



MINUTES

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

on

30 October 2017

COUNCIL MINUTES
MONDAY 30 OCTOBER 2017

- A. READING OF THE RECONCILIATION STATEMENT AND PRAYER
- B. APOLOGIES
- 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. MINUTES OF THE COUNCIL MEETING HELD ON 16 OCTOBER 2017 4**
- D. DISCLOSURE BY COUNCILLORS OF ANY CONFLICTS OF INTEREST IN ACCORDANCE WITH SECTION 79 OF THE ACT¹
- E. QUESTIONS TO COUNCIL FROM MEMBERS OF THE PUBLIC
- F. CORRESPONDENCE – (ONLY IF RELATED TO COUNCIL BUSINESS)
- G. QUESTIONS TO COUNCIL OFFICERS FROM COUNCILLORS
- H. TABLING OF PETITIONS AND JOINT LETTERS
- I. NOTICES OF MOTION
- J. REPORTS OF SPECIAL AND OTHER COMMITTEES
- K. REPORTS BY DELEGATES
- L. GENERAL BUSINESS
 - 1. STONNINGTON INDOOR SPORTS STADIUM FEASIBILITY STUDY 11**
 - 2. PLANNING APPLICATION 0593/17- 33-35 HUNTINGTOWER ROAD, ARMADALE - CONSTRUCTION OF A TWO STOREY APARTMENT BUILDING COMPROMISING TEN DWELLINGS..... 12**
 - 3. PLANNING APPLICATION 0002/17 - 55 EMO ROAD, MALVERN EAST - CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE..... 17**
 - 4. PLANNING APPLICATION 233/17 - 9 GERTRUDE STREET, WINDSOR - EXTENSION TO A DWELLING ON A LOT LESS THAN 500 SQUARE METRES IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY 18**
 - 5. AMENDMENT C261 - PERMANENT HERITAGE PROTECTION FOR 2 VICTORIAN PLACES 18**
 - 6. SOLAR SAVERS PROJECT 19**
 - 7. PROPOSED DEMOLITION OF WILL SAMPSON CENTRE FOR PUBLIC OPEN SPACE..... 19**
- M. OTHER GENERAL BUSINESS
- N. URGENT BUSINESS
- O. CONFIDENTIAL BUSINESS

¹ 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 JAMI KLISARIS, MAYOR
: CR GLEN ATWELL
: CR MARCIA GRIFFIN
: CR JOHN CHANDLER
: CR SALLY DAVIS
: CR JUDY HINDLE
: CR MATTHEW KOCE
: CR MELINA SEHR
: CR STEVE STEFANOPOULOS

COUNCIL OFFICERS PRESENT

: WARREN ROBERTS, CEO
: GEOFF COCKRAM
: SIMON THOMAS
: KAREN WATSON
: FABIENNE THEWLIS
: ALEXANDRA KASTANIOTIS
: TONY OULTON

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Due to the large number of people in the gallery for Item 1 - Stonnington Indoor Sports Stadium Feasibility Study the meeting commenced in the Malvern Town Hall.

A. Reading Of The Reconciliation Statement And Prayer

Fabienne Thewlis, 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 7.05pm

The Mayor, Cr Klisaris, introduced Councillors and the CEO, Warren Roberts. The CEO introduced Council Officers.

B. Apologies

Nil

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 - 16 October 2017

MOTION: MOVED CR GLEN ATWELL SECONDED CR SALLY DAVIS

That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 16 October 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

Nil

E. Questions to Council from Members of the Public

During Council's previous Ordinary Meeting two (2) sets of questions to Council were received from members of the public. All questions were relating to the proposed Stonnington Indoor Stadium, the Chadstone Bowling Club, the East Malvern RSL and Percy Treyvaud Reserve.

At the time, I used my discretion available to me under Council's General Local Law not to answer the questions at the meeting. As required under the Local Law, written answers were subsequently provided to the submitters. A copy of the responses is now tabled for inclusion in the minutes.

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Questions and responses for Mr Jolly

Question 1

Will the Mayor or the CEO be releasing details of the meeting with Glen Eira Council regarding the suitability of the car park area adjacent to Caulfield race course as a location for the stadium?

Response

No formal discussion has been held between the Mayor and/or CEO with Glen Eira Council regarding the suitability of the car park area adjacent to Caulfield race course as a location for the stadium.

Question 2

Have council officers been directed to further explore the Caulfield option?

Response

Council Officers have twice met with Officers from Glen Eira Council regarding the provision of indoor courts in the respective municipalities. The option for a stadium adjacent to Caulfield Racecourse is not being considered by Glen Eira Council and was not explored in either meeting.

Question 3

Has the meeting with Senator Hinch that was cancelled in late October been rescheduled?

Response

Senator Hinch had requested and scheduled a meeting with the Mayor. Subsequently, and at the Senator's request, the meeting was cancelled. Senator Hinch has not requested that the meeting be rescheduled.

Questions and responses for Ms Wallish

Question 1

Could you please explain the logic of?

- Displacing elderly people from their sporting facility
- Turning a residential area into a "sporting precinct"
- Building an indoor netball/basketball stadium in an area that has 3 stadiums and 32 netball courts within 4km
- Spending \$30million of ratepayers money to build said stadium

in order to entice registered netball/basketball players from stadiums and courts they are already playing at?

Response

There are a large number of participants in netball and basketball living in Stonnington whose needs are not being met by the current provision of facilities within Stonnington. Council is seeking a suitable site so that it can address the active recreation needs of our growing population with the aim of providing facilities to meet the needs of netball, basketball and, if a facility was to displace the Chadstone Bowls Club, for lawn bowls as well.

Question 2

Is Council suggesting that ALL sports people of Stonnington should have facilities to play their chosen sport within Stonnington municipal boundaries or is it just netballers and basketballers?

Response

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Stonnington has a large number of people participating in netball and basketball. Due to the shortage of courts for both sports across metropolitan Melbourne, Council needs to consider building a facility to accommodate current and future demand.

Question 3

If not, why are netball and basketball more important than any other sport?

Response

There are limited facilities for netball and no facilities for basketball competition within Stonnington. As these two sports are very popular, particularly with young people and both girls and boys, it is appropriate that Council explore ways to provide facilities for these sports in an effort to address issues with sedentary behaviour and obesity within the community.

Question 4

The Mayor has publically stated the following: "Stonnington is in desperate need of indoor courts now to house the thousands of players who do not have an adequate home to train and compete in". Could you please provide the supporting evidence that underpins this claim?

Response

There are limited facilities for netball and no facilities for basketball competition within Stonnington. Projected usage levels will be made available through the release of the feasibility study and demonstrate that significant latent demand exists for indoor courts within Stonnington.

For tonight's Ordinary Meeting of Council five (5) sets of Questions to Council have been received for response. Given the large number of people in attendance I have assumed the five authors are in the gallery. In accordance with clause 424 of Council's General Local Law a summary of the questions is as follows:

Two (2) questions from Mr Croft

The questions query what is the official 100 year flood level for the area around the Malvern Valley Golf Course Club house and associated entertainment centre measure in AHD units and what is the floor level of the entertainment centre measured in AHD units?

Five (5) questions from Mrs Baxter

The questions state that St Mary's Primary School students have written to Council expressing concerns over the proposed stadium but have not had a response. Please explain where the onsite 432 on street car spaces in the report will be located. Has the Stonnington Council had discussions with the State and Federal Governments regarding access to government property in Stonnington to establish this indoor highball proposal more locally to the current PNA site? When or have soil contamination studies been done on the proposed site at Chadstone Road and did the traffic survey take into account the completion of the childcare facility at 11-15 Chadstone Road?

Five (5) questions from Ms Wallish

The questions relate to funding for the Chadstone Tennis Club and Percy Treyvaud Sportsground Pavilion; will Council still bring forward funding for these if the stadium build does not go ahead and whether this is appropriate or attempts to buy support of these clubs? How does Council hope to increase participation of older people in organised sport and exercise within Stonnington if the number of greens is halved or merged with clubs outside Stonnington? Why are the contra-indicators for the stadium not included in the Council report?

Four (4) questions from Mr Murphy

The questions relate to the changes in the estimated costings of the proposed stadium.

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Five (5) questions from Ms Clark

The questions relate to the proposed traffic volumes, movements, counts and coverage of the traffic survey that were conducted and any consultation with VicRoads.

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 Stefanopoulos tabled the following correspondence:

- A letter from a local resident expressing disappointment at the proposed closure of Will Sampson Centre and questioning why people were not notified.
- An email from the applicant for –Item No 4 Planning Application 233/17 - 9 Gertrude Street, Windsor seeking support for their application
- An email from a resident outlining their objections to a Planning Application No 1183/15 at 74-76 Wattletree Road Armadale
- A copy of a statement on behalf of Basketball Victoria supporting the development of a Stonnington Indoor Sports Stadium

Cr Griffin tabled the following correspondence:

- Nine emails expressing support for Item 1 – Stonnington Indoor Sports Stadium Feasibility Study
- Ten emails raising a number of issues of concern and their opposition to Item 1 – Stonnington Indoor Sports Stadium Feasibility Study
- Email from Caulfield Physio Therapy expressing concern at the proposal for Victory Square – currently a dog off lead area which they do not wish to lose and there should not be a BBQ installed for this reason.
- Email from South Yarra Art House Almeida Crescent South Yarra regarding the massive disruption that is affecting their business from all the building construction in the area and now the Capitol building resulting in financial loss to their business and on-going issues with the ILK Building. They have trucks parking across their parking access, rubbish collection problem and would like some resolution of this problem as building works will be continuing of a number of years.

Cr Chandler tabled the following correspondence:

- An email from a resident of Mountview Road Malvern outlining the dangerous situation at corner of Malvern Road and Elizabeth Street with Sheen Panel Service at 1271 Malvern Rd illegally parking at this corner and blocking visibility at this corner and nothing has been done despite repeated contact to Council.
- Two letters of support from neighbours in respect to Item No 4 Planning Application 233/17 - 9 Gertrude Street, Windsor

Cr Atwell tabled the following correspondence:

- A letter from Bowls Victoria advising that it will continue to support te Chadstone Bowls Club in their endeavours to save their club and hoping that Council will decide on a favourable outcome for the Bowls Club.

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- A letter from Chadstone Tennis Club a section of Chadstone Recreation and Civic Club Inc. confirming their support for the Chadstone Bowls Club and their stand against the proposed stadium and loss of the current environment they all enjoy.

Cr Davis tabled the following correspondence:

- An email from the representative of a resident in Emo Road Malvern East pointing out a number of concerns that they still have in respect to the proposed conditions outlined in Item 3 - Planning Application 0002/17 - 55 Emo Road, Malvern East.
- A covering email from the President of Chadstone Recreation and Civic Club with a letter from Kellehers Australia that outlines some issues that they consider the reports for Item 1 - Stonnington Indoor Sports Stadium Feasibility Study do not adequately address and which they consider are serious enough that Council should abandon the proposal.
- An email from a resident which has been sent to both Councillor members of the Council's Audit Committee pointing out what they consider are discrepancies in the Feasibility Study Report and asking if this be investigated, clarified and considered when Councillors make a decision in respect to for Item 1 - Stonnington Indoor Sports Stadium Feasibility Study.
- A copy of the Chadstone Recreation and Civic Club Inc Profit and Loss statement for the period July and August 2017.

G. Questions to Council Officers from Councillors

1	Public Open Space – Percy Treyvaud Memorial Park
	<p>Cr Atwell commented that he had looked through the options for the potential use of Percy Treyvaud and it looks to him as if Council has talked about one of the absolute non-negotiables in the search for a stadium is for the loss of Public Open Space. When he looked at some of the different options how is Council laying out the potential use of Percy Treyvaud if the stadium proceeds?</p> <p>The General Manager Community and Culture Karen Watson advised it is actually on the carpark.</p>

2	Restrictive Covenant and titles at Percy Treyvaud Memorial Park
	<p>Cr Davis referring to items she had tabled under correspondence and the legal letter from Kellehers Australia.</p> <p>The CEO Warren Roberts advised that the site has a number of properties , some of which are encumbered by a restrictive covenant, which as Cr Davis explained, you are not allowed to remove earth, soil, mud or clay. When you look at the intent of the covenant, it is actually to prevent and preclude quarrying on site and there are a number of precedents where it has been determined by the Tribunal on a number of occasions, where the actual intent of that covenant, is referred. Also when you look at the site as it is, the covenant has already been breached on a number of occasions, we have the tennis courts, the bowling green and other parcels and improvements on that land. With regard to the comment that Council does not own that land, I am assuming , as I only received this letter this morning and have responded directly to the lawyer, I believe that it relates to two unnamed roads on this site – Rob Roy and Sherwood. They were both</p>

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	<p>dedicated by the former City of Malvern in 1951 through a Government Gazette, so they were determined as public roads/highways and dedicated to Council so the Council is in charge of those roads and there is a normal process for Council to follow, to extinguish the road nature of the road on the original Plan of Subdivision. If you look at these roads the Bowling Green and also the existing sports pavilion are already built on that road, so in actual effect the covenant issue as raised has been previously dealt with but as part of the overall masterplan Council will work through to resolving these issues properly.</p> <p>Cr Davis asked why Councillors were not made aware of it prior to this document being prepared where on page 15 of the report it says "<i>there are no other legal implications regarding this proposal at this stage.</i>"</p> <p>The CEO Warren Roberts further advised that the issue of the covenant had been noticed as Council did Title Searches but because it had already been breached it was not included in that report – which, in hindsight, it probably should have been.</p>
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3	Feasibility Study Reports
	<p>Cr Davis the other question I have from a resident who has looked at the substantial significant reports what Councillors have all received and she has raised a question which was also sent to my colleague Cr Griffin – we are both on the Audit Committee, and this person thought is appropriate that we should receive this and asks the questions. One particular point raised concerns on page 9 of the Stadium Operation report and dot points which were taken from the OTIUM report, which was one of the consultants reports, where the resident suggests that the crucial dot point missing from the report was the following "<i>once depreciation and financial repayment allowances have been include, the centre is predicted to operate at a deficit, with an average annual centre performance of \$1.037m.</i>"</p> <p>Cr Davis sought clarification of this as she had missed this point.</p> <p>In response the CEO Warren Roberts advised that normally Council's operating budget will consider the operating cost of the facility itself. With all Council buildings there is a depreciation amount that goes as a balance sheet transaction and that depreciation is always used to maintain facilities going forward. The depreciation being attributed to a new facility would be no different to that which is applied, although a different dollar value, because they are different buildings, to Harold Holt Swimming complex, Prahran Town Hall to where we are tonight in Malvern Town Hall so it is an accounting treatment which recognises the consumption or use of the assets and Council makes sure it is in the balance sheet and identified so that Council can fund its Capital Works and maintenance going forward.</p> <p>Cr Davis advised that she will raise this at the coming Audit Committee.</p>

4	Restrictive Covenant and titles at Percy Treyvaud Memorial Park
	<p>Cr Hindle referred back to the covenant issue and asked if Council has established if there are any private property owners who are beneficiaries of the covenant?</p> <p>The CEO Warren Roberts advised that at this stage he has not identified the full extent of the beneficiaries of the covenant. He has looked at the Plan of Subdivision and notes that some properties are beneficiaries and some are not, so it is not unified across the</p>

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Subdivision itself. Given this he advised he will take the question on notice as he cannot answer the question fully this meeting.
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H. Tabling of Petitions and Joint Letters

Cr Davis tabled the following petitions:

- Containing an additional 359 signatures to the previously submitted petition which brings the total to over 1500, drawing to Council's attention the "*decision of Council (5 December 2016) regarding the proposed Stonnington Indoor Stadium. The Petitioners therefore request that Councillors decision to nominate Percy Treyvaud Memorial Park as the preferred site for the proposed Stonnington Indoor Stadium is abandoned.*"
- A petition with 23 signatures from residents... "*living in close proximity to Neon Tiger Café, and also in other residential side streets intersecting with Malvern Village Activity Centre main roads, draws to the attention of the Council that the café proprietors are seeking an expansion of the Liquor Licence Permit granted by Council in 2016.*

The Licence Conditions 1(a) and (b) were designed to help mitigate the effects of serving alcohol outside the building in the essentially residential side street and to prevent noise emanating from both inside and outside the building extending into the residential neighbourhood beyond.

Your petitioners therefore request that Councillors vote to Refuse the Amendment Application to Delete the Conditions 1(a) and (b) and 9(b) from the Liquor Licence Permit issued by Council in 2016 to the Neon Tiger café."

PROCEDURAL MOTION: MOVED CR STEVEN STEFANOPOULOS SECONDED CR JUDY HINDLE

That the petitions be received.

Carried

I. Notices of Motion

Nil

J. Reports of Special and Other Committees

The CEO Warren Roberts tabled the following Assembly of Councillors Records:

- Strategic Planning Advisory Committee meeting held on 23 October 2017
- Councillor Briefing held on 23 October 2017
- Donald Street Prahran Street meeting held on 25 October 2017

Cr Chandler reported on the Finance Advisory Committee meeting held on 30 October 2017 where the 2017 September quarter finance report and the 2018/19 budget timetable were discussed. He advised that the quarterly financial report will be coming to the next Council meeting.

The Mayor Cr Klisaris tabled her Mayoral activities report for 3 October to 30 October 2017 as follows:

DATE	EVENT

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3/10/17	<ul style="list-style-type: none">• Stonnington Seniors Festival event
5/10/17	<ul style="list-style-type: none">• Official launch of “The Mayoral Office: more than robes and chains”
6/10/17	<ul style="list-style-type: none">• Prahran Market interviews
8/10/17	<ul style="list-style-type: none">• Spring Into Gardening
9/10/17	<ul style="list-style-type: none">• Mayor & CEO Weekly meeting• Community Services Advisory Committee Meeting• Councillor Briefing Session
10/10/17	<ul style="list-style-type: none">• Chapel Street Precinct Association Mural – photo opportunity• Toorak Village Residents Action Group Inc AGM
12/10/17	<ul style="list-style-type: none">• City of Stonnington Mayoral Gala
13/10/17	<ul style="list-style-type: none">• Local Young Leaders Multiculturalism Forum• Prahran Market interviews
14/10/17	<ul style="list-style-type: none">• Official Opening of Windsor Siding
16/10/17	<ul style="list-style-type: none">• Tour of Learning Sanctuary Early Childhood Centre• Mayor & CEO Weekly meeting• Economic Development & Culture Advisory Committee Meeting• Council Meeting
18/10/17	<ul style="list-style-type: none">• Villers Bretonneux Squares Commemoration meeting• City of Boroondara Dinner
20/10/17	<ul style="list-style-type: none">• MAV State Council meeting
23/10/17	<ul style="list-style-type: none">• Mayor & CEO Weekly Catch-up• Strategic Planning Advisory Committee Meeting• Councillor Briefing Session
26/10/17	<ul style="list-style-type: none">• ICTC & Mainstreet Conference - opening
30/10/17	<ul style="list-style-type: none">• ISMMF Meeting & Photo Opportunity• Mayor & CEO Weekly Meeting• Finance Advisory Committee Meeting• Council Meeting

K. Reports of Delegates

Nil

L. General Business

1 STONNINGTON INDOOR SPORTS STADIUM FEASIBILITY STUDY

MOTION: MOVED CR MATTHEW KOCE SECONDED CR STEVEN STEFANOPOULOS

That Council:

- 1. *Note the contents of the Stonnington Indoor Sports Stadium Feasibility Study.***
- 2. *Confirm Percy Treyvaud Memorial Park as the location of a new multipurpose sport and recreation facility to host:***
 - o *Four Indoor Sports Courts;***
 - o *Chadstone Bowls Club;***

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- ***Chadstone Tennis Club;***
 - ***Chadstone Recreation and Civic Club; and***
 - ***Summer and winter season users of the sportsgrounds including Chadstone Lacrosse Club.***
3. ***Consults with Chadstone Bowls Club and its members to discuss their facility preferences, and confirm their preferred option and bowling capacity to accommodate its program of events and activities.***
4. ***Develop a Project Management Plan to initiate a Master Plan for Percy Treyvaud Memorial Park.***
5. ***Provide regular community updates on the development of a master plan and the opportunities for community input to that process.***

Cr Griffin moved an amendment that, with the approval of the Mover and Seconder above, was incorporated in the above motion as point three.

A Division was called by Cr Hindle:

For: Crs John Chandler, Melina Sehr, Jami Klisaris, Matthew Koce, Marcia Griffin and Steven Stefanopoulos

Against: Crs Sally Davis, Glen Atwell and Judy Hindle

Absent: Nil

Carried

The Mayor Cr Klisaris adjourned the meeting in the Malvern Town Hall at 8.08pm to enable relocation to the Council Chamber Malvern. The meeting resumed at 8.20pm. Cr Atwell has not yet returned.

2 PLANNING APPLICATION 0593/17- 33-35 HUNTINGTOWER ROAD, ARMADALE - CONSTRUCTION OF A TWO STOREY APARTMENT BUILDING COMPROMISING TEN DWELLINGS

MOTION: MOVED CR STEVEN STEFANOPOULOS SECONDED CR MELINA SEHR

That a Notice of Decision to Grant a Planning Permit No: 593/17 for the land located at 33-35 Huntingtower Road, Armadale be issued under the Stonnington Planning Scheme for a multi-dwelling development subject to the following conditions:

1. ***Before the commencement of the development, one (1) copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application Council date stamped 26 June 2017 but modified to show:***
 - a) ***The building amended to achieve compliance with Standard B21 of Clause 55.04-5 (Overshadowing), so that sunlight to the secluded private open spaces to the north of Units 2 to 5 (inclusive) at 29 Huntingtower Road is not further reduced for a minimum of five hours between 9am and 3pm on 22 September (the equinox).***

- b) All first floor habitable room windows and balconies on the side and rear elevations, screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking).*
- c) The dimensions of the balcony to Dwelling 10 increased to achieve compliance with Standard B43 of Clause 55.07-9 (Private open space above ground floor).*
- d) 10% deep soil area on site with a minimum dimension of 6 metres, in accordance with Standard B38 of Clause 55.07-4 (Deep soil areas and canopy trees).*
- e) The number of car spaces within the basement must comply with the requirements of Clause 52.06. This applies to residential and visitor parking.*
- f) The dimension of the ramp curve radius to ensure compliance with Clause 52.06.*
- g) All garage doors in the basement with a minimum headroom clearance of 2.2 metres.*
- h) The dimensions of columns in the basement in accordance with Clause 52.06.*
- i) A note on the ground floor plan that the permit holder will upgrade the outfall drain at the rear of the site through to the Council drain in Horsburgh Grove at their cost.*
- j) Any changes required by the Tree Management Plan required by Condition 6.*
- k) A Landscape Plan in accordance with Condition 3.*
- l) A Sustainability Management Plan in accordance with Condition 10.*
- m) Submission of a Tree Protection Fencing Plan for the three mature London Plane street trees in front of the site.*

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. 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 electronic copy must be provided. The landscape plan must be in accordance with the preliminary landscape plan prepared by Myles Baldwin Design, revision C, dated 21/06/2017, but modified to show:*
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;*
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;*

- c) *Details of surface finishes of pathways and driveways;*
- d) *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;*
- e) *Landscaping and planting within all open areas of the site;*
- f) *The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;*
- g) *Details of all proposed hard surface materials including pathways, patio or decked areas;*

all to the satisfaction of the Responsibility Authority

- 4. *Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
- 5. *Before the development starts, tree protection fencing must be erected around the three mature London Plane street trees in front of the site on Huntingtower Road in accordance with the endorsed plans. Fencing must comply with Section 4 of AS 4970.*
- 6. *Concurrent with the endorsement of development plans a tree management plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the tree management plan will form part of this permit and all works must be done in accordance with the tree management plan.*

The tree management plan must detail measures to protect and ensure the viability of all trees on adjoining land within three metres of the sites boundary.

The tree management plan must detail measure to retain and protect the four 'Spartan Juniper' trees identified as trees 17, 16, 15 and 14 in the Tree Survey submitted with the application, prepared by Galbraith and Associates and Council date stamped 26/06/2017.

Without limiting the generality of the tree management plan it must have at least three sections as follows:

- a) *Pre-construction – details to include a tree protection zone, height barrier around the tree protection zone, amount and type of mulch to be placed above the tree protection zone and method of cutting any roots or branches which extend beyond the tree protection zone.*
- b) *During-construction – details to include watering regime during construction and method of protection of exposed roots.*
- c) *Post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.*

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Pre-construction works and any root cutting must be inspected and approved by the Parks Unit. Removal of protection works and cessation of the tree management plan must be authorised by the Parks Unit.

- 7. Prior to the commencement of all works, a security deposit of \$29,936 must be lodged with Council to ensure the development will not impact on the long term health of the three London Plane street trees in front of the site. This deposit will be refunded when Council is satisfied that the health of the trees has not been affected by the development.***
- 8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
- 9. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
- 10. Concurrent with the endorsement of any plans pursuant to Condition 1 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. The report must be generally in accordance with the SMP prepared by Ark Resources and Council date stamped 26/06/2017.***
- 11. 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.***
- 12. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
- 13. Before the development starts, areas set-aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
 - a) Constructed to the satisfaction of the Responsible Authority.***
 - b) Properly formed to such levels that they can be used in accordance with the plans.***
 - c) Surfaced with an all-weather sealcoat.***
 - d) Drained and maintained to the satisfaction of the Responsible Authority.***
 - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority. Parking areas and access lanes must be kept available for these purposes at all times.***
- 14. 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. All drainage must be by means of a gravity based system with the exception of***

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any basement ramp and agricultural drains which may be pumped. The drainage must be constructed in accordance with the Engineer's design and must include an upgrade the outfall drain at the rear of the site through to the Council drain in Horsburgh Grove at the permit holders cost.

15. *The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).*
16. *The redundant vehicular crossing must be removed and the footpath, naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.*
17. *The applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 7,000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.*
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. *All plant and equipment (including air-conditioning units) shall be located or screened so as not to be visible from any of the surrounding footpaths and adjoining properties (including from above) and shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.*
21. *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.*

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B. Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.

C. "Significant tree" means a tree:

- a) with a trunk circumference of 180 centimetres or greater measured at its base; or**
- b) with a trunk circumference of 140 centimetres or greater measured at 1.5 metres above its base; or**
- c) listed on the Significant Tree Register.**

Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.

D. Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.

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

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

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

Cr Atwell returned to the meeting at 8.21pm during the above debate.

A Division was called by Cr Hindle:

For: Crs John Chandler, Melina Sehr, Jami Klisaris, Matthew Koce, Marcia Griffin, Sally Davis, Glen Atwell and Steven Stefanopoulos

Against: Cr Judy Hindle

Absent: Nil

Carried

3 PLANNING APPLICATION 0002/17 - 55 EMO ROAD, MALVERN EAST - CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE

MOTION: MOVED CR SALLY DAVIS SECONDED CR GLEN ATWELL

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That consideration of Planning Application No:0002/17 – 55 Emo Road Malvern for the construction of two dwellings on a lot in a Neighbourhood Residential Zone be deferred to the meeting of Council to be held on 20 November 2017.

Carried

4 PLANNING APPLICATION 233/17 - 9 GERTRUDE STREET, WINDSOR - EXTENSION TO A DWELLING ON A LOT LESS THAN 500 SQUARE METRES IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY

MOTION: MOVED CR STEVEN STEFANOPOULOS SECONDED CR MELINA SEHR

That a Refusal to Grant a Planning Permit No: 233/17 for the land located at 9 Gertrude Street, Windsor be issued under the Stonnington Planning Scheme for extension to a dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone and Special Building Overlay on the following grounds:

- 1. The minimal setbacks and development on the boundaries presents an unreasonable level of visual bulk and amenity impact contrary to Clause 54.04-1 (Side and rear setbacks) and Clause 54.04-2 (Walls on boundary) of the Stonnington Planning Scheme.***
- 2. The proposal will result in unreasonable sunlight and daylight impacts to adjoining lots and fails to meet the Objectives of Clause 54.04-3 (Daylight to Existing Windows) of the Stonnington Planning Scheme.***
- 3. The development will result in unreasonable overlooking impacts and does not comply with Clause 54.04-6 (Overlooking).***

PROCEDURAL MOTION: MOVED CR JOHN CHANDLER SECONDED CR MATTHEW KOCE

That consideration of Planning Application No: 233/17 for the extension to a dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone and Special Building Overlay and located at 9 Gertrude Street Windsor be deferred until the meeting of Council of 4 December 2017, at the request of the applicant.

Carried

5 AMENDMENT C261 - PERMANENT HERITAGE PROTECTION FOR 2 VICTORIAN PLACES

MOTION: MOVED CR STEVEN STEFANOPOULOS SECONDED CR JOHN CHANDLER

That Council:

- 1. Adopts Amendment C261 to the Stonnington Planning Scheme as exhibited.***
- 2. Submits the adopted Amendment C261 to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987.***

Carried

6 SOLAR SAVERS PROJECT

MOTION: MOVED CR MATTHEW KOCE SECONDED CR STEVEN STEFANOPOULOS

That Council endorse:

- 1. Endorse City of Stonnington participation in the Solar Savers trial project being administered by the Eastern Alliance for Greenhouse Action (EAGA), specifically the bank loan funding model.***

- 2. Monitor the experience of other municipalities participating in the project, in particular those utilising other funding models including the use of special charge schemes.***

Carried

7 PROPOSED DEMOLITION OF WILL SAMPSON CENTRE FOR PUBLIC OPEN SPACE

MOTION: MOVED CR STEVEN STEFANOPOULOS SECONDED CR MELINA SEHR

That Council:

- 1. Note the report***
- 2. Approve the demolition of Will Sampson Centre for public open space.***

Carried

M. Other General Business

The Mayor Cr Klisaris tabled an Award presented to Stonnington Council at the recent MAV Annual Conference for the Victorian Heart Foundation Local Government Award (population greater than 50,000) being State Highly Commended for its flagship initiatives “*Strategies for Creating Open Space and Yarra River Biodiversity Projects*” and their significant contribution to a healthy community.

Cr Davis noted that she and Cr Hindle were proud to accept the Award on behalf of the Council and Cr Davis noted that Cr Hindle also received an Award that acknowledged her 10 years of service to the community as a Councillor.

Councillors Sehr, Koce, Davis, Griffin, Chandler and Atwell acknowledged the final meeting for Cr Klisaris as Mayor in what was a year of challenges and tough issues that she rose to the occasion with strong, professional leadership. They noted the wonderful events such as Citizen of the Year and the Mayoral Charity function with Very Special Kids as the benefiting charity which were so successful.

The Mayor Cr Klisaris thanked Councillors for their kind words.

N. Urgent Business

Nil

O. Confidential Business

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PROCEDURAL MOTION: MOVED CR MELINA SEHR SECONDED CR SALLY DAVIS

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: (8.40pm)

Confidential Matter

Reason for Confidentiality

1. Prahran Market Pty Ltd - Appointment of Director and Directors Fees 2017/18

89 (2)(a) personnel matters

2. Virgin Australia Melbourne Fashion Festival Proposed Schedule 2018

89 (2)(d) contractual matters

Carried

PROCEDURAL MOTION: MOVED CR MELINA SEHR SECONDED CR MARCIA GRIFFIN

That the meeting be re-opened to the public and the resolution for Item 1 – Prahran Market Pty Ltd - Appointment of Director and Directors Fees 2017/18, be read into the minutes as follows: (8.45pm)

“MOTION: MOVED CR MARCIA GRIFFIN SECONDED CR STEVEN STEFANOPOULOS

That:

- 1. *Samantha Winter be appointed a Director of Prahran Market Pty Ltd effective from the 2017 AGM;***
- 2. *The term of appointment be for four years and subject to renewal;***
- 3. *Directors’ fees for Prahran Market Pty Ltd Board, including superannuation guarantee levy, for the year ended 2018 AGM be set at \$30,000 per annum for the Chair and \$20,000 per annum for each Director.”***

Carried

There being no further business the meeting closed at 8.45pm.

Confirmed on Monday 20 November 2017

.....
CR STEVEN STEFANOPOULOS, MAYOR

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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

STRATEGIC PLANNING ADVISORY COMMITTEE

Date and Time: Monday 23 October, 2017, 5.00pm

Assembly Location: Meeting Room 1.1, 311 Glenferrie Road, Malvern

IN ATTENDANCE

Councillors:

Cr Stefanopoulos	Cr Klisaris
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Council Officers:

Susan Price, Manager City Strategy	Vanessa Davis, EA Planning & Amenity
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Matter/s Discussed:

Activity Centres Strategy

- Glenferrie Road High Street Planning Controls - Am C223 – Panel Hearing
- Chapel revision

Heritage

- Interim heritage protection
- Panel Hearings/Reports
 - C255 – 221 Burke Road
 - C257 – 390 Glenferrie Road
 - C243 – Sutherland and Blairholme House
- Victorian Houses Study (Am C249) – Panel hearing
- Federation Houses Study
- Individual Amendments
- Strategy Update

Neighbourhood Character – Panel Report (C234)

Strategies for Creating Open Space

- Public Park and Recreation Zone Amendment
- Am C193 – 118 Union Street

Planning Scheme Review

Strategic Priorities

Jam Factory

CONFLICT OF INTEREST DISCLOSURES:

Councillors:

None declared

Council Officers:

None declared

Form completed by: Vanessa Davis

COUNCIL MINUTES
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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 23 October 2017

Councillor Briefing

Time: 6pm

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

IN ATTENDANCE

Councillors:

Cr J Klisaris (Mayor)	Cr G Atwell	Cr J Chandler
Cr J Hindle	Cr M Griffin	Cr M Koce
Cr M Sehr (6.05pm, left 9.27pm)	Cr S Davis	Cr S Stefanopoulos

Council Officers:

Warren Roberts (CEO)	Susan Price	Simon Thomas
Karen Watson	Geoff Cockram	Fabienne Thewlis
Alexandra Kastaniotis	Tony Oulton (left 9.27pm)	Tracey Limpens (left 9.27pm)
Penny Pavlou (left 10.00pm)	Grant Smethurst (left 9.27pm)	Christina Foscolos (left 9.55pm)
Lisa Stafford (left 9.27pm)	Sean Ross (left 9.27pm)	Andrea Jones (left 9.27pm)

Matter/s Discussed:

1. STONNINGTON INDOOR SPORTS STADIUM FEASIBILITY STUDY
2. HERITAGE STRATEGY AND NEXT STEPS
3. AMENDMENT C261 - PERMANENT HERITAGE PROTECTION FOR 2 VICTORIAN PLACES
4. STONNINGTON PLANNING SCHEME REVIEW
5. SOLAR SAVERS PROJECT
6. CONFIDENTIAL - VIRGIN AUSTRALIA MELBOURNE FASHION FESTIVAL PROPOSED SCHEDULE 2018
7. PROPOSED DEMOLITION OF WILL SAMPSON CENTRE FOR PUBLIC OPEN SPACE
8. PLANNING APPLICATION 0593/17- 33-35 HUNTINGTOWER ROAD, ARMADALE - CONSTRUCTION OF A TWO STOREY APARTMENT BUILDING COMPROMISING TEN DWELLINGS
9. PLANNING APPLICATION 0002/17 - 55 EMO ROAD, MALVERN EAST - CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE
10. PLANNING APPLICATION 233/17 - 9 GERTRUDE STREET, WINDSOR - EXTENSION TO A DWELLING ON A LOT LESS THAN 500 SQUARE METRES IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY
11. CONFIDENTIAL - PRAHRAN MARKET PTY LTD - APPOINTMENT OF DIRECTOR AND DIRECTORS FEES 2017/18
12. RECORD OF INCOMING VCAT APPEALS
13. RESTORATION OF THE DIVING TOWER AT HAROLD HOLT SWIM CENTRE

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

COUNCIL MINUTES
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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: Wednesday 25 October 2017 Meeting: **Donald Street Prahran Street Meeting**

Time: 6:00pm

Assembly Location: Committee Room, Prahran Town Hall

IN ATTENDANCE

Councillors:

Cr S Stefanopoulos
Cr J Hindle

Council Officers:

Simon Thomas
Noel Kiernan
Ian Smith

Matter/s Discussed

Street meeting with affected residents of Donald Street Prahran (Greville St to High St) regarding the proposal to remove parking restrictions that allow for street sweeping. Meeting initiated from Councillor Briefing Session of 11 September 2017

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

Councillors:

Nil

Council Officers:

Nil

Form completed by: Ian Smith