



Meeting Agenda

Monday 7 June 2021 at 6 PM

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

Information for the Public

Welcome

Welcome to a Stonnington City Council meeting. The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the community. These meetings are an important way to ensure that the democratically elected Councillors work for the community in a fair and transparent way. Council business is conducted in accordance with Part C – Meeting Procedure section of the Council's Governance Rules.

Councillors carry out the functions, powers, authorities and discretions vested with them under the **Local Government Act 2020**, and any other relevant legislation. Councillors impartially perform the Office of Councillor duties, in the best interests of the City of Stonnington residents, to the best of their skills and judgement.

Councillors must formally declare their conflicts of interest in relation to any items listed on the agenda at the start of the meeting and immediately prior to the item being considered, in accordance with Part 6 – Council integrity, Division 2 – Conflict of Interest of the Act.

About this meeting

The agenda, as specified in Stonnington's Governance Rules, lists of all the items to be discussed. Each report is written by a Council Officer and outlines the purpose of the report, relevant information and a recommended decision for the Council. The Council will consider the report and either accept, reject or make amendments to the recommendation. The Council decisions are adopted if they receive a majority vote from the Councillors at the meeting.

Arrangements to ensure meetings are accessible to the public

We are committed to doing whatever we can to protect the health and wellbeing of our community, staff and visitors. Due to the unprecedented circumstances arising from the current State of Emergency and State of Disaster due to COVID-19, and on the advice of health experts, we have made the necessary decision, to temporarily change the way we run our Council Meeting this evening.

Tonight's Council Meeting has been relocated from the Malvern Town Hall, to our respective homes or offices, to ensure that social distancing is observed at all times, and is being broadcast over the internet via our website.

Whilst we have undertaken extensive planning for this virtual on-line meeting, there always remains the risk of technical issues arising beyond our control. If we experience a technical issue tonight, we will adjourn the meeting for a short time to try and resolve the issue. If the issue cannot be resolved and the meeting cannot continue, then we will adjourn to a later date, and details of the future meeting will be made available via our website as soon as possible.

We are working to keep our community safe during the COVID-19 outbreak and are closely monitoring the situation.

To ensure that people in the Hall can follow proceedings, the meeting agenda and motions are displayed on screens.

Live webcasting

Council meetings are broadcast live via the Council's website, allowing those interested to view proceedings without needing to attend the meeting. Live captioning is being performed during the meeting. This gives people who are unable to attend, the ability to view the Council decisions and debate. A recording of the meeting is available on our website after the meeting (usually within 48 hours). Only Councillors and Council officers are visible. People in the public gallery will not be filmed, but if you speak, you will be recorded.

Behavior at meetings

Members of the public present at a meeting must remain silent during the proceedings other and then when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulation offensively 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 a 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.

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 this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in any item on that 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.

The City of Stonnington Council Plan 2017-2021

Articulates the Council's Vision, Goals and Strategic Actions that guide decision – making.

Vision

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

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

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

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

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

Councillors

Cr Kate Hely (Mayor)
Cr Melina Sehr (Deputy Mayor)
Cr Jami Klisaris
Cr Alexander Lew
Cr Polly Morgan
Cr Marcia Griffin
Cr Matthew Koce
Cr Mike Scott
Cr Nicki Batagol

Chief Executive Officer

Jacqui Weatherill

Executive Staff

Annaliese Battista – Director Planning & Place
Cath Harrod – Director Community & Wellbeing
Rick Kwasek – Director Environment & Infrastructure
Greg Curcio – Director Customer & Technology

Welcome and Acknowledgement of Country

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

Affirmation Statement

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

Mayor, Deputy Mayor and Councillors, Stonnington City Council

Ordinary Council Meeting Agenda Monday 7 June 2021 Order of Business

1	Reading of the Reconciliation Statement and Affirmation Statement.....	8
2	Introductions.....	8
3	Apologies	8
4	Adoption and confirmation of minutes of previous meeting(s)	8
4.1	Minutes of the Ordinary Council Meeting held on 17 May 2021	8
5	Disclosure by Councillors of conflicts of interest.....	9
6	Questions to the Council from Members of the Public.....	9
7	Correspondence (only if related to Council business)	9
8	Questions to Council Officers from Councillors	9
9	Tabling of Petitions and Joint Letters	9
10	Notices of Motion.....	9
11	Reports of Special and Other Committees - Informal Meetings of Councillors	9
12	Reports by Delegates	9
13	Urgent Business	10
14	General Business	11
14.1	Section 223 Hearing of Submissions Draft 2020/21 Budget.....	11
14.2	Planning Application 0957/20 - 387-403 Malvern Road, South Yarra	16
14.3	Planning Application 0711/20 - 379 Malvern Road, South Yarra	46

14.4 Hard & Green Waste Collection - Transportation and Disposal	59
14.5 Contract Award - T21062 Provision of Building Maintenance Services (including Graffiti Eradication & Bill Poster Removal)	64
14.6 Outdoor dining evaluation and three-month extension to current roadside dining permits	67
14.7 Volunteer Awards Program.....	71
14.8 2021/2022 Community Grants Program	74
14.9 Australian Local Government Association 2021 National General Assembly	77
15 Confidential Business	80
15.1 Prahran Market Board	80

1 Reading of the Reconciliation Statement and Affirmation Statement

2 Introductions

3 Apologies

4 Adoption and confirmation of minutes of previous meeting(s)

4.1 Minutes of the Ordinary Council Meeting held on 17 May 2021

Officer Recommendation

That the Minutes of the Ordinary Meeting of the Stonnington City Council held on 17 May 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 General Business

14.1 Section 223 Hearing of Submissions Draft 2020/21 Budget

Manager Finance: Julia Gallace

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.

- C4** Enhance community engagement to ensure Council makes long-term decisions in the best interests of the community.

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

To inform Council of the submissions made under Section 223 of the Local Government Act 1989 in respect of the Proposed 2021-22 Budget.

Officer Recommendation

That Council:

- 1. NOTE the online and written submissions in relation to the proposed Budget 2021-22 as included in Attachment 1 and Attachment 2.***
- 2. NOTE the final Budget 2021-22 will be presented for consideration by Council, with or without modification, at the Council Meeting on Monday 28 June 2021.***

Executive Summary

Council received 207 submissions in relation to the proposed 2021-22 Budget, 85 of these submissions were received via the Stonnington Residents and Ratepayers Association.

The feedback on our proposed budget for 2021-22 addressed a number of themes including, Rates, capital works (particularly the East Malvern Tennis Club) and Climate Emergency. A total of 14 submitters have requested to be heard in relation to their submission.

All submissions will be considered in depth and any changes will be made to the budget prior to adoption at the Council Meeting on Monday 28 June 2021.

Background

The Local Government Act 2020 provides that a Council must:

- Prepare and adopt a budget for each financial year - Section 94 (1);

- Provide a description of services and initiatives and a statement as to how these will contribute to achieving the strategic objectives specified in the Council Plan, major initiatives and any other details required by the regulations - Section 94 (2);
- Comply with the rate cap set by general order which has been set at 1.5% for the 2021-22 financial year - Section 94 (3).

Noting the Council resolved to undertake community consultation in line with the Local Government Act 1989 which provides that Council must:

- Give public notice of a proposed budget and make it available for public inspection for at least 28 days – Section 129;
- Adopt the budget following consideration of public comments, and submit a copy to the Minister within 28 days - Section 130 (3-4);

The proposed 2021-22 Budget has been prepared with a focus on responsible financial management and in accordance with the Local Government Act 2020 and Accounting Standards.

On Monday 19 April 2021, Council considered the proposed 2021-22 Budget and resolved to give public notice of its preparation, as required by Section 129 of the Local Government Act 1989.

Council also resolved that any submissions received be considered by a Committee of all Councillors to be held at 6.00pm on Monday 7 June 2021.

Public notice of the statutory consultation period was provided on Council's website, and by advertisement in The Age newspaper.

The proposed 2021-22 Budget was available for viewing from Tuesday, 20 April 2021 at Council's Service Centre, Council libraries, on Council's website and on the Connect Stonnington Engagement Portal.

Any person has the right to make a submission on the proposed 2021-22 Budget under Section 223 of the Local Government Act 1989. Submissions were to be received by 5.00pm, Wednesday 19 May 2021.

Key Issues and Discussion

In total 207 submissions were received on the proposed 2021-22 Budget, copies of all submissions are included in **Attachment 1**.

Of the total submissions received, 14 of the submitters have requested to speak to their submissions.

Each of the submitters will receive a response in writing post the adoption of the Budget 2021-22.

Submissions that have requested to be heard:

1. **Mr Christopher Woods**

Mr Woods would like Council to re-consider the funding allocation for East Malvern Tennis Club and commence this facility renewal in 2021-22.

2. **Mr Ralph Muir-Morris**

Mr Muir-Morris would like Council to re-consider the funding allocation for East Malvern Tennis Club and commence this facility renewal in 2021-22.

3. Ms Debra Bolic

Ms Bolic would like Council to re-consider the funding allocation for East Malvern Tennis Club and commence this facility renewal in 2021-22.

4. Mr Dale Martin

Mr Martin supports Council's implementation of a full rate increase as essential for community growth. Mr Martin provides examples of a number of opportunities for Council to consider including:

- waste service levy based primarily from the landfill bin sizing
- paid parking and seeking to increase other fees and charges
- electric vehicle charging stations and a focus on low or zero emissions vehicles only within Councils vehicle replacements program
- increase in cycling infrastructure
- single-use plastics strategy and improvement to recycling
- greater focus on climate emergency response and renewable energy

5. Mr William Rivera

Mr Rivera would like Council to consider new and updated outdoor equipment for the disabled, elderly and woman in fitness specifically in the Orrong Romanis Reserve and Toorak Park area.

6. Mr John Gilbert

Mr Gilbert of Precision Group (Pran Central) objects to Council's proposed rate increase and would like Council to re-consider the short-term parking rate for Prahran Square to support the retailers.

7. Mr Justin O'Donnell - Chapel Street Precinct Association (CSPA)

CSPA is vehemently against the proposed rate rise and against the increase of parking costs at Prahran Square.

8. Mr Mike Harrison-Lamond

Mr Harrison-Lamond would like Council to consider a fairer and more equitable distribution of arts funding right across Stonnington.

9. Mr Vijay Rao

Mr Rao would like Council to look for efficiencies rather than increase rates.

10. Ms Ilona Komesaroff

Ms Komesaroff objects to Council's proposed rate increase and would like to see creative approaches and solutions that would make Stonnington a stand-out leading Council.

11. Mr Phil Williamson

Mr Williamson on behalf of the Prahran Cricket Club would like Council to re-consider the funding allocation for Toorak Pavilion and ground redevelopment and commence this facility renewal in 2021-22.

12. Mr Rohan Appleton

Mr Appleton would like Council to re-consider the funding allocation for East Malvern Tennis Club and commence this facility renewal in 2021-22.

13. Mr Dean Hurlston - Stonnington Residents and Ratepayers Association

Mr Hurlston acknowledges Council's revenue losses as a result of the Covid-19 pandemic, however objects to Council's proposed rate increase and would like Council to focus on value for money for the Stonnington Community.

Mr Hurlston encourages Council to review expenditure areas such as:

- allocating further funding to essential areas e.g. roads, footpaths, drains
- defer fleet expenditure
- capital expenditure that does not deliver new services to the community
- technology investment
- employee expenditure

Furthermore, Mr Hurlston would like to see Council run additional workshops for the community to come and give direct feedback in the budget formation process.

14. Ms Beverley Lines

Ms Lines objects to Council's proposed budget and does not support the proposed rate increase. Ms Lines believes extra support should be given to Stonnington businesses and ratepayers and better reflect Community expectations.

Ms Lines encourages Council to review expenditure areas such as:

- employee expenditure
- Health and Wellbeing areas that are losing money for potential outsourcing or increased fees and charges
- cost recovery on planning and permit approvals
- cost recovery on animal management
- private management for Chapel off Chapel
- Prahran Square
- Waste management and climate emergency

Furthermore, Ms Lines would like to see Council improve effective communication to ratepayers.

Governance Compliance

Policy Implications

There are no policy implications associated with this report.

Financial and Resource Implications

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

Conflicts of Interest Disclosure

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

Legal / Risk Implications

The Local Government Act 1989 requires Council to hear any person who wishes to speak to their submission.

Environmental Implications

There are no environmental implications relevant to this report.

Stakeholder Consultation

Significant and broad consultation with the Public, Councillors and Council Officers has been undertaken in the development of the proposed 2021-22 Budget. In accordance with legislative requirements the proposed 2021-22 Budget was made available for public comment and this report outlines the feedback from the community.

Human Rights Consideration

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

Attachments

1. Attachment 1 - Draft 2021-22 Budget Submissions [**14.1.1** - 58 pages]
2. Attachment 2 - Combined Email Submissions [**14.1.2** - 217 pages]

14.2 Planning Application 0957/20 - 387-403 Malvern Road, South Yarra

Manager Statutory Planning: Alex Kastaniotis

Director Planning & Place: Annaliese Battista

Purpose of Report

For Council to consider a planning application for construction of buildings and works associated with a commercial development (retail and office) in a Commercial 1 Zone, Design and Development Overlay and Special Building Overlay; a reduction in car parking requirements; and alteration of access to a road in a Road Zone Category 1 at 387-403 Malvern Road, South Yarra.

Abstract

Proposal

The proposal seeks to construct a 6-storey commercial building, comprising 4 retail tenancies at ground floor and 5 levels of office floor space above. A total of 89 car spaces are provided within the ground floor car park and two levels of basement, with access from McKillop Street.

Officer Recommendation Summary

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

- The proposal has strategic support by State and local policy.
- The proposed commercial uses will increase local employment opportunities and make the activity centre more economically vibrant.
- Subject to conditions, the development is considered to be an appropriate response to the design objectives and built form outcome sought to achieve in Schedule 21 to the Design and Development Overlay and the Hawksburn Village Structure Plan.
- The proposed development will not cause any unreasonable off site amenity impacts.
- The proposal provides adequate car parking and access arrangements and will not result in unreasonable traffic or parking impacts.
- The reduction in the car parking requirements of Clause 52.06 is considered acceptable given the proposed uses being retail and office and the location within the activity centre and well serviced by public transport.

Issues

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

- Building height and massing (refer to Built Form assessment);
- Amenity impacts on the adjoining properties (refer to Overlooking and Overshadowing assessment);
- Environmentally sustainable design (refer to Environmentally Sustainable Design assessment); and
- Car parking and traffic impact (refer to Car Parking and Traffic assessment).

Officer's response

The proposal seeks to construct a six-storey commercial building comprising retail tenancies at ground floor and office floor spaces above.

The site is located within the Western Precinct of the Hawksburn Village Neighbourhood Activity Centre and is well serviced by public transport. The strategic direction for the site encourages intensive forms of development on this site, subject to a right design which responds and contributes to the mixed built form character of this part of Hawksburn Village.

The site currently has a Planning Permit (941/16), which was issued by VCAT, for a six-storey mixed use development with retail tenancies at ground floor and 26 apartments above. The permit is still current and will expire on 8 August 2023.

The proposal is considered to appropriately respond to the built form objectives and design guidelines in the Hawksburn Village Structure Plan. As confirmed by Council's Urban Designer, the proposed building is a high quality of architecture and is considered more superior to the VCAT approved design. Subject to change to a lighter colour palette, the building will be an appropriate fit within this emerging robust activity centre streetscape. This new proposal is considered to be a better urban design and planning outcome.

The proposal will not result in unreasonable visual bulk and amenity impact to the neighbouring properties.

The proposed development provides an adequate level of internal amenity within the offices and achieves a satisfactory environmentally sustainable design response.

The proposal provides adequate car parking and access arrangements. As confirmed by Council's Transport and Parking Unit, the anticipated increase in traffic generated by the proposal is considered reasonable and will not result in unacceptable traffic or parking impacts to the surrounding local road network. The level of reduction in the car parking requirements of Clause 52.06 is considered acceptable given the proposed uses being retail and office and the location within the activity centre and the proximity to public transport.

Executive Summary

Applicant:	SJB Planning Pty Ltd
Ward:	North
Zone:	Commerical 1 Zone
Overlay:	Design and Development Overlay, Schedule 21 Special Building Overlay, Schedule 2
Date Lodged:	11 November 2020
Statutory Days: (as at Council Meeting date)	34
Trigger for Referral to Council:	4 storeys or above and 7 or more objections
Number of Objections:	19
Consultative Meeting:	Yes – held on 24 March 2021
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 Jam Architects and are known as Drawing No.s: TP01 – TP03 (Rev A), TP04, TP05 – TP06 (Rev

D), TP07 (Rev C), TP08 (Rev D), TP09 (Rev C), TP10 – TP17 (Rev D), TP18 (Rev C), TP19 – TP24 (Rev D), TP24A (Rev A), TP25 (Rev D), TP25A (Rev A), TP26 (Rev D), TP26A and TP26B (Rev A), TP32 – TP33 (Rev D), TP34 (Rev B), TP35 and TP36 (Rev A) and Council date stamped 4 May 2021.

Key features of the proposal are:

- Demolition of all existing buildings on the site (no planning permit required).
- Construction of a six storey commercial building, comprising 4 retail tenancies at ground floor and 5 levels of office floor space above.
- The development will provide a total of 519 square metres of retail floor space at ground floor and 4,305 square metres of office floor space above.
- A total of 89 car spaces and 37 bicycle spaces are provided within the ground floor car park and two levels of basement.
- Vehicle access is from McKillop Street via a crossover located at the northeast corner of the site.
- Pedestrian entry to the office lobby is provided centrally along the Malvern Road frontage. A secondary pedestrian access for fire safety is provided from McKillop Street. All office spaces above are accessible via a lift and stairwell from the basement.
- The building will have a maximum height of 20.6 metres (excluding lift overrun and rooftop plant screen). It is designed with a three storey (11.36 metres) street wall to Malvern Road with recessed upper levels setback 3 metres and the top level setback 8.5 metres from the street.
- Rear setbacks range from 1.03 – 1.9 metres at ground floor, 2.75 – 5.915 metres at first to fourth floor, and 6.455 – 18.415 metres at the top floor.
- The building presents a contemporary architectural style. Materials and finishes include a combination of concrete, renders, metal fins and frames, metal panels, Colorbond metal roof, metal battens, perforated metal screens, horizontal louvre screens, glazed balustrades, aluminium window frames and various tinted glazing.

Site and Surrounds

The site is located on the north side of Malvern Road, between Cromwell Road to the west and Hobson Street to the east, in South Yarra. The site has the following significant characteristics:

- The site is made up of five contiguous land parcels, known as 387 Malvern Road, 389 Malvern Road, 399 Malvern Road, 401 Malvern Road and 403 Malvern Road.
- The site is irregular in shape and has a combined frontage to Malvern Road of approximately 37.1 metres, a maximum depth of 42 metres and a total site area of 1,468 metres. The site also has partial abuttal to McKillop Street to the rear (north).
- The western lots at 387-389 Malvern Road are occupied by a single storey sale office. A car park is located within the front setback area and is accessed from Malvern Road via a crossover located at the southwest corner of the property.
- The eastern lots at 399, 401 and 403 Malvern Road are occupied by a two storey commercial building comprising three separate tenancies. The western wall of the building extends deep into the lot. A car park is located to the rear of the building and is accessed from McKillop Street.

The site is located within the western precinct of the Hawksburn Village Neighbourhood Activity Centre, which comprises a variety of land uses including retail, services, offices and some residential uses, predominantly at upper levels. The Chapel Street Major Activity

Centre is located approximately 450 metres to the west. The area is well serviced by public transport with train, tram and bus routes connecting to the broader areas in the municipality. Bus and tram services operate directly past the site along Malvern Road. Bus services operate along Williams Road approximately 260 metres to the east and Hawksburn Railway Station is located approximately 550 metres to the north of the subject site.

The surrounding precinct exhibits an eclectic mixed character with pockets of wider grain, larger format light industrial buildings and fine grain heritage buildings. Existing built form in the immediate vicinity is diverse and has been evolving over the recent years. It comprises traditional single and double storey commercial buildings with an emergence of higher density developments with 4-6 storeys in scale. In close proximity to the site, five storey buildings have been constructed or approved at numbers 352, 390, 424, 441-473, and 466-474 Malvern Road, while a six storey development are under construction at 442-446 Malvern Road.

The site has immediate abuttal of the following properties:

- The adjoining property to the west at 383-385 Malvern Road is occupied by a pair of two storey terrace style commercial buildings. The buildings are currently being used as offices. Vehicle crossovers on either side of the buildings provide vehicle access to the car parking areas at the front and to the rear of the buildings. The building at 385 Malvern Road contains a number of windows that face the subject site.
- The adjoining property to the east at 407 Malvern Road is occupied by a two storey commercial building comprising two tenancies, one at each level. The building is constructed on the common boundary towards the front of the site. Towards the rear, the building is setback from the common boundary and contains two first floor windows that face the subject site. An external staircase to the rear of the building provides access to the first floor. The site extends through to McKillop Street where access is provided to a car park at the rear of the building.
- To the north, the subject site abuts two sites, 2 and 4 Cromwell Road. Number 2 Cromwell Road is occupied by a five storey apartment building whilst Number 4 Cromwell Road contains a four storey apartment building. The apartment building at 2 Cromwell Road is setback 1.25 metres at ground level to Level 2, 3.65 metres at Level 3 and 5 metres at Level 4 from the common boundary with the subject site. There are habitable room windows that face the subject site. A private open space area is located on the ground level to the east of the building and adjacent to the western boundary of the subject site. The apartment building at 4 Cromwell Road is setback approximately 6.8 metres from the common boundary with the subject site. Adjacent to the common boundary at ground level is an area of private open space. There are a number of habitable room windows that face the subject site. Existing trees along the boundary provide screening to the dwellings.
- On the opposite side of McKillop Street is two double storey office buildings that front onto Howitt Street. Undercroft car parks are provided to the rear of the building and accessed from McKillop Street.
- On the opposite side of Malvern Road is a two storey police station. To the southwest at 390 Malvern Road is a development site. A five storey commercial building with a height of 19.92 metres, which was approved under Planning Permit 278/19, is under construction.

[Previous Planning Application/s](#)

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

- Planning Permit 1273/98 was issued on 22 September 1999 for use of the premises as a medical centre for three practitioners and dispensation of standard car parking requirement at No. 399 Malvern Road.
- Planning Application No. 886/14 for construction of a mixed use development in a Commercial Zone and Special Building Overlay for use as dwellings and shops (as of right use) and a reduction in the car parking requirement was withdrawn on 6 May 2015.
- Planning Permit 941/16 was issued on 8 August 2017 at the direction of the Victorian Civil and Administrative Tribunal (VCAT).
The planning permit allows for construction of a 6 storey mixed use development with a building height of 21 metres. The development comprises 4 retail tenancies at ground floor and 26 apartments above. A total of 61 car spaces are provided within the ground floor car park and two levels of basement, with access from McKillop Street. The permit is still current. It requires works must commence by 8 August 2023.
- Planning Permit 756/18 was issued on 31 August 2018 for temporary major promotion signage.

The Title

The site is made up of five (5) titles described on:

- 387 Malvern Road – Certificate of Title Volume 09304 Folio 812 / Lots 1 and 2 on Strata Plan 012877.
- 389 Malvern Road – Certificate of Title Volume 09760 Folio 596 / Lot 1 on Title Plan 137585Q.
- 399 Malvern Road – Certificate of Title Volume 10344 Folio 861 / Lot 1 on Plan of Subdivision 401487H.
- 401 Malvern Road – Certificate of Title Volume 10344 Folio 862 / Lot 2 on Plan of Subdivision 401487H.
- 403 Malvern Road – Certificate of Title Volume 10344 Folio 862 / Lot 3 on Plan of Subdivision 401487H.

No covenants affect the land.

A 1.83 metre wide drainage and sewerage easement extends along part of the northern boundary.

Planning Controls

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

Zone

Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

Overlay

Clause 43.02 – Design and Development Overlay (Schedule 21) – Hawksburn Village Neighbourhood Activity Centre

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

Schedule 21 to the Design and Development Overlay (DDO) sets out the built form and design objectives for the Hawksburn Village Neighbourhood Activity Centre. The subject site is within Area 1 – Mixed Character.

Schedule 21 specifies preferred building heights and setbacks for the subject site as follows:

- Preferred maximum building height of 18 metres.
- Preferred maximum street wall height of 11 metres, with 0 metres setback, to Malvern Road.
- Preferred minimum setback of 3 metres above street wall.
- Preferred maximum rear wall height of 8 metres.

Clause 44.05 – Special Building Overlay (Schedule 2) – Drainage System – Stonnington City Council

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

Schedule 2 to the Special Building Overlay (SBO) is under the jurisdiction of Council.

Particular Provisions

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, prior to a new use commencing or a new building being occupied, the car spaces required under Clause 52.06-5 must be provided on the land.

The site is within the Principal Public Transport Network (PPTN), and the Column B rates of the Planning Scheme apply. Clause 52.06-5 specifies the following rates of parking:

Use	Area	Rate	Required Spaces
Office	4,305m ²	3 spaces to each 100m ² of net floor area	129
Retail	519m ²	3.5 spaces to each 100m ² of leasable floor area	18
Total spaces required			147

The development proposes 89 spaces across three levels of car parking. Within the ground floor car park, 5 spaces are allocated to retail tenancies, 1 to disabled parking, 2 to car share, and 5 to shared parking. All car spaces within the basement are allocated to the office use.

The application therefore seeks a reduction in the car parking requirements by 58 spaces, pursuant to Clause 52.06-3.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1. An application to create or alter access to a road declared as an arterial road under the *Road Management Act 2004* must be referred to the Roads Corporation under Section 55 of the *Act*. The Department of Transport (formerly known as VicRoads) is a determining referral authority.

Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The following table shows the bicycle parking spaces to be provided to accord with the requirements of the Planning Scheme:

Use	Area	Rate	Required Spaces
Office employee	4,305m ²	1 space per 300m ² of net floor area	14
Office visitor		1 space per 1000m ² of net floor area	4
Retail employee	519m ²	1 space per 300m ² of leasable floor area	2
Retail visitor/shopper		1 space per 500m ² of leasable floor area	1
Total spaces required			21 (16 for staff and 5 for visitor)

The development provides a total of 37 bicycle spaces, with 32 spaces in Basement 2 and 5 visitor spaces located at ground floor level. This has a surplus of 16 spaces from the statutory requirements.

A total of 4 shower facilities are also required. The development provides 4 shower facilities and 32 lockers, which meet the requirements in Clause 52.34.

Relevant Planning Policies

Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
 Clause 15 – Built Environment and Heritage
 Clause 17 – Economic Development
 Clause 18 – Transport
 Clause 19 – Infrastructure
 Clause 21.03 – Vision
 Clause 21.04 – Economic Development
 Clause 21.06 – Built Environment and Heritage
 Clause 21.08 – Infrastructure
 Clause 22.05 – Environmentally Sustainable Development Policy
 Clause 22.18 – Water Sensitive Urban Design Policy
 Clause 53.18 – Stormwater Management in Urban Management
 Clause 65 – Decision Guidelines

Advertising

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by sending notices to the owners and occupiers of adjoining land and by placing three (3) signs on the site. The public notification of the application has been completed satisfactorily.

The site is located in North Ward and objections from 19 different properties have been received. The objections are summarised as follows:

- Excessive height, building mass and visual bulk of the development.
- The building height is inconsistent with Hawksburn Village Structure Plan and will set up a precedent for future development in the area.

- Inadequate design response to the streetscape, heritage character of Hawksburn Village and neighbouring sensitive residential interfaces.
- Unacceptable amenity impact to adjoining properties through visual bulk, overlooking, overshadowing, noise, as well as loss of privacy, outlook and daylight.
- Internal amenity including inadequate daylight and ventilation.
- Inadequate car parking provision to meet the demand generated by the proposal.
- Impact of traffic and parking to surrounding streets.
- Private car use would increase as a result of COVID conditions.
- Inadequate measures for waste disposal.
- Residential apartments would be more appropriate compared to offices based on Amendment C272.
- Part of the land at 387 Malvern Road is subject to a Supreme Court proceeding for counterclaims and Council should not make any decision until the Supreme Court proceeding is determined.

A Consultative Meeting was held on 24 March 2021. The meeting was attended by Councillors Hely, Griffin and Koce, representatives of the applicant, objectors and a Council planning officer.

Following the consultative meeting, on 4 May 2021, amendments to the plans were made under Section 57A of the *Planning and Environment Act 1987* in an effort to address the concerns expressed by objectors and Council officers. The key changes shown on the revised plans include, but not limited to, the following:

- The finished floor level of substation, switch room and waste room raised to 16.60 metres AHD.
- The basement wall set back off from the northern section of the west boundary by approximately 0.8 – 1 metres.
- The basement wall set back off from the north boundary adjacent to No.4 Cromwell Road by approximately 3.3 metres.
- The setback of the western ground floor wall of fire stair and cleaner room reduced by 470mm, from 1.5 metres to 1.03 metres.
- Consequential reconfiguration of car park layout.
- Modifications and relocation of bicycle parking and end of trip facilities.
- Modifications to external materials, finishes and colour palette.
- At first floor, a 1.5 metres wide planter box added outside the north facing windows at the northwest corner of the building.
- Modifications to screening measure to the first floor, north facing windows at the northwest corner of the building, from 'screen detail 2' (combination of angled perforated metal screening and spandrel glass) to planter box atop with horizontal metal louvres.
- Modifications to screening measure to the first floor, west facing windows.
- Removal of screening provision to first floor, east facing windows at the northeast corner of the building.
- The northern ground floor wall at the northern end of the building (adjacent to the common boundary with No.4 Cromwell Road) increased in height from 3.46 metres to 4.5 metres.
- A 1.5 metres high wall/structure added above the roof of substation with a setback of 5.1 metres from the west boundary.

The revised plans were not formally readvertised, but were circulated to all objectors for information.

Referrals

Urban Designer

- The design of the building is clearly to be superior to that of the VCAT approved development.
- The interface with the neighbouring properties to the northwest appears to be generally consistent with the previous VCAT approval.
- The predominantly dark colour palette remains unacceptable in this context. The dark colour palette will exacerbate the bulk of the building and result in an excessively dominant presence in this part of the Malvern Road streetscape. A lighter colour palette would be a more appropriate fit within this activity centre streetscape.

Planner response: Conditions will be included requiring a lighter colour palette to the building.

City Strategy

- There is no issue in the change of use to office at the upper levels. Whilst encouraging housing within the centre is something the Structure Plan supports, so too is making the centre economically vibrant.
- There are no significant changes to the building envelope and the crucial built form matters that were dealt with as part of the VCAT approved permit. Hence, it has no objection to the proposal.

Infrastructure

- No objection to the proposal subject to implementation of the recommended permit conditions.

Parks

- The proposed landscape plans are inferior for landscape content in relation to the screening provided to adjacent properties to the west and north when compared to the VCAT approved design.

Planner response: The applicant has submitted revised plans showing the building, including basements, setback from the west and north boundaries to allow room for in ground planting. A condition will be included in the permit requiring screen planting along the north boundary adjacent to 4 Cromwell Road. The proposed landscaping within the development will form a layer of landscaping/screening with the existing vegetation on the adjoining courtyard to the north. This is a balanced outcome having regard to the location in the activity centre, the Commercial zoning of the land and the built-up setting, which generally features fairly limited landscaping.

Waste Management

- A comprehensive Waste Management Plan (WMP) accompanied this proposal. This document responded well to the waste management challenges presented in the plans.
- The submitted WMP is considered suitable for approval.

ESD

- Overall, some good sustainability initiatives have been proposed in the development.
- The issues regarding adequate daylight access to the Level 1 office space has been addressed.
- The remaining outstanding ESD/ WSUD items can be addressed by way of permit conditions.

Transport and Parking

- The overall number of car parking spaces required for the proposal is 147 (129 for office and 18 for retail). The development represents a shortfall of 58 spaces. The allocation of 5 spaces to retail is considered acceptable.
- Office use is most readily adaptable to other modes of transport. It is expected that employees may be deterred from driving to the development and will prefer to use alternative modes of transport that are available in the area. The shortfall in parking for office use can be accepted due to close proximity to bus, tram and train services, as well as car share locations and bicycle facilities.
- There is capacity in the streets and the surrounding road network to accommodate the anticipated traffic generated by the development.
- The accessway width, vehicle crossover, and access arrangements between the ground floor and basement car park are considered satisfactory.
- The design of basement ramp width, ramp gradients and access aisles is considered satisfactory.
- The design of parking bays, including disabled parking and tandem bays, columns and blind aisle is acceptable.
- Swept path diagrams have been provided to a selection of spaces within the car parks. With exception of parking bay nos. 9 and 10 within the ground floor car park, access to the selected bays is acceptable. When exiting bay no. 9, vehicle would traverse into the bicycle parking area and for bay no.10, a 3 point turn within the driveway is required.
- The design of bicycle parking is considered satisfactory.
- Additional details, including headroom clearance within basement and basement ramp, dimensioning the position of wheelstops, are required.

Planner response: Amended plans will be required by way of permit conditions to address the design issues of the car park. In terms of swept paths for bay no.10, a 3 point turn within the driveway is considered acceptable particularly given that it occurs within a private car park. The visitor bicycle parking area will be required to be redesigned/relocated to provide a cleared area for reversing out from bay no.9.

Department of Transport (formerly known as VicRoads)

- No objection to the proposal subject to permit conditions.

Key Issues and Discussion

Strategic Justification

The overarching policies and objectives at both a State and Local level support the development and growth of activity centres that are highly accessible to the community, and encourage a broad range of land uses, such as retail, office, services, entertainment and residential.

Council's Municipal Strategic Statement (MSS) identifies the site as being within a Large Neighbourhood Activity Centre (NAC), known as Hawksburn Village. The strategic directions for this centre outlined at Clause 21.04-1 are predominantly strengthening the neighbourhood role of the activity centre as a speciality destination; ensuring it continues to function as a sustainable and viable centre; and establishing a more diversified land use mix. A relevant objective of the MSS is to support proposals that will achieve more effective use of commercial properties. On individual sites, a balance of land use is sought with a preference for retail uses at ground level and office and/or residential uses at upper levels.

A strategy of the MSS is to identify, by way of Structure Plans and urban design frameworks, locations within activity centres and mixed use areas that could accommodate an increase in office space to facilitate business and employment development in Stonnington. Extensive strategic works have been undertaken for this activity centre as reflected by the adopted *Hawksburn Village Structure Plan* (HVSP), which outlines the strategic direction for future growth and change in the Hawksburn Village Neighbourhood Activity Centre (NAC). The built form direction for the Hawksburn Village NAC, as articulated by the HVSP, has been further implemented in the Schedule 21 to the Design and Development Overlay (DDO21).

The HVSP divides the activity centre into Eastern and Western Precincts, with the subject site falling into the latter category. In terms of land use, an objective of the Structure Plan is to establish a more diversified land use mix within the precinct to enliven the centre, and office use is encouraged. The proposed building use as office is consistent with this vision and will contribute to improvement of the local economy with increased employment opportunities.

The purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The proposal is considered to meet the policy objectives of the State and local policy as it provides for retail and office components. These uses provide employment opportunities in a strategic location with good access to existing infrastructure, services and public transport, complementing the existing commercial uses, contributing new retail and office floor spaces within this activity centre and making the centre more economically vibrant. This accords with the strategic direction of the Hawksburn Village NAC as outlined above.

Overall, the subject site has strategic support for higher scale development of a commercial nature in this part of the activity centre. The proposed land uses are as-of-right within the Commercial 1 Zone and are considered to be compatible with other commercial and mixed use developments in the vicinity.

A detailed assessment of the specific built form outcomes sought in the Western Precinct is provided below.

Built Form

Height

As mentioned earlier in the report, the subject site is in Area 1 in the Western Precinct of the Hawksburn Village Neighbourhood Activity Centre (NAC). The preferred maximum building height for this site as specified in Schedule 21 to the Design and Development Overlay (DDO21) is 18 metres. The proposed building height of 20.6 metres exceeds the preferred maximum height by 2.6 metres.

The character of the Western Precinct in this centre has significantly evolved in recent years. There are a number of large multi-storey developments that have been built or approved over the years. The majority of these new or approved buildings within the Western Precinct are generally 5-6 storeys with 16 to 21 metres in height. Detail of the existing approvals are summarised in the table below:

Planning Permit No.	Address	Approval	Approved Height (excluding roof terrace and service plant)	Status

955/11 approved on 17 July 2012	441-473 Malvern Road	A 5 storey building comprising car sales, retail with apartments above	19.4m	Built
418/12 approved on 25 November 2013	352 Malvern Road	A 5 storey building comprising shop with apartments above	16m	Built
256/15 approved on 30 October 2015	424 Malvern Road	A 5 storey building comprising retail with apartments above	17.17m	Built
1354/17 approved on 26 November 2018	442-446 Malvern Road	A 6 storey building comprising food and drink premises at ground floor, office space at Level 1 and apartments above	20.23m	Under construction
278/19 approved on 17 January 2020	390 Malvern Road	A 5 storey commercial building comprising office space and roof terrace	19.92m	Under construction
1101/18 approved on 20 February 2020	466-474 Malvern Road	A 5 storey commercial building comprising retail tenancies at ground floor and offices above	20.655m	Not built yet

It is also important to note that the subject site has a current Planning Permit 941/16 (approved by VCAT), which allows for a 6 storey building with a maximum height of 21 metres. In the VCAT decision of *387-403 Malvern Road South Yarra Pty Ltd v Stonnington CC (Corrected) [2017] VCAT 1137*, the Tribunal considered that the characteristics and context of the site allow for a building height greater than the five storeys (or 18 metres) specified in the Hawksburn Village Structure Plan (HVSP). It further concluded that the overall height of 21 metres would be in the order of what exists and had been approved in Hawksburn Village. In this case, the proposed building height is literally equivalent to, or in fact marginally less than, what had been approved by VCAT.

In addition, the site being a large consolidated lot has attributes and capacity to accommodate a taller building with an additional height of 2.6 metres than what is recommended in the DDO21. The proposed 6 storey form comprising a recessed top level is appropriately designed to ensure the building, particularly the top level where additional height proposed, would not overly dominate the Malvern Road streetscape and neighbouring properties. The proposed height is considered acceptable for this site in this eclectic and evolving context. The proposed building is considered compatible with the emerging form and scale of comparable developments on nearby sites and would not be inconsistent with the DDO21 and the Structure Plan.

Form and Massing

The DDO21 and HVSP identify that the Western Precinct has a mixed built form character, comprising a mix of medium grain industrial format buildings, fine grain heritage buildings,

and non-heritage buildings. It further requires new development to be designed to contribute and enhance the scale, materiality, identity and character of Hawksburn Village.

The DDO21 specifies a preferred maximum street wall height of 11 metres with a minimum 3 metre upper level setbacks to Malvern Road. The proposed development exhibits a 3 storey street wall with 11.36 metres in height and recessed upper levels with a 3 metre setback from the Malvern Road frontage. The top level is substantially recessed and setback 8.5 metres from the street. This design response largely complies with the built form requirements in the DDO21, except with a minor variation of 360mm in the street wall height. Furthermore, the top level setback is compatible with the recent developments in the immediate surrounds, such as the 5 storey mixed use development at 441-473 Malvern Road.

The design of the building has been vertically broken down into three distinctive forms (podium, upper levels and recessed top level) through the use of fenestration and various architectural elements, setbacks, building materials, colours and finishes. The design response also incorporates fins, frames and modular form in the building façade and wide door and window frames to the ground floor tenancies. The expanse of three storey podium is broken up into two modules through the use of central recess, landscaping, framing element and detailing. Such design response provides vertical emphasis and articulation in the building façade to reflect the fine grain subdivision pattern and the industrial character of the Western Precinct and to maintain the modules and rhythm in this mixed streetscape. The vertical built form articulation also breaks up the wide breath of building mass and moderate building bulk so that the building does not read as one large heavy mass within the street.

As confirmed by Council's Urban Designer, the architectural expression of the building is considered more superior to the previous VCAT approved design. The materiality of the building is compatible with other new buildings nearby and will complement other existing buildings in the street. However, the predominantly dark colour palette does not reference the existing and prevailing character, but will exacerbate the bulk of the building and have an overbearing presence in the street. As recommended by Council's Urban Designer, a lighter colour palette would be a more appropriate fit within this activity centre streetscape. This will be addressed by way of permit conditions. Subject to a lighter colour palette, the proposal is considered acceptable.

The proposed construction to each side boundary with provision of light courts provides equitable development opportunities to both the west and east. The design also acknowledges the prospect of any redevelopment to the side, and as such has treated the elevations accordingly by providing articulation and visual interest through textured off form concrete and green wall. With a lighter colour palette, the building will achieve an acceptable presentation within this activity centre context and present acceptably when viewed from the west and east.

To the rear, the DDO12 specifies a preferred rear wall height of 8 metres with the upper level setbacks determined by an appropriate design response that considers the outlook, daylight and solar access to windows of adjacent residential properties.

The subject site has interface with the adjoining apartment developments at 2 and 4 Cromwell Road. In response to these residential interfaces, the proposed development has incorporated largely the same setbacks as that of the VCAT approved development, merely with a different architectural expression of the building. In the previous VCAT decision, the Tribunal considered the submissions made by the objecting parties from 2 and 4 Cromwell Road and provided a very detailed analysis of the resultant amenity impacts. The Tribunal reached a conclusion and considered the proposed siting, setbacks and separation between

buildings to be acceptable and will not result in unreasonable amenity impacts (in terms of visual bulk, outlook, daylight access and overshadowing) to the dwellings within the developments at 2 and 4 Cromwell Road. In addition, the removal of balconies and terraces resulted by change in building use from apartment building to commercial building, somewhat has provided greater setbacks and building separations in some areas. Compared to the VCAT approved building, the visual bulk presented to the adjoining dwellings facing the site has been reduced to some degree.

In the revised plans, the design has been amended by setting the building, including the basement walls, off from the west and north boundaries by approximately 1 metre to align with the original VCAT approval. This will provide room for in ground landscaping or canopy tree planting along the west boundary adjacent to 2 Cromwell Road and the north boundary adjacent to 4 Cromwell Road. With additional landscaping/ screen planting, it will improve the outlook when viewed from the adjoining ground floor courtyards to the west and north. A condition will be imposed in any permit made to issue to reflect this.

The amenity expectation is tempered by the location within the activity centre and the Commercial zoning of 2 and 4 Cromwell Road. This is particularly so in an area such as this where a DDO provides an additional layer of support of higher forms of development. Put simply, it cannot be reasonably expected that residential occupants within a Commercial 1 Zone with a DDO that supports intensification, will be protected from change to their existing level of amenity or have a same level of residential amenity as those in Residential Zoned areas or residential hinterland. On this basis, the proposed setbacks are deemed to be acceptable and sufficient to mitigate visual bulk and limit off-site amenity impacts, particularly where there were no significant changes to the site condition on the neighbouring properties since the VCAT decision.

In light of the above, it is considered that subject to a lighter colour palette, the proposal has provided a reasonable and balanced design response to the adjoining residential interfaces and will not unreasonably compromise the residential amenity of the neighbouring dwellings.

Public Realm Interface

The proposed building exhibits a high architectural quality, with commercial uses at the ground floor to activate the street. The primary building entrance is centrally located along the Malvern Road frontage and provides a clear sense of address. The ground floor retail spaces have been designed with large façades of glazing to Malvern Road frontage, which provides for a strong commercial presence and good activation to the public realm. The service cupboards along the Malvern Road frontage have been minimised and integrated into the design of the building. The substation has been positioned at the rear of the development to minimise the visual impact to the public realm. Similarly, entry to the car park has been positioned to the rear of the building and this has maximised the opportunity to activate the main frontage and building façade on Malvern Road.

The office spaces above have been designed with fenestration and glazing with terraces at the third and top levels. This design initiative facilitates passive surveillance of the public realm from upper levels to Malvern Road.

Overall, the proposal has been appropriately designed to provide a satisfactory interface with the public realm and support the activation of retail and commercial activity in the street.

Building Adaptability

The DDO21 recommends a minimum 4 metre floor to floor height for the ground and first levels to allow for commercial occupancies.

The proposal does not strictly accord with the preferred floor to floor height as it provides a floor to floor height of 4.2 metres to the ground level, 3.2 metres to the first to fourth floors and 3 metres to the top level. However given the use of the entire building is commercial, the potential adaptability for alternative commercial uses to that proposed is considered acceptable.

Amenity Impacts

Overshadowing

The DDO21 specifies that new development should be designed to minimise overshadowing of any part of the southern footpath along Malvern Road, between 10am and 2pm at the equinox (September 22). The proposed development will not cast shadows over the footpath on the southern side of Malvern Road and will meet the requirements in the DDO21.

The shadow diagrams submitted illustrate that the proposed development will not cast additional shadow over the adjoining ground floor courtyards to the west at 2 Cromwell Road. In fact, the proposed development will cast less shadow (5 square metres less) over Apartment G.4 courtyard at 9am when compared to the VCAT approved development. Considering the small size of courtyard (39 square metres), the reduced overshadowing will lessen the amenity impact to this dwelling and thus is considered a better planning outcome.

The buildings to the east and west of the site are used for commercial purposes and due to the orientation of the land, the proposed development will cast some shadow over the adjoining properties to the west in the morning and to the east in the afternoon. The majority of the shadow cast will fall on the roofs of the existing commercial buildings or car parking areas. Considering the boundary to boundary construction within this activity centre is common and encouraged, the extent of the shadow cast is reasonable, particularly where redevelopment of the adjoining properties is envisaged at some point in the future.

Overlooking

It is important to note that as this application is for a commercial development, the residential standards do not apply. While dwellings within the Commercial 1 Zone cannot expect the same level of amenity protection as dwellings in a Residential Zone, new development should still seek to limit views into existing habitable room windows and balconies. Standard B22 of Clause 55.04-6 will be used as a tool for assessing overlooking.

To the north, the adjoining apartment buildings at 2 and 4 Cromwell Road contain existing habitable room windows, ground floor courtyards and upper level balconies that face the subject site. In response, the proposed building has been designed to incorporate various screening measures to limit overlooking to the adjoining residential properties.

At ground floor, there are no window openings facing 2 and 4 Cromwell road and thus has no overlooking issue.

On the northwest corner of the building, the first floor, north facing windows are to be screened with 1.7 metre high horizontal metal louvres (labelled as 'screen detail 4'), which will be angled upward to face the sky and attached to the external edge of the planter box outside the windows. The privacy screen has been positioned 1.5 metres away from the windows in order to allow for more natural light penetration into the office spaces whilst limiting overlooking potential to neighbouring residential properties. This screening measure is generally acceptable subject to submission of a larger scale of cross-section (such as 1:20) in order to demonstrate clear compliance with a maximum 25% transparency.

On the second to fourth floors, the north facing windows on the northwest corner of the building are to be provided with a spandrel glass with solid wall beyond (gl2) and horizontal

metal louvres with a maximum 25% transparency (pm1) to 1.7 metres above finished floor level (labelled as 'screen detail 1'). The louvres (pm1) are to be angled downward and thus will result in overlooking potential to properties on lower levels below. A condition will be imposed in the permit requiring the louvres (pm1) to be angled upward to face the sky to limit overlooking and downward view. This change would not unreasonably affect the outlook from the office spaces.

The first floor, west facing windows (adjacent to 2 Cromwell Road) are to be provided with a spandrel glass with solid wall beyond (gl2) and a perforated metal screen (pm7) with 25% opening (labelled as 'screen detail 5') to 1.7 metres above finished floor level. The perforated metal screen will be angled in a way so that direct line of sight from the west facing windows will fall to the external face of the proposed building and not over the adjoining residential properties. This measure is acceptable in principle, subject to submission of a larger scale of cross-section (minimum 1:20) and additional dimensions on the section so as to ensure compliance with transparency of screen.

On the second to fourth floors, the west facing windows that face 2 Cromwell Road are to be provided with a spandrel glass with solid wall beyond (gl2) and a perforated metal screen (pm8) with 25% opening (labelled as 'screen detail 2') to 1.7 metres above finished floor level. Similar to 'screen detail 5', the perforated metal screen will be angled in a way so that direct line of sight from the west facing windows will fall to the external face of the proposed building and not over the adjoining residential properties. Subject to additional details, this screening measure is considered acceptable and will limit overlooking potential to the adjoining properties to the west.

The screening measure proposed to the north facing windows to the east of the easement are insufficient to limit overlooking potential to the adjoining properties to the west at 2 Cromwell Road. This issue will be addressed by way of permit conditions.

In terms of north facing windows at the northern end of the building, a 1 metre high tinted glass with solid frit layer behind (gl2) is proposed to the lower part of the first floor windows. These windows are located beyond 9 metres of any existing habitable room windows to the north at 4 Cromwell Road and to the west at 2 Cromwell Road. Section DD on TP33 shows that downward views to the adjoining ground floor secluded private open space area to the north at 4 Cromwell Road will be limited by the roof parapet below. Equally, downward views to the adjoining ground floor secluded private open space area to the west at 2 Cromwell Road will be limited by a 1.5 metre high wall/structure erected above the ground floor roof below. This structure is setback 5.1 metres from the west boundary and recessed 4.2 metres from the roof below. With this siting, the structure will not pose unreasonable visual bulk when viewed from the adjoining secluded private open space areas to the west. A notation will be required on the plans to ensure the roof area above the substation is non-trafficable in order to eliminate any overlooking potential.

On the second to fourth floors, the north facing balconies at the northern end of the building are to be provided with fixed film glass with a maximum 25% transparency (gl3) and horizontal metal louvres with a maximum 25% transparency (pm1) to 1.7 metres above finished floor level (labelled as 'screen detail 3'). Adhesive film as a mean of screening is not accepted by Council. It is unclear if any adhesive film is to be used in the film glass. A condition will be imposed in the permit requiring no adhesive film to be used in the film glass. 'Screen detail 1' are proposed to the north facing windows to the east of the balconies. This screening measure is generally acceptable subject to the changes discussed above.

On the northeast corner of the building, the north facing windows will have an outlook to McKillop Street and the car park on the adjoining commercial property to the east (407

Malvern Road). Similarly, the east facing windows will have an outlook to a commercial building and McKillop Street to the north and the car park on the adjoining commercial property to the east. These windows do not need to be screened as there is no overlooking potential.

In terms of the top level, Section FF demonstrates that the north facing windows on the northwest corner of the building will have a direct line of view over the roof of the adjoining apartment building to the north at 2 Cromwell Road and will not overlook into the existing habitable room windows or secluded private open space areas. As such, no screening is required.

The top floor terrace on the northeast corner of the building is located beyond 9 metres of any existing habitable room windows and secluded private open space areas, and thus screening is not required. However, additional information is required to demonstrate that there will be no unreasonable overlooking from the northwest corner of this terrace to 2 Cromwell Road.

Whilst it is not mandatory, screening measures are provided to the windows facing the light courts. The proposed screening measures are considered appropriate and will limit overlooking to the adjoining properties to the east and west.

Subject to the recommended permit conditions, the proposed development will provide appropriate screening to limit overlooking into the neighbouring residential properties.

Environmentally Sustainable Design

A revised Daylight Modelling Report have been submitted in an effort to address the concerns identified by Council's ESD Officer.

The submitted SMP and revised daylight modelling report demonstrate that the building has been designed to meet the objectives of the ESD Policy at Clause 22.05 and the Stormwater Management (WSUD) Policy at Clauses 22.18 and 53.18, and Council's best practice standards in the SDAPP policy.

The SMP demonstrates that the development will achieve a 4 Star rating in Green Star, which is equivalent to Australian Best Practice. The STORM rating report demonstrates that the development meets the best practice and achieves a STORM rating of 133% (above the minimum 100%) through the provision of a 30,000 litre rainwater tank. The revised daylight modelling report demonstrates that at least 30% of the floor area within the development will achieve a daylight factor of greater than 2.0%, in which meets Council best practice of minimum 30%.

The proposed commercial building has been well designed with appropriate window/door openings to allow for ventilation, daylight access and outlook providing good levels of on-site and internal amenity to future occupiers of the retail and office tenancies. The various alternate screening measures will act as privacy screening to address overlooking potential whilst allowing for adequate daylight penetration into the upper level office spaces. This provides better outlook, thermal comfort and internal amenity to the office spaces without compromising the residential amenity of neighbouring properties.

Subject to recommended permit conditions, the proposed development includes features designed to achieve best practice for sustainable design, particularly in terms of Indoor Environment Quality (IEQ), daylight access, shading and stormwater management, and achieves an acceptable ESD outcome.

Car Parking and Traffic

Reduction in the Car Parking Requirement

Pursuant to Clause 52.06, the development generates a car parking requirement of 147 spaces (129 spaces for office and 18 spaces for retail). The development proposes 89 spaces across three levels of car parks and therefore the application seeks a reduction of 58 spaces.

The site is located within the Hawksburn Village Neighbourhood Activity Centre and is well serviced by public transport. As consistently held by VCAT, car parking within activity centres and particularly those within inner city areas must be assessed in a centre-wide manner. Various uses within an activity centre are to share on-street, public and private car parking facilities, without necessarily being required to provide all of the car spaces generated as part of a proposal on the land itself.

The State and local policy seeks to reduce provision of on-site parking for developments close to public transport, to encourage reduced reliance on private vehicle, to facilitate use of sustainable transport modes and to reduce number of private motorised trips by concentrating activities in highly accessible activity centres. This is further supported by a specific objective in the Hawksburn Village Structure Plan, which seeks to reduce private vehicle travel to or around the centre and encourage people to use public transport, walk and cycle as viable alternatives.

The site clearly has a strong strategic justification to reduce the on-site car parking provision. It is broadly accepted by traffic experts that a reduction in the availability of car parking encourages a shift to alternative modes of transport. Council's Traffic Engineers consistently consider that staff associated with office uses are typically the most common users to mode shift away from private vehicle usage, opting instead for alternative modes of transport.

As confirmed by Council's Transport and Parking Unit, it is considered that a parking shortfall for this type of development in this location is a reasonable approach. The proposed parking supply of 84 spaces (excluding 5 spaces allocated to retail tenancies) is considered adequate to provide for office staff given the established activity centre location and the good level of public transport options servicing the site and broader area. Bus and tram services operate directly past the site along Malvern Road. The site is also within easy walking distance of the bus service along Williams Road to the east and Hawksburn Railway Station to the north. The surrounding on-street parking is restricted to ensure that car parking caters for short term visitors of the wider activity centre. In this case it is anticipated that future staff will need to rely on use of public transport or sustainable modes of transport as alternative public parking is not available within the surrounding streets. The proposed office use is essentially a day time use. Potential demand for visitor parking within the local streets is unlikely to significantly impact the peak periods of residential parking, which are typically in the evening and on weekends. Given the need to shift to alternate transport modes and move people away from utilising private vehicle to access their place of employment when located in an activity centre, the level of car parking reduction for office use in this case is considered reasonable and acceptable.

An allocation of 5 spaces to retail use and reduction in car parking for retail use is considered acceptable as confirmed by Council's Transport and Parking Unit. The activity centre location of the site means that there is likelihood of multi-purpose trips whereby customers visit the centre for more than one purpose. The nearby on-street parking is generally short term which is suitable for customer needs. The removal of existing crossovers on the Malvern Road frontage will provide two additional on-street car spaces. The on-site spaces provided will cater for the long term staff parking demand generated by

the shop use. The allocation of car spaces to retail use will be required by way of condition and in conjunction with a car parking management plan.

The objectors have expressed concern with increase of traffic and private vehicle use as a result of COVID-19. In the VCAT decision of *Hines 9 Stewart Property Pty Ltd v Yarra CC [2021] VCAT 185*, the Tribunal considered the development of a 10 storey office building in Richmond with a reduction in car parking requirements by 142 spaces (only 7 spaces proposed on site). The Tribunal determined that the level of car parking reduction was acceptable and made the following commentary on COVID impact in paragraph 115:

'It is not unusual for people to travel to work in an office by public transport, and particularly in central and inner city locations. Whilst there may be some reluctance and concern at present to travel on public transport because of Covid-19, the long term goal of increasing reliance on modes of transport other than cars remains in Victoria's planning schemes. This site is ideally located to support this long term goal...'

It is considered that the traffic and parking impact resulted by COVID-19 might be short term whilst planning and development is for a long term. In the end, car parking reduction for office use in an inner city/ activity centre location would facilitate reduced use of private vehicle travel and shift to alternate transport modes and ease traffic congestion in long term, which are the long term goals sought to achieve in both State and local policy. The level of on-site parking as proposed is considered reasonable and will achieve a balanced outcome of the long term goals.

The applicant has submitted an updated Traffic Report, accompanied with a new parking survey conducted in late February 2021. Council's Transport and Parking Unit has confirmed that the level of traffic generated by the development is reasonable and is not expected to compromise the function, operation or safety of McKillop Street, the intersection with Hobson Street, and the surrounding road network. Equally, the Department of Transport, which is responsible for managing Malvern Road, has no objection to the proposal.

Overall, the proposed on-site car parking provision and access is appropriate as it balances the need for on-site parking with the objective to reduce traffic congestion, and will not have unreasonable impact on local street network and existing public parking availability in this established activity centre.

Car Parking Layout and Design

In terms of compliance with the design standards of Clause 52.06-9, there are no fundamental concerns with the ground floor and basement car parks. However, minor changes and further details on the plans will be required by way of permit conditions to ensure headroom clearance and wheelstops are adequate. Overall, subject to permit conditions, the design of the car parks is considered satisfactory.

Bicycle Parking

The number of bicycle spaces proposed exceeds the statutory rate and good end of trip facilities are provided. The location of staff bicycle parking within Basement 2 level is considered appropriate as it can be accessed via lifts, and is safe and secure. The end of trip facilities is directly accessible from the lift lobby and provides a safer and easy access to users. This will encourage staff to use this sustainable mode of personal transport.

The visitor bicycle parking is located within the ground floor car park and is accessible from the office lift lobby. However, concern was raised by Transport and Parking Unit that the location may impact vehicle manoeuvring and egress from parking bay no.9. A condition will

be imposed in any permit issued requiring the visitor bicycle parking be relocated and stores redesigned so as to create a cleared area for vehicle manoeuvring.

Waste Management

The cleaner room and waste storage room are located within the ground floor car park and are conveniently accessible by cleaners and waste collectors. A private waste collection is proposed. The ground floor car park has adequate headroom clearance to provide suitable access for this to occur. The Waste Management Plan (WMP), which was accompanied with the application, has been referred to Council's Waste Management Unit, who have indicated that the proposed operation of waste or recycling storage and collection is considered acceptable.

Flooding

The subject site is partially affected by Special Building Overlay, Schedule 2 (SBO2). The broad objectives of the SBO include the need to ensure that development:

- *Maintains the free passage and temporary storage of floodwaters;*
- *Minimises flood damage;*
- *Is compatible with the flood hazard and local drainage conditions; and*
- *Will not cause any significant rise in flood level or flow velocity.*

The development has been assessed against the decision guidelines of SBO and is considered appropriate and acceptable. Council's Infrastructure Unit, as the relevant referral authority under the SBO2, has provided conditional consent to the proposal, subject to implementation of a number of permit conditions, which include minimum finished floor levels within the development and the basement ramp. The development, particularly the built form and the floor levels, has been adequately designed to take into account of the requirements from Council's Infrastructure Unit's conditions. As such, there will not be significant design changes in satisfying the permit conditions at the endorsement stage. On this basis, it is satisfied that the proposal would not adversely impede the flow path of floodwater, cause any significant rise in flood level or flow velocity, nor result in unacceptable flood risk and hazard to the building itself or other developments in the surrounding area.

Objections

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

- *Part of the land at 387 Malvern Road is subject to a Supreme Court proceeding for counterclaims and Council should not make any decision until the Supreme Court proceeding is determined.*

The applicant has provided legal advice in relation to this issue and is summarised as follows:

- There is no easement shown on the current title.
- The easement claim is not relevant for the purpose of Council's assessment on the following basis:
 - The easement claim is a property law issue and is not a planning issue.
 - It is not the role of Council to determine property law issue.
- The permit application is not futile.
- If Council determined not to consider the application or refused the application based on the easement claim, then Council would be deciding that the easement claim would succeed.

- If it did so, Council would in effect be determining a property law matter and make an error of law in its decision making process.

Council officers have reviewed the legal advice and supported the commentary provided in the advice. Easement claims are not a planning issue and cannot be considered in a planning application. The Supreme Court proceeding is a separate matter and is outside jurisdiction of the *Planning and Environment Acts*. It is considered unreasonable to hold up in deciding this application given the unknown outcome of the Supreme Court proceeding. In any event, if the objector were successful in the Supreme Court proceeding, this would mean that the permit holder could not act on the permit, if granted, and would have to amend the design to that effect.

- *Noise impact*

Noise impacts are managed and separately enforced under the jurisdiction of *Environment Protection Act* and regulations. Normal restrictions would apply in relation to construction times and periods in accordance with Council's Local Laws, which should limit the impact on local residents.

Conclusion

It is recommended that the proposal be supported for the reasons as outlined at the Officer Recommendation Summary above (refer to the Abstract).

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. 957/20 - 387-403 Malvern Road, South Yarra [14.2.1 - 35 pages]

Officer Recommendation

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 957/20 for the land located at 387-403 Malvern Road, South Yarra under the Stonnington Planning Scheme for construction of buildings and works associated with a commercial development (retail and office) in a Commercial 1 Zone, Design and Development Overlay and Special Building Overlay; a reduction in car parking requirements; and alteration of access to a road in 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, known as Drawing No.s: TP01 – TP03 (Rev A), TP04, TP05 – TP06 (Rev D), TP07 (Rev C), TP08 (Rev D), TP09 (Rev C), TP10 – TP17 (Rev D), TP18 (Rev C), TP19 – TP24***

(Rev D), TP24A (Rev A), TP25 (Rev D), TP25A (Rev A), TP26 (Rev D), TP26A and TP26B (Rev A), TP32 – TP33 (Rev D), TP34 (Rev B), TP35 and TP36 (Rev A), prepared by Jam Architects with Council date stamped 4 May 2021, but modified to show:

- a) Replacement of the dark colour palette with a significantly lighter colour palette to the satisfaction of Council's Urban Designer.**
- b) A minimum 3.355 metre setback of basement wall from the northern section of the west boundary adjacent to No.2 Cromwell Road.**
- c) A minimum 895mm setback of basement wall from the north boundary adjacent to No.4 Cromwell Road.**
- d) Notation depicting the screening measures on the floor plans to accord with the elevations.**
- e) Horizontal louvres (privacy screen) proposed in Window Screen Detail 1 and Window Screen Detail 3 to be suitably angled upward to face the sky with a transparency of no more than 25% to limit overlooking to the adjoining residential properties. The privacy screen must be designed in accordance with Standard B22 of Clause 55.04-6. Specific width, height and angle of louvres as well as the gap between louvres must be clearly dimensioned on the plans.**
- f) All cross sections of window screen detail on drawings TP19 and TP21 to be provided in a scale of no less than 1:20. The cross sections must be fully dimensioned and show:
 - i) Specific width, height and angle of louvres/panels as well as the gap between louvres/panels.**
 - ii) For perforated metal screen, detailing and dimensioning the circumference of each puncture and calculation of total transparency of the panel.**
 - iii) All privacy screens must have no more than 25% transparency.****
- g) Manufacturers specifications of the perforated screen confirming the level of transparency.**
- h) 'Spandrel glass with solid wall beyond' shown on Window Screen Detail 3 to be replaced with gl3 to accord with the elevations.**
- i) Notation to confirm that no adhesive film is to be used in the film glass (gl3).**
- j) Screening measure to the north facing windows to the east of the easement to limit overlooking into the adjoining properties to the west at 2 Cromwell Road. The screening must be designed in accordance with Standard B22 of Clause 55.04-6.**
- k) Overlooking diagrams/sections demonstrating no overlooking from the northwest corner of the north terrace at the top level into the existing habitable room windows and secluded private open space areas within 9 metres.**

Alternatively, screening measure must be provided and designed in accordance with Standard B22 of Clause 55.04-6.

- l) Notation to be added on the first floor plan to depict the roof area above substation is non-trafficable.***
 - m) Notation to show that the finished development levels must match the existing footpath levels of Malvern Road and the footpath levels must not be altered in any way in accordance with Condition 18.***
 - n) Relocating visitor bicycle parking southward to create a cleared area with 3 metres in length (measured from the north basement wall) for vehicle manoeuvring and consequential reconfiguration of stores adjacent to parking bay no.9.***
 - o) Headroom clearance within the basement car park, at the car park entrance and at the lowest point on the basement ramps.***
 - p) The position of wheelstops to be fully dimensioned.***
 - q) Details of the location, capacity and intended re-use of any fire test system water tank(s), if any proposed. If fire sprinklers are to be installed, they must also be detailed on the plans.***
 - r) Notation depicting connection of all urinals to rainwater tank(s), if any proposed.***
 - s) Notation to confirm that the landscape irrigation system is connected only to the rainwater tank(s) and no potable water (mains water supply) is to be used for irrigation.***
 - t) Notation depicting that all windows and glazed doors are to be double glazed in accordance with the JV3 Energy Modelling Report.***
 - u) Detailing the full amount of PV panels and notation depicting the total system capacity.***
 - v) Notation on the roof plan to confirm that the roof finish is to have a Solar Reflectance Index (SRI) of at least 64.***
 - w) Notation on the roof plan depicting the area (in square metres) to be drained to the rainwater tank(s).***
 - x) Notation on the basement plans to confirm that the rainwater tank(s) as a minimum is to be connected to all toilets of all office tenancies on the first to fifth floor.***
 - y) Location of access for maintenance to the in-ground rainwater tank(s).***
 - z) Notation specifying that lighting within the offices is to be on a timer or sensor so that the internal lights are switched off when the offices are not in use.***
 - aa) Any changes required by Condition 3 (Car Parking Management Plan), Condition 4 (Landscape Plan), Condition 6 (SMP), Condition 8 (WSUD Response), Condition 10 (Green Travel Plan), and Condition 13 (Waste Management Plan).***
 - bb) Any changes required by Conditions 14 and 15.***
- All to the satisfaction of the Responsible Authority.***

2. ***The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.***
3. ***Concurrent with the endorsement of plans, a Car Parking Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must include:***
 - a) ***A schedule of allocation of car parking spaces to each tenancy.***
 - b) ***A minimum of five (5) car spaces must be allocated to retail tenancies. Amongst this, a minimum of (1) one car space must be allocated to each retail tenancy.***
 - c) ***Details of the signing and line marking of parking spaces.***
 - d) ***Detail any access controls to the parking area.***
 - e) ***Details of the access arrangements for the bicycle facilities.***

All to the satisfaction of the Responsible Authority.

When approved, the Car Parking Management Plan will be endorsed and will then form part of the permit. The endorsed Car Parking Management Plan must be ongoing implemented to the satisfaction of the Responsible Authority.

4. ***Concurrent with the endorsement of development plans, 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 in accordance with the landscape plan prepared by MEMLA Pty Ltd, with Council date stamped 11 November 2020, but modified to show:***
 - a) ***The layout of the development to accord with the plans required by Condition 1.***
 - b) ***The planter box along the northern boundary (adjacent to No.4 Cromwell Road) to be replaced with in ground screen planting. The screen planting must comprise deciduous tree species with a height of 4-5 metres at maturity.***
 - c) ***In ground planting to be provided in the western setback adjacent to the boundary with No.2 Cromwell Road. The planting must comprise deciduous tree species with a height of 4-5 metres at maturity.***
 - d) ***Detail of planting within the planter box at first floor.***
 - e) ***Notation to confirm that the landscape irrigation system is connected only to the rainwater tank(s) and no potable water (mains water supply) is to be used for irrigation.***
 - f) ***A planting schedule of all proposed species to be planted within the development, including botanical names, common names, pot/planter sizes, sizes at maturity, and quantities of each plant.***
 - g) ***Mature vegetation is to be used for the green wall/ façade at the time of installation.***

- h) Soil volumes for each planter box to be installed, including on the green wall/ façade.**
- i) Details of the irrigation system that will support the green wall/ façade.**
- j) The on-going maintenance regime that will be implemented to ensure the sustained health of the green wall/ façade.**
- k) Details of all proposed hard surface materials including pathways, patio or decked areas.**

All to the satisfaction of the Responsible Authority.

- 5. 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.**
- 6. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The SMP is to be generally in accordance with SMP prepared by Sustainable Development Consultants, Council date stamped 11 November 2020, and must include, but not limited to, the following:**
 - a) The layout of the development to accord with the plans required by Condition 1.**
 - b) Connection of all urinals to rainwater tank(s), if any proposed.**
 - c) The daylight modelling in the Appendices to be amended generally in accordance with the daylight assessment prepared by Sustainable Development Consultants with Council date stamped 21 April 2021.**
 - d) Demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed.**
 - e) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.**
 - f) Document the means by which the appropriate target or performance is to be achieved.**
 - g) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.**
 - h) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.**

All to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No

alterations to the Sustainable Management Plan may occur without written consent of the Responsible Authority.

- 7. Prior to the occupation of the development approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**
- 8. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans.**
- 9. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 10. Concurrent with the endorsement of any plans under Condition 1, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed to form part of the permit. The Green Travel Plan must include, but not limited to, the following:**
 - a) A description of the location in the context of alternative modes of transport.**
 - b) Any actions and recommendations designed to reduce the use of cars and increase the use of alternative travel methods.**
 - c) Sustainable transport goals linked to measurable targets, performance indicators, monitoring timeframes, and costs.**
 - d) Initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site.**
 - e) Details of GTP funding and management responsibilities.**
 - f) Promotion of existing car-share schemes, bicycle parking facilities for employees/ visitors, railway stations, tram stops, bus stops, taxi ranks, and bicycle paths.**
 - g) Details of bicycle parking and bicycle routes.**
 - h) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.**
 - i) Provision of ensuring visitor bicycle parking is accessible from office lift lobby.**
 - j) Establishment of a car-pooling database for employees.**
 - k) Include provisions to be updated not less than every 5 years.**

All to the satisfaction of the Responsible Authority.

11. ***The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the Responsible Authority.***
12. ***Once approved the Green Travel Plan must form part of any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by owners/ tenants to the satisfaction of the Responsible Authority.***
13. ***Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service, with Council dated 11 November 2020, but amended to show the following:***
 - a) ***The layout of the development to accord with the plans required by Condition 1.***
 - b) ***Swept path diagrams for nominated waste collection vehicle(s) demonstrating that waste collection vehicle(s) is able to enter and egress the car park and ramp in a forward direction and will not strike any overhead obstruction along the ramp and at the car park entrance (with any roller door in an open door position).***

Detail and height of waste collection vehicle(s) must be provided on the swept path diagrams and headroom clearance templates/cross sections.

All to the satisfaction of the Responsible Authority.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
14. ***The ground floor must be constructed with finished floor levels set no lower than 16.50 metres to Australian Height Datum (AHD), which is 200mm above the applicable flood level of 16.30m to AHD.***
15. ***The basement must be protected from flooding to a minimum level of 16.50 metres to AHD, which is 200mm above the applicable flood level. The apex to the basement must be constructed to at least 16.50 metres to AHD. All external doors, windows, openings and vents must be at or above 16.50 metres to AHD.***
16. ***Prior to the commencement of the development hereby approved, the permit holder must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
17. ***The existing pavement levels in McKillop Street must not be raised or altered in any way at the property line to facilitate the basement ramp to the satisfaction of the Responsible Authority.***
18. ***The finished development levels must match the existing footpath levels of Malvern Road and the footpath levels must not be altered in any way to the satisfaction of the Responsible Authority. This must be clearly shown on the endorsed plans.***

19. ***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.***
20. ***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 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.***
21. ***Prior to occupation of the building, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.***
22. ***Prior to the occupation of the building, any screening devices shown on the endorsed plans designed to limit overlooking 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.***
23. ***Lighting within the offices is to be on a timer or sensor so that the internal lights are switched off when the offices are not in use so as to minimise the spill of light beyond the office building to the satisfaction of the Responsible Authority.***
24. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
25. ***Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***
26. ***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.***
27. ***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.***
28. ***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.***
29. ***All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible***

Authority. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.

- 30. The emission of noise or any other emission to the environment derived from activities on the site must conform to standards contained in the appropriate State Environment Protection Policy or Policies.**
- 31. All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.**
- 32. The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.**
- 33. Adequate provision must be made for the storage and collection of wastes and recyclables within the site prior to the commencement of use or occupation of the building. This area must be appropriately graded, drained and screened from public view to the satisfaction of the Responsible Authority.**

DEPARTMENT OF TRANSPORT CONDITION

- 34. Prior to occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb, channel and footpath to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**

END OF DEPARTMENT OF TRANSPORT CONDITION

- 35. 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:

DEPARTMENT OF TRANSPORT NOTE

- A. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.**

END OF DEPARTMENT OF TRANSPORT NOTE

- B. 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.**
- C. 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.**

- D. This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval from the Councils Health Services.**
- E. Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.**
- F. This permit does not give any authority to occupy the footpath for trading without prior approval from Council's Local Laws department. A permit must be obtained for footpath trading and it must accord with the relevant Footpath Trading Code.**
- G. The installation, maintenance and/or use of any intruder alarm system must at all times conform to the Environmental Protection (Audible Intruder Alarm) Regulations 1978.**
- 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.**

14.3 Planning Application 0711/20 - 379 Malvern Road, South Yarra

Manager Statutory Planning: Alex Kastaniotis

Director Planning & Place: Annaliese Battista

Purpose of Report

For Council to consider a planning application for use of the land to sell and consume liquor (General Liquor Licence) in association with a food and drink premises (bar) and shop (wine shop) which are both as of right uses at 379 Malvern Road, South Yarra.

Abstract

Proposal

The proposal seeks permission for a General Liquor Licence associated with the use of the land as a food and drink premises (bar) and shop (wine shop), which are both as of right uses.

Proposed Hours

The proposed hours for the sale and consumption of liquor are 10am to 11pm seven days a week, with the rear courtyard to cease trading at 9pm.

Proposed Staff and Patrons

The maximum number of staff proposed are 5 at any one time.

The maximum number of patrons proposed are 113 (61 internal 20 rear courtyard and 32 footpath).

Officer Recommendation Summary

That Council advise VCAT that it **supports** the proposed application for a General Liquor Licence, subject to the conditions outlined in the Officer Recommendation. **The proposal is supported** for the following reasons:

- The proposal response adequately to policy listed at Clause 22.10 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) of the Stonnington Planning Scheme.
- The proposal, subject to conditions, which include a reduction in the hours and patron numbers, will ensure there is a balance between supporting business in a Commercial 1 Zone and ensuring that there is no unreasonable impact on the surrounding properties.

Issues

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

- Noise impacts from the sale and consumption of liquor (refer to assessment).
- Amenity impacts on residential properties (refer to assessment).

Officer's response

Subject to conditions in relation to restricting the hours for the sale and consumption of liquor, restricting the patron numbers and managing noise impacts, it is considered that the amenity impacts on the surrounding residential properties can be appropriately managed.

Executive Summary

Applicant:	Forage Group Pty Ltd C/- Platinum Planning Solutions (Planning application applicant) Planning Property Partners (Lawyers representing the applicant at VCAT)
Ward:	North
Zone:	Commercial 1 Zone
Overlay:	Nil
Commercial Precinct:	Hawksburn Village
Date Lodged:	28 August 2020
Trigger for Referral to Council:	More than 7 objections
VCAT Hearing Date	26 and 27 August 2021 Compulsory Conference: 11 June 2021.
Patron Numbers	113 patrons (61 internal, 20 rear courtyard and 32 footpath)
Number of Objections:	9
Consultative Meeting:	Yes – held on 15 December 2020
Officer Recommendation	That Council advise VCAT and other interested parties that had a Failure to Determine appeal not been lodged, a Notice of Decision to Grant a Planning Permit would be issued.

Background

History

Planning Application No. 711/20 was lodged with Council on 28 August 2020 for use of the land to sell and consume liquor (General Liquor Licence) on the site. The application was advertised in September 2020 and Council received a total of 9 objections. On 10 February 2021, the permit applicant lodged an Application for Review under section 79 of the *Planning and Environment Act 1987* against Council's failure to determine within the prescribed timeframe. The matter has been listed for a 2 day hearing, commencing on 26 August 2021. The compulsory conference has been listed for 11 June 2021. Notably, two of the objectors have filed a statement of grounds with the Victorian Civil and Administrative Tribunal (VCAT) and one objector will be appearing at the hearing and compulsory conference.

The purpose of this report is to provide a full assessment of the proposal and a recommendation to the Council in relation to the position it takes to the VCAT Hearing and Compulsory Conference.

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Her Design and are known as Drawing No.s: 1-5 (inclusive), Revision A and Council date stamped 28 August 2020.

Key features of the proposal are:

Liquor Licence

- Type of Licence: General Liquor Licence.
- Proposed Hours: 10am to 11pm seven days a week, with the rear courtyard to cease operating at 9pm each day.
- Proposed No. of patrons: 113 (61 Internal, 20 rear courtyard and 32 footpath including 24 on Cromwell Road and 8 on Malvern Road).

Use

- Food and drink premises (bar) and shop (wine shop), both as of right uses in a Commercial 1 Zone.

Site and Surrounds

The site is located on the northern side of Malvern Road, on the corner of Malvern Road and Cromwell Road, South Yarra. The site and surrounds have the following significant characteristics:

- The site is rectangular in shape, with a frontage to Malvern Road of 5.7 metres, a depth to the eastern and western side boundaries of 24 metres and a total area of approximately 144 square metres
- The site is a single storey commercial building that was previously occupied by 'The Fresh Flower Man' shop. The site is currently vacant.
- The site forms part of the Hawksburn Village retail precinct.
- To the rear is Cromwell Place- a narrow street which leads to a number of residential properties, all of which are located within the General Residential Zone- Schedule 10. The dwelling at No. 3A Cromwell Road is also located at the rear and is a three storey dwelling that forms part of a row of attached terrace style houses.
- Directly to the east of the subject site is Cromwell Road. Cromwell Road is a two way street with parking on both sides.
- Adjoining the subject site to the west is a commercial premises at No. 377 Malvern Road. The commercial premises at No. 377 Malvern Road is occupied by a food and drink premises called 'Husband' cafe. Husband café has an on premise liquor licence.
- An antique repair and retailer is located at 375 Malvern Road to the west.
- Further along the west is a single storey commercial building located at 373 Malvern Road and operating as '48H Pizza and Gnocchi Bar'. 48H Pizza and Gnocchi Bar has a General Liquor Licence.
- More broadly, Hawksburn Village is a large neighbourhood activity centre. It is well serviced by train, tram and bus services, and provides a varied offering of specialist retail, office space, cafes and restaurants, daily needs shopping and public facilities.

Previous Planning Application/s

A search of Council records indicates the following relevant planning application for the subject site.

- Planning Permit No. 626/05 was issued on 07 September 2005 for the subject site. The Planning Permit allows for 'Use of the land as a shop and associated car parking dispensation'.

A number of relevant planning permit have been issued for nearby properties as follows:

- *377 Malvern Road (adjoining to the west)*
- Planning Permit No. 1031/10 was issued under delegation on 10 March 2011. The permit allows for 'Use of the land for the sale and consumption of liquor (on- premises

licence) in associated with a restaurant (as of right use) and a reduction in the car parking requirement in a Commercial 1 Zone’.

- The permit has been amended twice.
- The most recent and relevant amendment to the permit was issued by Council on 28 April 2021. The amendment to the permit allowed for the following:
 - A modification to the permit preamble to include the licensed premises component and updated wording to reflect current terminology.
 - New condition 2 (operating times), 4 (amenity), 5 (kitchen to remain open), 6 (staff training), 11 (bottles and rubbish), 16 (expiry date) and new note D (footpath trading).
 - The addition of a red line around the areas on the plan where liquor is to be served, stored and/or consumed.
- The allowable hours for the sale and consumption of liquor, as well as patron numbers are as follows:
 - Outdoor area at the rear: 9am to 6pm on Sunday, Monday, Tuesday and Wednesday and 9am to 8pm on Thursday, Friday and Saturday.
 - Internally: 9am to 11pm seven days a week.
 - Footpath dining area: 9am to 9pm seven days a week.
 - A maximum of 40 patrons.

373 Malvern Road (west)

- Planning Permit No. 1067/16 was issued on 21 March 2017 for a ‘General Liquor Licence associated with the use of the land as a food and drink premises (Specialty restaurant- as of right use) in a Commercial 1 Zone’.
- The allowable hours for the sale and consumption of liquor, as well as patron numbers are as follows:
 - 5pm to 11pm Monday to Friday.
 - 12pm (noon) to 11pm Saturday and Sunday.
 - A maximum of 50 patrons (including 4 on the footpath dining area).

The Title

The site is described on Certificate of Title Volume 12090 Folio 492/ Plan of Subdivision 066637 and no covenants affect the land. A party wall easement is located on the site, however this has no impact on the current application for a liquor licence.

Planning Controls

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

Zone

Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-1 of the Stonnington Planning Scheme a ‘bar’ and ‘shop’ is a Section 1 use in a Commercial 1 Zone. Therefore, a planning permit is not required for the use of the land as a ‘bar’ and ‘shop’.

Overlay

Nil

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Clause 52.06- 3, a permit is not required if Clause 52.06-3A applies.

Pursuant to Clause 52.06-3A, a permit is not required if 'the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land'.

The existing use of the land is a shop and the proposed use of the land is a 'bar' and 'shop'. Pursuant to Clause 52.06-5 a shop is required to provide 3.5 car parking spaces to each 100sqm of leasable floor area and a bar is required to provide 3.5 car parking spaces to each 100sqm of leasable floor area.

Given the above, as the number of car parking spaces required for the new use is equal to that of the existing/ previous use of the land a permit is not required.

Clause 52.27 – Licensed Premises

Pursuant to Clause 52.27 a permit is required to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998. A General Liquor Licence is required under this Act and therefore a planning permit is required.

Relevant Planning Policies

Clause 22.10 – Licensed Premises Policy

Clause 52.27 – Licensed Premises

Clause 65- Decision Guidelines.

Advertising

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

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

- Amenity impacts associated with hours, noise (especially from the courtyard), smoking and alcohol.
- Footpath trading on Cromwell Road.
- Inadequate bicycling facilities.
- Waste.
- Cummulative impact of multiple licensed premises in the area.
- Traffic and car parking.

A Consultative Meeting was held on 15 December 2020. The meeting was attended by Councillors Koce and Griffin, representatives of the applicant, objectors and two Council planning officers. The meeting did not result in any changes to the plans.

It is noted that two of the objectors have lodged their statement of grounds with VCAT and only one of the two objectors have elected to take part in the VCAT Hearing and Compulsory Conference.

Referrals

Community and Health Planner

Council's Community and Health Planner has no objection to the proposal, subject to the following conditions.

- The quantity of packaged liquor supplied for off premises consumption must not exceed two bottles of wine.

- No beer, cider, pre-mixed spirits or bottles of spirits will be available for off premises consumption.
- The footpath trading to operate from 10am -10pm on Sunday to Wednesday and from 10am to 11pm on Thursday to Saturday.
- The proposed number of patrons for the footpath trading areas are to be reduced to 6 on Malvern Road and 20 on Cromwell Road.
- Food will be available at all times alcohol is available.
- Music must comply at all times with SEPP-N2 with no speakers or music played in the external areas. There will not be any live music played at any time.
- Staff involved in the service of alcohol will complete approved Responsible Service of Alcohol training.
- Signage will be prominently display at all exit points reminding patrons to depart the premises quietly.

Planning Officer Response: The conditions recommended above are included on the permit.

Liveability and Compliance

Councils Liveability and Compliance officer reviewed the plans and provided the following comments:

- The footpath trading in the red line area has not been approved by Local Laws.
- The outdoor rear courtyard seating 20 patrons is a small area and may not fit that amount. There will most likely be noise complaints from this area.
- There is to be no live music inside the premises and no amplified music outside the premise.

Planning Officer Response: The applicant is aware that a separate footpath trading permit is required and that modifications to the permit may be required, once the footpath trading permit is obtained.

To address the concern in regards to noise in the outdoor courtyard, Conditions requiring a reduction in the hours for the courtyard and an acoustic report for the courtyard are included on the permit.

Waste

Councils Waste Department reviewed the proposal and provided the following comments:

- The waste management plan stipulates that the premises will be serviced by a private collector and that the recycling bin allocation will be 1 x 360 litres. Most waste bins come in sizes of 240, 600 and 1100 litres. An amendment to the size of the bin is required.
- The waste management plan does not demonstrate how the bins will be transported from premises to the collection location. An amendment to the Waste Management Plan is required to clarify the location of where bins will be collected from.

Planning Officer Response: A condition is included on the permit requiring a Waste Management Plan (similar to that previewed) to be submitted for approval, amended to address the above issues.

Key Issues and Discussion

Strategic Context

The site is situated within a Commercial 1 Zone – Schedule 1 (C1Z) which seeks to create vibrant mixed use commercial centres for retail, office business, entertainment and

community uses. The structure plan contains the following vision for the western precinct of the village:

A vibrant retail and commercial precinct with gourmet food retailers unique to the area, cafes and restaurants alike. This will be strengthened by the introduction of a greater number and diversity of dwellings into the mix of uses. The previous light industrial uses are referenced in the buildings which reinforce its unique character.

Local policy identifies Large Neighbourhood Activity Centres as a substantial change area for housing growth, provided it meets the requirements of any adopted Structure Plan. The western part of the centre (west of Williams Road) is starting to see higher density housing developments being approved and built.

The use of the land for a bar and wine shop is as of right (no permit required), as both of the uses fall within the category of a 'food and drink premises' and 'shop' within the Commercial 1 Zone. However, pursuant to Clause 52.27 a planning permit is required for the sale and consumption of liquor. Councils Licensed Premises Policy (Clause 22.10) seeks to ensure the operation of licensed premises have no unreasonable impact on the amenity and safety of surrounding uses, in relation to noise, hours of operation and car parking demand.

The premises is well located to provide liquor as part of its offering noting its surrounding uses, location within a Commercial 1 Zone and location along a busy arterial road. Subject to conditions, the proposed liquor licence associated with the dining along the footpath will further activate the streetscape whilst serving the local community.

Proposed Liquor Licence

The decision guidelines of the Clause 52.27 (Licensed Premises) seek Council to consider the following:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

The proposed bar (food and drink premises) and wine shop (shop) seeks a General Liquor Licence to allow 113 patrons to consume alcohol between the hours of:

- 10am to 11pm seven days a week, with the rear courtyard to cease operating at 9pm each day.

Liquor Licence

The proposal seeks to allow for a limited range of specialist wine and beer to be purchased for off- premises consumption. Liquor will be on display in areas around the seating area rather than from a separate dedicated bottle shop.

It is considered that the proposal will enhance the diverse mix of businesses within the activity centre and contribute to a balance of day and night-time uses within the area as referenced in Clause 21.04-Economic Development.

The subject land is located within the Hawksburn Village Neighbourhood Activity Centre, which features a mix of land uses and licensed premises. Given the type and mix of licensed premises in this area, it is considered that the proposed liquor licence will not result in unreasonable negative cumulative impact.

Despite the number of other licenced venues proximate to the site, Council's Local Licensed Premises Policy recognises that small, well managed licensed premises generally present a low risk of adverse impacts to surrounding land. As it is considered that the proposal falls within this category, it is not likely that it will increase any cumulative impact associated with licenced venues to an unacceptable level.

Hours and Patron numbers

Clause 22.10 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) address the potential for an adverse cumulative effect on an area from a licences premises. Specifically, the policy at Clause 22.10 states:

Trading after 11:00pm is discouraged for licensed premises adjacent to a residential zone/use unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.

The proposal complies with the policy expectations of Clause 22.10 as the use is not proposed to operate past 11pm on any night. The proposed hours of operation of the liquor licence of between 10am to 11pm Monday to Sunday for the internal area are deemed appropriate. The closing time of 11pm for the internal area will reduce the potential noise and impacts of patrons on the surrounding area and will minimise the likelihood of the premises becoming a source of potential harm.

There were a number of objections received that raised concerns in regards to the proposed hours for the courtyard and footpath trading area on Cromwell Road. The applicant proposes the hours for the operation of the liquor licence between 10am to 9pm (within the courtyard) and 11pm (within the footpath) area.

The site is located on an arterial road and within a commercial area where a number of licensed premises exist. In regards to the physical context of the site directly to the rear of the site, opposite the laneway are residential dwellings and to the immediate west are commercial premises.

Given the location of the residential properties, it is considered that the times proposed for the external areas (footpath trading area and courtyard), may cause unreasonable amenity impacts to the residential properties on Cromwell Road. Reducing the proposed hours for footpath trading on Cromwell Road from 11pm to 8pm and for the courtyard from 9pm to 8pm is considered reasonable. The 8pm time for these areas is reasonable as this side of the subject site is within close proximity to the residential properties on Cromwell Road. It is also considered reasonable to reduce the hours for footpath trading on Malvern Road to 9pm as this time is consistent with the recent liquor licence approval under Planning Permit No. 1031/10 for Husband Café. The restriction of the hours for the footpath trading areas are also under the recommended time range by Councils Community and Health Planner.

With regard to patron numbers, the application seeks permission for 113 patrons (61 internal, 20 within the rear courtyard and 32 on the footpath including 24 on Cromwell Road and 8 on Malvern Road). The proposed number of patrons for the internal area and courtyard is acceptable. However as noted within the comments from Councils Community and Health planner, the patrons proposed for the footpath trading areas should be reduced. Given this, a condition will be included on the permit requiring 20 patrons for the Cromwell Road footpath and 6 patrons for the Malvern Road footpath. The amended numbers for the footpath trading area meet the Victorian Commission for Gambling and Liquor Regulations (VCGLR) ratio requirement of one person per 0.75m² of space available.

The impacts of the proposed hours and patron numbers are not anticipated to result in any adverse effects on the surrounding residential properties as the conditions proposed on the

permit will cease the service of alcohol at 11pm each day for the internal area and at 8pm and 9pm each day for the external area.

The hours and patrons numbers proposed as part of this application are deemed to be reasonable for a bar and wine shop of this nature, within the Commercial 1 Zone and are in line with Council policy. Subject to further conditions in regards to noise (discussed below), the proposal will not result in adverse amenity impacts on the surrounding residential properties.

Noise

The objections received have raised concerns with regard to noise from the premises to the residential properties surrounding the site. It is acknowledged that given the location of the rear courtyard and its proximity to residential properties, this area may generate a level of noise that would be a disturbance to nearby residential properties. Accordingly, conditions will be included on the permit requiring the outdoor courtyard to cease operation at 8pm each day. A condition will also be included on the permit requiring an acoustic report be submitted for this area and any recommendations of the acoustic report to be shown on the plans.

The application has been submitted with a comprehensive Venue, Noise and Amenity Action Plan that details how noise will be managed on the site. The Venue, Noise and Amenity Action Plan includes the following measures and comments with regard to noise:

- There is no live music or DJ playing in the venue. The venue is not a live music venue or night club and there is no dancing associated with the use.
- There will be no speakers within the rear courtyard.
- The window facing Cromwell Road will be closed at 9pm each day.
- The side door on Cromwell Road will automatically close and cannot be kept open.
- The management of the venue will use their best endeavours to ensure that patrons leaving any patrons smoking in front of the venue act in a quiet and orderly manner.
- Noise generated from the operation of the venue is required to comply with the standards set out in the State Environment Protection Policy (SEPP N-2) - Control of Music Noise from Public Premises and the proposed use will be carried out in a respectful and controlled manner.
- Deliveries to the venue will be carried out strictly after 9am to reduce noise from delivery vans, kegs and staff voices.
- All bottles, rubbish and refuse generated by the use will be stored within the premises. Pick up times for waste will not occur between 9pm and 7am.

Permit conditions will require that at all times, the use must be carried out in accordance with the endorsed Venue, Noise and Amenity Action Plan, to the satisfaction of the Responsible Authority.

Permit conditions will also require that music noise emanating from the site must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and signage be prominently display at all exit points reminding patrons to depart the premises quietly.

Waste

Council's Local Law states that private waste collections must only occur between the hours of 7:00am and 10:00pm Monday-Saturday and between the hours of 9:00am and 10:00pm on Sunday and Public Holidays. The Waste Management plan submitted stipulates that waste collections are to occur between the hours of 9:00am and 5:00pm weekdays. The

hours proposed for waste collection are consistent with Council's Local Law. The waste collection and deliveries to the site must at all times be carried out in accordance with Council's Local Laws and this is included as a condition of the permit. Conditions are also included on the permit requiring an updated Waste Management Plan to address the referral comments raised by the Waste Department.

Car Parking

As discussed above, Clause 52.06 (Car parking) is not triggered as part of this proposal.

Conclusion

It is recommended that the proposal be supported for the following reasons:

- The proposal response adequately to policy listed at Clause 22.10 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) of the Stonnington Planning Scheme.
- The proposal, subject to conditions, which include a reduction in the hours and patron numbers, will ensure there is a balance between supporting business in a Commercial 1 Zone and ensuring that there is no unreasonable impact on the surrounding properties.

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. 0711/20 - 379 Malvern Road South Yarra [**14.3.1** - 6 pages]

Officer Recommendation

That Council AUTHORISE Officers to advise VCAT and other interested parties that had a Failure to Determine appeal not been lodged, a Notice of Decision to Grant a Planning Permit No: 711/20 would have been issued for the land located at 379 Malvern Road, South Yarra be issued under the Stonnington Planning Scheme for subject to the following conditions:

1. ***Before the commencement of the use, 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 amended plans Council date stamped 28 August 2020, prepared by Her Design, but modified to show:***
 - a) ***Signage shown at each exit point reminding patrons to exit the premises quietly.***
 - b) ***Any recommendations/plan changes as required by the Acoustic Report, in accordance with Condition 5.***

- c) **Any changes as required by the Waste Management Plan, in accordance with Condition 7.**

All to the satisfaction of the Responsible Authority.

2. **The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.**
3. **A maximum number of 107 patrons and 5 staff may be housed on the premises at any one time to the satisfaction of the Responsible Authority. The patron allocation is as follows:**

Internal

- **61 patrons.**

External

- **20 patrons (courtyard).**
- **26 patrons (footpath), including 20 on Cromwell Road and 6 on Malvern Road.**

4. **The sale and consumption of liquor hereby permitted may operate only between the hours of:**

Internal

- **10am-11pm Monday to Sunday (internally).**

Courtyard

- **10am- 8pm Monday to Sunday (courtyard).**

Footpath dining area

- **10am to 9pm Monday to Sunday (footpath on Malvern Road).**
- **10am to 8pm Monday to Sunday (footpath on Cromwell Road).**

5. **Prior to the endorsement of the plans, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the courtyard will be acoustically treated to minimise noise transmission from the proposal to the residential properties on Cromwell Road and Cromwell Place to the satisfaction of the Responsible Authority.**
6. **Prior to the occupation of the premises hereby approved, all acoustic measures proposed in the acoustic report must be incorporated to the satisfaction of the Responsible Authority.**
7. **Concurrent with the endorsement of any plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the Waste Management Plan , Council date stamped 28 August 2020, but modified to show:**
- a) **An amendment to the size of the bins to reflect a standard size bin of 240,600 or 1100 litres.**
 - b) **Details as to how the bin will be transported from premises to the collection location.**

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

the satisfaction of the Responsible Authority

Alcohol sold for off premises consumption must be limited to specialist wine and beer, and must not involve general alcohol sales such as spirits to the satisfaction of the Responsible Authority.

8. ***The quantity of packaged liquor supplied for off premises consumption must not exceed two bottles of wine.***
9. ***Food shall be available at all times alcohol is available.***
10. ***The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.***
11. ***Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the premises are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.***
12. ***Prior to the commencement of use, the applicant must display a sign at the exit of the premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner, to the satisfaction of the Responsible Authority.***
13. ***The location and details of the signs at each exit point, including those of the supporting structure, must be in accordance with the endorsed plans, unless otherwise agreed in writing by the Responsible Authority.***
14. ***The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.***
15. ***All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.***
16. ***Adequate provision must be made for the storage and collection of wastes and recyclables within the site prior to the commencement of use or occupation of the building. This area must be appropriately graded, drained and screened from public view to the satisfaction of the Responsible Authority.***
17. ***The approved Venue, Noise and Amenity Action Plan forms part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.***
18. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The use is not started within two years from the date of this permit.***
 - b) ***The use is discontinued for a period of two years or more.***

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

NOTES

- A. 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.**
- B. Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.**
- C. This permit does not give any authority to occupy the footpath for trading without prior approval from Council's Local Laws department. A permit must be obtained for footpath trading and it must accord with the relevant Footpath Trading Code.**
- D. 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:**
 - a) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and**
 - b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

14.4 Hard & Green Waste Collection - Transportation and Disposal

Manager City Operations: Noel Kiernan

Director Environment & Infrastructure: Rick Kwasek

Linkage to Council Plan

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

C1 Enhance community health and wellbeing outcomes through quality service delivery and strategic partnerships.

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

E5 Deliver best practice waste management services to minimise waste generation and maximise resource recovery and recycling.

E7 Lead community sustainability through public programs.

Purpose of Report

To brief Council on proposal to engage the community on changes to the hard waste and bundled green waste collection service from a biannual hard waste service to an on-call booked hard waste service.

Officer Recommendation

That Council:

- 1. APPROVE engaging the community on the proposal to change from a biannual hard waste collection service to an on-call booked service (allowing two free collections per annum which would be covered by the waste charge or an appropriate hybrid)**
- 2. NOTE Council will continue to operate a blanket service from August to September (Spring Service) 2021**
- 3. NOTE that a subsequent report will be brought to Council based on the outcome of the community consultation and recommend either retention of the existing approach or an alternate hard waste collection model.**
- 4. NOTE a report will be brought back to council for the provision of a contracted Hard Waste Service.**

Executive Summary

Council provides a biannual kerbside hard waste and bundled green waste collection service in autumn and spring.

This is a contracted service with a value of approximately \$1.2M per annum (approximately \$3.6 M over the 3-year period).

With the expiration of the current contract, Council has the opportunity to assess alternative models of service provision to ensure the greatest benefit to the community.

The two models used by metropolitan councils are a blanket service for the entire municipality during a set collection period, and a booked on-call service offered all year round.

Council has undertaken service modelling to estimate the likely impacts and benefits of a booked service. Forecasts indicate a likelihood of:

- Landfill cost savings of some \$100,000 per annum (approx. \$300,000 over the contract term)
- Collection cost savings of some \$110,000 per annum (approx. \$330,000 over the contract term)
- Estimated 40% reduction in waste to landfill (670 tonnes per annum)

It is therefore proposed to engage the community on the proposal to change from a biannual hard waste collection service to an on-call booked service. A considered engagement plan has been developed to capture residents' views on the proposition of moving to a Hard Waste booked service the outcomes of which will be brought back to council for consideration. **Attachment 3**

Background

Council's biannual kerbside hard waste and bundled green waste collection service is well utilised by the community, with the following tonnages collected and disposed annually:

- Landfill waste: 1,500 tonnes
- Green waste: 200 tonnes
- Mattresses: 2,700
- E-waste: 100 tonnes

There are two models used by Councils for providing hard waste collections, being namely:
a. Blanket service to the entire municipality during a set collection period; or
b. Booked on-call service offered all year round.

A booked, on-call service is one where residents book their hard waste collection when they need it. Offering residents the flexibility to do this when it best suits their needs, rather than having to wait for the next blanket service. In all other aspects, booked and blanket collections offer the same level of service.

Industry research suggests that a booked on-call service typically costs marginally less than a blanket service, and typically results in less waste to landfill.

To assist in informing decision making, Council has undertaken modelling to estimate the likely impacts and benefits of a booked service. Case studies are provided in **Attachment 1**. The key variables in determining the cost of a booked service are participation levels by residents, and the unit rate charged by the collection contractor. The attached modelling report provides a cost range from within which the following forecasts for a new booked service are provided:

- Estimated landfill cost savings of some \$100,000 per annum
- Estimated collection cost savings of some \$110,000 per annum
- 41% reduction in non-recyclable waste (670 tonnes per annum)

Some metropolitan councils offer a booked service with two (2) collections a year, with an option of paying for additional pickups within a 12-month period under a cost recovery model.

The proposed change to a booked service aims to provide the same overall level of service to residents, with the added benefit of flexibility as to when they choose to utilise the service.

Key Issues and Discussion

It is proposed to undertake community consultation on the proposed changed service and bring a report back to council on the consultation feedback. Due to the finalisation of the current Hard Waste contract, we will continue to invite tenders for the service contract in late May 2021. The contract will have options and rates that will allow for either a blanket or booked service and will be variable depending on council's decision on the preferred service. In the interim it is proposed to continue to run a blanket service in spring under a new contract and should council support a transition of the service to a booked service this would not occur until February 2022.

Based on case studies booked collections present several benefits. These include:

- Typically cheaper than a blanket service
- Typically less waste to landfill
- Improved visual amenity, with smaller volumes of waste presented
- Greater flexibility for residents and renters, being able to use the service when they need it rather than wait for the next blanket service
- Supports the circular economy by reuse and recycled material under contract.
- The improved flexibility typically assists with dumped rubbish, particularly around multi-unit developments (MUDs).
- Improve coordination with Owner Corporations to access properties (MUDs) to reduce waste volumes presented on narrow nature strips
- The estimate CO² savings based on 670 tonnes per annum of non-recyclable waste diverted from going to landfill would range from 871t CO² to 1,072t CO²
- Comparatively based on less overall waste volumes presented and less associated costs the environmental benefits of a booked service are more favourable.
- There are three distinct elements of a booked hard waste service specification, being customer interface, collection, and disposal and resource recovery.

It should be noted however, that many Stonnington residents have a preference for the blanket service and the proposed community consultation is intended to test consumer support for a dial up service. If the robust community engagement process does not evidence community support and endorsement of a change to the hard waste collection, the existing hard waste methodology will be continued.

Customer interface

There are a range of options for setting up the customer interface, booking system, and general customer service aspects of a booked hard waste service and officers would ensure that they interface with Councils One Stonnington customer interface transformation current platform will be embedded in the new booked service.

A booked service presents an opportunity for a significantly enhanced customer experience, **Attachment 2** contains a Customer Experience Map that outlines the desired customer experience that Council would be pursuing when tendering the service.

Conclusion

It is proposed to engage the community on the proposition of a booked on-call hard waste service with a report summarising the consultation being brought back to council for consideration in late July 2021.

Due to the completion of the current Hard Waste contract a procurement process for the service will be commenced. The specification will request pricing options for either a booked or blanket service. The tender report will be brought back to council seeking delegated authority to award the contract. It is still intended to run a blanket service in Spring 2021 with future service provision being determined by council following community engagement.

Governance Compliance

Policy Implications

The proposed actions in this report are consistent with Climate Emergency Action Plan and proposed Waste Strategy, aiming to reduce waste to landfill and maximise recovery of resources.

Financial and Resource Implications

Modelling undertaken with current data forecasts a booked service presents a likelihood of:

- Landfill cost savings of \$100,000 per annum
- Collection cost savings of \$110,000 per annum

Subject to final approval by Council in August 2021 when the tender is awarded a reduction of supporting budget of \$210,000 per annum (pro rata for the period February to June 2022) in the 2021/22 budget will be reforecast as savings. It should be noted this is an estimate only based on participation, based on the overall take up of the service when the service transition to a booked service form February 2022 commences.

Conflicts of Interest Disclosure

No Council Officer 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

The form of contract and associated conditions will ensure risks in contract management and legal implications are minimised.

Stakeholder Consultation

Purpose: To seek community views about the proposed change in service.

IAP2 Goal: Involve (to work directly with the public throughout the process to ensure concerns and aspirations are understood and considered – defined as a deliberative engagement process under the policy).

Exhibition period: July/August.

Method: Connect Stonnington feedback survey, statistically valid and randomised telephone survey, engagement with targeted stakeholders

Communications reach: Social media and Connect Stonnington page, confirmed brochure to be included in rates notices, confirmed article in June/July edition of Stonnington News, newsletters to businesses and interest groups, voice recorded message on Council's call wait lines, banner on Council's website. The rates notice and Stonnington News ensures every household will have been informed about the hard waste engagement opportunity.

Impact: Feedback and input will directly shape the service delivery option(s) and will influenced decision-making.

The high-level engagement plan is detailed in **Attachment 3**.

Human Rights Consideration

The contents of this report comply with the Charter of Human Rights & Responsibilities Act 2006.

Attachments

1. Case Study - Modelling Estimate - Hard Waste Collection Service Feb 2021 [**14.4.1** - 3 pages]
2. Customer Experience [**14.4.2** - 1 page]
3. Communications [**14.4.3** - 3 pages]

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (g) private commercial information, being information provided by a business, commercial or financial undertaking that -i) relates to trade secrets;or ii) if released, would reasonably expose the business, commercial or financial undertaking to disadvantage.

14.5 Contract Award - T21062 Provision of Building Maintenance Services (including Graffiti Eradication & Bill Poster Removal)

Manager City Operations: Noel Kiernan

Director Environment & Infrastructure: Rick Kwasek

Linkage to Council Plan

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

L6 Maintain Council's infrastructure and assets essential for the sustainable operation of the City.

Purpose of Report

To seek Council approval to award Contract T21062 'Provision of Building Maintenance Services' to the preferred contractor Urban Maintenance Systems Pty Ltd. (UMS).

Officer Recommendation

That Council:

- 1. APPROVE Contract T21062 Provision of Building Maintenance Services be awarded to Urban Maintenance Systems Pty Ltd (ABN 38 005 251 954) to the value of \$2,601,395.49 including GST (\$2,364,904.99 excluding GST) for FY2021-22, with commencement of the contract from 1 July 2021.**
- 2. NOTE that the contract is comprised of several separable portions which include, proactive building maintenance lump sum component of \$1,445,439.28 including GST (\$1,314,035.71 excluding GST); a reactive building maintenance component of \$674,696.75 including GST (\$613,360.68 excluding GST); and a reactive graffiti removal component of \$481,259.46 including GST (\$437,508.60 excluding GST).**
- 3. NOTE that the rates are subject to CPI increase.**
- 4. AUTHORISE the Chief Executive Officer to execute the contract agreement with Urban Maintenance Systems Pty Ltd.**
- 5. NOTE the expenditure under this contract is in accordance with Council's budget for FY2021-22.**
- 6. NOTE Urban Maintenance Systems Pty Ltd have indicated it will engage sub-contractor engagements as part of this contract to include local Stonnington businesses where it can also meet best value outcomes for Council.**

Executive Summary

Please note that confidential information is contained in **Confidential Attachment 1** as circulated in the confidential section of the agenda attachments in accordance with Section 66 (2) (a) of the Local Government Act 2020, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interest of Council or other persons.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making. If discussion of the confidential information in the

attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Contract No.	T21062
Contract Name:	Provision of Building Maintenance Services
Contract Supervisor:	Jason Sigar, Facilities Management Coordinator

Background

The City of Stonnington is committed to maintaining its building assets that are essential to the sustainable operation of all the Council's buildings and the users and stakeholders of these facilities. Council currently has one hundred and fourteen (114) buildings which will be subject to this contract.

Council prides itself on the quality of services it provides to its community and by extension the standard of buildings it provides and operates. In 2018-19, Council undertook a comprehensive Service Review of its Building Maintenance and Graffiti Removal service. The findings of that review identified a range of efficiencies, improvements, and potential cost savings. It was determined that operating with a consolidated service provider for centralised building maintenance was the best value approach for Council. Furthermore, it was determined that there was an opportunity to consolidate building maintenance and graffiti removal services under a single contract.

Through this tender process Council sought to engage a building maintenance Contractor that will deliver Council's high level of presentation and value in its buildings and is also capable of instilling these shared values of pride into the training and performance of all the Contractor's staff and sub-contractors engaged in the delivery of this contract. Emphasis will be had for sub-contractor, and other engagements as part of this contract to be engaged with local Stonnington businesses and providers. Amenity, usability and safety considerations for Council's Buildings are critical elements of these quality standards and consequently Council has high expectations for the standard of its buildings and of its building maintenance contract operations.

Key Issues and Discussion

Procurement Method:	Public	Tender
----------------------------	--------	--------

The tender for the provision of building maintenance services was advertised in The Age and on Council's website on Saturday March 6 2021. Five (5) submissions were received for Contract T21062 in Council's electronic tenderbox, Tenderlink, by the closing time (12 noon on Monday April 12 2021).

The tenders were assessed against the evaluation criteria as listed in the tender application form by the tender evaluation panel.

Refer to the Summary of Evaluation Report in Confidential Attachment 1 for:

- Summary of Tenders Received
- Tender Evaluation Panel
- Tender Submission Pricing
- Evaluation Criteria
- Evaluation Matrix

- Evaluation Panel Recommendation and Commentary

Conclusion

Following a public procurement process, the Evaluation Panel recommends the appointment of Urban Maintenance Systems Pty Ltd (ABN 38 005 251 954) as the best value option to Council to deliver this service in a comprehensive manner. UMS have a long history of delivering quality building maintenance services and hold equivalent contracts at a number of other Councils. The panel believes UMS have the appropriate experience, resources and capacity and will be able to deliver the building maintenance services within the allocated budget. The submission from Urban Maintenance Systems Pty Ltd are considered to provide a best value outcome for Council.

Governance Compliance

Policy Implications

There are no policy implications associated with this report.

Financial and Resource Implications

The expenditure under this contract is in accordance with Council's budget for FY2021-22, and offers a modest annual saving to Council through the utilisation of a new bundled contract approach.

The contract is for an initial contract term of 2 years, with options for extension for an additional 2 years and then an additional 3 years. If all options for extension are utilised, then the total duration of the contract will be 7 years.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

Legal and contractual risks have been mitigated with the use of appropriate contract models have been structured to help manage the ongoing requirements of the contract. The procurement process also included a probity auditor to monitor the procurement process.

Stakeholder Consultation

Comprehensive stakeholder consultation was carried out during the Building Maintenance and Graffiti Services Review. Stakeholder consultation, especially with key building users, will be carried out on a regular basis throughout the life of this contract. There are a range of KPIs embedded within the contract to help ensure that the contractor is carrying out its obligations to meet the needs of all stakeholders.

Human Rights Consideration

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

Attachments

1. CONFIDENTIAL REDACTED - Confidential Evaluation Report T21062 [14.5.1 - 7 pages]

14.6 Outdoor dining evaluation and three-month extension to current roadside dining permits

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 provide a summary of the evaluation of Council's outdoor dining program and to recommend that Council support a three-month extension to the current roadside dining program.

Officer Recommendation

That Council:

- 1. APPROVE the three-month extension of current roadside dining permits until 30 September 2021 as a transitional measure.**
- 2. NOTE the evaluation undertaken, including in conjunction with the City of Melbourne and City of Yarra, to measure the effectiveness of the outdoor dining program.**
- 3. NOTE that a report on the proposed future outdoor dining program (to commence 1 October 2021) will be presented to Council on 29 June 2021.**

Executive Summary

Since October 2020, Council's outdoor dining program has provided important support and an opportunity for businesses to continue trading in challenging circumstances.

A comprehensive evaluation of the program was undertaken in February to April 2021 that demonstrated the success of the program to date. It is proposed to extend the current roadside dining permits until 30 September 2021, to allow the operational framework of the future roadside dining program to be designed, with an intended start date of 1 October 2021.

Background

Since October 2020, Council has delivered three key outdoor dining initiatives through our outdoor dining program:

- 1. Roadside dining** – enabling 60 venues to use a total of 105 car parking spaces to create additional dining space where safe and practical to do so.

2. **Extended footpath trading** – enabling 93 venues to use space in front of neighbouring properties. This program will be continued under existing provisions in our local law.
3. **On street dining** – 2 road closures (Beatty Avenue, Armadale & Greville Street, Prahran) to create additional space for 6 venues. A report will be presented to Council in this regard in the future.

This report is only seeking the extension of the current roadside dining permits.

Key Issues and Discussion

The outdoor dining program was developed in response to the impact the COVID-19 pandemic has had on local businesses. The Victorian Government sought the assistance of local Councils to facilitate outdoor dining to help hospitality businesses stay afloat and keep people employed. As with many other Councils across Victoria, the City of Stonnington has responded with a range of outdoor options, including the roadside dining program.

The program was rolled out very quickly, with Council Officers pivoting to design and implement processes and a program that would enable businesses to recommence operation, taking into account density quotients and other restrictions.

The State Government provided funding to support this program and asked local Councils to help implement swift and streamlined permit, enforcement and monitoring processes to support expanded outdoor dining.

Permits for roadside dining were granted for six months (until 30 March), and then extended to 30 June 2021. Officers then initiated a comprehensive evaluation program, with both internal and external components. Residents, businesses and visitors were interviewed by phone, online and intercept surveys, and Stonnington partnered with the Cities of Yarra and Melbourne to understand the impacts and benefits of the outdoor dining programs.

Outdoor dining program qualitative evaluation

As part of the evaluation, a total of 1,180 surveys were conducted:

- 803 online surveys of businesses, visitors, and residents.
- 300 intercept surveys during March with shoppers and diners at or near venues participating in the outdoor dining program.
- 77 phone surveys with businesses (31 carried out by Council and 46 independently).

This evaluation demonstrated positive support for the program from businesses, residents and the community. In summary:

- 92% of respondents strongly supporting continued outdoor dining, including Council creating more outdoor dining spaces by reimagining on-street parking bays.
- 88% of respondents believing extended outdoor dining does, or may, make it more likely people will eat or drink in the area.

Outdoor dining program quantitative evaluation

The City of Stonnington, in partnership with the Cities of Melbourne and Yarra, engaged Urbis to undertake an economic evaluation study.

The report estimated that within Stonnington, a total 4,440 additional seats were created for cafes, restaurants and bars through the outdoor dining program and 75% of the independently surveyed businesses indicated they had generated at least \$2,142 per week through the outdoor dining program.

The report identified a range of other benefits from the outdoor dining program, including:

- The social benefit of employees retaining jobs and the cost savings to the Federal Government of an individual not requiring welfare.
- Improved local amenity for residents and visitors, through social connection and public realm activation
- Economic flow-on effects from investment in the food and beverage industry.

Proposed three-month extension to current roadside dining permits

Based on the success of the program to date, and the continuing need for flexibility during the COVID-19 recovery phase, it is considered appropriate to extend the current roadside dining permits.

There are currently 47 businesses, most of which are in Windsor, Prahra and South Yarra, that have these permits, which expire on 30 June 2021. It is proposed to extend these permits until 30 September, based on the following:

- Due to the current fluctuating COVID-19 restrictions, the ongoing need for flexibility is evident.
- It is likely when current restrictions lift, the State Government will impose a staged 'return to normal'. This will likely mean that internal density limits will apply, restricting businesses from operating at their normal capacity.
- Requiring businesses to de-install their roadside dining setups (some of which are quite elaborate) in this climate would not be a good use of business or Council resources.

Conclusion

Officers have used learning, feedback and evaluation from the outdoor dining program to inform this report. A three-month extension of the current roadside dining permits will enable businesses to continue to trade with confidence in the lead up to the summer months and provide officers with the necessary time to prepare a sustainable framework for an ongoing program.

Governance Compliance

Policy Implications

There are no policy implications associated with this report.

Financial and Resource Implications

The outdoor dining program was 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 next three-month extension period will be absorbed by this.

The introduction of some permit fees in the FY21/22 year (per draft budget) will begin the shifting of costs from Council to be shared more evenly with business owners, reflecting a balancing of the costs incurred and advantages gained through greater trading seats/area.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

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

Environmental Implications

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 fast as possible.

The proposed three-month extension of the current roadside dining program until 30 September would likely require the continued use of outdoor heaters, in particular for the months of July & August. This will have an impact on businesses' LPG gas consumption and associated greenhouse gas emissions. Preliminary estimations by Council officers indicate that heater related emissions could be in the order of 30 tonnes CO₂-e for the two-month period.

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.

Stakeholder Consultation

Extensive community and business consultation and evaluation has been undertaken by both Council and independent consultants (in partnership with Cities of Melbourne + Yarra) as detailed above. This information provides a robust platform from which to make recommendations for the program going forward.

Human Rights Consideration

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

Attachments

Nil

14.7 Volunteer Awards Program

Manager Active Communities: James Rouse

Director Community & Wellbeing: Cath Harrod

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

To establish a refreshed Community Recognition Program (previously known as Citizen of the Year Awards) with a contemporary approach and stronger governance framework.

Officer Recommendation

That Council:

- 1. APPROVE the Volunteer Awards Program Policy (refer Attachment 1);**
- 2. APPROVE the COVID Champions initiative as an additional element of the 2021 program.**

Executive Summary

Council previously ran an annual award program known as Citizen of the Year. A need for a clear and documented framework for the end-to-end management of the process has been identified, as well as an opportunity to modernise the format of the awards.

The revised program is proposed, branded as the Volunteer Awards Program with redefined purpose and award categories. An associated Policy has been developed to provide a strong, clear governance framework to support the management of the program.

Background

The Citizen of the Year Awards have been run in the City of Stonnington since 1997 and has included the following categories throughout its history.

1997 – 2002	2002 – 2006	2006 – present
Citizen of the Year	Citizen of the Year – Sport	Citizen of the Year – Sport
Young Citizen of the Year	Citizen of the Year – Youth	Citizen of the Year – Arts / Education / Culture
	Citizen of the Year – Education	Citizen of the Year – Community Service
	Citizen of the Year – Art and Music	Citizen of the Year – Community Group
	Citizen of the Year – Community Service	Young Citizen of the Year

	Young Citizen of the Year	Special Mayor's Award
--	---------------------------	-----------------------

Key Issues and Discussion

It is proposed to refresh the Citizen of the Year awards with the aim of contemporising the purpose and format of the program. Key elements of the program are outlined below.

The purpose of the Volunteer Awards Program is to celebrate people and community groups whose commitment to volunteering makes a difference to our local community, positively impacts the lives of others and makes the City of Stonnington a better place to live.

With a greater focus on recognising volunteers, it is proposed to host the awards event during National Volunteer Week (May) from 2022. For 2021, the event will be held in early September to allow time for a nomination period, selection process and event preparation.

Categories of Volunteer Awards are proposed as:

- Community Inclusion
- Youth Volunteer
- Community Group
- Sport
- Sustainability
- Arts & Culture
- Mayor's award

The categories align with feedback from the Stonnington People's Panel.

Recognising community response to COVID-19

The COVID-19 pandemic saw exceptional examples of community members supporting one another. In honour of this, a special initiative is proposed for the 2021 Community Recognition Program which will recognise and thank local 'COVID Champions'.

The initiative will include a promotional program calling for community members to nominate a person or group who has demonstrated compassion and leadership in supporting their community during the pandemic.

Nominations will not be formally evaluated with the view to selecting award recipients. Rather, all nominees will be acknowledged with a personal letter of thanks from the Mayor and, subject to their agreement, recognition of their kindness and effort through the pandemic through Council's website or social media.

Governance

A new policy (refer **Attachment 1**) has been developed to provide direction on the management of the program including award categories, eligibility and evaluation processes. The policy also takes a further step to address circumstances which may warrant withdrawal of an award.

A key feature of the new policy is greater breadth of independent community input into the award evaluation, which provides increased transparency and governance in the selection of the winners.

Additionally, the policy provides the ability for Council to annually review the award categories to ensure that they remain contemporary and relevant to current issues and the achievements being made by community members.

Conclusion

The refreshed Volunteer Awards Program will provide a more contemporary mechanism for Council to recognise the contribution of community members and groups. The associated policy document provides Council with a clear framework and robust governance surrounding the management of the program.

Governance Compliance

Policy Implications

This report seeks adoption of a new Volunteer Awards Program Policy (**Attachment 1**).

Financial and Resource Implications

Cost to administer the program and host an event to present the awards are within budget.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

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

Stakeholder Consultation

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

Human Rights Consideration

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

Attachments

1. Volunteer Awards Program Policy [**14.7.1** - 6 pages]

14.8 2021/2022 Community Grants Program

Manager Aged, Diversity & Community Planning: Liz Daley
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.
- C7** Support local community organisations with equitable access to facilities, training and resources.

Purpose of Report

To present updated Community Grants Policy and seek approval to open the 2021/2022 Community Grants Program.

Officer Recommendation

That Council:

- 1. APPROVE the 2021/2022 Community Grants Policy (as per Attachment 1).**
- 2. NOTE that online applications for Community Grants Program will open on Monday 14 June 2021 and close Monday 12 July 2021.**
- 3. CONVENE the Community Grants Working Group to review applications and draft recommendations for Council consideration.**
- 4. OPEN Quick Response Grants on 20 July 2021 until funds are exhausted.**

Executive Summary

1. A review of the Community Grants Program has resulted in proposed changes to improve the experience for applicants; increase transparency in assessment; provide more certainty around grant limits; streamline programs and provide a process to meet out-of-cycle funding requests.
2. It is proposed that the Community Grants Program open on 14 June 2021 and close 12 July 2021.
3. A new category is proposed, Quick Response Grants, to support unforeseen events.
4. Quick Response Grants will open after the annual program and be available all year until funds are exhausted.

Background

5. The Community Grants Program supports eligible not-for-profit/charitable organisations deliver Stonnington based programs through provision of funding and subsidised hire of Council facilities and transport services. The program includes annual grants (cash), 3-year partnership grants (cash), and in-kind grants (community transport & rental waivers).

6. In addition to the annual community grants, a cultural diversity support program provided funding to ethnic senior's clubs to support their cultural programs.
7. A Program Review of these programs was undertaken to better align with Council's strategic objectives; streamline processes, increase transparency and sustainability.

Key Issues and Discussion

8. The Community Grants Program review has resulted in the following changes:
 - New and refreshed grant categories with maximum funding limits including:
 - Community Capacity Building Grants: maximum grant of \$15,000 available through the annual program to support social, cultural, environmental, health programs or a priority identified by Council.
 - Partnership Grants: maximum grant of \$50,000 per annum over 3-year period to support multi-year projects addressing complex issues; strengthen community resilience; address social harm, financial hardship or basic needs; or a priority identified by Council.
 - Quick Response: maximum grant of \$1,000 to support unforeseen events or applicants who missed the annual grant program. This is a cyclical grant program opening after the annual program and available all year until funds are exhausted.
 - Limit of two (2) applications per submitter across all categories (except Quick Response) to be approved; previously there was no cap on the number of applications approved.
 - Quick Response cap is one (1) application approved.
 - Simplified process for groups seeking in-kind support only (venue and bus hire).
 - Improved assessment criteria to clearly articulate submission expectations; aid transparency and ensure assessment consistency.
 - Emphasis on sustainability where capacity exists and updated eligibility requirements to ensure investment in activities not funded by other sources.
 - Engagement plan including community information session and support for applicants.

The 2021/22 Community Grants Program will open Monday 14 June 2021 and close Monday 12 July 2021. Applications will be assessed by Council officers against the assessment criteria with draft recommendations reviewed by the Community Grants Working Group prior to presentation to Council.

Quick Response Grants will open on 20 July 2021 and remain open until funding is exhausted.

Summary of report attachments

The updated Policy (**Attachment 1**) and summary of grant categories (**Attachment 2**) are provided as attachments to this report. Detailed grant application guideline documents have been developed to support groups seeking to apply to the program.

A communications and engagement plan is also provided as **Attachment 3**.

Conclusion

The proposed changes will significantly improve the programs in meeting the community needs and supporting Council strategic objectives.

Governance Compliance

Policy Implications

An updated Community Grants Program Policy is provided as **Attachment 1**.

Financial and Resource Implications

Funding of \$687,720 is included in the 2021/22 budget to support the Community Grants Program. Council also provides support to eligible community groups for venue hire and community transport subject to approval. This support is budgeted at a total of \$2.09Mil for the 2021/22 year.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

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

Stakeholder Consultation

A steering committee comprising Manager Aged, Diversity and Community Planning; Community Development Officer; Coordinator Community Planning; Senior Finance Business Partner; and Coordinator Risk & Integrity oversaw the review process.

Feedback from applicants during previous grant processes; consultation with assessment staff and meetings with MiCare informed the review.

Human Rights Consideration

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

Attachments

1. Community Grants Program Policy [**14.8.1** - 7 pages]
2. Overview of Grant Categories [**14.8.2** - 2 pages]
3. Communications and engagement plan [**14.8.3** - 1 page]

14.9 Australian Local Government Association 2021 National General Assembly

Chief of Staff: Tracey Limpens

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

To seek approval for three Councillors and Chief Executive Officer to attend the Australian Local Government Association 2021 National General Assembly to be held in Canberra from 20 - 23 June 2021.

Officer Recommendation

That Council:

1. **APPROVE the attendance of:**
 - a. **the Mayor Councillor Kate HELY;**
 - b. **Councillor Alexander LEW; and**
 - c. **Councillor Marcia GRIFFIN**

at the Australian Local Government Association 2021 National General Assembly to be held in Canberra from 20 to 23 June 2021;
2. **APPROVE the attendance of the Chief Executive Officer Jacqui WEATHERILL at the Australian Local Government Association 2021 National General Assembly to be held in Canberra from 20 to 23 June 2021;**
3. **RECEIVE a report from the Mayor and Councillor delegates on their attendance at the Australian Local Government Association 2021 National General Assembly held in Canberra from 20 to 23 June 2021.**

Executive Summary

The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. The National General Assembly (NGA) presents an opportunity for councils to learn and share experiences from local governments across Australia, with this year's focus being the work of local government to drive local-led recovery.

Council has been represented at previous NGA's in Canberra. The Mayor Cr Hely, Cr Lew and Cr Griffin have expressed a desire to attend. It is normal practice for the Chief Executive Officer to represent the City of Stonnington, alongside Councillors.

The attendance of Councillors at the National Assembly is in accordance with Council's *Councillor and Committees Expenses Policy*.

Background

The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. The ALGA's work includes, but is not limited to, the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local communities.

Council has been represented at previous National General Assemblies in Canberra. Past Mayors have found this conference insightful and value networking with national inner-city municipalities, and the access to federal members/ministers.

Please note that if COVID restrictions continue to remain in place, the conference is expected to go on-line. The accommodation is booked at this stage but payment is only required the day before, and the airfares will be booked if and when COVID restrictions are lifted.

Key Issues and Discussion

The National General Assembly presents an opportunity to learn and share experiences from local governments across Australia, with this year's focus being the work of local government to drive local-led recovery. The conference Agenda is shown in Attachment 1 and further information can also be found at eventsair.com.

All Councillors have been advised of the National General Assembly.

The Mayor Cr Hely, Cr Lew and Cr Griffin have expressed a desire to attend.

This year, the NGA is offering a hybrid event, that is, attendance in Canberra and fully participate in the plenary sessions/keynotes speaker opportunities and debate motions at a cost of \$989 per registration, or attendance as a virtual delegate where participants can view the NGA live from a purpose-built platform at a cost of \$689 per registration.

The approximate cost per delegate is;

- Registration cost \$1099 per delegate;
- Accommodation in the range of \$1,000 for a total of three nights (each); and
- Airfares to Canberra during this peak period is approximately \$650 return (each).

Attendance at this event for the four (4) delegates will incur an approximate cost to Council of \$10,996.

Conclusion

The attendance of Councillors at the National Assembly is in accordance with Council's *Councillor and Committees Expenses Policy*.

Governance Compliance

Policy Implications

In accordance with Council's *Councillor and Committees Expenses Policy*, each Councillor may seek approval to attend relevant seminars, conferences and training as part of their relevant professional development. To date during the 2020–21 financial year no Councillor has attended an interstate conference.

The Policy states:

Attendance at conference or seminar is available by:

- a) an expense approval by the Chief Governance Officer or their delegate;
- b) the Councillor attending as a delegate; and
- c) a Council resolution.

Generally, a maximum of four Councillors should attend the same event for any interstate or overseas conference, workshop or seminar with the learnings and session handouts being shared amongst colleagues.

The attendance of Councillors at the National Assembly is in accordance with Council's policy.

The attendance of the Chief Executive meets the staff-related City of Stonnington *Travel Policy*.

Financial and Resource Implications

The cost associated with the attendance of three Councillors and the CEO at the National General Assembly is provided within the current 2020–21 budget.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

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

Stakeholder Consultation

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

Human Rights Consideration

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

Attachments

1. ALGA 2021 National Conference [14.9.1 - 20 pages]

15 Confidential Business

15.1 Prahran Market Board

Director Planning & Place: Annaliese Battista

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) (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989