



# Council Meeting - Minutes

Held on Monday 12 December 2022

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

# Council Meeting Minutes Monday 12 December 2022 Order of Business

<b>1</b>	<b>Reading of the Statement of Reconciliation .....</b>	<b>5</b>
<b>2</b>	<b>Reading of the Statement of Commitment.....</b>	<b>5</b>
<b>3</b>	<b>Introduction of Councillors &amp; Executive Staff .....</b>	<b>5</b>
<b>4</b>	<b>Apologies .....</b>	<b>5</b>
<b>5</b>	<b>Confirmation of the Minutes of the previous meeting.....</b>	<b>5</b>
5.1	Minutes of the Council Meetings held on 22 November and 28 November 2022.....	5
<b>6</b>	<b>Disclosure of Conflicts of Interest.....</b>	<b>6</b>
<b>7</b>	<b>Questions From the Community.....</b>	<b>6</b>
<b>8</b>	<b>Business.....</b>	<b>7</b>
8.11	Proposed Lease - 6 & 7 Almeida Crescent, South Yarra .....	7
8.1	Planning Application 0321/22 - 671 Chapel Street, South Yarra.....	8
8.2	Planning Application 0151/22 - 385-387 Wattletree Road, Malvern East.....	26
8.3	Planning Application 1100//21 - 109 Mathoura Road & 420, 422, 424 & 426 Toorak Road, Toorak .....	28
8.4	Planning Application 1050/21 - 19-21 Lalbert Crescent, Prahran .....	35
8.5	Planning Amendment 0979/13 - 43 Porter Street, Prahran.....	38
8.6	Instrument of Appointment & Authorisation - Statutory Planning .....	43

8.10 Quick Response Grant .....	43
8.13 Bi Annual Report of the Audit & Risk Committee for the six months ended 30 September 2022 .....	44
8.7 Lime Trial Review.....	44
8.8 Sustainability Snapshot 2021-22 .....	45
8.9 Electric Vehicle Charging Infrastructure Policy .....	45
8.12 Councillor and Member of a Delegated Committee Expenses Policy .....	46
<b>9 Correspondence .....</b>	<b>48</b>
<b>10 Tabling of Petitions and Joint Letters .....</b>	<b>48</b>
<b>11 Notices of Motion.....</b>	<b>48</b>
<b>12 Reports by Councillors.....</b>	<b>48</b>
12.1 Record of Councillor Briefing Session held on 5 December 2022.....	48
<b>13 Questions to Council Officers.....</b>	<b>48</b>
<b>14 Urgent Business .....</b>	<b>50</b>
<b>15 General Business.....</b>	<b>51</b>
<b>16 Confidential Business .....</b>	<b>52</b>

The meeting commenced at 7:01pm

**Councillors Present:**

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

**Apologies:**

Nil

**Council Officers Present:**

<b>Rick Kwasek</b>	<b>Interim 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>Simon Holloway</b>	<b>Acting Director Environment &amp; Infrastructure</b>
<b>David Thompson</b>	<b>Executive Manager Legal &amp; Governance</b>
<b>Daniela Mazzone</b>	<b>Acting Chief Customer and Transformation Officer</b>
<b>Julia Gallace</b>	<b>Chief Financial Officer</b>
<b>Jane Wright</b>	<b>Acting Manager Communications &amp; Engagement</b>
<b>Alexandra Kastaniotis</b>	<b>Manager Statutory Planning</b>
<b>Loren Lawford</b>	<b>Executive Assistant to the Mayor and Councillors</b>
<b>Judy Hogan</b>	<b>Civic Support Officer</b>

## **1 Reading of the Statement of Reconciliation**

The Mayor, Cr Jami Klisaris read the following Statement of Reconciliation:

*We acknowledge we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong 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. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.*

## **2 Reading of the Statement of Commitment**

The Mayor, Cr Jami Klisaris 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 Introduction of Councillors & Executive Staff**

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

## **4 Apologies**

There were no apologies for the meeting.

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

### **5.1 Minutes of the Council Meetings held on 22 November and 28 November 2022**

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

***That the Minutes of the scheduled meetings of the Council held on 22 November 2022 and 28 November 2022 be confirmed as an accurate record of the proceedings.***

**Carried**

## 6 Disclosure of Conflicts of Interest

Cr Polly Morgan declared a general conflict of interest in Item 8.2 - Planning Application 015/122 - 385-387 Wattletree Road, Malvern East.

Cr Kate Hely declared a general conflict of interest in Item 8.11 - Proposed Lease - 6 & 7 Almeida Crescent, South Yarra.

Cr Nicki Batagol declared a general conflict of interest in Item 14 - Urgent Business.

Cr Kate Hely declared a general conflict of interest in Item 14 - Urgent Business.

## 7 Questions From the Community

Mr Hurlston - Response to Questions asked at the Council meeting on 28 November 2022.

### Question 1

*“What are Councils actions taken to date with respect to City on a Hill Church using Council premises at Phoenix Park”?*

Response:

Council officers have held discussions with City on a Hill and are satisfied with their continued use of Phoenix Park.

### Question 2

*“Given the premier announced that liquor licenses will have their conditions and restrictions revoked in Stonnington, Yarra, Melbourne and Port Phillip - what is councils position on this matter of state government interference”?*

Response:

If this question is referring to the removal of the freeze on late night liquor licenses, Council will be able to rely on IPO3 in the planning scheme to restrict late night venues in the Chapel Street precinct. The conditions in existing planning permits will stand regardless of the freeze being revoked. Where an application is received for a new late night liquor license, we will retain the opportunity to undertake a cumulative impact assessment and make recommendations based on the findings.

### Question 3

*“Given that sex work is decriminalised and will be able to be undertaken in EVERY premises in Victoria in 2023 with little restriction, what is Council’s position on how it will manage enforcement & compliance with the new regulations and reforms. (Given it’s a council responsibility)”?*

Response:

The Sex Work Decriminalisation Act 2022 is being implemented in two stages. Stage 1 changes relating to street-based sex work were implemented from May 2022 and, in response to these changes, Council has provided information via our website: <https://www.stonnington.vic.gov.au/Community/Community-health-and-wellbeing/Streetbased-sex-work>

Stage 2 changes will come into effect from December 2023 and relate largely to planning and zoning controls for businesses, including home-based businesses. The new laws recognise that sex work is legitimate work and should be regulated through standard business laws and existing agencies such as WorkSafe, the Department of Health and local governments, like all other industries in the state. Under the Act, local governments will have responsibility for administering planning controls and dealing with community concerns around public amenity. Victoria Police will remain responsible for matters relating to crime and community safety. In considering planning applications for sex service premises, Council must treat the application on merit as it would any other business.

Council will continue to monitor any further updates from the state government on these legislative changes and the expectations on local government throughout 2023.

There were no questions from the community to the Council presented to this Council meeting.

## **8 Business**

### **Change to Order of Business**

In accordance with the Governance Rules, the Mayor, Cr Jami Klisaris sought the consent of the Council to bring forward Item 8.11 - Proposed Lease - 6 & 7 Almeida Crescent, South Yarra for consideration.

Consent of the Council was given to bring forward Item 8.11 - Proposed Lease - 6 & 7 Almeida Crescent, South Yarra for consideration.

#### **8.11 Proposed Lease - 6 & 7 Almeida Crescent, South Yarra**

Cr Kate Hely declared a general conflict of interest.

Cr Kate Hely stated the general conflict of interest was "*I use the leasing agent*".

Cr Kate Hely left the Council Chamber at 7:05pm prior to consideration and vote on the item.

The Mayor, Cr Jami Klisaris then informed the meeting the submitter who had requested to be heard in support of their written submission regarding Item 8.11 - Proposed Lease - 6 & 7 Almeida Crescent, South Yarra was in attendance.

Ethan Biancon addressed the Council meeting and spoke in support of his written submission.

*Cr Alexander Lew left the Council meeting at 7:10pm.*

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Polly Morgan

***That the Council:***

- 1. NOTE the two submissions received in relation to the statutory process and public notice for the proposed lease of 6&7 Almeida Crescent South Yarra.***
- 2. APPROVE to proceed with its intention to lease 6 & 7 Almeida Crescent, South Yarra;***
- 3. ADVISE all parties that provided a submission in response to the Notice of Intention to Lease, 6 & 7 Almeida Crescent, South Yarra of Council's decision to proceed to lease the properties; and***
- 4. APPROVE the Chief Financial Officer to negotiate and execute a lease for 6 & 7 Almeida Crescent, South Yarra in accordance with the requirements of section 115 of the Local Government Act 2020 and the independent valuation advice.***
- 5. NOTE Council officers will finalise exclusive authority with Aston Commercial to negotiate a 10-year lease after Council has resolved to pursue its intention to lease 6 & 7 Almeida Crescent, South Yarra.***

**Carried**

Cr Kate Hely returned to the Council Chamber and resumed her seat at 7:18pm.

## **8.1 Planning Application 0321/22 - 671 Chapel Street, South Yarra**

*Cr Alexander Lew returned to the Council meeting at 7:19pm.*

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

***That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No. 321/22 for the land located at 671 Chapel Street, South Yarra under the Stonnington Planning Scheme for construction of a mixed use development in an Activity Centre Zone comprising retail (as-of-right use), office, community room and apartments; a reduction in the car parking requirements; and alteration of access to a road in a Transport 2 Zone 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 application plans prepared by Bates Smart Architects, date stamped by Council on 23 June 2022, but modified to show:*
  - a) *Wind mitigation measures detailed on the plans in accordance with the recommendations of the Pedestrian Wind Study report prepared by RWDI Australia dated 5 September 2022.*
  - b) *Any changes to the plans to accord with the recommendations of the updated daylight modelling required by Condition 3 (Sustainable Management Plan).*
  - c) *The minimum glazing Visible Light Transmittance (VLT) and surface reflectance values of materials used for the daylight modelling noted on the plans.*
  - d) *Glazing to have a minimum Visual Light Transmittance (VLT) of 60%.*
  - e) *The wing walls and soffits to the balconies finished in a light coloured material with a minimum reflectance of 70%.*
  - f) *External shading devices provided to north facing glazing of habitable rooms, which should ensure that the north windows/glazed doors are shaded from the spring equinox until the autumn equinox (21 September to 21 March). Where sun shading devices are being utilised a dimensioned section diagram is to be included to demonstrate their effectiveness.*
  - g) *External sun shading devices provided to west facing glazing of habitable rooms, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations.*
  - h) *Any fixed external shading devices to be finished in a light coloured material with a minimum reflectance of 60%.*
  - i) *The location and details of the rainwater tank, capacity, connection, associated equipment and maintenance in accordance with the SMP.*
  - j) *Details of rain gardens in accordance with the SMP*
  - k) *The roof plan to detail the solar PV system size and capacity, orientation and inclination angle of the panels.*
  - l) *Notation confirming Carbon Monoxide (CO) monitoring within the basement.*
  - m) *Allocation of bicycle parking spaces to residential, office, retail and visitors.*
  - n) *EV charging infrastructure detailed on the applicable basement plans in accordance with the SMP.*
  - o) *Operability of windows as indicated on the revised 'discussion plans' submitted to Council on 9 September 2022.*
  - p) *Landscaping within pedestrian sight triangles adjacent to the exit lane limited in height to 900mm.*
  - q) *Dimensioned minimum headroom clearance of 2.2m at the entrance to the carpark with the roller door is an open position.*
  - r) *Dimensioned headroom clearance to the loading bay.*
  - s) *Provision of a bollard within the shared area adjacent to the accessible parking space.*

- t) *Dimensions of the support columns in the basement to demonstrate appropriate clearance to car parking spaces.*
- u) *Doors to the sub-station designed to not encroach the access aisle when in the open position.*
- v) *Dimensions of the bicycle parking and access in accordance with the Australian Standards.*
- w) *Any changes required by Conditions 3 (SMP), 6 (Green Travel Plan), 7 (Landscape Plan), 9 (WMP), 11 (CFMP) and 13 (Façade Strategy).*
- x) *Reduction in building height to 18 storeys (maximum 60 metres above NGL).*
- y) *The first floor plan annotated to specify the 'Community Asset' is to be under the exclusive management of Council.*
- z) *Provision of a continuous canopy along the building frontage for weather protection.*

*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 any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the SMP will be endorsed and will then form part of the permit. 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 SMP must be generally in accordance with the report prepared by Stantec dated 6 May 2022, but modified to include the following:*
  - a) *Updated daylight modelling, inclusive of but not limited to levels 3, 7, 12, 13 and 20, demonstrating that a minimum of 80% of the living rooms and bedrooms in the development meet the BESS (Built Environment Sustainability Scorecard) Best Practice Standard for daylight.*
  - b) *External shading devices to north and west facing glazing.*
  - c) *Preliminary NatHERS certificates provided for one apartment on each level assessed (apartment L12-05-2D, L19-01-3A and L21-01-3E).*
  - d) *Provision of Carbon Monoxide (CO) monitoring to the basement carpark.*
  - e) *A brief statement outlining construction measures to prevent litter, sediments and pollution entering the stormwater system. The statement should include the types of measures required to be implemented on site (such as adoption of 'Keeping our stormwater clean' guide by Melbourne Water and typical measures suggested).*
  - f) *A brief statement outlining operational and maintenance measures to check the effective operation of all stormwater systems.*
  - g) *Demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed.*
  - h) *Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
  - i) *Document the means by which the appropriate target or performance is to be achieved.*

- j) *Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
  - k) *Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
- 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 the written consent of the Responsible Authority.*
- 4. *Prior to the occupation of the development 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. *The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.*
  - 6. *Prior to the endorsement of plans, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed to form part of the permit. The Green Travel Plan must include actions and recommendations designed to reduce the use of cars and increase the use of alternative travel methods to the satisfaction of the Responsible Authority. The development must operate in accordance with the Green Travel Plan.*
  - 7. *Prior to the endorsement of plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the plan prepared by Jack Merlo Design & Landscape dated 6 May 2022, and include:*
    - a) *Updates to the Public Realm Enhancement Works plan as indicated on the revised 'discussion plans' submitted to Council on 9 September 2022, and including details of the pavement along the Chapel Street frontage and the northern boundary of the subject land (such as material, size and pattern), and details of any street furniture and street tree planting, to the satisfaction of the Responsible Authority.*
    - b) *Soil volume details of all planter boxes.*
    - c) *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant and irrigation details for all planting.*
    - d) *The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*
    - e) *Details of all proposed hard surface materials including pathways, patio or decked areas.*
  - 8. *Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

9. *Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid dated 10 May 2022 but updated to include:*
- a) *Organic waste generation rates revised to match 'Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Development' allocation – 35% of garbage is comprised of organics. The size and number of organic waste bins required is to be amended accordingly.*
  - b) *The designated bin stores to allow space for glass recycling as per 'Recycling Victoria Guidelines', should such a service be available in the future.*
  - c) *Retail organic waste generation rates revised to match 'Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Development' allocation – 73L per full time equivalent.*
  - d) *The location of the hard waste collection area is to be clearly signed and communicated to residents and tenants.*
  - e) *Waste collection times to match the 'VIC EPA Noise Control Guidelines' which restrict collections occurring more than once a week to between 7am to 6pm Monday to Saturday for residential waste collection, and 7am to 8pm Monday to Saturday for industrial waste collection.*

*Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.*

10. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to covenant that it will:*
- a) *Prior to the occupation of the development, make a monetary contribution to Council for the amount of \$500,000, for the purpose of Council's Chapel Street Transformation Project (or similar) in exchange for the agreed building height.*
  - b) *Further fund the streetscape and public realm works in front of the site and in front of the adjoining site to the north at 1 Forrest Hill as shown in the endorsed plans.*
  - c) *Allow public access free of charge to the Community Facility located on Level 1 of the building as shown on the endorsed plans and in accordance with the Community Facility Management Plan referenced in Condition 11.*
  - d) *Maintain access to the Community Facility as shown on the endorsed plans and to a standard that is safe and fit for public access to the satisfaction of the Responsible Authority.*
  - e) *Costs for construction of the Community Facility are to be borne by the landowner.*

*The agreement must be registered with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987 and will run with the land, including any common property that may be created as part of the subdivision of the land. All costs (including legal costs) associated with the preparation and review of the agreement and registration of the agreement on the Certificate of Title for the land must be paid by the owner.*

11. *Prior to the commencement of the use, a Community Facility Management Plan (CFMP) must be submitted to and approved by the Responsible Authority. When approved, the CFMP will be endorsed and will then form part of the permit. The CFMP must provide operational details for the Community Facility (the Facility) located on Level 1 of the building as shown on the endorsed plans including, but not limited to, the following information:*
  - a) *The responsibility for the management of the Community Asset/Facility at Level One is to be exclusively by Council.*
  - b) *The proposed hours in which the Facility will be available to the public for community use.*
  - c) *Accessibility and wayfinding signage to access the Facility from the public realm.*
  - d) *Measures to ensure security of the premises and safety of users.*
  - e) *Arrangements and responsibilities for the cleaning and maintenance of the Facility.*
  - f) *How noise and amenity complaints will be managed.*
  - g) *How users of the Community Facility will be made aware of minimising noise from the premises.*
  - h) *Details of public liability insurance.*

*The use of the Facility must operate in accordance with the Community Facility Management Plan to the satisfaction of the Responsible Authority.*
12. *Prior to the occupation of the development, a report from the author of the Pedestrian Wind Study prepared by RWDI Australia dated 5 September 2022, 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 report have been implemented in accordance with the approved plans.*
13. *Prior to the endorsement of plans pursuant to Condition 1, a Façade Strategy must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the Façade Strategy will be endorsed and will then form part of the permit. The Façade Strategy must include:*
  - a) *A concise description by the architect of the building design concept and how the façade works to achieve this.*
  - b) *Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.*
  - c) *A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance and confirmation that no material will have more than 20% reflectivity or otherwise to the satisfaction of the Responsible Authority.*
  - d) *Detailed elevations showing the location of the proposed materials, colours and finishes, building details, entries and doors, utilities and any special features, in accordance with plans endorsed under Condition 1 of this permit.*
  - e) *Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between panels.*
  - f) *Information about how the façade will be accessed, maintained and cleaned, including details of the ongoing maintenance, inspection and where necessary treatment of the façade.*

*The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.*

14. *Upon submission of plans to be endorsed in association with condition 1, a digital 3D massing model of the development hereby approved in accordance with the specifications of Council's GIS Unit must be submitted to the satisfaction of the Responsible Authority.*
15. *Prior to the occupation of the development, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.*
16. *Before a sensitive use (residential use, childcare centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:*
  - a) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
  - b) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use.*

*Prior to the occupation of the building all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority.*

17. *The use and development allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.*
18. *All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.*
19. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
20. *The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.*
21. *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.*
22. *All buildings and structures, with the exception of the proposed decking, must be clear of the easement at the rear of the property. Prior to a building permit being issued for the decking, consent to build the decking over the easement must be obtained from Council's Building Control Unit.*

23. *Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system and not pumped, with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.*
24. *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 subdivision.*
25. *The existing footpath levels must not be lowered or altered in any way to facilitate access to the site.*
26. *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.*
27. *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.*
28. *All redundant vehicular crossing must be removed and the footpath, and kerb reinstated at the owners cost to the satisfaction of Council.*
29. *Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.*
30. *Noise emanating from the subject land must not exceed the prescribed limits specified in the Environment Protection Regulations under the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020). Any works required to ensure and maintain the noise levels are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the building and maintained thereafter, all to the satisfaction of the Responsible Authority.*
31. *All fixed plant and equipment (including air-conditioning units) must be screened to visually integrate into the development to the satisfaction of the Responsible Authority.*

Department of Transport Conditions:

32. *Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing appropriate signage and linemarking to delineate the separate vehicular entry and exit points and restrict vehicular entry to left in only and restrict vehicular exit to left out only onto Chapel Street.*
33. *The permit holder must avoid disruption to tram operation along Chapel Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.*

34. *The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.*

End Department of Transport Conditions

35. *This permit will expire if one of the following circumstances applies:*
- a) *The development is not started within three years of the date of this permit.*
  - b) *The development is not completed within five years of the date of this permit.*
  - c) *The use is not commenced within six years of the date of this permit.*
  - d) *The use is discontinued for a period of two years or more.*

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

**NOTES:**

- A. *This permit 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. *Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Chapel Street) under the Road Management Act 2004.*
- C. *All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.*
- D. *The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".*
- E. *At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:*
  - i. *Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and*
  - ii. *Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

*Cr Alexander Lew left the Council meeting at 7:20pm.*

*Cr Alexander Lew returned to the Council meeting at 7:29pm.*

In accordance with the Governance Rules, Cr Matthew Koce requested the Mayor, Cr Jami Klisaris to put the motion to the vote in separate parts.



## **First Motion**

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

***That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No. 321/22 for the land located at 671 Chapel Street, South Yarra under the Stonnington Planning Scheme for construction of a mixed use development in an Activity Centre Zone comprising retail (as-of-right use), office, community room and apartments; a reduction in the car parking requirements; and alteration of access to a road in a Transport 2 Zone 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 application plans prepared by Bates Smart Architects, date stamped by Council on 23 June 2022, but modified to show:***
  - a) ***Wind mitigation measures detailed on the plans in accordance with the recommendations of the Pedestrian Wind Study report prepared by RWDI Australia dated 5 September 2022.***
  - b) ***Any changes to the plans to accord with the recommendations of the updated daylight modelling required by Condition 3 (Sustainable Management Plan).***
  - c) ***The minimum glazing Visible Light Transmittance (VLT) and surface reflectance values of materials used for the daylight modelling noted on the plans.***
  - d) ***Glazing to have a minimum Visual Light Transmittance (VLT) of 60%.***
  - e) ***The wing walls and soffits to the balconies finished in a light coloured material with a minimum reflectance of 70%.***
  - f) ***External shading devices provided to north facing glazing of habitable rooms, which should ensure that the north windows/glazed doors are shaded from the spring equinox until the autumn equinox (21 September to 21 March). Where sun shading devices are being utilised a dimensioned section diagram is to be included to demonstrate their effectiveness.***
  - g) ***External sun shading devices provided to west facing glazing of habitable rooms, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations.***
  - h) ***Any fixed external shading devices to be finished in a light coloured material with a minimum reflectance of 60%.***
  - i) ***The location and details of the rainwater tank, capacity, connection, associated equipment and maintenance in accordance with the SMP.***
  - j) ***Details of rain gardens in accordance with the SMP***
  - k) ***The roof plan to detail the solar PV system size and capacity, orientation and inclination angle of the panels.***
  - l) ***Notation confirming Carbon Monoxide (CO) monitoring within the basement.***

- m) **Allocation of bicycle parking spaces to residential, office, retail and visitors.**
- n) **EV charging infrastructure detailed on the applicable basement plans in accordance with the SMP.**
- o) **Operability of windows as indicated on the revised 'discussion plans' submitted to Council on 9 September 2022.**
- p) **Landscaping within pedestrian sight triangles adjacent to the exit lane limited in height to 900mm.**
- q) **Dimensioned minimum headroom clearance of 2.2m at the entrance to the carpark with the roller door is an open position.**
- r) **Dimensioned headroom clearance to the loading bay.**
- s) **Provision of a bollard within the shared area adjacent to the accessible parking space.**
- t) **Dimensions of the support columns in the basement to demonstrate appropriate clearance to car parking spaces.**
- u) **Doors to the sub-station designed to not encroach the access aisle when in the open position.**
- v) **Dimensions of the bicycle parking and access in accordance with the Australian Standards.**
- w) **Any changes required by Conditions 3 (SMP), 6 (Green Travel Plan), 7 (Landscape Plan), 9 (WMP), 11 (CFMP) and 13 (Façade Strategy).**
- ~~x) **Reduction in building height to 18 storeys (maximum 60 metres above NGL).**~~
- y) **The first floor plan annotated to specify the 'Community Asset' is to be under the exclusive management of Council.**
- z) **Provision of a continuous canopy along the building frontage for weather protection.**

**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 any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the SMP will be endorsed and will then form part of the permit. 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 SMP must be generally in accordance with the report prepared by Stantec dated 6 May 2022, but modified to include the following:**
  - a) **Updated daylight modelling, inclusive of but not limited to levels 3, 7, 12, 13 and 20, demonstrating that a minimum of 80% of the living rooms and bedrooms in the development meet the BESS (Built Environment Sustainability Scorecard) Best Practice Standard for daylight.**
  - b) **External shading devices to north and west facing glazing.**
  - c) **Preliminary NatHERS certificates provided for one apartment on each level assessed (apartment L12-05-2D, L19-01-3A and L21-01-3E).**

- d) **Provision of Carbon Monoxide (CO) monitoring to the basement carpark.**
- e) **A brief statement outlining construction measures to prevent litter, sediments and pollution entering the stormwater system. The statement should include the types of measures required to be implemented on site (such as adoption of 'Keeping our stormwater clean' guide by Melbourne Water and typical measures suggested).**
- f) **A brief statement outlining operational and maintenance measures to check the effective operation of all stormwater systems.**
- g) **Demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed.**
- h) **Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.**
- i) **Document the means by which the appropriate target or performance is to be achieved.**
- j) **Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.**
- k) **Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.**

**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 the written consent of the Responsible Authority.**

- 4. **Prior to the occupation of the development 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. **The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 6. **Prior to the endorsement of plans, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed to form part of the permit. The Green Travel Plan must include actions and recommendations designed to reduce the use of cars and increase the use of alternative travel methods to the satisfaction of the Responsible Authority. The development must operate in accordance with the Green Travel Plan.**
- 7. **Prior to the endorsement of plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the plan prepared by Jack Merlo Design & Landscape dated 6 May 2022, and include:**

- a) **Updates to the Public Realm Enhancement Works plan as indicated on the revised 'discussion plans' submitted to Council on 9 September 2022, and including details of the pavement along the Chapel Street frontage and the northern boundary of the subject land (such as material, size and pattern), and details of any street furniture and street tree planting, to the satisfaction of the Responsible Authority.**
  - b) **Soil volume details of all planter boxes.**
  - c) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant and irrigation details for all planting.**
  - d) **The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.**
  - e) **Details of all proposed hard surface materials including pathways, patio or decked areas.**
8. **Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
9. **Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid dated 10 May 2022 but updated to include:**
- a) **Organic waste generation rates revised to match 'Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Development' allocation – 35% of garbage is comprised of organics. The size and number of organic waste bins required is to be amended accordingly.**
  - b) **The designated bin stores to allow space for glass recycling as per 'Recycling Victoria Guidelines', should such a service be available in the future.**
  - c) **Retail organic waste generation rates revised to match 'Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Development' allocation – 73L per full time equivalent.**
  - d) **The location of the hard waste collection area is to be clearly signed and communicated to residents and tenants.**
  - e) **Waste collection times to match the 'VIC EPA Noise Control Guidelines' which restrict collections occurring more than once a week to between 7am to 6pm Monday to Saturday for residential waste collection, and 7am to 8pm Monday to Saturday for industrial waste collection.**

**Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.**

10. ***Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to covenant that it will:***
- a) ***Prior to the occupation of the development, make a monetary contribution to Council for the amount of \$500,000, for the purpose of Council's Chapel Street Transformation Project (or similar) in exchange for the agreed building height.***
  - b) ***Further fund the streetscape and public realm works in front of the site and in front of the adjoining site to the north at 1 Forrest Hill as shown in the endorsed plans.***
  - c) ***Allow public access free of charge to the Community Facility located on Level 1 of the building as shown on the endorsed plans and in accordance with the Community Facility Management Plan referenced in Condition 11.***
  - d) ***Maintain access to the Community Facility as shown on the endorsed plans and to a standard that is safe and fit for public access to the satisfaction of the Responsible Authority.***
  - e) ***Costs for construction of the Community Facility are to be borne by the landowner.***

***The agreement must be registered with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987 and will run with the land, including any common property that may be created as part of the subdivision of the land. All costs (including legal costs) associated with the preparation and review of the agreement and registration of the agreement on the Certificate of Title for the land must be paid by the owner.***

11. ***Prior to the commencement of the use, a Community Facility Management Plan (CFMP) must be submitted to and approved by the Responsible Authority. When approved, the CFMP will be endorsed and will then form part of the permit. The CFMP must provide operational details for the Community Facility (the Facility) located on Level 1 of the building as shown on the endorsed plans including, but not limited to, the following information:***
- a) ***The responsibility for the management of the Community Asset/Facility at Level One is to be exclusively by Council.***
  - b) ***The proposed hours in which the Facility will be available to the public for community use.***
  - c) ***Accessibility and wayfinding signage to access the Facility from the public realm.***
  - d) ***Measures to ensure security of the premises and safety of users.***
  - e) ***Arrangements and responsibilities for the cleaning and maintenance of the Facility.***
  - f) ***How noise and amenity complaints will be managed.***
  - g) ***How users of the Community Facility will be made aware of minimising noise from the premises.***
  - h) ***Details of public liability insurance.***

***The use of the Facility must operate in accordance with the Community Facility Management Plan to the satisfaction of the Responsible Authority.***

12. ***Prior to the occupation of the development, a report from the author of the Pedestrian Wind Study prepared by RWDI Australia dated 5 September 2022, 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 report have been implemented in accordance with the approved plans.***
13. ***Prior to the endorsement of plans pursuant to Condition 1, a Façade Strategy must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the Façade Strategy will be endorsed and will then form part of the permit. The Façade Strategy must include:***
  - a) ***A concise description by the architect of the building design concept and how the façade works to achieve this.***
  - b) ***Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.***
  - c) ***A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance and confirmation that no material will have more than 20% reflectivity or otherwise to the satisfaction of the Responsible Authority.***
  - d) ***Detailed elevations showing the location of the proposed materials, colours and finishes, building details, entries and doors, utilities and any special features, in accordance with plans endorsed under Condition 1 of this permit.***
  - e) ***Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between panels.***
  - f) ***Information about how the façade will be accessed, maintained and cleaned, including details of the ongoing maintenance, inspection and where necessary treatment of the façade.***

***The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.***
14. ***Upon submission of plans to be endorsed in association with condition 1, a digital 3D massing model of the development hereby approved in accordance with the specifications of Council's GIS Unit must be submitted to the satisfaction of the Responsible Authority.***
15. ***Prior to the occupation of the development, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
16. ***Before a sensitive use (residential use, childcare centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:***

- a) ***A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or***
- b) ***An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use.***

***Prior to the occupation of the building all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority.***

- 17. ***The use and development allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.***
- 18. ***All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.***
- 19. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
- 20. ***The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.***
- 21. ***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.***
- 22. ***All buildings and structures, with the exception of the proposed decking, must be clear of the easement at the rear of the property. Prior to a building permit being issued for the decking, consent to build the decking over the easement must be obtained from Council's Building Control Unit.***
- 23. ***Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system and not pumped, with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.***

24. ***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 subdivision.***
25. ***The existing footpath levels must not be lowered or altered in any way to facilitate access to the site.***
26. ***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.***
27. ***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.***
28. ***All redundant vehicular crossing must be removed and the footpath, and kerb reinstated at the owners cost to the satisfaction of Council.***
29. ***Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***
30. ***Noise emanating from the subject land must not exceed the prescribed limits specified in the Environment Protection Regulations under the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020). Any works required to ensure and maintain the noise levels are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the building and maintained thereafter, all to the satisfaction of the Responsible Authority.***
31. ***All fixed plant and equipment (including air-conditioning units) must be screened to visually integrate into the development to the satisfaction of the Responsible Authority.***

**Department of Transport Conditions:**

32. ***Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing appropriate signage and linemarking to delineate the separate vehicular entry and exit points and restrict vehicular entry to left in only and restrict vehicular exit to left out only onto Chapel Street.***
33. ***The permit holder must avoid disruption to tram operation along Chapel Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.***
34. ***The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.***



**End Department of Transport Conditions**

**35. This permit will expire if one of the following circumstances applies:**

- a) The development is not started within three years of the date of this permit.**
- b) The development is not completed within five years of the date of this permit.**
- c) The use is not commenced within six years of the date of this permit.**
- d) The use is discontinued for a period of two years or more.**

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

**NOTES:**

- A. This permit 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. Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Chapel Street) under the Road Management Act 2004.**
- C. All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.**
- D. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".**
- E. At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:**
  - i. Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and**
  - ii. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Carried

**DIVISION**

Cr Kate Hely called for a division.

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

Voting Against the motion: No votes recorded

The Mayor, Jami Klisaris declared the motion **Carried unanimously**

## **Second Motion**

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

***That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No. 321/22 for the land located at 671 Chapel Street, South Yarra under the Stonnington Planning Scheme for construction of a mixed use development in an Activity Centre Zone comprising retail (as-of-right use), office, community room and apartments; a reduction in the car parking requirements; and alteration of access to a road in a Transport 2 Zone subject to the following additional condition:***

- 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 application plans prepared by Bates Smart Architects, date stamped by Council on 23 June 2022, but modified to show:***

- x) Reduction in building height to 18 storeys (Maximum 60 metres above NGL).***

Carried

## **DIVISION**

Cr Kate Hely called for a division.

Voting For the motion: Cr Nicki Batagol, Cr Marcia Griffin, Cr Kate Hely, Cr Matthew Koce and Cr Alexander Lew

Voting Against the motion: Cr Jami Klisaris, Cr Melina Sehr, Cr Polly Morgan and Cr Mike Scott

The Mayor, Cr Jami Klisaris declared the motion **Carried**

## **8.2 Planning Application 0151/22 - 385-387 Wattletree Road, Malvern East**

Cr Polly Morgan declared a general conflict of interest.

Cr Polly Morgan stated the general conflict of interest was *"I have a perceived conflict of interest for this planning application as a friend who helped with my election campaign in 2020 lives next door to the proposed development, so out of an abundance of caution I'm declaring a conflict of interest"*.

Cr Polly Morgan left the Council Chamber at 7:50pm prior to consideration and vote on the item.

Cr Alexander Lew left the Council meeting at 8pm.

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Alexander Lew

***That Council AUTHORISE Officers to issue a Notice of Refusal to Grant a Planning Permit No: 151/22 for the land located at 385-387 Wattletree Road, Malvern East under the Stonnington Planning Scheme for the construction of a multi dwelling development in a General Residential Zone and alteration of vehicle access to a road in a Transport Zone 2 on the following grounds:***

- 1. The proposed development by virtue of excessive height, size and scale constitutes an overdevelopment of the land.***
- 2. The height, scale and design of the development is out of character with the existing and preferred neighbourhood character of the area and fails to respond to the design objectives of the Garden Suburban 4 Precinct at Clause 22.23 (Neighbourhood Character Policy). As such, the proposal also fails to comply with the objective and standard of Clause 55.02-1 (Neighbourhood Character).***
- 3. The proposed development will adversely impact the amenity of adjoining properties through visual bulk and insufficient setbacks. Particularly, the rear setbacks fail to provide an adequate transition to the established detached dwellings at the rear.***
- 4. The proposal will result in unreasonable traffic impacts. In particular, the proposal will detrimentally increase the volume of traffic in the rear laneway resulting in increased congestion in the local road network.***
- 5. The removal of three mature trees, *Populus nigra* 'Itolica' (Lombardy poplar), *Ficus rubiginosa* (Port Jackson Fig) and *Ulmus glabra* 'Lutescens' (Golden Elm), is contrary to the landscape design objectives of Clause 22.23 (Neighbourhood Character Policy) and the objective and standard of Clause 55.07-4 (Landscape objective) which seeks to retain established vegetation and canopy cover.***

Carried

Cr Polly Morgan returned to the Council Chamber and resumed her seat at 8:01pm.

8.3 Planning Application 1100//21 - 109 Mathoura Road & 420, 422, 424 & 426 Toorak Road, Toorak

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

***That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 1100/21 for the land located at 109 Mathoura Road & 420, 422, 424 & 426 Toorak Road, Toorak under the Stonnington Planning Scheme for construction of a mixed use development (comprising shop/food and drink premises, office, medical centre (as-of-right uses) and dwelling) in a Commercial 1 Zone and Design and Development Overlay; use of the land for dwellings; a reduction in car parking requirements; and alteration to access to a road in a Transport Zone 2 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, Drawing No.s: A000 – A003 (Rev C), A0004 (Rev B), A1000 – A1011 (Rev C), A1100 (Rev B), A2000 – A2003 (Rev C), A2004 – A2005 (Rev B), A2100 (Rev B), A3000 – A3004 (Rev C), A3005 (Rev B), A3100 (Rev B), A4000 – A4002 (Rev C), A5000 (Rev A) prepared by Kelly Hill Architects, Council date stamped 14 November 2022, but modified to show:***
  - a) Location of mailboxes or mail room for apartments.***
  - b) The notation of ‘retail/ commercial’ amended to ‘shop/ food and drink premises’.***
  - c) Details of fixed internal privacy screen.***
  - d) A schedule of construction materials, external finishes and colours.***
  - e) Adjustable external sun shading devices are to be provided to east and west facing glazing of habitable rooms on Levels 4 to 5, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations.***
  - f) Notation showing Visible Light Transmittance (VLT) used for the window glazing and external balustrades as part of the daylight modelling specific values.***
  - g) Notation showing the reflectance values for the building’s internal and external finishes used as part of the daylight modelling to be included on the material schedule.***
  - h) Notation confirming that the rainwater tank is to be connected to all toilets and landscape irrigation.***
  - i) Re-allocation of three (3) residential car parking spaces to medical centre use.***
  - j) Provision of mirrors on either side of the driveway ramp to assist sight lines of vehicles exiting the development.***
  - k) Provision of a flashing light to alert pedestrians of exiting vehicles.***

- l) A minimum headroom clearance of 2.2 metres throughout the whole car park.**
- m) A minimum gradient of the parking area to be 1 in 200 (0.5%) for covered areas to allow for adequate drainage as per AS 2890.1.**
- n) Full dimensions of corner splay on the corner of Toorak and Mathoura Roads to provide clear sightline to pedestrians.**
- o) Crossover splays in accordance with Council's Vehicle Crossing Policy unless otherwise approved by the Responsible Authority.**
- p) Additional doors to be incorporated into the shop/ food and drink premises and medical centre in order to provide internal access to the commercial bin store.**
- q) Any changes required by Condition 3 (SMP), Condition 6 (WSUD response), Condition 8 (Waste Management Plan), Condition 9 (Acoustic Report), Condition 11 (Landscape Plan), and Condition 14 (Tree Management Plan).**

**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 any plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the SMP will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The SMP must be generally in accordance with the SMP (Revision E) prepared by Ark Resources, Council date stamped 15 July 2022. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must include, but is not limited to, the following:**
  - a) Reflect the design layout as shown on the amended plans required by Condition 1.**
  - b) Preliminary NatHERS (Nationwide House Energy Rating Scheme) certificates are to be provided of each thermally similar group of apartments.**
  - c) For the office spaces on Levels 1 to 3, either the Green Star Hand Calculation method, including marked-up plans and sections, is to be provided, or daylight modelling demonstrating Council's best practice standard for daylight of a 2% Daylight Factor for at least 30% of the floor area of regularly occupied primary spaces is achievable.**
  - d) Demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed.**
  - e) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.**
  - f) Document the means by which the appropriate target or performance is to be achieved.**
  - g) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.**

**h) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.**

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

- 4. 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 the written consent of the Responsible Authority.**
- 5. Prior to the occupation of the building, 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.**
- 6. 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.**
- 7. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
- 8. Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by OneMileGrid, Council date stamped 15 July 2022, and include the following:**
  - a) Reflect the design layout as shown on the amended plans required by Condition 1.**
  - b) Dimensions of waste areas.**
  - 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.**
  - g) Sufficient headroom within the basement to allow the passage of waste collection vehicles.**
  - h) Sufficient turning circles for the waste collection vehicles to drive out in forward gear from within the basement.**
  - i) Strategies for how the generation of waste and recyclables from the development will be minimised.**
  - j) A dedicated space for hard waste provided in the bin store room.**
  - k) The recycling allocation for the residential component of the development to allow for 120 litres per week per tenant. The bin size and collection frequency must be amended accordingly to reflect the required change.**

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

- Waste collection from the development must be in accordance with the Waste Management Plan, to the satisfaction of the Responsible Authority.**
9. **Prior to the endorsement of plans, an Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the acoustic report will be endorsed and will then form part of the permit. The acoustic report must be generally in accordance with the Acoustic Report (Revision 4) prepared by Acoustic Logic, Council date stamped 15 July 2022, but modified to:**
- a) **Reflect the design layout as shown on the amended plans required by Condition 1.**  
**All to the satisfaction of the Responsible Authority.**
10. **Prior to the occupation of the development hereby approved, all acoustic measures recommended in the acoustic report must be incorporated and undertaken to the satisfaction of the Responsible Authority.**
11. **Prior to the endorsement of plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be in accordance with the landscape plan dated 11 November 2022 prepared by Dangar Barin Smith, but modified to show:**
- a) **The row of *Elaeocarpus eumundi* (Eumundi Quondong) along the south boundary be increased to a mature height of minimum 8-10 metres.**
- b) **Replacing the proposed *Quercus palustris* (Pin Oak) with a suitable species and soil volume in in-situ planter box.**
- c) **Replacing the proposed *Acer palmatum* (Japanese Maple) with a suitable species that suits the site's location.**
- d) **Soil volume for planter boxes. Formula used for calculating the required soil volumes for the trees proposed in this landscape plan must be shown.**
- e) **Details of irrigation system.**
- f) **A notation confirming the landscape irrigation system is to be connected to the rainwater tank(s).**
- g) **Maintenance regime.**
- h) **Size (pot size, grow bag volume) of trees noted as 'Mature' in the Plant Schedule.**
- i) **A survey (including botanical names) of all existing vegetation to be retained and/or removed.**
- j) **Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.**
- k) **Details of surface finishes of pathways and driveways.**
- l) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
- m) **Landscaping and planting within all open areas of the site.**
- n) **The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.**

- o) Details of all proposed hard surface materials including pathways, patio or decked areas.  
All to the satisfaction of the Responsible Authority.**
- 12. Prior to the occupation of the building, 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.**
- 13. All costs for the removal and replacement of the street tree/s are to be borne by the permit holder and paid for at the time of applying for a vehicle crossing permit. All works (removal, species selection and planting) in this regard will be undertaken by Council.**
- 14. Prior to the endorsement of development plans a Tree Management Plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will form part of this permit and all works must be done in accordance with the Tree Management Plan (AS 4970).  
The Tree Management Plan must detail measures to protect and ensure the viability of Tree 3 (Chinese Elm) located on the southwest corner of the subject site, the neighbouring trees located along the south boundary on the adjoining property to the south, and street trees along the Mathoura Road frontage.  
Among other things, the Tree Management Plan must include the following information:**
- a) Pre-construction (including demolition) – details to include a tree protection zone, height barrier around the tree protection zone, amount and type of mulch to be placed above the tree protection zone and method of cutting any roots or branches which extend beyond the tree protection zone. A plan must be submitted detailing any tree protection fencing, where the fencing is clearly identified and dimensioned.**
- b) During-construction – details to include watering regime during construction and method of protection of exposed roots.**
- c) Post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.**
- Pre-construction works and any root cutting must be inspected and approved by the Responsible Authority's Parks Unit. Removal of protection works and cessation of the Tree Management Plan must be authorised by the Responsible Authority's Parks Unit.**
- 15. Prior to 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).**



16. ***Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), each Tree Protection Zone nominated within the endorsed Tree Management Plan must:***
  - a) ***Be fenced with temporary fencing in accordance with the attached specifications annotated in this permit to the satisfaction of the Responsible Authority.***
  - b) ***Include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.***

***No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
17. ***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.***
18. ***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.***
19. ***The level of the footpaths and/or laneways must not be lowered or altered in any way at the property line to facilitate access to the site.***
20. ***Prior to the commencement of the development hereby approved, the owner/developer must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
21. ***Prior to occupation of the building, 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 owner/developer's cost to the approval and satisfaction of the Responsible Authority.***
22. ***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.***
23. ***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.***
24. ***Prior to the occupation of the building, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***
25. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking in accordance with the endorsed plans must be installed 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. ***All fixed plant and equipment (including air-conditioning units) must be located and screened to visually integrate into the development to the satisfaction of the Responsible Authority.***
28. ***External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
29. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***
  - c) ***The use is not commenced within five years of the date of this permit.***
  - d) ***The use is discontinued for a period of two years or more.******In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.***

**PERMIT NOTES**

**DEPARTMENT OF TRANSPORT NOTE**

- A. ***The permit holder must avoid disruption to tram operation along Toorak Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five (35) days prior.***

**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. ***Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.***
- 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's Arborists on 8290 1333 for further information.***
- E. ***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.**
- F. **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.**
- G. **The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".**
- H. **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

## DIVISION

Cr Matthew Koce called for a division.

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

Voting Against the motion: Cr Matthew Koce

The Mayor, Jami Klisaris declared the motion **Carried**

### 8.4 Planning Application 1050/21 - 19-21 Lalbert Crescent, Prahran

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

**That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 1050/21 for the land located at 19-21 Lalbert Crescent, Prahran under the Stonnington Planning Scheme for demolition of the existing residential building and construction of one dwelling on a lot in a Neighbourhood Character Overlay and construction of a front fence in a Design and Development Overlay subject to the following conditions:**

1. ***Before the commencement of the development, one (1) copy of Architectural Plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The Architectural Plans must be generally in accordance with the 'Advertised Plans' (Council date stamp 25 September 2022) prepared by Ritz & Ghougassian but modified to show the following:***
  - a) ***All exposed metal framing elements to be concealed.***
  - b) ***The design of the window fenestration on the front façade to reflect the prevailing tri-partite character of the original building.***
  - c) ***An updated schedule of construction materials, external finishes and colours, including cladding materials and colours, to the satisfaction of the Responsible Authority.***
  - d) ***The eastern wall of the stairwell to be setback so that it complies with Standard A10 (Side and rear setbacks) to the satisfaction of the Responsible Authority. All other setbacks of the development must not be changed.***
  - e) ***The Basement plan to be notated to ensure that a minimum grade of 1:200 is provided within the basement to allow for drainage.***
  - f) ***The garage parking bays to be dimensioned on the Basement plan.***
  - g) ***Dimensions of the car lift platform to be shown on the Basement and Ground Floor plans.***
  - h) ***A notation shown on the Elevation plans stating that the headroom height of the car lift and the basement is a minimum of 2.1 metres.***
  - i) ***The eastern (redundant) vehicular crossing on Lalbert Crescent shown to be removed on the Demolition plans.***
  - j) ***The footpath, nature strip and kerb reinstatement (in the location of the redundant vehicular crossing on Lalbert Crescent) must be shown on the Development Plans.***
  - k) ***Submission of car lift documentation required by Condition 4 (Car Lift Specification Documentation).***
  - l) ***A notation on the plans detailing the relevant information as per Condition 4.***

***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 occupation of the building, 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.***
4. ***Prior to the endorsement of plans, the car lift specification documentation must be submitted to and approved by the Responsible Authority.***
5. ***Prior to occupation, the car lift modules must be installed in accordance with the technical specifications shown on the endorsed plans, to the satisfaction of the Responsible Authority.***

6. ***The car lift must be maintained in good working order and be made permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.***
7. ***The project must incorporate the Water Sensitive Urban Design (WSUD) initiatives detailed in the endorsed site plan and/or stormwater management report.***
8. ***The existing footpath levels must not be raised or altered in any way at the property line (to facilitate the driveway ramps).***
9. ***The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.***
10. ***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.***
11. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

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

#### **NOTES**

- A. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***

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

  - i. ***with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;***
  - ii. ***with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;***
  - iii. ***with a trunk circumference of 180 cm or greater measured at its base; or***
  - iv. ***with a total circumference of all its trunks of 180 cm or greater measured at its base.***

***Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.***
- C. ***Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council's Arborists on 8290 1333 for further information.***
- D. ***This permit application was not assessed in full against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Stonnington Planning Scheme. Consideration of only the following modified Clause 54 Standards has been undertaken:***

- i. Standard A3 - Street setback objective.*
- ii. Standard A10 - Side and rear setbacks*
- iii. Standard A11 - Walls on boundaries objective.*
- iv. Standard A19 - Design Detail.*

*As such, it is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 4 of the Building Regulations 2006. Noncompliance with any Regulation will require dispensation from Council's Building Control Services Department.*

- 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. 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

*Cr Alexander Lew returned to the Council meeting at 8:11pm.*

## 8.5 Planning Amendment 0979/13 - 43 Porter Street, Prahran

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Nicki Batagol

***That Council AUTHORISE Officers to issue an Amended Planning Permit No: 979/13 for the land located at 43 Porter Street, Prahran under the Stonnington Planning Scheme for construction of buildings and works and use of the land for office in the Activity Centre Zone and a reduction in the car parking requirement subject to the following conditions:***

- 1. Before the commencement of the development, one 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 prepared by Elenberg Fraser, Council date stamped 10 November 2022, but modified to show:***
  - a) A bollard indicated within the shared area of the accessible parking bay.***
  - b) Dimensions of bicycle parking in accordance with Australian Standards.***

- c) **At least 20% of bicycle parking spaces to be provided in horizontal floor mounted racks in accordance with Australian Standards.**
- d) **The ceramic fritted glazing to the southern façade (VLT of 12%) substituted with either opaque or fluted glazing with a minimum VLT of 60% to improve daylight access Levels 1 to 3. The revised glazing must not exceed 25% transparency to a minimum height of 1.7 metres above finished floor level.**
- e) **External shading devices to west facing glazing on Levels 5, 6 and 7, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations.**
- f) **Any changes required to accord with conditions 3 (WMP), 4 (SMP) and 6 (WSUD).**

**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, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 1 July 2022 and must include:**
  - a) **Dimensions of waste areas.**
  - b) **The number of bins to be provided.**
  - c) **Method of waste and recyclables collection.**
  - d) **Hours of waste and recyclables collection.**
  - e) **Method of presentation of bins for waste collection.**
  - f) **Strategies for how the generation of waste and recyclables from the development will be minimised.**

**Waste collection from the development must be in accordance with the Waste Management Plan, to the satisfaction of the Responsible Authority.**

- 4. **Prior to the endorsement of any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the SMP will be endorsed and will then form part of the permit. 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 SMP must be generally in accordance with the report prepared by GIW Environmental Solutions dated 29 June 2022, but modified to show:**
  - a) **Updated daylight modelling using glazing with a minimum visual light transmittance (VLT) of 60% on Levels 1 to 3 to improve daylight access to these floors. The plans are to be annotated to accurately reflect the VLT of all glazing in accordance with daylight modelling.**

- b) ***If BESS credit 3.1 Water Efficient Landscaping is claimed, confirmation from the project Landscape Architect that the proposed planting requires no irrigation system and does not require watering after an initial period when plants are getting established. Alternatively, a notation is to be included on the plans confirming the landscape irrigation system is connected only to a rainwater tank and no potable water (mains water supply) is used for irrigation.***
- c) ***If BESS credit 4.1 Building System Water Use Reduction is claimed, a notation is to be included on the plans confirming the water used for fire testing is to be collected onsite and details of the intended re-use is to be provided.***
- d) ***A preliminary NCC façade assessment used to determine the façade performance values for the JV3 energy modelling reference building is to be provided.***
- e) ***The provision of Carbon Monoxide (CO) monitoring to the basement carpark mechanical ventilation system, and an annotation included on the basement plans confirming this commitment.***
- f) ***A notation included on the plans confirming the minimum visual light transmittance (VLT) of the glazing as used for the daylight modelling.***
- g) ***A commitment to implement a construction waste management plan, targeting a recycling target during demolition and construction of 80%.***
- h) ***A water balance calculation / report to be provided to ensure that the daily water demand entered into STORM is appropriate for an office space and takes into account a reduced rate of occupancy of five days per week. Alternatively the rainwater tank is to be connected to the toilets on Level 1 and 2.***

***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 the written consent of the Responsible Authority.***

- 5. ***Prior to the occupation of the building, 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.***
- 6. ***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.***
- 7. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***



8. ***Prior to the commencement of the use/occupation of the building, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
9. ***Prior to 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 Registered Professional Civil Engineer (VIC) in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity-based system 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.***
10. ***Prior to an 'Occupancy Permit' being issued, a Registered Professional Civil Engineer (VIC) 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.***
11. ***The redundant section of the vehicular crossing must be removed and the footpath and kerb reinstated at the owner's cost to the satisfaction of Council.***
12. ***Prior to the commencement of the development hereby approved, the owner/developer must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
13. ***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.***
14. ***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.***
15. ***The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.***
16. ***All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.***
17. ***Prior to 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.***

18. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development is not started within two years of the date of issue of the amended permit.***
  - b) ***The development is not completed within four years of the date of issue of the amended permit.***
  - c) ***The use is not commenced within five years of the date of issue of the amended permit.***
  - d) ***The use is discontinued for a period of two years or more. In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the responsible authority within the prescribed timeframes for an extension of the periods referred to in this condition.***

**NOTES:**

- A. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***  
***“Significant Tree” means a tree or palm:***
  - a) ***with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;***
  - b) ***with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;***
  - c) ***with a trunk circumference of 180 cm or greater measured at its base; or***
  - d) ***with a total circumference of all its trunks of 180 cm or greater measured at its base.******Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.***
- C. ***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.***
- 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 unanimously

## Procedural Motion – En Bloc

PROCEDURAL MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

*That the following Council officer reports:*

**8.6 Instrument of Appointment & Authorisation - Statutory Planning**

**8.10 Quick Response Grant**

**8.13 Bi Annual Report of the Audit and Risk Committee for the six months ended 30 September 2022**

*be moved en bloc as per the Council officers' recommendations outlined in the agenda.*

Carried

**8.6 Instrument of Appointment & Authorisation - Statutory Planning**

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

*That the Council RESOLVE, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, that:*

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation (Attachment 1 as annexed to the minutes) be APPOINTED and AUTHORISED as set out in the Instrument.*
- 2. The Instrument of Appointment and Authorisation COMES INTO FORCE immediately once the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.*
- 3. The Instrument of Appointment and Authorisation be SEALED.*

Carried

**8.10 Quick Response Grant**

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

*That the Council:*

- 1. ENDORSE Quick Response Grants funding recommendation as per Attachment 1;*

2. **NOTE that Quick Response Grants will remain open until the funds are fully expended; and**
3. **AUTHORISE the Chief Executive Officer to approve Quick Response Grants under delegation for the remainder of the 2022/2023 Grants period.**

Carried

#### 8.13 Biannual Report of the Audit & Risk Committee for the six months ended 30 September 2022

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

**That the Council resolve to NOTE the Audit and Risk Committee (ARC) Report for the six months ended 30 September 2022.**

Carried

#### 8.7 Lime Trial Review

*Cr Alexander Lew left the Council meeting at 8:25pm.*

*Cr Alexander Lew returned to the Council meeting at 8:26pm.*

*Cr Alexander Lew left the Council meeting at 8:28pm.*

*Cr Alexander Lew returned to the Council meeting at 8:34pm.*

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

**That the Council:**

1. **NOTE the results of the Lime E-bikes Trial after eight months of operation.**
2. **APPROVE the following recommendations:**
  - a. **Extend the e-bike sharing scheme to be ongoing after the Trial ends (14 February 2023) and review after a period of two years.**
  - b. **Open local operations to other service providers (to a maximum of two) to increase competition and lower costs for residents to access the service.**
  - c. **Seek to increase the local vehicle fleet size to a maximum of 500 pending demand and capacity when usage reaches 2.5 rides per day per bike in line with standard practice worldwide. (Current maximum of 200)**
  - d. **Implement No Ride zones and No Parking zones on an as need basis to maintain safety and amenity of public spaces.**

Carried

## 8.8 Sustainability Snapshot 2021-22

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

***That the Council:***

- 1. NOTE the Sustainability Snapshot 2021-22 and ongoing progress towards achieving the goals of its Sustainable Environment Strategy 2018-2023.***
- 2. ENDORSE the Sustainability Snapshot 2021-22 for publication.***

Carried

## 8.9 Electric Vehicle Charging Infrastructure Policy

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

***That the Council:***

- 1. ENDORSE the Electric Vehicle Charging Infrastructure Policy with the following amendment:***

***Introduction (p.3)***

***Replace***

***Council supports increased use of electric vehicles (EVs) over fossil-fuel internal combustion engine vehicles for their environmental, social and economic benefits.***

***With***

***In line with Council's declaration of a Climate Emergency and the target of zero carbon emissions for the Stonnington community by 2030, Council supports increased use of electric vehicles (EVs) over fossil-fuel internal combustion engine vehicles for their environmental, social and economic benefits.***

- 2. NOTE that a draft Electric Vehicle Charging Plan aligned to the Policy will be referred to the Transport Advisory Committee and Climate Emergency Advisory Committee for review and endorsement prior to being considered by Council for adoption in early 2023.***

Carried

## DIVISION

Cr Polly Morgan called for a division.

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

Voting Against the motion: Cr Alexander Lew

The Mayor, Cr Jami Klisaris declared the motion **Carried**

## 8.12 Councillor and Member of a Delegated Committee Expenses Policy

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Marcia Griffin

*That the Council resolve:*

1. *To ADOPT the Councillor and Member of a Delegated Committee Expenses Policy (as annexed to the Minutes) subject to the table which is within Clause 11.8 titled Carer in a Care Relationship Childcare and Family Care reading as follows:*

<i>Child Care / Family Care Arrangement</i>	<i>One and/or Multiple Child / Family Person Requiring Care</i>
<i>Single Child Care / Family Care Dwelling (i.e. Child Care / Family Care situated all in one centralised location i.e. the family home)</i>	<i>The fair and reasonable expenses incurred collectively for one and/or multiple child care / family care person requiring care in the one centralised location</i>
<i>Multiple Child Care / Family Care Dwelling (i.e. Child Care / Family Care situated in at least 2 or more separate locations i.e. the family home and/or separate care centres)</i>	<i>The fair and reasonable expenses incurred per each individual child care / family care person requiring care in each specified location</i>

2. *The Councillor and Member of a Delegated Committee Expenses Policy COMMENCE on 1 April 2023.*
3. *A COPY of the Councillor and Member of a Delegated Committee Expenses Policy be provided to all Councillors.*

## Procedural Motion – Extension of Speaking Time

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

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

**Carried**

The motion was put to the vote and declared Lost

## DIVISION

Cr Alexander Lew called for a division.

Voting For the motion: Cr Alexander Lew and Cr Marcia Griffin

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

The Mayor, Cr Jami Klisaris declared the motion **Lost**

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

***That the Council resolve:***

- 1. To ADOPT the Councillor and Member of a Delegated Committee Expenses Policy (as annexed to the Minutes).***
- 2. The Councillor and Member of a Delegated Committee Expenses Policy COMMENCE on 1 April 2023.***
- 3. A COPY of the Councillor and Member of a Delegated Committee Expenses Policy be provided to all Councillors.***

**Carried**

## DIVISION

Cr Polly Morgan called for a division.

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

Voting Against the motion: Cr Alexander Lew and Cr Marcia Griffin

The Mayor, Cr Jami Klisaris declared the motion **Carried**

## 9 Correspondence

Cr Marcia Griffin noted she had received numerous emails regarding Item 8.1 - Planning Application 0321/22 - 671 Chapel Street, South Yarra.

Cr Polly Morgan tabled an email received from the co convenor Victorian Pride Lobby regarding the postponement of the Glitter Nova youth pride celebration which was scheduled to take place at the Victorian Pride Centre on 8 December 2022.

Cr Melina Sehr presented Council with a book *Paintings from Paris: The life and Art of Moya Dyring* by Gaynor Guthbert which will be donated to the Malvern Library.

## 10 Tabling of Petitions and Joint Letters

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

## 11 Notices of Motion

There was no notices of motion presented at the meeting.

## 12 Reports by Councillors

### 12.1 [Record of Councillor Briefing Session held on 5 December 2022](#)

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That the Council RECEIVE the Record of the Councillor Briefing Session held on 5 December 2022.***

**Carried**

Cr Marcia Griffin informed the Council meeting that along with Cr Kate Hely they had attended the Annual General Meeting of the Toorak Traders Association where the Federal Member for Higgins, Dr Michelle Ananda-Rajah MP was also in attendance.

## 13 Questions to Council Officers

Cr Marcia Griffin asked the following question of the Executive Manager Legal & Governance:

Who is the Council Protected Disclosure Officer?

The Executive Manager Legal & Governance responded.



Cr Marcia Griffin asked the following question of the Executive Manager Legal & Governance:

How is the policy and the identity and contact details of the responsible officer promoted to staff?

The Executive Manager Legal & Governance responded.

Cr Marcia Griffin asked the following question of the Executive Manager Legal & Governance:

Is the officer accessible to the community? If so where is that information available?

The Executive Manager Legal & Governance responded.

Cr Marcia Griffin asked the following question of the Director Community & Wellbeing:

How is planning processing for the Council Australia Day barbecue proceeding and where will it be held?

The Director Community & Wellbeing responded.

Cr Polly Morgan asked the following question of the Director Community & Wellbeing:

Can Council Officers reschedule the Glitter Nova youth pride celebration which was postponed?

The Director Community & Wellbeing responded.

Cr Alexander Lew asked the following questions of the Director Community & Wellbeing:

What is the latest on City on the Hill and have Council Officers viewed the sermon and podcast which is being delivered at Phoenix Park Community Centre. How does this group align with the Council's LGBTIQ+ Action Plan?

The Director Community & Wellbeing responded.

Cr Kate Hely asked the following questions of the Interim Chief Executive Officer:

Can the Interim Chief Executive Officer clarify if the personal interests return submitted by councillors are exactly the same as the summary of returns and is there any reason that information may be excluded from the summary of personal interests return published on the Council website?

The Interim Chief Executive Officer responded.

Cr Kate Hely asked the following question of the Interim Chief Executive Officer:

Who has authority over what is in the summary of the personal interests return? Is there any reason why information may be excluded if there are concerns over safety?

The Interim Chief Executive Officer responded.

#### **14 Urgent Business**

Cr Alexander Lew proposed an item of urgent business be admitted for consideration regarding an article in the Local Government Inspectorate Spring 2022 newsletter titled 'Councillors warned over personal interests returns'.

Cr Alexander Lew then stated the nature and intent of his proposed item of urgent business.

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Melina Sehr

*That the Council resolve to admit as an item of urgent business the matter regarding the article in the Local Government Inspectorate Spring 2022 newsletter titled 'Councillors warned over personal interests returns'.*

Cr Kate Hely declared a general conflict of interest.

Cr Kate Hely stated the general conflict of interest was "*I was named in the proposed motion*".

Cr Nicki Batagol declared a general conflict of interest.

Cr Nicki Batagol stated the general conflict of interest was "*I was named in the proposed motion*".

Cr Kate Hely and Cr Nicki Batagol left the Council Chamber at 9:37pm.

#### **Adjournment**

PROCEDURAL MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

*That the Council resolve to adjourn the Council Meeting.*

**Carried**

The Council meeting was adjourned at 9:38pm.

## Resumption

PROCEDURAL MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Melina Sehr

***That the Council resolve to resume the Council Meeting.***

**Carried**

The Council Meeting was resumed at 9:53pm with all Councillors present with the exception of Cr Kate Hely and Cr Nicki Batagol.

Cr Melina Sehr sought leave of the Council to withdraw her seconding of the motion. Leave of the Council was not granted.

The motion was put and **Lost**

Cr Kate Hely and Cr Nicki Batagol returned to the Council Chamber and resumed their respective seat at 10:19pm.

## 15 General Business

Cr Marica Griffin recognised Cr Alexander Lew had submitted his resignation from the Council earlier in the evening. Cr Marcia Griffin then paid tribute to Cr Alexander Lew's time on the Council.

Cr Alexander Lew stated this was his last Council meeting as he had resigned. Cr Alexander Lew explained why he had resigned from the Council and then thanked councillors for their support and wished them all the best.

Cr Nicki Batagol provided an explanation with respect to her personal interests return.

Cr Kate Hely provided an explanation with respect to her personal interests return.

The Mayor, Cr Jami Klisaris acknowledged Cr Alexander Lew had submitted his written resignation to the Council. The Mayor, Cr Jami Klisaris wished Cr Alexander Lew all the best for his future.

The Mayor, Cr Jamie Klisaris commented the Carols held at Central Park on 11 December 2022 was a successful and pleasant event with well over 1000 people in attendance.

Cr Polly Morgan acknowledged the resignation of Cr Alexander Lew and wished him all the best for his future. Cr Polly Morgan then paid tribute to the advocacy undertaken by Cr Alexander Lew with regard to keeping the Serrell Street Kindergarten open.

## 16 Confidential Business

### 16.1 Art Acquisitions Advisory Committee Membership Recommendations

#### Procedural Motion - Closure of Council Meeting to the Public

PROCEDURAL MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

1. ***That, in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the agenda item titled:***

#### ***16.1 Art Acquisitions Advisory Committee Membership Recommendations***

2. ***This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because:***
  - a) ***the item is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and***
  - b) ***these grounds apply because the agenda items concern personal information and the premature disclosure of the personal information could be prejudicial to the interests of other persons and the Council.***

**Carried**

The Council meeting was closed to the public at 10:33pm.

#### Procedural Motion - Reopening of Council Meeting to the Public

PROCEDURAL MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

***That the Council resolve that the Council meeting be re-opened to the public.***

**Carried**

The meeting was reopened to the public at 10:35pm with all Councillors present.

The Mayor, Cr Jami Klisaris thanked members of the gallery for their attendance and wished all councillors and the community a Merry Christmas.

The meeting concluded at 10:35pm.

Confirmed on 6 February 2023.

.....  
**CR JAMI KLISARIS, MAYOR**