



Ordinary Council Meeting Minutes

Held on Monday 1 February 2021 at 7 PM

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

Ordinary Council Meeting Minutes Monday 1 February 2021 Order of Business

1	Reading of the Reconciliation Statement and Affirmation Statement.....	6
2	Introductions.....	7
3	Apologies	7
4	Adoption and confirmation of minutes of previous meeting(s)	7
4.1	Minutes of the Ordinary Council Meeting held on 21 December 2020	7
5	Disclosure by Councillors of any conflicts of interest.....	8
6	Questions to Council from Members of the Public	8
7	Correspondence (only if related to Council business)	9
8	Questions to Council Officers from Councillors	9
9	Tabling of Petitions and Joint Letters	13
10	Notices of Motion.....	13
11	Reports of Special and Other Committees - Informal Meetings of Councillors	13
12	Reports by Delegates	13
13	Urgent Business	14
14	General Business	14
14.1	Planning Amendment 0759/15 – 7 Netherlee Street, Glen Iris	14
14.2	Planning Amendment 0973/14 - 5 Commercial Road, South Yarra	15

14.3 Mount Street Precinct Masterplan, Update on detail design documentation and community consultation	20
14.4 Multipurpose Indoor Sport and Recreation Facility Stakeholder Group - Community Representatives	20
14.5 Mayoral and Councillor Allowances Review	21
14.6 Councillor Expenses Policy	22
15 Confidential Business	23

Councillors Present:

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

Council Officers Present:

Jacqui Weatherill
Greg Curcio
Annaliese Battista
Cath Harrod
Rick Kwasek
Anthony De Pasquale
David Taylor
Judy Hogan

The meeting began at 7:00pm.

1 Reading of the Reconciliation Statement and Affirmation Statement

Good evening and welcome to the City of Stonnington Council Meeting of Monday 1 February 2021.

I'm Councillor Kate Hely, 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 Governance Rules 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.

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:

1. the purpose of the report;
2. relevant information and;
3. 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 Cr Griffin 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 Hely 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 Hely introduced the Councillors and the Chief Executive Officer, Jacqui Weatherill. Ms Weatherill then introduced the Council Officers. The Chief Executive Officer also welcomed and introduced Fiona Ford, General Counsel to Council.

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 21 December 2020

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the Council defer adoption of the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 21 December 2020 as an accurate record of the proceedings to the next Council meeting to be held on 15 February 2021 with the following correction to be made under Item 9 Tabling of Petitions and Joint Letters to read 'The Mayor, Cr Hely presented the petition from residents in the area of Brookville Park and remove the term unanimous after the word Carried from Item 14.2 Planning Amendment 0973/15 5 Commercial Road, South Yarra.

Carried

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the Council makes an amendment to the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 7 December 2020 as an accurate record of the proceedings subject to a change to the working on page 33 to replace the words 'Economic Stimulus & Organisational Viability Committee to read Economic Recovery Committee.'

Carried

5 Disclosure by Councillors of any conflicts of interest

There were no disclosure by Councillors of any conflicts of interest for this Council meeting.

6 Questions to Council from Members of the Public

For tonight's Ordinary Meeting of Council two (2) sets Questions to Council have been received for response. In accordance with clause 50 of Council's General Local Law a summary of the questions are as follows.

Five (5) questions from Mr Hurlston

The questions related to the following topics:

- Orrong Romanis Tennis Centre; and
- Multipurpose Stakeholder Reference Group Selection Process

Five (5) questions from Ms Wallish

The questions relate to the following topic:

- Proposed development of Percy Treyvaud Memorial Park

Council will answer the questions, but I use my discretion under Clause 50 (3) (b) of the Local Law to not provide the responses this evening but to provide written responses to

the submitters within 14 working days and the responses will be put into the minutes of the following meeting.

7 Correspondence (only if related to Council business)

Cr Griffin tabled the following correspondence:

- Increased incidence of tagging in Chapel Street precinct

Cr Morgan tabled the following correspondence:

- Tagging in Chapel Street precinct

Cr Scott tabled the following correspondence:

- Email from Victorian Pride Lobby regarding banning conversion practices. Letter to local Members of Parliament to be sent on this issue from Council.

Cr Koce tabled the following correspondence:

- Emails from residents regarding Agenda Item 14.2 5 Commercial Road

8 Questions to Council Officers from Councillors

Cr Griffin asked a question to the Director COVID Response. I have previously asked Council to set up a volunteers register no doubt covid has prevented this but I wanted to renew this request to ensure our community is aware of the volunteer opportunities in Stonnington

The Director COVID Response noted Stonnington recognises volunteering as a crucial aspect of community life in Australia, which contributes to the community's social fabric through social connections, participation and by providing resources to underpin the delivery of highly valued community services.

The Community & Wellbeing directorate were previously working with a consultant at the beginning of 2020 to develop a solution for volunteers in our community.

Unfortunately during COVID these works were delayed.

Project work to date includes:

- Review of currently CoS processes
- Benchmarking with Victorian and interstate Councils
- Investigating the different styles of volunteering options
- Discussing with key stakeholders the community benefit of volunteering and their requirements

A discussion paper will be presented to Council in the coming months to outline the options for Stonnington volunteers.

In the interim, a web page will be constructed to link volunteer opportunities in the community with our residents. The Active Stonnington team will be able to offer volunteer opportunities in community sports in the next few weeks, with other opportunities from the wider organizations stakeholders will be available by the end of the month.

Cr Griffin asked a question to the Chief Executive Officer regarding the Mayoral vehicle and best practice going forward.

The Chief Executive Officer took the Question and Notice.

Cr Griffin asked the Director Environment & Infrastructure a question regarding changing the current Council Local Law to stop car dumping in Stonnington?

The Director Environment & Infrastructure noted that Council was currently seeking legal advice on this issue and a report for Council consideration would be prepared on this matter.

Cr Griffin asked the Director Planning & Place a question regarding reviewing the Stonnington Planning Scheme and what this requires in terms of timelines and community consultation.

The Director Planning & Place noted that a new Planning Scheme would be in place by the middle of 2022 which would include neighborhood character concerns.

Cr Morgan asked questions to the Director Environment & Infrastructure as follows:

I would like a report to be brought to council on the effectiveness of the Stonnington Community Safety Camera Program, which includes answers to the following questions:

Has the rate of crime changed in Stonnington over the time-period since the introduction of the Community Safety Camera Program?

How many crimes has footage from the cameras in this program prevented?

How many crimes have been successfully prosecuted using footage from our Community Safety Camera Programs?

How many cases of vandalism, particularly the tagging of public or private property, have been successfully prosecuted using footage from Stonnington's safety cameras?

Have any breaches of local laws been successfully prosecuted using footage from the safety cameras?

What are the ongoing maintenance costs for fixed cameras to City of Stonnington?

What are the ongoing maintenance costs for any mobile cameras to City of Stonnington?

Are cameras that are part of the Stonnington Community Safety Camera program actively monitored? If so, who is monitoring them. and what hours are they actively monitored for?

How does the costs of the Stonnington Community Safety Camera Program compare to alternative crime reduction approaches, such as increasing police patrols, increasing the use of security guards, improving visual line of sight at street level, improving street lighting, so an assessment can be made on which approaches are the most effective at preventing crime and protecting personal safety, and which represent the best value for money?

Has any research done been into the underlying causes of street crimes and the most effective ways to address these underlying causes?

I understand that footage from the safety cameras is stored at Prahran police station and Malvern Police station, and retained for 31 days and then destroyed:

Who is responsible for the securely destroying the footage? How much does this cost?

Has an assessment been made of Stonnington's Community Safety Camera program against the general recommendations from the Victorian Auditor-General's Office Security and Privacy of Surveillance Technologies in Public Places Report 2018:

Are regular evaluations of the Stonnington Community Safety Camera program being done as per Step 7 of the Victorian Government's: Guide to developing CCTV for public safety in Victoria:

The Director Environment & Infrastructure noted a report would be prepared for Council consideration on this matter

Cr Lew asked the following questions to the Chief Executive Officer.

Could you please provide the following figures?

- Total amount paid in executive salaries in 2020.
- Number of council staff who were paid executive salaries in 2020
- Highest executive full time equivalent salary in 2020.
- Average executive full time equivalent salary in 2020.
- Number of equivalent full time employees, employed under the EBA in 2020.
- Average equivalent full time salary for EBA employees in 2020.

The Chief Executive Officer responded to the questions:

The Total amount paid in executive salaries in 2020 was \$1.5 million.

The number of Council staff who were paid executive salaries in 2020 is nine.

The highest executive full time equivalent salary in 2020 was \$335,000.

The average executive full time equivalent salary in 2020 was \$251,000.

The number of equivalent full time employees, employed under the EBA in 2020 was 623.

The average equivalent full time salary for EBA employees in 2020 was \$83,0000.

Cr Lew asked the following questions to the Director COVID regarding social distancing circles.

- Who authorised the expenditure spent on the explore Stonnington footpath circles?
- Whose idea was it to use white paint to draw circles on public lawns across Stonnington?

- How much did drawing circles on lawn cost?
- How much labour time was expended drawing circles on lawn?
- When will these lawn circles be removed?

How much will it cost both in expenditure and labour time to remove all of the circles drawn on all of the lawns across Stonnington?

The Director COVID responded the social distancing circles cost \$18,852 to install across Hedgeley Dene Gardens, Rockley Gardens, Malvern Gardens, Victoria Gardens, Chris Gahan Reserve and Ardrie Park – they will fade out over time so do not have a removal cost.

Cr Lew also asked the following questions to the Director COVID response.

- How much money was spent in printing and distributing the donut day signs that have appeared in Stonnington Parks?
- What was the labour time involved in installing the donut day signs?
- Who authorised the expenditure on the Donut Day signs?

The Director COVID Response noted the doughnut day, Explore Stonnington and social distancing circles were approved and authorised by an open space activation working group that was formed when it became apparent that our open spaces were being heavily used during COVID-19 restrictions.

These signs and initiatives were a way to encourage social distancing and creativity while people were using our open spaces in much larger numbers than usual. In the example of the social distancing circles, we were also able to partner with the Chapel Street Precinct Association on marketing and media that encouraged people to use our spaces safely while supporting local businesses. The promotion for the area and Chapel Street businesses through this was significant.

The doughnut day signs cost \$1589 to install and remove and \$4910 in production. They were removed early in January as COVID cases were re-discovered in Melbourne.

Explore Stonnington decals cost \$3740 to manufacture and were installed by a redeployed staff member over approximately 20 hours so a cost is hard to attain. They are mostly still in place as their message remains important. This campaign also seeks people to connect visitors and residents with our business community. At this point there is no set timeline to remove them.

Cr Klisaris asked a question to the Director Environment & Infrastructure regarding the progress of the installation of a netball ring in Viva Street Park?

The Director Environment & Infrastructure noted a report would be presented to Council in the next few weeks.

Cr Scott asked the following question to the Director Planning & Place. On 7th October 2020, the Victorian State Government's announcement around minimum distance passing laws and the \$13 million grant package (which Stonnington was a recipient) aimed at making it easier and safer for Victorians to ride as the state heads towards

COVID normal, will have a direct and imminent impact on many of Stonnington's bike users and other people who use our streets. We know that during covid lockdown, many women and children took up cycling because the roads were empty and it was safer for them to get around.

Could I ask what Council is doing in response to these initiatives and when will we see further information come out regarding the application of minimum distance passing laws and the implementation of bike paths?

The Director Planning & Place responded within the \$13 million funding package Council has received some funding for Union Street, limited Chapel Street area along with Yarra River trail which are Federal government initiatives. Can also cover in the Active Transport Committee.

Cr Scott asked the following question to the Director Environment & Infrastructure. I have had lots of questions and comments about the cleanliness of Chapel Street. One resident wrote that she walks with her baby in a pram and when she can use the footpath (they're usually too narrow in most streets in Windsor, or people leave their bins out) she has to dodge faeces from dogs being walked. She then comments that when she makes it to Chapel Street, the "stench of urine is so appalling, it makes me wonder how anyone can enjoy the outdoor dining". I've had other residents also complain about the urine and cigarette butts, chewing gum, general grime and other litter mostly focused in Windsor and Prahran along Chapel Street.

I understand that this is an ongoing point of contention and it feels like we don't have it right. Could I please ask for a report on the regularity of Chapel St footpath cleaning (which times of day/ days of the week/weekend), how often a deep clean is undertaken and any costs associated with any additional cleaning requests? I'm also interested if there are any expectations placed on businesses or traders to maintain a level of cleanliness out front of their premises and how we manage bins that are left out.

The Director Environment & Infrastructure responded that Council has a significant street cleaning program in place which operates seven days a week. Currently undertaking a budget review regarding this program.

Cr Sehr asked a question to Director Environment & Infrastructure regarding the cost to date of such a cleaning program and associated costs due to late night trading and night club operation.

9 Tabling of Petitions and Joint Letters

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

10 Notices of Motion

Nil.

11 Reports of Special and Other Committees - Informal Meetings of Councillors

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

- Councillor Briefing Session 27 January 2020

Cr Scott noted he had attended the following meetings and events:

- COVID Community Recovery Response Committee,
- Prahran Mechanics Institute Board Meeting
- Citizenship Ceremony on Tuesday 26 January 2021
- We -Akon Diliinja Morning of Mourning at the City of Port Phillip.

The Mayor, Cr Hely noted she had attended RobotSpace Land promotion in the Chapel Street Precinct.

Cr Morgan noted she had attended an event at the Lucky Penny organized by local businesses.

12 Reports by Delegates

There was no reports by delegates for this Council meeting.

13 Urgent Business

There was no urgent business for this Council meeting.

14 General Business

14.1 Planning Amendment 0759/15 – 7 Netherlee Street, Glen Iris

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Alexander Lew

That Council AUTHORISE Officers to issue a Notice of Decision to Amend Planning Permit No: 759/15 for the land located at 7 Netherlee Street, Glen Iris under the Stonnington Planning Scheme for construction of two dwellings on a lot within a General Residential Zone and Special Building Overlay subject to the following conditions:

Condition 1 amended to state the following (bolded conditions represent new conditions):

- a) ***A storage area, a minimum of 6m³ in size, provided to Dwelling 1.***
- b) ***The tree root barrier required by Condition 4.***
- c) ***Any changes required by Condition 10.***
- d) ***The 1:100 scale to be corrected on all the floor plans and elevations.***
- e) ***The internal length of the garage of Dwelling 2 to be increased to a minimum of 6 metres and provided with a 1:200 gradient.***
- f) ***The proposed vehicle gate to Dwelling 2 widened by 980 millimetres towards the east.***
- g) ***A notation on the elevations demonstrating a minimum headroom of 2.1 metres at the garage entrance when the door is in an open position.***
- h) ***Additional details/diagrams/technical specifications provided to demonstrate how the proposed 1.7 metre high screening complies with Standard B22.***
- i) ***Deletion of reference to the proposed pedestrian opening on the Anthony Street frontage.***
- j) ***The proposed solar gas hot water boosted unit to be shown on the roof plan.***
- k) ***A Landscape Plan generally in accordance with that prepared by Zenith Concepts advertised in March 2020 (Council date stamped 12 March 2020) but modified to:***
 - ***align the proposed changes to the built form;***

- *replace the 6x Creeping Fig along the western boundary of Dwelling 2 with a Hedging Ficus or other suitable shrub species;*
- *provide an additional 2x canopy trees*

All to the satisfaction of the Responsible Authority.

Condition 2 amended to state the following:

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.

New Condition 11 and subsequent renumbering of conditions to state the following:

Prior to the commencement of any works over any easement, the permit holder must obtain approval from the relevant authorities to remove and/or build over the easements pertaining to the site to the satisfaction of the Responsible Authority.

New Note C and subsequent relabelling of notes to state the following:

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.

New Note D to state the following:

Council has adopted a zero-tolerance approach in respect to the failure to implement the vegetation related requirements of Planning Permits and endorsed documentation. Any failure to fully adhere to these requirements will be cause for prosecution. This is the first and only warning which will be issued.

New Note E to state the following:

The crossover must be constructed to Council's Standard Vehicle Crossover Guidelines unless otherwise approved by the Responsible Authority. Separate consent for crossovers is required from Council's Building and Local Law Unit.

Carried unanimously

14.2 Planning Amendment 0973/14 - 5 Commercial Road, South Yarra

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Section 72 Planning Permit No: 973/14 for the land located at 5 Commercial Road, South Yarra under the Stonnington Planning Scheme for Alterations and additions to the

existing building, Restaurant and Café Liquor Licence in association with part use of the land as a Food and drink premises (Restaurant) and installation of business identification signage in a Residential Growth Zone, waiver of loading bay requirement and reduction in the car parking requirement subject to the following conditions:

- 1. The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.**
- 2. Within 60 days of the endorsement of the 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 and three copies must be provided. The landscape plan must show:**
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed**
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
 - c. Details of surface finishes of pathways and driveways**
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
- 1. 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.**
- 2. Within 60 days of the endorsement of the development 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. The Water Sensitive Urban Design Response must:**
 - a. Ensure terraces are not connected to rainwater tanks without suitable treatment**
 - b. Ensure all site impermeable areas are included within the STORM tool assessment**
 - c. Provide a site plan confirming areas considered permeable and impermeable for purposes of STORM tool**
- 1. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 2. Within 60 days of the endorsement of the development plans, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. Upon approval the SDA will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SDA to the satisfaction of the Responsible Authority. The report must be similar to the Sustainable Design Assessment, prepared by EnergyLab, Council date stamped 28 November 2014 but revised to include:**

- a. **Explicitly identify commitment to 70% by mass construction phase waste reuse and recycling target and identify responsible party for implementation.**
- b. **Revise proposed content of Building User Guide to more accurately reflect proposed systems and measures for project as well as typical industry guides such as Green Star.**

All works must be undertaken in accordance with the endorsed Sustainability Design Assessment to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment may occur without written consent of the Responsible Authority.

1. **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 similar to the Waste Management Plan prepared by Wastech Services Pty Ltd, dated 30 October 2014 and must include:**

- a. **Dimensions of waste areas**
- b. **The number of bins to be provided**
- c. **Method of waste and recyclables collection**
- d. **Hours of waste and recyclables collection NB. These should correspond with our Local Laws**
- e. **Method of presentation of bins for waste collection**
- f. **Strategies for how the generation of waste and recyclables from the development will be minimized**

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.

1. **A maximum number of 65 patrons may be catered for in the Restaurant, including 25 inside the building and 40 in the front courtyard at anyone time to the satisfaction of the Responsible Authority.**
2. **The use hereby permitted must only operate between the hours of 7:00am and 7:00pm, Monday to Sunday to the satisfaction of the Responsible Authority.**
3. **Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the hours of 7.00am and 7:00pm to the satisfaction of the Responsible Authority.**
4. **The predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises to the satisfaction of the Responsible Authority.**
5. **Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time, to the satisfaction of the Responsible Authority.**
6. **Before the commencement of the liquor licence hereby approved, an updated Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan advertised in September 2020 but modified to show:**

- a. Any changes required by Condition 8
- b. Any changes required by Condition 9
- c. Any changes required by Condition 10
- d. Any other measures to be undertaken to ensure minimal impacts from the licensed premises.

All to the satisfaction of the Responsible Authority.

The approved Noise and Amenity Action Plan will form part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.

1. Staff of the restaurant hereby permitted are to conduct a litter patrol daily to ensure the site remains tidy and well presented to the satisfaction of the Responsible Authority.
2. Speakers must not be located externally of the building at any time, to the satisfaction of the Responsible Authority.

The Head, Transport for Victoria Conditions

1. During the operation of the sign, the following maximum average luminance and Threshold Increment values must not be exceeded:

Lighting condition	Max average luminance (cd/m²)	Max %	Adaptation Luminance
Full sun on face of signage	No limit	-	-
Daytime luminance	6000	-	-
Morning and evening twilight, and overcast weather	700	-	-
Night time	150	20%	0.25

1. The signs must not be reflective, flashing or contain moving/animated images.

End of The Head, Transport for Victoria Conditions

1. 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.
2. Bottles and rubbish must not be removed from within the premises between the hours of 11.00pm and 7:00am the following day.
3. 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 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.

- 1. 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.**
- 2. All plant and equipment (including air-conditioning units) shall be located or screened so as not to be visible from any of the surrounding footpaths and adjoining properties (including from above) 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.**
- 3. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a. Transport of materials, goods or commodities to or from the land**
 - b. Appearance of any building, works or materials**
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
 - d. Presence of vermin**
 - e. Or in any other way**
- 1. All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.**
- 2. Prior to the occupation of the building/ commencement of use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.**
- 3. 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.**
- 4. 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 that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.**
- 5. Prior to occupation of the building or commencement of use, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and reinstated as standard footpath and kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.**
- 6. 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.**
 - c. The use is not commenced within five years of the date of this permit.**
 - d. The use is discontinued for a period of two years or more.**

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

NOTES:

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

Carried

14.3 Mount Street Precinct Masterplan, Update on detail design documentation and community consultation

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Mike Scott

- 1. ENDORSE the designs for the Mount Street Precinct Masterplan Pedestrian Link (per Attachments 1 and 2) in order to proceed with detailed designs, acknowledging that the design process will take into consideration the community feedback per Attachment 3.**
- 2. CONSIDER as part of the detail design process a walkway through the King Street Car Park between King Street and Cecil Place.**

Carried

A Division was called by Cr Koce:

For: Cr Alexander Lew, Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol, Cr Polly Morgan

Against: nil

Absent: Nil

Carried

14.4 Multipurpose Indoor Sport and Recreation Facility Stakeholder Group - Community Representatives

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

That Council:

- 1. APPROVE the appointment of the three (3) Community Representatives to the Multipurpose Sport and Recreation Facility Stakeholder Reference Group, as below:**

East Ward	Marc Gauci
North Ward	Phil Treyvaud
South Ward	Susan Molony

- 2. NOTE that Council Officers will notify the three (3) successful nominees and also write to each of the unsuccessful nominees thanking them for their interest in the Reference Group.**

Cr Sehr noted she wished to make a personal statement:

'I don't come with a political agenda but rely on Council Officers to do due diligence impartially and endorse the recommendation before Council.'

A Division was called by Koce:

For: Cr Alexander Lew, Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol, Cr Polly Morgan

Against: nil

Absent: Nil

Carried unanimously

14.5 Mayoral and Councillor Allowances Review

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Melina Sehr

RECOMMENDATION

That Council:

1. ***DETERMINE that the Councillor and Mayoral allowances be set for the next four (4) years, subject to any change by the Victorian Independent Remuneration Tribunal, at the highest level of Category Three (3), currently:***

Councillor ***\$31,444 per annum***

Mayoral ***\$100,434 per annum***

plus an amount equivalent to the superannuation guarantee contribution which is currently 9.5%.

2. ***APPROVE that in accordance with section 74(1) of the Local Government Act 1989, advertise the conduct of the public consultation on the proposed allowances and call for submissions under section 223 of the Local Government Act 1989; and***
- 3.
4. ***DETERMINE that any submissions will be heard by Council on Monday 15 March 2021 at 7.00pm either electronically via zoom or in Council Chamber, Malvern Town Hall, Malvern.***

Carried unanimously

14.6 Councillor Expenses Policy

Cr Lew foreshadowed that he had an alternative motion to amend the Councillor Expenses Policy clause 17.4 to retire the Mayoral vehicle at the end of the current Mayor's term and replace with a commuter bicycle and a yearly MYKI ticket.

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Melina Sehr

That Council APPROVE the Councillor Expenses Policy 2021, refer Attachment 1.

A Division was called by Sehr:

For: Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol, Cr Polly Morgan

Against: Cr Alexander Lew

Absent: Nil

The motion was declared

Carried

15 Confidential Business

There was no confidential business for this Council meeting.

The Mayor, Cr Hely thanked Nicole Warren, Council's Coordinator Events and Festivals and her staff for the recent Robot SPACEland free open air exhibition that landed in Chapel Street Precinct between 14-31 January 2021.

Measuring up to 17 metres in height, each of these interactive displays of intergalactic grabbed your attention by day and took your breath away by night.

There being no further business the meeting closed at 9:04pm.

Confirmed on 15 February 2021.

.....
CR KATE HELY, MAYOR