



Ordinary Council Meeting Minutes

Held on Monday 5 October 2020 at 7 pm

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



Ordinary Council Meeting Minutes Monday 5 October 2020 Order of Business

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Councillors Present:

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

Council Officers Present:

Jacqui Weatherill
Chris Balfour
Greg Curcio
Stuart Draffin
Cath Harrod
James Rouse
Rick Kwasek
Alexandra Kastaniotis
Bill Warne
David Taylor
Judy Hogan

The meeting began at 7:04pm.

1 Reading of the Reconciliation Statement and Affirmation Statement

Good evening and welcome to the City of Stonnington Council Meeting of Monday 5 October 2020.

I'm Councillor Steve Stefanopoulos, Mayor of the City of Stonnington

These meetings are an important way to ensure that the democratically elected Councillors, work for the community in a fair and transparent manner. Council business is conducted in accordance with Council's General Local Law 2018 and must be open to members of the public in accordance with the Local Government Act 2020. However, as outlined in The Act, Council may decide the meeting, or part thereof, be closed to members of the public, if Confidential Business is to be discussed.

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 difficult, but necessary decision, to temporarily change the way we run our Council Meeting this evening.

Tonight's Council Meeting has been relocated from the Council Chamber in 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.

In accordance with the Local Government Act, Councillors must formally declare any 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.

About this Meeting

The Agenda for this meeting, lists all the items to be discussed under 'General Business'. Each report is written by a Council Officer and outlines:

- the purpose of the report;
- relevant information and;
- a recommended decision for Councillors.

Councillors will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the Councillors present. The casting vote by the Mayor may only be used if there is an equal division of votes amongst Councillors present.

A Councillor may call for a Division, which will formally record the names of individual Councillors opposing or supporting a motion, and Councillors who are absent or who are abstaining from voting.

Meeting Agenda

To help you follow proceedings, the Meeting Agenda, recommended motions and Councillors' proposed alternate motions (also known as 'yellows'), are displayed on an adjacent screen.

Live Webcasting

Council Meetings are streamed live and recordings are usually available on our website, within 48 hours.

The Mayor, Cr Stefanopoulos read the following reconciliation statement:

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

The Mayor, Cr Stefanopoulos read the following 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.

2 Introductions

The Mayor, Cr Stefanopoulos introduced his fellow Councillors and the Chief Executive Officer.

For the benefit of those online, I will introduce my fellow Councillors, each of whom will put their hand up as I read their name:

- Deputy Mayor, Cr John Chandler, North Ward
- Cr Melina Sehr, South Ward
- Cr Matthew Koce, North Ward
- Cr Judy Hindle, South Ward
- Cr Jami Klisaris, East Ward
- Cr Marcia Griffin, North Ward
- Cr Sally Davis, East Ward,

The Mayor, Cr Stefanopoulos introduced the Councillors and the Chief Executive Officer, Jacqui Weatherill. Ms Weatherill then introduced the Council Officers.

3 Apologies

There were no apologies for this Council meeting.

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

4.1 Minutes of the Ordinary Council Meeting held on 7 September 2020 & Minutes of Confidential Council Meeting held on 7 September 2020

MOTION:

MOVED: Cr Sally Davis

SECONDED: Cr John Chandler

That the Council confirms the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 21 September 2020 and Minutes of the Confidential Council Meeting of the Stonnington City Council held on 21 September 2020 as an accurate record of the proceedings.

Carried

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

There were no conflict of interest declarations for this Council meeting.

6 Questions to Council from Members of the Public

During Council's previous Council Meeting held on 21 September 2020 one set of Questions to Council were submitted. At the time, I used my discretion available to me under Council's General Local Law to answer the questions at the meeting. As required under the Local Law, written answers were subsequently provided to the submitter.

A copy of the responses are now tabled for inclusion in the minutes of this meeting as follows:

Question received from Mr Hurlston.

Question 1

"Given the revelations in The Age article on 19/9/2020 by Royce Millar, will ALL Councillors now demand a mandatory Councillor/Staff - Developer Contact Register, to be published monthly on the council's website, and to be incorporated into both Staff and Councillor Codes of Conduct? If not why not?"

The question was tabled at the meeting and the suggestion will be the subject of a report to the new Council later in the year.

Council Officers are currently investigating the matter.

No Questions to Council were submitted for this Council meeting as not permitted under Council's Governance Rules during caretaker period.

7 Correspondence (only if related to Council business)

Cr Griffin tabled the following correspondence:

- Email from resident regarding fencing at Como Oval
- Email from resident regarding pop up outdoor gym in Chapel Street, South Yarra
- Email regarding Beatty Street closure

Cr Davis tabled the following correspondence:

- Email from resident regarding asset protection permit requirements by Council

Cr Davis noted that she had been dealing with a range of correspondence concerning but not limited to:

- glyphosate uses and risks
- abandoned vehicle in White Street
- Neighborhood legal action
- access to Malvern Valley Golf course
- crowds around Hedgeley Dene Gardens
- Prahran Aquatic Centre
- Beaver Street netball/basketball ring
- Central park circles
- Mary Street planning application

Cr Sehr noted that she had received correspondence from residents which she had chosen to deal with.

Cr Klisaris noted she had received a similar amount of correspondence which had been dealt with.

Cr Hindle noted that the email she had received had been covered by previous speakers.

The Mayor, Cr Stefanopoulos tabled the following correspondence:

- Email titled disgraceful behaviour by Chaddy Park residents
- Email response from Victoria Police concerning an electoral complaint
- Email from resident reporting an electoral complaint
- Email from Victorian Electoral Commission regarding electoral complaint to be forwarded to Local Government Inspectorate

8 Questions to Council Officers from Councillors

Cr Griffin asked the Director Covid response how many Quick Response COVID 19 Business Grants had been applied for?

The Director COVID response noted that 522 Quick Response COVID 19 Grants had been applied for, 330 had met the set criteria.

Cr Koce asked a question regarding Toorak additional tree pruning near Orrong Road Reserve in order to reduce overshadowing.

The Director Environment & Infrastructure noted he would inform the parks staff to make an assessment when they next visit the site

Cr Hindle asked the Chief Executive Officer if Council Officers were deployed over the weekend to remove electioneering related graffiti from the footpaths?

The Chief Executive Officer confirmed the graffiti had been removed over the weekend.

Cr Hindle asked the Chief Executive Officer the cost of the removal?

The Director Environment & Infrastructure responded that he would take the question on notice and noted it was not a large task.

Cr Hindle asked the Chief Executive Officer whether she would be seeking reimbursement from the Mayor, Cr Stefanopoulos for this cleaning.

The Chief Executive Officer responded that she didn't think that would be necessary. She understood that some of the Mayor's volunteers had been particularly enthusiastic during campaigning and that the Mayor had been issued with a warning.

9 Tabling of Petitions and Joint Letters

There was no petitions or joint letters tabled at this Council meeting.

10 Notices of Motion

Nil.

11 Reports of Special and Other Committees and Informal meetings of Councillors

The Chief Executive Officer tabled the Informal meeting of Councillors for the following meetings:

- Councillor Briefing Session 28 September 2020
- Audit and Risk Committee 23 September 2020

12 Reports by Delegates

Cr Klisaris noted the Municipal Association of Victoria had had its final board meeting for Councillors for this term. She noted that Cr Coral Ross former Mayor of the City of Boroondara, President of the Municipal Association of Victoria was not seeking reelection at the Council elections in October 2020 and was retiring after 18 years of service.

Cr Ross was a prominent figure in local government and a board member of the Municipal Association of Victoria and Victorian President of the Australian Local Government Women's Association.

Cr Ross was elected as President of the MAV in March 2019. She was also interim president of the MAV from November 2016 to March 2017 and has served as a board member of the Australian Local Government Association.

Cr Ross has consistently been a strong advocate for women in local government, serving as National President of Australian Local Government Women's Association, Deputy Chair of the Australian Gender Equality Council and a director of the National Rural Women's Coalition.

Cr Klisaris stated that Cr Ross had made an incredible contribution to the local government sector.

13 Urgent Business

There was no urgent business for this Council meeting.

14 General Business

14.1 Planning Application 0838/19 - 1 Mary Street, Windsor

MOTION:

MOVED: Cr Judy Hindle

SECONDED: Cr Marcia Griffin

That Council AUTHORISE Officers to issue a Notice of Refusal to Grant Planning Permit No. 838/19 for the land located at 1 Mary Street, Windsor under the Stonnington Planning Scheme for extension of a dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone on the following grounds:

- 1. The proposal fails to respect the neighbourhood character of the area and is at odds with the Neighbourhood Character Policy (Clause 22.23) and the Neighbourhood Character Objective of Clause 54 of the Stonnington Planning Scheme.***
- 2. The proposal will result in unreasonable visual bulk impacts to western neighbouring properties and is at odds with the Side and Rear Setbacks Objective of Clause 54.***
- 3. The proposal will result in unreasonable overshadowing impacts to western neighbouring properties and is at odds with the Overshadowing Objective of Clause 54.***

- 4. The proposal will result in unreasonable overlooking impacts to eastern and western neighbouring properties and is at odds with the Overlooking Objective of Clause 54.**

- 5. Replacement landscaping measures have not been adequately specified on the plans.**

Cr Sehr stated that she foreshadowed a motion to issue a notice of decision to grant a permit with conditions to address the issue of visual bulk and the colour of the upper storey.

A Division was called by Cr Hindle:

For: Cr Judy Hindle, Cr Marcia Griffin, Cr Sally Davis

Against: Cr Steve Stefanopoulos, Cr John Chandler, Cr Jami Klisaris, Cr Matthew Koce, Cr Melina Sehr

Absent: Nil

The motion was declared

Lost

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Steve Stefanopoulos

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 838/19 for the land located at 1 Mary Street, Windsor under the Stonnington Planning Scheme for extension of a dwelling on a lot less than 500m² in a Neighbourhood Residential Zone subject to the following conditions:

- 1. Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Whelan Design, Drawing No's TP06 through TP08 and TP 10 through TP13, Council date stamp 30 July 2020, but modified to show:***
 - a. An increase in the setback of the first floor west facing external wall or reduction in the building height to demonstrate compliance with Standard A10 from the western boundary.***
 - b. Addition of fixed screening to the window associated with bed 2 to limit overlooking to the secluded private open space of No. 68 Hornby Street in accordance with Standard A15.***
 - c. Addition of fixed screening to the window associated with bed 3 / retreat to limit overlooking to the secluded private open spaces of No. 72 Hornby Street and No. 3 Mary Street in accordance with Standard A15.***
 - d. Plans to show the provision of a 3,000L and 500L underground rainwater tank as per discussion plans Council date stamped 28/09/2020 and submission of a***

roof drainage plan consistent with the application requirements of Clause 22.18.

- e. The existing brick (not weatherboard) section of the ground floor western boundary wall abutting No. 72 Hornby Street to be retained or replaced to match existing conditions to the satisfaction of the Responsible Authority. The location of placement and / or replacement of this wall is to be verified onsite by a licensed land surveyor in accordance with a title re-establishment survey. The wall is to be finished in white cement render to the satisfaction of the Responsible Authority.*
- f. The proposed upper level to incorporate a lighter finish, such as surfmist or shale grey (or similar) to the satisfaction of the Responsible Authority.*
- g. A notation to confirm that the water tanks will be connected to the stormwater overflow to the satisfaction of the Responsible Authority.*

- 1. 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.*
- 2. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.*
- 3. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard A15 of Clause 54.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.*
- 4. 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.*
- 5. This permit will expire if one of the following circumstances applies:*
 - a. The development is not started within two years of the date of this permit.*
 - b. The development is not completed within four years of the date of this permit.*

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

NOTES:

- I. 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.*
- II. 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.*

Cr Hindle stated that she wished to move an amendment to have the following condition incorporated into the motion moved by Cr Sehr" that replacement landscaping be specified on the plans prior to the permit being issued'.

MOTION:

MOVED: Cr Judy Hindle

SECONDED: Cr Sally Davis

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 838/19 for the land located at 1 Mary Street, Windsor under the Stonnington Planning Scheme for extension of a dwelling on a lot less than 500m² in a Neighbourhood Residential Zone subject to the following conditions:

- 1. Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Whelan Design, Drawing No's TP06 through TP08 and TP 10 through TP13, Council date stamp 30 July 2020, but modified to show:***
 - a. An increase in the setback of the first floor west facing external wall or reduction in the building height to demonstrate compliance with Standard A10 from the western boundary.***
 - b. Addition of fixed screening to the window associated with bed 2 to limit overlooking to the secluded private open space of No. 68 Hornby Street in accordance with Standard A15.***
 - c. Addition of fixed screening to the window associated with bed 3 / retreat to limit overlooking to the secluded private open spaces of No. 72 Hornby Street and No. 3 Mary Street in accordance with Standard A15.***
 - d. Plans to show the provision of a 3,000L and 500L underground rainwater tank as per discussion plans Council date stamped 28/09/2020 and submission of a roof drainage plan consistent with the application requirements of Clause 22.18.***
 - e. The existing brick (not weatherboard) section of the ground floor western boundary wall abutting No. 72 Hornby Street to be retained or replaced to match existing conditions to the satisfaction of the Responsible Authority. The location of placement and / or replacement of this wall is to be verified onsite by a licensed land surveyor in accordance with a title re-establishment survey. The wall is to be finished in white cement render to the satisfaction of the Responsible Authority.***
 - f. The proposed upper level to incorporate a lighter finish, such as surfmist or shale grey (or similar) to the satisfaction of the Responsible Authority.***
 - g. A notation to confirm that the water tanks will be connected to the stormwater overflow to the satisfaction of the Responsible Authority.***
 - h. The location and details of the replacement landscaping as required by the earlier issued Local law permit for vegetation removal***

- 1. 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.***

- 2. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 3. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard A15 of Clause 54.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.**
- 4. 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.**
- 5. This permit will expire if one of the following circumstances applies:**
 - a. The development is not started within two years of the date of this permit.**
 - b. The development is not completed within four years of the date of this permit.**

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

NOTES:

- I. 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.***
- II. 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.***

The amendment was put to the vote

A Division was called by Cr Hindle:

For: Cr Judy Hindle, Cr Marcia Griffin, Cr Sally Davis

Against: Cr Steve Stefanopoulos, Cr John Chandler, Cr Jami Klisaris, Cr Matthew Koce, Cr Melina Sehr

Absent: Nil

The amendment was declared

Lost

The motion moved by Cr Sehr and seconded by Cr Stefanopoulos was put to the vote

A Division was called by Cr Stefanopoulos:

For: Cr Steve Stefanopoulos, Cr John Chandler, Cr Jami Klisaris, Cr Matthew Koce, Cr Melina Sehr, Cr Sally Davis

Against: Cr Judy Hindle, Cr Marcia Griffin

Absent: Nil

The motion was declared

Carried

14.2 2019/2020 Financial Report and Performance Statement

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr John Chandler

That Council:

- 1. APPROVE in principle the 2019-2020 Financial Statements and Performance Statement;***
- 2. NOMINATE AND AUTHORISE Mayor, Cr Steven Stefanopoulos and Deputy Mayor, Cr John Chandler, to certify the Financial Statements and Performance Statement for the year ended 30 June 2020, in their final form after any changes recommended or agreed to by the auditor have been made, in accordance with the Local Government (Planning and Reporting) Regulations 2014 and in the event of either of the above Councillors not being available, a Councillor who has been Mayor of the City of Stonnington is to be authorised substitute; and***
- 3. NOTE the Draft Closing Report 2020 prepared by the Victorian Auditor-General's Office.***

A Division was called by Cr Stefanopoulos:

For: Cr Steve Stefanopoulos, Cr John Chandler, Cr Jami Klisaris, Cr Judy Hindle, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Sally Davis

Against: nil

Absent: Nil

Carried unanimously

15 Confidential Business

There was no confidential business to be considered at this Council meeting.

There being no further business the meeting closed at 7:53pm.

Confirmed on 19 October 2020.

.....
CR STEFANOPOULOS, MAYOR