



Minutes of the Council Meeting

Held on Monday 28 June 2021 at 7 PM

Malvern Banquet Hall, Malvern Town Hall
Corner Glenferrie Road & High Street Malvern

Ordinary Council Meeting Minutes Monday 28 June 2021 Order of Business

1	Reading of the Reconciliation Statement and Affirmation Statement.....	5
2	Introductions.....	5
3	Apologies	5
4	Adoption and confirmation of minutes of previous meeting(s)	5
4.1	Minutes of the Council Meetings held on 17 May 2021 and 7 June 2021	5
5	Disclosure by Councillors of conflicts of interest.....	6
6	Questions to the Council from Members of the Public.....	6
7	Correspondence (only if related to Council business)	6
8	Questions to Council Officers from Councillors	7
9	Tabling of Petitions and Joint Letters	8
10	Notices of Motion.....	8
11	Reports of Committees Informal Meetings of Councillors	8
12	Reports by Delegates	9
13	Urgent Business	9
14	Business.....	10
14.1	Community Vision and Council Plan.....	10
14.2	2021/22 Budget Submissions	10
14.3	Adoption of 2021/22 Budget	11

14.4	Multi-Purpose Sports Facility Independent Site Review	20
14.5	Planning Amendment 0878/18 - Ground 1/657 Chapel Street, South Yarra	22
14.6	Planning Application 0316/20 - 727-729 Toorak Road, Kooyong	25
14.7	Planning Application 0845/20 - 11 Mell Street, Toorak.....	26
14.8	Stonnington Planning Policy Framework Translation (Amendment C312ston)	28
14.9	Albion Street South Yarra - Footpath Accessibility	28
14.10	Volunteer Awards Program.....	29
14.11	Toorak Park Masterplan.....	29
14.12	East Malvern Men's Shed Building Plaque	30
15	Confidential Business	30

Councillors Present:

Chair, 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

Jacqui Weatherill

Greg Curcio

Annaliese Battista

Cath Harrod

Rick Kwasek

Anthony De Pasquale

Tony McIlroy

Tracey Limpens

Judy Hogan

Chief Executive Officer

Director Customer & Technology

Director Planning & Place

Director Community & Wellbeing

**Director Environment &
Infrastructure**

Coordinator Statutory Planning

Senior Governance Advisor

Chief of Staff

Civic Support Officer

The meeting commenced at 7:00pm.

1 Reading of the Reconciliation Statement and Affirmation Statement

Cr Sehr read the following reconciliation statement:

We acknowledge we are meeting on the Traditional Lands of the Bunurong, Boonwurrung and Wurundjeri Woi Wurrung Peoples of the East Kulin Nations and pay our respect to their Elders past, present and emerging.

We extend that respect to all Aboriginal and Torres Strait Islander Peoples.

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 introduced the Council Officers.

3 Apologies

The Mayor, Cr Hely indicated that Cr Nicki Batagol had previously been granted leave of absence for the meeting.

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

4.1 Minutes of the Council Meetings held on 17 May 2021 and 7 June 2021

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Alexander Lew

That the Minutes of the Ordinary Meeting of the Stonnington City Council held on 17 May 2021 and 7 June 2021 and Minutes of the Confidential Meeting of the Stonnington City Council held on 7 June 2021 be confirmed as an accurate record of the proceedings.

Carried

5 Disclosure by Councillors of conflicts of interest

Item 14.9 Albion Street, South Yarra - Cr Griffin declared a conflict of interest in the item as a close relative resides in the street.

Item 14.4 Multipurpose Sports Facility Independent Site Review - The Chief Executive Officer, Jacqui Weatherill declared a perceived conflict of interest in Item 14.4 Multi purpose Sports Facility Independent Site Review on the basis of holding a Directorship in this field.

6 Questions to the Council from Members of the Public

There was no Questions presented to the meeting.

7 Correspondence

Cr Morgan tabled the following theme of correspondence.

- recent traffic accidents in Dandenong Road

Cr Griffin tabled the following themes of correspondence.

- emails from residents regarding Item 14.4 Multipurpose Sports Facility Independent Site Review
- email from residents regarding Item 14.9 Albion Street South Yarra - Footpath Accessibility
- email from resident regarding Item Item 14.7 11 Mell Street Toorak
- email regarding the retirement of Tony Fialides from the Toorak Traders Association

Cr Sehr tabled the following themes of correspondence:

- emails from resident regarding Item 14.7 11 Mell Street Toorak
- emails from residents regarding Item 14.9 Albion Street South Yarra
- emails from residents regarding Item 14.4 Multipurpose Sports Facility Independent Site Review

The Mayor, Cr Hely tabled the following themes of correspondence:

- email from former Cr Sally Davis stating the Local Government Inspectorate dismissed a public allegation made against her during the 2020 Council election.

The Mayor, Cr Hely noted the Council will start to share key external correspondence to bring greater awareness of some of the advocacy the Council does on an ongoing basis:

- Requested an urgent meeting with the Minister for Planning to discuss current and proposed Planning Reforms.
- Based on feedback the Council received from Trader Associations a letter has been forwarded to the Minister for Business Precincts and the Minister for Small Business requesting density numbers be lifted, continued investment in outdoor dining and placing greater onus on the customer to use QR codes so that businesses can focus on their business rather than compliance.

8 Questions to Council Officers from Councillors

Cr Alexander Lew asked a question of the Chief Executive Officer.

I apologise for the lack of notice, it has been a bit short notice all of these. CEO I've asked if you can take a personal interest in school crossings surrounding St Mary's Primary and Lloyd Street Primary. The staffing at these crossing have become unreliable to the point that parents are now refusing to allow their children to walk or ride to school, in fear that they will be hit by a car on a unsupervised crossing. Have you taken a personal interest on that matter? And what steps have you taken since I elated you to concerns of parents and teachers from these two east ward school communities?"

The Chief Executive Officer took the question on notice.

Cr Alexander Lew asked a question of the Chief Executive Officer.

"Another question to you CEO and this is in respect to another topic which I have raised, which is about particular business being singled out for special marketing over other businesses. There are some 67 massage businesses in Stonnington, each of them are on rate paying properties. A recent article on the Stonnington website, Council recommended that our residents indulge in a luxurious range of self-packages from just 3 businesses. How did council come to recommend just 3 massage businesses? What research did Council staff engage in, in their decision to recommend massage services from just 3 businesses?"

The Chief Executive Officer took the question on notice.

Cr Alexander Lew asked a question of the Chief Executive Officer.

"CEO I've seen on a Facebook page tonight, a letter that was sent on your behalf in your capacity the letter says as CEO of Stonnington, from a partner in Minter Ellison, in which you are asking a resident to pay a reasonable sum of money to compensate you for hurt or damage suffered. Is this a personal matter or a Council matter? Is it your intention that Council pay for or reimburse your legal fees in this matter? Is it your intention that any damages payable to you go to you personally or to the general revenue of council? If it is a council matter, how would seeking damages from a resident in these circumstances comply with council obligations to act as a model litigant?"

The Chief Executive Officer responded.

Cr Alexander Lew asked a question of the Chief Executive Officer.

"Just as a supplementary to that, you can't say that whether the legal proceedings are going to be paid for by Council or by you personally?"

The Chief Executive Officer responded.

The Mayor, Cr Hely asked a question of the Chief Executive Officer

"To our Chief Executive I'd like to ask a question as well, would you like to respond to allegations that have been made about a directorship that you are involved with?"

The Chief Executive Officer responded with the following statement:

There has been discussion on social media over the weekend about my connection to a company called World Wide Sports. I'm a co-director of World Wide Sports Management alongside my husband.

I publicly disclose this information each year through Council's Summary of Personal Interests disclosure process and this information is available online.

I want to make it very clear, World Wide Sports Management has had no involvement with the City of Stonnington since I became CEO in 2019. World Wide Sports Management has not contributed to or advised on any council-related projects.

I also remove myself from any consultancy search and procurement process when Council needs sports management expertise. I did this most recently when Council was looking for a company to complete an independent site review for alternative sites for indoor sporting courts. This was documented in the Council agenda on Monday 3 May, along with the fact that the company that completed the review worked with my husband in the past.

Truthfulness and the integrity of Council's processes are extremely important to me and I will always make sure information like this is on the record.

I'm disappointed in the way this issue was raised and I thank the Mayor for the opportunity to set the record straight.

9 Tabling of Petitions and Joint Letters

Cr Koce tabled a petition from residents expressing concern in relation to a gum tree at 14-18 Howitt Street, South Yarra dropping excessive leaves and bark and request its removal.

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the petition be received.

Carried

Cr Morgan tabled a petition from residents concerned by the danger of children or dogs running out the entrance at the Wilmot Street end of Ardie Park and getting run over. The petition requests that fencing be attached to the vehicle swing gate and a self closing gate be added next to this gate to make this exit safe.

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Matthew Koce

That the petition be received.

Carried

10 Notices of Motion

There was no Notices of Motion presented to the meeting.

11 Reports of Committees and Informal Meetings of Councillors

The Chief Executive Officer referred to the following meetings:

- Councillor Briefing Session Monday 21 June 2021
- Planning Consultative meetings held in June 2021

- Economic & Place Development 16 June 2021

Cr Lew indicated he had attended the ALGA, National General Assembly in Canberra with The Mayor, Cr Hely and Cr Griffin and would report at a future meeting.

Cr Griffin noted she had attended the ALGA, National General Assembly in Canberra and would report at a future meeting.

The Mayor, Cr Hely stated she had attended the following events and meetings:

- Discussion with Mornington Peninsula Shire about the Mutual Respect Charter
- Stonnington Multipurpose Sport and Recreation Facility Stakeholder Reference Group
- Meeting with Chadstone and Monash University to discuss Public Transport needs in the area.
- Met with Residents to discuss Orrong Park Tennis Centre
- Economic & Place Development bi-monthly meeting
- ALGA National General Assembly 2021 – 20-23 June - with Cr Lew and Cr Griffin & CEO
- Meeting with Katie Allen and Minister Trevor Evans in Parliament House to discuss waste - with Cr Lew and CEO
- Chadstone 60 Birthday Celebration - With Cr Lew, Cr Griffin and our CEO
- Meeting with State Member Sam Hibbins MP to discuss planning controls
- M9 Mayors and CEOs Meeting - which is the new extended version of the IMAP action plan which will be launched in coming months.
- Netball Victoria to discuss its feedback on the proposed Multipurpose facility review outcomes - with Cr Morgan
- Visiting many of the businesses impacted by the tram stop upgrades in Toorak Road South Yarra.

12 Reports by Delegates

Cr Griffin indicated that she had attended the monthly meeting of the Economic & Place Committee.

13 Urgent Business

There was no urgent business considered at the meeting.

14 Business

14.1 Community Vision and Council Plan

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Melina Sehr

- 1. That the Council APPROVE the Stonnington Community Vision 2040.***
- 2. That the Council ENDORSE the Aspirations Framework as Council's strategic direction and objectives for the purpose of the Stonnington Council Plan 2021-25.***
- 3. That the Council NOTE the timeline to finalise and adopt the Stonnington Council Plan 2021-25.***

Carried

14.2 2021/22 Budget Submissions

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Alexander Lew

- 1. That the Council NOTE the submissions received and Council Officer responses.***
- 2. That the Council NOTE the proposed budget adjustments developed by Council Officers have been based on the submissions received.***
- 3. That the Council NOTE that all persons who made submissions will receive a written response to their submission.***

Carried

14.3 Adoption of 2021/22 Budget

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

That the Council, having given public notice in accordance with Section 129(1) of the Local Government Act 1989, and having received submissions at a meeting of the Council held on 7 June 2021 on the Proposed 2021-2022 Budget, hereby resolves:

- 1. That pursuant to Sections 127, 130 and 223 of the Local Government Act 1989 as amended and Section 94 of the Local Government Act 2020 and having considered submissions relating to the Proposed 2021-2022 Budget ('the Budget') to now adopt the Budget as exhibited with the following amendments resulting from the public submissions and/or recent minor adjustments and notifications/approvals from State Government:***
 - a) Introduction of a new \$1.89 million COVID-19 response/recovery fund to the value of the 2020-21 2% rate waiver in Operating Initiatives projects as outlined in Appendix D of the Budget.***
 - b) Minor changes or amendments to Council and State Government Statutory fees and charges as outlined in Appendix B of the Budget including:***
 - i. Reduction in car park revenue from Prahran Square from reverting back to the \$1/2hr parking until 1 January 2022.***
 - c) Works at East Malvern Tennis Club and Toorak Park/Charles Lux pavilion to be brought forward to 2021-22 as outlined in Appendix C of the Budget***
 - d) Defer a number of capital works projects for 2021-22 until a future budget cycle in recognition of additional carried forward projects from the 2020-21 program as outlined in Appendix C of the Budget.***
 - e) Minor changes or amendments to the operating revenue and expenses as outlined in the Income Statement of the Budget to reflect:***
 - i. Additional spend on urgent maintenance work at East Malvern Tennis Club;***
 - ii. Support of public amenity cleanliness, community safety and proactive maintenance in commercial areas;***
 - iii. Targeted waste education and behaviour change initiatives;***
- 2. That the Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, in accordance with Section 130(2) of the Local Government Act 1989.***

3. ***The persons who made written submissions regarding the proposed Budget 2021-22 are notified in writing of Council's decision and the reasons for the decision in accordance with Section 223(1) of the Local Government Act 1989.***
4. ***That the Council records the following reasons for the decision to adopt the 2021-22 Budget:***
 - a) ***it reflects the efficient and effective allocation of resources having regard to the objectives, roles and functions of Council and the acknowledgement of financial hardship across the community.***
 - b) ***it is appropriate to the priorities of Council having regard to the Draft Stonnington Council Plan 2021-25 and Council's Long Term Financial Strategy and Council's Hardship Policy.***
5. ***That in accordance with Section 127 and 144 of the Local Government Act 1989 and Section 94 of the Local Government Act 2020, Council APPROVE and ADOPT the attached Budget which provides for the following:***
 - a) ***expenditure for Continuing Operations of \$173.3 million;***
 - b) ***Schedule of Fees and Charges as outlined in Appendix B of the attached Budget document (with the amendment referred to in point 1 above) and be effective from 1 July 2021);***
 - c) ***Schedule of 2021-2022 Capital Works Program of \$84.65 million (with the amendment referred to in point 1 above) as outlined in Appendix C of the Budget;***
 - d) ***the inclusion of a \$1.89 million COVID-19 response/recovery fund to the value of the 2020-21 2% rate waiver (with the amendment referred to in point 1 above) in the Operating Initiatives projects as outlined in Appendix D of the Budget;***
 - e) ***proposed Loan Funds (borrowings) of \$15.0 million with the proposed amount of debt redemption being \$1.0 million;***
 - f) ***that Council determines its capital work program having regard to existing and future growth in the municipality. To the extent the capital works program has been identified to meet Council's future population, Council intends to partially fund these projects through a Developer Contributions Plan in line with the requirements of the Planning and Environment Act 1987;***
 - g) ***Schedule of Services, initiatives, major initiatives and service performance outcome indicators and measures as outlined in the Budget;***
 - h) ***financial performance indicators as outlined in the Budget;***
 - i) ***Schedule of Financial Statements and Statement of Human Resources as outlined in the Budget;***
 - j) ***to declare an amount of \$ 126,541,297 (or such greater amount as is lawfully levied as a consequence of the adoption of the Recommendation) as the amount that Council intends to raise by rates and the annual service charge (excluding interest), which is calculated as follows:***

Uniform Rate raised on the Capital Improved Value (CIV) of land	\$99,303,750
Cultural and recreational land	\$116,897
Amount raised by Garbage Charges	\$24,174,430
Special rates scheme	\$1,946,225
Subtotal	\$125,541,302
Amount to be raised by Supplementary Rates	\$999,995
Total	\$126,541,297

6. Declaration of Rates:

- a) **that pursuant to Section 158 of the Act, a uniform rate be declared in respect of the 2021-2022 Financial Year;**
- b) **that a percentage of 0.10513 be specified as the percentage of the uniform rate for all rateable land (which percent may alternatively be expressed as 0.0010513 cents in the dollar);**
- c) **that in accordance with Section 4 of the Cultural and Recreational Lands Act (CRLA) 1963, Council is required to determine that a charge in lieu of rates identified in the table below in respect to recreational lands having regard to the services provided by the Council in relation to such lands and having regard to the benefit to the community derived from such recreational lands;**
- d) **Council has determined the base year for Cultural and Recreational Land properties rate calculation is the 2019/2020 financial year at sixty percent (60%) of the uniform rate of 0.000999 in the dollar of the capital improved value. This percentage has been determined after taking into consideration the ‘services provided’, that include: capital works, environment (parks, gardens, streetscape etc), economic development, events, arts and tourism, planning and amenity; and roads and drains. Council confirms that the benefits provided to the community by use of the properties are health and wellbeing; community connectedness; enhancement of liveability and amenity; and access to cultural and recreational facilities;**
- e) **Council deems that the levy/charge to be applied to the subject properties complies with the provisions of the relevant legislation and will be capped at a one and half (1.5%) percentage on the rate/charge levied or would have been levied for the previous financial year;**
- f) **the following properties have been reviewed and it has been determined that they meet the requirements of section 4 of the CRLA, accordingly the following will be charged in lieu of the uniform rate:**

Cultural and Recreational Land Act property schedule 2021/2022

Owner - ratepayer	Property address	AVPCC	CRLA rates to be levied for 2021/2022
Chadstone Tennis Courts	32A Chadstone Road MALVERN EAST VIC 3145	821 – Outdoor sports	\$1,740.20
East Malvern Tennis Club	15 Moira Street GLEN IRIS VIC 3146	821 – Outdoor sports	\$3,254.80
Hawksburn Tennis Club	12 Bunalbo Avenue SOUTH YARRA VIC 3141	821 – Outdoor sports	\$1,819.05
Kooyong Tennis Centre	489 Glenferrie Road TOORAK VIC 3142	813 – Outdoor sports	\$38,024.40
Kyarra Park Tennis Courts	2-14 Kyarra Road GLEN IRIS VIC 3146	821 – Outdoor sports	\$1,496.60
Malvern Artists Society	1297-1299 High Street MALVERN VIC 3144	841 – Gallery	\$912.55
Malvern Bowling Club	14 Coonil Crescent MALVERN VIC 3144	821 – Outdoor sports	\$4,429.05
Melbourne Bowling Club	136-144 Union Street WINDSOR VIC 3181	813 – Outdoor sports	\$9,017.35
Orrong Park Tennis Courts	613 Orrong Road PRAHRAN VIC 3181	821 – Outdoor sports	\$3,479.90
Royal South Yarra Tennis Club	310 Williams Road North TOORAK VIC 3142	813 – Outdoor sports	\$40,336.30
Toorak Bowling Club	9-13 Mandeville Crescent TOORAK VIC 3142	821 – Outdoor sports	\$8,888.55
Union Street Tennis Courts	43A Union Street ARMADALE VIC 3143	821 – Outdoor sports	\$1,694.30
Power House Rowing Club	164 Alexandra Avenue SOUTH YARRA VIC 3141	851 – Boat sheds	\$1,803.85

	Total Cultural and Recreational Land Rates 2021-2022		\$116,896.90
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7. Declaration of Annual Service Charges:

The Council further intends to raise service charges pursuant to Section 162(1) and Section 221 of the LGA 1989 to cover costs for the collection and disposal of refuse and associated materials on the following basis:

- a) **MINIMUM RESIDENTIAL SERVICE CHARGE NO KERBSIDE COLLECTION (ANNUAL COST) property developments with 50 or more units not receiving kerbside garbage, recycling or organics collection service. This charge covers the costs of litter management, street sweeping, public place litter and recycling bins, waste education, hard and bundled green waste services, transfer station costs not covered by gate fees, shared costs of processing recyclables and organics and waste services administration. All community members benefit directly or indirectly from these council activities, so it is appropriate that this is the base rate. An annual service charge on residential properties for waste management being a minimum charge for all properties of \$227.00 in respect of each rateable and non-rateable assessment;**
- b) **MINIMUM COMMERCIAL SERVICE CHARGE NO KERBSIDE COLLECTION (ANNUAL COST) property developments with 50 or more units not receiving kerbside garbage, recycling or organics collection service. This charge covers the costs of litter management, street sweeping, public place litter and recycling bins, waste education, hard and bundled green waste services, transfer station costs not covered by gate fees, shared costs of processing recyclables and organics and waste services administration. All community members benefit directly or indirectly from these council activities, so it is appropriate that this is the base rate. An annual service charge on commercial properties for waste management being a minimum charge for all properties of \$227.00 in respect of each rateable and non-rateable assessment;**
- c) **RESIDENTIAL 120 LITRE GARBAGE + RECYCLING SERVICE (ANNUAL COST) Applying to all premises provided with access to the Waste Collection Services and supplied with a 120-litre garbage receptacle and kerbside commingled recycling. An annual service charge on residential properties for waste management this charge of \$295.00 in respect of each rateable and non-rateable assessment;**
- d) **COMMERCIAL 120 LITRE GARBAGE + RECYCLING SERVICE (ANNUAL COST) Applying to all premises provided with access to the Waste Collection Services and supplied with a 120-litre garbage receptacle and kerbside commingled recycling. An annual service charge on residential properties for waste management this charge of \$295.00 in respect of each rateable and non-rateable assessment;**
- e) **RESIDENTIAL 240 LITRE GARBAGE + RECYCLING SERVICE (ANNUAL COST) Applying to all premises provided with the Waste Collection Services and to be supplied with a 240-litre garbage receptacle and kerbside commingled recycling service. An annual service charge on residential properties for waste management this charge of \$552.00 in respect of each rateable and non-rateable assessment.**

- f) COMMERCIAL 240 LITRE GARBAGE + RECYCLING SERVICE (ANNUAL COST)** *Applying to all premises provided with the Waste Collection Services and to be supplied with a 240-litre garbage receptacle and kerbside commingled recycling service. An annual service charge on commercial properties for waste management this charge of \$552.00 in respect of each rateable and non-rateable assessment;*
- g) RESIDENTIAL SHARED BIN + RECYCLING SERVICE (ANNUAL COST)** *Applying for a land (or part) to have access to the Waste Collection Services and to be supplied with a shared garbage receptacle (120 or 240 litre) for use in an approved shared bin arrangement. An annual service charge on residential properties for waste management this charge of \$289.00 in respect of each rateable and non-rateable assessment;*
- h) COMMERCIAL SHARED BIN + RECYCLING SERVICE (ANNUAL COST)** *Applying for a land (or part) to have access to the Waste Collection Services and to be supplied with a shared garbage receptacle (120 or 240 litre) for use in an approved shared bin arrangement. An annual service charge on commercial properties for waste management this charge of \$289.00 in respect of each rateable and non-rateable assessment;*
- i) RESIDENTIAL 120 LITRE ORGANICS COLLECTION SERVICE (ANNUAL COST)** *For premises opting to use the 120-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on residential properties for waste management this charge of \$97.90 in respect of each rateable and non-rateable assessment;*
- j) COMMERCIAL 120 LITRE ORGANICS COLLECTION SERVICE (ANNUAL COST)** *For premises opting to use the 120-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on commercial properties for waste management this charge of \$97.90 in respect of each rateable and non-rateable assessment;*
- k) RESIDENTIAL 240 LITRE ORGANICS COLLECTION SERVICE** *For premises opting to use the 240-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on residential properties for waste management this charge of \$132.60 in respect of each rateable and non-rateable assessment;*
- l) COMMERCIAL 240 LITRE ORGANICS COLLECTION SERVICE (ANNUAL COST)** *For premises opting to use the 240-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on commercial properties for waste management this charge of \$132.60 in respect of each rateable and non-rateable assessment;*
- m) OWNERS CORPORATION ORGANICS COLLECTION SERVICE 240 LITRE (ANNUAL COST)** *For premises opting to use the 240-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on commercial properties for waste management this charge of \$132.60 in respect of each rateable and non-rateable assessment;*
- n) OWNERS CORPORATION ORGANICS COLLECTION SERVICE 120 LITRE (ANNUAL COST)** *For premises opting to use the 120-litre receptacle kerbside food organics and garden organics collection service. An annual service charge on commercial properties for waste management this charge of \$132.60 in respect of each rateable and non-rateable assessment;*

- o) **OWNERS CORPORATION ORGANICS COLLECTION ADMINISTRATION FEE (ANNUAL COST)** Owners Corporation Annual administration fee \$20.00 per unit development.

8. Government Rebates:

That where a State Government municipal concession on rates and charges has been applied, pursuant to sub section 4 of section 171 of the Act subject to the consent of the Minister for Local Government, that Council treat any person(s) who has been excused the prescribed amount of rates and charges for the year ending 30 June 2021 in respect of any premises, being the sole or principal place of residence, as having lodged a similar application in respect of the 2021-2022 financial year subject to such person(s) being eligible to continue to receive assistance in accordance with the State Concessions Act 2004.

9. Incentives:

That no incentives or discounts be declared on any rates or charges.

10. Waiver:

That no waivers be declared on any rates or charges.

11. Concessions:

That no council concessions be declared on any rates or charges.

12. Consequential:

- a) *that Council requires any person to pay interest on any amounts or rates or charges where:*
- *that person is liable to pay; and*
 - *they have not been paid by the date specified for payment.*
- b) *that Council resolve that the interest rate fixed under Section 2 of the Penalty Interest Rates Act 1983 be applied as the interest rate set in accordance with Section 172(2) of the Act and that interest will be charged for rates not paid by the prescribed dates for the 2021/2022 financial year until 30 June 2022.*
- c) *that the due date for rates and charges be set at 15 February 2022 and is deemed to be the date on which any rates or charges are declared under the provisions of the Act.*
- d) *that where a supplementary valuation and rate has been returned resulting in an increase in the rate payable, payment can be made within two months of the effective date of the supplementary valuation or the prescribed date for full payment of rates whichever is the latter without penalty interest.*
- e) *that the Chief Financial Officer and/or Revenue Coordinator be authorised to levy and recover the rates, service charges, rates levied in accordance with the Cultural and Recreational Lands Act and any other fees and charges declared or levied in accordance with the Act.*

13. That the Council pursuant to Section 158 of the Local Government Act 1989 as amended determines that rates and charges may be paid in a lump sum, with the date on which such payment is due in the 2021-2022 Financial Year

being 15 February 2022 as fixed by the Minister for Local Government under Section 167(2A) and (2B) of the Act.

- 14. That the Council confirms for the 2021-2022 financial year the 31 September 2021 first instalment, 30 November 2021 second instalment, 28 February 2022 third instalment and 31 May 2022 fourth instalment as the dates on which payment by four instalments of the rates or charges are due under Section 167(1) & (2) of the Act.**
- 15. That the Council notes the due date in the 2021-2022 financial year for dog and cat registration under the Domestic Animals Act 1994 is 10 April 2022.**
- 16. That in accordance with Section 130 of the Local Government Act 1989 the Budget be submitted to the Minister for Local Government.**
- 17. That the Council APPROVE and ADOPT the Revenue and Rating Plan as part of the 2021-2022 Annual Budget processes in accordance with Section 93 of the Local Government Act 2020.**
- 18. That the Council APPROVE and ADOPT the Waste Collection fees and Charges Policy in accordance with Council's endorsement of the full economic cost recovery methodology for calculating Waste Service charges.**
- 19. That the Council APPROVE and ADOPT the Financial Management Principles in accordance with Section 102 of the Local Government Act 2020.**

Cr Lew raised a point of order in accordance with the Governance Rules that the Chief Executive Officer is not allowed to advocate or debate an item.

The Chair ruled it was not a valid point of order.

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Alexander Lew

That Cr Lew be granted an additional minute to speak.

Carried

Cr Morgan foreshadowed an amendment to the motion by the addition of wording to part 10 to provide for vulnerable members of the community.

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Alexander Lew

That Cr Morgan be granted an additional minute to speak.

Carried

The mover and seconder to the motion agreed to incorporate the additional wording.

That the Council:

APPROVE and ADOPT the following amendment to section 10 Waivers:

- 1. That in accordance with Section 171(1)(a) of the Act the Council resolve to grant a rebate of \$50 in relation to rates and charges to all City of Stonnington residents eligible within the meaning of the State Concessions Act 1986 as outlined in section 8 Government Rebates for the 2021/22 Financial Year. The concession is for the sole or principal place of residence of those eligible who have been determined to be suffering financial hardship as a result of the COVID19 Pandemic.**
- 2. That the estimated cost of the rebate, being approximately \$159,450, be funded from the COVID Recovery fund adopted in the Budget.**
- 3. That the remaining budget from the COVID Recovery fund be prioritised for COVID related initiatives that include any of the following:**
 - a) Supporting people experiencing mental health impacts from the pandemic;**
 - b) Initiatives aimed at assisting young people (under the age of 30); and**
 - c) Initiatives aimed at benefiting people living in public housing.**

That any initiatives from the COVID Recovery fund be reviewed by the COVID Community Recovery Committee and brought to the Council for final approval.

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Melina Sehr

That the amendment be put to the vote.

A Division was called by Cr Morgan:

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

Voting Against: no votes were recorded against the motion

Carried

The amendment became the substantive motion.

Cr Lew raised a point of order on the relevance of Cr Koce's speech on the Council budget. The Mayor, Cr Hely ruled it was not a valid point of order and for Cr Koce to continue to address the meeting.

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Alexander Lew

That Cr Griffin be granted an additional minute to speak.

Carried

The motion was put to the vote

A Division was called by Cr Lew:

Voting For: Cr Jami Klisaris, Cr Kate Hely, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scot and Cr Polly Morgan

Voting Against: Cr Alexander Lew and Cr Marcia Griffin

Carried

14.4 Multi-Purpose Sports Facility Independent Site Review

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Melina Sehr

- 1. That the Council NOTE the outcome of further investigations and discussions with the two (2) options as potential sites for the Multi-purpose Sport and Recreation Facility:***
- 2. - Vicinity Centres Chadstone Shopping Centre***
- 3. - Holmesglen Institute Chadstone Campus;***
- 4. That the Council CONFIRM Option 3. Percy Treyvaud Memorial Park as the most suitable location for a Multipurpose Sport and Recreation Facility;***
- 5. That the Council APPROVE Council officers proceed with contract documentation and contractor procurement for a multipurpose facility at Percy Treyvaud Memorial Park;***
- 6. That the Council NOTE that the award of the construction contract, as outlined in recommendation 4 above, will be brought back to council for consideration;***
- 7. That the Council NOTE that Council officers will continue to engage with Holmesglen Institute Chadstone Campus and Vicinity Centres Chadstone to pursue future open space opportunities.***

Cr Lew raised a point of order on Cr Klisaris and the relevance of the content of her speech regarding the matter. The Mayor, Cr Hely ruled it was not a valid point of order and for Cr Klisaris to continue to address the meeting.

AMENDMENT:

MOVED: Cr Alexander Lew

SECONDED: Cr Marcia Griffin

That an additional point 6 be added to the motion "That the Council request any future facility operator for the multipurpose facility at Percy Treyvaud Memorial Park

operation will be managed internally by Council Staff and not under contract by external providers.”

Cr Morgan raised a point of order on Cr Lew's statement not in accordance with Code of Conduct in that the Council was not intending to privatize the facility. Cr Scott raised a point of order on Cr Lew's statement under Governance Rules as an Act of Disorder. The Mayor, Cr Hely ruled it was not a valid point of order.

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

That the motion be put.

The amendment was put to the vote.

A Division was called by Cr Koce:

Voting For: Cr Alexander Lew, Cr Marcia Griffin

Voting Against: Cr Jami Klisaris, Cr Kate Hely, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Polly Morgan

The amendment was declared

Lost

Cr Lew foreshadowed a motion should the motion before the Chair be defeated that the Council continue to engage with Holmesglen Institute and Chadstone Campus and Vicinity Centres Chadstone and abandon the masterplan to develop the multipurpose sport and recreation facility at Percy Treyvaud Memorial Park.

Cr Sehr moved a point of order regarding factual information. The Chair ruled it was not a valid point of order.

A Division was called by Cr Klisaris:

Voting For: Cr Jami Klisaris, Cr Kate Hely, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Polly Morgan

Voting Against: Cr Alexander Lew, Cr Marcia Griffin

Carried

The meeting was adjourned at 9:26pm

The meeting resumed at 9:36pm

14.5 Planning Amendment 0878/18 - Ground 1/657 Chapel Street, South Yarra

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That Council AUTHORISE Officers to issue a Notice of Decision to Grant an Amendment to Planning Permit No: 878/18 for the land located at Ground 1/657 Chapel Street, South Yarra under the Stonnington Planning Scheme for the sale and supply of liquor (on premises licence) for a bar in conjunction with the use of the premises as a beauty salon (as of right) in an Activity Centre Zone subject to the following amended conditions (amendments shown in bold and italics):

1. ***Before the commencement of the use, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the amended plans but modified to show:***
 - a) ***Waste Management Plan as per Condition 13.***
 - b) ***Venue, Noise and Amenity Action Plan updated to refer to the operating hours as per Condition 4.***
2. ***The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.***
3. ***A maximum number of 55 patrons and 20 staff may be housed on the premises at any one time to the satisfaction of the Responsible Authority.***
4. ***The bar use and associated sale and consumption of liquor hereby permitted may operate only between the hours of:***
 - ***Sunday between 9:00am to 9:00pm***
 - ***Monday to Wednesday between 9:00am to 8:00pm***
 - ***Thursday between 9:00am to 9:00pm***
 - ***Friday and Saturday between 9:00am to 11:00pm***
 - ***Good Friday and ANZAC Day between 12noon to 11:00pm***
5. ***The use of the premises as a bar with an on premises liquor licence is only to occur in conjunction with the use of the premises as a beauty salon.***
6. ***The sale and supply of liquor must only be to patrons partaking in beauty services.***
7. ***The sale and supply of liquor must be via glass service with no taps to be installed at the premises.***

8. ***Five (5) car spaces in the basement are to be provided for staff and made available for exclusive use by the premises between:***
 - ***8am and 7pm Monday to Friday; and***
 - ***9am to 12noon on Saturdays***
9. ***No live or amplified music may be provided within the bar hereby approved to the satisfaction of the Responsible Authority.***
10. ***The provision of music on the premises must be limited to background music unless with the written consent of the Responsible Authority.***
11. ***Prior to the commencement of use, the applicant must display a sign at the exit of the premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner, to the satisfaction of the Responsible Authority.***
12. ***Patrons must not at any time congregate on the ramp and lounge entry to the bar.***
13. ***Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:***
 - a) ***Dimensions of waste areas.***
 - b) ***The location of bin storage on site.***
 - c) ***The number of bins to be provided.***
 - d) ***Method of waste and recyclables collection.***
 - e) ***Hours of waste and recyclables collection.***
 - f) ***Method of presentation of bins for waste collection.***

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
14. ***The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.***
15. ***All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.***
16. ***Adequate provision must be made for the storage and collection of wastes and recyclables within the site prior to the commencement of use or occupation of the building. This area must be appropriately graded, drained and screened from public view to the satisfaction of the Responsible Authority.***
17. ***Bottles and rubbish must only be removed from within the premises between the hours of 9am and 7pm on any given day.***
18. ***All mechanical equipment installed including, but not limited to air-conditioning, kitchen exhausts and refrigeration units shall be designed, installed and commissioned to comply with SEPP N-1.***

19. **Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the tavern 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.**
20. **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 of the bar 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.**
21. **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.**
22. **The approved Venue, Noise and Amenity Action Plan forms part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.**
23. **This permit will expire if one of the following circumstances applies:**
 - a) **The use is not started within two years from the date of this permit.**
 - b) **The use is discontinued for a period of two years or more.**

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

Notes

- A. **This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.**
- B. **Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.**
- C. **This permit does not give any authority to occupy the footpath for trading without prior approval from Council's Local Laws department. A permit must be**

obtained for footpath trading and it must accord with the relevant Footpath Trading Code.

D. At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:

- a) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and**
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Carried

14.6 Planning Application 0316/20 - 727-729 Toorak Road, Kooyong

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That Council AUTHORISE Officers to advise VCAT that had a Failure to Determine appeal not been lodged, a Notice of Refusal to Grant Planning Permit No: 316/20 for the land located at 727-729 Toorak Road, Kooyong under the Stonnington Planning Scheme for part demolition, buildings and works to two existing dwellings and construction of a multi-dwelling development to the rear in a General Residential Zone and Heritage Overlay and alterations to a road in a Road Zone, Category 1 subject to the following grounds:

- 1. The proposed scale, mass and siting of the development is inappropriate in the local context and does not reflect the preferred, existing or emerging neighbourhood character contrary to the Objectives of Clause 55.02-1 (Neighbourhood Character) and Clause 22.23 (Neighbourhood Character Policy).**
- 2. The proposed development by virtue of excessive size, volume, scale and setbacks fails to provide a suitable transition to the Neighbourhood Residential Zone (Sutton Street).**
- 3. The development crowds the side and rear boundaries and results in an excessive degree of visual bulk presenting to the neighbouring properties and as such does not comply with the objectives of Clause 55.04-1 (Side and Rear Setbacks).**
- 4. The development fails to provide an adequate landscape response and prevents meaningful landscaping from occurring on the site, contrary to Clause 22.23 (Neighbourhood Character Policy) and Clause 55.03-8 (Landscaping). T**

5. ***The proposal in its current form will unreasonably impact on the amenity of neighbouring properties through overlooking. The proposal does not comply with Standard B22 (Overlooking).***

Carried

14.7 Planning Application 0845/20 - 11 Mell Street, Toorak

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 845/20 for the land located at 11 Mell Street, Toorak under the Stonnington Planning Scheme for part demolition and extension to a dwelling on a lot under 500sqm in a Neighbourhood Residential Zone and Heritage Overlay 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 The Attic and Council date stamped 30 April 2021 but modified to show:***
 - a) ***The bathroom window located on the southern side of 12 Mell Street to be shown as a non-habitable room window.***
 - b) ***The raingarden identified on the STORM Report, Council date stamped 30 April 2021 to be shown on all development plans.***
 - c) ***Section details of the permeable paving.***

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 the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans.***
4. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
5. ***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.***
6. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film or timber screens) designed to limit overlooking as required by 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.

- 7. 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.***
- 8. 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.***
- 9. 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 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.***
- 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 140cm or greater measured at 1.4m above its base;***
- b) with a total circumference of all its trunks of 140cm or greater measured at 1.4m above its base;***
- c) with a trunk circumference of 180cm or greater measured at its base; or***
- d) with a total circumference of all its trunks of 180cm 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. 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

14.8 Stonnington Planning Policy Framework Translation (Amendment C312ston)

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That Council:

- 1. That the Council ENDORSE the Municipal Planning Strategy and local policies to this report (refer Attachments 1 and 2), as required by the Department of Environment, Land, Water and Planning.***
- 2. That the Council REQUEST the Minister for Planning to prepare, adopt and approve Stonnington Planning Scheme Amendment C312ston pursuant to section 20(4) of the Planning and Environment Act 1987.***
- 3. That the Council AUTHORISE the CEO or her delegate/s to finalise full amendment documents, including updating sections which reference the Council Plan when it is updated later in the year.***

Carried

14.9 Albion Street South Yarra - Footpath Accessibility

Cr Griffin having declared a conflict of interest in this item as she has a close relative who resides in Albion Street, South Yarra left the meeting. (9:55pm)

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Alexander Lew

That Council defer the consideration of Albion Street, South Yarra - footpath accessibility for three Council meeting cycles.

Carried

Cr Griffin returned to the meeting at 9:59pm

14.10 Volunteer Awards Program

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Matthew Koce

- 1. That the Council APPROVE the Volunteer Awards Program Policy.***
- 2. That the Council APPROVE the COVID Champions initiative as an additional element of the 2021 program.***

Carried

14.11 Toorak Park Masterplan

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

- 1. That the Council NOTE the commitment from the Victorian State Government of \$3.0 million towards the delivery of floodlighting, oval upgrade and new pavilion at Toorak Park.***
- 2. That the Council ENDORSE the delivery of the Toorak Park Masterplan through funding commitments across the 2022/23, 2023/24 and 2024/25 financial years.***
- 3. That the Council AUTHORISE the CEO to sign the funding agreement with Victorian State Government for the \$3.0 million funding contribution.***

Carried

14.12 East Malvern Men's Shed Building Plaque

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Jami Klisaris

That the Council defer consideration of the East Malvern Men's Shed Building Plaque.

Carried

15 Confidential Business

There was no confidential business submitted to the meeting.

There being no further business the meeting was closed at 10:10pm.

Confirmed on 5 July 2021

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CR MELINA SEHR, DEPUTY MAYOR