



CITY OF
MONASH

DECISIONS

**MEETING OF COUNCIL
HELD ON**

TUESDAY 25 JUNE 2024

at 7:00 PM

COUNCIL CHAMBER

CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY

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1 ACKNOWLEDGEMENT OF COUNTRY

Monash Council acknowledges the Traditional Owners of the lands on which we meet, the Wurundjeri Woi Wurrung and Bunurong People, and recognises their continuing connection to the land and waterways.

We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2 PRESENT AND APOLOGIES

PRESENT

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

Officers: A Diamond, J Doake, R Hopkins, S McNamee, J Robertson, A Sapolu, T Shoshan, S Wickes, S Candeland, G Budhiraja, M Gibson

APOLOGIES

Officer: P Panagakos

3 DISCLOSURES OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES

That the minutes of the following meetings be taken as read and confirmed:

- Meeting of Council held on 28 May 2024.

CARRIED

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

PROCEDURAL MOTION

That Council receive the following Petition and forward it to the relevant officer for action:

1. **Removal Of Parking Restrictions Along The Grass Verges On The Access Road In Lum Reserve East**

CARRIED

6 PUBLIC QUESTION TIME

The Mayor advised that four (4) questions had been received.

Question 1: Maria Palatsides from Hughesdale asked:

7.1.4 Have any of the following (Mayor, CEO, Councillors or council officers) attended any of the community feedback sessions run by the SRL to hear the communities feedback firsthand and if so who has attended? Although council's report goes some way in outlining some of the key issues and concerns in this process the submission indicates these in a very mild tone. The residents and future council candidates I have spoken to have grave concerns for the impacts of SRL on the South East and especially the residents of Monash who are impacted more than any other council zone. Would council be willing to meet with concerned residents to discuss their concerns in a townhall meeting?

The Mayor read the following response:

The Suburban Rail Loop project is a State Government project and as such they are responsible for the community engagement on the project. Officers have not attended the SRLA community sessions as these are provided for the community. As is set out in tonight's Council report, officers have attended a series of workshops as part of the SRLA consultation on the development of the precinct plans. I am advised that the SRLA has concluded the formal part of their consultation on this stage of the project, although submission will close on 30 June 2024. I would encourage anyone who has an interest in the SRL project to visit the SRLA website at www.srlaeastvisions.com.au. The next opportunity for community consultation will be later in 2024 once the SRLA releases its proposed planning scheme changes and detailed structure plan for the station precincts.

Question 2: Maria Palatsides from Hughesdale asked:

7.1.4 Council's report indicates that there are no Human Rights Considerations which in essence is true for the report itself. Seeing the SRLA's precinct map indicates the allowance to construct towers of 25 storey height I would like to remind council of the recent events that occurred for living men, women and children who lived in towers during the pandemic and what they went through when they were locked down in those towers during that time. Will council add a HRC section into its submission to remind the SRLA and state govt and other LGA's of its requirements to be bound by the Human Rights Charter to ensure that people have the right to freedom of movement, right to privacy, protection of families and children, access to public services and property rights?

The Mayor read the following response:

As stated in my previous answer, the Suburban Rail Loop project is a State Government project and it has responsibilities in relation to federal and state law, including Human Rights. The report under consideration tonight is in response to the SRLAs consultation on their precinct planning process and does not raise any issues for Council consideration related to human rights.

Question 3: Maria Palatsides from Hughesdale asked:

7.1.4. In light of the SRLA /state government's ongoing failure to provide fundamental detail in regard to the SRL project can council clearly outline where Monash Council's legal civil liability ends for this project and any negative impacts on residents that may result? Is council able to articulate where its duty of care to its residents in relation to this project begins or end?

The Mayor read the following response:

As mentioned in my earlier responses to the previous questions, the Suburban Rail Loop project is a State Government project. The SRLA has been granted planning authority powers by the State government. The SRLA is currently in the precinct planning stage. A more detailed consultation will occur as part of the planning scheme amendment process. Council expects that this process will provide more detail on what the community can expect in terms of building form and development requirements. It is difficult to provide a specific comment regarding duty of care at this time. Generally, the common law requires a party to take reasonable steps to avoid harm to those to which they owe a duty. This will apply differently depending on individual circumstances. Council continues to advocate to the SRLA and the Victorian Government on this project to ensure good outcomes for planning around these precincts in Monash.

Question 4: Peter Palatsides from Hughesdale asked:

7.4.6 Why are the Mayor's costs for her air travel to meet with Mr Albanese in honour of the China relationship estimated when the event occurred on the 17th June? Why are the exact costs not provided?

The Mayor read the following response:

At the time that the report was written, the costs were an estimate. We can confirm that the total costs of the airfares were \$448.64.

At 7.12pm Public Question Time concluded.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE

MOTION

That Council notes the report containing the Town Planning Schedules.

CARRIED

7.1.2 176-180 KANGAROO ROAD HUGHESDALE- TPA/55532- USE AND CONSTRUCTION OF A TWO STOREY CHILDCARE CENTRE WITH BASEMENT CAR PARK, DISPLAY OF SIGNAGE AND REDUCTION OF CAR PARKING REQUIREMENT

MOTION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit TPA/55532 for the use and construction of a two-storey childcare centre with basement car park, display of a business identification sign and reduction of car parking requirement at 176-180 Kangaroo Road Hughesdale 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 Co-lab architecture (Revision 03 dated 22 April 2024) but modified to show:
 - a) The location of all existing trees on the naturestrip in front of the subject land, and on adjoining properties within proximity of the site clearly indicated and numbered on the basement and ground floor plan in accordance with the references contained within the arboricultural report prepared by Axis Arboriculture dated 10 April 2024 and clearly identified 'to be retained';
 - b) The location of any tree protection fencing as required by the arboricultural report prepared by Axis Arboriculture dated 10 April 2024;
 - c) Variation of materiality to the eastern elevation of the building to break up the two storey sheer walls and improve visual interest;
 - d) The business identification sign to be relocated and shown to be affixed on the front fence, on the building or to be freestanding with a maximum overall height of no greater than 2 metres;

- e) **The location of any plant equipment (such as air conditioning units and flues) including details of screening measures;**
- f) **The provision of six (6) bicycle spaces in accordance with the traffic report prepared by Quantum Traffic Pty Ltd dated 22 January 2024;**
- g) **Details of a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.**
- h) **The sill of the eastern facing highlight windows to Room 7 a minimum of 1.7 metres above floor level, ensuring that no unreasonable overlooking will occur;**
- i) **The balustrade located on the southern side of the first-floor playground (including landing for staircase) to be screened with an obscure material (maximum 25% transparency) to a height of 1.7m to prevent unreasonable overlooking into the habitable room windows of 2 Bowen Street;**
- j) **The materials schedule to detail the materials proposed for the first floor balustrade surrounding the first floor play space in accordance with the Acoustic Report required by Condition 7 of this Permit;**
- k) **The location, height and material of the acoustic fence/ barriers in accordance with the Acoustic Report required by Condition 7 of this Permit including extent of acoustic fencing needed along the southern and eastern boundaries;**
- l) **The fence on the northern side of Playground 1 to be set back a minimum of 3 metres from Kangaroo Road;**
- m) **The fence surrounding Playground 2 to be amended to be an acoustic fence in accordance with the recommendations of the Acoustic Report, and to be of predominately timber construction and include transparent (acoustic) elements to the design of the fence fronting Bowen Street;**
- n) **The height of the front fencing to Kangaroo Road (west of the vehicle accessway) to be correctly shown as 1.2 metres on elevation plans;**
- o) **The acoustic fence to extend for the full length of the southern boundary of the site;**
- p) **The location, height and materials of any permanent structures including shade sails and pergolas;**
- q) **The location of any fire services, electricity supply, gas and water meter boxes. Any services required should be located and screened to complement the development and integrated into the building where practicable;**
- r) **Details of signage be displayed near the entrances of the centre to remind those dropping off and collecting their children to be mindful of the nearby residents, and to keep noise levels to a minimum;**
- s) **An amended Landscape Plan in accordance with Condition 4;**
- t) **Any changes as required by the Waste Management Plan as requested in condition 6;**

- u) Any changes as required by the Acoustic Report in accordance with Condition 7;
- v) Any changes as required by the Tree Management Plan in accordance with Condition 8; and
- w) Any changes as required by the Sustainability Management Plan in accordance with Condition 9.

All to the satisfaction of the Responsible Authority.

Compliance with documents approved under this Permit

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Layout not to be Altered

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

Landscaping Plan

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. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Package Landscapes Australia (Revision B) dated 18 March 2024 except that the plan must show:
 - a) The revised building layout in accordance with the development plan prepared by Co-lab architecture (Revision 03 dated 22 April 2024) and any changes required under condition 1 of this permit;
 - b) Details of the proposed proposed synthetic grass including the product brand, material and permeability details;
 - c) The location of Tree Protection Zones and Tree Protection Fencing for all trees to be retained (street trees on naturestrip and neighbouring properties);
 - d) The ground floor play areas where they are not located above the basement carpark to be constructed of permeable materials. Details of the relevant materials must also be provided;
 - e) Screen planting located in front of the high fencing to Bowen Street and Kangaroo Road;
 - f) The detail of all proposed paving;
 - g) The location of any fencing internal to the site;
 - h) The location of any retaining walls associated with the landscape treatment of the site;
 - i) The location of external lighting (if any); and
 - j) 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. When approved, the plans will be endorsed and then form part of the Permit.

Car Park Management Plan

5. Before use commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- a) The number and location of car parking spaces allocated to staff and customers;
 - b) Any tandem spaces allocated to staff parking.
 - c) The management of car parking spaces and security arrangements, including details on how customers are to access car parking;
 - d) A requirement that there must be no paid parking arrangement within parking areas, and that the automatic gates to the basement is to remain open during operating hours;
 - e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays, exits, restrictions during waste collection times etc; and,
 - f) Details regarding the management of loading and unloading of goods and materials.

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

Waste Management Plan (WMP)

6. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the WMP prepared by Low Impact Development Consulting dated 27 February 2024 but modified to show:
- a) The TPA number and existing land use in the introductory section.
 - b) Scaled basement plan indicating accessibility and swept path diagrams of site access.
 - c) Diagram to indicate the location where collection vehicle will conduct collections, and a swept path diagram showing the location of turning movements for the waste vehicle.
 - d) Waste is to be collected out of operation hours for the centre, however also in accordance with EPA's Noise Control Guidelines (2008).
 - e) Provision of hard waste and food waste management by the building operator.
 - f) States that the developer is responsible for providing a copy of the endorsed Waste Management plan to the building operator.
 - g) Information on food waste management.

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

Acoustic Report

7. Concurrent with the endorsement of plans pursuant to Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Acoustic Engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must be generally in accordance with the report prepared by Waveform Acoustics dated 19 January 2024 but modified to include:
- a) The amended building envelope generally in accordance with the development plan prepared by Co-lab architecture (Revision 03 dated 22 April 2024),
 - b) The hours of operation of the childcare centre;
 - c) An assessment of the potential noise impact from any plant equipment; and
 - d) Any changes required under condition 1 of this permit (including fencing material and setbacks) including extent of acoustic fencing needed along the southern and eastern boundaries.

The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Tree Management Plan

8. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, 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. 1, 2, 4, 9, 10 and 11 (as identified in the arboricultural report prepared by Axis Arboriculture dated 10 April 2024).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- 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;
 - 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.

Sustainability Management Plan (SMP)

9. Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the SMP prepared by lorax + co, dated 23 January 2024 but modified to show the amended building envelope generally in accordance with the development plan prepared by Co-lab architecture (Revision 03 dated 22 April 2024) and any changes required under Condition 1 of this permit.

The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Site Management Operations Plan

10. Prior to the commencement of the use of the Childcare centre a Site Management Operations Plan (SMOP) must be submitted to the responsible authority for endorsement. The SMOP must be prepared by a suitably qualified person to the satisfaction of the responsible authority and should ensure consistency throughout the report and with plans. The SMOP must include the following (but is not limited to):
- a) The nomination of the site manager responsible for the implementation of the SMOP;
 - b) The role of the site manager;
 - c) Hours of operations of the use;
 - d) The operation of the outdoor area including:
 - i. Number of children at any one time;
 - ii. Hours when children will be allowed outside; and
 - iii. Management measures to control the number of children within the outdoor areas.
 - e) Details of how parents will be prevented from attending the site before 6:00am;
 - f) Details of how parents will be encouraged to pick-up children before 6:00pm;
 - g) Additional noise attenuation steps taken to minimise any noise generated;
 - h) Details on how staff will be trained regarding the items outlined in the SMOP;
 - i) A copy of all the permits for the site included as a schedule to the SMOP; and,

- j) Any recommendations for changes and/or notations required to be shown on the plans endorsed under condition 1 of this permit, with the use and development to be carried out in accordance with any amended endorsed plans.

The SMOP must be implemented to the satisfaction of the responsible authority. No alterations may be made without the prior written approval of the responsible authority.

Construction Management Plan

11. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP 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) Appropriate measures to control noise, dust and water and sediment laden runoff.
 - b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network.
 - c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable.
 - d) 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.
 - e) A program for the cleaning and maintaining surrounding road surfaces.
 - f) 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.
 - g) Measures to provide for public safety and site security.
 - h) 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.
 - i) A Traffic Management Plan showing truck routes to and from the site.
 - j) 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.
 - k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP.
 - l) The provision of contact details of key construction site staff.
 - m) 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 except with the prior written consent of the Responsible Authority.

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.

Environmental Site Assessment Report

12. Before the development starts (other than for necessary demolition and investigation works forming part of the environmental site assessment process), a Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Preliminary Risk Screen Assessment Statement must be prepared by a suitably qualified environmental professional in accordance with the *Potentially Contaminated Land General Practice Note* (Department of Environment, Land, Water and Planning, July 2021). The report must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.
13. If, in accordance with Condition 12, an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be undertaken pursuant to section 208 of the *Environment Protection Act 2017* and an Environmental Audit Statement prepared and provided to the Responsible Authority.
14. Where an Environmental Audit Statement is issued for the land in accordance with Condition 13:
 - (a) The buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
 - (b) Before the use or development starts (other than for necessary excavation, demolition and excavation works) and before the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Division 1 of Part 8.3 of the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Environmental Audit Statement are satisfied; and
 - (c) Where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts (other than for necessary excavation, demolition and excavation works). All

expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner.

Use

15. The childcare centre allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:
 - Monday to Friday: 6:30am to 6:30pm.
16. There must be no more than 122 children in the premises at any one time.
17. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority. *Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.*
18. No form of public address system may be installed so as to be audible from outside the building.
19. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.
20. 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) overspill of car parking onto the street network; and
 - e) presence of vermin.To the satisfaction of the Responsible Authority.

Acoustic Measures

21. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
22. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Loading and Unloading

- 23. All deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:
 - Monday to Friday – 8am to 6pm
 - Saturday & Sunday: No deliveries permitted, to the satisfaction of the Responsible Authority.**
- 24. All loading and unloading of vehicles must be carried out on the land and be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.**

Tree Protection and Landscaping

- 25. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including street trees and trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.**
- 26. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.**
- 27. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Council street-trees to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.**
- 28. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.**
- 29. Before commencement of the use 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.**
- 30. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased, or damaged plants replaced, all to the satisfaction of the Responsible Authority.**
- 31. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.**

Car Parking and Accessways

32. Before the use starts or any part of the building is occupied, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- Fully constructed.
 - Properly formed to such levels that they can be used in accordance with the plans.
 - Surfaced with an all-weather sealcoat.
 - Drained, maintained and not used for any other purpose.
 - Line-marked to indicate each car space and all access lanes.
- all to the satisfaction of the Responsible Authority.
33. Parking areas and access lanes must be kept available for these purposes at all times.
34. Any modification to the existing vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.
35. Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Bicycle Parking

36. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Services and Plant Equipment

37. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
38. 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.

Drainage & Stormwater

39. The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.

Completion of Buildings and Works

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

Signage

41. The location, layout, dimensions, structures and features of the approved sign shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
42. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.
43. All signs must be located wholly within the boundary of the land.

Time for Starting and Completion

44. 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.
 - (c) The use is not started 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:

- (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.

45. The approved sign of this Permit will expire 15 years from the date of issue of this permit.

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the *Environment Protection Act 2017* or an environmental professional with qualifications and competence consistent with Schedule B9 of the *National Environment Protection (Assessment of Site Contamination Measure 1999)* (as amended 2013).
- C. Engineering permits must be obtained for new or altered vehicle crossings works within the Road Reserve and for stormwater connections and these works are to be inspected by Council.
- D. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The

plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au

- E. Stormwater is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to any stormwater drainage works commencing.**
- F. The design parameters for the internal detention system are to be obtained from Council's Engineering Department (mail@monash.vic.gov.au).**
- G. No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.**
- H. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity. It is recommended that the driveway down to the basement be constructed with an apex.**
- I. 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.**
- J. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.**
- K. Any works within the road reserve must ensure the footpath and nature's trip are to be reinstated to Council standards.**
- L. 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.**
- M. 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 the affected service authorities is required as part of the vehicle crossing application process.**
- N. Noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).**
- O. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.**
- P. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.**

- Q. Any customers or employees of the approved development will not be entitled to car parking permits for on street car parking.

CARRIED

7.1.3 TPA/44769/B - 22 BURTON AVENUE CLAYTON - FOUR STOREY APARTMENT BUILDING WITH BASEMENT PARKING - EXTENSION OF TIME

MOTION

That Council resolves to issue an Extension of time to Planning Permit No. TPA/44769/B for a four (4) storey apartment building with basement parking within a Special Building Overlay area at 22 Burton Avenue Clayton, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.

1. That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the commencement and completion of the development be extended for a further two (2) years. Accordingly, the development must be commenced by 3 May 2026 and completed by 3 May 2028.

CARRIED

7.1.4 SRLA PRECINCT PLAN SUBMISSION

MOTION

That Council

1. Notes that throughout May of this year officers participated in Precinct Planning Workshops with the SRLA for each of the Station Precincts across Monash.
2. Notes that these workshops covered the 4 themes of *Better Connections, Boosting the Economy, Enhancing Place and Enriching the Community*, as set out in the draft SRLA Precinct Visions.
3. Notes that information presented by the SRLA at these workshops remained at a conceptual, aspirational and principle level.
4. Notes that due to the high level and conceptual nature of the material there are significant gaps in the information provided making it difficult to provide clear and direct responses to this stage of the SRLA planning process.
5. Notes that as a consequence of the limited information provided by the SRLA, the proposed Council submission also includes discussion of a range of issues that, whilst not in the current SRLA material, should be addressed by the SRLA in their preparation of the Phase Three Precinct Plan development scheduled for release in late 2024.
6. Notes and adopts this report and the draft Submission to the Suburban Rail Loop East – Precinct Planning Project at Attachment 1 as Council’s submission to the SRLA on Phase Two – Shaping the plans.

CARRIED

7.1.5 PLAQUES AND MEMORIALS POLICY

MOTION

That Council

1. Notes that the current Plaques and Memorials Policy (2017 Policy) was adopted by Council at the July 2017 Council meeting and is due for renewal to ensure that the policy is up to date and consistent with current best practice.
2. Resolves to commence community consultation on the New Policy in accordance with Council's Community Engagement Policy.
3. Notes that a further report will be presented to Council for consideration on the outcome of the community consultation on the New Policy, along with any changes and an officer recommendation.

CARRIED

7.2 Community Services

7.2.1 TENDER FOR MONASH CAROLS BY CANDLELIGHT EVENT

MOTION

That Council:

1. Awards the tender from Fruitbowl Productions Pty Ltd for Carols by Candlelight 2024 - 2026, Contract No. 2024181 for a fixed Lump Sum of \$461,197 for the initial term plus an annual contingency sum of \$10,703 and an estimated total contract value of \$1,415,700 inclusive of all available extension options and contingency sums
2. Authorises the Chief Executive Officer to execute the contract agreement
3. Notes that the contract will commence in July 2024 with the expected first year event delivery date of 7 December 2024 and that the contract has two extension options of one year each to run the 2025 and 2026 Carols by Candlelight events and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance and
4. Notes that the total budget including the contract fixed Lump Sum and Contingencies is \$471,900 for 2024/25 and that future budgets will be adjusted to include CPI to cater for the 2025/26 and 2026/27 events under this same contract if future the extension options are executed.

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

CARRIED

7.2.2 ACTIVE MONASH SPORTS CLUB DEVELOPMENT FRAMEWORK REFRESH

MOTION

That Council:

1. Note that the Active Monash Sports Club Framework 2022-2027 has been reviewed and updated to align with the Melbourne East Region Sport and Recreation Fair Access Policy and current state and local government policies, as presented in Attachment 1 – Active Monash Sports Club Framework Refresh 2024-2029.
2. Approve the updated Active Monash Sports Club Framework Refresh 2024-2029 (attachment 1) for public exhibition and community feedback.
3. Note that following a review of consultation findings, a final Active Monash Sports Club Framework 2024-2029 will be presented for Council consideration and endorsement at a future meeting.

CARRIED

7.2.3 EMERGENCY RELIEF SUSTAINABILITY GRANTS

MOTION

That Council approves the guidelines for a one-off grant program for organisations whose primary purpose is to provide emergency and food relief to assist them implement projects that will focus on their ongoing sustainability.

CARRIED

7.2.4 2023/24 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS - JUNE

MOTION

That Council notes the successful application that has been funded through the Quick Response Grant program during the period 24 April to 15 May 2024 to a total of \$2,360.00.

CARRIED

7.3 Corporate Services

Nil.

7.4 City Services

7.4.1 INFORMAL MEETING OF COUNCILLORS RECORDS

MOTION

That Council notes the Informal Meetings of Councillors Records.

CARRIED

7.4.2 RECORDS STORAGE AND IMAGING SERVICES (RM78913-2023)

MOTION

That Council

1. Approves access to the Municipal Association of Victoria (MAV) Record Storage and Imaging Services (RM7813-2023) contract under Council Contract No. 2024063 to enter a contract with Grace Information Management for a schedule of rates-based contract with an estimated cost of \$413,000 for the initial contract term and a total estimated cost of \$1,177,000 inclusive of all available extension options
2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement subject to satisfactory negotiation of the final contractual Terms and Conditions and
3. Notes that the contract term is two years and six months commencing on 1 July 2024 and terminating on 31 December 2026, with two options to extend at two years each
4. Authorises the Chief Executive Officer to approve extension options subject to MAV extension approval and satisfactory performance for the City of Monash and
5. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.

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

CARRIED

7.4.3 2022154 GLEN WAVERLEY SPORTS HUB DEVELOPMENT CONTRACT VARIATION

MOTION

That Council

1. Notes and endorses the Officer approval of 12 Contract Variations to Contract 2022154 Glen Waverley Sports Hub Development with Commercial Industrial Group (CICG) Pty Ltd to the cumulative value of \$297,912.60 which exceeded the approved Contract Contingency

2. Notes that the revised contract value inclusive of all approved and finalised Contract Variations is \$26,122,493.80
3. Notes that the increased and finalised contract spend together with other related project costs remains within the existing adopted project budget of \$29,447,000 (\$26,770,000 GST exclusive).

*All figures are GST inclusive unless noted otherwise.

CARRIED

7.4.4 2024161 GATEWAY RETAIL STRIP STREETScape UPGRADE

MOTION

That Council:

1. Awards the tender from CDN Constructors Pty Ltd for Gateway Retail Strip Streetscape Upgrade, Contract No. 2024161 for a fixed Lump Sum of \$1,386,216 with an extra \$137,500 for Contingencies
2. Approves additional funding of \$55,732.17 required for this project
3. Authorises the Chief Executive Officer to execute the contract agreement
4. Notes that the contract is anticipated to commence on 1 July 2024 and the expected completion date is 30 October 2024 and
5. Notes that the anticipated project expenditure including the Fixed Lump Sum, Service Authority Fees and Charges & Project Management/Delivery Fees is \$1,559,432.17 with a further \$137,500 for Contingencies.

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

CARRIED

7.4.5 REVIEW OF ELECTION PERIOD POLICY AND ENDORSEMENT FOR PUBLIC CONSULTATION

MOTION

That Council

1. Endorses the amended Election Period Policy in attachment 2, for public consultation from 25 June 2024 to 9 July 2024.
2. Reschedules the Ordinary Council Meeting of 29 October 2024 to 22 October 2024.

Cr Zographos moved an amendment to the motion:

AMENDMENT

That Council:

1. Endorses the amended Election Period Policy ~~in attachment 2~~ for public consultation from 25 June 2024 to 9 July 2024, **as at Attachment 2, with clause 7(c) removed**; and
2. Reschedules the Ordinary Council Meeting of 29 October 2024 to 22 October 2024.

CARRIED

MOTION

That Council

1. Endorses the amended Election Period Policy for public consultation from 25 June 2024 to 9 July 2024, as at Attachment 2, with clause 7(c) removed; and
3. Reschedules the Ordinary Council Meeting of 29 October 2024 to 22 October 2024.

CARRIED

7.4.6 ATTENDANCE AT EVENT IN HONOUR OF THE AUSTRALIA - CHINA RELATIONSHIP

MOTION

That Council notes the Mayor, Cr Nicky Luo's attendance at a lunch in honour of the Australia – China relationship with The Honourable Anthony Albanese MP, Prime Minister of Australia which occurred on Monday 17 June 2024 in Canberra.

CARRIED

7.5 Chief Executive Officer

Nil.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION - REDUCING PERMEABILITY IN RESIDENTIAL AREAS

MOTION

That Council:

1. Notes that Officers have consistently raised the issue increasing and excessive hard surfaces reducing onsite garden area and permeability below State Government standards in new development and post-construction development with staff from the Department of Transport and Planning (DTP), who have advised they will look into this issue.
2. Notes that since raising the issue in 2023, officers have not received any update or further advice from DTP.
3. Notes that this issue arises from gaps in State regulations and consequently applies across Melbourne and is not unique to Monash.
4. Writes to the Minister for Planning:
 - a. Outlining the issue of the inconsistency between State standards for garden areas and onsite permeability and the failure of the existing regulatory framework to deliver on those objectives and standards in the real world.
 - b. The negative impacts of insufficient permeability on drainage systems, cooling and greening and general liveability of our suburbs.
 - c. Requests a response providing an update in 6 months.

CARRIED

8.2 NOTICE OF MOTION- CLIMATE CHANGE – DUTY OF CARE

MOTION

That Council

1. Notes the wide-ranging support for the Climate Change Amendment (Duty of Care and Intergenerational Equity) Bill 2023, including from the Australian Council of Social Service (ACOSS), the Australian Medical Association (AMA), and the Australian Human Rights Commission (AHRC)
2. Writes to the Minister for Environment and Water, Tanya Plibersek, to request that a duty of care is embedded in law as per the Bill.

LOST

DIVISION

For: Cr Samardzija, Cr de Silva, Cr Fergeus and Cr Paterson

Against: Cr Luo, Cr James, Cr Klisaris, Cr Lake, Cr Little, Cr McCluskey and Cr Zographos

Abstained: Nil

8.3 NOTICE OF MOTION- THE SAFETY OF LOCAL CHILDREN IN STATE CARE

MOTION

That Council:

1. Notes with significant concern information shared by the Victorian Children's Commissioner which reveals that there have been 160 reports of children in state-run residential care being the victims of child prostitution over the last year¹
2. Notes with significant concern that while residential care is meant for children aged 12-17 years, that children as young as 6 are being placed in residential units around Victoria²
3. Writes to the Minister for Children outlining these concerns with respect to local children and requesting information on how the Victorian Government intends to keep children in residential care in Monash safe from sexual trafficking and exploitation.

CARRIED

8.4 NOTICE OF MOTION- ENVIRONMENTAL SUSTAINABILITY STRATEGY UPDATE

MOTION

That Council Notes the Environmental Sustainability Strategy update for 2022-23 attached.

CARRIED

Meeting Note:

Cr McCluskey left the meeting at 8:25 pm.

8.5 NOTICE OF MOTION- COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

MOTION

That Council resolves to approve four (4) of the following applications for funding from the Council's Discretionary Expenditure Fund in accordance with the guidelines.

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Individual- Anna Kang	Requesting funds to Participate in Swimming Nationals Championship in Gold Coast	\$300

¹ <https://www.theage.com.au/national/victoria/jess-was-put-in-state-care-at-15-it-was-so-bad-she-ran-away-137-times-20240517-p5jeiq.html>

² Ibid

Bangla Art Centre of Victoria (BACV)	Requesting funds to support their Winter Festival 2024	\$500
Notting Hill Neighbourhood House	School Holiday Program designed specifically for primary school-aged children whose families are connected to our food relief programs, support services, weekly classes and community events.	\$1000
SKGA Inc Australia	Hall Hiring costs	\$1,122.45

CARRIED

9 URGENT BUSINESS

Nil.

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

Nil.

11 PERSONAL EXPLANATIONS

Nil.

12 COUNCILLORS' REPORTS

Councillors' Reports will be included in the endorsed minutes.

13 CONFIDENTIAL BUSINESS

PROCEDURAL MOTION

That Council, having reviewed and considered the certificates in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters in confidential business, resolve to:

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

CARRIED

The Council moved into Confidential business at 8:36pm.

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.42pm

14 MEETING CLOSURE

The Mayor declared the meeting closed at 8.42pm.

MAYOR:

DATED: XX

DECISIONS