City of
STONNINGTON

Council Meeting - Minutes

Held on Monday 22 July 2024 at 7 PM

Council Chamber, Malvern Town Hall

Corner Glenferrie Road and High Street, Malvern

Council Meeting
Minutes
Monday 22 July 2024
Order of Business

Councillors Present:

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

Apologies:

There were no apologies.

Council Officers Present:

Dale Dickson	**Chief Executive Officer**
Cath Harrod	**Director Community & Wellbeing**
Simon Holloway	**Director Environment & Infrastructure**
Annaliese Battista	**Director Planning & Place**
Marlo Emmitt	**Manager Governance**
Daniela Mazzone	**Director Organisation Capability**
Julia Gallace	**Chief Financial Officer**
Loren Lawford	**Coordinator Governance**
Judy Hogan	**Acting EA Mayor and Councillors**
Matthew Beale	**Information Technology Support**

The meeting commenced at 7:00pm.

1 Reading of the Statement of Reconciliation

The Mayor, Cr Joe Gianfriddo, read the Statement of Reconciliation as follows:

> *We acknowledge we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong peoples of the East Kulin Nations and pay our respect to their Elders past and present.*
>
> *We extend that respect to all Aboriginal and Torres Strait Islander peoples. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.*

2 Reading of the Statement of Commitment

The Mayor, Cr Joe Gianfriddo, read the Statement of Commitment as follows:

> *We are reminded that as Councillors we are bound by our Oath of Office to undertake the duties of Councillor in the best interests of the people of the City of Stonnington and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act and any other relevant Act.*

3 Introduction of Councillors and Executive Staff

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

4 Apologies

There were no apologies for the meeting.

5 Confirmation of the Minutes of the previous meeting

5.1 Minutes of the Council meeting held on 24 June 2024

MOTION:
MOVED: Cr Nicki Batagol SECONDED: Cr Marcia Griffin

That the minutes of the meeting of the Council held on 24 June 2024 be confirmed as an accurate record of the proceedings.

Carried

6 Disclosure of Conflicts of Interest

Item 8.4 – 2024-2025 Community Grants Program, Cr Polly Morgan declared a General Conflict of Interest.

Item 8.4 – 2024-2025 Community Grants Program, Cr Mike Scott declared a General Conflict of Interest.

Item 8.4 – 2024-2025 Community Grants Program, Cr Marcia Griffin declared a General Conflict of Interest.

7 Questions From the Community

In accordance with the Governance Rules, seven (7) submissions were received for the Council meeting held on 22 July 2024.

Summary – Rowan Opat

A summary of the submission made by Rowan Opat in relation to Item 8.2, Planning Application 0344/23 – 7-11A & 17-19 Carters Avenue, Toorak is as follows:

- The submission commends the Applicant for their investment in international-renowned Kerry Hill Architects and notes that Stonnington is fortunate to have this level of design consideration for such a rare critical site.
- The submission notes that the Application represents a major draw card to Toorak Village and hopes that this standard provides a benchmark for future projects in the area.

Summary – Julie Elliott

A summary of the submission provided by Julie Elliott in relation to trees at Percy Treyvaud playground is as follows:

- The submission refers to the Percy Treyvaud playground concept design showing 5 mature callistemons to be demolished and 2 saplings to be relocated.
- The submission notes that 5 callistemons are situated along the tennis courts, with a gap where a sixth callistemon once was, and urges the sixth callistemon to be re-planted.
- The submission states that several saplings, including the two to be relocated, died over summer due to not being watered.
- The submission states that in March 2022, 140 established trees were removed.
- The submission urges Council to save the callistemons and replace the departed saplings in the playground.

As this submission does not relate to an item on tonight’s agenda a written response will be provided to the submitter and a copy of the response as required by the Governance Rules will be included in the minutes of the next meeting to be held on 5 August 2024.

The Mayor, Cr Joe Gianfriddo then welcomed the five (5) submitters who requested to speak at the meeting and noted that, given all submissions related to items on the agenda in accordance with Council's Governance Rules the submissions would not be referred to Council Officers and no written response would be provided.

<u>Submission In – Person</u>

Ben Cohen read the following statement in relation to Item 8.2 Planning Application 17-19 Carters Avenue, Toorak.

Why is Council seriously contemplating an 8-storey building without any justification for the 7th and 8th floors exceeding the Councils own development preferred height limit for what I believe is a negative public interest benefit.

It's in the interest of the community that such a key site be developed but in a manner that is in harmony with the South side of Toorak Village. We don't want Toorak Village to become a skyscraper disaster like the area around South Yarra station or Box Hill and see this proposal as the thin edge of a wedge. Toorak Village and its surrounds are a jewel in Stonnington and in Melbourne and must not to be degraded in this way.

There seems to be no justification for the 7th and 8th floors in that it exceeds the Councils own development preferred height limit. A radical blight on the nature of Toorak Village precinct for no obvious public interest benefit and the thin edge of a wedge into the jewel that is the Toorak Village precinct.

The undesirable knock-on effects of the extra 2 stories includes the impact on traffic, parking, shadowing, overlooking and population density. All negatively impacting the public interest.

There seems to be no point in having a preferred height limit prepared by renown experts and adopted after extensive consideration by Council and the community to then find it set aside by the first developer with a plan to profit at the expense of our environment.

<u>Submission In – Person</u>

Rachael O'Neill read the following statement in relation to Item 8.2 Planning Application 17-19 Carters Avenue, Toorak.

This application is the second project to be undertaken in the Toorak Village by Orchard Piper with the internationally renowned architectural firm Kerry Hill. It is illustrative of our client's commitment to deliver the highest quality projects where thoughtful consideration has been given to the siting and interface with its context. We request your support for this well resolved development for this strategic key development site.

The favorable officer recommendation reflects our on-going discussions with the planning department and our clients' willingness to modify the plans to address issues raised by internal departments and objectors. From very early on in the process, our clients sought to engage with neighbors, and it is so pleasing to see so many letters of support, including from immediately adjoining neighbors.

You will note that a series of key changes were made to the plans including:

- *Modification to the shared link to increase its volume; and to discourage through traffic through the use of alternative paving finishes, an altered alignment, and additional landscaping.*
- *Provision of a public pocket park adjacent the Ross Street frontage.*
- *Reduction in the street wall height to Carters Avenue from 4 to 5 stories.*

- *Introduction of a 2.5 metre setback at ground floor level from Ross Street to provide for an increased width to the footpath.*
- *Introduction of a 3.2 metre setback at level 6 from the Ross Street frontage and inclusion of additional landscaping.*
- *Provision of an additional sub-level of basement car park increasing the number of spaces from 157 to 182 (addition of 25 spaces). This includes allocation of five residential visitor spaces and four office visitor spaces.*

Further work was undertaken following the consultative meeting, specifically to address concerns regarding the potential acoustic impacts from the shared link and the impact of traffic on the surrounding road network. Acoustic mitigation works will be undertaken and incorporated into the development. The additional spaces respond to concerns with car parking numbers, including lack of visitor car parking.

Further traffic modelling analysis was undertaken and the findings showed that the projected traffic generation can be suitably accommodated by the surrounding road network, a finding supported by Council's traffic engineers.

The proposal complies with all relevant controls and policies of the planning scheme and we ask that you endorse the officer's recommendation for approval.

<u>Submission In – Person</u>

Robert Rechtman read the following statement in relation to Item 8.3 Amendment C338ston 131-133 Union Street, Windsor.

We moved into our new home 5 weeks ago and two weeks later received a letter from council re the proposed change of use and proposed 5 storey building on our eastern and northern boundary. Before we purchased this property in July 2023, i contacted the Town Planning department re potential development of the child care site. Who ever i spoke to said that they have no known information relating to changes to the current situation although now i can see that this change of use and sale was in the planning for quite a few years previously.

What can council do to protect my family from a massive 5 storey development being built on my eastern and northern boundary that will block my natural light, cause overlooking, over shadowing and completely remove my private open space?

In the Town Planning report, Item 2.4.4 West, states that 125 Union st is located in the General Residential zone which accommodates a brick office/warehouse. This is incorrect. The Warehouse is our home which we moved into 5 weeks ago and which we intend to renovate and to construct landscaping and a pool towards our eastern and northern boundary. How can council allow this development to go ahead next to a residential zone?

Would council support the General Residential Zone being applied to site lot 1 on Title Plan 223171Q comprising the north western corner of the site so that the controls are consistent with and match the zone and height controls to the north, west and south?

Will council amend Clause 3, Section 2 Permit required- of the Schedule 1 to clause 37.08 Activity Centre Zone to prohibit the land uses of bottle shop, gambling premises, nightclub and bar given these uses are permitted and are inappropriate for this site as it is not Chapel st, The residential interface and Windsor Village (VE-6) should be protected?

There should also be a maximum building height and not a preferred building height.

Submission In – Person

Jaimee Hernandez read the following statement in relation to Item 8.3 Amendment C338ston 131-133 Union Street, Armadale.

My name is Jaimee, and I am the administrative assistant at Windsor Community Children's Centre (WCCC). Today, I speak on behalf of myself and the dedicated staff at our centre.

We currently serve 75 families and operate at near full capacity 95% of the time. I receive up to five calls a day from families within our community desperately seeking childcare services. These requests range from families needing to enrol their children at our centre, those requiring additional care on top of what they already receive elsewhere, to urgent care for vulnerable families facing challenging circumstances.

Many of these families are dealing with substandard care from other childcare centres or are in vulnerable situations that require immediate and reliable support. It is distressing to hear the anxiety in their voices and to know that we cannot always accommodate their needs due to our limited capacity. The thought of our families experiencing inadequate care or being left without any support at all leaves me deeply unsettled.

WCCC is more than just a childcare centre; it is a vital community resource. We provide a safe, nurturing, and high-quality environment where children can thrive, learn, and grow. Our staff are committed to offering the best care possible, and we work tirelessly to support the families who rely on us.

My colleagues and I have dedicated our careers to this centre, building a strong, supportive community. The potential closure of WCCC threatens not only the families we serve but also our livelihoods. The staff here, many of whom have worked at the centre for years, are passionate professionals dedicated to early childhood education. Losing our jobs would be devastating, not just for us, but for the continuity and quality of care that our children

Given the projected increase in demand for early childhood education services outlined in the Kindergarten Infrastructure and Services Plan (KISP) for Stonnington and the officer report, how does the Council justify the closure of a thriving childcare centre like WCCC? Additionally, what plans are in place to support the retention of the 30 staff members who have dedicated years to this centre, ensuring that their expertise and employment are preserved within our community?

Submission In – Person

Paula O’Toole read the following statement in relation to Item 8.3 Amendment C338ston 131-133 Union Street Armadale.

I speak today not only for myself but also for the other 74 families in our community who rely on the Windsor Community Children's Centre (WCCC). Your agenda today highlights the glaring inadequacy of childcare capacity within Stonnington, an issue underscored by the persistent waitlists at WCCC. As a parent who depends on the exceptional care provided by WCCC, I am deeply concerned about the potential loss of this vital service, which will only exacerbate this well-documented problem.

For parents in double-income households, the possibility of losing WCCC is alarming, especially considering the current cost of living pressures, which are forcing parents to work more, not less. You have the power to ensure we avoid a bad outcome here by supporting the continued operation of this indispensable centre. WCCC provides an exceptional quality of education, as evidenced by its recent re-accreditation with an 'Exceeding' standard.

The large green space at WCCC, an oasis in our inner city, offers children a unique opportunity to connect with nature and their cultural heritage. Our strong relationship with the local Boonwurrung community enriches the children's education, fostering a deeper understanding and connection to the land.

The Bush Kinder programs and regular visits from Boonwurrung educators are integral to this experience. Moreover, WCCC's commitment to inclusivity and social justice is highlighted by its recent accolade, the 2024 Anti-Bias Award, recognizing its excellence in implementing an anti-bias curriculum. This progressive approach, combined with meeting all the equity and diversity principles set by the Department of Education, ensures that WCCC remains one of the most forward-thinking childcare centres in Stonnington. The centre provides a welcoming and supportive environment for all children, emphasizing the importance of an inclusive and equitable educational setting.

Today, you have the power to support a decision that upholds the integrity and future of our community's early childhood education. Let's take this opportunity to ensure that WCCC continues to thrive and serve our children, who are the heart of our community.

Question: I implore the council to consider: How will you ensure that the high standards of early childhood education and inclusivity provided by WCCC are maintained if this centre is forced to close? How will you continue to support culturally appropriate programs and services for diverse and vulnerable families in our community?

Cr Matthew Koce requested that Agenda Item 8.3, Amendment C338ston – 131-133 Union Street, Windsor, be brought forward in the agenda so it could be considered directly following Agenda Item 8.1, Audit and Risk Committee Biannual Chairs Report and Annual Assessment.

MOTION:

MOVED: Cr Matthew Koce SECONDED: Cr Polly Morgan

That Agenda Item 8.3 Amendment C338ston – 131-133 Union Street Windsor be considered directly following Agenda Item 8.1, Audit and Risk Committee Biannual Chairs Report and Annual Assessment.

Carried

8 Business

8.1 Audit & Risk Committee Biannual Chairs Report and Annual Assessment

The Chair of the Audit and Risk Committee, Bev Excell, attended the meeting via electronic means and addressed the meeting.

MOTION:

MOVED: Cr Kate Hely SECONDED: Cr Polly Morgan

That Council:

1. ***RECEIVES for information the Audit and Risk Committee's annual assessment of its performance in 2023 against the Audit and Risk Committee Charter (Attachment 1).***
2. ***RECEIVES for information the City of Stonnington Audit and Risk Committee Biannual Report dated 31 March 2024 (Attachment 2), which describes the activities of the Committee (including its findings and recommendations) for meetings held on 16 November 2023 and 29 February 2024.***

Carried

8.3 Amendment C338ston - 131-133 Union Street, Windsor

MOTION:

MOVED: Cr Mike Scott SECONDED: Cr Nicki Batagol

That Council:

1. *NOTE the background set out in the submission (Attachment 1), including relevantly that the current planning controls for the site are 'Public Use Zone – Education (PUZ2)' and the site is currently developed and used for a childcare centre providing education and care for 54 children per day.*
2. *NOTE that the Amendment in the exhibited form is opposed because the Amendment:*
   a) *Does not promote Council's stated aim for the Place Led Economic Development Strategy, Windsor Place Activation Plan and Chapel Street Activity Centre, which are consistent with broader state government policy, to increase the quality and availability of childhood services to support future commercial and residential growth in this zone.*
   b) *Fails to recognise that this site is well suited to a community childcare centre due to the existing features and amenity of the site and its surrounds, including the available open space areas and mature trees on the site, the convenient and safe road access, and the proximity to public transport.*

- *c) Fails to recognise and respond to the future impacts to surrounding residential properties including overlooking, overshadowing and loss of light, outlook, traffic and visual bulk and noise.*
- *d) Does not contain necessary controls to prevent adverse impacts on neighbourhood character and heritage character of the surrounds.*
- *e) Has not been informed by any analysis of the social, community and public benefits and values of the current use and development of the site and the implications of the Amendment on those benefits and values.*
- *f) Has not been informed by, and is inconsistent with, the draft Stonnington Housing strategy.*
- *g) Fails to recognise the habitat values of the site.*
- *h) Has not considered interim heritage controls on nearby properties.*

3. *ADVOCATE for the land to remain in public ownership for education uses.*
4. *NOTE the schedule to the ACZ1 seeks to strengthen and expand community facilities including those providing educational services within the Activity Centre.*
5. *AUTHORISE officers to present a submission to the Government Land Standing Advisory Committee that reflects the above resolutions.*
6. *AUTHORISE council officers to present at any future Directions Hearing or Public Hearing on behalf of Council.*
7. *WRITE to the Minister for Planning, Minister for Education, Minister for Children and Swinburne University Chancellor informing them of Council's resolutions on the Amendment.*
8. *ASSIST to the Stonnington community via a community workshop, social media and the website to participate in the statutory processes of Amendment C338ston.*

<u>Procedural Motion</u>

MOTION:
MOVED: Cr Nicki Batagol SECONDED: Cr Jami Klisaris

That Cr Kate Hely be granted an extension of time of one minute to speak.

Carried

Procedural Motion

MOTION:
MOVED: Cr Nicki Batagol SECONDED: Cr Melina Sehr

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

Carried

At the suggestion of Cr Melina Sehr, the mover and seconder agreed to incorporate the following additional point:

9. RECONSIDERS the possibility of purchasing the site.

DIVISION

Cr Mike Scott called for a division.

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

Voting Against the motion: Nil

The Mayor, Cr Joe Gianfriddo declared the motion in its entirety **Carried.**

The resolution in its entirety reads:

That Council:

1. ***NOTE the background set out in the submission (Attachment 1), including relevantly that the current planning controls for the site are 'Public Use Zone – Education (PUZ2)' and the site is currently developed and used for a childcare centre providing education and care for 54 children per day.***
2. ***NOTE that the Amendment in the exhibited form is opposed because the Amendment:***

   i) Does not promote Council's stated aim for the Place Led Economic Development Strategy, Windsor Place Activation Plan and Chapel Street Activity Centre, which are consistent with broader state government policy, to increase the quality and availability of childhood services to support future commercial and residential growth in this zone.

   j) Fails to recognise that this site is well suited to a community childcare centre due to the existing features and amenity of the site and its surrounds, including the available open space areas and mature trees on the site, the convenient and safe road access, and the proximity to public transport.

   k) Fails to recognise and respond to the future impacts to surrounding residential properties including overlooking, overshadowing and loss of light, outlook, traffic and visual bulk and noise.

- *l)* ***Does not contain necessary controls to prevent adverse impacts on neighbourhood character and heritage character of the surrounds.***
- *m)* ***Has not been informed by any analysis of the social, community and public benefits and values of the current use and development of the site and the implications of the Amendment on those benefits and values.***
- *n)* ***Has not been informed by, and is inconsistent with, the draft Stonnington Housing strategy.***
- *o)* ***Fails to recognise the habitat values of the site.***
- *p)* ***Has not considered interim heritage controls on nearby properties.***

3. ***ADVOCATE for the land to remain in public ownership for education uses.***
4. ***NOTE the schedule to the ACZ1 seeks to strengthen and expand community facilities including those providing educational services within the Activity Centre.***
5. ***AUTHORISE officers to present a submission to the Government Land Standing Advisory Committee that reflects the above resolutions.***
6. ***AUTHORISE council officers to present at any future Directions Hearing or Public Hearing on behalf of Council.***
7. ***WRITE to the Minister for Planning, Minister for Education, Minister for Children and Swinburne University Chancellor informing them of Council's resolutions on the Amendment.***
8. ***ASSIST to the Stonnington community via a community workshop, social media and the website to participate in the statutory processes of Amendment C338ston.***
9. ***RECONSIDERS the possibility of purchasing the site.***

8.2 Planning Application 0344/23 - 7-11A & 17-19 Carters Avenue, Toorak

MOTION:

MOVED: Cr Marcia Griffin SECONDED: Cr Mike Scott

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 344/23 for the land located at 7-11A & 17-19 Carters Avenue, Toorak under the Stonnington Planning Scheme.

The permit will allow the following that <u>is</u> subject to review at VCAT:

- ***Construct a building or construct or carry out works in a Commercial 1 Zone and Design and Development Overlay***
- ***Reduce the number of car parking spaces required under the car parking provision***
- ***Remove a drainage easement over the allotments on Plan of Consolidation 359149A and Title Plan 694244H***

This permit will be subject to the following conditions:

1. ***Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans Drawing Nos. A010 (Rev C), A1010 (Rev J), A1011 (Rev G), A1012 (Rev F), A1013 (Rev F), A1014 – A1017 (Rev G), A1018 (Rev E), A1019 – A1021 (Rev G), A1610 – A1621 (Rev D), A2000 – A2004 (Rev D), A3001 – A3007 (Rev D) and A3008 (Rev B) and Council date stamped 3 May 2024, BADS Analysis (Rev A) Council date stamped 24 May 2024, Area Schedule and Plans, Council date stamped 4 June 2024, but modified to show:***

    a) ***Reduction in the building height by two floors (levels 5 & 6), so that the building is a maximum 6 storeys with an overall building height of 22.48 metres.***

    b) ***Area (in square metres) of each dwelling and secluded private open space area.***

    c) ***Material labels/ codes on the elevations to clearly depict the proposed materiality of each section of the building.***

    d) ***Planters to be dimensioned on the plans.***

    e) ***The balcony of Apartment 6.7 to comply with Standard D20 of Clause 58.05-3.***

    f) ***Notation indicating that a minimum of one window in the common corridor is to be operable to allow for natural ventilation.***

    g) ***Notation indicating that the glazing on the north elevation of retail tenancies 1B and 3 to the public shared link must be maintained as clear glazing and must not be visually obscured by shelving or frosted glazing at any time.***

    h) ***Location and setbacks of existing windows and terraces of the westernmost units (Units 5 and 10) at 53-55 Ross Street.***

    i) ***Overlooking diagrams/ sections to demonstrate that direct view from Apartments 2.1, 3.1, 4.1 and 5.1 into the adjacent dwellings (Units 5 and 10) at 53-55 Ross Street be sufficiently limited and there will be no unreasonable overlooking potential. Direct view is measured from window plane to a distance of 9 metres and a height of 1.7 metres above finished floor level.***

    j) ***Reduction in the depth of the balconies of Apartments 3.5, 4.5, 5.4 and 6.3 to 3 metres.***

    k) ***Reduction in the number of vertical fins to the edge of balconies of Apartments 3.5 and 4.5.***

    l) ***Reconfiguration of the internal layout of Apartment 3.8 to provide improved daylight aspect into the living area from the light well.***

    m) ***A Visible Light Transmittance (VLT) of 70% to glazing of the apartments, balustrade and privacy screens 60%, and for the offices 66% or greater, or to the satisfaction of the Responsible Authority.***

n) A full schedule of all construction materials, external finishes and colours, including material and colour swatches. The schedule must confirm the reflectivity of glass and other finishes used on the building will not exceed 20% and detail all glazing recommendations as per the Acoustic Reports.

o) Allocation of stores to each apartment.

p) Allocation of car parking spaces to each apartment and tenancy.

q) Car parking spaces to be dimensioned in accordance with the relevant planning scheme requirements or Australian Standards.

r) A minimum headroom clearance of 2.2 metres at any garage entrance with garage door in an open position.

s) Sight distance triangles for the east-west exit point.

t) Modification to the width of the vehicle entrance to improve entry movements to the main car park ramp.

u) Columns within parking modules to be dimensioned in full.

v) Dimensions of horizontal bicycle racks.

w) Modification to the design/ opening of the loading bay, or any other appropriate alternate solution to the satisfaction of the Responsible Authority, in order to improve manoeuvre movements of small rigid vehicles to the loading bay. All vehicle manoeuvrings must be contained within the trafficable area of the road reserve and not encroach over the kerb and footpath area on the opposite side of Carters Avenue. The street tree on the opposite side of Carters Avenue must be retained and not adversely impacted to the satisfaction of the Responsible Authority.

x) Details of Electric Vehicle (EV) chargers, including number, type, speed, floor or wall mounted.

y) Elevations to be provided for all façades, including internal elevations facing lightwells/ voids.

z) Notation specifying that lighting within office spaces is to be on a timer or sensor so that internal lights are switched off when offices are not in use.

aa) Acoustic attenuation measures required by Conditions 18 and 19 (Acoustic Report).

bb) Any changes required to comply with Condition 3 (Façade Strategy), Condition 7 (Landscape Plan), Condition 9 (SMP), Condition 11 (WSUD Response), Condition 13 (WMP), Condition 15 (Wind Impact Assessment), Conditions 18 and 19 (Acoustic Reports).

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.

3. Prior to the endorsement of plans pursuant to Condition 1, a Façade Strategy must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the

Façade Strategy will be endorsed and will then form part of the permit. The Façade Strategy must include:

a) A concise description by the architect of the building design concept and how the façade works to achieve this.

b) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.

c) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance and confirmation that no material will have more than 20% reflectivity;

d) Detailed elevations showing the location of the proposed materials, colours and finishes, building details, entries and doors, utilities and any special features, in accordance with plans endorsed under Condition 1 of this permit.

e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between panels.

f) Information about how the façade will be accessed, maintained and cleaned, including details of the ongoing maintenance, inspection and where necessary treatment of the façade.

All to the satisfaction of the Responsible Authority.

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

5. Except with the written consent of the Responsible Authority, Kelly Hill Architects must be retained to provide architectural oversight prior to and during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

6. The glazing on the north elevation of retail tenancies 1B and 3 to the public shared link must be maintained as clear glazing and must not be visually obscured by shelving or frosted glazing at any time, without the prior written consent of the Responsible Authority.

7. Prior to the endorsement of plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be in accordance with the landscape plans (Rev B) dated 29 April 2024 prepared by Myles Baldwin Design, but modified to show:

a) Any changes required to accord with the plans to be endorsed under Condition 1.

b) A survey (including botanical names) of all existing vegetation to be retained and/or removed.

c) ***Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.***

d) ***Details of surface finishes of pathways and driveways.***

e) ***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.***

f) ***Landscaping and planting within all open areas of the site.***

g) ***The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.***

h) ***Details of all proposed hard surface materials including pathways, patio or decked areas.***

i) ***Full dimensions of planters.***

j) ***Soil volumes for all in-situ planting, including any green wall/ climbers.***

k) ***Ongoing maintenance regime and irrigation plan to ensure the sustained health of all planting, including those within planters and any green wall/ climbers.***

l) ***Provision of vertical green wall in the sunken garden that features climbing species.***

m) ***Replacement of Acer palmatum and Betula Pendula in planters on Level 7 with drought tolerant species (no reduction in mature height).***

n) ***Provision of bench seat(s) in the pocket park.***

o) ***A minimum of two (2) larger feature canopy trees and two (2) canopy trees with shade tolerant species in the pocket park.***

p) ***Consideration as to arrangement of pots within terraces/ balconies to be fixed or moveable and maintenance responsibility.***

q) ***Landscaping beyond the boundaries of the land be removed from the drawings.***

All to the satisfaction of the Responsible Authority.

8. ***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.***

9. ***Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will form part of the permit. The SMP must be generally in accordance with the SMP (Rev E) prepared by Ark Resources, dated 29 April 2024, and Council date stamped 3 May 2024, but be modified to show / include:***

a) ***If Built Environment Sustainability Scorecard (BESS) credit 4.1 Building Systems Water Use Reduction is claimed, providing information of the intended re-use for the water collected.***

b) One preliminary Nationwide House Energy Rating Scheme (NatHERS) certificate to be provided for each thermally similar group to substantiate the commitment made within the SMP and figures entered into BESS.

c) Removal of Appendix G. Daylight Modelling from the SMP.

d) Any changes required to accord with the plans to be endorsed under Condition 1.

All to the satisfaction of the Responsible Authority.

All proposed sustainable design initiatives must be shown or notated on the Condition 1 plans. Any amendments to the SMP must be incorporated on the Condition 1 plans. No alterations to the SMP may occur without the written consent of the Responsible Authority.

10. The development must incorporate the Sustainable Design Initiatives detailed in the endorsed plans and Sustainability Management Plan to the satisfaction of the Responsible Authority.

11. Prior to the endorsement of plans in accordance with Condition 1, a Water Sensitive Urban Design (WSUD) Response must be submitted to and approved by the Responsible Authority. When approved the WSUD Response will be endorsed and will form part of the permit. The WSUD Response must include, but is not limited to, the following:

a) The total catchment area to drain to the rainwater tank noted on drawing A_000 Drawing List is to align with the figure in the Water Sensitive Urban Design (WSUD) Report.

b) An updated Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Auditor Report is to be provided, confirming the MUSIC model complies with Melbourne Water's MUSIC guidelines.

c) Any changes required to accord with the plans to be endorsed under Condition 1.

All to the satisfaction of the Responsible Authority.

All proposed treatments included within the Water Sensitive Urban Design Response must be indicated on the plans.

12. The development must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or Water Sensitive Urban Design Response to the satisfaction of the Responsible Authority.

13. Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan, prepared by OneMileGrid, Council date stamped 3 May 2024, but modified to show:

a) Allocation of recycling bins for commercial tenements.

b) Allocating space for hard/E-waste storage for commercial tenements.

c) Consideration as to the door width of kitchen bin room on the Lower Ground Level is sufficient to transport 1,100L bins.

d) Access arrangement of ground level bin room internally from commercial tenancies.

e) Any changes required to accord with the plans to be endorsed under Condition 1.

All to the satisfaction of the Responsible Authority.

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

15. Prior to the endorsement of plans, a Wind Impact Assessment prepared by a suitably qualified wind engineer must be submitted to and approved by the Responsible Authority. The Wind Impact Assessment must include, but not limited to, the following:

a) Provide an assessment relevant to the requirements of Clause 58 Standard D17 (Wind impacts) of the approved development.

b) Clearly set out any modifications required to the approved development to achieve compliance with the objective of Clause 58 Standard D17 (Wind impacts) and to ensure acceptable wind conditions in public and communal spaces on the site and within the adjoining streets (Ross Street and Carters Avenue).

All to the satisfaction of the Responsible Authority.

When approved, the Wind Impact Assessment will be endorsed and will then form part of the permit. No alterations to the Wind Impact Assessment may occur without the written consent of the Responsible Authority.

16. Prior to the occupation of the development, all wind mitigation measures recommended in the endorsed Wind Impact Assessment must be implemented to the satisfaction of the Responsible Authority.

17. Prior to the issue of an Occupancy Permit, a written statement prepared by a suitably qualified wind engineer must be submitted to the Responsible Authority. The statement must confirm that all wind mitigation measures have been implemented in accordance with the endorsed Wind Impact Assessment and/or plans.

18. Prior to the endorsement of plans, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved, the acoustic report will be endorsed and will then form part of the permit. The acoustic report must be generally in accordance with the Acoustic Report (Revision 1) prepared by Acoustic Logic, Council date stamped 7 June 2023, but modified to show:

a) Reflect the design layout as shown on the amended plans required by Condition 1.

All to the satisfaction of the Responsible Authority.

19. Prior to the endorsement of plans, an acoustic report in relation to the shared pedestrian/ vehicular link prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved, the acoustic report will be endorsed and will then form part of the permit. The acoustic report must be generally in accordance with the Acoustic

Advice prepared by Acoustic Logic, Council date stamped 3 May 2024, but modified to show:

a) Reflect the design layout as shown on the amended plans required by Condition 1.

All to the satisfaction of the Responsible Authority.

20. Prior to occupation of the building, all acoustic measures recommended in the endorsed acoustic reports must be implemented to the satisfaction of the Responsible Authority.

21. Prior to the issue of an Occupancy Permit, a written statement prepared by a suitably qualified acoustic consultant must be submitted to the Responsible Authority. The statement must confirm that all acoustic measures have been implemented in accordance with the endorsed acoustic reports and/or plans.

22. Prior to the endorsement of plans, the Applicant 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.

23. Prior to the issue of a building permit, a Development Infrastructure Levy must be paid to Stonnington City Council pursuant to Schedule 1 to the Development Contributions Plan Overlay of the Stonnington Planning Scheme and the approved **Stonnington Municipal-Wide Development Contributions Plan (2020-2040), January 2023*****. The levy amount payable will be annually adjusted on 1 August each year in accordance with the Consumer Price Index (CPI) and calculated at the time of payment.***

24. Prior to the issue of a building permit, a Community Infrastructure Levy must be paid to Stonnington City Council pursuant to Schedule 1 to the Development Contributions Plan Overlay of the Stonnington Planning Scheme and the approved **Stonnington Municipal-Wide Development Contributions Plan (2020-2040), January 2023*****. The levy amount payable will be annually adjusted on 1 August each year in accordance with the Consumer Price Index (CPI) and calculated at the time of payment.***

25. Prior to the commencement of any buildings or works, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed to form part of the permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan, prepared by OneMileGrid, Council date stamped 3 May 2024, but modified to show:

a) Provision of directional signage (linemarking and/or signage is acceptable) for bicycle parking. Wayfinding signage must be indicated on the plan in accordance with AS2890.3 (s2.7).

b) How Electric Vehicle (EV) charging bays will be managed, in terms of who will be able to use them, will there be any time limits to ensure equal access, will there be any training on how to operate for new users.

c) Clarity on the existing sustainable transport and mode share targets.

d) An evaluation report to be provided to Council after year 3 to support the Green Travel Plan Champion. The report should include the following:

i) Number of employees.

ii) Success of specific GTP actions.

iii) Any online materials, maps, marketing, or details of events delivered.

e) Details of the GTP Coordinator to be reported to Council in line with the completion date, which is within the year one of opening.

All to the satisfaction of the Responsible Authority.

The development must operate in accordance with the Green Travel Plan.

26. The development hereby permitted must not commence until the owner of the land enters into an agreement with the Responsible Authority pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 in which it must be covenanted as follows:

a) That the requirements contained in this agreement must form part of any lease of the premises which the owner of the land under this permit may enter into with another party.

b) The terms of the agreement must stipulate that the owner of the land must:

i) Allow free and unrestricted public access over the shared pedestrian/ vehicular link (shared link) and pocket park on private property at all times at the Owner's cost;

ii) Maintain 24 hour public access, 7 days a week, to the public shared link and pocket park at the Owner's cost;

iii) Assume responsibility for all security and risk in the public shared link and pocket park;

iv) Ensure that the public shared link and pocket park are kept and maintained in good and tenantable repair including, without limitation, undertaking any necessary making good or renewal necessary to maintain it in good and tenantable repair, to the reasonable satisfaction of Council;

v) Ensure the public shared link and pocket park are kept and maintained at all times in a structurally sound and safe condition to the reasonable satisfaction of Council;

vi) Regularly clean the public shared link and pocket park to a reasonable standard to the satisfaction of Council;

vii) Ensure the public shared link and pocket park comply with all applicable laws and legal requirements; and

viii) The Owner and Council agree that the public shared link and pocket park shall at all times remain in private ownership as part of the Subject Land.

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.

The owner of the land under this permit must bear the legal costs and expenses of this agreement, including drafting, preparation, negotiation, lodging, execution and registration of the said agreement on title.

27. ***Prior to the commencement of any works over any easement, the owner/developer must obtain approval from the relevant authorities to remove and/or build over the easements pertaining to the site to the satisfaction of the Responsible Authority.***

28. ***Before the construction or carrying out of buildings and works commences (other than site investigation works necessary to determine the level of contamination on the land and remediation works), the owner(s) must provide:***

    a) ***A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use for which the buildings or works are constructed or carried out; or***

    b) ***An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use for which the buildings or works are constructed or carried out; or***

    c) ***A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or***

    d) ***A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use for which the buildings or works are constructed or carried out.***

29. ***The use and development allowed by this permit must comply with the directions and conditions of any environmental audit statement issued for the land.***

30. ***Where an environmental audit statement is issued for the land, and any recommendation on that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 Agreement of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.***

    Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the use, the issue of an Occupancy Permit or the issue of a Statement of Compliance under the Subdivision Act 1987 (whichever occurs first). The applicant must meet all costs associated with drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority.

31. ***Prior to the issue of an Occupancy Permit, written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit***

statement must be complied with to the satisfaction of the Responsible Authority.

32. ***Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.***

33. ***Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a Registered Professional Civil Engineer (VIC) in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity-based system and not pumped, with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.***

34. ***The levels of the development must match the existing footpath levels. The level of the footpaths of Carters Avenue and Ross Street must not be lowered or altered in any way at the property line.***

35. ***Prior to an 'Occupancy Permit' being issued, a Registered Professional Civil Engineer (VIC), must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.***

36. ***Prior to occupation of the building, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the owner/developer's cost to the approval and satisfaction of the Responsible Authority.***

37. ***The crossover must be constructed to Council's Standard Vehicle Crossover Guidelines unless otherwise approved by the Responsible Authority. Separate consent for crossovers is required from Council's Building and Local Law Unit.***

38. ***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.***

39. ***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.***

40. ***Prior to the occupation of the building, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***

41. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking in accordance with the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***

42. 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.

43. Noise emanating from the subject land must not exceed the prescribed limits of the Environment Protection Regulations 2021 as measured in accordance with EPA Publication 1826 (Noise Protocol). Any works required to ensure and maintain the noise levels from the plant and equipment area, loading bay, shared pedestrian/ vehicular link are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the building and maintained thereafter, to the satisfaction of the Responsible Authority.

44. All fixed plant and equipment (including air-conditioning units) must be located and screened to visually integrate with the development. The location and design of the screening, including the height, colour and material must be shown on the endorsed plans to the satisfaction of the Responsible Authority.

Any base building plant shall not exceed the noise limits of the Environment Protection Regulations 2021 and EPA Publication 1826.

Any domestic plant shall be designed and operated in accordance with the Environment Protection Regulations 2021.

45. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

46. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

47. All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.

48. 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.

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

a) The development is not started within two years of the date of this permit.

b) The development is not completed within four years of the date of this permit.

c) The plan of subdivision to remove an easement is not certified under the Subdivision Act 1988 within two 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. ***This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval from the Councils Health Services.***

C. ***Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.***

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

E. ***The installation, maintenance and/or use of any intruder alarm system must at all times conform to the*** **Environmental Protection (Audible Intruder Alarm) Regulations 1978.**

F. ***The owners and occupiers of the units hereby approved are not eligible to receive "Resident Parking Permits".***

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

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

<u>Procedural Motion</u>

MOTION:
MOVED: Cr Melina Sehr SECONDED: Cr Polly Morgan

That Cr Kate Hely be granted an extension of time of one minute to speak.

Carried

<u>DIVISION</u>

Cr Matthew Koce called for a division.

Voting For the motion: Cr Joe Gianfriddo, Cr Mike Scott, Cr Marcia Griffin, Cr Kate Hely, Cr Nicki Batagol and Cr Polly Morgan

Voting Against the motion: Cr Jami Klisaris, Cr Melina Sehr and Cr Matthew Koce

The Mayor, Cr Joe Gianfriddo declared the motion **Carried**.

8.4 2024-2025 Community Grants Program

The Mayor, Cr Joe Gianfriddo informed the meeting that due to a number of conflicts of interest, the motion would be considered in four (4) parts.

Cr Polly Morgan declared a general conflict of interest in accordance with Section 127 of the *Local Government Act 2020* and the Governance Rules.

Cr Polly Morgan advised the nature of her conflict is the husband of the applicant for a community grant for the Armadale Baptist Church is a very close friend and who volunteered extensively on her 2020 election campaign for Council.

Cr Mike Scott declared a general conflict of interest in accordance with Section 127 of the *Local Government Act 2020* and the Governance Rules.

Cr Mike Scott advised the nature of his interest was he is a member of Reconciliation Stonnington.

Cr Marcia Griffin declared a general conflict of interest in accordance with Section 127 of the *Local Government Act 2020* and the Governance Rules.

Cr Marcia Griffin advised the nature of her interest was she has, and may continue to have, a working relationship with applicant named in the Toorak Bowling Club.

Cr Matthew Koce left the meeting at 8:26pm and returned to the meeting at 8:28pm.

MOTION:

MOVED: Cr Mike Scott SECONDED: Cr Nicki Batagol

PART 1

That Council:

1. ACCEPT three (3) late applications not received or completed by the closing date as shown in Attachment 1;

2. APPROVE all the recommendations for Community Capacity Building (annual) Grants funding for 2024-2025 as shown in Attachment 1 except Toorak Bowling Club, Reconciliation Stonnington and Armadale Baptist Church;

3. APPROVE the recommendations for Partnership (triennial) Grants funding for 2024-2025 noting this represents the first of three years' funding (subject to the annual budget and accountability provisions) as shown in Attachment 1;

4. APPROVE the allocation of Ethnic Meals Program subsidies to community groups for 2024/25 as shown in Attachment 2, noting this is a restricted historical program not available to new groups;

5. NOTE any applicant unable to expend their grant during the 2024/25 financial year will be required to return unspent funds to Council;

6. NOTE grant recipients, including funding amount and project description, will be publicised on Council's website; and

7. NOTE the remaining balance of cash and in-kind funding will be made available to Quick Response Grants.

Carried

Cr Marcia Griffin exited the meeting at 8:33pm, prior to discussion on Part 2.

MOTION:
MOVED: Cr Polly Morgan SECONDED: Cr Kate Hely

PART 2

That Council:

1. APPROVE Community Capacity Building (annual) Grant funding for 2024-2025 as shown in Attachment 1 for Toorak Bowling Club.

Carried

Cr Marcia Griffin returned to the meeting at 8:34pm, after the vote had been taken.

Cr Mike Scott exited the meeting at 8:35pm, prior to discussion on Part 3.

MOTION:
MOVED: Cr Nicki Batagol SECONDED: Cr Kate Hely

PART 3

That Council:

1. APPROVE Community Capacity Building (annual) Grant funding for 2024-2025 as shown in Attachment 1 for Reconciliation Stonnington.

Carried

Cr Mike Scott returned to the meeting at 8:36pm, after the vote had been taken.

Cr Polly Morgan exited the meeting at 8:36pm, prior to discussion on Part 4.

MOTION:
MOVED: Cr Nicki Batagol SECONDED: Cr Kate Hely

PART 4

That Council:

1. ***APPROVE Community Capacity Building (annual) Grant funding for 2024-2025 as shown in Attachment 1 for Armadale Baptist Church.***

Carried

Cr Polly Morgan returned to the meeting at 8:37pm, after the vote had been taken.

8.5 Contemporary Art Collection Acquisition

MOTION:
MOVED: Cr Kate Hely SECONDED: Cr Mike Scott

That Council:

1. ***APPROVES the acquisition of artworks recommended by the Art Acquisitions Advisory Committee for the City of Stonnington Contemporary Art Collection, as outlined in Confidential Attachment 1 & 2 (excluding Artwork 9 Recommendation).***
2. ***NOTES acquisitions are dependent on the availability of the artworks following approval.***

The Mayor, Cr Joe Gianfriddo declared the motion **Lost**.

MOTION:
MOVED: Cr Jami Klisaris SECONDED: Cr Polly Morgan

That Council:

1. *APPROVES the acquisition of artworks recommended by the Art Acquisitions Advisory Committee for the City of Stonnington Contemporary Art Collection, as outlined in Confidential Attachment 1 & 2.*
2. *NOTES acquisitions are dependent on the availability of the artworks following approval.*

At the suggestion of Cr Scott, the mover and seconder agreed to incorporate the following additional point:

3. *INVESTIGATES ways to maximise the return on investment in the City's art collection through promoting the art collection to the broader community.*

The Mayor, Cr Joe Gianfriddo declared the motion in its entirety **Carried.**

The resolution in its entirety reads:

That Council:

1. ***APPROVES the acquisition of artworks recommended by the Art Acquisitions Advisory Committee for the City of Stonnington Contemporary Art Collection, as outlined in Confidential Attachment 1 & 2.***
2. ***NOTES acquisitions are dependent on the availability of the artworks following approval.***
3. ***INVESTIGATES ways to maximise the return on investment in the City's art collection through promoting the art collection to the broader community.***

8.6 Draft Libraries Plan 2024-26

MOTION:

MOVED: Cr Nicki Batagol SECONDED: Cr Polly Morgan

That Council:

1. ***ENDORSE the Draft Libraries Plan 2024-26 to proceed to public exhibition.***
2. ***NOTE that the final Plan will be presented to Council for approval in early 2025.***
3. ***NOTE that a longer-term (4 year) plan will be developed in 2025/26 aligned with the new Council Plan 2025-29.***

Carried

8.7 Options for extended library operating hours

MOTION:

MOVED: Cr Kate Hely SECONDED: Cr Mike Scott

That Council:

1. ***APPROVE officers to implement an open access model at Malvern Library, with a view to expand the model to other libraries pending success at this initial location.***
2. ***NOTE that funding for implementation will be sought through the 2025/26 budget.***

3. ***NOTE that officers will seek funding via Living Libraries and/or other relevant and available grant opportunities to subsidise implementation costs.***
4. ***ADVOCATE along with Public Libraries Victoria for greater operational funding to support the broadening scope of service delivery.***

Carried

8.8 Implementation Partnership for P&R and GIS services

MOTION:

MOVED: Cr Nicki Batagol SECONDED: Cr Kate Hely

That Council:

1. ***AWARD KPMG Australia Technology Solutions Pty Ltd, ABN 29 606 612 962 for Implementation Partnership Services for 10 months under the TechnologyOne System Enhancements Consultant Panel - Contract No. T22048-3 at the Schedule of Rates nominated in Attachment 1 up to a maximum value of $1,458,589.44 including GST ($1,325,990.40 excluding GST), with two options to extend for periods of six months (10 month + 6 month + 6 month).***
2. ***NOTES the award of this contract is subject to final commercial and legal negotiations and satisfactory compliance to Council's procurement due diligence processes.***
3. ***AUTHORISE Chief Executive Officer delegation to execute the agreement as well as subsequent extensions and variations with the above contractor.***
4. ***NOTE the expenditure under this contract will be allocated to X09969 Digital Transformation in accordance with Council's Budget for Financial Year 2024/25.***

Carried

8.9 Contract Award T24013 Roads, Drains and Associated Works - Annual Supply Contract

MOTION:
MOVED: Cr Kate Hely SECONDED: Cr Polly Morgan

That Council:

1. ***AWARD Contract No. T24013 Roads, Drains and Associated Works, to the following eight (8) companies at the Schedule of Rates nominated in the Tender Submissions, for a period of three (3) years, with two one-year options to extend (1 year + 1 year) subject to satisfactory performance and at Council's sole discretion.***
    a. ***ADP Constructions (ABN 46 118 588 097)***
    b. ***The Trustee for Blue Peak Constructions Family Trust (ABN 88 660 064 079)***
    c. ***CDN Constructors Unit Trust (ABN 62 884 294 341)***
    d. ***Etheredge Mintern Pty Ltd (ABN 36 006 521 151)***
    e. ***The Trustee for The GP Bluestone Unit Trust (ABN 21 664 700 435)***
    f. ***Kalow Holdings Pty Ltd (ABN 51 006 811 641)***
    g. ***Panhold Constructions Pty Ltd (ABN 29 100 097 238)***
    h. ***Parkinson Group (Vic) Pty (ABN 58 168 742 825)***
2. ***AUTHORISE the Chief Executive Officer to execute the contract agreements as well as subsequent extensions and variations with the above contractors.***
3. ***NOTE that the total annual expenditure under this annual supply contract is estimated to be in the order of $8 million to $10 million, in line with adopted Council Budgets.***

Carried

8.10 Appointment of Audit and Risk Committee Chair

MOTION:
MOVED: Cr Polly Morgan SECONDED: Cr Nicki Batagol

That Council:

1. ***APPOINTS Beverley Excell as Chair of Council's Audit and Risk Committee for the period commencing 23 July 2024 until 30 June 2025.***

Carried

8.11 Instrument of Appointment and Authorisation - Statutory Planning

MOTION:
MOVED: Cr Matthew Koce SECONDED: Cr Marcia Griffin

1. ***That the Council RESOLVE, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, that:***
   1.1. ***The members of Council staff referred to in the Instrument of Appointment and Authorisation (as annexed to the minutes) be APPOINTED and AUTHORISED as set out in the Instrument.***
   1.2. ***The Instrument of Appointment and Authorisation COMES INTO FORCE immediately once the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.***
   1.3. ***The Instrument of Appointment and Authorisation be SEALED.***

Carried

9 Correspondence

Cr Mike Scott tabled the following correspondence:

- Email regarding request to improve signage at Council parks to remind pet owners to keep their dogs on leads particularly around children's play equipment.

Cr Marcia Griffin tabled the following correspondence:

- Email from resident regarding Toorak Village paving and cleaning.

Cr Matthew Koce tabled the following correspondence:

- Email from residents in relation to Agent Item 8.3, Amendment C338ston – 131-133 Union Street, Windsor acknowledging visit and thanking for support.

10 Tabling of Petitions and Joint Letters

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

11 Notices of Motion

11.1 Notice of Motion: 04/2024

MOTION:
MOVED: Cr Kate Hely SECONDED: Cr Mike Scott

That Council:

1. ***NOTES the recommendations from the Operation Sandon Special Report issued by the Independent Broad-Based Anti-Corruption Commission (IBAC) to improve council governance.***
2. ***NOTES that while the Victorian Government has supported 'in principle' the IBAC's recommendation for Local Government Victoria to develop and publish Model Governance Rules for the sector, this does not preclude Stonnington Council from being proactive in proposing some of these changes now.***
3. ***UPDATES the City of Stonnington's Governance Rules, to reflect recommendations made by IBAC, in particular:***
   - ***3.1. Recommendation 23: expressly prohibiting en bloc motions at Council meetings***
   - ***3.2. Recommendation 24: recording the names of councillors who spoke to a motion and voted for and against motions in the Council meeting minutes.***
4. ***APPROVES the following proposed amendments to the City of Stonnington's Governance Rules, for the purposes of community engagement for the period 24 July to 14 August 2024 (inclusive):***
   - ***4.1. Insertion of a new Clause 36 to read as follows (and subsequent rules re-numbered):***

     '36. Moved in a Block (en bloc)

     The Chair must not allow any agenda items to be moved in a block (en bloc).'
   - ***4.2. Delete procedural motion 15, 'En bloc motions' in its entirety from procedural motions table on page 28 of the current Governance Rules.***
   - ***4.3. Amend sub-clause 68.1.7 to read 'the vote cast by each Councillor, unless carried unanimously;'***
   - ***4.4. Amend sub-clause 68.1.8 to read, 'the name of each Councillor who spoke to a motion or amendment'.***
   - ***4.5. Delete clause 63 (including sub-clauses 63.1 to 63.3.3).***
   - ***4.6. Amend clause 58, 'How Motion Determined' to read as follows:***

> ***"58.1 To determine a matter before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.***
>
> ***58.2. Each Councillor at a Council meeting who is entitled to vote, is entitled to one vote.***
>
> ***58.3. Where the vote is not unanimous, the Chair must state the names of those Councillors voting in the affirmative, those Councillors voting in the negative and those Councillors abstaining (negative vote)."***

5. CONSIDERS any written submissions at the Council meeting on 2 September 2024 and makes a determination.

<u>Procedural Motion</u>

MOTION:
MOVED: Cr Kate Hely SECONDED: Cr Melina Sehr

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

Carried

The Mayor, Cr Joe Gianfriddo put the motion and declared it **Carried**.

Councillors Jami Klisaris and Melina Sehr abstained from the vote.

12 Reports by Councillors

12.1 Record of Councillor Briefing Session held on 15 July 2024

MOTION:
MOVED: Cr Mike Scott SECONDED: Cr Polly Morgan

That the Council resolve to RECEIVE the Record of the Councillor Briefing Session held on 15 July 2024.

Carried

13 Questions to Council Officers

Cr Mike Scott asked the Director Planning and Place how many infringements have been issued with regard to off leash dogs in Stonnington over the past 12 months?

The Director Planning and Place responded.

Cr Mike Scott asked the Director Planning and Place what is Council doing to ensure the safety of children in playgrounds where dogs are off leash?

The Director Planning and Place responded.

Cr Hely asked the Director Environment and Infrastructure how does Council prioritise the planting of native plants on Council property?

The Director Environment and Infrastructure responded.

Cr Kate Hely asked the Director Planning and Place for an update on the progress of responding to concerns about the Stonnington Pound, which is currently being run by Save a Dog Scheme? Does the Council have any concerns at this time?

The Director Planning and Place responded.

Cr Matthew Koce asked the Director Community and Wellbeing what the key concerns regarding the supply of illegal vaping and cigarettes particularly in the Chapel Street South Yarra precinct.

The Director Community and Wellbeing responded.

14 Urgent Business

There was no urgent business considered at the meeting.

15 General Business

Cr Polly Morgan spoke and paid tribute to the late Phin Meere, who was a member of the Stonnington Disability and Access Committee.

I want to speak tonight about Phin Meere, a local resident of Malvern, who passed away suddenly just over a week ago. Phin was a member of Council's current Disability Access Committee. He was only 48.

I'm still in shock.

Phin was an amazing person - he was incredibly smart, and he had the most irreverent sense of humour, and was unfailingly kind. He was a good friend to me, and to many people. His loss is huge to those of us who knew him.

Phin had been on Stonnington Council's first disability access advisory committee (SDAC). Phin had been encouraged by Chris Gahan and Claude Ullin, two former Mayors of Stonnington, to go on the SDAC committee. He served on the committee for many years, before taking a break. Phin rejoined the SDAC committee during this term of council, and along with the other members of the SDAC have really helped to push our council to keep working on better access and inclusion for disabled people in our municipality.

Phin didn't just advocate for disabled people in Stonnington, he was an activist in the absolute best sense of that word & he was constantly working to help other disabled people throughout Victoria and was a staunch advocate for our rights.

He did amazing work on No Limits on Channel 31 and the Boldness on 3CR. It is disability pride month right now, and Phin taught me a lot about the importance of disability pride, the importance of valuing people for who they are as individual persons, and also the value of living a good life.

Cr Marcia Griffin spoke about the recent home invasions in Toorak.

Cr Marcia Griffin commended Council Officers on the recent *Glow Winter Arts Festival* held in Central Park, Malvern East from 18-21 July, which was beautifully executed and a great family free event.

16 Confidential Business

There was no confidential business considered at the meeting.

The meeting concluded at 10:08pm.

Confirmed on 5 August 2024.

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CR JOE GIANFRIDDO, MAYOR