



**CITY OF  
MONASH**

**MINUTES OF THE MEETING OF  
COUNCIL  
HELD ON 25 MAY 2021**

**at 7.00 pm**

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

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**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 25 MAY 2021 AT 7.00 PM.**

**PRESENT**

Councillors B Little (Mayor), S McCluskey (Deputy Mayor), A de Silva, J Fergeus, S James, P Klisaris, G Lake, N Luo, R Paterson, T Samardzija, T Zographos

**APOLOGIES**

Nil.

**DISCLOSURES OF CONFLICT OF INTEREST**

Cr Klisaris – Item 1.6.

Cr Fergeus – Item 1.1

Cr de Silva – Item 1.1

**CONFIRMATION OF MINUTES OF THE MEETINGS OF COUNCIL HELD ON 27 APRIL 2021**

Moved Cr Zographos

Seconded Cr McCluskey

*That the minutes of the Meeting of Council held on 27 April 2021, be taken as read and confirmed.*

**CARRIED**

**RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS**

Nil

**PUBLIC QUESTION TIME**

The Mayor advised that 3 question had been received.

**OFFICERS' REPORTS**

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**1. CITY DEVELOPMENT**

**1.1 Town Planning Schedules**

Note: Cr Fergeus and Cr de Silva each disclosed an item of General Interest in this item. They each left the meeting prior to commencement of discussion on it and returned after completion of the vote by Council.

Moved Cr McCluskey

Seconded Cr Luo

*That the report containing the Town Planning Schedules be noted.*

**CARRIED**

**1.2 409 Clayton Road, Clayton –Construction of A Seventeen (17) Storey Mixed Use Building Including A Reduction In the Applicable Car Parking Requirement**

Moved Cr Zographos

Seconded Cr Fergeus

*That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/52295) for the use of land for accommodation, buildings and works associated with the construction of a multi-storey mixed use building, reduction of the car parking requirement and alteration of access to a road in a Road Zone Category 1, at 409 Clayton Road, Clayton subject to the following grounds:*

1. *The proposal is inconsistent with the objectives and requirements of the adopted Clayton Activity Centre Precinct Plan having regard to building height and scale, streetscape activation, and impacts to the public realm and adjoining properties.*
2. *The proposal will result in a poor urban design outcome.*
3. *The proposal will detrimentally impact on the streetscape of Clayton Road and Centre Road.*
4. *The proposal fails to achieve high quality design and architectural excellence.*
5. *The proposal has not been designed to allow for equitable development.*
6. *The proposed on site car parking and bicycle parking provision is not adequate.*
7. *The proposed apartments would have a poor level of internal amenity.*
8. *The proposal provides a lack of dwelling diversity in layout and size.*

**CARRIED**

**1.3 40-44 Wellington Road, Clayton – Construction of A Five Storey Residential Building For Student Accommodation and Associated Food and Drink Premises**

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Moved Cr McCluskey

Seconded Cr Klisaris

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***That Council resolves to issue a Planning Permit (TPA/52242) for the construction of a five storey residential building for the use of student accommodation and associated food and drink premises, alteration of access to a road in a Road Zone Category 1, at 40-44 Wellington Road, Clayton subject to the following conditions:***

***Amended Plans Required***

- 1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by One Design Office, Revision I and dated 24 February 2021 but modified to show:***
  - a) Location of a signalling system or similar that tells motorists prior to entering the site if there are no available parking spaces within the carpark;***
  - b) A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road;***
  - c) Notation to the street trees on Arnott Street near the proposed vehicle crossover to read 'trees to be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works until completion. The fence must extend out at least 3.5 metres from the tree base';***
  - d) The gas and water meter enclosures to be screened in the landscape setting; and***
  - e) An amended Landscape Plan prepared in accordance with Condition 4***

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

***Note: Concurrent with the endorsement of plans requested pursuant to this condition, a Landscape Plan, Waste Management Plan and Sustainable Management Plan is to be endorsed in accordance with Conditions 4, 5 and 6.***

***Layout not to be Altered***

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***

***Satisfactory Continuation***

- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***

***Landscape Plan***

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4. *Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan (Revision A) dated 25 February 2021, Prepared by John Patrick Landscape Architects Pty Ltd, except that the plan must be modified to show:*
- (a) The provision of a minimum of one canopy tree with mature height at least equal to the height of the roof of the proposed building, within the development;*
  - (b) The bicycle spaces south to the basement carpark entry in Arnott Street to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;*
  - (c) The detail of the proposed paving;*
  - (d) The location of external lighting (if any); and*
  - (e) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas, all to the satisfaction of the Responsible Authority.*

#### *Waste Management Plan*

5. *Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by WSP (Revision 2) dated 18 December 2020.*

*The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

#### *Sustainable Management Plan*

6. *Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Urban Digestor (Revision 2) Dated 2 March 2021.*

#### *Construction Management Plan*

7. *Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:*
- a) Hours for construction activity in accordance with any other condition of this permit;*
  - b) Appropriate measures to control noise, dust and water and sediment laden runoff;*

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- c) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - d) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
  - e) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;*
  - f) *A program for the cleaning and maintaining surrounding road surfaces;*
  - g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
  - h) *Measures to provide for public Safety and site security;*
  - i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
  - j) *A Traffic Management Plan showing truck routes to and from the site;*
  - k) *A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
  - l) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
  - m) *The provision of contact details of key construction site staff; and*
  - n) *Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:*
    - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
    - *Saturday – 9.00am to 1.00pm;*
    - *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)*
    - *No works are permitted on Sundays or Public Holidays.*

*The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.*

### **S173 Agreement**

8. *Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
  - a) *That each of the rooms are used for a single student only and no more than 130 occupants can reside at any given time.*

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- b) That no person may reside in the building unless that person is a bona fide student or academic whether part time, full time, short term or resides there in a supervisory, management or caretaker capacity of the facility;*
  - c) Car parking spaces are only permitted to be used by the occupants of the units and their visitors;*
  - d) Car spaces must not be individually subdivided, on-sold, leased, rented or made available to any other person other than an owner, occupant or visitor of the premises;*
  - e) That residents of the units will be notified in writing as part of any lease or rental agreement that they will not be entitled to car parking permits for on street car parking;*
  - f) Clearly note and acknowledge that should the land cease to be used for student housing, a new planning permit may be required for an alternative use. It should be noted that any dispensation for on-site car parking given to the student accommodation use is not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the Monash Planning Scheme;*
  - g) That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use; and*
  - h) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 9 of this permit.*

*All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.*

#### ***Operational Management Plan***

- 9. Prior to the commencement of the student accommodation, an Operational Management Plan for the use of the site must be submitted to and approved by the Responsible Authority. The Plan should detail but not limited to:*
  - a) Student accommodation units managed and under the control of a single operator responsible for the operation and maintenance of the entire premises for the life of the use as student accommodation;*
  - b) The 24 hour contact details for the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible management contact person;*
  - c) After hours contact details for management of the facility;*
  - d) Appropriate management of the car park including access arrangements;*
  - e) Appropriate maintenance of buildings and grounds, including all landscaped areas;*
  - f) Permanent display of the Management Plan in a common area accessible to all residents of the student accommodation facility.*

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*When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority*

#### ***Car Parking***

10. *Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
  - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and*
  - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

*Parking areas and access lanes must be kept available for these purposes at all times.*

11. *The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- *Minimum requirements for car park dimensions to be in accordance with Table 2.*
  - *Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
12. *The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*

#### ***Landscaping and Tree Retention***

13. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained (including trees on the nature strip) during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
14. *All works (including demolition and excavation works) within the dripline of any tree to be retained (including trees on nature strip and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*



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15. *Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and there after maintained to the satisfaction of the Responsible Authority.*

*Drainage*

16. *The site must be drained to the satisfaction of the Responsible Authority.*

*Other*

17. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*

*Time for Starting and Completion*

18. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*

*(a) The development is not started before two (2) years from the date of issue.*

*(b) The development is not completed before four (4) years from the date of issue.*

*In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:*

*(i) within six (6) months afterwards if the development has not commenced; or*

*(ii) within twelve (12) months afterwards if the development has not been completed.*

*Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.*

**NOTES**

- A. *This is not a Building Permit. A Building Permit approval for the works must be obtained prior to the commencement of the approved works.*
- B. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
- C. *No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*
- D. *An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention system is to be separated from the storm water detention system for the property.*

- E. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.**
- F. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.**
- G. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.**
- H. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.**
- I. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.**
- J. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.**
- K. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.**
- L. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.**
- M. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.**
- N. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.**
- O. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.**
- P. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.**

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- Q. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.**

**Residents of the approved development will not be entitled to car parking permits for on street car parking.**

**CARRIED**

**1.4 254-294 Wellington Road, Mulgrave – Amendment To Permit Issued For Buildings and Works and Construction of A Staged Office Development**

Moved Cr Samardzjia

Seconded Cr McCluskey

***That Council resolves to Grant an Amended Planning Permit (TPA/47000/E) for buildings and works for the construction of a staged office development, use of part of the land for food and drink premises and child care centre, and alteration to a road in a Road Zone Category 1, at 276-294 Wellington Road and 1 Peters Avenue, Mulgrave subject to the following conditions:***

- 1. Before the development of Stages 2-6 starts, ~~three copies of~~, amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans ~~submitted with the application prepared by Rothelowman Architects dated 11 March 2021~~, but modified to show:***
  - a) The accessible parking spaces ~~should~~ be designed to ensure that the space and its associated shared area are free from other than transitory obstructions at all times, i.e. no columns between the accessible space and its associated shared area. ~~It is noted that four of the spaces on Level 00 appear to be affected.~~***
  - b) That layout of car parking areas designed generally in accordance with the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:***
    - Car parking space dimensions.***
    - Tandem parking spaces (other than designated small car spaces) provided with an additional 500mm in length must be provided between each space.***
    - Accessway width.***
    - Clearance to car parking spaces.***
  - c) ~~Clearance/circulation space to the car parking space south of the Building 4, Level 00 Future in accordance with 52.06-9, Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.~~***
  - d) Bicycle parking provision and facilities to be clearly identified to comply with Clause 52.34-5.***
  - e) The Staging Plan to include the vehicle crossover and access road to Building 2, 3 and 4 within the Wellington Road frontage into Stage 2.***
  - f) The use of the ground floor Tenancy within Building 2 to be clearly identified.***
  - g) A Tree Management Plan as required by Condition 10 of this Permit.***

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- h) A Landscape Concept Plan as required by Condition 11 of this Permit.**  
***All to the satisfaction of the Responsible Authority.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
  - 3. Once any stage of the approved the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
  - 4. The amenity of the area must not be detrimentally affected by the use or development, through the:***
    - (a) Transport of materials, goods or commodities to or from the land;***
    - (b) Appearance of any building, works or materials;***
    - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
    - (d) Presence of vermin.***
  - 5. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.***
  - 6. No goods must be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.***
  - 7. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.***
  - 8. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.***
  - 9. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.***
  - 10. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 28, 29, 32 and 33 (as identified in the Arborist Report prepared by Arbkey dated 27 January 2021).***
    - a) A Tree Protection Plan drawn to scale that shows:***
      - i. Tree protection zones and structural root zones of all trees to be retained,***
      - ii. All tree protection fenced off areas and areas where ground protection systems will be used;***

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iii. The type of footings within any tree protection zones;

iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and

v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.

b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.

c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and

d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

**11. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape concept plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Tract Consultants dated September 2020, except that the plan must show:**

- a) Additional canopy tree and low level planting within the Wellington Road frontage of the site;
- b) Low level planting within the Wellington Road frontage of the site adjacent to the Heritage Building; and

**12. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works associated with each stage. The plan must be generally in accordance with the endorsed Landscape Concept Plan and show the proposed landscape treatment of the site including:-**

- *the location of all existing trees and other vegetation to be retained on site*
- *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
- *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
- *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
- *the location and details of all fencing*

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- *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
  - *details of all proposed hard surface materials including pathways and patio areas.*
  - *Any items*

*When approved the plan will be endorsed and will then form part of the permit.*

- 13. Before the occupation of the buildings of each stage allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 14. Before the development of each stage starts, a Sustainable Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the Masterplan Sustainability Management Plan prepared by Sustainable Development Consultants dated September 2020.*
- 15. All existing vegetation shown on the endorsed plans to be retained must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
- 16. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.*
- 17. All works within five (5) metres of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
- 18. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.*
- 19. No vehicle shall park under the canopy line of any tree to be retained.*
- 20. Before the commencement of each stage of the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
  - a) measures to control noise, dust and water runoff;*
  - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - c) the location of where building materials are to be kept during construction;*
  - d) site security;*

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- e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
  - f) *on-site parking of vehicles associated with construction of the development;*
  - g) *wash down areas for trucks and vehicles associated with construction activities;*
  - h) *cleaning and maintaining surrounding road surfaces;*
  - i) *a requirement that construction works must only be carried out during the following hours:*
    - *Monday to Friday (inclusive) — 7.00am to 6.00pm;*
    - *Saturday — 7.00am to 1.00pm;*
    - *Saturday — 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*
- 21. Before the commencement of each stage of the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.**
- The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.*
- The nominated point of discharge is the south-west corner of the property where the entire sites stormwater must be collected and free drained via a pipe to the 525 mm Council drain on the western boundary of 254-294 Wellington Road via 675mm drains, and 900x600mm junction pits in the easement from the western boundary, which are to be constructed to Council Standards.*
- If the point of discharge cannot be located then notify Council's Engineering Division immediately.*
- 22. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:**
- a) *trench grates (150mm minimum internal width) located within the property; and/or*
  - b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
  - c) *another Council approved equivalent.*
- 23. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing. Please refer to the notes section of this permit for additional details.**
- 24. Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.**
- 25. Before the use ~~and development~~ permitted starts for each stage, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:**

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- a) *constructed to the satisfaction of the Responsible Authority;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
  - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
  - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

*Parking areas and access lanes must be kept available for these purposes at all times.*

- ~~26. *No less than 3.0 car spaces per 100m<sup>2</sup> of net leasable office floor or a must be provided on the land for the office component of the development. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement to the satisfaction of the Responsible Authority. Deleted*~~
- ~~27. *No less than 7 car spaces must be provided on the land for each cafe/food and drink tenancy and allocated for staff car parking. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement. Deleted*~~
28. *Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.*
29. *The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for staff of ancillary uses and provision of visitor car parking within public realm areas. It shall ensure the following minimum staff parking provisions for each land use:*
  - 3 car spaces per 100 square metres of office floor area*
  - 1 car space per 100 square metres of cafe/food and drink floor area*
  - 0.11 car spaces per child for the child care centre.*
30. *The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.*
31. *Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.*
32. *No more than 150 patrons are permitted within each cafe/food and drink tenancy at any single time.*
33. *No more than 120 children in care may be present on the subject land without the further written consent of the Responsible Authority.*



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- 34. The loading and unloading of goods from vehicles must only be carried out on the land.**
- 35. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06 8 of the Monash Planning Scheme as detailed below:**
- All driveway gradients to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
  - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
    - i. Maximum grade of 1 in 4.
    - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
  - Minimum requirements for car park dimensions to be in accordance with Table 2. Where two spaces are located in tandem and a 500mm separation cannot be provided between 4.9m long car spaces, these spaces must be clearly marked for 'small vehicles'.
  - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
- 36. The accessible parking spaces should generally be designed (other than length of space which should be 4.9 metres) in accordance with the Australian Standard for Off Street Parking for people with disabilities, AS/NZS 2890.6. 30.**
- 37. Bicycle parking facilities shall be generally in accordance with the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.**
- 38. Prior to occupation of any stage of development forming part of this permit a Green Trave Plan must be submitted to and approved by the Responsible Authority.**
- The Green Travel Plan must provide for inclusion of sustainable travel initiatives to be made available to tenants and visitors associated with the development. Once approved the Sustainable Transport Strategy Plan will be endorsed to form part of this permit.*
- The endorsed Sustainable Transport Strategy Plan must be implemented to the satisfaction of the Responsible Authority.*
- Vic Roads conditions (ref: 20318/17)**
- 39. Prior to the commencement of works, the following must be submitted to and approved by VicRoads:**
- a) An amended Functional Layout Plan (FLP). The FLP must be generally in accordance with the Functional Layout Plan (Drawing No. 16M1236100-01, Issue P5 dated 3 February 2017 prepared by GTA Consultants) and amended to show:
    - i. A 3 metre wide Shared User Path along the Wellington Road frontage of the site.
    - ii. A 95 metre long left turn deceleration lane for vehicles entering the left-in left-out access midway along the Wellington Road frontage.

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- iii. *The removal of vegetation affected by the roadworks along Wellington Road, and the installation of any roadside barriers that may be required to protect the occupants of errant vehicles from collision with roadside hazards.*
- iv. *An amended property boundary, if so required, such that any roadworks pursuant to the FLP, are wholly contained within the road reserve.*
- b) *The FLP must be accompanied by a functional stage Road Safety Audit (RSA), and amended as per the recommendations of the RSA.*
- c) *The FLP must be accompanied by appropriate swept path analysis, demonstrating how the largest reasonably anticipated design vehicle can perform the ingress and egress movements from Wellington Road to the land.*
- d) *A traffic signal layout plan.*
- 40. *Prior to the commencement of works, an amended ground floor plan must be submitted to and approved by VicRoads. Once approved by VicRoads, the plan may then be endorsed by the Responsible Authority and will form part of the permit. The ground floor plan must be generally in accordance with the advertised plan and amended in accordance with the approved Functional Layout Plan.***
- 41. *Prior to the commencement of the use:***
- a) *Detailed engineering design plans, together with detailed design stage road safety audit must be submitted to, and to the satisfaction of, VicRoads. The detailed design plans must be generally in accordance with the approved FLP and functional stage road safety audit.*
- b) *The road works, in accordance with the approved FLP and detailed design plans, must be constructed to the satisfaction of, and at no cost to, VicRoads.*
- c) *If so required, pursuant to Condition 29(a)(iv) a plan of subdivision must be submitted to, and approved by, VicRoads showing the vesting of that part of the land where any part of the approved road works, including the footpath, are proposed to be located. The land must be vested as ROAD to the Roads Corporation.*
- d) *If so required, pursuant to Condition 29(a)(iv) that part of the land must be vested as ROAD to the Roads Corporation at no cost to VicRoads.*
- e) *All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority, and at no cost to the Responsible Authority or Roads Corporation.*
- 42. *No work may be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.***
- Public Transport Victoria condition (File: FOL/17/1549, Ref: DOPT2017/0002)***
- 43. *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Wellington Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.***

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**44. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:**

- *The development and use are not started before 2 years from the date of issue.*
- *The development is not completed before 4 years from the date of issue.*

*In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

**NOTES-**

- A. *Building approval must be obtained prior to the commencement of the above approved works.***
- B. *Disabled access and car parking to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.***
- C. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.***
- D. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. 5. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.***
- E. *Detention system requirements for the property are as follows:***
  - *Minimum storage = 424.81 cubic metres*
  - *Maximum discharge rate = 360.51 litres per second*
  - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
- F. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council pits and these works are to be inspected by Council (tel. 9518 3690).***
- G. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details of the requirements to satisfy this requirement.***
- H. *Driveways are to be designed and constructed using appropriate engineering standards.***
- I. *Tree planting should be kept clear of the drainage easement.***
- J. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.***
- K. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.***

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**VicRoads Notes**

- L. The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.***
- M. Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.***

**CARRIED**

**1.5 Enhanced Outdoor Dining on Roads**

Moved Cr McCluskey

Seconded Cr Little

***That Council:***

- 1. Notes that enhanced outdoor dining opportunities on footpaths and roads were temporary measures funded by the State Government to be implemented over the 2020/21 summer period.***
- 2. Notes that State Government funding for enhanced outdoor dining must be expended by 30 June 2021 and that no further funding arrangements have been announced.***
- 3. Notes that enhanced outdoor dining opportunities have proved successful but that in some instances traders have elected to have trading areas on roads decommissioned and have reverted to indoor dining and/or footpath trading.***
- 4. Notes that whilst roadside dining has been popular with patrons and successful for hospitality traders, these arrangements were never envisaged to be long term. They were a temporary measure to assist the re-opening of hospitality businesses following periods of closure as reopening was subject to restrictions that significantly reduced the number of patrons that could be catered for indoors.***
- 5. Notes that the pandemic restrictions that currently affect hospitality traders have seen trading numbers returning close to pre restriction patron numbers.***
- 6. Notes that the 24 outdoor dining areas on roadsides that are in existence across the Municipality, are not utilised for the majority of time but are most popular on Thursday, Friday and Saturday nights. For this limited period of use, they occupy valuable parking spaces and given their temporary and ad hoc installation are having a detrimental impact on the amenity of the centres they are located in.***
- 7. Notes that the permits issued by Council for temporary enhanced dining are due to expire on 30 June 2021.***
- 8. Notes that officers continue to receive complaints from non-hospitality traders who express concern about the loss or parking opportunities for customers.***

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9. *Directs officers to commence the processes required to decommission outdoor dining areas that are on Council land other than footpaths by 31 August 2021. For the avoidance of doubt this means roads, carparks and reserves that are on Council land.*
  10. *Directs officers to commence the processes required to see marquees are removed from Council land including footpaths by 31 August 2021.*
  11. *Directs officers to write to all traders who will be impacted by the actions referred to in points 9 & 10 above to advise them of the processes that will see these areas decommissioned and marquees removed by 31 August 2021.*

AMENDMENT

Moved Cr James

Seconded Cr Klisaris

*That parts 9 to 11 be replaced with the following:*

9. *Directs officers to commence the processes required to decommission outdoor dining areas that are on Council land other than footpaths by 31 August 2021. For the avoidance of doubt this means roads, carparks and reserves that are on Council land, unless a trader makes application to continue trading on an enhanced outdoor trading area, including through the use of marquees . Any application will now be subject to the following fees and conditions:*
  - a. *That enhanced trading areas are subject to the following fees:*
    - i. *Fee per parking bay (2.4m x 5.4m) that forms any part of the trading area - \$3380 per annum or \$260 per m<sup>2</sup>, whichever is greater*
    - ii. *Fee per chair \$418.60 per annum*
    - iii. *Fee per plastic delineator \$15 per week*
    - iv. *Fee per concrete delineator - \$3 per week*
    - v. *Plastic delineator removal fee - \$1000 per site OR Concrete delineator removal fee - \$2550 per site (dependent on which is installed)*
    - vi. *Concrete delineator cleaning fee - \$500 per delineator*
  - b. *That the following conditions (in addition to any other standard conditions deemed necessary by officers) be placed on any permit issued:*
    - i. *The permit is valid upon receipt of the fees set out above.*
    - ii. *That any enhanced trading area, where that trading area encroaches upon the frontage of an adjacent building or business, will only be approved where the consent of neighbouring business has been obtained. Where consent is not able to be obtained, trading will only be allowed directly in front of the premises the subject of the application.*
    - iii. *The permit expires no later than the expiry of the enabling legislation (Planning Provision Clause 52.18 State of Emergency & Recovery*

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*Exemptions contained within the Monash Planning Scheme) or 30 June 2022, whichever is the sooner.*

- iv. The permit holder signs an acknowledgement that no further permits will be issued or entertained beyond the expiry date, and that the granting of this permit does not enable any claim to continuation of this area, or the further consideration of the area as a trading area, unless as otherwise may be agreed upon by Council.*
  - v. The permit will require that all available footpath trading areas are utilised to their maximum extent with tables and chairs (including payment of the requisite trading fees) before any additional enhanced area is considered and approved.*
  - vi. The number of chairs permitted in an enhanced trading area (and existing footpath trading area that must be utilised) shall be no less than the number of chairs required to accommodate patrons at a ratio of 1 patron per 2m<sup>2</sup>*
  - vii. Any enhanced trading area approved must be available to trade and be available for use at all times that the business is open for trade.*
- 10.** *Directs officers to commence the processes required to decommission outdoor dining areas, including the removal of all improvements and fixtures introduced by a trader, that are on Council land other than footpaths, but including marquees on footpaths, by 31 August 2021 in circumstances where a trader does not wish to continue trading in a roadside trading area or cannot comply with the permit conditions set out in point 9 of this resolution. For the avoidance of doubt this means roads, carparks and reserves that are on Council land.*
- 11.** *Directs officers to write to all traders who currently utilise an enhanced trading area advising of the resolution of Council and offering them the opportunity to apply for a permit to continue to utilise these areas (or as may otherwise be impacted by the requirements in recommendation 9) and further advise that where a permit is not applied for, or a permit is not granted, the area will be decommissioned as outlined in recommendation 10.*

**CARRIED**

As the amendment was declared carried, it formed part of the Substantive Motion.

**AMENDMENT**

Moved Cr Klisaris

Seconded Cr James

*That part 12 be added to the motion, as follows:*

- 12.** *Directs Council officers to strongly advocate immediately to the State Government for a 12 month extension of funding given recent events and changes to restrictions*

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*and asks the Mayor to write to local State MPs covering Monash, the State Treasurer and the Premier as a matter of urgency.*

As the amendment was accepted by the mover and seconder of the motion and by the Council it was incorporated into the motion.

#### SUBSTANTIVE MOTION

The Substantive Motion, as amended by the two amendments, was put to the vote and declared carried.

**CARRIED**

#### DIVISION

A Division was called.

For: Crs Klisaris, Paterson, Little, James, Lake, de Silva, Fergeus, Zographos, Samardzija, Luo

Against: Crs Cr McCluskey

### **1.6 Making of Smoke Free Areas Local Law & Revised Footpath Trading and Access Policy**

Moved Cr James

Seconded Cr Fergeus

Note: Cr Klisaris disclosed an item of General Interest in this item and left the meeting prior to commencement of discussion on it and returned after completion of the vote by Council.

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***That Council:  
Part A***

***1. Having:***

***1.1 completed the statutory process under Part 5 of the Local Government Act 1989 for the making of the proposed Smoke Free Areas Local Law (2021);***

***1.2 undertaken, and been satisfied with, the evaluation of the proposed Smoke Free Areas Local Law (2021), as set out in the Community Impact Statement attached to this Report; and***

***1.3 considered:***

***1.3.1 all submissions that were received in respect of the proposed Smoke Free Areas Local Law (2021); and***

***1.3.2 the report provided by the Committee of Council appointed to hear submitters in support of their submissions,***

***resolves to make the Smoke Free Areas Local Law (2021) in the form attached to this Report; and***

***2. Authorises the Chief Executive Officer to:***

***2.1 give public notice, and notice in the Victoria Government Gazette, of the making of the Smoke Free Areas Local Law (2021); and***

***2.2 send a copy of the Smoke Free Areas Local Law (2021), as made, to the Minister for Local Government.***

***3. Notes that at its meeting of 15 December 2020 Council noted an intention, subject to further community and stakeholder consultation, that should the new Local Law [Smoke Free Areas Local Law 2021] be made, Council will use the new Local Law to remove smoking in outdoor public spaces in its activity centres.***



4. *Directs officers to commence the process set out in the Smoke Free Areas Local Law 2021 to make Kingsway Glen Waverley and Eaton Mall in Oakleigh prescribed Smoke Free Areas under the provisions of the Local Law, being the busiest destinations in the municipality , noting that it is open to declare additional areas smoke free areas in the future.*
5. *Allocates \$30,000 for consultation and legal costs required to implement the recommendations in point 4 of this recommendation.*

**Part B**

1. *Notes that at its meeting of 15 December 2020 Council resolved to direct officers to review and update its Footpath Trading and Access Policy (the Policy), including amending the guidelines for assessment and determination, to clarify that Council, in making these public areas available for trade, requires that food must be made available for consumption at all times when these areas are in use. For the avoidance of doubt, this change would have the effect of requiring all outdoor dining areas to be smoke free and prevents a potential loophole following the adoption of a new Local Law whereby smoking is banned in all other public spaces in activity centres but is possible in outdoor dining areas which are designated as outdoor drinking areas.*
2. *Notes that at its meeting of 15 December 2020 Council, in reference to point 1 above, noted that, subject to community consultation and Council's further consideration, it is the current intention of Council that any changes will be implemented on 1 July 2021*
3. *Notes that the Revised Footpath Trading and Access Policy 2021 was released for public consultation on 18 February 2021 and that submissions closed on 22 March 2021.*
4. *Notes that there is significant community support for the changes introduced in the Revised Footpath Trading and Access Policy.*
5. *Resolves to adopt the Revised Footpath Trading and Access Policy 2021 in the form attached to this report with the commencement date being 1 July 2021.*

**CARRIED**

DIVISION

A Division was called.

For: Crs Little, Klisaris, Luo, McCluskey, Paterson, James, Lake, Fergeus, de Silva

Against: Crs Samardzjia, Zographos

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**1.7 Sale of 14-16 Atkinson Street, Chadstone**

Moved Cr Paterson

Seconded Cr Luo

*That Council:*

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to sell 14-16 Atkinson Street, Chadstone, Victoria, 3148 being lots 124-127 (inclusive) on Plan of Subdivision PS8883 and comprised in certificates of titles volume 5465 folio 880, volume 4995 folio 905, volume 6331 folio 163 and volume 7508 folio 033 (the Land) by public auction or private treaty.*

*(the Proposal).*

- 2. Notes the S.223 Committee met on Tuesday 11 May 2021 to hear and consider submissions received in respect of the Proposal and notes that there was one submission received.*

- 3. Accepts the Committee's recommendation to:*

*(1) Agree to proceed with the sale of 14-16 Atkinson Street, Chadstone being the land described in the Table below by public auction or private treaty:*

<i>Lot on PS8883</i>	<i>Certificate of Title</i>	
<i>124</i>	<i>Volume 5465</i>	<i>Folio 880</i>
<i>125</i>	<i>Volume 4995</i>	<i>Folio 905</i>
<i>126</i>	<i>Volume 6331</i>	<i>Folio 163</i>
<i>127</i>	<i>Volume 7508</i>	<i>Folio 033</i>

*(2) Direct officers to investigate the area for a suitable location to install a playground of similar size for the Chadstone community.*

- 4. Having complied with its obligations under S.223 of the Local Government Act 1989, authorises the Chief Executive Officer or her delegate to sign all documentation required to effect the sale of the Land.*

**CARRIED**

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**2. COMMUNITY SERVICES**

**2.1 Monash Tennis Plan**

Moved Cr McCluskey

Seconded Cr James

*That Council:*

- 1. Notes the consultation findings and submissions received in response to the public exhibition of the draft Monash Tennis Plan in Attachment 1.*
- 2. Endorses the Monash Tennis Plan (Attachment 2).*

**CARRIED**

**2.2 Monash Community Grants Program 2021/22**

Moved Cr James

Seconded Cr McCluskey

*That Council approves the in-principle allocation of the 2021/22 Monash Community Grants Program budget (\$2,572,837), subject to the adoption of Council's 2021/22 budget, in the following way:*

- a) Allocates a total of \$2,439,636.07 in financial and in-kind grant allocations to local community groups and organisations in line with the Monash Community Grants Program Policy & Guidelines; and*
- b) Quarantines \$110,000 for the continuation of the successful Quick Response Grant program and the one-off funding for a Community Resilience and Recovery Response Grant program to enable Council to continue assisting the community to respond to the COVID-normal environment in 2021/22.*

AMENDMENT

Moved Cr Paterson

Seconded Cr Klisaris

*That Council:*

- 1. Approves the in-principle allocation of the 2021/22 Monash Community Grants Program budget (\$2,572,837), subject to the adoption of Council's 2021/22 budget, in the following way:*

*2 add:*

- c) Allocates a total of \$2,448,062.25 in financial and in-kind grant allocations to local community groups and organisations in line with the Monash Community Grants Program Policy & Guidelines; and*
- d) Quarantines \$110,000 for the continuation of the successful Quick Response Grant program and the one-off funding for a Community Resilience and*

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*Recovery Response Grant program to enable Council to continue assisting the community to respond to the COVID-normal environment in 2021/22.*

- e) *Amends the following grant amounts, resulting in an increased financial and in-kind allocation of \$7487.11 to the following nominated community groups and organisations.*

<i>2122CS0032 Increase to full funding</i>	<i>1100.00</i>	<i>History Monash</i>
<i>2122CS0041 Increase to fund hall hire</i>	<i>2276.18</i>	<i>St Deminia</i>
<i>2122CE0025 Increase funding to \$5000</i>	<i>2600.00</i>	<i>Friends of Children</i>
<i>2122MF0004 Increase to full funding</i>	<i><u>2450.00</u></i>	<i>Coptics</i>
<i>Total</i>	<i>8426.18</i>	

- f) *Instructs officers to bring draft recommended guidelines and changes for 2022/23 Monash Community Grants to Councillors by September Strategy meeting, including recommendations regarding the following points:*
- i Investigation into asking groups with significant cash reserves (officers to make a recommendation as to what constitutes significant) for additional information (such as why they can't draw on reserves to fund this activity) to ensure funding is going to those who are most in need.*
  - ii Investigation into potential cost and benefits and issues with allowing groups undertaking fundraising (that can prove certain recommended percentage going to charity) to apply for hall hire only.*
  - iii Expanded definitions of faith-based activity and faith-based organisation to aid groups who are considering applying, as well as officers and councillors in making consistent recommendations and decisions. Examples of different organisations/activities to be provided to illustrate how the definitions apply.*

**CARRIED**

#### SUBSTANTIVE MOTION

The motion as amended became the Substantive Motion and was put to the vote. It was declared carried.

**CARRIED**

### 2.3 Tender for Library Management System

Moved Cr Paterson

Seconded Cr Fergeus

*That Council:*

- 1. Approves access to the Procurement Australia Contract 2306 / 0843 – Library Collections, Furniture, Equipment & Associated Requirements for provision of a Library Management System from Civica Pty Ltd, under Council Contract No. 2021114 for a mixed lump sum and schedule of rates based contract with an estimated annual contract value of \$93,394 and an estimated total contract value of \$373,577 inclusive of all available extension options.*

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2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
  3. *Notes that the contract will commence on 1 July 2021 with an initial term of two years, with two separate extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extension approval and satisfactory performance for the City of Monash.*

*(\*all dollar figures are GST inclusive unless stated otherwise).*

**CARRIED**

#### **2.4 Tender for Library Collections, Furniture Equipment & Associated Requirements**

Moved Cr James

Seconded Cr Fergeus

*That Council:*

1. *Approves access to the Procurement Australia Contract 2306 / 0843 Library Collections, Furniture, Equipment & Associated Requirements for the provision of Library Collections, Furniture, Equipment & Associated Requirements for the below categories, under Council Contract No. 2021119, for a schedule of rates based contract with an estimated annual contract value of \$1,691,499 and an estimated total contract value of \$6,971,697 inclusive of all available extension options.*

*Category 1) Library Collections*

*Category 2) Cataloguing & End-Processing*

*Category 3) Furniture & Shelving*

*Category 4) Statistical Evaluation Tools*

2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
3. *Notes that the contract term is for an initial period of two years ending on 30 June 2023 with two separate extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extension approval and satisfactory performance for the City of Monash.*

*(\*all dollar figures are GST inclusive unless stated otherwise).*

**CARRIED**

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**2.5 Monash Gallery of Art: Recommendations for MGA Community Asset Committee called the Committee of Management Member**

Moved Cr McCluskey

Seconded Cr Paterson

*That Council:*

- 1. Approves the reappointment of Val Brown to the Monash Gallery of Art Committee of Management for a term of three years from 31 May 2021 – 30 May 2024;*
- 2. Approves the reappointment of Kirsty Grant to the Monash Gallery of Art Committee of Management for a term of three years from 4 June 2021 – 3 June 2024;*
- 3. Notes that Milton Harris's tenure on the Monash Gallery of Art Committee of Management concludes on 31 May 2021; and*
- 4. Approves the appointment of Richard Janko to the Monash Gallery of Art Committee of Management for a term of three years from 5 May 2021 – 4 May 2024.*
- 5. Approves the appointment of Kirsty Grant as Deputy Chair of the Monash Gallery of Art Committee of Management effective 1 June 2021.*

**CARRIED**

**2.6 Installation and Maintenance of CCTV Cameras in the Oakleigh Activity Centre for Victoria Police Surveillance**

Moved Cr Samardzija

Seconded Cr Luo

*That Council:*

- Notes the request for the installation of closed-circuit television (CCTV) cameras in the Oakleigh Activity Centre for the purposes of Victoria Police surveillance, including real-time live feeds into the Oakleigh Police Station.*
- Notes that State Government funding of \$50,000 is offered for the purchase and installation of the cameras and that it is requested that Council funds the ongoing maintenance estimated to cost between \$2,500-\$5,000 per annum*
- Notes the use of CCTV for the real-time monitoring of people activity is inconsistent with Council's current use of CCTV cameras.*
- Conducts municipality-wide consultation to establish the community response to the use of Council assets and resources for the real-time monitoring and surveillance of people movement, activity, and behaviour by Victoria Police through the use of CCTV cameras, prior to resolving on the specific request.*
- Receives an officer's report on the findings to enable Council to further consider the request for CCTV camera installation in the Oakleigh Activity Centre.*

**CARRIED**

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DIVISION

A Division was called.

For: Crs, Samardzija, Luo, Zographos, Klisaris, McCluskey, Little, Paterson, James, Lake

Against: Crs Fergeus, de Sliva

**3. CORPORATE SERVICES**

**3.1 2020/21 Financial Management and Capital Works Progress Report – Third Quarter 31 March 2021**

Moved Cr James

Seconded Cr Paterson

*That Council:*

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 March 2021, presented in accordance with Section 97 of the Local Government Act 2020.*
- 2. Approves the project variations contained therein.*

**CARRIED**

**4. INFRASTRUCTURE & ENVIRONMENT**

**4.1 Tender for Supply of Energy Efficient Street Lighting Hardware and Installation Services**

Moved Cr Fergeus

Seconded Cr Paterson

*That Council:*

- 1. Approves the use of MAV contract SL3911 as prequalified suppliers for the procurement of Energy Efficient Street Lighting Hardware and Installation Services. This contract has an initial term ending 1/9/2021 with two (2) by one (1) year extensions for a final contract expiry date of 1/9/2023;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Authorises the Chief Executive Officer to approve individual procurement activities where MAV Contract SL3911 has been used for prequalification of suppliers;*
- 4. Note that the total value of goods and services to be procured using this contract will be approximately \$3,520,000 over financial years 2020/21, 2021/22 and 2022/23 (noting that 2022/23 expenditure will be subject to future grant and budget bids);*
- 5. Note that funding of \$2,420,000 has been secured from the Commonwealth Community Infrastructure Grant to be expended by 31/12/2021; and*

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6. *Notes that the MAV Contract SL3911 initial term ends on 1/9/2021 and the contract has two (2) extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to the Municipal Association of Victoria extension approval and satisfactory performance for the City of Monash.*

*(\*all dollar figures are GST Inclusive unless stated otherwise).*

**CARRIED**

#### **4.2 Advanced Waste Processing Special Purpose Vehicle**

Moved Cr Paterson

Seconded Cr McCluskey

*That Council:*

- 1. Supports participation in a Special Purpose Vehicle for purposes of entering appropriate contract arrangements for Advanced Waste Processing.*
- 2. Supports a financial contribution by Monash to the Metropolitan Waste and Resource Recovery Group for the establishment of a Special Purpose Vehicle, site selection and planning approvals of approximately \$43,750 to \$54,375.*
- 3. Supports officers continuing to advocate to relevant state bodies including the Minister for Energy, Environment and Climate Change, for funding from the Sustainability Fund to be allocated to this project.*
- 4. Supports the Chief Executive Officer to provide informed advice to the Metropolitan Waste and Resource Recovery Group regarding tender criteria, including price parameters.*
- 5. Authorises the Chief Executive Officer to execute the relevant documents for participation in the Special Purpose Vehicle and financial contribution as may be required during the procurement process.*
- 6. Notes that a further comprehensive report detailing key tender criteria, including financial and environmental outcomes, will be brought back to Council for approval prior to committing to the full tender process.*

**CARRIED**

#### **4.3 Tender for Waste Transfer Station Hook Bin Transport**

Moved Cr Paterson

Seconded Cr McCluskey

*That Council:*

- 1. Awards the tender from Cleanaway Pty Ltd for Waste Transfer Station Hook Bin Transport, Contract No. 2021101 for a schedule of rates based contract with an*



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*estimated annual contract value of \$337,140.98 and an estimated total contract value of \$1,399,983.19 inclusive of all available extension options;*

2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
3. *Notes that the contract will commence on 1 July 2021, with an initial term of two years and the contract has two extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

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

**CARRIED**

#### **4.4 Tree Management Policy 2021**

Moved Cr Paterson

Seconded Cr de Sliva

*That Council:*

1. *Note the results of the community consultation and recommended changes to the draft Policy.*
2. *Endorse the Tree Management Policy 2021 (Attachment 2).*

**CARRIED**

#### **4.5 Outcome of Local Government Power Purchase Agreement**

Moved Cr Fergeus

Seconded Cr McCluskey

*That Council note the outcome of the Local Government Power Purchase Agreement (LGPPA) and the new name - VECO - Victorian Energy Collaboration Organisation.*

**CARRIED**

### **5. CHIEF EXECUTIVE OFFICER'S REPORTS**

#### **5.1 Councillors Meeting Records**

Moved Cr Fergeus

Seconded Cr Paterson

*That Council notes the record of Committee Meetings and Informal Councillors' Meetings.*

**CARRIED**

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**5.2 Monash City Council 2020 Local Government Elections – VEC Election Report**

Moved Cr Zographos

Seconded Cr Fergeus

*That Council receives and notes the Election Report from the Victorian Electoral Commission, on the 2020 Local Government Elections for the City of Monash, as attached to this report.*

**CARRIED**

**5.3 Tender for Provision of Printing Services**

Moved Cr Zographos

Seconded Cr Luo

*That Council:*

- 1. Awards the tender from the following firms for the provision of Printing Services, Contract No. 2021037 for a schedule of rates based contract with an estimated annual contract value of \$400,000 and an estimated total contract value of \$1,200,000 inclusive of all available extension options.;*

- 1. Bibliotheca Australia Pty Ltd*
- 2. Danpen Pty Ltd trading as The Banner Lady*
- 3. Eastern Press Pty Ltd*
- 4. Highlight Printing Pty Ltd*
- 5. Hornet Press Pty Ltd*
- 6. Ian Jones trading as EC Envelopes*
- 7. IVE Group Victoria Pty Ltd*
- 8. Lane Communications*
- 9. Precision Group trading as Precision Mail Pty Ltd*
- 10. Print Media Group trading as Fraser and Jenkinson Proprietary Limited*
- 11. Southern Impact Pty Ltd*

- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract has an initial term of three years with two separate extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

*(\*Please note that all dollar figures are GST Inclusive unless stated otherwise).*

AMENDMENT

Moved Cr James

Seconded Cr McCluskey

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*That the figure \$1,200,000 in the recommendation be replaced with the figure \$2,000,000.*

PROCEDURAL MOTION

Moved Cr James

Seconded Cr McCluskey

*That the amendment no longer be dealt with.*

**CARRIED**

AMENDMENT

Moved Cr James

Seconded Cr Lake

*That the words “inclusive of all available extension options” where they appear in the recommendation be deleted.*

**CARRIED**

SUBSTANTIVE MOTION

The motion as amended became the Substantive Motion and was put to the vote. It was declared carried.

**CARRIED**

#### **5.4 Pathway System Professional Services Panel – Contract Volume Variation**

Moved Cr Paterson

Seconded Cr Little

*That Council:*

- 1. Notes that Council has had a perpetual contract 98048A since 1998 with Infor Global Solutions Pty Ltd for Licences, Software and Professional Services, namely technical expertise, including system integration associated with the Pathway software system with an annual Professional Services budget spend of up to \$401,000.*
- 2. Notes that Council has a Pathway System Professional Services Panel (Contract 2020142), consisting of Infor Global Solutions Pty Ltd and Galaxy 42 Pty Ltd since 2020, for professional services including ePathway and system improvements with an annual estimated spend of \$170,000 for a contract term of two years, ending 5 May 2022.*
- 3. Notes that the Pathway System Professional Services Panel was entered into following Council’s approval of the digital transformation budget to enable expedient delivery of the ePathway and system improvements.*
- 4. Notes that with point 1 and 2 above, the two contracts have been used to deliver different professional services and outcomes and that Infor Global Solutions Pty Ltd*

*has only been contracted and paid to date from the perpetual contract for their professional services.*

5. *Notes that with the current Global Covid-19 Pandemic, Infor Global Solutions Pty Ltd are temporarily unable to continue to provide the required professional services, meaning that Council must access the alternative provider on the Pathway System Professional Services Panel (Contract 2020142) to continue to deliver Council's current program.*
6. *Approves a volume variation to Contract 2020142 for up to an additional \$500,000 with an estimated revised total contract total amount of \$840,000. As a result there will be a consequential reduction in the perpetual contract 98048A spend next financial year. Overall there will be no additional funds required in the Business Technology budget.*

*Please note that all dollar figures in this report are GST Inclusive.*

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Council's Discretionary Expenditure Fund Applications**

Moved Cr McCluskey

Seconded Cr Fergeus

That Council resolves to approve the following applications for funding from the Council's Discretionary Expenditure Fund:

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Rotary Club of Glen Waverley</i>	<i>Semi Annual Rotary Book Sale. Requesting hall hire funding.</i>	<i>\$1,226.20 GST excl.</i>
<i>The Cactus and Succulent Society of Australia</i>	<i>Annual Show and Competition. Requesting hall hire funding.</i>	<i>\$1,751.34 GST excl.</i>

**CARRIED**

**6.2 Graffiti and Poor Maintenance of Infrastructure Controlled By The State Government Department of Transport**

Moved Cr Samardzija

Seconded Cr Luo

*That Council:*

1. *Writes to the Minister for Roads and Road Safety, the Hon. Ben Carroll MP regarding the poor standard of maintenance of main roads and associated infrastructure under the control of the Department of Transport (DoT), highlighting the impacts on:*

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*a. road condition, including safety of cyclists due to lack of street sweeping;  
b. local flooding and safety of roads during storms due to a lack of drainage  
pit maintenance; and  
c. community pride, amenity and safety perceptions due to poor graffiti  
response and overgrown and poorly maintained central medians and freeway  
surrounds.*

2. *Supports creating an advocacy group of Monash and other councils with the Municipal Association of Victoria to improve the DoT maintenance standards across the region.*
3. *Requests the Minister to review and increase budgets as appropriate.*

**CARRIED**

7. **COMMITTEE REPORTS**

Nil

8. **URGENT BUSINESS**

Nil

9. **CONFIDENTIAL BUSINESS**

Moved Cr McCluskey

Seconded Cr Little

*That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter is 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 certificate.*

**CARRIED**

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 9.27 pm.

10. **PERSONAL EXPLANATIONS**

Nil

**11. COUNCILLORS' REPORTS**

Nil

The Mayor declared the meeting closed at 9.28 pm.

*Brian Little*  
**MAYOR:** .....

**DATED TUESDAY THE 29<sup>TH</sup> DAY OF JUNE 2021**