



Council Meeting - Minutes

Held on Monday 5 February 2024

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



The meeting commenced at 7:00pm.

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 (virtual attendance)
Cr Polly Morgan
Cr Melina Sehr

Apologies:

There were no apologies.

Council Officers Present:

Dale Dickson	Chief Executive Officer
Cath Harrod	Director Community & Wellbeing
Annaliese Battista	Director Planning & Place
Simon Holloway	Acting Director Environment & Infrastructure
Daniela Mazzone	Acting Director Organisation Capability
Alexandra Kastaniotis	Manager Statutory Planning
Julia Gallace	Chief Financial Officer
Marlo Emmitt	Manager Governance
Loren Lawford	Coordinator Governance
Judy Hogan	Civic Support Officer
Emily Stockdale	Business Support Officer - Governance
Matthew Beale	Information Technology Support
Jonathan Murphy	Information Technology Support

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1 Reading of the Statement of Reconciliation

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

We acknowledge we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong peoples of the East Kulin Nations and pay our respect to their Elders past 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 following Statement of Commitment:

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

3 Introduction of Councillors & Executive Staff

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

4 Apologies

There were no apologies.

5 Confirmation of the Minutes of the previous meeting

5.1 Minutes of the Council Meeting held on 18 December 2023

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

That the minutes of the scheduled meeting of the Council held on 18 December 2023 be confirmed as an accurate record of the proceedings.

Carried

6 Disclosure of Conflicts of Interest

There were no declarations of conflicts of interest for this meeting.

7 Questions From the Community

Two (2) sets of questions from members of the community were submitted for the Council meeting. In accordance with Council's Governance Rules, a summary of the questions submitted is provided below.

A summary of the first set of questions from Matthew Townsend is as follows:

- Does Council support Cycling
- What is the value of on street parking
- Percentage of residents who don't own a car
- Plans for parking revenue
- Active Travel vision.

A summary of the second set of questions from John Lotton is as follows:

- Total cost of the South Yarra Community Hub
- Total cost of the development of the Chapel St Master Plan.

The Mayor, Cr Joe Gianfriddo stated a written response to the questions would be sent to Matthew Townsend and John Lotton within ten (10) business days in accordance with the Council Customer Service Charter. Further, in accordance with the Governance Rules, responses will then be tabled and inserted in the minutes of the following Council meeting.

Alex Stott – response to a question asked at the Council meeting on 18 December 2023.

Question

Could you please outline 3x strategies you have implemented in the past 12 months that help to reduce/minimise car dependency in Stonnington? (in reference to Clause 15.02-1L-02 ESD in the Stonnington Planning Scheme).

Response

In reference to 15.02-1L-02, Council does not design private developments, but officers do assess whether applications align with this clause. The Transport Planning team review Green Travel Plans where required and highlight areas of inconsistency and improvement in relation to supporting and promoting the use of walking, cycling and public transport. For example, providing comment as to whether bicycle parking has been designed to Australian Standards, information on local public transport options available to new residents, and monitoring transport mode split via surveys over time. Ultimately however, implementation of these hard and soft measures are the responsibility of proponents and building managers and Council officers always make themselves available to assist in anything they can.

Council also advocates to the State government for improvements to the minimum requirements in regards to the quantity of bike parking to be provided, where relevant to particular development proposals, and the construction of end of trip facilities including bike workshops with tools for basic repairs.

Council officers also liaise with applicants and shared micromobility providers as well as car-share providers to advocate for the provision of shared mobility hubs in new developments that would serve not only the new residents but also neighbouring properties with the intent of reducing car dependency.

Le Feng Liang – Response to questions asked at the Council meeting on 18 December 2023.

Question 1

How could a driver park safely there?

Response

A driver can park safely by maintaining adequate control of the vehicle and always keeping a proper look out. Council is not responsible for a driver impacting a fixed object located on a footpath, regardless of the size of the object.

Question 2

What council (Stonnington city council) could put in proper procedure to make sure the pole is not falling down caused death and TPD in the case it fall down due to repeated car scratches and hitting provided:

- 1. the pole itself did not meet safety standard*
- 2. the parking sign is inappropriately there suggesting it is safe to park there.*

Response

The pole is not an asset managed by Council and has been referred to Citi-Power to undertake appropriate maintenance. The parking sign denotes the restriction that applies to motorists who wish to park in the space available. It is each motorist's responsibility to take appropriate care when parking and to have regard to the physical conditions present.

8 Business

8.1 Proposed Amendments Governance Rules 2024 – Submissions

The Mayor, Cr Joe Gianfriddo informed the meeting that members of the community were in attendance to speak in support of their written submission regarding this matter.

The following people then addressed the Council meeting and spoke in support of their written submission.

- Marc Gauci
- Solomon Green
- Beverley Lines.

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Marcia Griffin

That Council:

1. ***CONSIDER the written community feedback submissions for the proposed changes to the Governance Rules in relation to Chapter 2, Part C - Meeting Procedure, Division 8 - Questions from the Community.***
2. ***NOTE the submissions to be heard at the Council meeting 5 February 2024, and a decision on the matter to be undertaken at the Council meeting on 19 February 2024.***

Carried

8.2 Receipt of Objections and Consideration of Section 223 Submissions for the four proposed Special Rate Schemes

The Mayor, Cr Joe Gianfriddo informed the meeting that members of the community were in attendance to speak in support of their written submission regarding this matter.

The following people then addressed the Council meeting and spoke in support of their written submission.

- Tony Philips
- Norman Pollack
- Sherry, Xiaosha Li
- Kamal Parmer
- Newmark Capital Limited Representative, Steven Cavallin.

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

That Council:

1. ***RECEIVE the objections made in respect to the Glenferrie Road Malvern, High Street Armadale, Toorak Road South Yarra, and Toorak Village proposed special rate schemes at Attachment 1.***
2. ***RECEIVE and consider submissions received in respect to the Glenferrie Road Malvern, High Street Armadale, Toorak Road South Yarra and Toorak Village Toorak proposed special rate schemes at Attachment 2.***

3. **NOTE that Council has provided Submitters the opportunity to be heard, in accordance with Section 223 of the Act. A total of sixteen (16) submitters have requested to be heard in relation to their submission.**
4. **ENDORSE further reports be prepared to consider the declaration of Glenferrie Road Malvern, High Street Armadale, Toorak Road South Yarra and Toorak Village proposed special rate schemes.**

Carried

8.3 Planning Application 0753/22 - 3-7 Grattan Street, Prahran

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Nicki Batagol

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 753/22 for the land located at 3-7 Grattan Street, Prahran under the Stonnington Planning Scheme for use of the land for office and dwellings and development of a multi-storey mixed use building in the Activity Centre Zone, including a reduction in the car parking requirements subject to the following conditions:

Architectural Plans

1. **Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by KUD, known as Project No. 21-012, Drawing No's: TP001 to TP657 dated 13/4/2023, Rev. C, but modified to show / include:**
 - a) **Ground floor levels increased to at least 14.43m A.H.D. to prevent flooding with no increase in the overall building height;**
 - b) **The basement ramp to be provided with an apex to at least 14.43m A.H.D. to prevent flooding;**
 - c) **External shading devices provided to north facing glazing of habitable rooms, which should ensure that the north windows/glazed doors are shaded from the spring equinox until the autumn equinox (21 September to 21 March). Where sun shading devices are being utilised a dimensioned section diagram is to be included to demonstrate their effectiveness;**
 - d) **External sun shading devices provided to east and west facing glazing of habitable rooms, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations;**
 - e) **Toilet and kitchenette facilities associated with the ground and first floor commercial uses;**
 - f) **The rooftop terrace notated as communal open space with the notation "6.01" deleted;**
 - g) **The nature and layout of the second floor internal communal space notated;**
 - h) **The ground floor 'Retail' uses shown as 'Shop';**
 - i) **Provision of fixed, permanent privacy screening with no more than 25% transparency (or obscure glazing) to 1.7m high for the west-facing habitable room windows and balconies of apartments (at all levels) which are opposite the private courtyards associated with ground level student accommodation at No. 42 Porter Street (or suitable demonstration that no unreasonable overlooking of these courtyards will occur);**

- j) **Apartment door widths dimensioned in accordance with Standard D18 (Accessibility Objective) at Clause 58.05-1 of the Stonington Planning Scheme; and**
- k) **Any changes necessary as a result of other conditions of the permit. 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.**

Facade Strategy

- 3. **Concurrent with 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.**

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

Landscape Plan

- 4. **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 generally in accordance with the landscape plan prepared by Acre, dated 17 January 2022, but modified to show / include:**
 - a) **Demonstration that soil volumes in each individual planter / container is adequate for the proposed trees / plants selected, by using an appropriate methodology (with planters increased in size as necessary); and**
 - b) **Any changes necessary as a result of other conditions of the permit. All to the satisfaction of the Responsible Authority.**
- 5. **Prior to the commencement of the use / occupation of the building, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Sustainable Management Plan

6. **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. When approved the SMP will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The SMP must be generally in accordance with the SMP by Enrate, dated 5 April 2023 but modified to show / include:**
 - a) **Clarification as to the extent of potable water use for irrigation and the extent to which plant selections are 'water efficient', with reference to the requirements described in the BESS tool notes;**
 - b) **Investigation as to the feasibility of providing a Photovoltaic system to the building roof;**
 - c) **Daylight modelling revised to consider an equitable development scenario at all adjoining sites and factoring in any adjoining development which has planning approval (such as at No. 43 Porter Street);**
 - d) **Details of fixed external shading devices provided to north facing glazing of all habitable rooms to prevent passive solar gain in summer while enabling warming winter sun access; and**
 - e) **Details of adjustable external shading devices to be provided to east and west facing glazing of all habitable rooms; and**
 - f) **Any changes necessary as a result of other conditions of the permit.**
7. **All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without the written consent of the Responsible Authority.**
8. **Prior to the occupation of the building, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**

Waste Management

9. **Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan by Traffix Group, dated 5/4/2023 but modified to show / include:**
 - a) **Waste generation rates updated to reflect that retail tenancies will normally operate 7 days a week (not 5 days a week);**
 - b) **Table 4, Bin Colour Body corrected to read Dark Green or Black as per Sustainability Victoria's Better Practice Guide for Waste Management and Recycling in Multi-unit Developments;**
 - c) **Table 5 corrected to reflect the use of a chute system within the development;**
 - d) **Suitable consideration as to how organic waste recycling will be encouraged within the development (e.g. by provision of a chute system for organics or a small ventilated waste room at each floor);**
 - e) **Consideration as to how fully laden 1100L waste bins will be manoeuvred to the collection point, particularly in relation to the need to navigate ramps within the basement;**

- f) Provision of a bin washing area for both residential and commercial bin rooms and details as to how wastewater will not pollute storm water (e.g. with drainage of these rooms provided to sewer);*
- g) Bin room dimensions provided within the WMP;*
- h) Bin collection hours amended to reflect the City of Stonnington Residential Waste Management Guidelines; and*
- i) Any changes necessary as a result of other conditions of the permit.*
- 10. Waste collection from the development must be in accordance with the Waste Management Plan, to the satisfaction of the Responsible Authority.**
- 11. 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.**

Acoustic

- 12. Prior to the occupation of the building, all acoustic measures proposed in the acoustic report prepared by Octave Acoustics, dated 2 December 2022, to be endorsed under this permit must be implemented to the satisfaction of the Responsible Authority.**
- 13. Noise emanating from the subject land must not exceed the prescribed limits specified in the Environment Protection Regulations under the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020, or any replacement publication). Any works required to ensure and maintain the noise levels from any plant, equipment area or substation are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the building and maintained thereafter, all to the satisfaction of the Responsible Authority.**

Infrastructure (Asset Management)

- 14. The owner must at their cost construct a 300mm diameter outfall drain to connect to the closest Council drain located in Grattan Street approximately 50 metres to the North of number 7. A detailed design for the drain must be prepared by a Registered Professional Civil Engineer (Vic) and approved by Council's Asset Management Unit. The drain must be constructed in accordance with the approved plan under the supervision and to the satisfaction of Council.**
- 15. Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a 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.**
- 16. 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.**
- 17. The existing Grattan Street footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp and development levels).**

Miscellaneous

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. ***The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.***
20. ***All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.***
21. ***Prior to the commencement of the development hereby approved, the owner/developer must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
22. ***All fixed plant and equipment (including air-conditioning units) must be located and screened to visually integrate into the development to the satisfaction of the Responsible Authority.***
23. ***Prior to the occupation of the building/ commencement of the use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
24. ***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.***
25. ***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.***

Development Contribution Plan Overlay

26. ***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.***
27. ***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.***

Significant Community Benefit Contribution

28. ***Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to covenant that it will:***
 - a) ***Pay a monetary contribution to Council prior to the commencement of the development in the amount of \$687,500 in exchange for the agreed building height, for the purposes of enhancing design outcomes of pocket parks at No 15 Izett Street Prahran and/or NO 55 Porter Street and/or No 22A Grattan Street (or a similar local open space delivery project).***

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

Expiry

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

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

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

NOTES

- A. This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.***
- C. Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council's Arborists on 8290 1333 for further information.***
- D. 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.***
- 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.***

Procedural Motion - Extension of Speaking Time

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Marcia Griffin

That Cr Mike Scott be granted an extension of time of one minute to speak.

Carried

Procedural Motion - Extension of Speaking Time

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

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

Carried

AMENDMENT:

MOVED: Cr Jami Klisaris

SECONDED: Cr Melina Sehr

That clause 28 a) be amended by adding the words “the Chapel Street area (or similar) such as”, after the words “for the purposes of ...”

The Mayor, Cr Joe Gianfriddo put the amendment to the vote and declared it

Carried

The Mayor, Cr Joe Gianfriddo put the substantive motion to the vote and declared it

Carried

The resolution in its entirety reads:

That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 753/22 for the land located at 3-7 Grattan Street, Prahran under the Stonnington Planning Scheme for use of the land for office and dwellings and development of a multi-storey mixed use building in the Activity Centre Zone, including a reduction in the car parking requirements subject to the following conditions:

Architectural Plans

1. Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by KUD, known as Project No. 21-012, Drawing No's: TP001 to TP657 dated 13/4/2023, Rev. C, but modified to show / include:

- a) Ground floor levels increased to at least 14.43m A.H.D. to prevent flooding with no increase in the overall building height;***
- b) The basement ramp to be provided with an apex to at least 14.43m A.H.D. to prevent flooding;***
- c) External shading devices provided to north facing glazing of habitable rooms, which should ensure that the north windows/glazed doors are shaded from the spring equinox until the autumn equinox (21 September to***

21 March). Where sun shading devices are being utilised a dimensioned section diagram is to be included to demonstrate their effectiveness;

- d) External sun shading devices provided to east and west facing glazing of habitable rooms, which could be in the form of operable louvres, sliding shutters or external blinds. The external shading devices are to be clearly shown/noted on the plans and elevations;**
- e) Toilet and kitchenette facilities associated with the ground and first floor commercial uses;**
- f) The rooftop terrace notated as communal open space with the notation "6.01" deleted;**
- g) The nature and layout of the second floor internal communal space notated;**
- h) The ground floor 'Retail' uses shown as 'Shop';**
- i) Provision of fixed, permanent privacy screening with no more than 25% transparency (or obscure glazing) to 1.7m high for the west-facing habitable room windows and balconies of apartments (at all levels) which are opposite the private courtyards associated with ground level student accommodation at No. 42 Porter Street (or suitable demonstration that no unreasonable overlooking of these courtyards will occur);**
- j) Apartment door widths dimensioned in accordance with Standard D18 (Accessibility Objective) at Clause 58.05-1 of the Stonington Planning Scheme; and**
- k) Any changes necessary as a result of other conditions of the permit.**

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.**

Facade Strategy

- 3. Concurrent with 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.**

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

Landscape Plan

- 4. 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 generally in accordance with the landscape plan prepared by Acre, dated 17 January 2022, but modified to show / include:**

- a) Demonstration that soil volumes in each individual planter / container is adequate for the proposed trees / plants selected, by using an appropriate methodology (with planters increased in size as necessary); and**
- b) Any changes necessary as a result of other conditions of the permit.**

All to the satisfaction of the Responsible Authority.

- 5. Prior to the commencement of the use / occupation of the building, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Sustainable Management Plan

- 6. 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. When approved the SMP will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The SMP must be generally in accordance with the SMP by Enrate, dated 5 April 2023 but modified to show / include:**

- a) Clarification as to the extent of potable water use for irrigation and the extent to which plant selections are 'water efficient', with reference to the requirements described in the BESS tool notes;**
- b) Investigation as to the feasibility of providing a Photovoltaic system to the building roof;**
- c) Daylight modelling revised to consider an equitable development scenario at all adjoining sites and factoring in any adjoining development which has planning approval (such as at No. 43 Porter Street);**

- d) *Details of fixed external shading devices provided to north facing glazing of all habitable rooms to prevent passive solar gain in summer while enabling warming winter sun access; and*
- e) *Details of adjustable external shading devices to be provided to east and west facing glazing of all habitable rooms; and*
- f) *Any changes necessary as a result of other conditions of the permit.*
- 7. *All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without the written consent of the Responsible Authority.*
- 8. *Prior to the occupation of the building, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.*

Waste Management

- 9. *Prior to the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan by Traffix Group, dated 5/4/2023 but modified to show / include:*
 - a) *Waste generation rates updated to reflect that retail tenancies will normally operate 7 days a week (not 5 days a week);*
 - b) *Table 4, Bin Colour Body corrected to read Dark Green or Black as per Sustainability Victoria's Better Practice Guide for Waste Management and Recycling in Multi-unit Developments;*
 - c) *Table 5 corrected to reflect the use of a chute system within the development;*
 - d) *Suitable consideration as to how organic waste recycling will be encouraged within the development (e.g. by provision of a chute system for organics or a small ventilated waste room at each floor);*
 - e) *Consideration as to how fully laden 1100L waste bins will be manoeuvred to the collection point, particularly in relation to the need to navigate ramps within the basement;*
 - f) *Provision of a bin washing area for both residential and commercial bin rooms and details as to how wastewater will not pollute storm water (e.g. with drainage of these rooms provided to sewer);*
 - g) *Bin room dimensions provided within the WMP;*
 - h) *Bin collection hours amended to reflect the City of Stonnington Residential Waste Management Guidelines; and*
 - i) *Any changes necessary as a result of other conditions of the permit.*

10. **Waste collection from the development must be in accordance with the Waste Management Plan, to the satisfaction of the Responsible Authority.**
11. **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.**

Acoustic

12. **Prior to the occupation of the building, all acoustic measures proposed in the acoustic report prepared by Octave Acoustics, dated 2 December 2022, to be endorsed under this permit must be implemented to the satisfaction of the Responsible Authority.**
13. **Noise emanating from the subject land must not exceed the prescribed limits specified in the Environment Protection Regulations under the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020, or any replacement publication). Any works required to ensure and maintain the noise levels from any plant, equipment area or substation are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the building and maintained thereafter, all to the satisfaction of the Responsible Authority.**

Infrastructure (Asset Management)

14. **The owner must at their cost construct a 300mm diameter outfall drain to connect to the closest Council drain located in Grattan Street approximately 50 metres to the North of number 7. A detailed design for the drain must be prepared by a Registered Professional Civil Engineer (Vic) and approved by Council's Asset Management Unit. The drain must be constructed in accordance with the approved plan under the supervision and to the satisfaction of Council.**
15. **Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a 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.**
16. **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.**
17. **The existing Grattan Street footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp and development levels).**

Miscellaneous

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. ***The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.***
20. ***All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.***
21. ***Prior to the commencement of the development hereby approved, the owner/developer must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossover/s providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
22. ***All fixed plant and equipment (including air-conditioning units) must be located and screened to visually integrate into the development to the satisfaction of the Responsible Authority.***
23. ***Prior to the occupation of the building/ commencement of the use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
24. ***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.***
25. ***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.***

Development Contribution Plan Overlay

26. ***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.***
27. ***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.***

Significant Community Benefit Contribution

28. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to covenant that it will:

- a) Pay a monetary contribution to Council prior to the commencement of the development in the amount of \$687,500 in exchange for the agreed building height, for the purposes of the Chapel Street area (or similar) such as enhancing design outcomes of pocket parks at No. 15 Izett Street Prahran and/or No. 55 Porter Street and/or No. 22A Grattan Street (or a similar local open space delivery project).**

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

Expiry

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

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

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

NOTES

- A. This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.**
- B. Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.**
- C. Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council's Arborists on 8290 1333 for further information.**
- D. 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.**
- 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.**

8.4 Planning Amendment 0968/08 - 51-53 Huntingtower Road, Armadale

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Nicki Batagol

That Council AUTHORISE Officers to issue a Notice of Decision to Amend a Planning Permit No: 968/08 for the land located at 51-53 Huntingtower Road, Armadale under the Stonnington Planning Scheme be amended as follows:

Plans amended to show:

- **Removal of the fixed louvre screen from the first floor south facing staircase window (w28 and w29) of 51 Huntingtower Road and replacement with an operable venetian blind.**

To what condition is the amendment subject?

- **No new permit conditions recommended, permit to remain as is.**

Carried

8.5 Fees and Charges Review Change Adoption 2023-24 Budget

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Nicki Batagol

That Council:

- 1. NOTE the results of the public consultation process on proposed fees and charges changes over the period from 5 December to 31 December 2023 detailed in Attachment 1.**
- 2. ADOPT the proposed re-charging of merchant fees for card payments for all transactions other than rate payments as outlined in this report with a commencement date from 1 March 2024, with rates payments to start from 1 July 2024.**
- 3. ADOPT the proposed fees and charge increases detailed in Attachment 3 (EXCLUDING proposed increases to Early Years Services) with a commencement date from 1 March 2024.**
- 4. NOTE that projected revenue increases for the 2023-24 Budget year will be included in financial forecast from March 2024.**
- 5. NOTE the fees and charge review methodology developed as part of the project and its application to all Council fees and charges (both non-statutory (council determined) and statutory (State determined)) and any proposed new fees and charges within these service areas.**

6. ***NOTE the estimated increase in revenue from the proposed fees/charge changes and the on-charging of merchant fees totals approximately \$1.53 million per annum. The estimated increase in revenue for the 2023-24 Budget year is approximately \$0.29 million.***
7. ***NOTE that any proposed increases to fees and charges to Early Years Services from 1 July 2024 will be considered as part of the FY25 budget process.***

Carried

8.6 Hume Street Armadale - Proposal to Install PERMIT ZONE and NO STOPPING Restrictions - Consultation Result

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

That Council:

1. ***ABANDON the proposal to replace the existing 2-HOUR parking restrictions with PERMIT ZONE restrictions operating at the same times as the current restrictions on both sides of Hume Street***
2. ***ABANDON the proposal to install NO STOPPING restrictions operating at all times between the driveways of #19 and #21 Hume Street.***
3. ***AUTHORISE officers to notify those who were included in the consultation of the Council decision.***

Carried

8.7 Response to Petition - Moving of Bus Route 605

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Polly Morgan

That Council:

1. ***CONSULT affected residents on the proposed changes to bus Route 605, as outlined in the resident petition submitted to Council, in order to understand broader community support or otherwise for the proposed changes.***

Carried

9 Correspondence

There was no correspondence tabled at the meeting.

10 Tabling of Petitions and Joint Letters

Cr Jami Klisaris tabled a petition requesting Council parking restriction signage between Wattletree Road and High Street give full access to street sweepers on specified days. These signs are in place between Central Park Road and Dandenong Road and as our portion of Finch Street is heavily loaded with cars, street sweepers do a very poor job of clearing the rubbish from this the lower portion of Finch Street (close to High Street) which is already subject to flooding.

PROCEDURAL MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

That Council resolve:

1. ***That the petition be received and noted.***
2. ***The petition be referred to the Director Environment & Infrastructure for consideration and action.***
3. ***The first name signatory to each petition be advised of the Council action.***

Carried

11 Notices of Motion

There were no notices of motion for consideration at the meeting.

12 Reports by Councillors

12.1 Minutes of the Audit and Risk Committee Meeting held on 16 November 2023

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Nicki Batagol

That the Council resolve to NOTE the minutes of the meeting of the Audit and Risk Committee held on 16 November 2023.

Carried

12.2 Record of Councillor Briefing Session held on 29 January 2024

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Nicki Batagol

That the Council resolve to RECEIVE the Record of the Councillor Briefing Session held on 29 January 2024.

Carried

13 Questions to Council Officers

Cr Marcia Griffin asked a question of the Acting Director Environment & Infrastructure.

Washington Street and Wallace Avenue, Toorak roundabouts have been centre street planting, what is the progress for the other twenty (20) streets for centre street planting?

The Acting Director Environment & Infrastructure responded.

14 Urgent Business

There was no urgent business submitted to the meeting.

15 General Business

Australia Day Citizenship Ceremony

Cr Marica Griffin informed her colleagues that she had attended the Citizenship ceremony hosted by Stonnington held on Australia Day 26 January 2024. It was a very successful event and an absolute joy for new citizens to participate. Council is excited to welcome new residents at future ceremonies. Council's Governance team and Council Venues team was congratulated on the wonderful event.

Citizenship Ceremony 26 January 2024 and Healing Ceremony

Cr Mike Scott informed his colleagues that he had attended the Citizenship ceremony held on 26 January at which Aunty Di, Wurundjeri Woi Wurrung Elder had spoken and also attended the Healing Ceremony held on 26 January where over 300 people had attended. It was a wonderful day with the Wurundjeri Woi Wurrung people. Aunty Di noted that she would be retiring from active duties in the future, and Council would like to acknowledge and thank Aunty Di for her significant contribution over the last three years.

Reconciliation Action Plan Advisory Committee

Cr Mike Scott also noted that he had as Chair attended the Reconciliation Action Plan Advisory Committee on Thursday 1 February 2024 where a number of issues were discussed.

Midsumma Pride March

Cr Mike Scott also informed his colleagues that in the company of Mayor, Cr Joe Gianfriddo and Cr Nicki Batagol and 35 Council staff he had attended the Midsumma Pride March on Sunday 4 February 2024 held in the Fitzroy and Catani Gardens, St Kilda. Fifteen local Council's had also attended.

16 Confidential Business

There was no confidential business considered at the meeting.

The meeting concluded at 9:21pm.

Confirmed on 19 February 2024.

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CR JOE GIANFRIDDO, MAYOR