



Council Meeting - Minutes

Held on Monday 16 September 2024 at 7:00 PM

Council Chamber, Malvern Town Hall
Corner Glenferrie Road and High Street, Malvern East

Council Meeting Minutes Monday 16 September 2024 Order of Business

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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
Simon Holloway	Director Environment & Infrastructure
Annaliese Battista	Director Planning & Place
Marlo Emmitt	Manager Governance
Daniela Mazzone	Director Organisation Capability
Julia Gallace	Chief Financial Officer
Judy Hogan	Acting EA to Mayor and Councillors
Emily Stockdale	Business Support Officer
Karthik Pitchiah	Information Technology Support

1 Reading of the Statement of Reconciliation

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

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

We extend that respect to all Aboriginal and Torres Strait Islander peoples. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.

2 Reading of the Statement of Commitment

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

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

3 Introduction of Councillors and Executive Staff

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

4 Apologies

There were no apologies submitted to the meeting.

5 Confirmation of the Minutes of the previous meeting

5.1 Minutes of the Council Meeting held on 2 September 2024

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

That the minutes of the meeting of the Council held on 2 September 2024 be confirmed as an accurate record of the proceedings.

Carried

6 Disclosure of Conflicts of Interest

Item 8.1 – Planning Amendment 1027/17 – Jam Factory, 500 Chapel Street, South Yarra – the Mayor, Cr Joe Gianfriddo, declared a general conflict of interest.

Item 8.2 – Chadstone Activity Centre – Submission – the Mayor, Cr Joe Gianfriddo, declared a general conflict of interest.

Item 8.2 – Chadstone Activity Centre – Submission – Cr Polly Morgan declared a general conflict of interest.

Item 8.2 – Chadstone Activity Centre – Submission – Cr Jami Klisaris declared a general conflict of interest.

Item 16.1 – Board Composition Prahran Market – Cr Nicki Batagol declared a general conflict of interest.

7 Questions from the Community

During Council's previous Council meeting held on 2 September 2024, one submission was received, which related to an item on the agenda, and thus was not referred to Officers for a response.

In accordance with the Governance Rules, four submissions were received for the Council meeting held on 16 September 2024.

Submissions In-Person

Kate Park read the following statement in relation to Item 8.5 – Windsor Community Children's Centre:

Background Statement: At its meeting of 22 July 2024, Council resolved to endorse several observations relating to the proposed rezoning of 131-133 Union Street, Windsor, the site of Windsor Community Children's Centre (WCCC). Council's resolution resolves to object to the proposed Planning Scheme Amendment and indicated that the council would explore purchasing the site. The ongoing uncertainty is causing significant distress within the community, affecting 75 families directly who rely on WCCC, and a further 600 in the community plus who made submission to the GLSAC committee. Given the importance of this matter to the community, we are requesting that Council formally enter into negotiations with the site's current landowner Swinburne University to see if an arrangement can be made whereby Council becomes the new owner of the site. We are seeking that this negotiation begin despite the caretaker period during the upcoming council elections. This will allow the new Council to move quickly upon appointment and reach a conclusion for their constituents as swiftly as possible.

Question: Will Stonnington Council enter into negotiations with Swinburne University about the Council's resolution to explore the purchase of the site at 131-133 Union Street, Windsor despite the caretaker period?

Erin Magee read the following statement in relation to Item 11.1 – Notice of Motion 06/2024 regarding Gardiner Pre-School:

Hello, Mayor and Councillors,

I am here today as both a parent and a kindergarten teacher to tell you why Gardiner Preschool is worth saving.

My children are thriving at Gardiner, and I see firsthand how critical sessional kindergartens are. As a teacher in a long daycare, I understand the demands of long daycare hours. Long daycare centres require staff to work long shifts that complicate school pick-ups and drop-offs for workers like myself. This makes it incredibly hard for parents to balance work and family life.

Gardiner is different. It offers a flexible, community-focused approach that fits the needs of families. We don't have hidden fees. When Gardiner says it offers Free Kinder, it means it—no hidden costs.

If Gardiner closes, the impact will be devastating. Not only will we lose 88 critical kindergarten spots, but the community will also face an even greater shortfall of sessional early education places. This will push many families into a crisis, especially those who rely on the balanced, caring environment that only a sessional kindergarten can provide.

I imagine that starting new community services from scratch is incredibly difficult. It takes years to build the trust, relationships, and social capital that Gardiner already has in place. It makes far more sense to preserve and support this invaluable resource rather than risk losing it and facing the enormous challenge of trying to replicate it down the track!

I want to commend this council for its support of early education. Unlike other local councils that have been withdrawing support and actively shutting down kindergartens, Stonnington is showing great leadership and commitment to the values of compassion and inclusivity. Your support for Gardiner's children families and teachers is a testament to your dedication to our community and our children's future.

Please, support the motion to relocate Gardiner to Scott Grove. It's not just about preserving a preschool—it's about maintaining a lifeline for families and ensuring that the next generation has the best possible start.

Claire Saliba read the following statement in relation to Item 11.1 – Notice of Motion 06/2024 regarding Gardiner Pre-School:

Thank you, Mayor and Councillors, for the opportunity to speak today on an issue that is deeply personal for me, our community, and the families we serve.

Gardiner Preschool has been a pillar of the Glen Iris community for over 80 years. The issue of the upcoming closure at the end of 2025 is deeply personal to me, not just as the president of the Committee, or a parent, but as someone who once sat in those very classrooms as a child. Gardiner shaped who I am, just as it is for my daughter and for so many in our community. We are not-for-profit, community-run, and wholly focused on the needs of our families.

Gardiner is facing closure because the Uniting Church, who own the land, has made it clear that it will not offer another lease once the current one expires at the end of 2025. After 30 years of being our landlord, the Church intends to sell the property, leaving us with no choice but to either purchase the land or vacate, putting Gardiner's future at serious risk.

What makes sessional kindergartens like Gardiner so special is that they prioritise the wellbeing of the child and their family over everything else. We aren't driven by profit margins, or a fiduciary responsibility to shareholders, but by the values of inclusivity, affordability, and connection. As a not-for-profit, we have the flexibility to adjust our fee structure to support families in need. When families are going through tough times, we can waive fees or offer reductions, ensuring no child misses out on quality early education due to financial hardship. We also offer genuine flexibility in our programming—something many for-profit centres can lack. When we say we offer Free Kinder, we stand by it - no hidden fees, no convoluted rebate scheme, no minimum hours. We don't force longer hours or extra days if they don't work for our families. Our commitment is to deliver accessible early education tailored to the true needs of our community. Just like in Stonnington's own vision statement, we strive to create a safe and inclusive space that embraces the vibrancy of all.

This relocation to the Scott Grove site would not only safeguard 88 kindergarten spots but allow us to expand our offering and grow with Stonnington, preserving the rich legacy of community-driven education that has shaped our children for generations. If Gardiner

Preschool were allowed to close its doors at the end of 2025, the already critical shortfall of kindergarten places in Stonnington will grow even larger. Our 88 spots are essential to meeting the community's needs, and losing them will push our community even closer to a crisis that no family can afford.

I urge you to support this motion, not just for the families of today, but for the countless families of tomorrow who will rely on centres like Gardiner.

The relocation to Scott Grove is the lifeline we need to continue providing the high-quality, community-focused education that so many in our area depend on. Thank you for your time, and for considering the future of Gardiner Preschool.

Matthew Cox read the following statement in relation to Item 8.1 – Planning Amendment 1027/17 – Jam Factory, 500 Chapel Street, South Yarra:

Good evening Councillors, firstly I would like to acknowledge the traditional owners of the land we meet on both past, present and emerging.

Representing the applicant, we have worked closely with Council officers throughout process and are supportive of the Officers recommendation. We are keen to continue to work with Council Officers and the broader community as we undertake the development of the Jam Factory.

We believe the proposed changes in this application provide an enhanced design outcome that will improve both the immediate Garden Street environment and broader Chapel Street Activity Centre.

Since acquiring the balance of the Jam Factory in July 2024 we have amended the design to have the ability stage the development and subject to Councillors approval of these proposed amendments are looking to commence works on site in December this year.

Change to Order of Business

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

- 1. That Council consider Agenda Item 11, Notices of Motion, prior to Agenda Item 8, Business.**

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

Voting Against the motion: Cr Kate Hely and Cr Joe Gianfriddo

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

11 Notices of Motion

11.1 Notice of Motion: 06/2024

MOTION:

MOVED: Cr Joe Gianfriddo

SECONDED: Cr Marcia Griffin

That Council:

1. *NOTES the decision by Uniting Church to close the Gardiner Preschool and sell the land.*
2. *NOTES the significant impact of community early learning services under threat of closing across City of Stonnington.*
3. *DIRECTS Officers to prepare a report on the possibility of relocating the Gardiner Preschool services to a suitable location.*
4. *DIRECTS Officers to provide cost estimates to move to a fit-for-purpose preferred location to include in their report cost estimates to retrofit the current Scott Grove building to meet required standards or building a fit-for-purpose facility in an appropriate location on the site.*
5. *Following those reports – the matter be taken out to public consultation in a manner that ensures:*
 - a) *The entire parent group of the pre-school is included.*
 - b) *The surrounding residents are made aware and invited to give feedback (via letterbox drops).*
 - c) *Feedback from the broader community on the appropriateness and enforcement of supporting community childcare on land purchase for open space. Feedback is open for a period of no less than 60 days.*
6. *NOTES any impact on budget expenditure will be addressed at a later date.*
7. *NOTES that there is data and analysis planning underway in the Community Infrastructure realm which will demonstrate areas and locations of deficiency, including requirements for community early learning in the short and long term, the requested report in this motion should not contradict or interfere with those assessments.*
8. *ADVOCATES to the Uniting Church to contribute to the proposed relocation.*

AMENDMENT:

MOVED: Cr Polly Morgan

SECONDED: Cr Jami Klisaris

That the following paragraphs replace paragraphs 3 and 4 of the motion:

3. *NOTES that as most of the 9 Scott Grove site purchase was funded using the Glen Iris Open Space Reserve, its long-term use is for the purposes of creating open space within the area. Should Council re-purpose the long-term use of this property, the drawdown of the open space funds would need to be reimbursed back to the reserve from Council general revenue which is estimated at \$12 million.*

As such, it is prohibitively expensive for Council to try to relocate Gardiner Preschool to this site long-term. This is without consideration of the cost required to make the property complaint for the provision of early learning services.

4. *DIRECTS Officers to prepare a report on:*
 - a) *The feasibility of council purchasing the existing Gardiner Preschool site at 10 St Andrews Lane, noting that it is highly likely to be significantly cheaper than repurposing the 9 Scott Grove site, with the recent CIV value for rates purposes being \$3.9 million.*
 - b) *Opportunities to seek funding for purchasing the site from the State and Federal Government.*
 - c) *Whether there is any existing property owned by council that is surplus to current and future needs in the Glen Iris postcode that could be divested to help fund the purchase of the current Gardiner Preschool.*
 - d) *What ongoing operational costs would Council incur if it subsequently leased the site to the not-for-profit group currently running Gardiner Preschool.*

That paragraphs 5c and 8 be deleted.

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

Voting Against the amendment: Cr Joe Gianfriddo

The Mayor, Cr Joe Gianfriddo, declared the amendment **carried**.

The substantive motion was then put and **carried unanimously**.

The resolution in its entirety reads:

That Council:

1. ***NOTES the decision by Uniting Church to close the Gardiner Preschool and sell the land.***
2. ***NOTES the significant impact of community early learning services under threat of closing across City of Stonnington.***
3. ***NOTES that as most of the 9 Scott Grove site purchase was funded using the Glen Iris Open Space Reserve, its long-term use is for the purposes of creating open space within the area. Should Council re-purpose the long-term use of this property, the drawdown of the open space funds would need to be reimbursed back to the reserve from Council general revenue which is estimated at \$12 million.***

As such, it is prohibitively expensive for Council to try to relocate Gardiner Preschool to this site long-term. This is without consideration of the cost required to make the property complaint for the provision of early learning services.

4. ***DIRECTS Officers to prepare a report on:***
 - a) ***The feasibility of council purchasing the existing Gardiner Preschool site at 10 St Andrews Lane, noting that it is highly likely to be significantly***

- cheaper than repurposing the 9 Scott Grove site, with the recent CIV value for rates purposes being \$3.9 million.
- b) **Opportunities to seek funding for purchasing the site from the State and Federal Government.**
 - c) **Whether there is any existing property owned by council that is surplus to current and future needs in the Glen Iris postcode that could be divested to help fund the purchase of the current Gardiner Preschool.**
 - d) **What ongoing operational costs would Council incur if it subsequently leased the site to the not-for-profit group currently running Gardiner Preschool.**
5. ***Following those reports – the matter be taken out to public consultation in a manner that ensures:***
- a) **The entire parent group of the pre-school is included.**
 - b) **The surrounding residents are made aware and invited to give feedback (via letterbox drops).**
6. ***NOTES any impact on budget expenditure will be addressed at a later date.***
7. ***NOTES that there is data and analysis planning underway in the Community Infrastructure realm which will demonstrate areas and locations of deficiency, including requirements for community early learning in the short and long term, the requested report in this motion should not contradict or interfere with those assessments.***

11.2 Notice of Motion: 07/2024

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

That Council:

1. ***Endorse in principle, an urgent call upon the Victorian Government to commit to a planned rollout, that ensures that Melbourne's public transport system becomes accessible for people using wheelchairs or experiencing mobility issues.***
2. ***Support the Metropolitan Transport Forum in their advocacy campaign for a program of works to improve the rollout of accessible tram stop installations leading up to the 2026 state election, and that any program of works addresses the lack of equity to people who are not ambulant.***
3. ***Call on the Government to clearly commit to delivering fully accessible tram routes on an annual basis (noting that some routes are considerably longer than others).***
4. ***Request that the State Government prioritize integration with existing and developing community and business-informed masterplans for activity centers, particularly the Chapel Street precinct, in planning the rollout of accessible tram stops. This collaboration will ensure that accessibility improvements complement broader revitalization efforts and contribute to a cohesive and vibrant streetscape.***

Extension of Speaking Time

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Polly Morgan

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

Carried unanimously

The Mayor, Cr Joe Gianfriddo, put the motion to the vote and declared it **carried unanimously**.

11.3 Notice of Motion: 08/2024

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Polly Morgan

That Council:

1. ***ACKNOWLEDGES the independent valuation advice received regarding the Windsor Community Children's Centre (WCCC) site, which indicates a current valuation range of \$12.2 to \$13.8 million.***
2. ***NOTES that this valuation significantly impacts the Council's ability to independently purchase the site.***
3. ***RECOGNISES the importance of the WCCC site to the community and the potential for a lower valuation set by the Valuer-General based on significant community benefit.***
4. ***DIRECTS the CEO to:***
 - a) ***Formally engage with the Victorian State Government and the Federal Government to seek equal contributions for the purchase of the WCCC site.***
 - b) ***Explore with the Office of Valuer-General the possibility of a reduced valuation based on the site's community benefit.***
 - c) ***Write to Swinburne University, the State Minister for Planning, the State Minister for Children and the Federal Minister for Early Childhood Education informing them of the Council's intention to pursue a tri-government funding approach for the site's acquisition.***
 - d) ***Provide copies of these letters and inform the WCCC of this progress during the caretaker period.***
5. ***REQUESTS that the CEO provide a report to Council by December 2024 on the progress of these engagements and any responses received.***
6. ***AFFIRMS its commitment to working collaboratively with all levels of government to secure the future of the WCCC.***
7. ***NOTES that approximately half of the funds generated by any potential sale would be directed towards Tafe funding, and requests that this be considered in negotiations with the State Government.***

8. ***AUTHORISES the CEO to advocate on behalf of Council to relevant State and Federal Government representatives during the caretaker period regarding this matter.***
9. ***NOTES the WCCC masterplan proposal and the opportunity for additional open space as a key consideration by Council should the outcome of any future sale include Council ownership.***

Carried unanimously

8 Business

8.1 Planning Amendment 1027/17 - Jam Factory, 500 Chapel Street, South Yarra

The Mayor, Cr Joe Gianfriddo, declared a general conflict of interest in accordance with Section 127 of the *Local Government Act 2020* and the Governance Rules, with respect to Agenda Items 8.1 and 8.2.

The Mayor, Cr Joe Gianfriddo, advised the nature of his interest in Agenda Item 8.1 is that he has a working relationship with the site developer.

The Mayor, Cr Joe Gianfriddo, advised the nature of his interest in Agenda Item 8.2, is that he lives in the area.

Cr Joe Gianfriddo left the Council meeting at 8:27pm, before discussion commenced on the item.

The Deputy Mayor, Cr Mike Scott, assumed the role of Chair.

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

That Council AUTHORISE Officers to issue a Notice of Decision to Grant an Amended Planning Permit No: 1027/17 for the land located at Jam Factory, 500 Chapel Street, South Yarra under the Stonnington Planning Scheme for Partial Demolition, Buildings and Works, Use of the land for the purposes of Dwellings, Residential Hotel, Office, Food And Drink Premises (other than Hotel, Convenience Restaurant and Tavern), Restaurant, Cinema Based Entertainment Facility and Shop (other than Adult Sex Bookshop, Bottle Shop and Restricted Retail Premises) in an Activity Centre Zone, Special Building Overlay, Heritage Overlay and Incorporated Plan Overlay, with associated reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions:

[Note: The following are the existing permit conditions which have been marked up to show new text in bold, while text with strike-through is recommended for deletion.]

1. *Prior to the commencement of any demolition work within the Heritage Overlay, the following documentation must be submitted to and approved by the Responsible Authority:*

- a) *Demolition plans confirming the extent of the heritage fabrics (including but not limited to the facades, return walls and roof) that will be retained and/or restored. The Demolition plans must be generally in accordance with Heritage Demolition plans prepared by Buchan and stamped Advertising Document June 2023.*
 - b) *An archival quality photographic record of the existing buildings (including internal walls) that are located within the Heritage Overlay and are to be removed, undertaken by a professional photographer in accordance with the directions provided on the Heritage Victoria website, to the satisfaction of the Responsible Authority. Once produced, the record must be deposited with the Stonnington History Centre.*
 - c) *Elevations of the Chapel Street and Garden Street heritage facades at a scale of 1:50, detailing all the refurbishment and restoration works.*
2. *Before the use and development starts, for a particular stage (excluding demolition, excavation and associated early works), one (1) electronic copy of plans drawn to scale and fully dimensioned must be submitted to and approved by the Responsible Authority for that stage. The plans must be generally in accordance with the plans prepared by Buchan advertised in June 2023 **and the plans identified as Stage 01 advertised in July 2024** but modified to show (as relevant to the particular stage):*

All Stages

- a) *Layout of ~~the basement car park~~ **all car parking areas** to generally accord with the requirements of Clause 52.06.*
- b) *Detailed layout plans of internal traffic and car parking arrangements including internal intersections, truck loading areas and shopping trolley storage.*
- c) *~~A minimum of 151 bicycle parking spaces for visitors~~ **Provision of visitor/shopper bicycle parking spaces in accordance with the requirements of Clause 52.34-5**, with signage provided indicating the availability of this parking.*
- d) ***All bicycle parking and end of trip facilities to be fully detailed, including dimensions in accordance with the relevant Australian Standard, the number of spaces allocated to residents, visitors and employees, and showers and changeroom facilities.***
- e) *A schedule of all proposed exterior decorations, materials, finishes and colours. A coloured elevation clearly identifying all materials proposed as listed in the materials and colour schedule must also be provided. All external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence to the glass surface.*
- f) *The location of mailboxes.*
- g) *A notation on the plans confirming a minimum 67.5kW solar PV system, serving both the commercial (50kW) and residential (17.5kW) developments is to be installed.*
- h) *A notation confirming the fire test system water will be captured and the intended re-use.*
- i) *The correct number of waste chutes shown on all floor plans in accordance with the WMP.*

- j) *The location **and dimensions** of any vehicle crossovers indicated on the ground floor plan, with provision of a pedestrian refuge between the truck and passenger vehicle access points at the eastern end of the Garden Street frontage.*
- k) **Doors to service cabinets designed to not extend over the footpath when in the open position.**
- l) *Any modifications as required by conditions **11 (Façade Strategy)**, 12 (WMP), 13 (SMP), 17 (Wind Modelling), 19 (Landscape Plan), 23 (Acoustic Report) and 28 (Chimney Reconstruction Methodology).*

Stage 1

- m) *Increased street setback from Garden Street to Level 8 of the west and east towers to align with Level 9.*
- n) *Details of the building services and utility areas along the Garden Street frontage at ground floor level including elevation details generally at a scale of 1:50, cross-sections, examples and prototypes and / or precedent images, demonstrating that a high quality built form outcome is achieved.*
- o) *Operable windows provided in the common hallways serving dwellings up to Level 8 in the eastern apartment building (described as R05) along the southern corridor.*
- p) *Notes confirming glazing types as nominated in the Acoustic Report required pursuant to Condition 23.*
- q) *An apartment storage schedule confirming compliance with Standard D21 of Clause 58.*
- r) *All internal rooms without direct access to daylight and natural ventilation notated on the plans to identify their intended use which must not be a bedroom.*
- s) **Any measures designed to prevent basketballs falling onto Garden Street to be detailed on the south elevation.**

[The following conditions relative to Stage 1 are recommended for deletion:]

~~An alternative design treatment to provide visual relief to the expanse of plant screening above the car park and loading bay entries of building R05. This may include integrated planter boxes with climbing plants, artwork or another suitable alternative to the satisfaction of the Responsible Authority.~~

~~Increase in the width of the eastern light court to building R05 by 1 metre above Level 3.~~

~~Clear delineation of any barriers within the communal outdoor space at Level 8 of the residential apartment buildings. The only barrier may be between the two eastern buildings and the two apartment towers.~~

~~A south elevation of the light court on the eastern boundary demonstrating measures to address overlooking from the Level 7 terrace into the approved development at the adjoining property.~~

~~Deletion of apartments facing Garden Street on Level 7 within building R05, to reduce the street wall height of building R05 by one level. A suitable design treatment must be provided to soften the car parking area facing Garden Street behind the deleted apartments, to the satisfaction of the Responsible Authority.~~

Remaining Stages

- t) *Modifications to the apartment towers (buildings R01 to west and R02 to east) generally in accordance with the 'Concept Plans' prepared by Buchan and received by Council on 4 September 2023, including:*
- i. *Reducing the height of building R02 by one floor and increasing the height of building R01 by one floor;*
 - ii. *Simplifying the façade treatment of building R01;*
 - iii. *Modifying the façade treatment of R02 to visually differentiate between tower forms;*
- and incorporating the following additional changes to building R02:*
- iv. *Further refinement of the proposed glazing design which may involve varying the depth of the glazing mullions to provide variation and visual relief to the planes of flat glass, introducing planter boxes behind the balcony balustrades to strengthen the residential character, and reducing the glazed screening to the rooftop plant and equipment to improve the transition to the east, or other alternative measures to the satisfaction of the Responsible Authority.*
- u) *Provision of a glazed retail display area to the Garden Street ground floor frontage between the two stair wells at the western end of the cinema building, generally as shown on the discussion plan (titled Concept - Cinema Retail Display) presented in May 2023.*
- v) *Provision of directional signage within the basement car park.*
- w) *Provision of an electronic sign for the visitor/customer car parking showing the number of car parking spaces available in the car park.*
- x) *A note confirming that the selected vehicular turn table can accommodate all vehicles required to access the site, including the proposed waste truck (30tonne, 6VM truck).*
- y) *Retention of the barricade along Palermo Street.*
- z) *The awning above Chapel Street, returning into Garden Street, clearly and consistently shown on the plans and elevations. Any awning must have regard to the Chapel Street Masterplan, which identifies tree planting along Chapel Street and Garden Street and must be designed in consultation with Council's Project Management & Delivery Department.*
- aa) *Details of the building services and utility areas along the Garden Street frontage at ground floor level including elevation details generally at a scale of 1:50, cross-sections, examples and prototypes and / or precedent images, demonstrating that a high quality built form outcome is achieved.*
- bb) *Notes confirming glazing types as nominated in the Acoustic Report required pursuant to Condition 23.*
- cc) *An apartment storage schedule confirming compliance with Standard D21 of Clause 58.*

- dd) *The layout of one and two bedroom apartments amended to delete internal habitable rooms without direct access to daylight and natural ventilation and of a size that could be used as a bedroom.*
 - ee) *All internal rooms without direct access to daylight and natural ventilation notated on the plans to identify their intended use which must not be a bedroom.*
 - ff) *Within all new Retail (Shop / Food & Drink) premises facing Chapel Street, floor levels raised to a minimum of RL12.24 with the exception of the minimum amount necessary to facilitate access to individual tenancies. Floor levels are to be elevated without increasing the height of floor levels at Level 2 or above or any external wall height.*
 - gg) *The Ground Floor Plan updated to identify that the 'Plaza' is a privately owned and managed 'Public Plaza' and confirming that the plaza and the external circulation areas are accessible by the general public.*
 - hh) *Provision of a 'Changing Places' facility at ground floor level which must be fully accessible to the public and not obstructed by stairs.*
 - ii) *Deletion of all references to signage on the elevations.*
- All to the satisfaction of the Responsible Authority.*
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 commencement of the development (excluding demolition, excavation and associated early works), a staging plan must be submitted to and approved by the Responsible Authority. The staging plan must identify:*
 - a) *The stages the land will be developed in and expected timing.*
 - b) *Details for permanent and temporary access to and within the site.*

The staging plan may be amended to the satisfaction of the Responsible Authority.
 5. *Except with the written consent of the Responsible Authority which must not be unreasonably withheld, Buchan and Wardle Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.*
 6. *Prior to the commencement of development (excluding demolition, excavation and associated early works), any necessary approvals must be obtained to remove, modify or build over any easements in favour of service authorities including CitiPower to the satisfaction of the Responsible Authority.*
 7. *The development and use authorised by this permit must not commence until the permit holder has entered into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide for and ensure the closure of Garden Street, east of the existing carpark exit, between the hours of 9:30pm and 6:00am the following day, on every day the use is in operation, at the cost of the permit holder to the satisfaction of the Responsible Authority. Pursuant to the provisions of Section 181 of the Planning and Environment Act 1987 this agreement must be registered with the Registrar of Titles and must run with the land.*

8. *Without the prior written consent of the Responsible Authority, the cinema must operate only between the following hours:*

- 10:00am to 1am the following day, Sunday to Wednesday; and
- 10:00am to 3:00am the following day, Thursday to Saturday.

In addition to the above hours a maximum of ten movie marathons per annum may be held on a day before a declared public holiday and on such occasions the Cinema may operate until 10am the following day.

9. *Prior to the occupation of the development or otherwise agreed in writing by the Responsible Authority, the permit holder must:*

- Contribute towards works to improve the pedestrian environment along Chapel/Garden Streets in accordance with the Chapel Street Masterplan (Re-discover Chapel Street prepared by Hansen Partnership dated August 2013) and/or as updated over time taking into account revised Council strategies, masterplans and capital works projects, up to a maximum cost of \$350,000, to the satisfaction of the Responsible Authority.*
- Make a contribution towards an improved pedestrian link to South Yarra Railway Station in consultation with the Responsible Authority and the relevant State agencies. The cost of all works associated with the improved pedestrian link is to be shared by the permit holder, the Responsible Authority and the relevant State agencies. The contribution from the permit holder is up to a maximum of \$1.5 million in total.*
- Make an additional contribution to works with a direct nexus to the Jam Factory specifically, such as wayfinding, line marking, environmental graphics and signage, culture or historic interpretation elements and enhanced pedestrian treatments ('additional pedestrian link enhancement works') to be included within the improved pedestrian link to South Yarra Railway Station as referenced in condition 9(b). The final cost of the additional pedestrian link enhancement works will be determined by a suitably qualified QS on a scope to be agreed between the parties. The additional contribution by the permit holder will not exceed a total of \$500,000.*
- Make an additional contribution in the amount of \$1,367,677 towards public realm upgrade works connecting Arthur Street to the Jam Factory, which may include pedestrian links and adjacent open spaces, and/or upgrade works in Garden Street. Should the development approved by the permit (including demolition) not commence within 2 years of the issue date of the 2023 Amended Permit, the contribution sum must be adjusted from 2025 in accordance with the annual change in the Consumer Price Index (Melbourne, All Categories).*

In the event the works identified cannot be completed prior to the occupation of the development or at the time agreed in writing by the Responsible Authority, the permit holder must enter into an agreement with the Responsible Authority pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 ('Agreement') to provide for the timing, funding, scope, permit holders design review and delivery of the works, and an appropriate sunset clause in respect of the works not commencing within 7 years of the date of the Agreement . The Agreement must be registered with the Registrar of Titles and must run with the land. The owner of the land under this

permit must pay the Responsible Authority's legal costs and be responsible for the cost associated with the preparation and registration of the said agreement.

10. *Prior to the commencement of development, an Activation Strategy must be submitted and approved by the Responsible Authority. The Activation Strategy is to include measures to ameliorate the impacts of construction and maintain vibrancy in the area during the construction period. The Strategy could include tactical and creative place making initiatives, such as creative hoardings, wayfinding, signage and installations. When approved, the Activation Strategy will be endorsed and form part of the permit and measures contained therein carried out to the satisfaction of the Responsible Authority. If the development is staged, a suitably modified strategy should be developed.*
11. ~~[Deleted]~~ **Prior to the endorsement of plans pursuant to Condition 2, 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.

12. *Prior to the endorsement of plans under condition 2, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP prepared by Leigh Design (dated 12 May 2023), but modify to:*
 - a) *Reflect the changes as required by condition 2.*

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

13. *Prior to the endorsement of plans under condition 2, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval, the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 2. The SMP must be in accordance with the SMP prepared by ADP Consulting Pty Ltd (dated 27 July 2023, revision 11), and unless otherwise approved by the Responsible Authority, modified to show:*
- a) *Reflect the changes as required by condition 2.*
 - b) *Cooling loads are to be limited to 30MJ/m² for the residential component of the development, demonstrated through undertaking preliminary NatHERS assessments. Cooling loads can be managed through a number of strategies, including external shading, improved building fabric performance and/or window-to-wall ratios.*
 - c) *External shading, improved building fabric performance and / or increased window to walls ratio is to be provided to the commercial buildings to north, east, west orientations to assist in reducing cooling loads, and achieve thermal comfort PMV levels of +/- 1 for >95% of the floor area of all occupied zones for >98% of the annual hours of operation.*
 - d) *The development is to commit to a minimum average NatHERS energy rating of 7-stars, with no individual dwelling achieving less than 6-stars. Assumptions used in the preliminary NatHERS assessment are to be included within the SMP.*
 - e) *The proposed development is to demonstrate at least 1 point is achieved against the Green Star Design & As Built Credit 17B.3 Low Emissions Vehicle Infrastructure requirements (or equivalent pathway).*
 - f) *Daylight modelling for the residential component of the proposed development is to be provided that demonstrates at least 2 points is achieved against the Green Star Design & As Built Credit 12.1 requirements.*
 - g) *Daylight modelling is to be provided for the office building component demonstrating a daylight autonomy of at least 2.0% for at least 30% of the floor area of regularly occupied primary spaces on each level is achievable.*
 - h) *Complete WSUD response report containing the following details:*
 - i. *A compliance Best Practice WSUD pathway, using either the STORM tool, or MUSIC modelling ~~(or similar tool)~~ and*
 - ii. *A marked up plan detailing all impervious and permeable areas entered as part of the STORM/MUSIC assessment.*
 - i) *The FFE schedule to confirm 5-star dishwashers (or equivalent) are included in the residential component of the development where part of the base build.*

- j) *The heating and cooling system energy efficiencies to be confirmed. Systems to be either:
 - i. *Within 1 star of the best available equivalent size system (at time of specification), OR*
 - ii. *Have an EER/COP of at least 85% of the best available equivalent size system (at time of specification).**
- k) *Confirming the Visual Light Transmittance (VLT) of the glazing used as part of the daylight modelling.*
- l) ***In Stage 1, the layout of one-bedroom apartments facing into the central building recess are to be reviewed in regard to daylight access and, where necessary, an alternative arrangement provided to prioritise daylight access to the living areas to the satisfaction of the Responsible Authority.***
- m) ***For the Stage 1 apartments, external shading devices are to be provided to north and east facing glazing of habitable rooms without a balcony directly above, which should ensure that the windows are shaded from the spring equinox until the autumn equinox (21 September to 21 March). Alternatively, an insulated (solid) spandrel panel may be introduced with a height of 0.70m above finished floor level to habitable room windows, to reduce the window to wall ratio and improve the building thermal performance without adversely affecting daylight access to the satisfaction of the Responsible Authority. Where external sun shading devices are being utilised, a dimensioned section diagram is to be included to demonstrate their effectiveness.***

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

- 14. *Prior to the commencement of development (excluding demolition, excavation and associated early works), the following documentation must be submitted and approved by the Responsible Authority to accompany the endorsed SMP under Condition 13 to the satisfaction of the Responsible Authority:
 - a) *Preliminary JV3 energy modelling for the non-residential components of the proposed development. All fabric assumptions including added insulation, window type and performance values used for the assessments are to be included within the SMP. The building will have a 10% improvement beyond NCC requirements.*
 - b) *Sample preview NatHERS certificates for the residential component of the development, demonstrating that it achieves an average NatHERS rating of 7 Stars, with no individual dwelling achieving less than 6 Stars. All fabric assumptions including added insulation, window type and performance values used for the NatHERS assessments are to be included within the SMP.**
- 15. *Prior to the occupation of the building a report from the author of the Sustainable Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the*

satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

16. *The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed plans and/or stormwater management report.*
17. *Prior to the endorsement of plans under condition 2, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions in public and communal spaces on the site and within the adjoining streets (Chapel Street & Garden Street) must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner/applicant's wind climate experts, referencing the use of architectural features and planting to resolve any issues identified.*
18. *Prior to the occupation of the development, a report from the author of the Wind Climate Assessment Report, 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 Wind Climate Assessment Report have been implemented in accordance with the approved Plan.*
19. *Prior to the endorsement of plans under condition 2, a landscape plan prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and one (1) electronic copy must be provided. The landscape plan must be generally in accordance with the landscape concept plans prepared by Aspect Studios (dated 8 March 2023) and include:*
 - a) *Reflect the changes as required by condition 2.*
 - b) *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and soil volume detail of any planter box.*
 - c) *Species for the elevated garden terrace that are suitable in an exposed and wind-swept position.*
 - d) *Irrigation methods.*
 - e) *Details of the proposed awnings along the Chapel Street frontage to ensure they will not affect the ability to establish mature tree canopies along Chapel Street.*
 - f) *A note by the Landscape Architect to confirm all soil volumes have been further reviewed to ensure that they are sufficient to achieve the anticipated vegetation growth.*

All to the satisfaction of the Responsible Authority.

20. *Prior to the occupation of the building, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the*

Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

21. *Prior to the occupation of the building, a Car Parking Allocation Plan must be submitted to and approved by the Responsible Authority. The Car Parking Allocation Plan must specify how the car spaces will be allocated within the car parks hereby approved, to the satisfaction of the Responsible Authority. When approved, the Car Parking Allocation Plan will be endorsed and form part of the permit. The Car Parking Allocation Plan must show:
 - a) *The car parking provision for ~~the~~ all shop / food & drink / cinema uses to be provided at a rate of 1.5 spaces per 100sqm of leasable floor area, or an alternative rate to the satisfaction of the Responsible Authority. It is preferred that as many spaces as possible be reallocated from the 'dwelling' supply to the satisfaction of the Responsible Authority.*
 - b) *The allocation of two existing car parking spaces within the north-south road between Garden Street and the proposed roundabout or another location to the satisfaction of the Responsible Authority for use by share cars.**
22. *Prior to the endorsement of plans under condition 2, the permit holder must submit an updated digital 3D massing model of the development hereby approved in accordance with the specifications of Council's GIS Unit, to the satisfaction of the Responsible Authority.*
23. *Prior to the endorsement of plans under condition 2, an Acoustic Report must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to minimise noise transmission from the adjacent land uses (in particular, the adjoining rail line) to the satisfaction of the Responsible Authority. The Acoustic Report is to be generally in accordance with the Report prepared by Enfield Acoustics dated 22 September 2021. All recommendations set out in the Acoustic Report must be shown on the plans endorsed under Condition 2.*
24. *Noise emanating from the non-residential components of the subject land must not exceed the permissible noise levels stipulated in Part 5.3 - Noise, of the Environment Protection Regulations 2021 for Residential Premises, Commercial, Industrial and Trade Premises and Entertainment Venues and Outdoor Entertainment Events to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the site [including plant and equipment area, loading bay or other areas as relevant] are in compliance with the regulations must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.*
25. *All plant and equipment (including air-conditioning units) must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.*
26. *Prior to the occupation of the development, a Heritage Interpretive Strategy must be submitted to and approved by the Responsible Authority. The Heritage Interpretive Strategy must detail how the site's history will be explained and documented on the site to allow an appreciation of its industrial history. The Strategy must address all heritage features to be retained, most particularly, the heritage chimney and may include interpretive panels, landscaping treatments, public art and online interpretation.*

Items and actions contained within the Strategy must be embedded with the architecture of the development to the satisfaction of the Responsible Authority.

27. *Prior to the occupation of the development, the items and actions contained within the Heritage Interpretive Strategy must be carried out and installed on site.*
28. *Prior to the endorsement of plans under condition 2, a Chimney Reconstruction Methodology must be submitted to and approved by the Responsible Authority. The Chimney Reconstruction Methodology must be generally in accordance with the Chimney Structural Concept letter and plans prepared by Weber Design Consulting Engineers (dated 5 November 2021) and having regard to relevant contractor and OHS expertise, unless otherwise approved by the Responsible Authority.*
29. *Before any use commences on the site a management plan must be submitted to and approved by the Responsible Authority to address the use and operation of the privately owned public plaza. This management plan shall outline accessibility by the general public, regular maintenance and cleaning, private functions from time to time, public safety and any other relevant operational requirements.*
30. *Prior to the occupation of the development, the walls on the boundary must be cleaned and finished to the satisfaction of the Responsible Authority.*
31. *Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policies, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the (plant and equipment area and loading bay or specify other as relevant) are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.*
32. *Any projection over the street must have a minimum vertical clearance above the footpath level of 2.7 metres and a minimum horizontal clearance of 750 millimetres from the street kerb unless otherwise approved in writing by the Responsible Authority.*
33. *Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done at the cost of the applicant and subject to the relevant authority's consent.*
34. *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.*
35. *All plant and equipment (including air-conditioning units) must be located or screened so as to minimise visibility from any of the surrounding footpaths and must be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority. Ventilation systems must be designed and installed in accordance with the relevant Australian Standards.*
36. *A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.*

37. *The level of the footpaths at the property line must not be lowered or altered to facilitate access to the site, unless with the written consent of the Responsible Authority.*
38. *Prior to occupation of the building, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the permit holders' cost to the approval and satisfaction of the Responsible Authority.*
39. *Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use, to the satisfaction of the Responsible Authority.*
40. *Prior to occupation of the development, a Security Management Plan for the management of the publicly accessible areas must be submitted to the satisfaction of the Responsible Authority. The Security Management Plan must include, but not be limited to:*
 - a) *Details of appropriate surveillance equipment.*
 - b) *Hours of operation of surveillance and security services.*
 - c) *Proposed response capacities to inappropriate incidents.*
 - d) *All to the satisfaction of the Responsible Authority.*
41. *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.*
42. *Ground floor commercial uses fronting Chapel and Garden Streets are not to be provided with obscure glazing or signage which prevents surveillance of the streetscapes without the prior written consent of the Responsible Authority.*
43. *Before the commencement of demolition, excavation and associated early works, a Demolition Management Plan (DMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the DMP will be endorsed and will form part of this permit. The DMP must provide for the following as relevant:*
 - a) *A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;*
 - b) *Works necessary to protect road and other infrastructure;*
 - c) *Remediation of any damage to road and other infrastructure;*
 - d) *Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;*
 - e) *Facilities for vehicle washing, which must be located on the land;*
 - f) *The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;*

- g) *Site security;*
- h) *Management of any environmental hazards including, but not limited to:*
 - i. *Contaminated soil and ground water,*
 - ii. *Materials and waste,*
 - iii. *Dust,*
 - iv. *Stormwater contamination from run-off and wash-waters,*
 - v. *Sediment from the land on roads,*
 - vi. *Washing of concrete trucks and other vehicles and machinery, and*
 - vii. *Spillage from refuelling cranes and other vehicles and machinery;*
- i) *The demolition program;*
- j) *Preferred arrangements for trucks accessing the land, loading/unloading points and expected duration and frequency;*
- k) *Parking facilities for construction workers;*
- l) *An outline of requests to Council / Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;*
- m) *An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;*
- n) *The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads;*
- o) *A noise and vibration management plan showing methods to minimise noise and vibration on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:*
 - i. *Using lower noise work practice and equipment;*
 - ii. *The suitability of the land for the use of an electric crane;*
 - iii. *Silencing all mechanical plant by the best practical means using current technology;*
 - iv. *Fitting pneumatic tools with an effective silencer;*
 - v. *Other relevant considerations; and*
 - vi. *Any site-specific requirement.*

During demolition:

- p) *Any stormwater discharged into the stormwater drainage system must be in compliance with Environmental Protection Authority guidelines;*

- q) *Stormwater drainage system protections measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay, or stones from the land enters the stormwater drainage system;*
- r) *Vehicle borne material must not accumulate on the roads abutting the land;*
- s) *The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and*
- t) *All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.*

If required, the DMP may be approved in stages. Demolition of each stage must not commence until a DMP has been endorsed for that stage, to the satisfaction of the Responsible Authority.

44. *Before the development commences, a Construction Management Plan (CMP) (excluding demolition, excavation and associated early works) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CMP will be endorsed and will form part of this permit. The CMP must provide for:*

- a) *A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;*
- b) *Works necessary to protect road and other infrastructure;*
- c) *Remediation of any damage to road and other infrastructure;*
- d) *Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;*
- e) *Facilities for vehicle washing, which must be located on the land;*
- f) *The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;*
- g) *Site security;*
- h) *Management of any environmental hazards including, but not limited to:*
 - i. *Contaminated soil and ground water,*
 - ii. *Materials and waste,*
 - iii. *Dust,*
 - iv. *Stormwater contamination from run-off and wash-waters,*
 - v. *Sediment from the land on roads,*
 - vi. *Washing of concrete trucks and other vehicles and machinery, and*
 - vii. *Spillage from refuelling cranes and other vehicles and machinery;*
- i) *The construction program;*
- j) *Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;*

- k) *Parking facilities for construction workers;*
- l) *An outline of requests to Council / Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;*
- m) *An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;*
- n) *The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads;*
- o) *A noise and vibration management plan showing methods to minimise noise and vibration on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:*
 - i. *Using lower noise work practice and equipment;*
 - ii. *The suitability of the land for the use of an electric crane;*
 - iii. *Silencing all mechanical plant by the best practical means using current technology;*
 - iv. *Fitting pneumatic tools with an effective silencer;*
 - v. *Other relevant considerations; and*
 - vi. *Any site-specific requirement.*

During construction

- p) *Any stormwater discharged into the stormwater drainage system must be in compliance with Environmental Protection Authority guidelines;*
- q) *Stormwater drainage system protections measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay, or stones from the land enters the stormwater drainage system;*
- r) *Vehicle borne material must not accumulate on the roads abutting the land;*
- s) *The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and*
- t) *All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.*

If required, the CMP may be approved in stages. Construction of each stage must not commence until a CMP has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- 45. *The provisions, recommendations and requirement of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
- 46. *Except with the prior written consent of the Responsible Authority, demolition or construction works must be carried out in accordance with EPA regulations and Council's General Laws.*

47. *Prior to occupation of the development levels taken by a Licensed Land Surveyor must be provided on the finished floor levels to show compliance with Condition 2(t) and (u).*

Transport for Victoria's conditions

Before construction commences (Including Demolition)

48. *Unless otherwise agreed in writing with the Head, Transport for Victoria, without limiting the obligations of the permit holder under the Transport (Compliance and Miscellaneous) Act 1983 (Vic), prior to construction commencing (including demolition), detailed construction/engineering plans and computations must be submitted to, and must be to the satisfaction of Public Transport Victoria, VicTrack and accredited Rail Transport Operator (RTO) for the protection of the railway land.*

The Plans must detail all excavation design and controls of the site adjacent to the railway corridor and any impact on railway land. The Plans must ensure compliance regarding building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations and design loadings where within 20m of the nearest rail track in compliance with AS5100.2-2017 Design Loads.

49. *Unless otherwise agreed in writing with the Head, Transport for Victoria, before the commencement of works including demolition, a Construction Control and Indemnity Agreement must be in place with Public Transport Victoria and VicTrack, at the full cost of the permit holder.*
50. *Prior to the commencement of a stage of the works (including demolition) a Construction Management Plan must be submitted for that stage to Department of Transport and Planning (DTP), VicTrack and RTO for approval. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to VicTrack & DTP's assets and the operation of all public transport services and infrastructure during construction, including:*
- a) Protocols and approval processes for access to the adjoining land, rail environment and designation of any areas to be used under license during the construction process;*
 - b) Approvals and permits required from DTP, VicTrack and the RTO prior to works commencing and prior to accessing the rail environment;*
 - c) Rail safety requirements that must be adhered to by the permit holder;*
 - d) Protection of all public transport infrastructure to ensure any infrastructure is not damaged during demolition or construction;*
 - e) Minimising disruption to train and tram services;*
 - f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure the rail environment is not used for, or impacted on by these activities outside the development site;*
 - g) Public safety, amenity and site security;*
 - h) Operating hours, noise and vibration controls;*
 - i) Air and dust management;*
 - j) A communication plan with the RTOs (train and tram).*

All construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be

implemented at no cost to and to the satisfaction of VicTrack, Public Transport Victoria and the RTO'S.

51. *Prior to the commencement of a stage of the works (including demolition), a Traffic Management Plan must be submitted for that stage to DTP for endorsement, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport including trains and trams to the satisfaction of DTP in consultation with Metro Trains Melbourne and Yarra Trams. All traffic management and mitigation costs must be at the full cost of the permit holder and in accordance with the approved Traffic Management Plan to the satisfaction of DTP. The Plan may interface with any plan requested by the Responsible Authority.*
52. *Prior to the commencement of a stage of the works (including demolition), the RTO (train and tram) must be contacted to obtain the RTO conditions and safety requirements for that stage for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. The permit holder must conform to all RTO's guidelines and instructions.*

Prior to the commencement of the Main Works (after demolition)

53. *Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the commencement of the main works an Integrated Transport Plan must be submitted and approved by the Head, Transport for Victoria in consultation with Vic Track, Vic Roads (as appropriate) and the Responsible Authority that includes, but is not limited to:*
 - a) *The expected demand for travel by people who will work or visit the site and target transport mode split to encourage walking, cycling and use of public transport.*
 - b) *Existing public transport and cycling routes, stops and infrastructure (e.g. shelters, signage, pedestrian crossings) within the site and surrounds.*
 - c) *Bicycle parking rates and the location and layout of any bicycle parking areas including end of trip facilities.*
 - d) *Green Travel Plan initiatives, including an employee awareness and education program.*
 - e) *The means proposed to address and mitigate the impacts of traffic generated by the development on public transport services on Chapel Street between Malvern Road and Toorak Road (inclusive) including:*
 - i. *The investigation of network improvements (such as signal optimisations, parking restrictions and turn bans) to improve traffic flows at key intersections to assist with public transport priority; and*
 - ii. *The estimated costs of the works, including how and when the works will be delivered and funded by the permit holder.*
54. *Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the occupation of the development, all works identified in the endorsed Integrated Transport Plan must be completed at the full cost of the permit holder and to the satisfaction of the Head, Transport for Victoria, and its agencies as appropriate.*
55. *As built drawings for the foundations to the ground floor level and retention system must be provided to DTP & VicTrack prior to the occupation of the development.*

General Conditions

56. *Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.*
57. *Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of DTP, at the full cost of the permit holder.*
58. *The permit holder must take all reasonable steps to ensure that disruptions to train and tram operations are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.*
59. *Building materials (including glass/window/ balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the RTO.*
60. *No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the RTO. No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.*
61. *The permit holder must meet any RTO and DTP costs required for the development documentation review or construction works associated with the development, as required by the RTO and PTV DTP.*
62. *No drainage, effluent, waste, soil or other materials must enter or be directed to railway land, or stored or deposited on railway land.*
63. *Any wall which may be permitted to be located on the railway land boundary must be cleaned and finished using a graffiti resistant finish, or alternative measures used to prevent or reduce the potential of graffiti, to the satisfaction of DTP, Vic Track and RTO. Any wall which may be permitted to be located on the railway land boundary must not have any fitting, window or doorway which upon opening intrudes into the railway land.*

End of Transport for Victoria's conditions

Rail Projects Victoria conditions

64. *[Deleted]*
65. *[Deleted]*
66. *Upon completion of the works, the as-constructed details must be provided to RPV (planningapprovals@railprojectsvictoria.vic.gov.au).*

End of Rail Projects Victoria conditions

67. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not started within four years of the date of the approval of the amendment submitted to the Responsible Authority in 2021.*
 - b) *The development is not completed within five years of the date of commencement.*
 - c) *The use is not commenced within two years of the completion of the development.*

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

NOTES:

- I. *This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.*
- II. *This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include paint removal and any other form of decoration and works, but does not include re-painting an already painted surface.*
- III. *At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:*
 - 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.*
- IV. *Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.*
- V. *It is intended that the Agreement required by condition 5 will replace the Agreement registered in Instrument No. U785433U which will end upon registration of the replacement agreement.*
- VI. *The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".*

Transport for Victoria Notes

- VII. *Works undertaken within railway land must consider all standards and work practices for work within the railway land and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services, to the satisfaction of the RTO and Public Transport Victoria.*
- VIII. *Entry onto railway land is at the discretion of the RTO and is subject to the RTO's Site Access Procedures and conditions.*
- IX. *Prior to commencement of works, the RTO must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the RTO's conditions and safety requirements for works on, over or adjacent to railway land.*
- X. *Any RTO costs required to review documents or construction plan works within the rail environment must be met by the permit holder.*

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief description of Amendment
	<p><i>Permit conditions amended as follows:</i></p> <ul style="list-style-type: none"> • Modifications to wording of conditions 2, 13 and 21. • Renumbering of sub-points in condition 2. • Insertion of new condition 11. <p><i>Amended plans for Stage 1 show:</i></p> <ul style="list-style-type: none"> • Relocate loading access on Garden Street from the eastern end to the west side of the building. • Reconfigure the basement to be independent of the remainder of the development and reduce to two levels. • Reduce the supply of car parking for this building. • Reduce the podium height and redesign the façade. • Increase building heights of towers and incorporate roof plant into revised architectural form. • Connect the towers with built form along the north. • Revise building setbacks. • Internal reconfiguration of the building. • Increase the number of apartments and revise apartment mix and layouts. • Introduce serviced apartments (residential hotel).

Carried unanimously with the following Councillors present:
Deputy Mayor, Cr Mike Scott, Cr Nicki Batagol, Cr Marcia Griffin, Cr Kate Hely,
Cr Jami Klisaris, Cr Matthew Koce, Cr Polly Morgan and Cr Melina Sehr.

8.2 Chadstone Activity Centre - Submission

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

Cr Polly Morgan advised the nature of her interest is that a person who contributed to her 2020 Council election campaign owns a property within the 800m catchment area relevant to the item.

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

Cr Jami Klisaris advised the nature of her interest is that family own property in the catchment area relevant to the item.

Councillors Polly Morgan and Jami Klisaris left the Council meeting at 8:44pm, before discussion commenced on the item.

Having declared a general conflict of interest in this matter previously, the Mayor, Cr Joe Gianfriddo, remained outside the Chamber and the Deputy Mayor, Cr Mike Scott, continued to Chair the meeting.

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Marcia Griffin

That Council:

- 1. NOTE that the State Government has commenced Phase 2 engagement with the Stonnington community on the Draft Chadstone Activity Centre Plan – the State Government-led development of planning controls for the Chadstone Activity Centre.***
- 2. NOTE concerns with State Government’s proposals to develop planning controls for the Chadstone Activity Centre in lieu of Council, and the continued lack of knowledge-sharing and meaningful engagement with Council and the Stonnington community.***
- 3. ENDORSE the City of Stonnington submission (Attachment 3) in response to the Draft Chadstone Activity Centre Plan.***
- 4. AUTHORISE Council Officers to amend the submission as needed in line with Council’s endorsed advocacy position.***
- 5. NOTE that Council Officers will continue to advocate on Council’s concerns with the Chadstone Activity Centre Plan to the State Government on behalf of the Stonnington community during Caretaker period from 17 September to 26 October 2024.***

Carried unanimously with the following Councillors present:
Deputy Mayor, Cr Mike Scott, Cr Nicki Batagol, Cr Marcia Griffin, Cr Kate Hely,
Cr Matthew Koce and Cr Melina Sehr.

The Mayor, Cr Joe Gianfriddo, and Councillors Polly Morgan and Jami Klisaris returned to the meeting at 8:56pm, after the vote had taken place.

8.3 Business and Activation Grants Recommended Applicants 2024/25

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

That Council:

- 1. APPROVE the allocation of \$45,248.00 from the Business Facade Improvement Grant funds pool for 2024/25 to the following applicants:***

App ID	Project Title	Property Address	Funding
104	834 High Street Façade Improvements	834 High Street Armadale	\$2,500.00
105	836 High Street Façade Improvements	836 High Street Armadale	\$2,500.00
95	60 Ross Street Façade Works	60 Ross Street, Toorak	\$4,613.00
73	Business Façade Improvement	335 Toorak Road South Yarra	\$3,000.00
21	Chapel Street Renovations	266 Chapel Street Prahran	\$4,000.00
55	Eckersley's Exterior Refresh	120/124-126 Commercial Road, Prahran	\$2,500.00
45	Façade Facelift	140 Glenferrie Road, Malvern	\$5,000.00
70	1363-1365 High Street – Tile Project	1363-1365 High Street, Malvern	\$4,000.00
22	New and updated Signage Sacred Heart Mission Commercial Rd Op Shop	110 Commercial Road, Prahran	\$2,500.00
75	Identity and directional signage plus entrance beautification	40 Porter St Prahran	\$2,565.00
98	Painting and facade upgradatte/refresh	1291 Malvern Road, Malvern	\$4,000.00
65	MARS Façade Improvement Project 2024	7 James Street Windsor	\$2,500.00
63	Façade Restoration	1032-1034 High St Armadale	\$3,570.00
32	Facade Improvements- 99 Wattle tree Rd	99 Wattle tree Road, Armadale	\$2,000.00
TOTAL			\$45,248.00

2. **APPROVE** the allocation of \$66,000 from the Economic Activation and Event Grant funds pool for 2024/25 to the following applicants:

App ID	Project Title	Funding
03	East Malvern Food and Wine Festival	\$6,000
23	Christmas Festival – Waverley Road, East Malvern trader street activations	\$20,000
22	Naarm 3x3 Gauntlet – basketball competition at Prahran Skate Park Basketball Court	\$15,000
20	Pollinator Palooza – Children's bee and honey festival at Prahran Square	\$15,000

08	Satay Festival 2024 – Indonesian cultural food festival at Prahran Square	\$10,000
TOTAL		\$66,000

3. **NOTE that Council Officers will collaborate with grant recipients to ensure appropriate geographic distribution of the activations across the municipality to optimise benefit for different precincts.**
4. **NOTE the acquittal summary of the inaugural Activation Grant Program 2023/2024.**
5. **NOTE that Council Officers will work collaboratively with all grant recipients to upskill them on communicating with businesses within the activation/event precinct area to ensure the impact of the funding will drive economic return, community benefit and provide an uplift in local business outcomes.**

Cr Mike Scott left the Council meeting at 9:02pm and returned at 9:04pm.

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

Voting Against the motion: Cr Joe Gianfriddo, Cr Marcia Griffin

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

8.4 Out-of-Round - Arts and Culture Grants 2024/25

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Marcia Griffin

That Council:

1. **APPROVE allocating \$28,555 of the remaining pool of funds within 2024/25 for the Out-of-Round applications received and assessed for an Out-of-Round Arts and Culture Grant.**

Carried unanimously

8.5 Windsor Community Children's Centre

Due to Council having determined the matter earlier in the meeting, when dealing with *Agenda Item 11.3 – Windsor Community Children's Centre*, the Mayor, Cr Joe Gianfriddo, ruled Agenda Item 8.5 as repetitious and therefore, invalid.

8.6 Resolution of borrowings 2024/25

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Kate Hely

That Council:

- 1. APPROVE the refinancing of \$41.0 million with Treasury Corporation of Victoria (TCV) at the completion of the initial loan terms.***
- 2. AUTHORISE the Chief Executive Officer to negotiate the specific terms on which those funds will be borrowed and to execute the documents necessary to give effect to it.***

Carried unanimously

8.7 Bayview Street, Prahran - Narrow Street Traffic & Parking Management

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Mike Scott

That Council:

- 1. ENDORSE the preferred traffic and parking management in Bayview Street that consists of a Shared Zone along with the reduced 20km/h speed limit, installation of signage and line marking.***
- 2. ACKNOWLEDGE the in-principle support of the Department of Transport and Planning for the Shared Zone and 20km/h speed limit in Bayview Street, Prahran***
- 3. APPROVE the replacement of the 2-HOUR restriction to PERMIT ZONE restriction on the north side of Bayview Street operating 10am to 6pm Wednesdays and 9am to 6pm Monday, Tuesday, Thursday and Friday. The NO PARKING street sweeping restriction is to remain.***
- 4. APPROVE the installation of a PERMIT ZONE restriction on the south side of Bayview Street, excluding the frontage of Aberdeen Road Reserve, operating 10am to 6pm Fridays and 9am to 6pm Monday to Thursday. The NO PARKING street sweeping restriction is to remain.***
- 5. AUTHORISE officers to notify those previously consulted.***

Carried unanimously

8.8 Chris Gahan Centre - Future Options

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Jami Klisaris

That Council:

1. **NOTE the historic strategic intent of Stonnington City Council to create an open space linkage between Prahran Square and Grattan Gardens - including through the acquisition of 15 Izett Street, Prahran, in 2016 from Council's open space reserve for Windsor/Prahran to create a pocket park linking Izett Street and Grattan Gardens and the consideration of the future of the Chris Gahan Centre.**
2. **NOTE that it is timely to reconsider the future of the Chris Gahan Centre given its low utilisation, current condition, issues with its location within Grattan Gardens and the significant opportunity to create additional high value open space within Grattan Gardens, improve safety and amenity in the park, and enhance permeability and linkages with Prahran Square and Chapel Street via the creation of the new pocket park at 15 Izett Street.**
3. **COMMIT to the demolition of the Chris Gahan Centre building and associated infrastructure and management of any contaminated soil in line with EPA regulations, followed by the reinstatement of the land to open space and establishment of a suitable connection with the Izett Street pocket park.**
4. **COMMIT to the following actions as part of the project planning and delivery:**
 - a. **Development of a transition plan to relocate residual services delivered from the facility to a suitable alternative location, including engagement with existing service providers.**
 - b. **Undertaking community and stakeholder engagement on the design of the reinstatement of the land to open space connection with the Izett Street pocket park.**
5. **NOTE the total estimated cost of \$1.2m, excluding asset write-off (non cash expense)**
6. **NOTE the proposed funding source for the project is savings from the 2023/24 capital works program that have been identified and carried forward to 2024/25.**
7. **AUTHORISE officers to work with the family of (late) Chris Gahan regarding the proposed demolition of the facility that bears his name from his time as Mayor of the City of Prahran in 1970. This would include giving consideration to an alternative memorial.**
8. **AUTHORISE officers to undertake community and stakeholder engagement on the design of the reinstatement of the land to open space and the connection with the Izett Street pocket park, including regarding appropriate lighting and safety measures.**

Extension of Speaking Time

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Mike Scott

That Cr Melina Sehr be granted an extension of time of one minute to speak.

Carried

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

Voting Against the motion: Cr Nicki Batagol, Cr Kate Hely

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

8.9 Authorisation to Award Contracts for the Chief Executive Officer

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Melina Sehr

That Council:

1. ***AUTHORISES the Chief Executive Officer to award and do all things necessary to enter into the following contracts, not exceeding the value of \$2 million each (including GST):***
 - ***Dunlop Street to Winton Road – Shared User Path (X00291, Contract No. T24028).***
 - ***Malvern Town Hall – Air Conditioning Plant Upgrade (X08848, Contract No. T24032).***
 - ***Central Park Oval Sports Lighting & Associated Works (X09598, Contract No. T25004)***

during the period 27 October to 9 December 2024.
2. ***NOTES that there are no changes proposed to the current Instrument of Delegation from the Council to the Chief Executive Officer dated 20 September 2021.***
3. ***NOTES that the contracts are to be awarded prior to the incoming Council's ability to resolve to award the contracts at its first substantive meeting in 2024. This requires an extraordinary authorisation due to the upcoming Council elections and the subsequent period of no Council meetings, to ensure timely project delivery.***

4. **NOTES that award of these projects will be in-line with Council's adopted budget FY2024-25.**

Carried unanimously

8.10 Workplace reconfiguration program

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Kate Hely

That Council:

1. **ACKNOWLEDGE the extensive Council employee engagement that has occurred in relation to the new (post-COVID) working arrangements, resulting in a focus on addressing the functionality and efficiency of the Council's three main office workplaces.**
2. **NOTE the proposed project to reconfigure Council office facilities at Stonnington City Centre, Malvern Town Hall, and Tooronga Depot to:**
 - 2.1. **Support Council's new working arrangements, with more people working in Council's office workplaces more often.**
 - 2.2. **Modernise meeting facilities;**
 - 2.3. **Improve workspace allocation and utilisation; and**
 - 2.4. **Create a new multi-purpose, versatile community and organisational hub at the Malvern Town Hall.**
3. **ENDORSE implementation of the proposed works at the Depot only.**
4. **APPROVE funding for these works at the Depot (including preliminaries, project management, sundries and contingency) from the 2023/24 Capital Works savings pool carried forward to 2024/25.**
5. **REFER the remainder of the proposed workplace reconfiguration program to a future Council meeting of the new Council.**

Voting For the motion: Cr Joe Gianfriddo, Cr Marcia Griffin Cr Kate Hely, Cr Jami Klisaris, Cr Polly Morgan, Cr Melina Sehr

Voting Against the motion: Cr Mike Scott, Cr Nicki Batagol, Cr Matthew Koce

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

8.11 Change of November 2024 Council Meeting Date

MOTION:

MOVED: Cr Melina Sehr

SECONDED: Cr Nicki Batagol

That Council:

1. **RESCHEDULES** the Council meeting scheduled to be held on Monday 25 November 2024, to Thursday 21 November 2024.
2. **NOTES** the meeting will commence at 7pm in the Council Chamber.

Carried unanimously

8.12 Instrument of Sub-Delegation from Council to Organisational Roles (s 18)

MOTION:

MOVED: Cr Nicki Batagol

SECONDED: Cr Melina Sehr

1. **That Council**

- 1.1. **In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Sub-Delegation (Attachment 1) DELEGATES to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 1.2. **AUTHORISES the affixation of the Common Seal to the Instrument of Sub-Delegation (Attachment 1).**
- 1.3. **NOTES the Instrument of Sub-Delegation comes into force immediately the Common Seal of Council is affixed to the instrument.**
- 1.4. **NOTES that on coming into force of the s18 Instrument of Sub Delegation, the previous s18 Instrument of Sub Delegation (authorised by Council on 6 September 2021) is revoked.**
- 1.5. **NOTES the duties and functions set out in the Instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of the Council that it may from time to time adopt.**

Carried unanimously

9 Correspondence

Cr Kate Hely exited the Council meeting at 10:08pm and returned at 10:09pm.

Cr Marcia Griffin tabled correspondence regarding the following matters:

- The removal of a footpath trading fee for a local business.
- A request for the fountain at a reserve with historic value to be returned to its original location.
- Disappointment regarding parking conditions in South Yarra.

Cr Nicki Batagol tabled the Windsor Community Children's Centre Master Plan.

10 Tabling of Petitions and Joint Letters

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

12 Reports by Councillors

12.1 Record of Councillor Briefing Session held on 9 September 2024

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Nicki Batagol

That the Council resolve to RECEIVE the Record of the Councillor Briefing Session held on 9 September 2024.

Carried unanimously

Cr Polly Morgan reported on the meeting of the Stonnington Disability Advisory Committee and noted that a Committee Member has received significant placings in Equestrian at the Paris Paralympic Games.

Cr Nicki Batagol reported on the Climate Emergency Action Plan's final meeting of the current Council term. Cr Nicki Batagol noted the discussion held around vulnerable communities and how they can be better supported/communicated to regarding major events, such as heatwaves.

Cr Mike Scott reported on the Transport Advisory Committee's final meeting of the current Council term. Cr Mike Scott noted discussion around the budget, how goals can be achieved through the budget, and the grants the group were successful in applying for.

Cr Mike Scott reported on the LGBTQIA+ Committee meeting, noting that a number of action items were completed through the Action Plan. Cr Mike Scott noted discussion from

Committee members around actions they have been taking in the LGBTQIA+ space and their own lived experience.

13 Questions to Council Officers

Cr Jami Klisaris asked for clarity around recent rumours/worries that there will be changes to off-leash dog parks throughout the municipality. The Mayor, Cr Joe Gianfriddo, responded.

Cr Jami Klisaris asked whether signs could be erected in the parks in question to address the issue and let residents know that conditions won't be changing. The Director Environment and Infrastructure responded.

14 Urgent Business

There was no urgent business submitted to the meeting.

15 General Business

Cr Mike Scott noted state government legislative amendments around centralised immunisation records.

Cr Marcia Griffin reported on attending the 2024 Volunteer Awards and noted their success.

Cr Marcia Griffin noted that bringing Notice of Motion 06/2024 to the meeting facilitated discussion that led to a positive result.

16 Confidential Business

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

That Council resolve:

- 1. That, in accordance with Section 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the agenda item titled:***
 - 1.1. Board Composition – Prahran Market***
 - 1.2. Personnel Matter***
- 2. These agenda items are deemed to be confidential under Section 3(1)(f) personal information, being information which if released would result in the***

unreasonable disclosure of information about any person or their personal affairs.

Carried unanimously

The Council meeting was closed to the public at 10:17pm.

The Council meeting was re-opened to the public at 10:31pm, with all Councillors present.

The meeting was declared closed at 10:32pm.

Confirmed at the meeting held on 14 October 2024.

.....
CR JOE GIANFRIDDO, MAYOR