



# Ordinary Council Meeting Minutes

Held on Monday 15 February 2021 at 7 PM

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

# Ordinary Council Meeting Minutes Monday 15 February 2021 Order of Business

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**Councillors Present:**

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

**Council Officers Present:**

**Jacqui Weatherill**  
**Annaliese Battista**  
**Greg Curcio**  
**Cath Harrod**  
**Rick Kwasek**  
**Alexandra Kastaniotis**  
**David Taylor**  
**Judy Hogan**

The meeting began at 7:01pm.

## **1 Reading of the Reconciliation Statement and Affirmation Statement**

Good evening and welcome to the City of Stonnington Council Meeting of Monday 15 February 2021.

I'm Councillor Kate Hely, Mayor of the City of Stonnington

These meetings are an important way to ensure that the democratically elected Councillors, work for the community in a fair and transparent manner. Council business is conducted in accordance with Council's Governance Rules and must be open to members of the public in accordance with the Local Government Act 2020. However, as outlined in The Act, Council may decide the meeting, or part thereof, be closed to members of the public, if Confidential Business is to be discussed.

We are committed to doing whatever we can to protect the health and wellbeing of our community, staff and visitors. Due to the unprecedented circumstances arising from the current State of Emergency and State of Disaster due to COVID-19, and on the advice of health experts, we have made the difficult, but necessary decision, to temporarily change the way we run our Council Meeting this evening.

Whilst we have undertaken extensive planning for this virtual on-line meeting, there always remains the risk of technical issues arising beyond our control. If we experience a technical issue tonight, we will adjourn the meeting for a short time to try and resolve the issue. If the issue cannot be resolved and the meeting cannot continue, then we will adjourn to a later date, and details of the future meeting will be made available via our website as soon as possible.

We are working to keep our community safe during the COVID-19 outbreak and are closely monitoring the situation.

In accordance with the Local Government Act, Councillors must formally declare any conflicts of interest in relation to any items listed on the Agenda at the start of the meeting, and immediately prior to the item being considered.

### **About this Meeting**

The Agenda for this meeting, lists all the items to be discussed under 'General Business'. Each report is written by a Council Officer and outlines:

1. the purpose of the report;
2. relevant information and;
3. a recommended decision for Councillors.

Councillors will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the

Councillors present. The casting vote by the Mayor may only be used if there is an equal division of votes amongst Councillors present.

A Councillor may call for a Division, which will formally record the names of individual Councillors opposing or supporting a motion, and Councillors who are absent or who are abstaining from voting.

### **Meeting Agenda**

To help you follow proceedings, the Meeting Agenda, recommended motions and Councillors' proposed alternate motions (also known as 'yellows'), are displayed on an adjacent screen.

### **Live Webcasting**

Council Meetings are streamed live and recordings are usually available on our website, within 48 hours.

Cr Nicki Batagol read the following reconciliation statement:

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

The Mayor, Cr Hely read the following Affirmation Statement:

*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.*

## **2 Introductions**

The Mayor, Cr Hely introduced the Councillors, Deputy Mayor and the Chief Executive Officer, Jacqui Weatherill. Ms Weatherill then introduced the Council Officers.

The Mayor, Cr Hely made the following statement:

Before we begin tonight's meeting, I would like to acknowledge that we are in what we hope will be a short, sharp circuit breaker lockdown. This is our first lockdown as a new council and we are impressed with how the community and council officers have responded – effectively, timely and responsibly. Stonnington Council responded quickly on Friday to arrange for the majority of our public facing services and facilities to be closed, but I'm pleased that our child care, maternal child health and some of our services for older people in our community are allowed to remain operating under strict health and safety provisions. I know that our community has a strong connection with our Harold Holt Swim Centre and Prahran Aquatic Centre in particular and we hope these can re-open with the lap lanes going again from early Thursday morning.

We also arranged for increased bin collection in our parks and gardens, supported Victoria Police to monitor potential issues over the weekend and assisted our local sporting clubs to

quickly postpone matches due to take place on Saturday and Sunday. I also acknowledge that there will be some in our community who will feel some anxiety about being in another lockdown, even if it is for a short period. So I encourage everyone to keep reaching out to those who may be feeling isolated or vulnerable. And keep finding ways to support all our local businesses – from florists to clothing stores, from cafes to accountants. For those who are feeling anxious – please reach out to Lifeline on 13 11 14 or look at our council website for support services.

Finally, I want to take the opportunity to thank our community for responding so well to the restrictions over the weekend. On my own 'iso-walks' I saw first-hand that people were taking it very seriously... and yet again a lockdown is reminding us all of the wonderful local parks, walks and business we can enjoy so close by to home.

### **3 Apologies**

Cr Klisaris and Cr Sehr advised they would be absent from the Council meeting to be held on 1 March 2021.

PROCEDURAL MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

***That the apology received from Cr Klisaris for non-attendance at the Council Meeting of 1 March 2021 be accepted and leave of absence granted.***

**Carried unanimously**

PROCEDURAL MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

***That the apology received from Cr Sehr for non-attendance at the Council Meeting of 1 March 2021 be accepted and leave of absence granted.***

**Carried unanimously**

### **4 Adoption and confirmation of minutes of previous meeting(s)**

#### **4.1 Minutes of the Ordinary Council Meeting held on 21 December 2020 and 1 February 2021**

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That the Council confirms the Minutes of the Ordinary Council Meeting of the Stonnington City Council held on 21 December 2020 and 1 February 2021 as an accurate record of the proceedings.***

**Carried**

## **5 Disclosure by Councillors of any conflicts of interest**

There was no disclosure of conflicts of interest by Councillors for this Council meeting.

## **6 Questions to Council from Members of the Public**

During Council's previous Council Meeting two (2) sets of Questions to Council were submitted.

The questions related to the following topics:

- Orrong Romanis Tennis Centre;
- Multipurpose Stakeholder Reference Group Selection Process; and
- Proposed development of Percy Treyvaud Memorial Park.

At the time, I used the discretion available to me under Council's Governance Rules to not answer the questions at the meeting. As required under the Governance Rules, written answers were subsequently provided to the submitter. A copy of the responses has been circulated to Councillors and are now tabled for inclusion in the minutes of this Council meeting.

Mr Hurlston Questions to Council

### **Question 1**

How much money or "in kind" value has Council offered to assist the lease holder since inception at Orrong Romanis Tennis Centre? (Discounts, Promotion activities, Staff assistance, rent rebate)

#### **Response**

The only support that the lease holder (BlueFit) has been offered at Orrong Romanis is rent relief that relates to periods of facility closure. This is consistent with normal business practice generally and supports the sustainability of local business.

Officer time in working with the tenants of the Orrong Romanis Tennis Centre is considered within the normal parameters offered by Council's Active Stonnington team to tenants of Council recreation facilities. Any excessive time has been required to deal with an extraordinary level of community interest and feedback about the Blue-Fit tenancy.

### **Question 2**

Has there been any discussion or plans submitted by the operator to seek to change the tennis venue into a multi-sport hard ball outdoor venue to attract more patronage?

#### **Response**



Council officers have held discussions about the potential of the tennis courts being re-surfaced to become multi-purpose for the benefit of the greater community. This is a Council initiative which followed the resolution last year to review the court surface.

### Question 3

If there is consideration to a hard ball mixed use – has Prahran Netball had any discussions with Council on the matter?

Response

Yes, Council officers have been liaising with Prahran Netball Association on this matter.

### Question 4

With respect to the Multipurpose Stakeholder Reference Group Selection Process – how can Council allow the process to have enabled selection based on political views by Councillors rather than an independent non-political panel?

Response

The selection process was conducted in accordance with the adopted Terms of Reference for the Multi-Purpose Reference Group. The discussions of the panel were covered by a confidentiality caveat and so the content of the meeting discussions are only known by those persons in attendance at the selection panel meeting. Speculation as to the nature of such confidential discussions is inappropriate.

### Question 5

How can Councillors (many of whom ran pro or anti stadium election campaigns) have any input into the selection of persons recommended without Compromising Governance Standards?

Response

Councillors are democratically elected by the community to represent their views on particular matters and the sharing of differing views or opinions by Councillors does not compromise governance standards. The selection process was based upon merit of the applicants as defined in the Terms of Reference.

Ms Wallish Questions to Council

### Question 1

*In 2019 Council commissioned a qualified arborist to “survey & assess the condition of 229 trees on or immediately adjacent to Percy Treyvaud park to evaluate their suitability for retention on the site in light of a proposed development on this site”. The brief did*

*not ask the arborist to detail how many trees, in his expert opinion, would be lost due to the development. Why wasn't this included in his brief?*

At the time the tree report was commissioned the design was still in development and it would not have been appropriate to make that assessment at that point in time.

**Question 2**

*Why was a landscape gardener using a desktop application used to approximate how many trees would be felled & and did he take into account the tree protection zone or the structural root zone in his calculations?*

The Landscape Architect, as part of the Principal Consulting Team, provided an assessment of the impact on trees as part of the proposed multipurpose development taking into account the Tree Assessment Report including Tree Protection Zones and Structural Root Zones.

**Question 3**

*Given that the plans for the development have undergone changes and in the interest of getting a definitive number of the amount of mature trees that will be lost, will Council request that a qualified arborist be asked to give his opinion on the number of trees affected by the development?*

A key next step in the process once the issues associated with the covenants are resolved will be to develop a Tree Management Plan. The Plan will ensure that trees proposed to be retained are protected in line with the Arborist's requirements. An Arborist will be engaged in the development of the plan and commissioned to monitor the site during construction.

**Question 4**

*The trees that will be felled in order to re-route the pedestrian path to increase the Lacrosse pitches and the trees currently where the cricket cages will be relocated were not included in the number of trees to be felled in the report that went to Council in 2019 – why not and how many additional trees does this include?*

Trees will not be impacted by the path work or the installation of the cricket nets. A local area assessment of the trees will be undertaken as part of the next stage of works to ensure all trees are assessed and protected. The reconfiguration of the lacrosse pitches would result in the loss of three large poplars, however, it is not intended to proceed with the reconfiguration of the pitches at this stage due to the loss of the trees.

**Question 5**

*Will Council commission an independent environmental impact study on the site to assess the effect the development of the indoor stadium proposal will have on the local flora and fauna ecosystem?*

Council does not intend to commission an environmental impact study on the site. The land being redeveloped is not zoned as environmentally significant and has previously been developed with no remnant vegetation on the site. The wetland area will not be impacted by the proposed works. There would be little useful benefit from the report.

For tonight's Ordinary Meeting of Council one (1) set Questions to Council have been received for response. In accordance with Governance Rules a summary of the questions are as follows.

Four (4) questions from Mr Hurlston

The questions related to the following topics:

- Councillor Code of Conduct; and
- Orrong Romanis Tennis Centre

Council will answer the questions, but I use my discretion under Governance rules to not provide the responses this evening but to provide written responses to the submitters within 14 working days and the responses will be put into the minutes of the following meeting.

## **7 Correspondence (only if related to Council business)**

The Mayor, Cr Hely made the following statement:

Council would like to acknowledge the passing of Margaret Connellan of the Prahran Netball Association on 1 February 2021.

Marg was a tireless, dedicated and passionate leader of inclusive sport in the City of Stonnington and across the Netball Victoria community. She changed the life of every child who walked through the Prahran Netball Association doors. It was her mission and dream that no child should miss out on the opportunity to play netball in Stonnington and she fought for that to the end.

Marg will be remembered by her friends, family and the community for her fairness, compassion and pint sized, feisty demeanor under which there was an enormous and generous heart of gold. Most importantly, she will be remembered for her incredible support of, and dedication to, the netball community.

Marg was a large part of the Prahran Netball Association, from 1985-2021, holding position of President from 1985-2003, and the Chair of the Association 2008-2021

Our sincere condolences to her family, the Prahran Netball committee and the wider community.

The Mayor, Councillors and Staff of the City of Stonnington sent flowers to Marg's family as she was laid to rest on Friday 12 February 2021.

Crs Sehr, Klisaris, Batagol and Koce spoke in regard to the late Margaret Connellan noting she will be sadly missed as she had made a wonderful contribution to the municipality and had been a great role model for young people.

Cr Griffin tabled the following correspondence:

- email from Chapel Street Precinct Association

- email from Parking Australia
- emails regarding Agenda Item 14.3 43 Central Park South Yarra

Cr Morgan tabled the following correspondence:

- email from Chapel Street Precinct Association
- email from residents surrounding Malvern Valley Golf Course requesting additional community access

Cr Scott tabled the following correspondence:

- email from residents regarding Chapel Street cleanliness
- T emails from residents regarding Victory Square masterplan.

## **8 Questions to Council Officers from Councillors**

Cr Lew asked the following questions to the Chief Executive Officer.

When was the last positive COVID case in Stonnington and are we currently in lockdown with no know positive COVID cases in the City of Stonnington?

The Chief Executive Officer responded that last case in Stonnington was in October 2020.

The Chief Executive Officer further explained that according to information available on the DHHS website, the last active case in Stonnington was in October 2020, but we know from experience that this can change very quickly.

- When cases did emerge last year, consistent with all Councils, under our Municipal Emergency Management Plan (guided by the Emergency Management Act) we activated plans to:
  - Minimise the spread of COVID-19 through our community;
  - Managed the ongoing response and recovery phases risk through mitigation measures to maintain core services.
- To date we've done this by measures such as:
  - Development of food and delivery plans in case of a lockdown of high rise residential buildings
  - A dedicated support package for our business community, including a targeted mental health partnership with Star Health
  - Establishing a team of community liaison and engagement officers (CLEO team) in public areas across Stonnington to support Victoria Police monitor issues like overcrowding and compliance with restrictions
  - Supporting our local community groups and sporting clubs to re-open and operate safely as restrictions were reduced

Cr Griffin asked the following question to the Chief Executive Officer What is the total council spend on assisting business recovery and the current snap lockdown.

The Chief Executive Officer responded as follows

We acknowledge that there have been of questions regarding Covid Response, therefore a subsequent report will be prepared and presented to Council outlining our Total Cost of Covid Response and Business Recovery for 2020/21 and also incorporate future

commitments. This will need to include the reallocations of staff into the Covid Response Team which is required to reflect the true cost of Council's community recovery efforts.

As you are aware within our Budget for 2020/21, Council included a \$7.13M support and relief package to respond to the immediate impacts on our Community and Businesses as a result of COVID-19.

The measures that were specifically targeted at Business Recovery included:

- A targeted Business Grant Program (\$270,000 issued to date)
- Waiving of rates for Commercial Ratepayers
- Waiver of Footpath Trading Permits until March 2021
- Waiver of Food Act Registrations until September 2020
- Increased marketing and media campaigns to drive economic activity to local business precincts
- Rental waivers for Businesses at Stonnington premises in-line with our Financial Hardship Policy
- Fee waivers at some Council owned car parks in our shopping precincts and relaxed enforcement during lockdown periods

Cr Griffin asked the Director Environment & Infrastructure were you aware of the Department of Infrastructure proposed congestion levy?

The Director Environment & Infrastructure responded that Council is aware of the proposed levy and would be making a submission to Infrastructure Victoria in the near future.

Cr Klisaris asked a question to the Chief Executive Officer regarding a letter she had tabled under correspondence on the Malvern Valley Golf Course and the possibility of extending public access.

The Chief Executive Officer noted that a report would be prepared for Council consideration outlining the options available.

Cr Batagol asked questions to the Director Environment & Infrastructure regarding Victory Square as follows:

1. Could you please confirm if at the end of all works (i.e. Stage 3 yet to be started) being complete, Victory Square is intended to be an enclosed area in the Masterplan, following community consultation?
2. According to the masterplan, there will be a new fence with gates erected around Toorak Oval, aimed at deterring dogs from entering the oval. When do we expect Stage 3 works for Toorak Park to commence?
3. Since the temporary fencing was pulled down last week, a number of dogs have already run onto Toorak Oval as the existing fence and gates are often left open by users of the oval and there is no barrier onto Orrong Rd with many exist points. Given the timing of Stage 3 works, can we look at option to provide a safer environment for dogs and sporting teams on the oval, free from dogs running onto the field?
4. Is there the opportunity to investigate other options as part of Stage 3, to better ensure the safety of off leash dogs by keeping them within Victory Square, such as erecting some gating to run between the new cricket nets and the fencing bordering the oval?

The Director Environment & Infrastructure responded as follows:

Following the completion of Stage 2 works, and in line with the Masterplan, it is not intended that Victory Square be an enclosed area. According to the masterplan, there will be a new fence and gates around Toorak Park Oval.

2. As part of Stage 2 works, a new pedestrian gate and maintenance gate has been installed around Toorak Oval maintaining appropriate separation between Victory Square and Toorak Park Oval. As part of stage 3 works, once the oval is reconfigured a new fence will be installed. The environment is considered safe and appropriate for users of the park.

3. It should be noted that it is the dog owners responsibility to maintain their dogs under effective control. If there are issues around owners pets not being managed we can have additional patrols by animal management to asses owners responsibilities.

At the completion of Stage 3 works, a fence will be provided around the perimeter of the oval. The distance between the Oval and Orrong Road is reasonable, and in the transition from a Dog Off-Leash Park to a Dog On-Leash Park the responsibility remains with pet owners to maintain effective control of their dog(s) at all times.

4. Yes, there wil be opportunity to investigate other options, including gates and fencing, as part of Stage 3 works although this would not be in line with the Masterplan.

## **9 Tabling of Petitions and Joint Letters**

Cr Griffin tabled a multi signature letter from residents in Osborne Street expressing concern regarding speeding traffic.

PROCEDURAL MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Matthew Koce

*That the multi signature letter be received and noted.*

**Carried unanimously**

## **10 Notices of Motion**

### **10.1 Notice of Motion 02/2021 Crs Scott, Morgan & Koce**

PROCEDURAL MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

### **Notice of Motion 02/2021: Crs Scott, Morgan & Koce**

**This notice of motion initiates a process that:**

- 1. Establishes a Gender and Sexuality Diverse Advisory Committee to Council with a Terms of Reference to guide its decisions and activities;**
  - **This committee will act as an advisory mechanism to guide City of Stonnington's continuing development as a culturally safe and inclusive organisation and local government area free from discrimination based on sexuality, sex or gender.**
  - **-To advertise for community members to apply and that Council receive a further report with the proposed members**
  - **-The advisory committee will initiate a working group who will utilise the lived experience, expertise and the deep knowledge of our local Gender**

**and Sexuality Diverse communities, council staff, organisations and networks of Gender and Sexuality Diverse identifying members to inform the implementation of a Gender and Sexuality Diverse Inclusion Action Plan.**

- 2. Develops a Gender and Sexuality Diverse Action Plan for Council**
  - **The Action Plan will identify opportunities for Council to work in partnership with local services and groups to increase inclusion, address service gaps and identify opportunities for Gender and Sexuality Diverse people and their families to be involved in local community life.**
  
- 3. Fly the appropriate flag from Council buildings on Gender and Sexuality Diverse awareness days (and on subsequent dates in the years ahead) on:**
  - **Annual ‘International Day Against Homophobia, Biphobia, Intersexphobia and Transphobia (IDAHOBIT)’ 17th May**
  - **Annual ‘Wear It Purple Day’ 27th August 2021**
  - **Melbourne's annual Pride March – registrations close March 19 for this year's event which will be held on 23rd May**
  - **For the duration of the annual Midsumma Festival – delayed this year due to covid, will commence 19th April-5th May 2021**
  - **Transgender flag on the annual Transgender Visibility Day 31st March, 2021**
  - **Transgender flag on the annual Transgender Day of Remembrance 20th November 2021**
  
- 4. City of Stonnington marches in the Pride March under a Council banner – inviting staff and other stakeholders to take part if they wish to.**
  
- 5. Participates in Midsumma and local Pride events – through our Arts and Culture events programming and Arts and Cultural grant rounds with media support and collaboration with our partners.**

**Rationale:**

A majority of councillors elected in the October 2020 local government election signed the Victorian Pride Lobby's Rainbow Pledge which provides Council with an opportunity to show leadership and create an environment where our Gender and Sexuality Diverse community are supported and encouraged to thrive.

Stonnington has one of the largest Gender and Sexuality Diverse communities in Victoria, including supporters and allies who help progress equality and fairness for all. The Marriage Equality national vote result saw Stonnington achieve one of the highest recorded ‘Yes’ votes



across the country: 82% Macnamara (Windsor) 78.3% Higgins (Pahran, SY, Armadale, Malvern, Malvern East) with neighbouring Kooyong at 73.7%

The City of Stonnington received a 2 out of 5 on the Victoria Pride Lobby's Equality Index – and the 2 rating was mostly due to the fact that we have Rainbow Tick accreditation in our Aged Care services, achieved back in 2007. While there are already some initiatives and events held by council, this motion brings them together in a way that encourages an all of council and community approach.

City of Stonnington has made significant contributions to the community through support of the Pride Centre, celebrating significant one off events through its arts and culture programming, however, to become truly Gender and Sexuality Diverse Inclusive, Council must adopt a best practise approach that exceeds the expectations of the community it serves.

While all parts of the community need to feel safe and included, research shows that Gender and Sexuality Diverse youth face greater risk of physical and mental health hazards than their heterosexual or cisgender peers. Factors influencing these negative health outcomes include discrimination, harassment and physical harm and lack of family and social support, which culminate in experiences of 'minority stress', a unique set of stressors experienced by those on society's margins. Given these stressors, symbols of pride are particularly important.

When young people are exposed to the Pride Rainbow, they generally express positive feelings, including an attraction to certain areas of their cities, feeling good about themselves and a desire to incorporate the symbolism into positive visions for the future. The local display of rainbows is simple and inexpensive, but meaningful to Gender and Sexuality Diverse youth and includes flying the inclusive rainbow flag.

Melbourne's signature annual Gender and Sexuality Diverse celebration, Midsumma, is a federation of arts and cultural events spread over 85 different venues throughout Melbourne and regional Victoria. The festival is a significant attraction on the Melbourne festival calendar. The festival program is made up of a wide range of events and activities including visual art, theatre, spoken word, cabaret, film, live music, parties, sport, social events and public forums.

Cr Scott stated this motion aligns Council's vision of being an inclusive City with actionable steps that will achieve that vision. This motion will enhance health outcomes for some of the most vulnerable people in our community. Along with Crs Morgan and Koce, I put this Notice of Motion to council in anticipation that we not only endorse the actions within it but work together to celebrate the outcomes and goals it aims to deliver.

We can be a City that enhances the health and wellbeing of all residents, one that thrives on the diversity of culture and life experiences. We can build a City that includes all communities so that everyone is safe, connected, engaged and celebrated for who they are.

This Motion seeks to bring together an all of council and community approach in addressing inequality, poor health outcomes and isolation experienced by the Lesbian, Gay, Bisexual, Transgender, Intersex, Queer plus anyone with diverse sexuality and genders across the spectrum. It is our aim to embark on this journey so that Stonnington grows as a truly inclusive, vibrant and creative City, which will make Stonnington the most desirable place to live, work and visit.



Thank you councillors, from what we've just witnessed I believe that Stonnington values diversity and recognises the importance of an organisational culture that enables all people to participate fully and equally in our community. We know that Australians who identify as gender and sexuality diverse represent up to 11% of the national population, however, despite this significant representation, studies show that members of this community still face significant discrimination and social exclusion and that these factors contribute to poor health and general wellbeing outcomes.

Adopting this Notice of Motion is vital if we are to be a City that celebrates participation, diversity and works toward positive health outcomes for all its citizens.

A Division was called by Cr Koce:

For: Cr Alexander Lew, Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol, Cr Polly Morgan

Against: nil

Absent: nil

**Carried unanimously**

## **11 Reports of Special and Other Committees - Informal Meetings of Councillors**

The Chief Executive Officer tabled the informal meeting of Councillors for the following meetings:

- Audit & Risk Committee Briefing 2 February 2021
- Governance Session: Maddocks 4 February 2021
- Team Values Workshop 6 February 2021
- Councillor Briefing Session 8 February 2021

Cr Morgan noted she had attended the following meetings:

- Metropolitan Waste Forum induction program
- Shaping Stonnington Disability Foun

Cr Scott noted he had attended the following meetings:

- Shaping Stonnington Community Vision

Cr Batagol noted she had attended the following meetings:

- Meet and greet at Prahran Market

## **12 Reports by Delegates**

There was no reports by delegates for this Council meeting.

## **13 Urgent Business**

There was no urgent business to be considered at this Council meeting.

## **14 General Business**

Cr Griffin advised she wished to make the following personal statement:

"I want to express my deep concerns about the impact of yet another lockdown on our small business community-particularly our retailers,cafes and restaurants and their staff.

Many are struggling to stay viable,retain their staff and to stay optimistic about the future.

I look forward to council convening the next economic recovery committee meeting asap.

As a council we must do all we can to support these valued members of our community.

The most effective and immediate way council can do this is to create shopping strip environments that attract people and in turn encourage them to support our local businesses.

All of us are impacted by these lockdown decisions and I feel extremely frustrated by the fact that they appear to be as a direct result of quarantine mismanagement "

## 14.1 Planning Application 1024/19 - 543, 545, 547 & 555 Malvern Road, Toorak

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Matthew Koce

***That Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 1024/19 for the land located at 543, 545, 547 & 555 Malvern Road, Toorak under the Stonnington Planning Scheme for Building and works to an existing shop (as of right use) in a Commercial 1 Zone and a reduction in the car parking requirement subject to the following conditions:***

1. ***Within three months of the issue of this permit, amended 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 advertised plans, Council date stamped 17 April 2020 but modified to show:***
  - a) ***The plans updated to show a minimum 3000 litre rainwater tank with notations provided to show the capacity and that the water will be used to hose down the rear of the property.***
  - b) ***A dedicated loading bay area is to be provided and dimensioned at the rear of 555 Malvern Road.***
  - c) ***Deletion of reference to 'area used for loading' within the May Road Council carpark.***
  - d) ***A Waste Management Plan generally in accordance with that prepared by Leigh Design, Council date stamped 17 April 2020.***
  - e) ***Any acoustic measures as required by condition 4-7.***
  - f) ***A 'Safe System for Management of Workplace Traffic' (OH&S Plan) generally in accordance with that submitted to Council and date stamped 7 September 2020 and further modified following discussions with Council's RISK and Transport Departments and approved by WorkSafe Victoria***

- g) Provision of a 1.5m long x 1.8m high rear fence along the rear boundary of 555 Malvern Road to limit views of the rear storage area from the laneway.**
- h) Provision of baffling or the redirection of the rear light facing the laneway to limit light spill into neighbouring residential properties.**

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

- 2. Within three months of the date of this Planning Permit (or an alternative date agreed to in writing by the Responsible Authority) plans must be endorsed.**
- 3. 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.**
- 4. Prior to the endorsement of the plans, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the refrigeration units at the rear of 555 Malvern Road will be acoustically treated to minimise noise transmission from the adjacent land uses to the satisfaction of the Responsible Authority.**
- 5. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the refrigeration unit are in compliance with this policy must be completed within three months from the date of the planning permit unless otherwise agreed to by the Responsible Authority. Any works undertaken must be maintained thereafter, all to the satisfaction of the Responsible Authority.**
- 6. All mechanical equipment in the form of refrigeration plant is to operate in accordance with the relevant State Environmental Protection Policies to the satisfaction of the Responsible Authority.**
- 7. Within three months of the date of this Planning Permit (or an alternative date agreed to in writing by the Responsible Authority), the operator must provide an acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority assessing the use of the refrigeration unit at the rear of 555 Malvern Road as shown on the endorsed plans and must include:**
  - a) The time and date during which noise levels are measured.**
  - b) Measurements of the noise levels at the nearest residential property.**
  - c) Conclusions and recommendations concerning compliance with the relevant State Environmental Protection Policies as they relate to noise emissions.**
- 8. Use of the rear roller door is to only occur between 6am until 8pm Monday to Saturday to the satisfaction of the Responsible Authority.**
- 9. No vehicles are permitted to stop in the laneway for the purpose of unloading of goods at any time to the satisfaction of the Responsible Authority. Nor are any goods to be left obstructing the laneway for any period of time.**

10. ***Between the hours of 9am and 6pm loading/unloading for small vehicles must occur from the rear of 555 Malvern Road 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.***
12. ***Rainwater tanks for stormwater harvesting and re-use must be used for hosing down the rear of the site.***
13. ***The use must not detrimentally affect the amenity of the neighbourhood, including through the:***
  - a) ***Transport of materials, goods or commodities to or from the land.***
  - b) ***Appearance of any building, works or materials.***
  - c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.***

#### **NOTES**

- A. ***The use of the May Road Council car park for loading/unloading of goods cannot be relied upon.***
- 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 Council's Health Services.***
- C. ***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.***
- D. ***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.***
- E. ***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.***

**Carried unanimously**

## **14.2 Council Financial Report Ending 31 Dec 2020**

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Marcia Griffin

**That Council:**

1. **NOTE the Council Financial Report for the period ending**
2. **31st December 2020, which is projecting a full year cumulative surplus of \$15.98 million which is \$3.98 million unfavourable compared to the budget of \$19.95 million (refer Attachment 1 – Financial Statements with accompanying explanatory notes).**
3. **APPROVE {resolution}.402 million of additional net capital works funding (refer Attachment 1 – Capital works expenditure overview) including:**
  1. **Ferrie Oval Redevelopment – change in scope and tender \$350K**
  2. **Minor Shopping Centre Precinct Upgrades \$100K**
  3. **Toorak Park Masterplan Implementation - latent conditions \$353K**
  4. **Carparks – Multideck – Urgent Maintenance and ICT Upgrades \$147K**
  5. **Landscape Plans/Master plans for Parks (\$353K)**
  6. **Road Safety Minor Works Implementation (\$192K)**
4. **APPROVE bringing forward of long-term financial plan programmed works of \$6.617m in capital expenditure and funding from the Future Fund Reserve for technology enablement initiatives. This extensive program of works will support enhanced efficiency and effectiveness for workforce members utilising Council ICT systems from the home environment. These initiatives have been endorsed by Council’s Audit and Risk Committee.**

Carried unanimously

## 14.3 Tree Work Permit Appeal - 43 Central Park Road, Malvern East

MOTION:

MOVED: Cr Alexander Lew

SECONDED: Cr Marcia Griffin

**That Council;**

**1. Issue a permit for the removal of two (2) Eucalyptus saligna (Sydney Blue Gum) trees located at 43 Central Park Road, Malvern East subject to the following conditions;**

**2.**

- **That all adjacent residents are notified of the tree removal in writing, at least one week prior to the tree works.**
- **That the trees are removed by a suitably qualified, experienced and insured person in accordance with all relevant Occupational Health and Safety legislation.**
- **That a tree planting plan including replacement canopy trees must be submitted to and approved by Council prior to the removal of trees.**
- **That the tree planting replacement plan must include two (2) canopy trees of at least 2.5m in height, which must be maintained in a healthy and structurally sound condition for a period of no less than ten (10) years.**
- **That Australian native plants will be used where screening is desired.**

Cr Morgan foreshadowed an alternative motion for tree protection for trees located at 43 Central Park Road, Malvern East. Cr Sehr also foreshadowed an alternative motion which could incorporate the points raised by Cr Morgan.

A Division was called by Sehr:

For: Cr Alexander Lew, Cr Kate Hely, Cr Marcia Griffin, Cr Nicki Batagol

Against: Cr Jami Klisaris, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Polly Morgan

Absent: Nil

The motion was declared

**Lost**

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

**That Council:**

- 1. UPHOLD the appeal and not issue a permit for the removal of two (2) significant Sydney Blue Gum (Eucalyptus saligna) trees located at 43 Central Park Road, Malvern East.**
- 2. COMMISSION an additional assessment of the two subject trees in 3 months' time (May 2021), with the report to:**
  - a) Be undertaken by a different consulting arborist to the previous two commissioned by Council and one commissioned by the property owner.**
  - b) Take into consideration and specifically address:**
    - **Tree health, structure and condition**
    - **Risk posed to adjacent property**
    - **Risk posed to the health and safety of people**
    - **Periodic and / or ongoing damage to property**
    - **Contribution to surrounding landscape and urban forest**

- **Contribution to neighbourhood amenity**
  - **Expected future growth pattern and useful life expectancy (ULE)**
  - **Any evident impact on the health of the trees resulting from damage to tree roots from recent construction works**
- c) **Be undertaken using the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ) methodology.**
3. **COMMISSION a further assessment of the two subject trees within 6-12 months following the assessment detailed in 2), with the report to assess the same concerns; and**
  4. **REASSESS the application to remove the two (2) significant Sydney Blue Gum (*Eucalyptus saligna*) trees located at 43 Central Park Road, Malvern East, following receipt of the additional tree assessments.**
  5. **ISSUE a permit to prune the canopy of the two (2) significant Sydney Blue Gum (*Eucalyptus saligna*) trees located at 43 Central Park Road, Malvern East to reduce the canopy over neighbours' properties and remove any remaining deadwood in line with the arborist's recommendations.**

A Division was called by Cr Sehr:

For: Cr Alexander Lew, Cr Jami Klisaris, Cr Kate Hely, Cr Marcia Griffin, Cr Matthew Koce, Cr Melina Sehr, Cr Mike Scott, Cr Nicki Batagol, Cr Polly Morgan

Against: nil

Absent: Nil

The motion was declared

**Carried unanimously**

## 14.4 Bendigo Street, Prahran (between High Street and Murray Street) - Consultation Results of Traffic Management Proposal

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Mike Scott

**That Council:**

1. **APPROVES the installation and associated expenditure of 2 sets of speed cushions in Bendigo Street, Prahran, between High Street and Murray Street (approximately near 12 Bendigo Street and 42 Bendigo Street).**
2. **AUTHORISES officers to notify those consulted of the decision.**
3. **NOTES that officers will conduct further speed and volume surveys in the following streets 1 year after the speed cushions are installed in Bendigo Street:**
  - a. **Lewisham Road North**
  - b. **Mackay Street**



- c. *Francis Street and*
- d. *York Street (both north and south of Murray Street).*

Carried unanimously

## 14.5 CitiesWithNature Australia

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Polly Morgan

***That Council ENDORSE joining the CitiesWithNature Australia program as a Pioneer City.***

Carried unanimously

## 14.6 Councillor Code of Conduct

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Nicki Batagol

***That Council:***

- 1. APPROVE the Councillor Code of Conduct (refer Attachment 1);***
- 2. NOTE that as a demonstration of commitment to the behaviours and expectations of the Councillor Code of Conduct, a copy of the code will be signed by all Councillors;***
- 3. NOTE that a sub-committee titled the Councillor Code of Conduct Working Group will be established to review implementation of the new Code of Conduct and assess any further amendments to the Code of Conduct which may be required into the future.***

Carried unanimously



## 14.7 Community Sports Infrastructure Stimulus Program - Princes Gardens Sports Courts & Skate Park Redevelopment

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Nicki Batagol

***That Council:***

- 1. NOTE the details and timelines of the grant application for the Princes Gardens Multi-purpose Sports Courts, Skate Park and Basketball Court; and***
- 2. ENDORSE Council's intention to apply for the Victorian State Government grant to fund Princes Gardens Multi-Purpose Sports Courts & Skate Park redevelopment under project number X9698 Princes Gardens Masterplan***

**Carried unanimously**

### **15 Confidential Business**

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Matthew Koce

That the Council Meeting be closed to the public for consideration of the following matter that are confidential under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. (10:00pm)

#### **15.1 Public Health Venue Investigation**

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**Carried**

There being no further business the meeting closed at 10:16pm.

Confirmed on 1 March 2021

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**CR KATE HELY, MAYOR**