



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 22 FEBRUARY 2022**

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 22 FEBRUARY 2022 AT 7.00 PM.**

PRESENT:

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

APOLOGIES

Councillor P Klisaris

DISCLOSURES OF INTEREST

Nil.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 25 JANUARY 2022

Moved Cr Zographos Seconded Cr Little

That the minutes of the Meeting of the Council held on 25 January 2022, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that 3 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr Paterson

Seconded Cr Little

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 149 Hansworth St Mulgrave – Amendment to an Existing Planning Permit Which Allows the Development of Two Residential Apartment Towers up to 10 Storeys in Height and 28 Townhouses

Moved Cr Luo

Seconded Cr Little

That Council:

A

- 1. Resolves to advise VCAT that support of the application for an amendment to Planning Permit (TPA/45451) under Section 87 of the Planning and Environment Act 1987 for land at 149 Hansworth Street, Mulgrave, subject to the changes and consequential renumbering contained in Attachment 3 (Tracked Change Permit) which includes:*

- Amending the Stage 3 reference of condition 2.*
- Delete condition 2 jj), 2 ll) and 2 mm)*
- Amended condition 2 oo)*
- New conditions 2 jj), 2 kk), 2 ll), 2 vv), 2 ww) and 2 xx).*
- Correction to condition 9*
- Amend condition 20(c)*
- Two new conditions at condition 21, and 22.*

B

- 1. Notes that subject to the resolution above, VCAT and the permit applicant will be advised that in its view the matter can be settled by consent, without a merits hearing.*
- 2. In the event that any other matters arise following Council's decision, authorises the Director City Development to consider and if appropriate consent or not to any further amendments to the permit conditions required provided that they do*

not substantially alter the development and Council's position on the relevant matter as resolved by Council.

CARRIED

1.3 Monash Planning Scheme – Potential Unintended Use and Development Exemptions in the Residential Zone Provisions

Moved Cr McCluskey

Seconded Cr Little

That Council:

- 1. Notes that in a recent VCAT Direction, VCAT questioned whether a planning permit is required for the construction of a dwelling on land already containing a Rooming House.*
- 2. Notes that there are potential unintended use and development exemptions in the Residential Zone provisions arising from recent State Government changes to the planning provisions for Rooming House, Residential Building and other accommodation uses, in particular the potential exemption from a planning permit where a dwelling is proposed to be constructed on land containing an existing rooming house or residential building.*
- 3. Resolves to write to the Minister for Planning alerting him to the question posed by VCAT and potential unintended consequences arising from the current drafting of the planning scheme and request an urgent Ministerial amendment to all Victorian planning schemes to ensure that construction of a dwelling on land where there is an existing residential building/rooming house requires a planning permit.*

CARRIED

1.4 Instrument of Appointment and Authorisation – Planning and Environment Act 1987

Moved Cr Fergeus

Seconded Cr Paterson

That in the exercise of the powers conferred by Section 147(4) of the Planning and Environment Act 1987, Monash City Council resolves that:

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation at Attachment 1 be appointed and authorised as set out in the Instrument.*
- 2. The Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until the Authorised Officer ceases to be a member of Council staff.*
- 3. The Instrument of Appointment and Authorisation be signed and sealed.*
- 4. That the authorisations of Natasha Swan and Fiona Johnstone be rescinded.*

CARRIED

1.5 School Crossing Supervision Tender

Moved Cr Paterson

Seconded Cr Little

That Council:

- 1. Awards the tender from Chandler MacLeod Group Pty Ltd for the provision of School Crossing Supervision, Contract No 2022069 for a schedule of rates-based contract with an estimated half yearly contract value of \$653,631 and an estimated total contract value of \$1,960,893 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 2022 with an initial term of 6 months and the contract has 2 extension options of 6 months 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)*
- 4. Notes that a further report will be presented to Council at its March 2022 Council meeting in response to points 3, 4 and 5 of its 30 November 2021 resolution.*

CARRIED

1.6 Recreation Facilities - Proposed Leases to Waverley Basketball Association and Waverley Night Netball Association

Moved Cr McCluskey

Seconded Cr Fergeus

That Council:

1. *Negotiate leases with the following local Not For Profit organisations for the delivery of recreation activities at the following Council owned sites:*
 - *Waverley Basketball Association Inc. – Batesford Basketball Centre, Batesford Reserve, 94 Batesford Road, Chadstone (refer to Attachment 1)*
 - *Waverley Night Netball Association - Waverley Women’s Sports Centre, 2-30 Jells Road Wheelers Hill (refer to Attachment 1)*
2. *Incorporating the following terms and conditions:*

Rent: \$15,000.00 per annum (plus GST)
Term: 10 Years
Further Term: 5 Years
Use: The organising of competitions, training, and other activities directly associated with the sport.

(‘the Proposal’)
3. *Give public notice of the Proposal in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act), in a daily newspaper and on Council’s website from 1 March 2022 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 in accordance with the Community Engagement Policy in respect of the Proposal. (‘Appointed Officer’).*
5. *Appoint a Committee of Council comprising of the Mayor and Mulgrave and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 3 above, and to hear and consider any submitters requesting to be heard in accordance with the Community Engagement Policy at 7pm on 17 May 2022 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
6. *Notes that following the meeting referred to in point 5 above, and consideration of any submissions, that the Committee of Council provide a report to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

CARRIED

1.7 Road Discontinuances - Mount Waverley Reserve

Moved Cr Little

Seconded Cr de Silva

That Council:

1. *Notes that Council, at its meeting on 27 July 2021, adopted the draft Mount Waverley Reserve Masterplan for consultation and at its meeting on 30 November 2021, Council endorsed the Mount Waverley Reserve Masterplan.*
2. *Notes that the 27 July 2021 Council report highlighted the numerous parcels of land currently forming Mount Waverley Reserve that have the legal status of a road, a status which is not required for current or future use. These roads are identified on the Title Re-Establishment Survey for Mount Waverley Reserve in Attachment 1.*
3. *Notes the current and proposed future uses of the land that forms the roads and agrees that:*
 - a. *The road status should be removed (discontinued) from the areas shown on the Plan for Road Discontinuance Purposes in Attachment 2 pursuant to Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Vic) ('Act') and the land consolidated within the surrounding land that forms the Mount Waverley Reserve as part of a Plan of Consolidation.*
 - b. *A small section of the road in the North East corner of Gwynne Street will become an extension of Fleet Street as part of the Plan of Consolidation process in order to protect the existing in-situ asset owned by United Energy Limited.*
4. *Resolves to commence the statutory procedures pursuant to Sections 207A and 223 of the Act to consider discontinuing the area of roads shown on the Plan for Road Discontinuance Purposes in Attachment 2 pursuant to Clause 3 of Schedule 10 of the Act ('the Proposal').*
5. *Gives public notice of the Proposal in accordance with Sections 207A and 223 of the Act in a daily newspaper and on Council's website from 1 March 2022 and invite submissions on the Proposal.*
6. *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').*
7. *Appoint a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 5 above, and to hear and consider any submitters requesting to be heard in accordance with Section 223 of the Act at 7.15pm on 17 May 2022 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
8. *Notes that following the meeting referred to in point 7 above and consideration of any submissions, that the Committee of Council provide a report back to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

CARRIED

2. COMMUNITY SERVICES

2.1 Oakleigh Community Infrastructure Scoping Project

Moved Cr Fergeus Seconded Cr James

That Council notes the Oakleigh Community Infrastructure Scoping Project report and endorses its recommendations.

CARRIED

2.2 Gender Equity Framework

Moved Cr de Silva Seconded Cr Paterson

That Council endorse the Gender Equity Framework.

CARRIED

2.3 Naming of Council Facilities

Moved Cr Zographos Seconded Cr Samardzija

That Council supports the naming of park infrastructure within two Council reserves, recognising the contribution two nominees have had to the reserve, the tenant clubs and the wider community:

- 1. The social room at Capital Reserve be named the Brooke Calder Social Rooms*
- 2. The grandstand at Gardiners Reserve be named the Jimmy Williams Stand.*

CARRIED

2.4 Positive Ageing Reference Group New Members 2022

Moved Cr Little Seconded Cr Luo

That Council:

- Endorses the appointment of Pam Brown, Udesh Kamher, Ian Bjorkman, Robert Taylor and Selliah Nalliah to the Positive Ageing Reference Group in accordance with the current Terms of Reference.*
- Extends the term of the following seven members; Annette Anakotta, Qin Shi Guo, Mark Learmonth, Constantine Mandalis, Jennifer Sheppard, Phil Terry and Irene Triroulis for an additional two years ending March 2024.*

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- *Acknowledges the three members; Marlene Bottrell, Elaine Forde and Andrea Whitty retire from the reference group, however as per the Terms of Reference will attend meetings in an Age Friendly Ambassador capacity.*

CARRIED

2.5 2021/2022 Monash Quick Response Grants Program Recipients

Moved Cr Fergeus

Seconded Cr Little

That Council notes the successful applications that have been funded through the two streams of the Quick Response Grant program during the period 26 November 2021 to 3 February 2022 to a total of \$11,787.30.

CARRIED

2.6 Monash Youth Committee – Respectful Relationships

Moved Cr Fergeus

Seconded Cr McCluskey

That Council:

- 1. Notes the importance of the issues raised by the Monash Youth Committee (MYC) on behalf of their peers in the City of Monash.*
- 2. Notes that policy surrounding Respectful Relationships is currently both a State and a Federal Government responsibility that is impacting young people and families.*
- 3. Endorses the letter written by members of the MYC to be sent to the following:*

Federal Representatives:

Federal Ministers:

Senator Marise Payne (Minister for Women)

Senator Anne Ruston (Minister for Families and Social Services & Minister for Women's Safety)

Senator the Hon Bridget McKenzie (Minister for Regionalisation, Regional Communications and Regional Education)

Hon Alan Tudge (Minister for Education & Youth)

Hon Scott Morrison (Prime Minister)

Federal Shadow Ministers:

Hon Tanya Plibersek (Shadow Minister for Women & Shadow Minister for Education)

Hon Linda Burney (Shadow Minister for Families and Social Services)

Hon Amanda Rishworth (Shadow Minister for Youth)

Hon Anthony Albanese (Leader of the Opposition)

Local Federal MPs:

Dr Katie Allen - Member for Higgins

Ms Gladys Liu - Member for Chisholm
Ms Clare O'Neil - Member for Hotham

Senators for Victoria:

Senator The Hon Kim Carr
Senator Raff Ciccone
Senator The Hon Sarah Henderson
Senator The Hon Jane Hume
Senator Kimberley Kitching
Senator The Hon Bridget McKenzie
Senator James Paterson
Senator Janet Rice
Senator Lidia Thorpe
Senator David Van
Senator Jess Walsh

State Representatives:

Members of the Victorian Legislative Council:

Eastern Metropolitan Region:

Mr Bruce Atkinson
Dr Matthew Bach
Mr Rod Barton
The Hon Shaun Leane
Ms Sonja Terpstra

South Eastern Metropolitan Region:

Dr Tien Kieu
Mr David Limbrick
The Hon Gordon Rich-Phillips
Mr Lee Tarlamis

Southern Metropolitan Region:

Ms Georgie Crozier
The Hon David Davis
Mr Enver Erdogan
Mr Clifford Hayes
Ms Nina Taylor

CARRIED

3. CORPORATE SERVICES

3.1 2021/22 Financial Management and Capital Works Progress Report – Second Quarter

Moved Cr Fergeus

Seconded Cr Zographos

That Council:

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 December 2021, presented in accordance with Section 97 of the Local Government Act 2020.*
- 2. Approves the project variations contained therein.*
- 3. Accepts the opinion of the Chief Executive Office, as required under section 97(3) of the Local Government Act 2020, that a revised budget is not required.*

CARRIED

3.2 Consultancy Report

Moved Cr Little

Seconded Cr Luo

That Council notes the attached summary of completed and current Consultancy engagements for the period ending 31 December 2021.

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Tender for MARC Domestic Hot Water Replacement

Moved Cr Paterson

Seconded Cr Little

That Council:

- 1. Awards the tender from Renown Services Pty Ltd for MARC Domestic Hot Water Replacement, Contract No. 2022042 for a fixed Lump Sum of \$576,763.00 with an extra \$74,176.30 for Contingencies;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence in April 2022 and the expected completion date is June 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees is \$670,164.29.*

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

CARRIED

4.2 Cycling Connection – Scotchmans Creek Trail to Djerring Trail, Oakleigh

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Agrees to the concept proposal for the 1.4km cycling connection between Scotchmans Creek Trail and the Djerring Trail in Oakleigh*
- 2. Directs officers to consult with the community on the concept proposal and more specifically seek comment on the particulars of the trial demonstration cycleway in Atkinson Street between Dandenong Road and Atherton Road, and the Hanover Street dedicated cycleway components with a report back to Council in June 2022*
- 3. Directs officers to commence consultation with Department of Transport on plans for a dedicated cycleway along Hanover Street between Atherton Road and Burlington Street*

CARRIED

4.3 Tender for Cameron Avenue Reserve Upgrade

Moved Cr Fergeus

Seconded Cr de Silva

That Council:

- 1. Awards the tender from Warrandale Industries Pty Ltd for Cameron Avenue Reserve Upgrade Contract No. 2022021 for the fixed Lump Sum Price of \$828,565.27 with an extra \$140,534.73 for Contingencies;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence in March 2022 and the expected completion date is late June 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management and Delivery Fees is \$1,126,103.*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meeting Records

Moved Cr Little

Seconded Cr McCluskey

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

CARRIED

5.2 CEO Board Appointment to Good Shepherd Australia and New Zealand

Moved Cr Fergeus

Seconded Cr Paterson

That Council approves the appointment of the Chief Executive Officer to the Board of Good Shepherd Australia and New Zealand.

CARRIED

5.3 Tender for Digital Mailing Services

Moved Cr Little

Seconded Cr McCluskey

That Council:

- 1. Approves access to the Municipal Association of Victoria contract DM8014 for the provision of Digital Mailing Services, under Council Contract No. 2022094 for a schedule of rates based contract with Bing Technologies with an estimated annual contract value of \$186,436 and an estimated total contract value of \$669,495 (inclusive of all available extension options and assuming a 2% CPI indexation);*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract initial term ends on 31 January 2024 and the contract also has one extension option of 18 months and authorises the Chief Executive Officer to approve the extension option 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

6. NOTICES OF MOTION

6.1 Condemning Homophobia

Moved Cr Fergeus

Seconded Cr James

That Council:

- 1. Notes the police investigation into a series of alleged homophobic assaults in the Monash community.*
- 2. Unequivocally condemns homophobia in all its forms.*
- 3. Fly the Pride Flag across the municipality in solidarity with the LGBTIQA+ community from 28 February to 7 March 2022.*

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

9.1 South East Metropolitan Advanced Waste Processing Procurement

Moved Cr Samardzija

Seconded Cr McCluskey

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 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

AS PER POINT 6 IN THE RECOMMENDATION BELOW, THIS HAS BEEN MADE PUBLIC ON 25 FEBRUARY 2022

That Council:

- 1. Endorses the withdrawal from the South East Metropolitan Advanced Waste Processing (SEMAWP) project and the associated Special Purchase Vehicle.*
- 2. Authorises the Chief Executive Officer to write to the Metropolitan Waste and Resource Recovery Group, South East Metropolitan Advanced Waste Processing Pty Ltd and all other project members of the SEMAWP project to advise of Council's decision.*
- 3. Authorises the Chief Executive Officer to seek reimbursement from Metropolitan Waste and Resource Recovery Group and South East Metropolitan Advanced Waste Processing Pty Ltd of up to \$75,000 (excluding GST) being its resource contribution to the Special Purpose Vehicle.*
- 4. Supports Council Officers seeking alternate options for advanced waste processing of Monash's Municipal Waste by release of a formal tender for residual waste processing; and*
- 5. Directs officers to provide a further report to a future Council meeting on the results of the tender as per normal tender processes.*
- 6. Declares that the resolution is no longer confidential once the Chief Executive Officer has actioned part 2 of this resolution.*

CARRIED

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Nil.

The Mayor declared the meeting closed at 7:46pm.

MAYOR: 

DATED THIS 29TH DAY OF MARCH 2022