



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 25 AUGUST 2020**

at 7.00 pm

**Council Chambers
293 Springvale Road,
Glen Waverley**

**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 25 AUGUST 2020 AT 7.00 PM.**

PRESENT: Councillors S James (Mayor), MT Pang Tsoi (Deputy Mayor), J Fergeus,
G Lake, B Little, S McCluskey, P Klisaris, R Paterson, L Saloumi, T Zographos

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 28 JULY 2020**

Moved Cr Tsoi,

Seconded Cr McCluskey

That the minutes of the Ordinary Meeting of the Council held on 28 July 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PETITION

Moved Cr Fergeus,

Seconded Cr Saloumi

That the on-line petition of 1,012 signatures on Monash declaring a climate emergency, be received.

CARRIED

MEMORIAL

Cr McCluskey noted the passing of Fr Michael Wheeler of St Justin's Parish. He conveyed his condolences to the parish and to the Wheelers Hill community.

PUBLIC QUESTION TIME

The Mayor advised that 7 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Mount Waverley Activity Centre Structure Plan – Consideration of Submissions and Adoption

Moved Cr Tsoi,

Seconded Cr Little

That Council:

- 1. Receives and notes the submissions made in response to the community consultation for the Draft Mount Waverley Activity Centre Structure Plan.*
- 2. Notes the Officer's response to submissions as outlined in this report and in Attachment 1.*
- 3. Endorses the proposed changes to the draft Mount Waverley Activity Centre Structure Plan as set out in this report.*
- 4. Adopts the revised Mount Waverley Activity Centre Structure Plan in accordance with the proposed changes set out in this report and appended as Attachment 3.*
- 5. Notes that a report will be presented to a future Council meeting to consider changes required to the Monash Planning Scheme to give effect the vision of the Structure Plan.*

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That Cr Little be permitted to submit an amendment.

CARRIED

AMENDMENT

Moved Cr Little,

Seconded Cr Paterson

That part 5 be added: That the Structure Plan be amended in accordance with the document circulated by Cr Little via e-mail on 25 August 2020.

Change 1. Northern part of Virginia St / Winbourne Road car park: reduce preferred height from the current preferred heights of 5-8 stories (max 29m) to 4-5 stories (18.5m). Changes to medium blue colour on the map.

Change 2. Eastern part of car park south of Virginia St bordering Stephenson's Rd: reduce preferred height from the current preferred height of 4-5 stories (max 18.5m) to 3-4 stories (max 15.0m). Changes to light blue on the map.

Change 3. Area to East of Stephenson's Rd and South of Amber Grove, North of Waimarie Drive: reduce preferred heights from the current preferred height of

4-5 stories (max 18.5m) to 3-4 stories (max 15.0m). Changes to light blue on the map.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That the matter lay on the table until officer advice on the amendment is received.

CARRIED

1.2 12-14 Johnson Street, Oakleigh Construction of A Mixed Use Development Including Office And Retail and A Reduction In The Standard Car Parking Requirement

Moved Cr Fergeus,

Seconded Cr Zographos

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/51498) for the construction of mixed use development including office and retail and a reduction in the standard car parking requirement at 12-14 Johnson Street, Oakleigh subject to the following grounds:

- 1. The proposal does not provide for sufficient car parking on the site and fails to meet the objectives of Clause 52.06.*
- 2. The proposal fails to provide an appropriate interface to Mill Road in terms of height, scale, setbacks and massing.*
- 3. The proposal will result in unequitable development potential for the adjoining property to the east at 1 Mill Road Oakleigh.*
- 4. The proposal fails to provide for sufficient waste management on the site.*

CARRIED

1.3 52 Golf Road, Oakleigh South Application For Development Plan Approval

Moved Cr James,

Seconded Cr Fergeus

That Council form the position to not approve the submitted Development Plan (Tract Consultants June 2020 Revision 5) for 1 Beryl Avenue, Oakleigh South based on the following grounds:

- 1. The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 to the Development Plan Overlay.*
- 2. The development plan poorly integrates with the neighbourhood character of the surrounding area.*
- 3. The development plan does not provide for appropriate inclusion and retention of existing vegetation.*
- 4. The development plan is inconsistent with Council's Residential Development and Character Policy in particular regard to neighbourhood character, integration with the streets and car parking arrangement.*
- 5. The scale and density of the submitted development plan is excessive.*

6. The proposed reversed living layout will result in poor internal amenity and poor sense of address.

CARRIED

1.4 10 Legon Road, Oakleigh South Extension of Time - Development of Two (2) Double Storey Dwellings At the Rear of Existing Dwelling

Moved Cr Zographos,

Seconded Cr Little

That Council resolves to issue an Extension of time to Planning Permit No. TPA/37785 for development of two (2) double storey dwellings at the rear of the existing double storey dwelling (which is to be modified) with associated car parking and landscaping at 10 Legon Road, Oakleigh South, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.

- *That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the completion of the development be extended for a further 2 years. Accordingly, the development must be completed by 12 March 2022.*
- *That the applicant be advised it is unlikely a further extension of time will be granted given the time that has elapsed since the permit was granted.*

CARRIED

1.5 Town Planning Schedules

Moved Cr Zographos,

Seconded Cr Little

That the report containing the Town Planning Schedules be noted.

CARRIED

1.6 Early Years - Proposed Multiple Leases To YMCA Ballarat Youth Services Incorporated

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council:

1. *Negotiate a lease with the YMCA of Ballarat Youth Service Inc. (YMCA) for the facilities located at the following Council owned sites:*

*Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
Dover Street Preschool – 19 Dover Street, Oakleigh East
Germain Street Kindergarten – 1 Germain Street, Oakleigh South
Glendal Preschool – 3 Lucerne Street, Mount Waverley
Mt Waverley Preschool – 35 Sherwood Road, Mount Waverley
Mulgrave Park Preschool – 68 Albany Drive, Mulgrave
Nara Preschool – 2 Stanley Avenue, Mount Waverley*

St John's Preschool – 2 Carmichael Road, East Oakleigh
Tally Ho Preschool – 24 Martin Place, Glen Waverley
Ward Avenue Kindergarten – 4 Ward Avenue, Oakleigh South
Waverley Foothills Preschool – Gladstone Drive, Mulgrave
Wayburne Preschool – 579 Waverley Road, Glen Waverley

2. *Incorporating the following terms and conditions:*

Lessee: The YMCA of Ballarat Youth Services Inc

Rent: \$1.00 per annum (plus GST)

Term: 5 Years

Further Term: 5 Years

Use: For the purposes associated with the activities of a kindergarten including three and four year old kindergarten programs, playgroups, activity programs for young children and other activities such as kindergarten meetings and fundraising functions.

("the Proposal")

- 3. Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 3 September 2020 and invite submissions on the proposal.*
- 4. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal ('Appointed Officer').*
- 5. Appoint a Committee of Council comprising of all Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.*
- 6. Consider and determine the outcome of the section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.*

CARRIED

1.7 Cat Curfew

Moved Cr Fergeus,

Seconded Cr Little

That Council:

- 1) Notes that at its meeting of 31 October 2017 resolved to adopt the Domestic Animal Management Plan 2017 – 2021, which included the introduction of a*

night time cat curfew in addition to the delivery of an education program that highlights the benefits of keeping cats contained at night.

- 2) *Notes that at the 26th May 2020 meeting Council resolved to undertake further consultation with a particular focus on receiving feedback from cat owners*
- 3) *Notes that this consultation has been conducted, primarily by way of an on-line survey which found there is majority support for the introduction of night-time curfew, and notes the Cat Curfew Consultation Report found at Attachment One.*
- 4) *Resolves to make the Order requiring that cats be confined to the premises at which they are kept between sunrise and sunset, under the provisions of S25 (2) of the Domestic Animals Act 1994, and as set out in Attachment Two.*
- 5) *Notes that the Order requiring that cats be confined to the premises at which they are kept between sunrise and sunset or 7pm whichever is the latter, takes effect on 10 April 2021 being the date that cat registrations are due to be renewed.*
- 6) *Notes that a community education and information campaign will be delivered to inform the community on the introduction of the cat curfew and what is required.*

CARRIED

DIVISION

A division was called.

For: Crs James, Little, Paterson, Tsoi, Saloumi, Fergeus

Against: Crs Lake, Klisaris, McCluskey, Zographos

1.8 Suburban Rail Loop Update & Mixed Use Multi-Level Car Park, Montclair Avenue, Glen Waverley

Moved Cr Little,

Seconded Cr Tsoi

That Council:

1. *Notes that the Suburban Rail Loop Authority (SRLA) has not announced the preferred location for its stations in the Clayton/Glen Waverley Activity Centres, nor the Monash University area.*
2. *Notes that that the investigative works by the SRLA to identify the preferred locations for all its stations in Monash including the Glen Waverley Activity Centre (GWAC) is progressing.*

3. *Notes that the State Government's Strategic Assessment for the Suburban Rail Loop project is based on overall precinct integration, urban renewal opportunities, value capture and generally encouraging growth in activity centres.*
4. *Notes that Council officers will continue with preliminary discussions with the SRLA regarding possible location options for the Suburban Rail Loop (SRL) station in the GWAC including identifying potential issues and opportunities for any location and present further updates to Council. And that Council continues to seek and expect meaningful participation as well as deliberative engagement on the project*
5. *Writes to The Hon. Jacinta Allen MP, Minister for Transport Infrastructure and the Minister for the Suburban Rail Loop and to the Acting CEO of the Suburban Rail Loop Authority, Tom Considine, to:*
 - a. *Again request that the State provide funding assistance to Council to:*
 - i. *assist Council is developing and co-ordinating its meaningful participation in the SRL project; and*
 - ii. *enable Council to undertake and coordinate the planning for urban areas and activity centres at and immediately around the proposed station locations.*
6. *Notes that in relation to Project 2019147 – Principal Consultancy Services - Detailed design for a mixed-use multi-level car park, 31-39 Montclair Avenue, Glen Waverley, that a letter of suspension was sent to the Consultant – Warren & Mahoney Architects Pty Ltd on 03 April 2020.*
7. *Due to resolutions 2 & 4 above, Council agrees that Project 2019147 – Principal Consultancy Services - Detailed design for a mixed-use multi-level car park, 31-39 Montclair Avenue, Glen Waverley will be further suspended and that Council will reconsider project in light of any progress with the SRLA no later than the April 2021 ordinary Council meeting, or earlier should any announcements be made on the preferred location of the SRL station in Glen Waverley.*
8. *Writes to the Consultant – Warren & Mahoney Architects Pty Ltd to extend the suspension of the Contract to April 2021.*
9. *Direct offers to write to key stakeholders providing a further update on the project and prepare a media release regarding the same.*

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Monash Playground and Playspace Strategy 2020

Moved Cr James,

Seconded Cr McCluskey

That Council:

1. *Note the submissions received in response to the public exhibition of and recommended changes to the draft Strategy as detailed in Attachment 1; and*
2. *Endorse the Monash Playground and Playspace Strategy 2020 (Attachment 2).*

CARRIED

2.2 Monash Tennis Plan

Moved Cr McCluskey,

Seconded Cr Little

That Council endorses the release of the draft Monash Tennis Plan for the purposes of community consultation.

CARRIED

2.3 Draft Active Monash Sports Club Framework

Moved Cr McCluskey,

Seconded Cr James

That Council:

- 1. Note the submissions received in response to the public exhibition of the draft Active Monash Sports Club Framework and the amendments made in response to the feedback; and,*
- 2. Endorse the Active Monash Sports Club Framework and its introduction from 1 April 2022.*

CARRIED

2.4 Waverley Women's Sports Centre Precinct Plan

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council:

- 1. Approve the draft Waverley Women's Sport's Centre Precinct Plan (Attachment A) for public exhibition on Council's website and invite community feedback via written submissions.*
- 2. Note that following the public exhibition period of the draft Waverley Women's Sport's Centre Precinct Plan, the Precinct Plan will be revised where necessary, and a final Precinct Plan subsequently presented to Council for consideration.*

CARRIED

2.5 Monash Loneliness Framework 2020 – 2025

Moved Cr Fergeus,

Seconded Cr Tsoi

That Council endorses the Monash Loneliness Framework 2020 – 2025.

CARRIED

2.6 Joint Submission - Federal Inquiry Into Homelessness In Australia, Parliament of Australia

Moved Cr Fergeus,

Seconded Cr Paterson

That Council endorses the joint submission to the Federal Inquiry into Homelessness in Australia prepared by the Regional Local Government Charter Homelessness & Social Housing Group.

CARRIED

DIVISION

A division was called:

For: Crs James, Fergeus, Klisaris, Little, Lake, McCluskey, Paterson, Tsoi, Saloumi

Against: Cr Zographos

2.7 2020/21 Monash Quick Response Grants

Moved Cr McCluskey,

Seconded Cr Paterson

That Council notes the successful applications to the Quick Response Grant program for the period 1 July – 12 August 2020 to a total of \$17,600.

CARRIED

3. CORPORATE SERVICES

3.1 Consultancy Report

Moved Cr Tsoi,

Seconded Cr James

That Council notes the attached summary of completed and current Consultancy engagements for the period ending 30 June 2020.

CARRIED

3.2 Insurance Portfolio Renewal 2020/2021

Moved Cr Paterson,

Seconded Cr Klisaris

That Council notes this report.

CARRIED

3.3 2019/2020 Financial & Performance Statements

Moved Cr Paterson,

Seconded Cr Klisaris

That Council:

- 1. notes the draft City of Monash 2019/2020 Annual Financial Statements and Performance Statement (the Statements) prepared in Accordance with the Local Government Act 1989;*
- 2. notes the 11 August 2020 recommendation of Council's Audit & Risk Committee in relation to the Statements;*
- 3. adopts the Statements "in principle" prior to them being provided to the Victorian Auditor-General's Office for audit sign off;*
- 4. nominates Audit & Risk Committee members Councillors Stuart James and Geoff Lake to certify the Statements in their final form; and*
- 5. authorises the nominated Councillors to accept any further recommended changes to the Statements by the Victorian Auditor-General's Office.*

CARRIED

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Paterson

That Item 7.4 be dealt with as the next item on the meeting agenda.

CARRIED

7.4 Report on Submissions for the Draft Budget 2020/2021

Moved Cr Tsoi,

Seconded Cr Klisaris

That Council:

1. *receives the report from the S223 Committee of Council (the Committee) on the submissions received for the proposed Budget 2020/21 (the Committee Report); and*
2. *having considered the Committee Report, endorses the recommendations of the Committee:*
 - a. *no other changes be made to the proposed 2020/21 Annual Budget resulting from the submissions; and*
each submitter to the proposed 2020/21 Budget, be thanked for their submission to the Budget development process and be advised of the outcome of the reports to adopt the Budget, in writing.

CARRIED

3.4 Proposed Annual Budget 2020/21 Incorporating The Strategic Resource Plan

Moved Cr James,

Seconded Cr Zographos

That Council:

1. *adopts the 2020/21 Annual Budget in accordance with Section 130 of the Local Government Act 1989 (Act) in the same form as the proposed 2020/21 Annual Budget of which Council gave public notice (with two additions as outlined in this report);*
2. *applies differential rating using Capital Improved Value (CIV) as the basis of valuation to all rateable land to raise rates by 2.0% in 2020/21 and the estimated amount it intends to raise by way of General Rate income is \$128,955,822, comprising:*
 - a) *an amount of \$127,587,000 which is intended to be raised by the General Rates;*
 - b) *an amount of \$257,822 in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963; and*
 - c) *supplementary rate income growth (estimated \$1,111,000);*
3. *recognising that ratepayers receiving pensions should be given assistance to remain in their homes, maintains the Council funded \$50 rate rebate to assist eligible pensioners with their Council rates;*
4. *does not intend to have a municipal charge;*
5. *applies a service charge under Section 162 of the Act, Recycling & Waste Charge of \$27 per rateable property (Net income \$1,899,000); and also provide a \$27 waiver under Section 171 of the Act for eligible pensioners towards the Recycling & Waste Charge. (estimated cost \$310,000);*

6. *in recognition of the adverse impacts of COVID-19 across the whole municipality, and to promote short term economic viability, applies a 10% waiver under Section 171(1)(b) of the Act to all rateable properties on the 2020/21 declared rate as at 1 July 2020, noting that this is a gesture of support from us to our community who are hurting, including businesses and vulnerable ratepayers, many who now are without jobs; (estimated \$12,759,000);*
7. *notes that there being no change in the valuation system, Section 161(2)(iii) of the Act does not apply;*
8. *notes that the rates will raised by the application of Differential Rates:*
 - a) *the General Residential Rate of 0.00151350 cents in the dollar applied to the Capital Improved Value (CIV) of all residential rateable land; and*
 - b) *the General Non-Residential Rate of 0.00174115 cents in the dollar applied to the Capital Improved Value (CIV) of all non-residential rateable land;*
9. *notes that the declaration of the General Residential Rate and General Non-Residential Rate will contribute to the equitable and efficient carrying out of its functions on the basis that the Rates will be applied to all rateable properties;*
10. *notes that the Rates will be separately levied in respect of each portion of rateable land for which Council has a separate valuation (unless Council has determined a charge in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963);*
11. *provides a concession of 60% of the relevant rate for qualifying properties in accordance with the Cultural and Recreational Lands Act 1963 (CRLA);*
12. *in accordance with Section 167 of the Act, declares the rates and charges must be paid:*
 - a) *in a lump sum on or before 15 February 2021; or*
 - b) *by 4 instalments on or before:*
 - * 16 October 2020*
 - * 16 December 2020*
 - * 1 March 2021*
 - * 31 May 2021; or*
 - c) *by 9 instalments (direct debit only) on or before*
 - * 16 October 2020*
 - * 16 November 2020*
 - * 16 December 2020*
 - * 18 January 2021*
 - * 16 February 2021*
 - * 16 March 2021*
 - * 16 April 2021*
 - * 18 May 2021*
 - * 16 June 2021*
13. *will apply interest to overdue rates and charges payments in accordance with Section 172 of the Act, noting that the rate of the interest which is payable on*

the rates and charges which have not been paid by the dates specified, is fixed in accordance with Section 2 of the Penalty Interest Rates Act 1983;

- 14. notes that any Ratepayer impacted by COVID-19 and experiencing hardship and difficulty with paying rates and/or other charges may, upon experiencing any continuing difficulty in meeting payment of rates in 2020/21, make application and be eligible for assistance by way of a rates payment deferral until 30 June 2021, without any penalty interest being charged;*
- 15. allows for overdue non-instalment payers, an additional 21 days from the 14 February to pay any overdue rates, before the application of the interest referred to in part 13 of this resolution; and*
- 16. give public notice of its decision to adopt the 2020/21 Annual Budget in accordance with the Act.*

CARRIED

4. INFRASTRUCTURE

4.1 Fast Tracking Council' Response To Climate Change

Moved Cr Fergeus,

Seconded Cr James

That Council:

- 1. Endorses the Zero Net Carbon Action Plan as a framework to guide council to be carbon neutral by 2025.*
- 2. Notes that the Action Plan will also provide leadership for the Monash community and businesses to reduce emission across the whole municipality, working toward zero waste, increasing use of recycled materials, and enhancing our green spaces and tree canopy.*
- 3. Refers to the 2021/2022 budget process development of a business case for to fund the key actions including the use of energy performance contracts or similar to guarantee savings where applicable and support for 1.8 FTE to support action delivery.*

CARRIED

4.2 Tender For Cleaning Services For Council Facilities and Properties

Moved Cr Paterson,

Seconded Cr Tsoi

That Council:

- 1. Awards the tender from Alpha Corporate Property Services for the following categories for Cleaning Services for Council Facilities and Properties, Contract No. 2020047:*
 - Group 1. Major Facilities, for a fixed Annual Lump Sum of \$1,549,089.80 (subject to annual CPI adjustment) with an extra \$44,000 per annum for Contingencies;*

-
- for a combined estimated total contract value of \$ 12,206,990 inclusive of all available extension options (assuming 3% CPI);*
- *Group 2. Clayton Community Hub, for a fixed Annual Lump Sum of \$187,267.80 (subject to annual CPI adjustment) with an extra \$10,500 per annum for Contingencies, for a combined estimated total contract value of \$ \$1,515,388 inclusive of all available extension options (assuming 3% CPI)*
2. *Awards the tender from Storm International from Council Facilities and Properties, Contract No. 2020047 Cleaning Services:*
- *Group 3. Cleaning Public Conveniences and BBQ's for a fixed Annual Lump Sum of \$ 168,141.60 (subject to annual CPI adjustment) with an extra \$28,000 per annum for Contingencies, for a combined estimated total contract value of \$1,502,927 inclusive of all available extension options (assuming 3% CPI)*
3. *Awards the tender from OITA Facility Management PTY LTD for the following categories from Council Facilities and Properties, Contract No. 2020047:*
- *Group 4. Sanitary Services, for a fixed Lump Sum of \$84,180.60 (subject to annual CPI adjustment) with an extra \$5,500 per annum for Contingencies, for a combined estimated total contract value of \$687,174 inclusive of all available extension options (assuming 3% CPI)*
4. *Authorises the Chief Executive Officer to execute the contract agreement;*
5. *Notes that the:-*
- a. *Services contained in Groups 1 Major Facilities and Group 2 Clayton Community Hub contract will commence progressively for September 1, 2020 through to 1 December 2020 and the expected latest completion date is November 30, 2027;*
 - b. *Group 3 Cleaning Public Conveniences and BBQ's contract will commence on 1 October 2020 and the expected latest completion date is November 30, 2027;*
 - c. *Group 4 Sanitary Services contract will commence on 1 November 2020 and the expected completion latest date is November 30, 2027;*
6. *Notes that the total allocated budget for year one available for this contract including the fixed Lump Sum and contingencies is \$1,890,301 exc GST*

*(*Please note that all dollar figures are GST inclusive unless stated otherwise)*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Advisory Committees' Meetings Records and Councillors' Meetings Records

Moved Cr Paterson,

Seconded Cr Tsoi

That Council notes the Advisory Committees meetings records and records of meetings of Councillors.

CARRIED

5.2 Review of Delegations to the Chief Executive Officer and Council Staff

Moved Cr Paterson,

Seconded Cr Tsoi

In the exercise of the powers conferred by s11(1) of the Local Government Act 2020 (the Act) and any other Acts conferring a power of delegation on it, Council resolves that –

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer (at Attachment 1 to this Report), subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.*
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.*
- 4. 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 Council that it may from time to time adopt, unless otherwise provided by the Instrument.*
- 5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with the Act.*

AND

- 6. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff (at Attachment 2 to this Report), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.*
- 7. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 8. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- 9. 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 Council that it may from time to time adopt.*

AND

- 10. There be delegated to Andi Diamond and to Peter Panagakos, the power to execute any document relating to the acquisition of land or the disposal of Council owned land, as set out in the attached Instrument (at Attachments 3a and 3b).*
- 11. The instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 12. On the coming into force of the Instrument, the previous delegations to Andi Diamond and to Peter Panagakos regarding the power to execute any document relating to the acquisition of land or the disposal of Council owned land are revoked.*

CARRIED

5.3 Councillors' Attendance At Conferences - Policy on Reporting Back to Council

Moved Cr McCluskey,

Seconded Cr Fergeus

That The Councillors' Attendance At Conferences - Policy On Reporting Back To Council be adopted.

CARRIED

5.4 Monash Community Engagement Policy

Moved Cr Paterson,

Seconded Cr Tsoi

That Council adopts the Monash Community Engagement Policy 2020 as an interim policy subject to review in August 2021.

CARRIED

6. NOTICES OF MOTION

6.1 Improving Transparency – Developer Contact

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council:

- 1. Re-affirms its commitment to the highest levels of transparency.*
- 2. Directs Officers to provide advice to Council on the development of a policy addressing Councillor contact with developers.*
- 3. Requests that in developing this advice, Officers take into consideration the success or otherwise of the approaches taken by the City of Bayswater, City of Adelaide, City of Vincent, Town of Bassendean, City of Rockhampton, and other Councils which have implemented such a policy.*
- 4. That this advice is presented by the February 2021 meeting of Council.*

LOST

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs James, Klisaris, Lake, Little, McCluskey, Paterson, Tsoi, Zographos

6.2 Climate Emergency

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council agrees that we are facing a climate emergency and that urgent action is required by all levels of government.

In the process of Cr Lake making his contribution on this item, a Point of Order was raised.

POINT OF ORDER

A point of order was raised by Cr Fergeus, that the contribution that Cr Lake was making was irrelevant to the matter before Council.

The Chairperson did not uphold the Point of Order and Cr Lake continued with his contribution.

LOST

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs James, Klisaris, Lake, Little, McCluskey, Paterson, Tsoi, Zographos

7. COMMITTEE REPORTS

7.1 Adoption of Draft Governance Rules Including the Election Period Policy

Moved Cr Little,

Seconded Cr Tsoi

That:

- 1. The Council adopts the recommendations of the Committee comprising all Councillors, appointed to consider public submissions received on the draft Governance Rules, including the Election Period Policy, to adopt the draft Governance Rules, incorporating the Election Period Policy, as attached to this report.*
- 2. The adopted Governance Rules, incorporating the Election Period Policy, be made publicly available on Council's website and provided to each Councillor.*

CARRIED

7.2 Proposed Lease of Part of the Oakleigh Recreation Centre, 2A Park Road Oakleigh to Waverley Gymnastics Centre Inc.

Moved Cr Klisaris,

Seconded Cr Paterson

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease part of the Oakleigh Recreation Centre, 2A Park Road Oakleigh (as shown in the lease premises plan in attachment 1 to this report), to Waverley Gymnastics Centre Inc (WGC).*
- 2. Notes the S.223 Committee met on Tuesday 11 August 2020 to hear and consider submissions received in respect of the proposal.*
 - a) Further notes that no submissions were received in respect of the proposal.*
- 3. Accepts the Committee's recommendation to grant a lease for part of Oakleigh Recreation Centre, 2A Park Road Oakleigh to WGC.*
- 4. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document, including the necessary approvals from the Minister's Delegate on behalf of the Crown;*
- 5. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for part Oakleigh Recreation Centre, 2A Park Road Oakleigh to WGC.*

CARRIED

7.3 Annual Internal Audit Plan 2020 to 2021

Moved Cr Klisaris,

Seconded Cr Paterson

That Council approves the Internal Audit Plan for 2020/21.

CARRIED

7.4 Report on Submissions for the Draft Budget 2020/2021

This item was dealt with earlier on the agenda.

8. URGENT BUSINESS

Moved Cr Zographos,

Seconded Cr Paterson

That the matter of the support for the Buy Local campaign by Small Business Australia be admitted as an item of Urgent Business.

CARRIED

8.1 'Buy Local' Campaign

Moved Cr Zographos,

Seconded Cr Paterson

That Council:

- 1. Supports the Buy Local campaign being delivered by Small Business Australia.*
- 2. Encourages our community to like and share the campaign.*
- 3. Engages with our advisory committees and community groups to let them know about the campaign and encourage them to get involved.*
- 4. Shares the campaign with MAV, VLGA, SEM and ERG and encourages other councils to get involved.*

CARRIED

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Paterson

That Council move into Confidential Business for the purpose of considering a matter to be submitted as an item of Urgent Business

CARRIED

The Council moved into Confidential Business at 9.12 pm to consider this matter and returned to Open Council at 10.22 pm.

9. CONFIDENTIAL BUSINESS

Moved Cr Tsoi,

Seconded Cr James

That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to:

Close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificates.

CARRIED

The meeting moved into Confidential Business at 10.23 pm and returned to Open Council at 10.35 pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

- 11.1** Cr Zographos noted the recent resignation from Council of Robert Davies and thanked him for his term in office as a Councillor for Mulgrave Ward, his service to the community, his passion and hard work. Cr Zographos said that former Cr Davies would be missed on this Council.
- 11.2** Cr Tsoi thanked former Cr Robert Davies for his service to the Monash community and to the Council.

The Mayor declared the meeting closed 10.37 pm

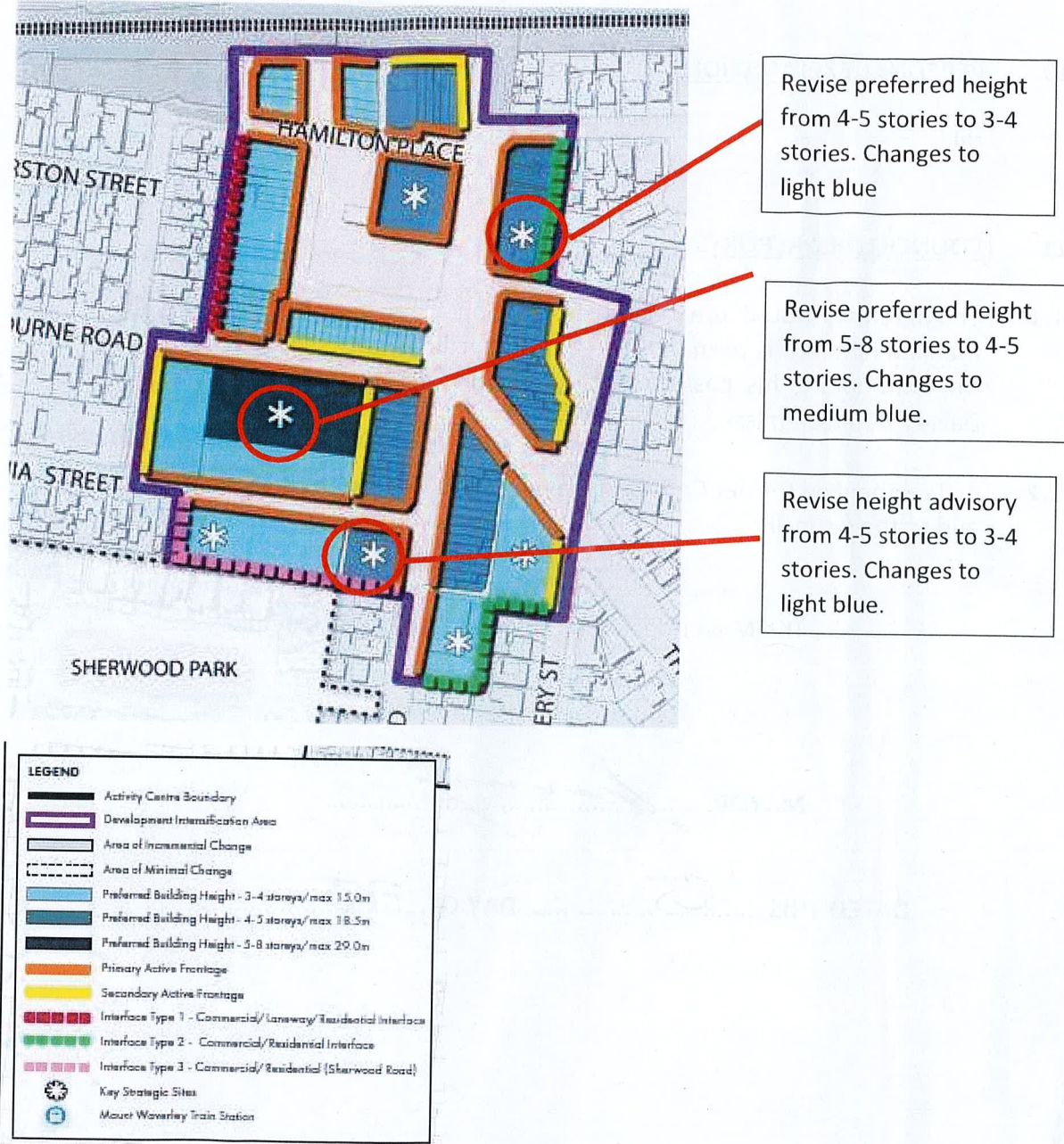
MAYOR:

DATED THIS 25 DAY OF FEB 2020 e

Proposed Amendment to Item 1.1 Mount Waverley Draft Structure Plan

Brian Little, Rebecca Paterson

This amendment proposes to change the preferred building heights in three areas. The changes are summarised in the following diagram which is part of Figure 9 in Attachment 3, page 43 under the title "Direction 6. Built Form Plan".



Change 1. Northern part of Virginia St / Winbourne Road car park: reduce preferred height from the current preferred heights of 5-8 stories (max 29m) to 4-5 stories (18.5m). Changes to medium blue colour on the map.

Change 2. Eastern part of car park south of Virginia St bordering Stephenson's Rd: reduce preferred height from the current preferred height of 4-5 stories (max 18.5m) to 3-4 stories (max 15.0m). Changes to light blue on the map.

Change 3. Area to East of Stephenson's Rd and South of Amber Grove, North of Waimarie Drive: reduce preferred heights from the current preferred height of 4-5 stories (max 18.5m) to 3-4 stories (max 15.0m). Changes to light blue on the map.

Note that LEGEND going forward would not need the dark blue designation.

Reasons for the proposed changes:

1. Community Consultation clearly demonstrated that preferred building heights in the draft Structure plan created a great deal of discomfort in the Mount Waverley community. This is reflected in Item 1.1 in a number of places including the following:

Section 1.1 page 4

What did people not support? ○ The proposed building heights, especially the 5-8 storeys on two sites. This was considered to undermine the village feel of the centre and create more of an urban feel.

- The potential development of the southern car park, stating excessive heights (compared to Glen Waverley), loss of public land, loss of sense of openness / and trees, loss of car parking supply

In summary, the main issues were:

1. Proposed building heights of up to 8 storeys undermining the village feel
2. Redevelopment of the southern car park and loss of car parking and sense of openness

Section 1a page 22

What did people not support?	• The proposed building heights, especially the 5-8 storeys on two sites. This was considered to undermine the village feel of the centre and create more of an urban feel.
	• Building heights that exceed predominant heights already (2 storeys)
	• Building heights exceeding 5 storeys
	• The potential development of the southern car park, stating excessive heights (compared to Glen Waverley), loss of public land, loss of sense of openness / and trees, loss of car parking supply
	• Building of any multi-deck car parks

Section 1.1a Page 26

Issue #1: Proposed building heights

Outline:

- 33 submissions
- Submitters were concerned that the proposed heights may undermine the vision for the centre and the existing “village feel” by being too high. This includes the proposed heights for the southern (Virginia Street) car park owned by Council and the RitchiesSupalGA supermarket site in Hamilton Place both of which had a proposed preferred height of 5-8 storeys.

2. We feel that some of the preferred heights are not compatible with the priority aim stated in the structure plan to maintain the village feel of Mount Waverley. This is captured in numerous places in the structure plan including the following:

Section 1.1 page 7

The overarching theme of the draft Structure Plan is to create a place for people that encourages development that respects and promotes the village feel of the centre.

Section 1.1 page 3

Direction 6 – Strengthen the village’s sense of place

Providing high quality architecture with active frontages to public spaces, commissioning public art and allowing spaces for community markets and events. Set out a range of building heights to encourage redevelopment **but at a village scale and no greater than 5 storeys in the key commercial areas and lesser in the surrounding residential and commercial precincts.**

3. Particular changes:

Change 1. Northern part of Virginia St / Winbourne Road car park. This is very close to Hamilton Square and virtually connecting to Hamilton Place – an eight storey building here would overshadow the square and be clearly visible to anyone shopping in the area. It is not compatible with a village feel. Reducing the maximum height to 5 stories will still allow a significant level of development but without an overbearing presence.

Change 2. Eastern part of car park south of Virginia St bordering Stephenson's Rd: as the rest of this area has been reduced to 3-4 stories it makes little sense to have a relatively small area at a different height. A maximum four stories here still allows significant development potential without creating some confusion as to what the development of the whole block might entail.

Change 3. Area to East of Stephenson's Rd and South of Amber Grove, North of Waimarie Drive: this area interfaces directly to the residential area to the East, which is characterised by one and two storey buildings. A five storey building here would be overbearing. A maximum four stories would still allow significant development and with suitable setbacks at levels three and four would be able to have a relatively soft interface to the residential area.

Conclusion

The changes proposed here are compatible with the stated primary aim of the Structure plan, in particular to maintain the village feel, but will still allow a significant amount of development potential.