



# MINUTES

of the **ORDINARY MEETING** of the **STONNINGTON CITY COUNCIL**  
held in the **COUNCIL CHAMBER, MALVERN TOWN HALL**  
(CORNER GLENFERRIE ROAD & HIGH STREET, MALVERN)

on

**5 February 2018**

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**MONDAY 5 FEBRUARY 2018**

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<sup>1</sup> Note that s.79(1)(a) of the Act requires Councillors to disclose the nature of a conflict of interest immediately before the relevant consideration or discussion.

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**PRESENT** : CR STEVEN STEFANOPOULOS, MAYOR  
: CR GLEN ATWELL  
: CR MARCIA GRIFFIN  
: CR JOHN CHANDLER  
: CR SALLY DAVIS  
: CR JUDY HINDLE  
: CR MATTHEW KOCE  
: CR MELINA SEHR  
: CR JAMI KLISARIS

**COUNCIL OFFICERS PRESENT**

: WARREN ROBERTS, CEO  
: SIMON THOMAS  
: KAREN WATSON  
: STUART DRAFFIN  
: FABIENNE THEWLIS  
: ALEXANDRA KASTANIOTIS  
: JUDY HOGAN

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**A. Reading Of The Reconciliation Statement And Prayer**

Fabienne Thewlis, Acting General Manager Corporate Services/Manager Governance & Corporate Support, read the following reconciliation statement:

*We acknowledge that we are meeting on the traditional land of the Boonwurrung and Wurundjeri people and offer our respects to the elders past and present. We recognise and respect the cultural heritage of this land.*

The meeting began with a prayer at 7.00pm.

**Vale – Leon HILL**

On behalf of myself and my fellow Councillors, the CEO and staff at the City of Stonnington, I wish to express our deep sadness at the loss of our dear friend and former Mayor and Councillor Leon Hill.

Leon contributed much to the business and community over his working life and served as Councillor after being elected to the first City of Stonnington Council in 1996. He served as Mayor in 2001-2002 and retired from Council in 2004.

Council expresses its condolences to his family and its sincere sympathies to his wife Val, who so ably supported him as Councillor and Mayor.

He will be deeply missed.

Cr Davis extended her sympathies to Val his beloved wife who is in the photograph of him as Mayor in the hallway to this Council Chamber. He was a fine man and a gentleman and recalled a regular comment Leon had on the planning applications when some were being considered – “*we are not the good taste police so let’s get on with it!*”

Cr Hindle noted that she came onto Council after Leon had been Mayor and he was a gentleman who worked hard for his constituents, and tried hard to stop the traffic filtering through Stonnington off the Monash Freeway along Toorak Road, but, as we know, this is still an issue.

Cr Sehr noted he was one of Stonnington Council’s first Councillors and she recalls his comments on planning applications often as ‘*development by arithmetic*’. He was against all the high-rise development. He always said it as it was. Cr Sehr recalled one moment when a well-known ratepayer went on a hunger strike at the front of the office and Leon told him after a day or so, to go and eat something and get a meal. He was a big animal lover and his dog’s name was Fosters. It is a sad time and my condolences to Val and his family.

**B. Apologies**

Nil

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**C. Adoption And Confirmation Of Minutes Of Previous Meeting(S) In Accordance With Section 63 Of The Act And Clause 423 Of General Local Law 2008 (No 1)**

**1. Council Meeting - 25 December 2017**

**MOTION:                MOVED CR MARCIA GRIFFIN    SECONDED CR SALLY DAVIS**

***That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 18 December 2017 and Minutes of the Confidential Meeting of the Stonnington City Council held on 18 December 2017 as an accurate record of the proceedings.***

***Carried***

**D. Disclosure by Councillors of any conflicts of interest in accordance with Section 79 of the Act**

Cr Hindle declared an Indirect Conflict of Interest – Close Association with Item 1 - Planning Application 0578/15 - 671 Chapel Street, South Yarra - use and development of the land for dwellings, offices (including maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1, as her son is an objector to the application.

**E. Questions to Council from Members of the Public**

During Council's previous Ordinary Meeting one (1) set of questions to Council was received from members of the public. The question related to the proposed Stonnington Indoor Stadium.

The question asked by Ms Wallish when a Council or special committee resolves to close a meeting to members of the public, the reason must be recorded in the minutes of the meeting. What category of confidential business does the Indoor Stadium fall under and in which Council minutes was the reason recorded? The response was provided at the meeting of Council of 18 December 2017 as below:

Response

I will provide the response to the question tonight and send a written response to the question within 14 days.

Confidential Business is Item O as listed in Council's agenda

The following resolution is recorded in the Ordinary Minutes of the Council meeting held on 21 November 2016

*"Procedural Motion        Moved Cr Melina Sehr Seconded Cr Matthew Koce*

*That the meeting be closed to the public to consider the following matters that are confidential in accordance with Section 89 (2) of the Local Government Act 1989 for the reasons specified: (8.05pm)*

*Confidential Matter*

*Reason for Confidentiality*

1. *Stonnington Indoor Stadium Proposal*

*89 (2) (e) proposed developments*

2. *Proposed Property Purchase*

*89 (2) (d) contractual matters*

***Carried"***

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For tonight's Ordinary Meeting of Council two (2) sets of Questions to Council have been received for response. In accordance with clause 424 of Council's General Local Law a summary of the questions are as follows:

Four (4) questions from Ms Wallish

The questions relate to when does the Feasibility Study Operations Report Appendix 7 propose that netball is allocated two of the four courts on Saturdays and the other two courts being allocated to basketball competition? Does this allocation leave Prahran Netball Association no better off than before, but with additional travel? Are Prahran Netball Association and its members aware of this and that's Stonnington Council did not amend any consultant recommendations.

Two (2) questions from Ms Lawlor

The questions relate to what is the Council definition of 'Encumbered Open Space' and 'Open Space' and the differences between the two and could you provide Council's definition of 'Parkland' and 'Sportsgrounds'?

Council will answer the questions, but I use my discretion under Clause 424 (3) (b) of the Local Law to not provide the responses this evening but to provide written responses to the submitters within 14 working days and the responses will be put into the minutes of the following meeting.

**F. Correspondence – (only if related to council business)**

Cr Davis tabled the following correspondence:

- An email from a resident regarding the state of Penpraze Park asking: why is the park not mentioned on Council's web-site; what is the state of the agreement covering shared use of the park with the Council and the Education Department; and a list of maintenance issues that need to be attended to included more regular inspections by Council. Cr Davis noted she will ask questions at Item G.

Cr Griffin tabled the following correspondence:

- An email from a resident asking how Council budget is allocated, and how the budget for road maintenance works is allocated.
- Four emails from residents objecting to the proposed helipad at the Capitol Grange development on the corner of Toorak Road and Chapel Street South Yarra.
- An email from a resident and user of the Prahran Pool responding to the Aquatic Lane Hire and Allocation Discussion Paper.
- Two letters from residents of Mathoura Road Toorak objecting to the planning application at 41 Mathoura Road and outlining their reasons why.

Cr Sehr tabled the following correspondence:

- A multi-signatured letter from residents of Eastbourne Street Windsor asking Council to change the existing parking restrictions as outlined in the letter as they are concerned with potential impact of new developments in the area.

Cr Chandler tabled the following correspondence:

- Email from a resident asking for a street light in Alexandra Avenue near the Copelen Apartments as it is dark and comments in respect to the application for a helipad at the Capitol Grange development on the corner of Toorak Road and Chapel Street South Yarra.

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- Letter from a resident advising that the footpaths in Malvern Road, Commercial Road and Chapel Street are cracking and are a tripping hazard and asking that this be undertaken. Cr Chandler noted that it is especially a problem for those with walking frames.

Cr Atwell tabled the following correspondence:

- An email from a resident in Ewart Street Malvern regarding the annual street tree pruning and concerns regarding lack of notification on when this would be occurring which causes issues as a result with vehicles, access, braches and dust. Cr Atwell noted he will ask questions at Item G.

Cr Stefanopoulos tabled the following correspondence:

- Multi-signatured letter from residents of McArthur Street Malvern asking for parking restrictions/permits in their street and outlining the reasons why.
- Letter from the Minister for Police the Hon. Lisa Neville MP responding to Council's letter that sought an increase in Police allocation to the Stonnington Region.
- A letter from Philip Dalidakis MP Member for the Legislative Council for the Southern Metropolitan region advising Council of its success in gaining a grant towards the Princes Garden Stage One Works project from the Public Safety and Infrastructure Fund.
- Letters from The Hon Kelly O'Dwyer Federal Member for Higgins, the Hon. Matthew Guy MP Leader of the Victorian Opposition and David Davis MP Member for Southern Metropolitan Region and Shadow Minister for Transport in response to Council's letter regarding the South Yarra Railway Station and Melbourne Metro Rail Interchange.
- Email from resident of Cyril Street Windsor regarding carpark works at a property in The Avenue Windsor and asking if permits are required and if so, been obtained.

**G. Questions to Council Officers from Councillors**

<b>1.</b>	<b>Street Tree Line Clearance Annual Pruning</b>
	<p>Cr Atwell following on from the email he tabled earlier, noted that while Council does communicate the coming pruning of street trees for line clearance in the local newspaper does Council need to look at doing letter-box drops as well closer to the date so residents can move cars and make any other necessary arrangements .</p> <p>In response the General Manager Assets and Services Simon Thomas took the matter on notice and will report back noting that there would be additional staff costs incurred for letter-box drops that need to be evaluated.</p>

<b>2.</b>	<b>Penpraze Park</b>
	<p>Cr Davis following on from the email she tabled earlier, asked about the state of the Agreement between the Education Department and Penpraze Park and also why no one from Council seems to inspect the park and equipment anymore.</p> <p>The General Manager Community and Culture Karen Watson advised that the Agreement is with the Education Department as they had some matters they had asked for to review and Council is awaiting this approval.</p> <p>Cr Davis asked what the financial situation or agreement was.</p> <p>The General Manager Community and Culture Karen Watson advised that in December 2015 Council had agreed with a land swap exchange with Malvern Primary School and an agreement to enter into a new 20-year joint use agreement for Penpraze park. Ms Watson</p>



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	<p>noted that in June 2016 this Draft Agreement had been tabled with the Department of Education and a revised maintenance schedule was requested by the Department. In November 2017 this revised maintenance schedule that had been agreed to by Malvern Primary School and Council (Parks and Recreation Department of Assets and Services Division) was submitted to the Education Department for approval. The transaction to finalise the land swap will be completed when the Joint use Agreement is finalised. The Malvern Valley Primary School has progressed the school development proposal on the basis that the land swap would proceed. Officers were following up on the progress of the Joint Use Agreement over this time.</p> <p>In December 2017 the Education Department communicated with Council that the registration of the Joint Use Agreement would be extended to March 2018 in order to finalise some outstanding issues. Council is awaiting this approval in order to finalise the Joint Use Agreement and the final land swap transaction.</p> <p>A briefing report will come back to Council when the Education Department have responded.</p>
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<b>3.</b>	<b>East Malvern Tooronga Cricket Club</b>
	<p>Cr Davis reported that with Cr Atwell she attended the cutting of the ribbon recently for the new practice nets for which Council had contributed \$8k. Cr Davis advised that unfortunately one pitch is unfinished as the existing foundation of the run-up needs to be stabilised before it can be refurbished too. Cr Davis asked if this can be followed up.</p> <p>This matter was taken on notice.</p>

<b>4.</b>	<b>Accumulation of roof top infrastructure</b>
	<p>Cr Hindle asked about what she referred to as 'junk on the roof' which is increasing on a particular building that is visible when near St John's Anglican Church in Toorak Road. Cr Hindle asked why there is so much of this 'junk' which seems to be twice as much as most buildings. She further asked if there is a permit, does it need a permit and what is it.</p> <p>The General Manager Planning and Amenity Stuart Draffin advised he would get the details from Cr Hindle and have the matter followed-up.</p>

<b>5.</b>	<b>Small park on corner of Northcote Road and High Street Armadale</b>
	<p>Cr Hindle asked who owned the small park with the electronic signage on it on the corner of Northcote Road and High Street abutting no. 919 High Street, is it Council land or not as it has council street furniture on it.</p> <p>The General Manager Planning and Amenity Stuart Draffin took the matter on notice.</p>

<b>6.</b>	<b>Traffic in municipality</b>
	<p>Cr Koce commented that the traffic in Stonnington is becoming intolerable especially at the level crossings and this issue needs to be sorted out as it is unsafe, is putting pressure on the local streets and amenity with rat runs to avoid these hold-ups. He asked if Council could follow up with State Government on using the \$6b from the sale of the Port of Melbourne for such works.</p> <p>The Chief Executive Officer Warren Roberts took the matter on notice.</p>

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**H. Tabling of Petitions and Joint Letters**

Cr Chandler tabled the following petitions:

- A petition with 12 signatures from residents of Nicholson Street South Yarra requesting Council “*reviews and amends current parking restrictions in our street. Parking for residents is now a major problem due to non- residents occupying parking positions throughout the day. We the undersigned invite Stonnington Council to install 24 hour ‘Permit only’ parking on one side of Nicholson Street. This would significantly contribute to easing of parking difficulties for local residents.*”
- Petition with 34 signatures from residents of Hawksburn Road, Oban Street and Cassell Street South Yarra asking Council “*save Hawksburn Road from developers – stop 74 Hawksburn Road from demolition into multi-storey apartments there and Toorak Road boundary.*”

**PROCEDURAL MOTION: MOVED CR JAMI KLISARIS      SECONDED CR MELINA SEHR**

***That the petitions be received.***

***Carried***

**I. Notices of Motion**

Nil

**J. Reports of Special and Other Committees**

The Chief Executive Officer Warren Roberts tabled the following Assembly of Councillor Records:

- Villers Bretonneux Centenary Commemoration Committee meeting held on 20 December 2017
- Villers Bretonneux Centenary Commemoration Public Meeting held on 17 January 2018
- Councillor Briefing held on 29 January 2018
- Summary of Planning Consultative meetings held in January 2018

**K. Reports of Delegates**

Nil

**L. General Business**

Cr Hindle having declared an Indirect Conflict of Interest – Close Association with Item 1 - Planning Application 0578/15 - 671 Chapel Street, South Yarra - as her son is an objector to the application left the meeting at 7.24pm.

- 1      PLANNING APPLICATION 0578/15 - 671 CHAPEL STREET, SOUTH YARRA - USE AND DEVELOPMENT OF THE LAND FOR DWELLINGS, OFFICES (INCLUDING MATERNAL AND CHILD HEALTH CENTRE), SHOPS (AS OF RIGHT USE) AND FOOD AND DRINK PREMISES (AS OF RIGHT USE), BUILDING AND WORKS IN AN ACTIVITY CENTRE ZONE, WITH ASSOCIATED REDUCTION IN THE CAR PARKING REQUIREMENT AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1**

**MOTION:                      MOVED CR MARCIA GRIFFIN      SECONDED CR SALLY DAVIS**

***That a Notice of Decision to Grant a Planning Permit No: 578/15 for the land located at 671 Chapel Street, South Yarra, be issued under the Stonnington Planning Scheme for use and development of the land for dwellings, offices (including***

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*maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions:*

**1. Before the commencement of the development, one (1) electronic copy of plans drawn to scale and fully dimensioned must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Architecton (Job No. 1409178, Drawings No. TP01.00C – TP04.04A, Council date stamped 22 September 2015) advertised in October 2015, but modified to show:**

**a) Changes shown on the discussion plans (Job No. 1409178, Drawings No. TP01.00 – TP01.27, TP02.17 – TP02.19, and TP03.01 – TP03.02, Council date stamped 27 November 2017) but amended to show:**

- i. Extension of the canopy above the Chapel Street footpath to the southern end.**
- ii. Setbacks from the title boundary be nominated on levels 3 – 20 floor plans.**
- iii. Details of the glazing, including type (such as tinted or double glazed), colour and reflectivity. The colour of the glazing must be a light colour and not warm grey and brown, to the satisfaction of the Responsible Authority.**
- iv. Removal of the gold decorative elements and application of an alternative treatment to articulate the tower façade to enhance the design character of the development, to the satisfaction of the Responsible Authority.**
- v. Extension of the podium to the south-eastern corner of level 3. The internal layout of Apt 3.03, 3.04 and 3.05 may be modified to accommodate the consequential changes.**
- vi. Balconies to the dwellings have a minimum area of 8sqm, with a minimum dimension of 2m.**
- vii. Provision of a headroom clearance of at least 2.2m at the basement entrance point and throughout the parking area in accordance with the Australian Standards.**
- viii. Gradients of the parking areas in accordance with the Australian Standards.**
- ix. Doors to the main distributor frame, grease interceptor, substation and switch room to not open onto the accessway.**
- x. Installation of columns/bollards in front of the staircases within the basements that are located adjacent to the basement ramps to separate pedestrians from the accessway.**
- xi. Provision of bicycle parking for visitors and the non-residential components of the development in accordance with Clause 52.34.**
- xii. Internal access for the ground floor commercial tenants to dispose of their wastes.**
- xiii. Location and capacity of the water tanks and confirmation that they will be connected to toilets within the building for flushing.**
- xiv. Notation of permeability of site surfaces and stormwater treatment areas**
- xv. The floor plans to the community spaces to be updated to clearly show the location of windows as set out in Section A.**

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- b) A coloured schedule of finishes and materials.*
- c) Any changes as required by conditions 4 (WMP), 5 (SMP), 7 (WSUD), 9 (wind modelling) and 10 (landscape 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 (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*
- 3.** *Prior to the commencement of the development, the permit holder must enter into an agreement with the Responsible Authority pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 ('Agreement') in which it must be covenanted as follows:*
- a) That the requirements contained in this agreement must form part of any sale, transfer or lease of the premises which the owner of the land under this permit or its successor may enter into with another party;*
- b) Pursuant to the provisions of Section 181 of the Planning and Environment Act 1987 this agreement must be registered with the Registrar of Titles and must run with the land;*
- c) The owner of the land under this permit must pay the Responsible Authority's legal costs and be responsible at its cost for the preparation and registration of the said agreement.*
- d) The landowner will construct a first floor maternal and child health centre in the development, generally in accordance with the plans and the response to the draft terms submitted to Council on 27 November 2017, unless otherwise agreed between the Responsible Authority and the landowner. The maternal and child health center must include:*
- i. A minimum net floor area of 300 square metres; and*
- ii. Six (6) car parking spaces (including one disable space) that are placed as near as practical to the access points of the maternal and child health centre while ensuring safe paths of travel are maintained; and*
- iii. Designated lift and stair access (including access from the basement car park) and a dedicated entrance at the ground level from Chapel Street.*
- to the satisfaction of the Responsible Authority.*

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- e) *Location of building services to the maternal and child health centre to be agreed upon prior to the commencement of the development.*
  - f) *All relevant services must be connected to the property prior to the settlement with the exception of telephone which should be available to be connected after the settlement.*
  - g) *The details of any external signage relevant to the maternal and child health centre to be agreed and provided for.*
  - h) *By arrangement with the permit holder, the Responsible Authority be allowed site visit prior to completion of the construction of the maternal and child health centre to sight the location and shell of the centre and the car parks and progress of construction generally.*
  - i) *Prior to the occupation of the building, the landowner will sell the part of the land known as the 'maternal and child health centre' (including the associated 6 car parking spaces) to the Responsible Authority for a consideration of \$1.*
4. *Concurrent within the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must include:*
- a) *Dimensions of waste areas.*
  - b) *The number of bins to be provided in accordance with the 'City of Stonnington Residential Waste Management Guidelines'.*
  - c) *Method of waste and recyclables collection.*
  - d) *Hours of waste and recyclables collection.*
  - e) *Method of presentation of bins for waste collection.*
  - f) *Sufficient headroom within the car park to allow the passage of waste collection vehicles.*
  - g) *Sufficient turning circles for the waste collection vehicles to drive out in a forward direction.*
  - h) *Strategies for how the generation of waste and recyclables from the development will be minimised.*
  - i) *Clarification on how residents and commercial tenants will access the refuse room and dispose of their wastes.*

*When approved, the WMP will be endorsed and form part of the permit. Waste collection from the development must be in accordance with the WMP, to the satisfaction of the Responsible Authority.*

5. *Concurrent with the endorsement of plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval, the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report*

*must include, but not limited to, the following:*

- a) *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.*
- b) *identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
- c) *document the means by which the appropriate target or performance is to be achieved.*
- d) *identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
- e) *demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
- f) *demonstrates how the policy objectives of Clause 22.18 are achieved, including details on plans of how each impervious area is treated, and that all toilets and the irrigation system are connected to the water tank.*
- g) *commitment to the development of a construction phase stormwater pollution reduction strategy.*
- h) *commitment to minimum insulation values and glazing performance.*
- i) *commitment to a minimum efficiency rating of the reverse cycle systems.*
- j) *specification of the heating and cooling systems to be used for the non-residential spaces.*
- k) *commitment to the provision of a Building Users Guide to future occupants of both the residential and non-residential components of the development.*

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

6. *Prior to the occupation of the building, a report from the author of the Sustainable 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 Sustainable Management Plan have been implemented in accordance with the approved plan.*
7. *Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Stormwater Management (Water Sensitive Urban Design) Policy to the satisfaction of the Responsible Authority.*
8. *The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed plans and/or stormwater management report.*
9. *Concurrent with the endorsement of plans, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the*

*endorsement of the owner/applicant's wind climate experts, referencing the use of architectural features and planting to resolve any issued identified.*

10. *Concurrent with 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 and one (1) electronic copy must be provided. The landscape plan must be in accordance with the landscape concept plans (Drawings No. LC01 and LC02, dated 15 September 2015) but modified to show:*
- a) *changes to the building footprint and layout as per condition 1.*
  - b) *soil volume details of the planter boxes.*
  - c) *species for the roof terrace that are suitable in an exposed, wind-swept and westerly facing position.*
  - d) *details of the pavement, street furniture and street trees (where applicable) as required by condition 12.*
  - e) *annotation that confirms the 3m setback at the ground level from the eastern title boundary will be clear from any obstruction, such as tables and chairs.*

*All to the satisfaction of the Responsible Authority.*

11. *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.*
12. *Before the commencement of the development, details of the pavement along the Chapel Street frontage and the northern boundary of the subject land (such as material, size and pattern), details of the street furniture and street tree realignment/planting must be submitted to and approved by Council's Urban and Infrastructure Projects Unit to the satisfaction of the Responsible Authority.*
13. *Prior to the occupation of the building, a Car Parking Allocation Plan must be submitted to and approved by the Responsible Authority. The Car Parking Allocation Plan must specify how the car spaces will be allocated to individual dwellings, residential visitors, staff and/or customers of the non-residential components of the development hereby approved, to the satisfaction of the Responsible Authority. When approved, the Car Parking Allocation Plan will be endorsed and form part of the permit.*
14. *Concurrent with the endorsement of plans, the permit holder must submit a digital 3D massing model of the development hereby approved in accordance with the specifications of Council's GIS Unit, to the satisfaction of the Responsible Authority.*
15. *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.*

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- 16. The provision of music and entertainment on the ground floor food and drinks premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.**
- 17. Any projection over the street must have a minimum vertical clearance above the footpath level of 2.7 metres and a minimum horizontal clearance of 750 millimetres from the street kerb unless otherwise approved in writing by the Responsible Authority.**
- 18. 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.**
- 19. 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.**
- 20. 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.**
- 21. All plant and equipment (including air-conditioning units) must be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and must be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.**
- 22. 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 that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.**
- 23. The level of the footpath at the property line must not be lowered or altered to facilitate access to the site.**
- 24. 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 permit holders cost to the approval and satisfaction of the Responsible Authority.**
- 25. Unless otherwise agreed in writing by the Responsible Authority, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works (except for remediation) in association with a sensitive use commences, either:**
  - a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or**
  - b) An environmental auditor appointed under the Environment Protection Act**



*1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

*Before 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.*

26. *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.*

**VicRoads' conditions**

27. *The edges of the vehicular crossover must be angled at 60 degree to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority.*
28. *Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).*
29. *The proposed development requires construction and reinstatement of crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.*

**End of VicRoads' conditions**

**Public Transport Victoria's conditions**

30. *Before the development starts, or other time agreed in writing with the Responsible Authority, amended plans to the satisfaction of the responsible authority and Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
- a) *self-enforcing "left in left out" access only from Chapel Street with associated signs.*
31. *Prior to the occupation of the development, all works outlined on the endorsed plans for the left in / left out access must be completed with associated signs to the satisfaction of the Responsible Authority at the full cost to the permit holder.*
32. *The permit holder must take all reasonable steps to ensure that disruption to tram operation along Chapel Street must be kept to a minimum during the*

*construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen (14) days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.*

**End of Public Transport Victoria's conditions**

**33. 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:**

- i. 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.*
- ii. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".*
- iii. 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:*
  - 1) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and*
  - 2) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

**AMENDMENT:**

**MOVED CR JOHN CHANDLER SECONDED CR MATTHEW KOCE**

*That a Notice of Decision to Grant a Planning Permit No: 578/15 for the land located at 671 Chapel Street, South Yarra, be issued under the Stonnington Planning Scheme for use and development of the land for dwellings, offices (including maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a*

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*road in a Road Zone, Category 1 subject to the following conditions:*

- 1. Before the commencement of the development, one (1) electronic copy of plans drawn to scale and fully dimensioned must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Architecton (Job No. 1409178, Drawings No. TP01.00C – TP04.04A, Council date stamped 22 September 2015) advertised in October 2015, but modified to show:**
  - a) Changes shown on the discussion plans (Job No. 1409178, Drawings No. TP01.00 – TP01.27, TP02.17 – TP02.19, and TP03.01 – TP03.02, Council date stamped 27 November 2017) but amended to show:**
    - i. Extension of the canopy above the Chapel Street footpath to the southern end.**
    - ii. Setbacks from the title boundary be nominated on levels 3 – 20 floor plans.**
    - iii. Details of the glazing, including type (such as tinted or double glazed), colour and reflectivity. The colour of the glazing must be a light colour and not warm grey and brown, to the satisfaction of the Responsible Authority.**
    - iv. Removal of the gold decorative elements and application of an alternative treatment to articulate the tower façade to enhance the design character of the development, to the satisfaction of the Responsible Authority.**
    - v. Extension of the podium to the south-eastern corner of level 3. The internal layout of Apt 3.03, 3.04 and 3.05 may be modified to accommodate the consequential changes.**
    - vi. Balconies to the dwellings have a minimum area of 8sqm, with a minimum dimension of 2m.**
    - vii. Provision of a headroom clearance of at least 2.2m at the basement entrance point and throughout the parking area in accordance with the Australian Standards.**
    - viii. Gradients of the parking areas in accordance with the Australian Standards.**
    - ix. Doors to the main distributor frame, grease interceptor, substation and switch room to not open onto the accessway.**
    - x. Installation of columns/bollards in front of the staircases within the basements that are located adjacent to the basement ramps to separate pedestrians from the accessway.**
    - xi. Provision of bicycle parking for visitors and the non-residential components of the development in accordance with Clause 52.34.**
    - xii. Internal access for the ground floor commercial tenants to dispose of their wastes.**
    - xiii. Location and capacity of the water tanks and confirmation that they will be connected to toilets within the building for flushing.**
    - xiv. Notation of permeability of site surfaces and stormwater treatment areas**
    - xv. Levels 17 and above to be setback a minimum of 12m from the eastern boundary (Chapel Street)**
    - xvi. The floor plans to the community spaces to be updated to clearly show the location of windows as set out in Section A.**

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- b) A coloured schedule of finishes and materials.*
- c) Any changes as required by conditions 4 (WMP), 5 (SMP), 7 (WSUD), 9 (wind modelling) and 10 (landscape 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 (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*
- 3.** *Prior to the commencement of the development, the permit holder must enter into an agreement with the Responsible Authority pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 ('Agreement') in which it must be covenanted as follows:*
- a) That the requirements contained in this agreement must form part of any sale, transfer or lease of the premises which the owner of the land under this permit or its successor may enter into with another party;*
- b) Pursuant to the provisions of Section 181 of the Planning and Environment Act 1987 this agreement must be registered with the Registrar of Titles and must run with the land;*
- c) The owner of the land under this permit must pay the Responsible Authority's legal costs and be responsible at its cost for the preparation and registration of the said agreement.*
- d) The landowner will construct a first floor maternal and child health centre in the development, generally in accordance with the plans and the response to the draft terms submitted to Council on 27 November 2017, unless otherwise agreed between the Responsible Authority and the landowner. The maternal and child health center must include:*
- i. A minimum net floor area of 300 square metres; and*
- ii. Six (6) car parking spaces (including one disable space) that are placed as near as practical to the access points of the maternal and child health centre while ensuring safe paths of travel are maintained; and*
- iii. Designated lift and stair access (including access from the basement car park) and a dedicated entrance at the ground level from Chapel Street.*
- to the satisfaction of the Responsible Authority.*

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- e) *Location of building services to the maternal and child health centre to be agreed upon prior to the commencement of the development.*
  - f) *All relevant services must be connected to the property prior to the settlement with the exception of telephone which should be available to be connected after the settlement.*
  - g) *The details of any external signage relevant to the maternal and child health centre to be agreed and provided for.*
  - h) *By arrangement with the permit holder, the Responsible Authority be allowed site visit prior to completion of the construction of the maternal and child health centre to sight the location and shell of the centre and the car parks and progress of construction generally.*
  - i) *Prior to the occupation of the building, the landowner will sell the part of the land known as the 'maternal and child health centre' (including the associated 6 car parking spaces) to the Responsible Authority for a consideration of \$1.*
4. *Concurrent within the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must include:*
- a) *Dimensions of waste areas.*
  - b) *The number of bins to be provided in accordance with the 'City of Stonnington Residential Waste Management Guidelines'.*
  - c) *Method of waste and recyclables collection.*
  - d) *Hours of waste and recyclables collection.*
  - e) *Method of presentation of bins for waste collection.*
  - f) *Sufficient headroom within the car park to allow the passage of waste collection vehicles.*
  - g) *Sufficient turning circles for the waste collection vehicles to drive out in a forward direction.*
  - h) *Strategies for how the generation of waste and recyclables from the development will be minimised.*
  - i) *Clarification on how residents and commercial tenants will access the refuse room and dispose of their wastes.*

*When approved, the WMP will be endorsed and form part of the permit. Waste collection from the development must be in accordance with the WMP, to the satisfaction of the Responsible Authority.*

5. *Concurrent with the endorsement of plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval, the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must include, but not limited to, the following:*
- a) *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.*

- b) identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
- c) document the means by which the appropriate target or performance is to be achieved.*
- d) identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
- e) demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
- f) demonstrates how the policy objectives of Clause 22.18 are achieved, including details on plans of how each impervious area is treated, and that all toilets and the irrigation system are connected to the water tank.*
- g) commitment to the development of a construction phase stormwater pollution reduction strategy.*
- h) commitment to minimum insulation values and glazing performance.*
- i) commitment to a minimum efficiency rating of the reverse cycle systems.*
- j) specification of the heating and cooling systems to be used for the non-residential spaces.*
- k) commitment to the provision of a Building Users Guide to future occupants of both the residential and non-residential components of the development.*

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

- 6. Prior to the occupation of the building, a report from the author of the Sustainable 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 Sustainable Management Plan have been implemented in accordance with the approved plan.*
- 7. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Stormwater Management (Water Sensitive Urban Design) Policy to the satisfaction of the Responsible Authority.*
- 8. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed plans and/or stormwater management report.*
- 9. Concurrent with the endorsement of plans, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner/applicant's wind climate experts, referencing the use of architectural features and planting to resolve any issued identified.*

10. ***Concurrent with 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 and one (1) electronic copy must be provided. The landscape plan must be in accordance with the landscape concept plans (Drawings No. LC01 and LC02, dated 15 September 2015) but modified to show:***
- a) ***changes to the building footprint and layout as per condition 1.***
  - b) ***soil volume details of the planter boxes.***
  - c) ***species for the roof terrace that are suitable in an exposed, wind-swept and westerly facing position.***
  - d) ***details of the pavement, street furniture and street trees (where applicable) as required by condition 12.***
  - e) ***annotation that confirms the 3m setback at the ground level from the eastern title boundary will be clear from any obstruction, such as tables and chairs.***

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

11. ***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.***
12. ***Before the commencement of the development, details of the pavement along the Chapel Street frontage and the northern boundary of the subject land (such as material, size and pattern), details of the street furniture and street tree realignment/planting must be submitted to and approved by Council's Urban and Infrastructure Projects Unit to the satisfaction of the Responsible Authority.***
13. ***Prior to the occupation of the building, a Car Parking Allocation Plan must be submitted to and approved by the Responsible Authority. The Car Parking Allocation Plan must specify how the car spaces will be allocated to individual dwellings, residential visitors, staff and/or customers of the non-residential components of the development hereby approved, to the satisfaction of the Responsible Authority. When approved, the Car Parking Allocation Plan will be endorsed and form part of the permit.***
14. ***Concurrent with the endorsement of plans, the permit holder must submit a digital 3D massing model of the development hereby approved in accordance with the specifications of Council's GIS Unit, to the satisfaction of the Responsible Authority.***
15. ***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.***
16. ***The provision of music and entertainment on the ground floor food and drinks premises must be limited to background music or entertainment by performers***

- using non-amplified instruments unless with the written consent of the Responsible Authority.*
17. *The canopy must have a minimum vertical clearance above the footpath level of 2.7 metres and a minimum horizontal clearance of 750 millimetres from the street kerb unless otherwise approved in writing by the Responsible Authority.*
  18. *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.*
  19. *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.*
  20. *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.*
  21. *All plant and equipment (including air-conditioning units) must be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and must be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.*
  22. *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 that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.*
  23. *The level of the footpath at the property line must not be lowered or altered to facilitate access to the site.*
  24. *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 permit holders cost to the approval and satisfaction of the Responsible Authority.*
  25. *Unless otherwise agreed in writing by the Responsible Authority, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works (except for remediation) in association with a sensitive use commences, either:*
    - a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    - b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

*Before 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.***

- 26. *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.***

**VicRoads' conditions**

- 27. *The edges of the vehicular crossover must be angled at 60 degree to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority.***
- 28. *Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).***
- 29. *The proposed development requires construction and reinstatement of crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.***

**End of VicRoads' conditions**

**Public Transport Victoria's conditions**

- 30. *Before the development starts, or other time agreed in writing with the Responsible Authority, amended plans to the satisfaction of the responsible authority and Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
- a) *self-enforcing "left in left out" access only from Chapel Street with associated signs.***
- 31. *Prior to the occupation of the development, all works outlined on the endorsed plans for the left in / left out access must be completed with associated signs to the satisfaction of the Responsible Authority at the full cost to the permit holder.***
- 32. *The permit holder must take all reasonable steps to ensure that disruption to tram operation along Chapel Street must be kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen (14) days prior. Any damage to***

***public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.***

**End of Public Transport Victoria's conditions**

**33. 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:**

- i. 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.***
- ii. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".***
- iii. 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:***
  - 1) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and***
  - 2) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

**The Amendment Was Put and LOST.**

Cr Klisaris proposed an Amendment to ~~her the~~ (corrected adoption of Minutes at Council Meeting 19 February 2018) standing motion that included point 1(a)xvi of the defeated Amendment. This was accepted by the mover and seconder and is now incorporated into the substantive motion as point 1(a)xv.

**PROCEDURAL MOTION: MOVED CR MELINA SEHR      SECONDED CR JOHN CHANDLER**

***That consideration of Planning Application No : 578/15 for the land located at 671 Chapel Street, South Yarra for use and development of the land for dwellings, offices (including maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 be deferred to the next meeting of Council to enable***

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*further discussions with the applicant.*

*Carried*

Cr Hindle returned to the meeting at 7.52pm

- 2 PLANNING PERMIT 0762/08 - 26-29 BEATTY AVENUE, ARMADALE VIC 3143 - AMENDMENTS TO THE PLANS TO ALLOW FOR INCREASES IN PARAPET HEIGHTS AND A CHANGE TO A BALCONY ON THE NORTH-EAST SIDE OF THE BUILDING

MOTION: MOVED CR MELINA SEHR SECONDED CR JUDY HINDLE

*That a Notice of Decision to Grant an Amended Planning Permit 762/08 for the land located at 26 – 29 Beatty Avenue, Armadale be issued under the Stonnington Planning Scheme for a section 72 amendment to the approved plans to allow for increases to the heights of boundary walls and a variation to rear deck at the first floor level.*

*There are no proposed changes to the existing conditions on the permit.*

*Carried*

- 3 PLANNING APPLICATION 0956/17- CHADSTONE SHOPPING CENTRE, 1341 DANDENONG ROAD, MALVERN EAST VIC 3145 – RECONFIGURE AND EXPAND THE EXISTING “ATRIUM” SPACE TO ACCOMMODATE INCREASED FLOOR AREA FOR SHOPS AND FOOD AND DRINK TENANCIES AND OTHER BUILDINGS AND WORKS

MOTION: MOVED CR SALLY DAVIS SECONDED CR GLEN ATWELL

*That a Planning Permit No: 956/17 for the land located at Chadstone Shopping Centre, 1341 Dandenong Road, Malvern East be issued under the Stonnington Planning Scheme for buildings and works within the Commercial 1 Zone; a waiver of the car parking requirements; and a waiver of the loading bay requirements of Clause 52.07 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 submitted with the application Council date stamped 9 January 2018 but modified to show:*
  - a) *Additional bicycle facilities as required to meet Clause 52.34 of the Stonnington Planning Scheme;*
  - b) *Changes to the loading arrangements as per the recommendations of letter from GTA (Reference: #V105320) dated 14 September 2017 to show the indicative design modifications unless otherwise agreed to by the Responsible Authority;*

*all to the satisfaction of the Responsible Authority*

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- 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 (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**
- 3. The Chadstone Road entrance is to be closed between midnight and 6.00am, except on ten (10) days every year. The operation of the entrance is to allow for efficient access during extended trading over the Christmas period and for special trading events. It is a requirement that the specific dates and times when the entrance is to be left open are advised to the occupiers of properties in Chadstone Road, at least one month prior to the first of these special trading days, in each year.**
- 4. 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.**

**Transport Victoria (Condition 5)**

- 5. The permit holder must take all reasonable steps to ensure that disruption to bus operation within the bus interchange is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.**
- 6. 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. 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**

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- 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**

Due to the number of persons in the gallery for Item 13 - Victoria Terrace, South Yarra - Section 223 Advertisement of Proposed Trial One-Way Closure - the Mayor Cr Stefanopoulos, with the leave of the meeting, brought forward this item for consideration.

**13 VICTORIA TERRACE, SOUTH YARRA - SECTION 223 ADVERTISEMENT OF PROPOSED TRIAL ONE-WAY CLOSURE**

**MOTION:            MOVED CR MARCIA GRIFFIN    SECONDED CR MATTHEW KOCE**

***That Council:***

- 1. Note the responses received as part of the Section 223 advertisement process;***
- 2. Abandon the proposal for the one-way flow option (westbound) concept for treatment of Victoria Terrace, South Yarra, for a trial period of nine months;***
- 3. The full closure option be exhibited under the Section 223 process of the Local Government Act;***
- 4. The area bounded by Chapel Street, Alexandra Avenue, Toorak Road, and properties fronting Tivoli Road and Copelen Street be notified of the proposal and the Section 223 process;***
- 5. A further report be presented to Council at the conclusion of the Section 223 consultation process in point 3;***
- 6. Those who submitted responses as part of the current Section 223 advertisement process be notified of the decision.***

**Carried**

**4 AMENDMENT C221 - SPECIAL BUILDING OVERLAY AND LAND SUBJECT TO INUNDATION REVIEW**

**MOTION:            MOVED CR MELINA SEHR    SECONDED CR MATTHEW KOCE**

***That Council:***

- 1. Applies to the Minister for Planning, in accordance with Section 9(3) of the Planning and Environment Act 1987, to obtain authorisation to prepare Amendment C221, which revises the Special Building Overlay and Land Subject to Inundation Overlay in the Stonnington Planning Scheme.***

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2. *Authorises Council officers to prepare the amendment documents.*
3. *Applies to the Minister for Planning, pursuant to Section 20(1) of the Planning and Environment Act 1987, for exemption from the requirements of Section 19(1)(b) to individually notify all occupiers affected by Amendment C221.*
4. *Advises the Minister for Planning that, pursuant to Section 19(1A) of the Planning and Environment Act 1987, Council considers it impractical to directly notify occupiers of Amendment C221.*
5. *Advises the Minister for Planning that, pursuant to Section 19(1B) of the Planning and Environment Act 1987, Council will take reasonable steps to ensure that public notice is given in the area affected by Amendment C221 and that notice states that owners and occupiers are entitled to make a submission.*
6. *Following authorisation from the Minister for Planning, exhibits Amendment C221 in accordance with Sections 17-19 of the Planning and Environment Act 1987.*
7. *Note that Melbourne Water has agreed that it will bear proportional resource and financial burden in relation to Amendment C221, and as a result agrees pursuant to Section 19 of the Planning and Environment (Fees) Regulations 2016 to waive the Stage 2 fees should more than 20 submissions be received. .*
8. *Notes that the background and supporting documents of Amendment C221 will be made available during consultation of the Amendment.*

*Carried*

5 NEW MULTI-PURPOSE SPORT AND RECREATION FACILITY - PERCY TREYVAUD MEMORIAL PARK

MOTION:            **MOVED CR GLEN ATWELL    SECONDED CR SALLY DAVIS**

*That:*

1. *The Governance structure and draft Terms of Reference relating to the development of the masterplan for the delivery of the multi-purpose sport and recreation facility at Percy Treyvaud Memorial Park be endorsed.*
2. *Councillor Stefanopoulos be appointed as Chair and Councillors Atwell and Koce be appointed as members of the Steering Committee.*
3. *Councillor Atwell be appointed as Chair of the Stakeholder Group.*
4. *The Stakeholder Group be comprised of;*
  - *Councillor x 1 – Chair (with an alternate from the 3 Councillors nominated to the Steering Committee)*
  - *General Manger Assets & Services – Simon Thomas*
  - *Manager Urban & Infrastructure Projects – Rick Kwasek*
  - *Manager Advocacy Performance & Improvement – Tracey Limpens*
  - *Project Support*
  - *Council Officers as necessary*

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- **Representatives from each of the Stakeholder Groups – up to 2 (1 representative, 1 alternate)**
    - **Chadstone Civic and Recreation Club (CRCC)**
    - **Bowls Club**
    - **Tennis Club**
    - **Lacrosse Club**
    - **Cricket Club**
    - **Prahran Netball Association**
    - **Basketball Victoria**
    - **Traders from Chadstone Road strip shops; and**
  - **Three residents, to be appointed through an Expression of Interest process to be agreed by the Steering Committee.**
5. **The Stakeholder Group review the draft Terms of Reference for the Stakeholder Group, in consultation with the Steering Committee, and once finalised a further report be provided to Council.**
6. **The preliminary project program and budget for the project be noted.**

**Carried**

**6 ARTS AND CULTURAL GRANT PROGRAM REVISED FUNDING MODEL**

**MOTION: MOVED CR MARCIA GRIFFIN SECONDED CR GLEN ATWELL**

***That Council approve the implementation of the new funding model outlined above within the allocation for Arts and Culture Sponsorship Grants.***

**Carried**

**7 ART ACQUISITION PROPOSAL**

**MOTION: MOVED CR GLEN ATWELL SECONDED CR JAMI KLISARIS**

***That Council authorises the purchase of the artwork listed in this document as recommended by the Arts Acquisition Panel for acquisition into the Stonnington Art Collection.***

**PROCEDURAL MOTION: MOVED CR JOHN CHANDLER SECONDED CR MELINA SEHR**

***That consideration of the purchase of the artwork ‘Polixeni Papapetrou – Delphi, 2016 from the series Eden a Pigment ink print at 150 x 100cm’ as recommended by the Arts Acquisition Panel for acquisition into the Stonnington Art Collection be deferred to the next meeting of Council to enable further information on this piece to be obtained and assessed.***

**Carried**

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**8 NEW MEMBER APPOINTMENT - ART ACQUISITION PANEL**

**MOTION:            MOVED CR MARCIA GRIFFIN    SECONDED CR MELINA SEHR**

***That Council:***

- 1. Approves the appointment of Dr Geoff Hogg to the Art Acquisition Panel as per the Terms of Reference.***
- 2. Requests a further report detailing a review of the Art Acquisition Policy and Terms of Reference.***

***Carried***

Cr Chandler left the meeting at 8.33pm and returned at 8.35pm during the above item.

**9 VILLERS BRETONNEUX CENTENARY COMMEMORATION**

**MOTION:            MOVED CR JAMI KLISARIS    SECONDED CR JUDY HINDLE**

***That Council:***

- 1. Endorse the plans for the redevelopment of the gardens at Villers and Bretonneux Squares; and***
- 2. Support the commemorative ceremony to be held on 21 April 2018 at both Squares including approval to have road closures for the event.***

***Carried***

**10 COMMUNITY GRANTS POLICY REVIEW**

**MOTION:            MOVED CR MELINA SEHR    SECONDED CR SALLY DAVIS**

***That:***

- 1. Council approve and adopt the Community Grants Policy and revised Community Grant Guidelines;***
- 2. Council establish a Community Grants Working Group comprised of all Councillors to review the applications and Officer comments and to make a recommendation to Council for decision;***
- 3. applications open Tuesday 13 February 2018 and close Tuesday 27 March 2018; and***
- 4. All prior applicants in the 2017-2018 Community Grants funding round be advised of the Community Grant deadlines***

***Carried***

**11 CENTRALISED ANNUAL VALUATIONS FOR VICTORIA**



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**MOTION:**            **MOVED CR JAMI KLISARIS    SECONDED CR GLEN ATWELL**

*That Council resolves to 'opt-in' to the centralising and annualising of statutory property valuations in line with the State Taxation (Further Amendments) Act 2017 from 1 July 2018.*

*Carried*

**12      WEB-CASTING OF COUNCIL MEETINGS - POLICY AND GUIDELINES**

**MOTION:**            **MOVED CR GLEN ATWELL    SECONDED CR JUDY HINDLE**

*That Council:*

- 1.    Adopt the Web-casting of Council Meetings Policy and Guidelines with a copy to be installed on Council's website;*
- 2.    Make available the recording of the Council meeting of 5 February 2018 on Council's website, and*
- 3.    Commence live web-casting of the Council meetings excluding closed sections of the meeting, from 19 February 2018.*

*Carried*

**14      GLENFERRIE ROAD/TALBOT CRESCENT, KOOYONG - TRAFFIC CONDITIONS - FOLLOW-UP**

**MOTION:**            **MOVED CR MATTHEW KOCE    SECONDED CR JOHN CHANDLER**

*That Council:*

- 1.    Install 'No Right Turn' restrictions for vehicles turning right from Glenferrie Road into Talbot Crescent, operating 8:00-9:30am and 2:30 to 4pm, Monday to Friday, on a trial basis for a period of at least 6 months;*
- 2.    Request approval from VicRoads for installation of illuminated signage to give effect to the above turn restrictions;*
- 3.    Request support from the Victoria Police to undertake targeted enforcement during the trial;*
- 4.    A further report be submitted to Council following the trial period reporting on the effectiveness of the trial, and seeking a determination on whether the arrangement be made permanent or removed;*
- 5.    Those property occupiers previously consulted be notified of the decision.*

*Carried*

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**15 EVANS COURT, TOORAK - PROPOSAL TO INSTALL NO STOPPING RESTRICTIONS**

**MOTION:            MOVED CR MARCIA GRIFFIN    SECONDED CR MATTHEW KOCE**

***That Council:***

- 1. Abandon the proposal to install NO STOPPING restrictions on the south side of the east-west section of Evans Court, Toorak, due to the responses received.***
  
- 2. Install NO STOPPING restrictions 10m south and 10m east of the 90 degree bend (abutting 10 Evans Court), as per Attachment B.***
  
- 3. Install STAGGERED PARKING warning signs 21.5m west of the Moonga Road intersection (abutting 11 Moonga Road) and 15.5m east of the 90 degree bend (abutting 17A Evans Court), as per Attachment C.***
  
- 4. Those previously consulted be notified of the decision.***

***Carried***

**16 SPRING ROAD, MALVERN - PROPOSAL TO INSTALL 2-HOUR PARKING RESTRICTIONS**

**MOTION:            MOVED CR JUDY HINDLE    SECONDED CR JAMI KLISARIS**

***That Council:***

- 1. Install 2-HOUR restrictions operating between 9am and 6pm Monday to Friday on the west side of Spring Road from Chilcote Avenue to Malvern Road, and from the southern extent of the property boundary of 1C Spring Road to the northern boundary of 18 Spring Road (the road hump);***
  
- 2. Install 2-HOUR restrictions operating between 9am and 3pm Monday to Friday on the west side of Spring Road from 5 Spring Road (north of the road hump) to Chilcote Avenue (ie, outside the operating times of the existing 5-MINUTE restriction, in the same location);***
  
- 3. Notify those previously consulted of the decision.***

***Carried***

**M. Other General Business**

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Cr Griffin commended the General Manager Community and Culture Karen Watson and her team on the Opera in Victoria Gardens on Saturday 3 February 2018. Cr Griffin noted that the opera Madam Butterfly was extraordinary, the very large crowd enjoyed it and it was a lovely night.

**N. Urgent Business**

Nil

**O. Confidential Business**

Nil

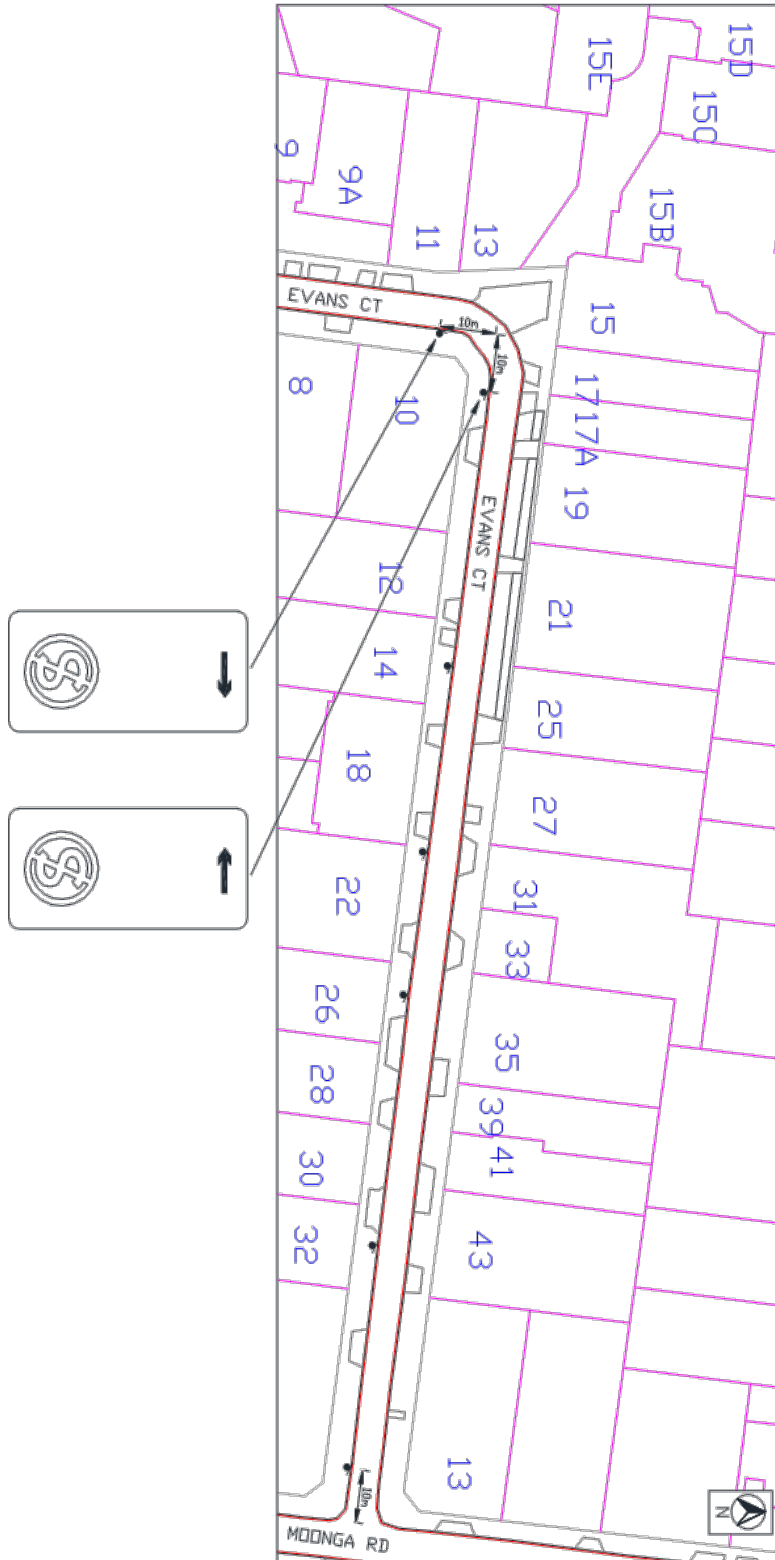
There being no further business the meeting closed at 8.52pm.

Confirmed on Monday 19 February 2018

.....  
**CR STEVEN STEFANOPOULOS, MAYOR**

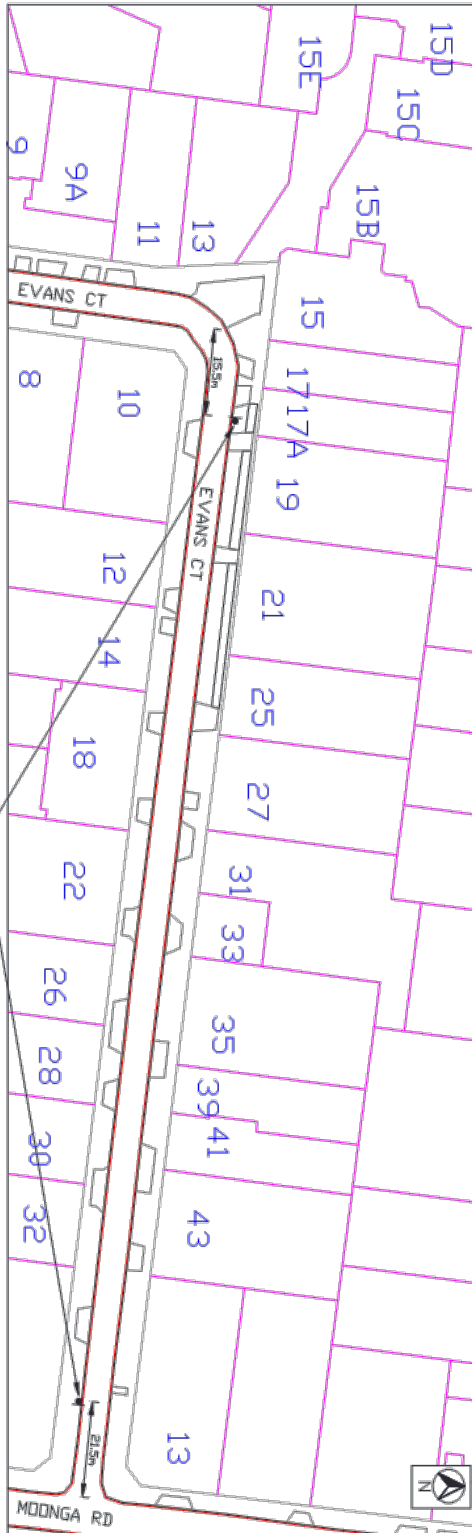
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ATTACHMENT B  
EVANS COURT, TODORAK  
PROPOSED NO STOPPING RESTRICTION



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ATTACHMENT C  
EVANS COURT, TODRACK  
PROPOSED STAGGERED PARKING SIGNS



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**ASSEMBLY OF COUNCILLORS RECORD**

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Judy Hogan – Civic Support Officer

**ASSEMBLY DETAILS:**

**Date:** 20/12/17      **Name of Meeting:** Villers Bretonneux Centenary Commemoration Meeting No 5

**Time:** 4.00pm

**Assembly Location:** Rooms 2.1 & 2.2 – Stonnington City Centre, 311 Glenferrie Road Malvern

**IN ATTENDANCE:**

**Councillors:**

Cr Hindle, Cr Davis

**Apologies:** Crs Atwell, and Klisaris

**Council Officers:**

Fabienne Thewlis, Simon McKenzie-McHarg, Targol Khorram, Rhonda Deigan, Ellen Porter, Simone Sharpe

**Community Representatives:**

Carole Stubbs

Ray Wines

Kim Davie (apology)

Kerrie Lyons

John Kaneopolous (apology)

Tom Russell (apology)

**Matter/s Discussed:** Final concept plans for Villers and Bretonneux Squares and organising public consultation in January 2018.

**CONFLICT OF INTEREST DISCLOSURES: including time left and returned to meeting**

**Councillors:**

Nil

**Council Officers:**

Nil

**Form completed by:** Fabienne Thewlis

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**ASSEMBLY OF COUNCILLORS RECORD**

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Judy Hogan – Civic Support Officer

**ASSEMBLY DETAILS:**

**Date:** 17/1/18      **Name of Meeting:** Villers Bretonneux Centenary Commemoration  
Public Meeting

**Time:** 6.00pm

**Assembly Location:** Rooms 2.1 & 2.2 – Stonnington City Centre, 311 Glenferrie Road Malvern

**IN ATTENDANCE:**

**Councillors:**

Cr Hindle, Cr Davis

**Apologies:** Crs Atwell, and Klisaris

**Council Officers:**

Fabienne Thewlis, , Targol Khorram, Rhonda Deigan,

Apology: Simon McKenzie-McHarg

**Community Representatives:**

Carole Stubbs

Ray Wines

Kim Davie (apology)

Kerrie Lyons

John Kaneopolous (apology)

Tom Russell (apology)

**Matter/s Discussed:** Consultation on final concept plans for Villers and Bretonneux Squares.

**CONFLICT OF INTEREST DISCLOSURES: including time left and returned to meeting**

**Councillors:**

Nil

**Council Officers:**

Nil

**Form completed by:** Fabienne Thewlis



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**ASSEMBLY OF COUNCILLORS RECORD**

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Judy Hogan – Civic Support Officer

ASSEMBLY DETAILS

Date: Monday 29 January 2018

**Councillor Briefing**

Time: 6pm

Assembly Location: Committee Room, Level 2, 311 Glenferrie Road, Malvern

IN ATTENDANCE

Councillors:

Cr S Stefanopoulos  
(Mayor)

Cr G Atwell

Cr J Klisaris (apology)

Cr J Chandler

Cr J Hindle

Cr M Griffin

Cr M Koce

Cr M Sehr

Cr S Davis

Council Officers:

Warren Roberts (CEO)

Stuart Draffin

Simon Thomas

Karen Watson

Geoff Cockram

Fabienne Thewlis

Cath Harrod (left 7.14pm)

Matthew Comport (left  
7.14pm)

Nicole Warren (left 7.14pm)

Susan Price (left 6.40pm)

Alexandra Kastaniotis  
(7.25pm, left 9.30pm)

Matter/s Discussed:

1. COUNCILLOR DISCUSSION
2. INNER SOUTH EASTERN METROPOLITAN REGION LAND-USE FRAMEWORK PLAN
3. AMENDMENT C221 - SPECIAL BUILDING OVERLAY AND LAND SUBJECT TO INNUNDATION REVIEW
4. ARTS AND CULTURAL GRANT PROGRAM REVISED FUNDING MODEL
5. ART ACQUISITION PROPOSAL
6. NEW MEMBER APPOINTMENT - ART ACQUISITION PANEL
7. NEW MULTI-PURPOSE SPORT AND RECREATION FACILITY - PERCY TREYVAUD MEMORIAL PARK
8. VICTORIA TERRACE, SOUTH YARRA - SECTION 223 ADVERTISEMENT OF PROPOSED TRIAL ONE-WAY CLOSURE
9. GLENFERRIE ROAD/TALBOT CRESCENT, KOOYONG - TRAFFIC CONDITIONS - FOLLOW-UP
10. ELM ROAD, GLEN IRIS - REQUEST FOR ADDITIONAL PARKING
11. EVANS COURT, TOORAK - PROPOSAL TO INSTALL NO STOPPING RESTRICTIONS
12. SPRING ROAD, MALVERN - PROPOSAL TO INSTALL 2-HOUR PARKING RESTRICTIONS
13. PLANNING APPLICATION 0578/15 - 671 CHAPEL STREET, SOUTH YARRA - USE AND DEVELOPMENT OF THE LAND FOR DWELLINGS, OFFICES (INCLUDING MATERNAL AND CHILD HEALTH CENTRE), SHOPS (AS OF RIGHT USE) AND FOOD AND DRINK PREMISES (AS OF RIGHT USE), BUILDING AND WORKS IN AN ACTIVITY CENTRE ZONE, WITH ASSOCIATED REDUCTION IN THE CAR PARKING REQUIREMENT AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1
14. PLANNING PERMIT 0762/08 - 26-29 BEATTY AVENUE, ARMADALE VIC 3143 - AMENDMENTS TO THE PLANS TO ALLOW FOR INCREASES IN PARAPET HEIGHTS AND A CHANGE TO A BALCONY ON THE NORTH-EAST SIDE OF THE BUILDING

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15. PLANNING APPLICATION 0956/17- CHADSTONE SHOPPING CENTRE, 1341 DANDENONG ROAD, MALVERN EAST VIC 3145 – RECONFIGURE AND EXPAND THE EXISTING “ATRIUM” SPACE TO ACCOMMODATE INCREASED FLOOR AREA FOR SHOPS AND FOOD AND DRINK TENANCIES AND OTHER BUILDINGS AND WORKS
16. VILLERS BRETONNEUX CENTENARY COMMEMORATION
17. COMMUNITY GRANTS POLICY REVIEW
18. CENTRALISED ANNUAL VALUATIONS FOR VICTORIA
19. WEB-CASTING OF COUNCIL MEETINGS - POLICY AND GUIDELINES
20. OUT OF ROUND ARTS GRANT REQUEST

**CONFLICT OF INTEREST DISCLOSURES: including time left and returned to meeting**

**Councillors:**

Cr Hindle having declared a Conflict of Interest in item 13 - Planning Application 0578/15 - 671 Chapel Street, South Yarra - use and development of the land for dwellings, offices (including maternal and child health centre), shops (as of right use) and food and drink premises (as of right use), building and works in an Activity Centre Zone, with associated reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 as her son is an objector to the application and lives in the vicinity. She left the meeting at 9.04pm and returned at 9.20pm.

**Council Officers:**

Nil

Form completed by: Fabienne Thewlis

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**COUNCIL MINUTES**  
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Tabled at Council Meeting

**ASSEMBLY OF COUNCILLORS REPORT**                      **JANUARY 2018**

- A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff, and the matter/s considered are intended or likely to be subject of a future decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee;
  
- An Advisory Committee of the Council where one or more Councillors are present – eg:-on-site inspections/meetings; planning or other consultative meetings;

DATE OF MEETING	MEETING NAME	WARD	COUNCILLORS ATTENDANCE	OFFICERS ATTENDANCE	CONFLICT OF INTEREST DISCLOSURES AND IF LEFT MEETING		MATTER/S DISCUSSED
					COUNCILLORS	OFFICERS	
31/1/18	Planning Consultative Meeting	South	Cr Stefanopoulos Cr Hindle	William Gowans-Rief Austin Cram	Nil	Nil	Planning Application No: 0784/17 – 45 Airlie Avenue Pahran
31/1/18	Planning Consultative Meeting	East	Cr Davis Cr Atwell	E Wilkinson	Nil	Nil	Planning Application No: 0930/17 – 39 Edgar Street Glen Iris
31/1/18	Planning Consultative Meeting	East	Cr Atwell Cr Davis	Aliza Fischer Webberley	Nil	Nil	Planning Application No: 0744/16 – 14 Parslow Street Malvern
31/1/18	Planning Consultative Meeting	South	Cr Hindle Cr Stefanopoulos	Austin Cram	Nil	Nil	Planning Application No: 0322/16-2 – 6 Commercial Road Pahran