the businesses and the community.

Human Rights Consideration

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

Attachments

1. Outdoor Dining Report - 7.6.21 [14.6.1 - 4 pages]

14.7 Instrument of Appointment & Authorisation - Annaliese Battista

Director Planning & Place: Annaliese Battista

Linkage to Council Plan

Stewardship: Council will strive for excellence, ensuring that it has the capacity to deliver timely and efficient services to meet community needs and continually improve standards of service delivery.

- S1** The City's capacity to deliver the objectives of the Council Plan is based on our service culture, people, good governance, business systems and technology, asset and risk management and responsible financial planning.

Purpose of Report

The purpose of this report is to recommend that Council approve a new *Instrument of Appointment and Authorisation* to Annaliese Battista, Director Planning & Place.

Officer Recommendation

That the Council APPROVE and SEAL the Instrument of Appointment and Authorisation pursuant to the Planning and Environment Act 1987 for Annaliese Battista as outlined in Attachment 1.

Executive Summary

1. Section 224 of the *Local Government Act* 1989 and numerous other Acts and Regulations require that authorised officers (Council staff or the staff of contractors) be appointed for the purposes of the administration and enforcement of any Act, Regulations or local laws which relate to the functions and powers of the Council.
2. Authorisations are reviewed regularly and are updated due to:
 - appointment of new staff;
 - changes in the names of Acts;
 - the introduction, amendment or revocation of legislation;
 - changes in position titles; and
 - changes in roles.
3. In most cases, the authorisations are approved by the Chief Executive Officer, but the *Planning and Environment Act* 1987 specifically requires that authorisations under that Act be issued by resolution of the Council and sealed.
4. As a result of the partial introduction of the *Local Government Act* 2020 and the phasing out of the *Local Government Act* 1989, staff departures and recent appointments, it is recommended that this new authorisation pursuant to the *Planning and Environment Act* 1987 be approved.

Governance Compliance

Policy Implications

5. There are no policy implications associated with this report.

Financial and Resource Implications

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

Conflicts of Interest Disclosure

7. 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

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

Environmental Implications

9. There are no environmental implications relevant to this report.

Community Consultation

10. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Instrument of Appointment & Authorisation - Annaliese Battista [14.7.1 - 2 pages]

14.8 Percy Treyvaud Project Steering Group Appointment

Manager Project Management & Delivery: Madelyn Eads-Dorsey

Acting Director Environment & Infrastructure: Noel Kiernan

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.

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

This report seeks Council's approval to appoint Councillors to the Project Steering Group for the Multipurpose Indoor Sports Facility at Percy Treyvaud Memorial Park.

Officer Recommendation

That Council:

- 1. NOTES the composition of the Project Steering Group as outlined in this report.**
- 2. APPOINTS Councillors to represent the Council on the Project Steering Group for the Multipurpose Indoor Sports Facility at Percy Treyvaud Memorial Park.**
- 3. ENDORSE the terms of reference as outlined in the report.**

Executive Summary

1. On 28 June 2021 Council approved officers to proceed with contract documentation and contractor procurement for the multipurpose facility at Percy Treyvaud Memorial Park.
2. Council's Project Management Framework outlines a governance structure that incorporates the establishment of a Project Steering Group for this project.
3. Council has the authority in line with the Project Management Framework to appoint 3 councillors as representative members to the Project Steering Group.

Background

4. This project is classified as a Level 3 project under Council's Project Management Framework.
5. The Project Management Framework outlines the following governance structure for Level 3 projects. (See figure 1 below)



Figure 1.

6. The Project Steering Group provides guidance and strategic oversight about the direction and scope of the project.

7. Terms of Reference - PCG–Percy Treyvaud Multipurpose Facility

8. A PCG will oversee the guiding principles for the Project and provide high level policy advice where necessary.

9. Given the number of stakeholders, the PCG will oversee the key aspects of the project including funding and delivery of the project and will monitor the Project's completion in accordance with agreed timeframe, and budget parameters. Any significant changes to budget or scope will require the approval of Council in line with Council procurement policy and delegated authority.

10. One of the selected councillor representatives will Chair the PCG meetings during all project phases. Regular project management reports will be provided to the steering committee with appropriate reporting on variations and progress.

11. Responsibilities

- a. Oversee budget and scope for overall Project and each Project stage including the management of the project contingency.
- b. Provide strategic direction and decision making to facilitate the Project within the approved brief, budget and program.

- c. Review and recommend any proposed significant changes to the Project scope.
 - d. Receive reports from the PM and monitor the achievement of the Project outcomes and deliverables within the approved brief, budget and program, quality parameters and if necessary, identify any specific actions to be taken by the PM.
 - e. Ensure probity is maintained during the life of the Project.
12. All members of the project team will be available for consultation with the PCG on an “as required” basis.
13. Meetings will be held on an as required basis on dates to be agreed

An extract from the PM framework is included in **Attachment 1**.

Key Issues and Discussion

14. Following Council’s approval to proceed with the Multipurpose Facility at Percy Treyvaud Memorial Park, officers requested Councillors to express their interest in nominating for membership on the Project Steering Group. The following Councillors have expressed their interest:
- a. Councillor Polly Morgan
 - b. Councillor Jami Klisaris
 - c. Councillor Matthew Koce
 - d. Councillor Alexander Lew
8. Council has the authority under the Project Management Framework to appoint 3 Councillors to the Project Steering Group.
9. The governance structure and the Project Steering Group are an essential component of the Project Management Governance framework and critical to a project's success.

Governance Compliance

Policy Implications

10. There are no policy implications associated with this report.

Financial and Resource Implications

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

Conflicts of Interest Disclosure

12. 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

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

Environmental Implications

14. There are no environmental implications relevant to this report.

Community Consultation

15. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Project Management Framework - Governance Structure [**14.8.1** - 5 pages]

14.9 Arts and Culture Grants 2021/22

Manager Event, Arts & Culture: Alison Leach
Director Community & Wellbeing: Cath Harrod

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.

Purpose of Report

To seek Council endorsement of projects and programs recommended for funding through Council's Arts and Culture Grants program for the 2021/22 financial year.

Officer Recommendation

That the Council:

- 1. ENDORSE the allocation of \$425,514.50 of the Arts and Culture Grants pool of funds for 2021/22 to 26 applicants that have been recommended by the arts and culture grants assessment panel for funding as shown in Attachment 1.**
- 2. ENDORSE that the remaining balance of \$14,485.50 be available for any out-of-round grant applications.**

Executive Summary

1. Council's support of arts and cultural activities is an investment in the community's wellbeing and the local economy. The City of Stonnington's Arts and Culture 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.
2. 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 and pre-show drinks.
3. COVID-19 has dramatically impacted the viability of the arts and cultural sector. As restrictions ease, arts and cultural activity will play a critical role in rebuilding social confidence, stimulating the local economy, providing opportunities for the local community to reconnect along with supporting arts and cultural practitioners.
4. The Arts and Culture 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 and demonstrate clear benefit to the locality.

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

Background

6. The success of an application is determined by 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.
7. A panel of assessors was convened prior to grant applications closing, comprised of officers across multiple Council departments along with an external arts industry assessor. 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.
8. Applications for Arts and Culture Grants opened on 16 February 2021 and closed on 22 April 2021. Calls for submissions were made from February to April 2021 via Arts Hub Australia arts industry website (advertisement and editorial), direct email, Council's website and *What's On* e-newsletter, as well as other social media platforms. Potential applicants were invited to attend an Arts and Culture Grants information session held on 3 March 2021, and officers were available during the application submission period to speak with applicants via phone, email and Zoom.

Key Issues and Discussion

9. The importance of the Arts and Culture Grants program has increased significantly as a result of COVID-19 and the immediate and severe impact it has had on the creative sector.
10. Council typically receives many more requests for funding than it can support. The 2021/22 operating budget has an allocation of \$440,000 for Arts and Cultural Grants and Council received a total of 56 applications for financial and in-kind support with requests totalling just over \$1 million.
11. Each application has been assessed against the following criteria by the grant assessment panel and checked for any outstanding acquittal requirements on previous grants.
12. In addition to the assessment criteria below, a key consideration for the panel was the continued impact of COVID-19 in Victoria and the potential impact on revenue and social interaction, as well as the contribution to community and economic recovery.

Assessment Criteria

Theme	Criteria	Weighting
Artistic	<ol style="list-style-type: none">1. Provide clear and detailed information on the project including expected outcomes.2. Propose an innovative project and prove your capacity to deliver it by providing a detailed project timeline and relevant artistic support material.	30%

	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%

13. The panel has recommended funding for a total of 26 applications across a diverse range of artforms that will enhance the cultural vibrancy of the municipality, drive economic benefit through audience and visitation and work to sustain our local arts and cultural profile.
14. Of the 26 applications recommended for funding, 4 applicants also received funds as part of the previous grant round and will be required to complete and acquit their 2020/21 project, prior to entering into an agreement and receiving any payments for 2021/22.
15. 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 economic recovery plans.

Governance Compliance

Policy Implications

16. The Arts and Culture Grants program is guided by detailed Arts & Culture Grants Guidelines.

Financial and Resource Implications

17. Council's 2021/22 budget allocation for Arts and Cultural Grants is \$440,000 of which \$425,514.50 has been recommended to be allocated to sponsoring arts and cultural projects and programs, including \$98,034.50 of Triennial funds endorsed for 2021/22, 2022/23 and 2023/24.
18. The remaining \$14,485.50 will be available for any out-of-round grant applications received.
19. Endorsed applicants will be required to enter into a sponsorship agreement as per the Arts and Cultural Grant Guidelines that clearly outline the requirements of the grant recipient including payment structure, acquittal requirements and the return of any unspent funds should the project not be able to proceed within 2021/22.

Conflicts of Interest Disclosure

20. 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

21. 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.

Environmental Implications

22. There are no environmental implications relevant to this report.

Community Consultation

Purpose	Council will notify applicants of the outcome of their application. Council will advertise all successful projects.
IAP2 Goal	Inform.
Method	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 also be promoted across Chapel's communication channels.
Reach	What's On and Stonnington News readership. Chapel Off Chapel social media audience.

Human Rights Consideration

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

Attachments

1. Arts and Culture Grant Recipient Recommendations 2021-22 [**14.9.1** - 5 pages]

14.10 Festivals and Events Calendar 2021/22

Manager Event, Arts & Culture: Alison Leach
Director Community & Wellbeing: Cath Harrod

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.

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 provide Council with an overview of the 2021/22 Festivals and Events program.

Officer Recommendation

That the Council:

1. **ENDORSE the 2021/22 Festivals and Events program.**

Executive Summary

1. The 2021/22 Festivals and Events program balances the return of well-loved, well-attended annual favourites and new initiatives to drive local, intrastate and interstate visitation to the municipality, supporting economic and community recovery.

Background

2. The annual program developed and delivered by the Festivals and Events team sits alongside the Council Plan, Place Led Economic Development Strategy and the Arts and Culture Strategy (in development).
3. Key measures of success for the program include attracting approximately 100,000 visitors/attendees, achieving 90% attendee satisfaction rating and providing an economic benefit of \$5 million to Stonnington.

Key Issues and Discussion

4. The Festivals and Events 2021/22 budget has been reduced by approx. \$221,000 from previous years. To maximise the reduced allocation some programs are being rested for 2021/22 to create space for new initiatives and partnerships that will leverage new audiences and support economic recovery.
5. The curated Festivals and Events program also takes into consideration the current and anticipated impact of COVID-19 restrictions for public events:

DATE	EVENT	VENUE	TIME
1 – 2 July	Roola Boola Children's Arts Festival - Curated Program	Chapel Off Chapel	11am – 3pm
1 – 11 July	Roola Boola Children's Arts Festival – Satellite Program	Various	Various
Sundays - October 3, 10, 17, 24 & 31	Sustainable Outdoor Film Series	Central Park Malvern Gardens	2pm – 8pm
30 September to 17 October	Fringe Festival Partnership	Various (incl. Chapel Off Chapel)	Various
7 – 17 October	Fringe Festival Garden	Grattan Gardens	5pm to 11pm
15 – 16 October	Melbourne International Jazz Festival Partnership	Chapel Off Chapel	6pm to 9.30pm
12 December	Christmas at Central Park	Central Park	7.30pm – 9.30pm
19 December	Christmas at Orrong Romanis	Orrong Romanis	7.30pm – 9.30pm
2022			
DATE	EVENT	VENUE	TIME
Sundays 16 & 23 January	Sunset Sounds Concerts	Victoria Gardens Central Park	5pm – 8pm
Saturday 26 February	The Classics: Symphony	Malvern Gardens	7.30pm
Sunday 20 March	Pets in the Park	Central Park	10.30am to 3pm
April/May	Glow Pop Up Series	Various	Evenings

Governance Compliance

Policy Implications

6. There are no policy implications associated with this report.

Financial and Resource Implications

- The Festivals and Events 2021/22 budget has been reduced by approximately \$221,000 from previous years. The program outlined can be delivered within the endorsed budget allocation.
- A critical component for the program's success is the implementation of strategic marketing and communications campaigns, delivered by the Marketing and Brand team.
- Options to increase audience for Christmas at Central Park will be explored and presented to Council at a future meeting.

Conflicts of Interest Disclosure

10. 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

11. The Risk and Integrity team are key internal stakeholders that the Festivals and Events team consult with regularly in the planning and delivery of events.

Environmental Implications

12. The Sustainability team are key internal stakeholders that the Festivals and Events team consult with regularly in the planning and delivery of events.

Community Consultation

13. The 2021/22 budget process included community consultation and feedback.

Human Rights Consideration

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

Attachments

Nil

14.11 Review of Governance Rules- Order of Business at Council Meetings

Chief of Staff: Tracey Limpens

Senior Governance Advisor: Tony Mcilroy

Purpose of Report

The report is in response to a request from the Council to review the governance rules specifically as they relate to the order of business conducted at Council meetings.

Officer Recommendation

That the Revised Order of Business be Adopted by the Council and be Incorporated in the Governance Rules.

Executive Summary

1. *Section 60 of The Local Government Act 2020*, requires that the Council must develop, adopt and keep in force *Governance Rules* for or with respect to the conduct of Council meetings.
2. Councils were required to adopt the first *Governance Rules* on or before 1 September 2020. The current *Governance Rules* were adopted by the Council on 31 August 2020.
3. The *Governance Rules* as they apply to the order of business of Council meetings have subsequently been found to require refinement to improve the efficiency of transacting the business of the Council.
4. Section 61(2) of the Act provides that the conduct of meetings is at the Council's discretion except as provided in the Act and subject to the *Governance Rules*.

Background

5. The proposed changes to the *Governance Rules* seek to enhance good governance in the manner in which the Council deals with the volume of business before the Council at any one time.

Key Issues and Discussion

6. It is proposed that the order of business be as follows to improve the efficiency of Council meetings:
 1. Reading of Reconciliation Statement
 2. Reading of Statement of Commitment.
 3. Introductions of Councillors and Executive Staff.
 4. Apologies
 5. Confirmation of the Minutes of the Previous Meeting.
 6. Disclosures of Conflicts of Interest.
 7. Business
 8. Questions From the Community.
 9. Correspondence

10. Tabling of Petitions and Joint Letters.
 11. Notices of Motion.
 12. Reports by Councillors
 13. Questions to Council Officers
 14. Urgent Business
 15. Confidential Business
7. The proposed changes to the *Governance Rules* seek to enhance good governance in the manner in which the Council deals with the volume of business before the Council at any one time.

Governance Compliance

Policy Implications

8. The review of the Governance Rules has been dealt with administratively whilst observing the provisions of the Local Government Act 2020.

Financial and Resource Implications

9. There are no financial and resource implications associated with the report or outcomes.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

11. There are no legal / risk implications relevant to the report/matter.

Environmental Implications

12. There are no environmental implications relevant to the report.

Community/Stakeholder Consultation

13. There was no requirement for community consultation given the nature of the proposal which is simply an administrative refinement.

Human Rights Consideration

14. There were no human rights issues associated with the matter.

Attachments

Nil

15 Confidential Business

15.1 Proposed Lease of 'Northbrook' (1257 High Street Malvern)

Director Community & Wellbeing: Cath Harrod

Confidential report is circulated separately under the Local Government Act 2020.

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) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.