



8.1

AMENDMENT C122 - ST KILDA ROAD SOUTH - CONSIDERATION OF SUBMISSIONS AND DECISION TO REFER SUBMISSIONS TO PLANNING PANEL

LOCATION/ADDRESS:

ST KILDA ROAD SOUTH PRECINCT

GENERAL MANAGER:

**CLAIRE FERRES MILES, PLACE STRATEGY &
DEVELOPMENT**

PREPARED BY:

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TRIM FILE NO:

66/02/240

ATTACHMENTS:

- 1. Proposed Response to Submissions**
- 2. Revised Amendment Documentation**

PURPOSE

- To consider written submissions received to Amendment C122 to the Port Phillip Planning Scheme (St Kilda Road South) during the public exhibition stage.
- To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions and the Amendment.
- To consider endorsing a response to issues raised in submissions, including recommended changes to the Amendment, which would form the basis of Council's position at the Panel hearing.

I. RECOMMENDATION

That Council:

- 1.1 Formally considers all written submissions made to Amendment C122 to the Port Phillip Planning Scheme.
- 1.2 Endorses the officers' response to issues raised by submissions and recommend changes to the Amendment, outlined in Attachment I, as the basis for Council's submission to the Panel.
- 1.3 Requests the Minister for Planning appoint an independent Planning Panel to review the submissions received to Amendment C122, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 1.4 Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions.
- 1.5 Writes to all submitters to inform them of Council's decision to proceed to the Panel stage.



2. BACKGROUND

- 2.1. In August 2016, Council publicly exhibited Amendment C122 with 43 submissions received (including one late submission).
- 2.2. Amendment C122 implements the built form and land use elements of the *St Kilda Road South Urban Design and Land Use Framework* (November 2015) by:
 - Rezoning specified properties from a Commercial 1 Zone to a Mixed Use Zone to facilitate a transition to residential / mixed use.
 - Applying new schedules to the General Residential Zone in Wellington and Carlisle Streets and rezoning part of Wellington Street from the General Residential Zone to a Neighbourhood Residential Zone.
 - Updating of the Municipal Strategic Statement to reflect the strategic directions for the St Kilda Road South Precinct and guide changes in land use.
 - Introducing a new schedule to the Design and Development Overlay (Schedule 27) to establish design objectives and design requirements to manage the scale and form of new development.
 - Applying new individual Heritage Overlays to properties in Wellington Street and making related changes to the Port Phillip Heritage Review.
- 2.3. Submitters to the Amendment were provided with an opportunity to be heard at the Ordinary Council Meeting of 13 December 2016. The next step in the process is to consider a response to submissions and determine whether to refer the Amendment and submissions to an independent Planning Panel.

Development of the St Kilda Road South Precinct Urban Design and Land Use Framework

- 2.4. The last five years in particular has seen increased development pressure for residential development south of St Kilda Junction, including within the established commercial strip along Wellington Street. This has resulted in the development of higher scale building forms in the Precinct (generally ranging from 8 up to 29 storeys).
- 2.5. The Port Phillip Planning Scheme does not currently include a clear and up-to-date direction for the preferred scale and form of new development or preferred land use outcomes for the Precinct.
- 2.6. The *St Kilda Road South Precinct Urban Design and Land Use Framework* (November 2015) (the Framework) was developed to provide a strategic basis for comprehensive revised planning policy and controls that respond to this changing development context and to guide future development.
- 2.7. The Framework sets the 'vision' for the Precinct and addresses land use, built form, public realm, access and parking, and includes a capacity assessment of the Precinct.
- 2.8. The access and parking component of the Framework was informed by a separate technical traffic and parking analysis, which responded to the capacity assessment and



identified the capacity of the road network, and parameters for access and parking rates that will inform planning policy and provisions.

- 2.9. The Framework also identifies project opportunities for public realm and movement and access improvements that will further enhance the identity and function of the Precinct.
- 2.10. The land use and built form elements set out in the Framework are proposed to be implemented through Amendment C122.
- 2.11. A detailed Implementation Plan will be prepared. Many of the public realm and transport initiatives from the Framework would be implemented through a range of other programs and initiatives of the Council outside the Planning Scheme, including:
- Council Programs and Services (including Traffic Engineering, Economic Development, Sustainability and Community Development).
 - Council's Capital Works Program – Council's 10 Year Plan and Annual Program.
 - Partnerships – with State Government agencies, key land owners, service providers and community organisations.
- 2.12. On-going community engagement was an integral part of the development of the Framework. Two stages of consultation were undertaken:
- Stage 1 consultation - The local community and other interested stakeholders were invited to participate in a first round of consultation between April and July 2014.
 - Stage 2 consultation - The draft Framework was released for community consultation in June – July 2015. The process included direct notification to property owner /occupiers in the Precinct and adjoining 'interface' areas. Some changes were made to the Framework in response to submissions.
- Additional (later) consultation was undertaken on the draft Heritage Assessment of the Precinct with all affected land owners notified and submissions invited. Some changes were made to the Framework to respond to issues raised.

Adoption of the Framework and resolution to exhibit Amendment C122

- 2.13 Following consideration of submissions to the Framework, on 24 November 2015, Council resolved to:
- 2.13.1 Make specific changes to the draft Framework in response to submissions
- 2.13.2 Adopt the final *St Kilda Road South Land Use and Urban Design Framework 2015*.
- 2.13.3 Endorse the heritage assessments prepared by Lovell Chen as the basis for proposing additional heritage controls within the Precinct.
- 2.13.4 Prepare Amendment C122 to the Port Phillip Planning Scheme to implement the *St Kilda Road South Land Use and Urban Design Framework*.
- 2.13.5 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C122 to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*.



- 2.13.6 Request the Minister for Planning apply an interim Design and Development Overlay (DDO27) and interim heritage controls through Amendment C121, while the permanent controls are progressed through Amendment C122.

Exhibition process

- 2.14 Amendment C122 was placed on public exhibition between 8 August and 12 September 2016, in accordance with the requirements of the *Planning and Environment Act 1987*.
- 2.15 Exhibition of the Amendment involved:
- Direct notification (letter) to approximately 4,200 owners and occupiers within and adjoining the Precinct, inviting interested stakeholders to lodge submissions with Council.
 - Direct notification (letter) to prescribed Ministers, local members of Parliament, community groups, historical societies, the National Trust, the City of Melbourne, relevant government agencies, and infrastructure providers.
 - Public Notices in the Port Phillip Leader and the Government Gazette.
 - Availability of Amendment documentation and supporting information on Council's website. This included an interactive map showing the proposed changes to properties. Amendment documentation was also provided on the State Government's Planning Amendments Online website.
 - Display of information folders at Council ASSIST centres and libraries in Port Melbourne and St Kilda.
 - A drop-in session was held on 1 September 2016 at St Kilda Town Hall providing the opportunity for interested persons to speak to a planner one-on-one.

Submissions received to Amendment C122

- 2.16 A total of forty-three (43) written submissions were received. Twenty-seven (27) submissions were from residents and community groups (including the Community Alliance Port Phillip and the Junction Area Action Group). Eleven (11) submissions were received representing development interests, while three submissions were from government agencies/departments. Two submissions did not make their interests clear. The submissions are summarised in Attachment I.
- 2.17 Twenty-five (25) of the submissions were in support of Amendment C122, whilst eighteen (18) submissions raised concerns/objections.



Consideration of submissions

- 2.18 On 13 December 2016, at the Ordinary Meeting of Council, submitters were provided with an opportunity to be heard by Council.
- 2.19 At the same meeting, Council also resolved to:
- Consider the submissions and a recommended response to those submissions in February 2017. Council would then refer the submissions and Amendment to an independent Planning Panel for review.
 - Request the Minister for Planning apply interim built form and heritage controls for Precinct while Amendment C122 is being progressed. (Noting the Minister for Planning did not support a previous request for interim controls via Amendment C121.) The request for new interim controls via Amendment C145 has been lodged with the Department of Land, Environment, Water and Planning – DELWP).
 - Request officers undertake further work to provide principles and stronger guidance in the exercise of discretion for the remaining sites located in the 10 storey height area to mitigate risk of inappropriate development on those sites.

3. KEY INFORMATION

- 3.1 Council needs to formally consider all submissions received and determine whether to refer the Amendment and submissions to an independent Planning Panel for review. Issues raised in submissions comprise:
- ‘Thematic’ issues relating generally to the purpose and application of heritage controls.
 - Issues relating to specific individual sites.
- 3.2 Attachment I provides:
- A response to the thematic issues.
 - A response to individual site issues comprising:
 - An outline of how individual properties are affected by Amendment C122.
 - A detailed description of the issues raised in submissions.
 - An officer recommended response to issues raised in submissions.
 - A summary of recommended changes to Amendment C122.
- 3.3 Attachment I, if endorsed by Council, would form the basis of Council’s position at the independent Panel hearing.



Summary of key ‘thematic’ issues

- 3.4 Overall, there was general support for the Amendment and the Framework, particularly the need for better built form controls to ensure appropriate future development, given the recent VCAT approvals.
- 3.5 However, a number of common themes issues were raised across the submissions. These themes and a high level response are provided below:

KEY ISSUE RAISED	HIGH LEVEL RESPONSE
Role of the St Kilda Road South Precinct in terms of growth	<p>No change to the amendment.</p> <ul style="list-style-type: none"> The Precinct has a different and distinct role to St Kilda Road North (and areas north of the Junction), and nearby identified activity centres such as Acland Street, Fitzroy Street and Carlisle Street. However, the Precinct does provide opportunities for urban renewal within a well-accessed and serviced part of Melbourne. That said, the neighbourhoods either side of St Kilda Road contain significant heritage assets and predominantly contain built form of lower heights. The Precinct also provides opportunities for urban renewal through the sensitive redevelopment of underutilised sites. The strategy for St Kilda Road South is to accommodate a moderate residential growth (supported by a capacity study) that responds sensitively to its surrounding context.
Varying views about building heights – some submitters are seeking reduced heights while others seek increased heights	<p>No change to the amendment.</p> <ul style="list-style-type: none"> The principle of moderate growth has underpinned the review of heights across the Precinct, and highlights that Council has progressed an integrated planning and urban design approach to protect and build upon the Precinct’s liveability and urban character. The Framework and the amendment does envisage renewal and intensification across the Precinct, with some areas of higher scale development (concentrated at the Junction and St Kilda Hill) and is based on a sound urban design rationale and amenity considerations which has guided heights.
Whether mandatory or performance based controls should be pursued	<p>No change to the amendment.</p> <ul style="list-style-type: none"> Amendment C122 applies a mix of mandatory and discretionary controls. Mandatory controls are proposed in limited circumstances – where they are essential for urban design and amenity outcomes. The majority of the proposed controls are discretionary controls which provide for some flexibility subject to meeting the design objectives and requirements. These have been pursued where there are multiple ways to achieve the desire design outcome.
Concerns around traffic and parking impacts	<p>No change to the amendment.</p>



	<ul style="list-style-type: none"> The amendment includes proposed car parking rates in the planning scheme through revised local policy to ensure new developments provide adequate car parking. DDO27 also includes requirements for the design / location of parking spaces and access/crossovers to car parks and a requirement to consider the cumulative impacts of development on traffic. Other issues will be dealt with through the implementation of the Framework via Council capital works, on-street parking management, advocacy on public transport improvements and partnerships with VicRoads.
Amenity issues for adjoining established residential areas	<p>No change to the amendment.</p> <ul style="list-style-type: none"> The amendment includes specific provisions (based on ResCode standards) which ensure that new development respects the amenity of established residential areas adjoining the Precinct.
Impacts of new development and population on liveability	<p>No change to the amendment.</p> <ul style="list-style-type: none"> The Framework establishes the principles of 'a great place to live' and a 'thriving business cluster'. These recognise the potential for further business and particularly housing growth within the Precinct, but also highlight that 'buildings must be designed to ensure residents are provided with high levels of amenity' and that 'the amenity and character of adjoining residential areas must be protected'.
Application of the New Residential Zones (Amendment C123) and development opportunities	<p>No change to the amendment.</p> <ul style="list-style-type: none"> The Framework Plan and consequently Amendment C122 was developed taking Council's proposed approach to the New Residential Zones into account. Noting only a small proportion of land in the St Kilda Road South Precinct is within a residential zone. Since adopting the Framework, the key change in terms of the proposed residential zones is the identification of the Review Areas where further work will take place. This process may identify further opportunities for development in proximity to the St Kilda Road South Precinct.

- 3.6 The Amendment seeks to balance competing interests, with some parties seeking further development potential while others prefer increased controls to manage development outcomes.
- 3.7 In limited instances, some modifications are proposed to the Amendment to respond to the above issues and site specific issues raised. However, for the most part, it is proposed that these matters are tested before an Independent Planning Panel.
- 3.8 The Amendment has been underpinned by a detailed analysis of the Precinct's constraints and opportunities and a clear urban design rationale. The Framework and Amendment recognises the potential for further business and particularly housing growth within the Precinct. It also highlights that 'buildings must be designed to ensure residents are provided with high levels of amenity' and that 'the amenity and character of adjoining residential areas must be protected'.



- 3.9 The land use and built form controls proposed in the Amendment place strong emphasis on new development that strengthens identity and place, creates a great place to live and is easily accessible for all.
- 3.10 For the most part, controls have been expressed as discretionary (performance based), which enables a site specific design response to achieving the design objectives / outcomes sought. Mandatory controls have been proposed in limited locations where another outcome would not meet the principles and objectives of the Framework. For example, maintaining the visual prominence of the Presbyterian Church on Alma Road.
- 3.11 It is also noted that a comprehensive consultation and submission process was undertaken during the development of the Framework itself. A number of detailed changes were made to the Framework in response to submissions and the issues they raised. For example, the street-wall height on the western side of St Kilda Road was changed from a mandatory to a discretionary height to provide further flexibility. These changes are reflected in the exhibited Amendment.
- 3.12 Council needs to formally consider all submissions received and determine whether to refer the Amendment and submissions to an independent Planning Panel for review. Issues raised in submissions comprise:

Responding to higher scale development in the 10 storey areas

- 3.13 The Framework recommends a range of building heights across the Precinct, with higher scale development contained to the St Kilda Junction and St Kilda Hill (Alma Rd) areas. Maximum (discretionary heights) of 8-10 storeys are proposed for these areas, which contrasts with some recently approved developments of 18 and 29 levels along St Kilda Road.
- 3.14 In August 2016, VCAT approved a 26 storey building at 8 Punt Road, in an area identified for 10 storeys in Amendment C122.
- 3.15 A key concern in relation to the decision for 8 Punt Road was that VCAT did not give significant weight to the Framework or Amendment C122. This was largely because the VCAT member did not consider that the Amendment had progressed far enough in the planning scheme amendment process to be considered 'seriously entertained'.
- 3.16 This decision has highlighted the changing context in the areas proposed for 10 storey development which has emerged since the exhibition of Amendment C122. Other taller buildings were approved prior to the development of the Framework and Amendment.
- 3.17 There are eight remaining sites located in the 10 storey height area where higher scale development has not yet been constructed or proposed.
- 3.18 To ensure that development on these sites responds to the Framework in the context of recent developments that far exceed the proposed height and design controls, additional principles and guidance for discretion is now proposed within DDO27.

Recommended changes to Amendment C122

- 3.19 Recommendations for changes to the Amendment are included in the response to submissions and summarised in Attachment 1. Revised Amendment documentation is provided in Attachment 2.



3.20 The following is a summary of the recommended key changes to the Amendment:

- Additional criteria for 10 storey areas: In the DDO in Clause 2.0 Buildings and Works, include the following criteria to provide stronger guidance for discretion for the eight remaining sites located in the 10 storey height area to mitigate risk of inappropriate development:

In areas where a discretionary height of ten storeys is specified, development:

- Moderates the height of buildings on adjoining sites. For corner sites, this includes the site on the opposite street/laneway corner.
 - Transitions down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.
 - Does not overwhelm adjoining/adjacent/neighbouring residential dwellings in terms of building scale or bulk, access to daylight, outlook and overshadowing.
 - Does not unreasonably overshadow adjoining residential properties to the west and south west in Barkly Street for the 10 storey areas in St Kilda Hill and residential properties to the east and south-east of 10 storey areas at St Kilda Junction.
 - Minimises building bulk and promotes vertical articulation in its design.
 - On prominent corner sites is of a high architectural standard in terms of form, scale, massing, articulation and use of materials and provide a positive address to all street frontages.
 - Supports high levels of pedestrian amenity through street definition and a sense of openness, and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.
- Removing repetition / improving clarity or workability of the DDO and Local Policy:
 - Where this does not alter the intent of the proposed Amendment.
 - Minor corrections and clarifications:
 - Clarify in the Neighbourhoods Clause of Municipal Strategic Statement that the *Wellington Street Green Link* applies on both sides of Wellington Street.
 - Improve the clarity of the requirement for separation distances for developments of five storeys or over in the DDO, including circumstances when a street-wall is not required.
 - To ensure the three lots in the same ownership (at 43-47 Charles Street) are in the same schedule to the General Residential Zone, support a correction to the Schedule (which applies to 43 and 45 Charles Street) from the General Residential 1 Zone to the General Residential 5 Zone prior to the approval of Amendment C123, which implements the New Residential Zones.



- In DDO27 include the following objective from the Framework which was unintentionally omitted from the exhibition DDO at exhibition – ‘Ensure new development reinforces prominent corners at Inkerman Street and Alma Road through development which creates a strong address to each street frontage.’
- Update the Active Frontages requirement in the DDO along the western side of St Kilda Road between 20 Waterloo Crescent and 195 St Kilda Road from *Mixed Commercial and Residential Frontage* to *Residential Frontage* to reflect the residential zoning of the land.
- The Planning Scheme map associated with DDO27 has included the site at 22 Nelson Street within Area 3A (up to 10 storeys). The property should have been included within Area 3B (up to 5 storeys), consistent with the adopted Framework.
- Provide an exemption to mandatory maximum building heights to allow for green roofs and communal open space as well as ESD features such as solar panels.

Options

3.21 Pursuant to the *Planning and Environment Act 1987*, Council has the following options:

- Option 1: Refer Amendment C122 to an independent Planning Panel for review.
- Option 2: Abandon Amendment C122.

Council does not have the option to adopt the Amendment at this stage, given there are objecting submissions.

3.22 Option 1 would enable the Amendment process to continue and progress updated land use and built form controls for the St Kilda Road South Precinct. The Panel process provides for an independent review of the submissions and supporting expert evidence. This offers a transparent process to enable stakeholder interests to be fully considered and reconciled where possible. The Panel will provide its report and recommendations to Council, prior to a final decision whether to adopt the Amendment.

3.23 The response to submissions and recommended changes to the Amendment, as detailed in Attachment 1, would form the basis of Council’s position at the Panel hearing.

3.24 Option 2 would involve deciding not to proceed with Amendment C122. Council could decide to do this either on the basis that the work is not considered worth pursuing, or if it decided that it wanted to undertake further work and commence a new Planning Scheme Amendment in a different form in the future.

Proposed next steps

3.25 Formally consider submissions and determine whether to refer Amendment C122 to an independent Planning Panel for review.

ORDINARY MEETING OF COUNCIL– 01 FEBRUARY 2017



- 3.26 Request the Minister for Planning to appoint an independent Planning Panel to consider Amendment C122.
- 3.27 A Directions Hearing for the Panel has been pre-set for the week beginning 27 February 2017 and the full Panel Hearing is scheduled for the week beginning 20 March 2017 – with an intended start date of Tuesday 21 March. The duration of the hearing is estimated at 4-5 days, with the duration dependent on the number of submitters seeking to present to the Panel and the number of expert witnesses that are called.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The preparation of the *St Kilda South Precinct Urban Design and Land Use Framework* will contribute to the Council Plan Objective 4.2 - 'ensure growth is well planned and managed for the future'.
- 4.2 Preparation of the Framework supports the 'Great Places and Precincts' Community First priority.
- 4.3 Implementation of the Framework via an Amendment to the Port Phillip Planning Scheme will provide greater certainty for the community and development sector regarding the scale and form of future development, and desired land use change, within the St Kilda Road South Precinct.
- 4.4 The Framework also establishes directions for public realm and accessibility improvements that will be implemented over time for the benefit the local community.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 On-going community engagement has been an integral part of the project. 'Stage 1' community consultation provided for input on local issues at an early stage in the project. The draft Framework responded to these key issues.
- 5.2 In June-July 2015, community and stakeholder consultation occurred as part of a five week 'Stage 2' consultation process on the draft Framework. Submitters were heard by Council in October 2015 and Council considered changes to the Framework and adopted it in November 2015.
- 5.3 Amendment C122 was placed on public exhibition between 8 August and 12 September 2016, in accordance with the requirements of the *Planning and Environment Act 1987*.
- 5.4 Exhibition of the Amendment involved:
 - Direct notification (letter) to approximately 4,200 owners and occupiers within and adjoining the Precinct, inviting interested stakeholders to lodge submissions with Council.
 - Direct notification (letters) to prescribed Ministers, local members of Parliament, community groups, historical societies, the National Trust, the City of Melbourne, relevant government agencies, and infrastructure providers.
 - Public Notices in the Port Phillip Leader and the Government Gazette.
 - Availability of amendment documentation and supporting information on Council's website. This included an interactive map showing the proposed changes to properties. Amendment documentation was also provided on the State Government's Planning Amendments Online website.
 - Display of information folders at Council ASSIST centres and libraries in Port Melbourne and St Kilda.



- A drop-in session was held on 1 September 2016 at St Kilda Town Hall providing the opportunity for interested persons to speak to a planner one on one.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Development and adoption of the Framework provided opportunities for local community and other stakeholder input.
- 6.2 Statutory implementation of Amendment C122 is being carried out in accordance with the legislative requirements of the *Planning and Environment Act 1987*.
- 6.3 Consultation to date has ensured that stakeholder views have been considered. The Amendment process will provide on-going opportunities for submitters to make representations to Council and at any future independent Panel hearing.
- 6.4 Compliance with the statutory process for amendments, continued engagement with submitters and an independent review by a Panel will ensure an open and transparent process which minimises risks to Council.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 Implementing the St Kilda Road South Framework and Amendment C122 will contribute to environmental sustainability though facilitating active transport choices by residents and workers in the Precinct, directing housing growth to an area that is well serviced by public transport and promoting buildings that incorporate environmentally sustainable design features.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 Amendment C122 provides for housing growth and diversity, and ensures that new development makes a positive contribution to the public realm. It also seeks to protect the existing amenity of the area and ensure a high level of internal amenity for new dwellings constructed in the Precinct.
- 7.2.2 The Framework also focusses on improving the walkability of the Precinct, and connections to nearby activity centres, open spaces and community facilities will support an active, healthy and well-connected community.

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 The future directions for the St Kilda Road South Precinct includes building on its role as a 'niche' retail and business cluster, and promoting active land uses at street level (such as shops and cafes) to increase the vitality of the area.

7.4 FINANCIAL IMPLICATIONS

- 7.4.1 Costs associated with progressing Amendment C122 include panel hearing fees, expert evidence / representation at the panel and statutory fees at the approval stage. Provision has been made in the 2016/17 budget.



8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

8.1.1 Subject to the outcome of Council's formal consideration of submissions, an independent Planning Panel would be requested to consider submissions to Amendment C122. It is anticipated the Directions Hearing would be held on 27 February 2017 with the Panel Hearing to commence on or around 20 March 2017 (as outlined in the Explanatory Report).

8.2 COMMUNICATION

8.2.1 Council's website will be updated to reflect the next steps in the Amendment process.

8.2.2 Submitters will be informed of any Council decision to proceed to the Panel stage.

9. OFFICER DIRECT OR INDIRECT INTEREST

9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.