



Council Meeting - Minutes

Held on Monday 24 October 2022

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

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The meeting commenced at 7:08pm

Councillors Present:

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

Apologies:

Cr Alexander Lew (Leave of Absence)

Council Officers Present:

Jacqui Weatherill	Chief Executive Officer
Annaliese Battista	Director Planning & Place
Cath Harrod	Director Community & Wellbeing
Marilyn Kearney	Acting Director Organisation Capability
Rick Kwasek	Director Environment & Infrastructure
David Thompson	Executive Manager Legal & Governance
Georgie Birch	Manager Economic & Place Development
Mathew Burke	Manager Corporate Strategy & Performance
Daniela Mazzone	Acting Chief Customer & Transformation Officer
Phil Gul	Coordinator Statutory Planning
Jane Wright	Acting Manager Communications & Engagement
Judy Hogan	Civic Support Officer

Remote Attendance

In accordance with the Governance Rules, the Chief Executive Officer made it known at the commencement of the Council meeting that Cr Matthew Koce had requested to join the meeting by electronic means of communication.

PROCEDURAL MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Marcia Griffin

That the Council resolve to approve the request by Cr Matthew Koce to attend the Council meeting on 24 October 2022 by electronic means of communication.

Carried

Councillor Matthew Koce joined the meeting by electronic means of communication at 7:08pm

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 Chief Executive Officer introduced the Council Officers present.

4 Apologies

Cr Mike Scott informed his colleagues he would be an apology for the Council meeting on 28 November 2022.

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Polly Morgan

That the apology received from Cr Mike Scott for non-attendance at the Council Meeting to be held on 28 November 2022 be accepted and leave of absence granted.

Carried

5 Confirmation of the Minutes of the previous meeting

5.1 Minutes of the Council Meeting held on 10 October 2022

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Marcia Griffin

That the Minutes of the Meeting of the Stonnington City Council held on 10 October 2022 be confirmed as an accurate record of the proceedings.

Carried

6 Disclosure of Conflicts of Interest

Cr Mike Scott declared a general conflict of interest in Item 8.7 - Arts and Culture Grants 2022/23 - Round 2.

Cr Mike Scott stated the general conflict of interest was "*An applicant has named the place of my work as a partner in their application*".

Cr Marcia Griffin commented she had previously declared a general conflict of interest in the Aged Services Update matter. However, due to her recent resignation as a member of the board of Care Connect Pty Ltd she no longer had a conflict of interest.

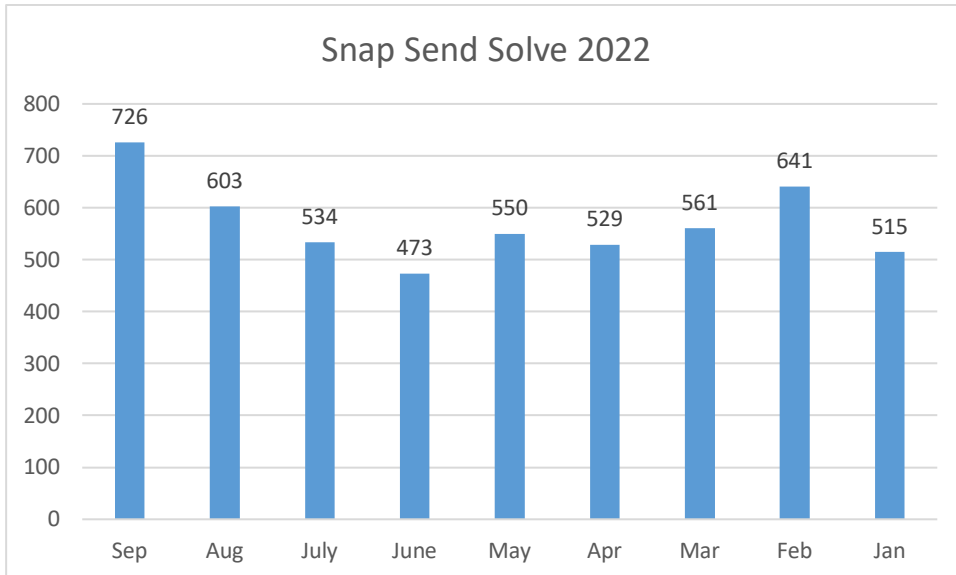
7 Questions From the Community

Mr Hurlston – Response to Questions asked at the Council meeting on 10 October 2022.

Question 1

“Can council please confirm how many requests it receives on a monthly basis from SNAP, SEND, SOLVE”?

Response



Month '22	Reported incidents
Sep	726
Aug	603
July	534
June	473
May	550
Apr	529
Mar	561
Feb	641
Jan	515

Question 2

“Can council categorise the type of requests”?

Response

From 1st January to 30th September 2022

Incident type	Reported (#)
Dumped Rubbish	1337
Rubbish and Bins - General	356

Parking - Illegal	345
Pavement - Damaged	238
Overgrown Vegetation	235
Trees - General	231
Graffiti - General	226
Pavement - General	206
General Request	172
Graffiti - Public Property	140
Accessibility	123
Abandoned Vehicle	115
Damaged Street Sign	111
Park - General Request	107
Street Gutters / Storm Water	104
Parking and Cars - General	82
Litter	73
Damaged Road	68
Request Bin Repair or Replacement	68
Poles and Signage – General	61
Road Signage	55
Vandalism - General	51
Facility - General Request	50
Public Toilet	47
General - Abandoned Trolley	45
Street Cleaning	45
Animal - Deceased	44
Pollution - General	44
Noise - General	42
Fallen Tree	41
Playground Equipment	40
Pothole	39
Graffiti - Signage	37
Pit and Equipment – General	36
Roads - General	27
Road Blockage	25
Animal - General	21
Animal - Domestic	18
Noise - Construction	16
Parking - Disabled	12
Pest / Vermin	12
Dumped Tyres	6

Noise - Animal	2
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Question 3

“Can council report the average time it takes for resolution”?

Response

The average resolution timeframes are harder to determine and is based on the individual Service Level Agreement (SLA) for each enquiry type. The first response aims to respond to customers with a 2 day SLA.

Mr Reid – Response to Questions asked at the Council meeting on 10 October 2022.

Question 1

“This Council spent over \$70 million on Prahran square and used thousands of metres of concrete. The heat load is horrible, and you can’t stand there in summer heat. Why is this council now pouring at least 5,000 sqm of concrete in the multipurpose stadium project”?

Question 2

“How can this council claim it has a climate emergency, when it is contributing to massive climate change”?

Response

Council has committed to a masterplan that will deliver a new multi-purpose sporting facility to meet the needs of thousands of participants, with a particular focus on improving opportunities for women and girls. It will also deliver new and improved facilities for the existing sporting clubs at Percy Treuvaud Memorial Park.

The use of concrete in the industry for this type of project is considered appropriate. It is currently still the most efficient building material for this type of construction. In line with its Climate Action Plan, Council has committed to delivering a 5 Star Green Star facility. This aim will:

1. Reduce the environmental impacts of the facility over it’s operational life (approx. 50 years)
2. Enhance people’s health and quality of life
3. Drive resilience in our buildings
4. Contribute to market transformation and a sustainable economy.

Five Questions from Ms Nasser were tabled at the meeting. The questions were as follows:

“In light of the human rights violations and the damage caused by the state government vaccine mandates I would like Council to address the role that you played in this. I am submitting the following five questions to be addressed in Question Time.

- 1. When presented with the mandates, did you request that the state government provide you with copies of the science reports that were relied upon by the state government to support these measures. If not, why not?*
- 2. If you did request the reports and access was not provided, what action, if any did the Council consider taking to obtain the reports prior to advising business owners that vaccination of employees was mandatory?*
- 3. What scientific evidence did the Council rely on to support its decision to exclude unvaccinated rate payers from Council buildings and events?*
- 4. What consultation, if any, did the Council undertake with the community prior to making its decision to exclude unvaccinated people from Council buildings and events?*
- 5. Did the Council request a copy of the scientific evidence that substantiated the decision to close playgrounds in Stonnington or raise concerns with the state government about this direction? If not, why not?”?*

The Mayor, Cr Jami Klisaris, stated a written response to the questions will be sent to Ms Nasser within ten (10) business days in accordance with the Customer Charter.

Further, in accordance with the Governance Rules, the responses will then be tabled and inserted into the Minutes of the following Council meeting.

8 Business

8.1 Annual Report 2021-22 - Council Adoption

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Marcia Griffin

That the Council:

- 1. APPROVE in principle the 2021-22 Performance Statement (Attachment 2) and Annual Financial Report (Attachment 3).***
- 2. AUTHORISE Mayor, Cr Jami Klisaris and Deputy Mayor, Cr Melina Sehr, to certify the Performance Statement and Annual Financial Report for the year ended 30 June 2022, in accordance with the Local Government (Planning and Reporting) Regulations 2014 and Local Government Act 2020.***
- 3. ADOPT the full Annual Report 2021-22; comprising the Report of Operations (Attachment 1), Performance Statement (Attachment 2), and Annual Financial Report (Attachment 3).***
- 4. NOTE that Report of Operations (Attachment 1), Performance Statement (Attachment 2) and Annual Financial Report (Attachment 3) will be consolidated into a single, designed Annual Report document following Council adoption.***
- 5. NOTE that the Closing Report (Attachment 4) and Management Letter (Attachment 5) provides a summary of results of the audit of Stonnington City Council at 30 June 2022, which has been discussed at the Audit and Risk Committee meeting on 5 October 2022.***
- 6. NOTE that the Annual Report 2021-22 meets all requirements of the Local Government Act 2020.***

Carried

8.2 Planning Application 0300/21 - 1667-1669 & 1671-1673 Malvern Road, Glen Iris

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 300/21 for the land located at 1667-1669 & 1671-1673 Malvern Road, Glen Iris under the Stonnington Planning Scheme for construction of a multi-dwelling development in a General Residential Zone and alteration of access to a road in a 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 prepared by Peddle Thorpe and known as Drawing No's TP100-107, TP200-208, TP211-212, TP300-306, TP600-606 and TP900, Revision B, Council date stamped 15 September 2022, but modified to show:**
 - a) **The setbacks of the proposal increased to a minimum of 6 metres at Ground, Level 1 and Level 2 from the north-eastern boundary (opposite the 5 King Street dwellings) and the south-eastern boundary (opposite the 1675 Malvern Road dwellings) with the exception of apartments G.6, 1.7 and 2.7. The increased setbacks must retain satisfactory levels of articulation and recession to the façades.**
 - b) **The setbacks from the north-western boundary increased to comply with Standard B17 of Clause 55.**
 - c) **As a result of Conditions 1.a. and 1.b. the dwellings must be amended to:**
 - i. **Comply with the relevant Standards of Clause 55.07, including Standard B42 (Accessibility), Standard B43, (Private open space), Standard B44 (Storage), Standard B46 (Functional Layout), Standard B47 (Room depth), Standard B48 (Windows) and Standard B49 (Natural Ventilation).**
 - ii. **Achieve a minimum daylight factor of 1% for 90% of the floor area in each living area including kitchens, and a minimum daylight factor of 0.5% for 90% of the floor area for each bedroom.**
 - d) **The north-west and south-east Level 3 windows and balconies screened to comply with Standard B22 unless it is demonstrated via the provision of a sectional/sightline diagram that views to the adjoining secluded private open spaces are adequately limited. The sight lines must be along the 45 degree angle from the plane of the windows and balconies into the secluded private open space of the adjoining properties measured to 1.7m above Natural Ground Level and demonstrating compliance with Clause 55.04-6.**
 - e) **The south-east facing living room window of Apt 2.7 screened in accordance with Standard B22.**
 - f) **Sectional/sightline diagrams from the bedrooms in the centre of the north-western interface associated with Apt 1.11 and Apt 1.12 at Level 1 and Apt 2.11 and Apt 2.12 at Level 2 demonstrating that views to the adjoining secluded open space are adequately limited. The sight lines must be along the 45 degree angle from the plane of the windows and balconies into the secluded private open space of the adjoining properties measured to 1.7m above Natural Ground Level and demonstrating compliance with Clause 55.04-6. If the sightlines do not demonstrate compliance with Clause 55.04-6 then the windows must be screened in accordance with Standard B22.**

- g) The south-east Level 2 balconies screened to comply with Standard B22 unless it is demonstrated via the provision of a sectional/sightline diagram that views to the adjoining secluded private open spaces are adequately limited. The sightlines must be along the 45 degree angle from the plane of the balconies into the secluded private open space of the dwellings at 1675 Malvern Road measured to 1.7m above Natural Ground Level and demonstrating compliance with Clause 55.04-6.**
 - h) All dwelling floor plans amended to annotate the proposed use of each room.**
 - i) All habitable room windows must be provided with direct daylight access and natural ventilation. Any internal studies with no direct access to daylight or natural ventilation must be deleted.**
 - j) Fixed external shading devices are to be provided to north-east and north-west facing windows to prevent passive solar gain. External shading can be in the form of a fixed overhang (such as an eave) width should measure 45% of the height from the windowsill and the bottom of the shading device or adjustable external shading devices can be provided. Where sun shading devices are being utilised a dimensioned section diagram is to be included to demonstrate their effectiveness.**
 - k) Sign on the fence removed (no signage is to be shown on the plans).**
 - l) Car parking spaces allocated to each dwelling in accordance with the requirements of Clause 52.06-5.**
 - m) Each dwelling provided with a storage cage in the basement.**
 - n) Wing walls and balcony ceilings are to be white with a minimum reflectance of 80%.**
 - o) Convex mirrors provided at the start and end of the ramp down to basement 2.**
 - p) A notation on the roof plan to reflect the total area in (m2) to drain to the rainwater tank. This is to be consistent with that shown in the Water Sensitive Urban Design Report included in the SMP (Condition 7).**
 - q) Any changes required by Conditions 3 and 4 (Engineering Plans), Condition 5 (Landscape Plans), Condition 7 (Sustainable Management Plan), Condition 10 (Waste Management Plan) and Condition 12 (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 in accordance with Condition 1, engineering plans must be submitted to and approved by the Responsible Authority to the satisfaction of Council's Asset Management and Planning Department. When approved, the engineering plans will be endorsed and will then form part of the permit. The engineering plans must be prepared generally in accordance with the concept drainage plans prepared by Rapawa Civil Services, but modified to include:**

- a) **Amended to reflect the changes to the architectural plans as per the Section 57A revision submitted to Council on 15 September 2022.**
4. **The minimum ground floor level must be in accordance with the Engineering drainage plan showing the floor level to be 27.23m A.H.D. All other pavement and landscaping works must also comply with that Engineering plan.**
5. **Prior to the endorsement of any plans in accordance with Condition 1, an amended landscape plan 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 generally in accordance with the Landscape Plans prepared by John Patrick Landscape Architects, Council date stamped 15 September 2022, but modified to include:**
 - a) **Vegetation in the sight distance triangles must not exceed 0.9 metres.**
 - b) **The 4-metre clipped hedge along the north-western boundary reduced to a clipped height of 2.5m to 2.6m (to not exceed the height of the boundary fence).**
 - c) **Any changes required by Condition 1 (Architectural Plans), Conditions 3 and 4 (Engineering Plans), Condition 5 (Landscape Plans), Condition 7 (Sustainable Management Plan) and Condition 12 (Tree Management Plan).**
6. **Prior to 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.**
7. **Prior to the endorsement of any plans in accordance with Condition 1, an amended Sustainable Management Plan (SMP) in accordance with Clause 22.05 must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Recommendations of the SMP must be incorporated into the plans required under Condition 1. The SMP must be generally in accordance with the SMP prepared by Northern Environmental Design as advertised September 2021, but modified to include:**
 - a) **Amended to reflect the changes to the architectural plans as per the Section 57A revision submitted to Council on 15 September 2022.**
 - b) **Daylight modelling generally in accordance with the Daylight Analysis report prepared by Northern Environmental Design but amended to account for the change in the ground level and include the front fence. At ground floor the model should also be amended to a maximum reflectance value of 20%.**

- c) **The project Landscape Architect must confirm that the proposed planting meets the BESS criteria to claim the relevant points or if irrigation is required it is to be connected to the rainwater tank and noted that no potable water is to be used for irrigation on the Architectural Plans (Condition 1) and Landscape Plans (Condition 5).**
 - 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.**
 - i) **Any changes required by Condition 1 (Architectural Plans) and Condition 5 (Landscape Plans).**
8. **All works must be undertaken in accordance with the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without written consent of the Responsible Authority.**
9. **The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.**
10. **Prior to the endorsement of any plans in accordance with Condition 1, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance the WMP prepared by Northern Environmental Design as advertised September 2021, but modified to include:**
- a) **Amended to reflect the changes to the architectural plans as per the Section 57A revision submitted to Council on 15 September 2022 and any changes required by Condition 1 (Architectural Plans).**
11. **Waste collection from the development must be in accordance with the Waste Management Plan, to the satisfaction of the Responsible Authority.**
12. **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 the trees surrounding the site, including the two Brush Box (*Lophostomon confertus*) street trees, the English Oak (*Quercus robur*) to the rear of the site at 5 King Street and the Box Elder (*Acer negundo*) to the south-east of the site at 1/1675 Malvern Road.**

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.

13. **Prior to commencement of the any works (including excavation and demolition whether or not a planning permit is required), the tree protection fencing must be erected around the street trees. Fencing is to be compliant with Section 4 of AS 4970. Signage identifying the need for approval from Council's Parks Unit for any root cutting (prior to it occurring) must also be displayed on the fence.**
14. **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.**
15. **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.**
16. **Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision of the building. That inspection must also confirm that all finished ground floor levels and landscaping levels through to King Street have been constructed in accordance with the Engineering drainage plan.**

17. ***The existing Malvern Road footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
18. ***The redundant vehicular crossing must be removed and the footpath, naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.***
19. ***The owner must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 7,000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.***
20. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
21. ***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.***
22. ***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.***
23. ***Prior to occupation of the building or commencement of the use, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the owner/developer's cost to the approval and satisfaction of the Responsible Authority.***
24. ***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.***

Department of Transport Conditions:

25. ***Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped April 2021 and annotated Ground Floor Plan, TP102 but modified to show:***
 - a) ***The crossover at the site boundary widened to 7.2m and associated transition to 6.1m within the passing area.***
 - b) ***The edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3.0m from the edge of the road with 3.0m radial turnouts.***
 - c) ***Any alterations to the existing utility/water authority assets.***
 - d) ***Location(s) and details of the Stop/Go light system that always gives priority for vehicles entering the site.***
26. ***The level of the footpath must not be lowered or altered in any way to facilitate access to the site.***

27. **Prior to occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
28. **Prior to occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.**
29. **Vehicles must enter and exit the land in a forward direction at all times.**
30. **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. **Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.**
- 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. **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.
- E. **The crossover must be constructed to Council's Standard Vehicle Crossover Guidelines unless otherwise approved by the Responsible Authority. Separate consent for crossovers is required from Council's Building and Local Law Unit.**
- F. **The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".**

Department of Transport Note:

- G. The proposed development requires reinstatement of disused crossovers to kerb and channel and the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.**
- 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:**
- a) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and**
 - b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Carried

8.3 Planning Application 0153/22 - 1287, 1289, 1291, 1293 & 1295 High Street, Malvern

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

That Council AUTHORISE Officers to issue a Notice of Refusal to Grant a Planning Permit No: 153/22 for the land located at 1287, 1289, 1291, 1293 & 1295 High Street Malvern under the Stonnington Planning Scheme for the construction of a multi-dwelling development and front fence in a General Residential Zone and Special Building Overlay and alteration of access to a Transport Zone 2 – Principal Road Network, on the following grounds:

- 1. The proposal fails to respect and is at odds with the existing neighbourhood character of the area and does not comply with the Neighbourhood Character Policy (Clause 22.23) and Neighbourhood Character Objectives (Clause 55.02-1)**
- 2. The height, scale, design, siting and built form of the proposal and lack of appropriate side and rear setbacks, is inconsistent with the neighbourhood character of the area.**
- 3. The proposal fails to provide a suitable transition to the existing neighbouring buildings.**
- 4. The proposal will have unreasonable visual bulk impacts to neighbouring properties.**
- 5. The proposal fails to provide sufficient landscaping and is at odds with the Landscaping Objectives (Clause 55.03-8).**
- 6. The proposed design detailing and materials is at odds with the existing neighbourhood character and does not comply with the Detail Design Objective (Clause 55.06-1).**

Carried

8.4 Planning Application 0887/21 - 2 Paran Place & 1539 High Street, Glen Iris

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

That Council AUTHORISE Officers to advise VCAT that had a Failure to Determine appeal not been lodged, a Notice of Refusal to Grant a Planning Permit No: 887/21 would have been issued for the land located at 2 Paran Place & 1539 High Street, Glen Iris under the Stonnington Planning Scheme for Partial demolition, construction of buildings and works associated with a mixed use development, and use of the land as Offices and Food and Beverage Production (Coffee roasting) in a Commercial 1 Zone, Industrial 3 Zone and Heritage Overlay; and a reduction in the car parking requirements on the following grounds:

- 1. The proposal does not provide adequate provision of industrial floor space within the development. It fails to achieve an acceptable and balanced planning outcome having regard to the current planning policy.***
- 2. In the absence of odour and noise emission assessment reports, the proposed operating hours of coffee roasting to 9:00pm is considered inappropriate and may result in adverse amenity impacts to the surrounding area.***
- 3. The application has not adequately demonstrated that the proposal will not adversely impact the significant Smooth-barked Apple tree within the adjacent VicTrack land.***
- 4. The application has not provided sufficient strategic assessment to determine the future capacity of the Paran Place/ High Street intersection and the future traffic impacts and/or projections and fails to address the identified concerns in the previous VCAT decision. The proposal may result in unacceptable traffic impact to Paran Place and the intersection with High Street.***
- 5. The proposal fails to achieve a satisfactory response to the Environmentally Sustainable Development policy at Clause 22.05 of the Stonnington Planning Scheme.***

Carried

8.5 Instrument of Appointment & Authorisation - Statutory Planning

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Jami Klisaris

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

8.6 Aged Services Update

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

That the Council:

1. ***NOTE full implementation of aged care reforms planned for 1 July 2023 has been delayed by the new Federal Government until 1 July 2024;***
2. ***NOTE any CHSP funding extension offer 2023-2024 will be reviewed and presented to Council for approval; and***
3. ***NOTE ongoing information on aged care reforms will be provided to community as these are released.***

Carried

8.7 Arts and Culture Grants 2022/23 - Round 2

Cr Mike Scott declared a general conflict of interest.

Cr Mike Scott stated the general conflict of interest was “*An applicant has named the place of my work as a partner in their application*”.

Cr Mike Scott left the Council Chamber at 7:56pm prior to consideration and vote on the item.

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

That the Council:

1. ***APPROVE the allocation of \$171,975 of the remaining Arts and Culture Grants pool of funds for 2022/23 to eight (8) applicants that have been recommended by the arts and culture grants assessment panel for funding as shown in Attachment 1; and***
2. ***APPROVE that the remaining balance of \$40,789 remain available for any out-of-round grant applications.***

Carried

Cr Mike Scott returned to the Council Chamber and resumed his seat at 8:00pm.

8.8 Draft LGBTIQA+ Action Plan

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

That the Council:

- 1. ENDORSE the draft LGBTIQA+ Action Plan 2022-2025 (refer Attachment 1) for the purposes of community consultation for a period of 4 weeks; and***
- 2. NOTE following consultation, the draft LGBTIQA+ Action Plan 2022-2025 will be adjusted and presented to Council for final approval.***

Carried

DIVISION

Cr Morgan called for a division.

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

Voting Against the motion: No votes recorded.

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

8.9 Smart Bin RFID Program - Stonnington Waste Services

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Melina Sehr

That the Council:

- 1. ENDORSE the Smart Bin RFID (Radio Frequency Identification) Program for Stonnington Waste Services inclusive of:***
 - a. Procurement and installation of RFID readers on all Council waste collection fleet vehicles and associated software subscriptions.***
 - b. Activation of RFID tags on all Stonnington food and green waste, garbage and recycling bin lids and ongoing collection of data.***
 - c. Implementation of Phase 1 between December 2022 and March 2023 to test and refine the RFID system, data collection and management, IT integration, community engagement, driver training and data analytics.***
 - d. Implementation of Phase 2 commencing between March – June 2023, in line with the changeover of garbage and recycling bin lids to standardised colours.***

2. **NOTE the total estimated cost of the program in Year 1 is \$547,200 ex GST, including capital costs for the installation and activation of RFID readers on waste trucks, and the ongoing annual cost is approximately \$43,200 ex GST.**
3. **APPROVE funding of the program in Year 1 (2022/23) from savings realised in the existing capital budget X00110 - Waste Bin Lid Changeover and future years from waste services budgets.**
4. **NOTE that procurement for the program will be progressed by Council Officers under financial delegation.**
5. **NOTE the significant benefits of the implementation of RFID technology into Stonnington Waste Services**

Carried

8.10 Contract Award - Waste & Recycling Bin Lid Changeover

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

That the Council:

1. **AWARD Contract No. NPN1.11-3 Bin Lid Change Project, to SULO MGB Pty Ltd (ABN 27 002 605 192) from the MAV panel – Mobile Garbage Bins to supply and install new bin lids for all City of Stonnington garbage and recycling bin lids to comply with the Victorian Government requirement for standardised bin colours for an initial contract period of 12 months with a six-month extension option at the projected contract price of \$2,101,242.22 (excluding GST) comprising of:**
 - a. **Supply and installation of new bin lids and recycling of old bin lids for the lump sum of \$1,458,524.20 (excluding GST)**
 - b. **Supply and installation of Radio Frequency Identification (RFID) tags within the bin lid for the additional lump sum of \$451,696.00 (excluding GST).**
 - c. **Contingency of 10% to account for variances in bin lid quantities (estimated by Council in the quote specification) for the sum of \$191,022.02 (excluding GST).**
2. **AUTHORISE the Chief Executive Officer to execute the contract agreements with the above supplier.**
3. **NOTE that expenditure under this contract is in accordance with Council's Budget for Financial Year 2022/23.**

Carried

8.11 Smart City Strategy

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Marcia Griffin

That Council:

- 1. ENDORSE the Smart City Strategic Framework documents (Attachments 1-3).***

Carried

8.12 Audit and Risk Committee Charter

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

Part 1

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Marcia Griffin

That the Council adopt the Audit and Risk Committee Charter as annexed to the minutes subject to amendment to the following clause:

Councillors who are not members of the Committee but have an interest in the business of the Committee may attend meetings in an observer capacity only and may speak to an item when invited to do so

By deletion of the words “may speak to an item when invited to do so” and replacement with the words “may with the consent of the Chair speak to an item.”

Lost

Part 2

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Marcia Griffin

That the Council ADOPT the Audit and Risk Committee Charter as annexed to the minutes subject to the:

- 1. fourth paragraph under the heading titled MEMBERSHIP AND TENURE reading as follows:***

Independent members shall be appointed for a term of three years or as otherwise determined by the Council. At the conclusion of their initial term, existing members will be eligible to apply to be reappointed at the discretion of the Council for a further term. A maximum of nine years may be served by an independent member. The Council will consider the terms of existing independent members when appointing an independent member to stagger the expiry terms of independent members to ensure seamless continuity of the Committee's function.

Carried

8.13 [Instrument of Delegation from Council to the Chief Executive Officer \(s5\)](#)

Cr Kate Hely left the Council Chamber at 8:35pm

Cr Kate Hely returned to the Council Chamber at 8:36pm and resumed her seat

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Jami Klisaris

That the Council resolve:

- 1. Not to change the current Instrument of Delegation from the Council to the Chief Executive Officer dated 6 July 2020.***
- 2. To authorise the Chief Executive Officer to do all things necessary to enter into the following contracts not exceeding the value of \$5 million (excluding GST) for:***
 - Princess Gardens Skate Park and Associated Works (Contract T23016)***
 - Toorak Village (Contract T23014)***
 - Central Park Regional Accessible Playground (Contract T23017)***
 - Mount Street Masterplan (Contract T23012)***
 - Toorak Park Oval and Lighting (Contract T23002)***

- ***Prahran Aquatic Centre Rectification and Maintenance Works (Capital Budget Number X 009504)***
- ***Sir Zelman Cowan Regional Accessible Playground (Capital Budget Number X 00256)***
- ***East Malvern Tennis Centre (Tennis Centre Redevelopment – Capital Budget Number X 009475)***
- ***Network Infrastructure (Contract DTA - ICT - 069)***

Carried

9 Correspondence

Cr Mike Scott tabled the following correspondence:

- Email from resident regarding the provision of a dog free area for exercise and playing.

Cr Marcia Griffin tabled the following correspondence:

- Email from resident regarding waste and street cleaning issues in William Street, South Yarra
- Email from Chapel Street Precinct Association regarding Service Review issues
- Email from Dr Michelle Ananda-Rajah MP, Federal Member for Higgins regarding submission to the Federal Government on behalf of Higgins electorate in relation to Job and Skills.
- Email from Glenferrie Road Malvern Business Association regarding Service Review issues.
- Email from Toorak Village Traders Association regarding Service Review.

Cr Kate Hely tabled the following correspondence:

- Email from Trader Associations regarding Service Review.
- Email from resident regarding the North Ward community meeting held on 20 October 2022, at the Toorak/South Yarra Library.
- Email from resident regarding Hobson Street South Yarra pocket park.

10 Tabling of Petitions and Joint Letters

Cr Mike Scott tabled a petition from 200 residents requesting the Council to allow the garden at 64 Alfred Street, Prahran to remain.

PROCEDURAL MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Nicki Batagol

That the Council resolve:

- 1. The petition be received and noted.***

2. ***The petition be referred to the Director Environment & Infrastructure for consideration.***
3. ***The first named signatory to the petition be advised of the Council decision.***

Carried

11 Notices of Motion

11.1 Notice of Motion No 7/2022: Crs Sehr, Morgan and Klisaris

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

Notwithstanding the Council resolution of 26 September 2022, the Council RESOLVE to conduct the remaining 2022 fixed Council meetings and any unscheduled / Special meetings:

1. ***partially in person and partially by electronic means; but if all Councillors attend in person then***
2. ***wholly in person; but if no Councillor attends in person and five or more Councillors request to attend by electronic means then***
3. ***wholly by electronic means.***

Carried

12 Reports by Councillors

12.1 Record of Councillor Briefing Session held on 17 October 2022

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Polly Morgan

That the Council RECEIVE the Record of the Councillor Briefing Session held on 17 October 2022.

Carried

Cr Kate Hely tabled the Eastern Alliance for Green House Action Annual Report 2021-22.

Cr Kate Hely, Cr Maria Griffin and Cr Matthew Koce reported on their attendance at the North Ward Community meeting held on Thursday 20 October 2022 at Toorak/ South Yarra Library. The councillors noted the residents had embraced the new format and the positive feedback from the community.

The Mayor, Cr Jami Klisaris noted the East Ward Community meeting was to be held on Thursday 3 November 2022 at TH King Oval Pavilion.

The Mayor, Cr Jami Klisaris also reported on her attendance at the Phoenix Park Neighbourhood House Annual General Meeting on Thursday 20 October 2022.

13 Questions to Council Officers

Cr Marcia Griffin asked the following question:

How does Council budget for the maintenance of pocket parks and small parks as the number of them grow?

The Director Environment & Infrastructure responded.

Cr Mike Scott asked the following question:

Recognising the upgrade to the Princes Gardens, does the Council have a choice of biodiversity planting options?

The Director Environment & Infrastructure responded.

Cr Mike Scott asked the following question:

What is the current status on the *Green line* biodiversity corridor project initiative?

The Director Environment & Infrastructure responded.

Cr Mike Scott asked the following question:

When will the nature strip policy be considered by Council?

The Director Environment & Infrastructure responded.

Cr Melina Sehr asked the following question:

Can we have an update on the waste renewals strategy?

The Director Environment & Infrastructure responded.

The Mayor, Cr Jami Klisaris asked the following question:

When will the Council discuss the business support options for the City of Stonnington business and precinct associations?

The Director Planning & Place responded.

14 Urgent Business

Cr Kate Hely proposed an item of Urgent Business with respect to when and how the process would operate concerning Special Rate Schemes for the City of Stonnington business and precinct associations.

Adjournment

PROCEDURAL MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Polly Morgan

That the Council resolve to adjourn the Council meeting.

Carried

The Council meeting was adjourned at 9:11pm.

Resumption

PROCEDURAL MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Matthew Koce

That the Council resolve to resume the Council meeting.

Carried

The Council meeting was resumed at 9:29pm with all Councillors present except Cr Alexander Lew.

Cr Kate Hely informed the meeting that she would not be proceeding with her proposed item of Urgent Business.

15 General Business

The Mayor, Cr Jami Klisaris on behalf of her colleagues thanked the Chief Executive Officer, Ms Jacqui Weatherill who had tendered her resignation to take up the position of Chief Executive Officer at the City of Greater Dandenong.

The Mayor, Cr Jami Klisaris presented the Chief Executive Officer with a floral tribute on behalf of the Council and thanked her for her leadership throughout some of the most difficult times the Council had experienced.

Each councillor in turn acknowledged and thanked the Chief Executive Officer for her contribution to the City of Stonnington.

The Chief Executive Officer responded.

16 Confidential Business

There was no confidential business considered at the meeting.

The meeting concluded at 9:40pm.

Confirmed on 14 November 2022.

.....
CR JAMI KLISARIS, MAYOR