



# Minutes of the Council Meeting

Held on Monday 18 October 2021 at 7 PM

Virtual Meeting via Zoom



# Council Meeting Minutes Monday 18 October 2021 Order of Business

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**Councillors Present:**

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

**Council Officers Present:**

<b>Jacqui Weatherill</b>	<b>Chief Executive Officer</b>
<b>Annaliese Battista</b>	<b>Director Planning &amp; Place</b>
<b>Cath Harrod</b>	<b>Director Community &amp; Wellbeing</b>
<b>Rick Kwasek</b>	<b>Director Environment &amp; Infrastructure</b>
<b>Greg Curcio</b>	<b>Director Customer &amp; Technology</b>
<b>Tracey Limpens</b>	<b>Chief of Staff</b>
<b>Julia Gallace</b>	<b>Chief Financial Officer</b>
<b>Tony Mcilroy</b>	<b>Manager Councillor &amp; Civic Support</b>
<b>Judy Hogan</b>	<b>Civic Support Officer</b>

The meeting commences at 7:01pm.

## 1 Reading of the Reconciliation Statement

The Mayor, Cr Hely read the following reconciliation statement:

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

The Mayor, Cr Hely on behalf of the Council acknowledged the service of Mr Peter Birrell Town Clerk of the former City of Malvern who died on 13 October 2021 at the age of 90.

## 2 Reading of the Statement of Commitment

The Mayor, Cr Hely read the following Statement of Commitment:

*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.*

## 3 Apologies

It was noted that Cr Lew was an apology for the meeting.

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Marcia Griffin

***That the apology be received and leave of absence granted.***

**Carried**

Cr Sehr gave notice of her apology for the Council Meeting on 15 November 2021.

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Nicki Batagol

***That the apology be received and leave of absence granted.***

**Carried**

Cr Scott gave notice of his apology for the Council Meeting on 29 November 2021.

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

***That the apology be received and leave of absence granted.***

**Carried**

## 4 Introduction of Councillors & Executive Staff

The Chair introduced the Councillors and the Chief Executive Officer introduced the Council Officers present.

## **5 Confirmation of the Minutes of the previous meeting**

### **5.1 Minutes of the Council Meeting held on 4 October, 2021**

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That the Minutes of the Meeting of the Stonnington City Council held on 4 October, 2021 be confirmed as an accurate record of the proceedings.***

**Carried**

## **6 Disclosure of Conflicts of Interest**

The Chief Executive Officer declared a conflict of interest in item 8:13 CEO Employment and Remuneration Policy on the basis that it relates to the position of Chief Executive Officer.

## **7 Questions From the Community**

In accordance with the Governance Rules two questions were submitted to the meeting on 4 October 2021. Written responses were provided as follows:

Questions asked by Ms Nguyen

Does Council have information of who parks on Chapel Street, why and for how long?

Response

We have information showing that just 5% of total visitors to Chapel Street use on-street parking, and they do so for a range of activities including dining, entertainment, health and leisure, work, shopping, and to visit friends and family. While we do not know how long each person stays, we do know that the frequency of their visits is fairly evenly distributed, between categories “I visit every day”, “most days”, “once a week”, “once a month”, and “less than once a month”. This is all based on intercept surveys.

Does Council have data on the makeup of traffic using Chapel Street?

Response

We have modal split information from some data collectors we are trialling. At a location near the Jam Factory, for the month of August we have data on the number of pedestrians, cyclists, light vehicles (passenger cars), and heavy vehicles (trucks), that pass the survey point.

This data is shown in the table below:

August	Total	Day Average
Pedestrians	102,565	3,308
Cyclists	43,674	1,408
Light Vehicles	212,190	6,844
Heavy Vehicles	17,909	577

Question asked by Ms Hildenbrand

Question

Why is Stonnington Council continuing with such an aggressive program of clearing significant trees in the Gardiner Creek corridor, Glen Iris, at a time when it seems unable to provide the remedial planting it has promised?

Response

The City of Stonnington adopted the Gardiners Creek (Kooyongkoot) Masterplan in 2020 to provide a long-term vision and plan for the comprehensive revitalisation of this urban waterway and surrounding environment. A copy of the plan can be accessed here: <https://www.stonnington.vic.gov.au/About/Corporate-documents/Strategies-and-plans/Gardiners-Creek-KooyongKoot-Masterplan>

One of the key focus areas of the Gardiners Creek (Kooyongkoot) Masterplan is to enhance biodiversity and to create a healthy natural environment within the creek corridor. A priority within this is a targeted program of weed eradication, woody weed removal and removal of invasive weed species trees ahead of indigenous revegetation works.

The masterplan notes the intention to revegetate the 8.5km waterway corridor and to undertake weed removal ahead of revegetation works.

Council has progressively targeted areas for removal of weed species (trees and plants) in preparation for revegetation works, including community tree planting days. The prior removal of weeds is critical to achieve the biodiversity improvement objectives of the plan and Council.

This model of weed eradication, woody weed removal and removal of invasive weed species trees followed by extensive revegetation has been successfully implemented along the Yarra River frontage in multiple stages over the past 10 years.

In addition to the Gardiners Creek (Kooyongkoot) Masterplan, Council's management of trees on public land within the Gardiners Creek corridor, including targeted tree removals, is guided by the City of Stonnington's Urban Forest Strategy and *Tree Risk Management Framework*. These two strategic documents clearly outline the need to manage risks associated with trees in the public domain, including removal and replacement of ageing trees and trees in poor health and condition / high risk.

Council has undertaken the following revegetation works following weed and tree removal recently within the Gardiners Creek corridor:



- Brixton Rise shared path precinct - revegetated the area with 800 indigenous and native plants following woody weed removals (August 2021)
- Muswell Bend precinct - revegetated the area with 2,000 indigenous and native tube stock plants following woody weed removals (September 2021)
- Glenburn Bend – revegetation works recently completed by Friends of Gardiners Creek Valley

Whilst it is ideal to align the timing of weed eradication, woody weed removal and removal of invasive weed species trees with the subsequent revegetation works, unforeseen Covid-19 restrictions on some industries has resulted in a longer than expected delay. With restrictions now permitting outdoor planting under certain circumstances, this delay between removals and replanting is not to expected to be an issue moving forward.

## 8 Business

### 8.1 Planning Application 0750/19 - 6 Lomond Terrace, Malvern East

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

***That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 750/19 for the land located at 6 Lomond Terrace, Malvern East under the Stonnington Planning Scheme for the construction of a multi-dwelling development in the 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 WestUrban, Drawing No's. TP5 to TP11 and Council date stamped 24 July 2021, and the Landscape Plan Council date stamped 24 July 2021 but modified to show:***
  - a) ***Compliance with the requirements of Standard B22 either by the existing boundary fence or by another appropriate screening measure for the following windows:***
    - ***Bedroom 3 of Unit 2***
    - ***Bedroom 2 of Unit 2***
    - ***Bedroom 4 of Unit 2***
    - ***Retreat of Unit 2 looking into 1 Argyll Street.***
  - b) ***A minimum headroom clearance of 2.1 metres provided to each garage when the garage door is in an open position.***

- c) New trees positioned outside of the sight distance triangle areas and other vegetation within this area to be below 0.9 metres in height.**
- d) Adjustment to the driveway in front of the garage of Unit 2 to respond to the swept path turning area.**
- e) The crossover splays to be 1.3 metres wide and straight on each side of the driveway.**
- f) A roof plan.**
- g) A storage area for Unit 2 which complies with the requirements of Standard B30.**
- h) A note to state that the driveway within the Tree Protection Zone of the significant Eucalyptus scoparia Wallangara White Gum tree on the adjoining site at 4 Lomond Terrace will be constructed above natural ground level.**
- i) A note to state that the rainwater tanks are connected to all toilets for flushing and laundries for reuse.**
- j) Details of the stormwater treatment measure chosen to meet the requirements of Condition 6 (either the use of a stand-alone stormwater detention system or additional stormwater tank capacity).**
- k) A cross-section detail and manufacturer's specifications for the permeable paving to be used for the driveway.**
- l) The Sustainable Design Assessment updated to reflect that the items contained/noted on the plans as set out within the document have being completed.**

**All to the satisfaction of the Responsible Authority.**

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.**
- 3. 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 re-instated as standard footpath and kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.**
- 4. The existing surface/ground levels within the easements on the land must be retained at current levels.**
- 5. Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development and design for the driveway must be prepared by a suitably qualified Engineer in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.**
- 6. The applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide**

**stormwater tanks that are in total 4,000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets and must be to the satisfaction of the Responsible Authority.**

- 7. 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.**
- 8. All existing vegetation shown on the endorsed plans to be retained must be suitably and clearly identified before any development (including demolition and excavation) starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.**
- 9. Concurrent with the endorsement of development plans a tree management plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the tree management plan will form part of this permit and all works must be done in accordance with the tree management plan (AS 4970)**

**The tree management plan must detail measures to protect and ensure the viability of *Corymbia maculata* (Spotted Gum) located within the site frontage and the *Tristaniopsis laurina* (Kanooka) street tree.**

**Among other things, the tree management plan must include the following information:**

- a) Pre-construction (including demolition) – details to include a tree protection zone, height barrier around the tree protection zone, amount and type of mulch to be placed above the tree protection zone and method of cutting any roots or branches which extend beyond the tree protection zone. A plan must be submitted detailing any tree protection fencing, where the fencing is clearly identified and dimensioned.**
- b) During-construction – details to include watering regime during construction and method of protection of exposed roots.**
- c) Post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.**

**Pre-construction works and any root cutting must be inspected and approved by the Responsible Authority's Parks Unit. Removal of protection works and cessation of the Tree Management Plan must be authorised by the Responsible Authority's Parks Unit.**

- 10. Before the development (including excavation and demolition) starts, a tree protection fence must be erected around the *Corymbia maculata* (Spotted Gum). Fencing is to be compliant with Section 4 of AS 4970. Signage identifying the need for approval from Council's Parks Unit for any root cutting (prior to it occurring) must also be displayed on the fence.**
- 11. Prior to the endorsement of plans and prior to any development commencing on the site (including demolition and excavation whether or not a planning permit is required), the owner/ developer must enter into a Deed with the Responsible Authority and provide it with a bank guarantee of \$70,455 + GST as security against a failure to protect the health of the *Corymbia maculata* (Spotted**

***Gum) tree to be retained. The applicant must meet all costs associated with drafting and execution of the Deed, including those incurred by the responsible authority. Once a period of 12 months has lapsed following the completion of all works at the site the Responsible Authority may discharge the bank guarantee upon the written request of the obligor. At that time, the Responsible Authority will inspect the tree(s) and, provided they have not been detrimentally affected, the bank guarantee will be discharged.***

- 12. Concurrent with the endorsement of plans or prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), whichever occurs sooner, a letter of engagement must be provided to the Responsible Authority from the project arborist selected to oversee all relevant tree protection works. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).***
- 13. The project arborist must maintain a log book detailing all site visits. The log book must be made available to the Responsible Authority within 24 hours of any request.***
- 14. Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), the project arborist must advise the Responsible Authority in writing that the Tree Protection Fences have been installed to their satisfaction.***
- 15. Protection fencing must be afforded to the *Tristaniopsis laurina* (Kanooka) street tree prior to construction works occurring. Fencing must comply with Section 4 of AS 4970 and form a 2m x 2m protection zone around the tree.***
- 16. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.***
- 17. The permit holder / developer must advise Council in writing that a Certificate of Occupancy has been issued in respect to the development and that the 12 month establishment period has commenced.***
- 18. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
- 19. This permit will expire if one of the following circumstances applies:***
  - a. The development is not started within two years of the date of this permit.***
  - b. The development is not completed within four years of the date of this permit.***

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

## **NOTES**

- A. This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***

- B. Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.**

**“Significant Tree” means a tree or palm:**

- a) with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;**
- b) with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;**
- c) with a trunk circumference of 180 cm or greater measured at its base; or**
- d) with a total circumference of all its trunks of 180 cm or greater measured at its base.**

**Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.**

- 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. 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.**
- E. 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**

## 8.2 Planning Application 0150/21 - 105 Finch Street, Malvern East

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

***That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 150/21 for the land located at 105 Finch Street Malvern East under the Stonnington Planning Scheme for full demolition and construction of a new dwelling in a Heritage Overlay subject to the following conditions:***

- 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. Protection fencing must be afforded to the two Platanus x acerifolia (London Plane) street trees at this location prior to construction works occurring. Fencing must comply with Section 4 of AS 4970 and form a 2m x 2m protection zone around the tree.***
- 3. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone to the satisfaction of the Responsible Authority.***
- 4. The owner must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets to the satisfaction of the Responsible Authority***
- 5. A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared in accordance with all 'recommendations' and requirements in that report prior to a building permit being issued. Protection of the building must be provided from a 1 in 100 A.R.I. event as required by the Building Regulations and all drainage must be by means of a gravity based system and not pumped.***
- 6. 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.***
- 7. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***

8. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

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

**Notes**

- A. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. ***This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include paint removal and any other form of decoration and works, but does not include re-painting an already painted surface.***
- C. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***

***“Significant Tree” means a tree or palm:***

- a) ***with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;***
- b) ***with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;***
- c) ***with a trunk circumference of 180 cm or greater measured at its base; or***
- d) ***with a total circumference of all its trunks of 180 cm or greater measured at its base.***

***Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.***

- D. ***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.***
- E. ***This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Stonnington Planning Scheme. As such, it is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any Regulation under Part 5 will require the report and consent from Council’s Building and Local Law Services Department.***

- 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

### 8.3 Planning Application 0199/21 - 1405 Dandenong Road, Malvern East

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

**That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 199/21 for the land located at 1405 Dandenong Road, Malvern East under the Stonnington Planning Scheme for construction of a multi dwelling development in a Residential Growth Zone and to create or alter access to a Road Zone, Category 1 subject to the following conditions:**

- 1. Before the commencement of the development, one (1) electronic 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 advertised in July 2021 (prepared by John Henry Architects) but modified to show:**
  - a) The northern elevation with a 1.7 metre high screen along the northern side of the apartment 5 balcony as depicted on the first floor plan.**
  - b) The northern and southern sides of the west facing balcony to apartment 9 must be either screened or it be demonstrated through a section diagram to be in accordance with Standard B22 at Clause 55.04-6. Direct lines of view to the neighbouring secluded private open space and habitable room windows must be measured to 1.7 metres above natural ground level.**
  - c) Elevations to include a notation that the part of the windows proposed with obscure glazing will be 'fixed'.**
  - d) Elevations to dimension the height of all screening proposed to the balconies.**
  - e) The height of the internal balcony screens to apartments 2, 3, 4, 6 and 7 to be notated on the floor plans and to be in accordance with Standard B22 at Clause 55.04-6.**
  - f) Visibility splay area south of the driveway notated to comply with Design Standard 1 in Clause 52.06-9 of the Stonnington Planning Scheme.**
  - g) Deletion of the south-west street tree from the floor plans.**



- h) The offset of the columns in the basement confirmed to be positioned in accordance with Clause 52.06-9 the Planning Scheme.**
- i) Basement plan to confirm a 1.8m bicycle parking envelope can be provided, while maintaining a 1.5m access aisle to the bicycles spaces, as per the Australian Standards.**
- j) Splays of 1.3m provided either side of the vehicle crossing and deletion of the hatched areas within the splays.**
- k) Basement Plan to confirm the allocation of 2 visitor bicycle spaces.**
- l) Car parking notation on basement plan updated to reflect the correct allocation of car parking (i.e. 13 resident spaces and 1 visitor space).**

**To the satisfaction of the Responsible Authority.**

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.**
- 3. Prior to the commencement of the use of the building approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**
- 4. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 5. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design Council date stamped 9 April 2021.**

**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 endorsed WMP, to the satisfaction of the Responsible Authority.**

- 6. 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.**
- 7. Concurrent with the endorsement of any plans pursuant to Condition 1 a landscape plan, to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the plans prepared by John Henry Architects Drawings PA-102 Council date stamped 7 May 2021 and PA-103 Council date stamped 13 July 2021, but modified to show:**
  - a) Deletion of the south-west street tree.**

8. ***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.***
9. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
10. ***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.***
11. ***Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.***
12. ***All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.***
13. ***All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.***
14. ***Prior to the commencement of the development hereby approved, the permit holder must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
15. ***The owner must at their cost provide a stormwater detention system to control the discharge from the site to no greater than the existing pre-development discharge based on a 1 in 10 storm (ARI) to the satisfaction of Council.***
16. ***Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity-based system and not pumped, with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.***

17. ***Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention system, to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.***
18. ***The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
19. ***All development must be clear of the rear easement and existing surface levels must not be changed.***
20. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

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

**NOTES:**

**Department of Transport Note**

- A. ***The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport (Roads) prior to commencing any works.***

**End Department of Transport Note**

- B. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- C. ***Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.***
- D. ***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.***
- 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

## 8.4 Report and Consent for 18 Embling Road, Malvern

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Mike Scott

***That the Council authorise Officers to issue Consent to the Report and Consent Application No. BR1148/21 for the land located at 18 Embling Road, Malvern under the Building Regulations 2018 for the construction of a new garage and alterations to the existing front fence, subject to the following grounds:***

- 1. Garage to have a minimum setback of 4.2m in lieu of the required 9.0m from the front street alignment at 18 Embling Road, Malvern pursuant to regulation 74 of the Building Regulations 2018; and***
- 2. Garage to have an internal length of 5.4m in lieu of the required 6.0m pursuant to regulation 78 of the Building Regulations 2018***

Carried

## 8.5 Council Plan 2021-25 (Future Stonnington) and Annual Plan 2021-22 for approval

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

***That the Council:***

- 1. APPROVE the Council Plan 2021-25 (Future Stonnington) .***
- 2. NOTE the community submissions received during public exhibition of the Council Plan 2021-25 and subsequent action taken .***
- 3. APPROVE the Annual Plan 2021-22 to support year one implementation of the Council Plan 2021-25.***
- 4. NOTE the intention to submit the Council Plan 2021-25 (Future Stonnington) to the Minister for Local Government by 31 October 2021.***

Carried

## 8.6 Financial Plan 2021-2031

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That the Council:***

- 1. APPROVE the Financial Plan 2021-31 .***
- 2. NOTE the four community submissions received during public exhibition of the Financial Plan 2021-31 and subsequent Management responses.***
- 3. NOTE the intention to submit the Financial Plan 2021-31 to the Minister for Local Government by 31 October 2021.***

A Division was called:

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

Voting Against: No votes recorded

Carried

## 8.7 Health and Wellbeing Plan 2021 - 2025

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

***That the Council:***

- 1. APPROVE the Stonnington Health and Wellbeing Plan 2021-2025 ; and***
- 2. NOTE the approved Health and Wellbeing Plan 2021-2025 will be submitted to the Victorian Government - Department of Health, in compliance with the Council's statutory requirements (Public Health and Wellbeing Act 2008).***

Cr Griffin abstained from voting on the item.

**Carried**

## 8.8 Out-of-Round Arts and Culture Grant Applications 2021/22

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

***That the Council:***

- 1. APPPROVE the allocation of \$30,000 from the Arts and Culture Grants pool of 2021/22 funds for the out-of-round application as recommended by the Arts and Culture Grants assessment panel for funding .***
- 2. APPROVE an additional budget allocation of \$15,514.50 as part of budget reprioritisations identified through the Mid-Year Budget Review process.***

**Carried**

## 8.9 Community Grants Program 2021/22 - Quick Response Grants

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Jami Klisaris

***That the Council:***

- 1. APPROVE the recommendations for Quick Response Grants funding .***
- 2. NOTE Quick Response Grants will remain open until funds are fully expended.***

Carried

## 8.10 Headspace - Proposed Lease at Northbrook, Malvern

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

***That the Council:***

- 1. NOTE the outcome of the public notice and community consultation of its Intention to Lease part of the Northbrook building at 1257 High Street, Malvern for provision of a Headspace service.***
- 2. APPROVE the CEO to execute a lease to Access Health and Community based on an initial 3-year term with two further 3-year options for space at Northbrook, 1257 High Street, Malvern, subject to planning approval being granted for a change of use.***

Carried

## 8.11 Contract No. T22026 - Como Park Oval Redevelopment

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Matthew Koce

***That the Council:***

- 1. AWARD Contract No. T22026 Como Park Oval Redevelopment to Turfcare and Hire Pty Ltd ABN 85 092 183 876 for civil and landscaping works to the value of \$1,422,855.55 excluding GST (\$1,565,141.11 including GST).***
- 2. APPROVE the contingency, provisional and project management cost to the amount of \$122,946.66 excluding GST (\$135,241.33 including GST)***
- 3. AUTHORISE the Chief Executive Officer to execute the contract agreements with the above contractor.***
- 4. NOTE that expenditure under this contract is in accordance with Council's Budget for Financial Year 2021/22.***

Carried

## 8.12 Extension of Contract No. T19004 – Provision of Cleaning Services - Municipal Buildings

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Marcia Griffin

***That the Council:***

- 1. Extend Contract No. T19004 Provision of Cleaning Services - Municipal Buildings, to ServiceFM, ABN 34 008 073 550 for the cleaning of Council's buildings for a further and final two (2) year term***
- 2. AUTHORISE the Chief Executive Officer to execute the contract agreements with the above contractor.***
- 3. NOTE ServiceFM is the newly rebranded Academy Services and no changes have been made to their ABN 34 008 073 550.***



4. **NOTE that expenditure under this contract is in accordance with Council's Budget for Financial Year 2021/22 and provisions will be made accordingly for the associated future budget periods for this contract.**

Carried

## 8.13 CEO Employment and Remuneration Policy

8:29pm The Chief Executive Officer declared a conflict of interest in item 8:13 CEO Employment and Remuneration Policy on the basis that it relates to the position of Chief Executive Officer.

The Chief Executive Officer left the meeting.

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Polly Morgan

**That the Council:**

1. **APPROVE the Chief Executive Officer Employment and Remuneration Policy; and:**
2. **NOTE the following inclusion in section 3.2- Mandatory Contract Terms, "A decision on the reappointment of the CEO must be finalised not less than six months prior to the expiry of the CEO contract".**

Carried

8:30pm The Chief Executive Officer returned to the meeting.

## 9 Correspondence

Cr Griffin indicated she had received the following themes of correspondence:

- email from resident regarding graffiti on sky rail
- email from Chapel Street Precinct Association regarding Christmas decorations.

## 10 Tabling of Petitions and Joint Letters

There were no petitions or joint letters tabled at the meeting.

## 11 Notices of Motion

There were no notices of motion presented to the meeting.

## 12 Reports by Councillors

The Chair indicated she had attended the following events and meetings.

1. MAV Land Use Planning and Building training for Councillors
2. Metropolitan South East MAV Regional Meeting
3. Citizenship Ceremonies x 4
4. Meeting with Katie Allen (MP), City of Stonnington and Mayors of Boroondara & Glen Eira
5. Meeting with Minister Horne, Mayors of Stonnington, Boroondara, Glen Eira regarding Discriminalising Sex Work Businesses
6. Nina Taylor (MP) meeting with City of Stonnington Chief Executive Officer & Mayor
7. M9 Mayors' Meeting hosted by City of Melbourne, Sally Capp, Lord Mayor

Cr Griffin indicated she had attended the Economic & Place Development bi-monthly meeting on 13 October 2021.

Cr Klisaris indicated she had hosted the South East Metropolitan meeting as delegate of the MAV 12 October 2021.

Cr Morgan indicated she had attended a meeting of the Metropolitan Waste Forum on 14 October 2021.

### **13 Questions to Council Officers**

Cr Klisaris asked the following questions of the Director Planning & Place.

How did it come about that Council failed to determine the application for the Korowa Primary School and Early Centre Development outside of the statutory time limit?

What checks and balances does Council have in place to ensure that decisions are made within the statutory time limits and are not deemed to be rejected due to a failure to determine?

How many other instances have there been in the last 12 months where the Council has failed to determine an application within the statutory timeframe, without having negotiated an extension with the applicant?

Is there any need to improve the Council's processes to ensure that failures to determine do not occur?

The Director Planning & Place responded.

Cr Scott asked the following question of the Director Planning & Place.

I would like to request a report on the impact on amenity both during and after construction in regard to the development of Bangs Street Prahran Public Housing Estate in particular what impact this will have on the Council budget and how the Council will advocate for Federal and State funding to support any works as a consequence of the development.

The Chair indicated that the matter could be listed for discussion at the next Councillor Briefing Session.

Cr Koce asked the following question of the Director Environment & Infrastructure regarding graffiti removal.

Could Council Officers please remove graffiti off the bins along the parkland running from Toorak Road to Ferrie Oval / Kooyong Park?

The Director Environment & Infrastructure responded.

Cr Koce noted that the Council had been recognised by Prahran Square winning two awards in an Australia International Good Design Award for Design Excellence.

The Director Environment & Infrastructure responded as follows:

Category: Precinct Design

Awarded Accolade: Good Design Award Best in Class (highest honour in category)

Category: Architectural Design, Urban Design and Public Spaces

Awarded Accolade: Good Design Award Best in Class (highest honour in category)

Cr Batagol asked the following question of the Director Planning & Place.

Can the process be explained for the opening of outdoor dining?.

The Director Planning & Place responded.

Cr Griffin asked the following question of the Director Planning & Place.

What can the Council recoup from Federal and State Government funding regarding outdoor dining.

The Director Planning & Place responded.

Cr Scott noted that the funding received from Government sources will support business with new street furniture and public art and will encourage people back to the precinct.

#### **14 Urgent Business**

There was no urgent business considered at the meeting.

#### **15 General Business**

There was no general business considered at the meeting.

#### **16 Confidential Business**

There was no confidential business considered at the meeting.

There being no further business the meeting concluded at 8:52pm.

Confirmed on 15 November 2021.

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**CR KATE HELY, MAYOR**