



# Minutes of the Council Meeting

**Held on Monday 6 September 2021 at 7 PM**

**Virtual Meeting via Zoom**





# Council Meeting Minutes Monday 6 September 2021 Order of Business

<b>1</b>	<b>Reading of the Reconciliation Statement.....</b>	<b>6</b>
<b>2</b>	<b>Reading of Statement of Commitment .....</b>	<b>6</b>
<b>3</b>	<b>Apologies .....</b>	<b>6</b>
<b>4</b>	<b>Introductions of Councillors &amp; Executive Staff .....</b>	<b>6</b>
<b>5</b>	<b>Confirmation of the Minutes of the previous meeting .....</b>	<b>6</b>
5.1	Minutes of the Council Meeting held on 16 August 2021 .....	6
<b>6</b>	<b>Disclosure of Conflicts of Interest .....</b>	<b>6</b>
<b>7</b>	<b>Questions From the Community .....</b>	<b>7</b>
<b>8</b>	<b>Business.....</b>	<b>7</b>
8.1	Planning Application 0272/20 - 1631-1637 Malvern Road, Glen Iris .....	7
8.2	Planning Application 0517/20 - 4 Pine Grove, Malvern .....	13
8.3	Perth Street, Prahran - Permanent Implementation of One-Way Flow Consultation	15
8.4	Climate Emergency Advisory Committee .....	16
8.5	Festivals and Events Calendar 2021/22 - Christmas Events .....	17
8.6	Health and Wellbeing Plan 2021 - 2025 .....	17
8.7	Road Management Plan Review 2021 .....	18
8.8	Citipower Recoverable Work Contract- Claremont Street, South Yarra .....	18

8.9 Contract T21071 - Orrong Park Multi-use Courts, Flood-lighting, Drainage and Fencing .....	19
8.10 Instrument of Delegation from the Council to Chief Executive Officer (S 5) .....	19
8.11 Instrument of Delegation from the Council to Organisational Roles (S 6) .....	20
8.12 Instrument of Sub-Delegation from the Council to Organisational Roles (s 18) .....	20
<b>9 Correspondence .....</b>	<b>21</b>
<b>10 Tabling of Petitions and Joint Letters .....</b>	<b>21</b>
<b>11 Notices of Motion.....</b>	<b>21</b>
<b>12 Reports by Councillors .....</b>	<b>24</b>
<b>13 Reports by Delegates .....</b>	<b>24</b>
<b>14 Questions to Council Officers .....</b>	<b>25</b>
<b>15 Urgent Business .....</b>	<b>26</b>
<b>16 General Business .....</b>	<b>26</b>
<b>17 Confidential Business .....</b>	<b>26</b>
17.1 Prahran Market Board .....	26
17.2 Chief Executive Officer Performance & Remuneration Review .....	26

**Councillors Present:**

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

**Council Officers Present:**

<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>Jacqui Campbell</b>	<b>Chief People Officer</b>
<b>Tony Mcilroy</b>	<b>Senior Governance Advisor</b>
<b>Alexandra Kastaniotis</b>	<b>Manager Statutory Planning</b>
<b>Julia Gallace</b>	<b>Chief of Finance</b>
<b>Judy Hogan</b>	<b>Civic Support Officer</b>

The meeting commences at 7:05pm.

## **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.*

## **2 Reading of 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**

Cr Batagol gave notice that she may be an apology for the 20 September 2021 meeting.

PROCEDURAL MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Nicki Batagol

That the apology received from Cr Batagol for non-attendance at the Council Meeting of 20 September 2021 be accepted and leave of absence granted.

**Carried**

## **4 Introductions 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 16 August 2021**

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Matthew Koce

*That the Minutes of the Meeting of the Stonnington City Council held on 16 August 2021 be confirmed as an accurate record of the proceedings.*

**Carried**

## 6 Disclosure of Conflicts of Interest

Cr Sehr declared a conflict of interest in item 8.3 Perth Street, Prahran Permanent One Way Flow as she resides in close proximity.

## 7 Questions From the Community

There were no questions from members of the community.

## 8 Business

### 8.1 Planning Application 0272/20 - 1631-1637 Malvern Road, Glen Iris

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: 272/20 for the land located at 1631-1637 Malvern Road, Glen Iris under the Stonnington Planning Scheme for construction of a multi-dwelling development in a General Residential Zone and alteration of access to a road in 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 amended plans TP100-TP106, TP200-TP202, TP251-TP253, TP300, TP400-407, TP500 and TP600-TP604 Council date stamped 12 July 2021 but modified to show:***
  - a) ***A notation on the plans confirming all windows to habitable spaces are to be double glazed.***
  - b) ***The revised reflectance values as required by Condition 3.d) to be included on the materials schedule.***
  - c) ***The Visual Light Transmittance value for the privacy screens to the private open space areas of Apartments UG5 and UG12 as required by Condition 3.e) to be included on the materials schedule.***
  - d) ***All north facing balconies at Level 2 with potential for overlooking within 9 metres of neighbouring secluded private open space of the properties at No's 4, 6, 8, 10 and 12 King Street 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 must be measured to 1.7 metres above natural ground level.***

- e) ***A section detail of the proposed aluminum slat screens (MT2) including details of its width, height and angle of the slats as well as the gap between the slats to ensure compliance with Standard B22 at Clause 55.04-6***
- f) ***The Finishes Legend to include an annotation that the obscure glazing (GL2) and screens (MT2) are not openable (fixed) below 1.7 metres above the finished floor level.***
- g) ***The Level 2 north and east facing living room windows and all north and west windows (not protected by a balcony over) to have a combination of fixed external shading and operable external vertical shading devices, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown and noted on the plans and elevations.***
- h) ***The east elevation to clearly dimension the height of the proposed boundary fencing above natural ground level.***
- i) ***Plans to confirm that the head height available in the lower ground level can cater for the private waste truck proposed for the site.***
- j) ***Plans to confirm the minimum gradient of the lower ground floor to be 1 in 200 (0.5%).***
- k) ***A tree protection deed as required by Condition 12.***
- l) ***Any changes as required by Condition 3 (SMP), Condition 5 (WMP), Condition 11 (TMP) and Condition 24 (Stormwater Detention).***

***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. ***Concurrent with the endorsement of any plans pursuant to Condition 1 a Sustainable Management Plan (SMP), generally in accordance with the plan prepared by NJM Design dated 5 December 2020, must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be modified as follows:***
  - a) ***Changes to accord with Condition 1.***
  - b) ***Provide further information on the 6 Star WELS rating kitchen and bathroom taps to be provided.***
  - c) ***The average NatHERS star rating to be consistent within the BESS report and within the SMP, while still achieving a pass score for the Energy Category within BESS.***
  - d) ***The reflectance values of the internal walls and ceilings of the living areas of Apartments UG05, UG12, UG13, UG15 and 105 to be increased to 80% for the walls and 90% for the ceilings to improve the daylight access to these spaces.***



- e) **The proposed privacy screens to the private open space areas of Apartments UG5 and UG12 with opaque glazing with a Visual Light Transmittance > 60%.**

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

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

4. **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.**
5. **Concurrent with the endorsement of any plans pursuant to Condition 1, a Water Sensitive Urban Design (WSUD) report must be submitted to and approved by the Responsible Authority. Upon approval the WSUD report will be endorsed as part of the planning permit and the development must incorporate the Water Sensitive Urban Design initiatives outlined in the WSUD report to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Stormwater Management (WSUD) Report prepared by NJM Design dated 5 December 2020 but modified as follows:**
- a) **Changes to accord with Condition 1.**
- b) **Updated to reflect the requirements of Condition 24.**
- c) **The number of bedrooms within the STORM assessment to be amended to reflect the number of bedrooms within the development.**
6. **The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
7. **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 NJM Design dated 21 October 2020, but modified to show:**
- a) **The floor layout as shown on the plans submitted under Condition 1.**
- 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.**
8. **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.**
9. **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 plan prepared by John Patrick Landscape Architects Council date stamped 10 December 2020, but modified to show:**

**b) Changes to the landscaping to accord with the plans endorsed under condition 1.**

**10. 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.**

**11. 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.**

**The Tree Management Plan must detail measures to protect and ensure the viability of the Himalayan Cedar tree located within the within the front setback of the site (south-east corner).**

**Without limiting the generality of the Tree Management Plan it must have at least three sections as follows:**

**a) Pre-construction – 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.**

**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 Parks Unit. Removal of protection works and cessation of the Tree Management Plan must be authorised by the Parks Unit.**

**12. 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 \$36,892.80 + GST as security against a failure to protect the health of the Himalayan Cedar tree to be retained on site. 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.**

**13. 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).***

- 14. 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.***
- 15. 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.***
- 16. No works or storage of materials associated with the development are to occur within the Council Reserve, Peace Park.***
- 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. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 11.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.***
- 19. 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.***
- 20. All drainage through to the legal point of discharge, 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.***
- 21. 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 (if applicable) 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.***
- 22. The existing right-of-way levels must not be lowered or altered in any way.***
- 23. 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.***
- 24. 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 5,000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.**

- 25. 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.**
- 26. 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.**
- 27. 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.**
- 28. 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.**
- 29. 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.**

**Department of Transport Condition**

- 30. Prior to the occupation of the development, the disused/redundant vehicle crossing on Malvern Road must be removed, and the area reinstated to kerb and channel, to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**

**End Department of Transport Condition**

- 31. 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. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act**

**2004, the Road Safety Act 2017, and any other relevant acts or regulations created under those Acts.**

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

A division was called.

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

Voting Against: Cr Alexander Lew, Cr Marcia Griffin and Cr Nicki Batagol

**Carried**

## 8.2 Planning Application 0517/20 - 4 Pine Grove, Malvern

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

***That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 517/20 for the land located at 4 Pine Grove, Malvern VIC 3144 under the Stonnington Planning Scheme for extension to a dwelling on a lot under 300sqm in a Neighbourhood Residential Zone subject to the following conditions:***

1. ***Before the commencement of the development, one (1) copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of this permit. The plans must be generally in accordance with the plans prepared by Nettle Architects and Council date stamped 28 June 2021 but modified to show:***
  - a) ***Screening provision to the south-facing study window, to limit unreasonable overlooking to the adjoining properties at 2 Pine Grove and 6 Pine Grove in accordance with Standard A15 at Clause 54.04-6 of the Stonnington Planning Scheme. Alternatively, an overlooking diagram including cross-section can be provided to demonstrate full compliance with Standard A15 at Clause 54.04-6 of the Stonnington Planning Scheme.***
  - b) ***The screening provision to the west-facing master bedroom window to have no more than 25 per cent transparency to any part of the window below 1.7 metres above finished floor level, to limit unreasonable overlooking into the adjoining property at 2 Pine Gove in accordance with Standard A15 at Clause 54.04-6 of the Stonnington Planning Scheme.***
  - c) ***An updated Water Sensitive Urban Design Response in accordance with Condition 3.***
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. ***Concurrent with 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) 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. 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.**

**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 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. 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 Perth Street, Prahran - Permanent Implementation of One-Way Flow Consultation

Cr Sehr declared a conflict of interest in item 8.3 Perth Street, Prahran Permanent One Way Flow as she resides in close proximity.

(7:58pm) Cr Sehr left the meeting.

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Mike Scott

***That the Council:***

- 1. APPROVE the permanent implementation of one-way flow arrangement in the southbound direction in Perth Street, Prahran between Commercial Road and Greville Street.***
- 2. APPROVE the permanent implementation of one-way flow arrangement in the northbound direction in Perth Street, Prahran between High Street and Greville Street.***
- 3. APPROVE the undertaking of civil works at the Commercial Road, High Street and Greville Street intersections and notify affected properties.***
- 4. Review traffic speeds and volumes in all local streets previously surveyed following the completion of the works in Recommendation 3.***
- 5. AUTHORISE Officers to notify those who made a submission as part of the consultation process of this decision***

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

***That the consideration of Perth Street Prahran - Permanent Implementation of One - Way Flow Consultation be deferred for one meeting cycle.***

**Carried**

(7:46pm) Cr Sehr returned to the meeting.



## 8.4 Climate Emergency Advisory Committee

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

***That the Council:***

- 1. APPROVE the establishment of a Climate Emergency Advisory Committee with the attached Terms of Reference;***
- 2. NOTE that a subsequent report will come to the Council seeking endorsement of Climate Emergency Advisory Committee members for its first term;***
- 3. NOTE that the Draft Climate Emergency Action Plan will be brought back to the Council for consideration in September 2021.***

A division was called.

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

Voting Against: Cr Alexander Lew and Cr Marcia Griffin

**Carried**

## 8.5 Festivals and Events Calendar 2021/22 - Christmas Events

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Jami Klisaris

***That the Council:***

- 1. APPROVE the delivery of Options 1 and 2 (Christmas Immersive Light and Sound Display Installation in Prahran Square, as part of a 12 Days of Christmas Activation Campaign); and***

- 2. APPROVE the additional funding of \$94,000.**

**Carried**

## 8.6 Health and Wellbeing Plan 2021 - 2025

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Mike Scott

***That the Council ENDORSE the draft Health and Wellbeing Plan for the purposes of community consultation to be undertaken from 7 - 28 September 2021.***

**Carried**

## 8.7 Road Management Plan Review 2021

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Melina Sehr

***That the Council:***

- 1. NOTE the results of the statutory review process for the Road Management Plan;***
- 2. APPROVE the proposed Road Management Plan 2021 ; and***
- 3. APPROVE the public display of the proposed Road Management Plan 2021 on the Council's website and through its communications channels.***

**Carried**

## 8.8 Citipower Recoverable Work Contract- Claremont Street, South Yarra

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Marcia Griffin

***That the Council:***

1. **ACCEPT** Recoverable Works Contract (RWC) - Electrical Asset Relocation, Claremont Street, South Yarra (Stage 2 Civil Works) from CitiPower Pty Ltd (ABN 76 064 651 056) at a cost of \$1,175,694.00 (\$1,293,263 inclusive of GST).
2. **NOTE** that the customer contribution of \$1,175,694.00 has been determined in accordance with the Australian Energy Regulator (AER) guidelines.
3. **AUTHORISE** the Chief Executive Officer to execute the contract agreements with the above distributor.
4. **NOTE** that expenditure under this contract is in accordance with Council's Budget for Financial Year 2021/22.

Carried

## 8.9 Contract T21071 - Orrong Park Multi-use Courts, Flood-lighting, Drainage and Fencing

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Nicki Batagol

***That the Council:***

1. **AWARD** Contract No. T21071 – Orrong Park Multi-use Courts, Floodlighting, Drainage and Fencing, to Fieldform (Eltham Excavation Pty Ltd), [ABN 27 006 981 282] for \$1,059,710.10 inc. GST (\$963,372.84 ex GST).
2. **AUTHORISE** the Chief Executive Officer to execute the contract agreements with the above contractor.
3. **NOTE** that expenditure under the contract is in accordance with the Council's Budget for Financial Year (2021/22) and provisions will be made accordingly for the associated future budget periods for this contract.
4. **NOTE** that an independent financial viability assessment is conducted for each preferred supplier via Corporate Scorecard. The Corporate Scorecard for Fieldform is pending at the time of the report. Contract execution will be dependent on a successful viability rating via Corporate Scorecard.

Carried

## 8.10 Instrument of Delegation from the Council to the Chief Executive Officer (S 5)

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Nicki Batagol

***That the Council defer consideration of Instrument of Delegation from the Council to the Chief Executive Officer for one Council meeting cycle.***

**Carried**

## 8.11 Instrument of Delegation from the Council to Organisation Roles (S 6)

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Alexander Lew

***That the Council ADOPT and SEAL the S6: Instrument of Delegation from the Council to various positions in the organization structure.***

**Carried**

## 8.12 Instrument of Sub-Delegation from the Council to Organisation Roles (s 18)

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

***That the Council***

**1. APPROVE the power conferred by section 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Act 2017 under the Act dated 4 June 2021:**

- a. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;***
- b. the instrument comes into force immediately the Common Seal of the Council is affixed to the instrument;***
- c. the duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of the Council that it may from time to time adopt.***

**Carried**

## **9 Correspondence**

Cr Griffin tabled the following themes of correspondence:

- email from a resident regarding the Council rate increase.

## **10 Tabling of Petitions and Joint Letters**

Cr Morgan tabled a petition from 21 residents requesting the Council:

- endorse the International Campaign against Nuclear Weapons (ICAN) Cities Appeal urging the Australian Government to sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons.
- Communicate its endorsement to the Prime Minister, Foreign and Defense Ministers, the Leader of the Opposition, shadow foreign and defence ministers and leaders of all political parties represented in the Australian Parliament.
- Take steps to ensure that the Council funds are not invested in companies that produce nuclear weapons.

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Melina Sehr

***That the petition be received and noted for report.***

Carried

## 11 Notices of Motion

### Notice of Motion No 3/2021

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Mike Scott

#### *That the Council*

**1. Note that the current lockdown, which has been in place for more than 4 weeks, is based on expert health advice, and is in place to protect our community due to the critical public health risk posed by the Delta variant of COVID19.**

**2. Note that lockdowns play an important role in containing COVID19 through reduction of transmission, and has been the main mechanism available to manage the spread of COVID19 while vaccine supplies have been constrained in Victoria.**

**3. Note the serious consequences of easing current lockdown restrictions too soon on the health system and the impact of the pandemic on health workers, such as nurses and doctors, as found in several scientific studies, including the "Psychological well-being of Australian hospital clinical staff during the COVID-19 pandemic", published by the CSIRO and in the Australian Health Review, 2021, Issue 45.**

**4. Note that:**

- **35% of Stonnington residents are aged 18-34 years, and our median age is 35 years.**
- **44.2% of Stonnington residents rent.**
- **Stonnington is home to 18,512 businesses creating 70,456 local jobs, and the retail trade (20.4% per cent) and health care and social assistance (17.0%) industries are Stonnington's largest employers.**

**Our community has been disproportionately impacted by lockdowns, with the Taylor Fry COVID-19 Financial Impact Index listing suburbs within Stonnington as having experienced a high to extreme economic impact from the pandemic during 2020, and significant sections of our community are continuing to experience severe economic impact from the pandemic.**

**Thus, our community has a high proportion of local business owners and residents, who through no fault of their own, have been unable to operate their businesses, or have been stood down from work without pay, and have been unable to pay rent, mortgages or other bills.**

**5. Note that support for people during lockdown last year, in the form of a state moratorium on evictions, and income support through JobKeeper and JobSeeker, played an important role in helping people stay home and contain the virus.**

**6. Note that the National Cabinet has endorsed a National plan to transition Australia's National COVID-19 response, which is a phased roadmap for re-opening Australia, and includes thresholds based on vaccination levels for when different kinds of restrictions can be eased, and effectively acts as a high-level timetable for when different types of businesses and services can re-open.**

**7. Request the Mayor to urgently write to the Premier (or any relevant Ministers) asking:**

**a) The State Government to reinstate the moratorium on evictions, rent relief for eligible tenants, and suspension of rental increases, as was in place last year.**

**b) The State Government, as a temporary measure (as suggested by some Stonnington business and precinct associations), open up businesses, including retail and hospitality businesses as soon as possible, according to the public health advice, with any needed additional safety measures including the following:**

- All people eligible for vaccinations working at the business have been fully vaccinated,**
- All customers must also be fully vaccinated (or ineligible for vaccinations, or be unvaccinated on medical grounds), and must present a valid vaccination certificate when checking in upon arrival at the business.**
- Provide additional support for small businesses who can't reopen due to the current public health advice, to help them pivot to other service delivery methods where possible.**

**c) The state government release a timetable linked to vaccination thresholds detailing a roadmap towards the lifting of all current COVID-19 restrictions.**

**8. Request the Mayor to urgently write to the Federal Treasurer asking for the Commonwealth Government to reinstate income support payments to assist workers and job seekers impacted by the most recent lockdowns, to at least the same levels that were in place last year.**

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Nicki Batagol

***That Cr Morgan be granted an extension of one minute to speak.***

**Carried**

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That Cr Lew be granted an extension of one minute to speak.***

**Carried**

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Polly Morgan

***That Cr Scott be granted an extension of one minute to speak.***

**Carried**

The Chair indicated that the motion would be put to the vote in parts.

Part 1-6 of the motion were put to the vote

A division was called.

Voting For: Cr Alexander Lew, Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol and Cr Polly Morgan  
Voting Against: No votes were recorded

**Carried**

Parts 7A and 8 of the motion were put to the vote.

A division was called.

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

**Carried**

Parts 7B and 7C of the motion were put to the vote.

A division was called.

Voting For: Cr Alexander Lew, Cr Matthew Koce, Cr Marcia Griffin, Cr Jami Klisaris, Cr Kate Hely, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol and Cr Polly Morgan  
Voting Against: No votes were recorded

**Carried**

(9:30pm) The meeting was adjourned for five minutes.

(9:35pm) The meeting resumed.

## **12 Reports by Councillors**

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

1. Stonnington Community Recovery Committee
2. Consultative Meeting – 627 Chapel Street, South Yarra (277/21)
3. Golden Radio Tour – short tour and a light luncheon and discussion



4. Planning Reforms – Local Government Meeting
5. Virtual North Ward Meeting – Meet your Councillors session
6. Meeting with Katie Allen and CoS CEO
7. Stonnington / DET – Swinburne Prahran
8. Minister Leane, Cr O'Connor, and Cr Stapleton virtual meeting
9. eSafety Commissioner's Office – LG Workplace Safety
10. Planning Reform – Mayors Meeting
11. M9 Mayors and CEO Workshop
12. Meeting with Sam Hibbins MP
13. Department of Justice – Decriminalisation of sex work
14. Audit & Risk Committee
15. Environmental Champions Workshop
16. Economic Place and Development bi-monthly meeting
17. Department of Environment, Land, Water and Planning – Future Planning Framework

### **13 Reports by Delegates**

Cr Morgan indicated she had attended as the Council's delegate a meeting of the Metropolitan Local Government Waste Forum held on 12 August 2021.

### **14 Questions to Council Officers**

Cr Griffin asked the following question of the Director Environment & Infrastructure.

The twice yearly hard waste collection is something of a tradition in Stonnington and I note the community consultation referred to on the September notice collection, delivered last week -How else are residents being informed about this important survey regarding the possible changes in hard waste collection.

The Director Environment & Infrastructure responded to the question.

Cr Lew asked the following question of the Chief Executive Officer.

We as a Council have had many issues surrounding our former citizen of the year. We have now had complaints from three female residents urging this man be stripped of his title for vulgar and outright rude commentary on social media. This man has threatened to nail me to a cross, and supply the nails – albeit he says metaphorically. This man has named residents of my street on social media and there is now a particularly serious incident with the Stonnington Criminal Investigation Unit is investigating. Does Council have any plans to strip this man's name from the honour board at the Malvern Town Hall? What steps has the Council taken to ensure my safety and to keep the Council a safe workplace for me and other Councillors?

The Chief Executive Officer responded that this is currently with Victoria Police and could not comment.

Cr Lew asked the following question of the Chief Executive Officer.

I refer to reporting in the Herald Sun on 30 July 2021 which revealed that the mayor had spent \$25,310 on professional development when the Councillor Allowances policy approved by this Council only allows the mayor to spend \$7,125 per year on professional development. CEO – I understand you have a different position to me on whether the policy

applies in this case. Nevertheless In her comments to the Herald Sun the mayor undertook to pay back the overspend. It's now been 5 weeks since those comments were published. Has the mayor paid back any of the money at all?

The Chief Executive Officer responded that no reimbursement had been made.

Cr Lew asked the following question of the Chief Executive Officer.

At the last Council meeting correspondence was tabled from the Chapel Street Precinct Association. The correspondence suggested that there was strong ongoing acrimony between Council Officers and the Chapel Street Precinct Association. Can the CEO please brief members of the public on what steps are being taken to mend this relationship? Can you please confirm that political positions taken by the Chapel Street Precinct Association on behalf of their members that may differ from Council, has not in any way contributed to the breakdown in the relationship?

The Chief Executive Officer responded.

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Marcia Griffin

***That Cr Lew be granted one additional minute to speak.***

**Carried**

Cr Lew asked the following question of the Chief Executive Officer

At an earlier Council meeting I asked some questions about organisations that received COVID recovery grants, and the pre-existing relationships those organisations had to Councillors on the COVID Recovery Committee? Can the CEO please update members of the public as to whether subsequent to me asking those questions there has been any changes to the membership of the COVID Recovery Committee? Can the CEO please advise members of the public of any action taken in respect of the COVID Recovery Grants process?

The Chief Executive Officer responded.

Cr Lew asked a question of the Director Environment & Infrastructure.

East Ward councillors received several complaints over the weekend about the flooding that took place at Percy Treyvaud Wetlands. Noting that the wetlands are a Melbourne Water asset, what steps have been taken by Council and Melbourne Water to resolve this issue?

The Director Environment & Infrastructure responded.

## 15 Urgent Business

Cr Lew indicated he had a matter of urgent business for consideration regarding the proposed State Government Planning Scheme reforms.

The Director Planning & Place indicated that a report would be presented to the Councillor Briefing Session on 13 September 2021.

MOTION:

MOVED: Cr Alexander Lew

SECONDED:

***That the Council:***

- 1. Notes that the Victorian government has removed Local Council and community rights under VC187 and VC190 to object to or appeal planning decisions and is currently considering further significant planning reform***
- 2. Strongly supports local councils and the community having a central role in the planning system and continues to advocate that***
  - a. consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.***
  - b. the community's voice must remain central in planning decisions***
  - c. community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies***
- 3. Calls upon the MAV and the VLGA to make representation on behalf of the Local Government Sector, to defend local democracy in Victoria.***
- 4. Requests a report to Council, within 3 months, with an update and advice on any action Council could take to advocate effectively on this matter.***

The motion lapsed for want of a seconder.

Cr Klisaris indicated she had an urgent item for consideration under confidential business regarding Council processes.

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Melina Sehr

***That the urgent item regarding Council processes be admitted for consideration in confidential business.***

**Carried**

## 16 General Business

Cr Griffin made the following statement:

*I want to raise an issue of deep concern to me and obviously others.*

*As you are all now aware last year, a formal complaint was made regarding my persistent attempts to have a large abandoned van in my street removed.*

*In a free society anyone is entitled to make a complaint if they perceive a grievance.*

*A complaint does not mean there was any wrongdoing; in fact the presumption of innocence can only be overturned by a finding of guilt after a successful prosecution.*

*In this case the local government inspectorate investigated the complaint made in July 2020 – including emails that were sent by me which formed the basis of the complaint.*

*The local government inspectorate investigation concluded that I had not breached the Local Government Act. Consequently I was not given a warning nor was I prosecuted. That was the end of the matter, so far as it concerns me personally.*

*Nevertheless, out of my own free will – without any direction from any agency or any councillor – I intend to say the following:-*

*I have reread my emails about this and am very concerned that anyone receiving them had felt intimidated*

*And for that I deeply apologize, as I can only presume this complaint was made in good faith.*

*I have always spoken out for transparency and the rights of everyone to be treated with professional dignity and have personally found my council experience to be the first, in my long working life where I have felt bullied, sometimes been unsafe and have experienced protracted attempts to intimidate me ,so you can imagine my concern that any council officer might feel intimidated by me!*

*My main purpose in being on council is to advocate for residents and ratepayers, even when that advocacy is difficult and inconvenient-as it was in this case, as the complainants were my neighbours.*

*Had I felt I had been able to ask another ward councillor to take this matter over, I would have.*

*However that is history.*

*As I firmly believe in the right of all councillors to advocate for their constituents, even when it is difficult to do so, I will not resile from that responsibility, but in order to ensure that my efforts do not impact adversely on council officers I will be copying in all my future correspondence to officers to the Mayor's assistant, as agreed to with the CEO, the Deputy Mayor and Mayor.*

*I should note that prior to reaching that agreement, I had taken it upon myself to copy in our governance officer to my correspondence to officers.*

*Again I apologize to those who felt intimidated and request that the CEO forward this apology to those officers affected.*

Cr Sehr requested that the matter be discussed at Councillor Only time at a Councillor Briefing Session.

## **16 Confidential Business**

### **16.1 Prahran Market Board**

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989

### **16.2 Chief Executive Officer Annual Performance and Remuneration Review**

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

MOVED: Cr Melina Sehr

SECONDED: Cr Mike Scott

***That the meeting be closed to consider confidential business.***

**Carried**

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

***That the meeting be re-opened to the public.***

**Carried**

There being no further business the meeting concluded at 10:28pm.

Confirmed on 20 September 2021

.....  
**CR KATE HELY, MAYOR**

