



CITY OF
MONASH

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 30 NOVEMBER 2021**

at 7.00 pm

**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 30 NOVEMBER 2021 AT 7.00 PM.**

PRESENT

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

APOLOGIES:

Cr R Paterson, Cr T Zographos

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE MEETINGS OF COUNCIL HELD ON 26 OCTOBER
AND 9 NOVEMBER 2021**

Moved Cr McCluskey,

seconded Cr Little

*That the minutes of the Scheduled Meeting of Council held on 26 October and the
Additional Meeting held on 9 November 2021, be taken as read and confirmed.*

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PUBLIC QUESTION TIME

The Mayor advised that one questions had been received.

OFFICERS' REPORTS

1.
2. **CITY DEVELOPMENT**

2.1 **Town Planning Schedule**

Moved Cr Little, seconded Cr McCluskey

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 **56 - 58 & 62 Clayton Road Clayton – 3 Storey Apartment Building With Sub-Basement**

Moved Cr Little, seconded Cr McCluskey

That Council resolves to Grant a Planning Permit (TPA/51802) for the construction of a three storey apartment building with basement and alteration of access to a road in a Road Zone Category 1 at 56-58 & 62 Clayton Road, Clayton subject to the following grounds:

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 Rothe Lowman Architects dated 8 September 2021, Revision F but modified to show:*
 - a) *Reduction of the basement footprint in the north east corner of the site, with the deletion of two resident car parking spaces from the basement. The corresponding decking area at the ground floor is to be reduced and replaced with landscaping.*
 - b) *Deletion of the four bicycle parking spaces at the northern end of the frontage.*
 - c) *Dimensions of all facades from side and rear boundaries.*
 - d) *Dimensions of all decks and balconies.*
 - e) *The proposed services structure designed to be integrated into the site, using materials which help blend the structure into the building's architecture.*
 - f) *A Landscape Plan in accordance with Condition 3 of this Permit.*
 - g) *A Tree Management Plan in accordance with Condition 4 of this permit*
 - h) *A Sustainable Management Plan in accordance with Condition 6 of this Permit.*
 - i) *A Waste Management Plan in accordance with Condition 7 of this Permit.*
 - j) *An Acoustic Report in accordance with Condition 8 of this Permit.*

All to the satisfaction of the Responsible Authority

Layout not to be Altered

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

Landscape Plan

3. *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 Plan prepared by Site Image dated October 2020, except that the plan must be modified to show:*
 - a) *The revised layout of the development including reduction of the basement footprint required under Condition 1;*
 - b) *Details of creepers to the planter on the northern side of the vehicle access ramp which can cascade over and grow down the retaining wall;*
 - c) *Details of the vertical planting applied to the elevations.*
 - d) *A minimum of eight (8) canopy trees with a minimum height of 1.5 metres tall when planted. The canopy trees must have a minimum height of 10 metres at maturity, or as otherwise agreed by the Responsible Authority.*

Tree Management Plan

4. *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. 74, 75, 77 and 78-100 (as identified in the Arborist Report prepared by Treemap dated September 2022).*

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. *Details of root investigations undertaken in relation to Trees 79-90 adjacent to the southern boundary.*
 - ii. *Tree protection zones and structural root zones of all trees to be retained,*
 - iii. *All tree protection fenced off areas and areas where ground protection systems will be used;*
 - iv. *The type of footings within any tree protection zones;*

- v. *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*
- vi. *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.

Construction Management Plan

- 5. *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;*
- 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*

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- 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.

Sustainable Management Plan

- 6. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by WRAP Engineering Pty Ltd Dated 3 July 2020 (Revision 3), except that the plan must be modified to show any changes required by Condition 1 of this permit.*

Upon approval the Sustainable Management Plan will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority.

Waste Management Plan

- 7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 8 July 2020, but showing to the satisfaction of the Responsible Authority:*
 - a) Purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants;*
 - b) The Town Planning Application Number and existing land use;*
 - c) Detail of waste management of communal spaces such as rooftop area, foyer and library;*

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- d) *Access route to waste room for occupiers;*
 - e) *The location of hard and electronic waste within waste storage area;*
 - f) *Waste vehicle collection point;*
 - g) *Site plans to be marked up to indicate cleaning / washing facilities, drainage to sewer and screening or odour control;*
 - h) *The amended development and site layout; and*
 - i) *Any other changes as required by Condition 1.*

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

8. *Concurrent with the endorsement of plans pursuant to Condition 1, an 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 demonstrate that the development meets the following noise levels for all north facing apartments in accordance with Standard D16 of Clause 58.04-3:*

- *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
- *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

Environmental Site Assessment Report

9. *The removal of fill material must be undertaken in accordance with the Soil Classification Report prepared by Compass Environmental dated 30 October 2020.*

10. *An inspection must occur following the removal of fill by Compass Environmental or any other qualified persons to confirm that the fill has been successfully removed and the underlying natural soils are free of impacts.*

Removal of Street Tree

11. *The existing street tree will be removed and replaced by Council at the cost of the developer prior to the commencement of the development.*

Drainage and Stormwater

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

13. *No polluted and/or sediment laden 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.*
14. *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.*

Car Parking and Driveways

15. *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;*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
16. *Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.*
17. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*
18. *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.*

Plant / Equipment or features on roof

19. *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.*

Service Location

20. *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*

Department of Transport Conditions (Ref PPR 33726/20)

21. *Prior to commencement of the buildings and/or works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved*

by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted for the assessment, but modified to show:

- a) The location and dimensions of the width of the proposed crossover along Clayton Road.
 - b) The location and dimensions of the passing area along the frontage of the subject site.
 - c) The location of the security gate and warning signal associated with the development.
 - d) Landscaping within 2.5 metres along the driveway to be no more than 900mm in height.
 - e) The removal of redundant vehicle crossings along Clayton Road and reinstatement of the existing kerb and channel.
 - f) Prior to commencement of the buildings and/or works, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria
22. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be setback a minimum of 6 metres inside the property boundary to allow vehicles to store clear of the Clayton Road pavement and footpath.

23. All vehicles must enter and exit the site in a forward direction at all times.

Satisfactory Continuation and Completion

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

Time for Starting and Completion

25. 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 2 years from the date of issue.
- b) 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

- 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. *Building Permit approval for the works must be obtained prior to the commencement of the approved works.*
- B. *Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- C. *Council's Horticultural Department must be contacted regarding the removal of the street tree proposed.*
- D. *Any residents of the approved development will not be entitled to car parking permits for on street car parking.*
- E. *Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.*
- F. *Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables*
- G. *Department of Transport - The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works*

CARRIED

1.3 1071 North Road Hughesdale – Extension of Time - Development of the Land With a Single Storey Dwelling at the Rear of the Existing Dwelling With Associated Parking

Moved Cr Fergeus,

seconded Cr McCluskey

That Council resolves to issue an Extension of time to Planning Permit No. TPA/38170 for development of two (2) new double storey dwellings to the rear of the existing single storey dwelling (which is to be modified) with associated car parking and landscaping, and buildings and works within land affected by a Special Building Overlay at 1071 North Road, Hughesdale, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.

- *That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the completion of the development be extended for a further 2 years. Accordingly, the development must be completed by 10 November 2023.*
- *That the applicant be advised that it is unlikely a further extension of time will be granted given the time that has passed since the permit was granted.*

CARRIED

1.4 279 - 281 Jells Road Wheelers Hill - Use & Development of a Child Care Centre, Alteration of Access To A Road In A Road Zone, Category 1 And Removal of Vegetation Within a VPO

Moved Cr McCluskey,

seconded Cr Fergeus

That Council resolves that if it were in a position to make a decision, it would determine to Refuse the application for a Planning Permit (TPA/52528) for the use and development of a Child Care Centre, alteration of access to a road in a Road Zone, Category 1 and removal of vegetation within a Vegetation Protection Overlay at 279-281 Jells Road, Wheelers Hill subject to the following grounds:

- 1. The proposal is inconsistent with Clause 22.09 of the Monash Planning Scheme - Non-residential Use and Development in Residential Areas, as it fails to have appropriate regard to the residential environment and the amenity of the neighbourhood.*
- 2. The proposed built form does not adequately respect the surrounding residential character of the area, due to excessive height, scale and bulk and insufficient landscaping opportunities.*
- 3. The proposed development would adversely affect the amenity of neighbouring properties.*
- 4. The proposed development does not satisfy the objectives of the Schedule 4 to the Neighbourhood Residential Zone and is considered a poor design outcome for the site.*

CARRIED

1.5 65A Power Avenue, Chadstone - Social Housing Provision – EOI

Moved Cr Fergeus,

seconded Cr Little

That Council:

- 1. Commences an Expression of Interest process with Registered Housing Associations to assess the level of interest in the development, construction and management of social housing at 65A Power Avenue, Chadstone.*
- 2. Notes that if the proposed development is over 10 units and is funded through the Big Build/Social Housing Growth Fund, and undertaken on behalf of the Minister for Housing, the planning permit process, inclusive of re zoning from PPRZ to GRZ will be the responsibility of the Minister.*

3. *Notes that if the proposed development is funded by the Registered Housing Provider, then the development approval process and any rezoning process is undertaken at Council level. Should this be the case, it is proposed to commence the re zoning, once Council has decided upon which Registered Housing Provider it will partner with, and the extent of the proposed development is known.*
4. *Officers present the findings of the Expression of Interest process to Council for consideration.*

CARRIED

1.6 Proposed Naming of Laneway Abutting Tandara Court Chadstone

Moved Cr McCluskey,

seconded Cr Little

That Council:

1. *Notes the need to name the currently unnamed laneway abutting Tandara Ct, Chadstone (the Laneway) as outlined in the report.*
2. *Resolves to enact its powers as a Road Authority to name the Laneway pursuant to clause 5(1)(a) of Schedule 10 of the Local Government Act 1989 and in doing so comply with the statutory naming requirements pursuant to the Geographic Place Names Act 1998 as outlined in "Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016".*
3. *Notes that following the completion of the community consultation process, a further report shall be submitted to Council for consideration based on the feedback and submissions received regarding this proposal.*

CARRIED

DIVISION

A division was called.

For: Crs Lake, Little, Luo, McCluskey, Klisaris, Samardzija

Against: Crs Fergeus, de Silva, James

1.7 Tender for Parking Services

Moved Cr Luo,

seconded Cr Little

That Council calls for tenders for its Parking Services to have a new contract commencing 1 July 2022.

CARRIED

1.8 Tender for School Crossing Supervisor Program

Moved Cr Little,

seconded Cr Samardzija

That Council calls for tenders for the provision of School Crossing Supervision for the City of Monash for the period of 1 July 2022 to 30 June 2027.

AMENDMENT

Moved Cr Luo,

seconded Cr James

That Council:

1. *That Council calls for tenders for the provision of School Crossing Supervision for the City of Monash for the period of 1 July 2022 to 31 December 2022 with two six months extension options for Council exercisable at its sole discretion.*
2. *That Council gives notice to the State Government and all Monash schools that: a. it is seriously considering its future role in funding school crossing supervision as this is a service that relates to schools and the State Government's functions rather than local government functions.*
 - b. with rate capping in place, it is difficult for Council to continue to simply provide the same level of services from year to year in circumstances where there is significant new emerging challenges which are deserving of Council funding consideration;*
 - c. Council has a responsibility to its residents and ratepayers to regularly consider its spending priorities;*
 - d. it views with concern that the share of funding contribution to school crossing supervision costs has increased by more than 50% for local councils since 1975 while the proportion of funding contributed by the State Government has almost halved;*
 - e. it views the ongoing provision of school crossing supervision as an important service, but one that ought to be fully funded by the State Government as part of its responsibilities for funding education services in Victoria (a broad responsibility which should include getting children to and from school safely);*
 - f. it is keen to work collaboratively with the State Government and all Monash schools to transition to a new operating and funding model for school crossing supervision which does not impose costs on ratepayers and residents for a service that is unrelated to core local government functions and services; and*
 - g. it will not make any changes to the current funding model or operation of school crossing supervision services for the 2022 school year, however there should be no assumption of Council funding beyond 2022.*
3. *That Council invites the State Government, schools and other interested stakeholders to provide any feedback to Council by 25th February 2022.*
4. *That Council directs that officers provide further advice to Council by no later than the March Council meeting which should consider and include all feedback provided to Council and provide an officer recommendation on the future Council involvement and funding of school crossing supervision services in 2023 and beyond.*
5. *That Council writes to the mayors of all other Victorian councils and the Municipal Association of Victoria seeking the views of other councils on the question of the*

sustainability and appropriateness of local government funding for, and provision of, school crossing supervision services.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the substantive motion and was put to the vote and declared carried.

CARRIED

1.9 Monash Open Space Strategy Open Space Contribution & Implementation Plan

Moved Cr James,

seconded Cr Little

That Council:

1. *Notes the significant resident and worker population growth forecast for Monash between now and 2036, particularly in areas around the Suburban Rail Loop Stations.*
2. *Notes and adopts the updates to the Monash Open Space Strategy 2018 as set out in this report.*
3. *Notes and endorses officer responses to the issues raised by the Panel in Amendment C148 as set out in this report.*
4. *Notes and adopts the Monash Open Space Strategy Implementation Plan and Public Open Space Contribution Rate report for community consultation as part of an amendment to the Monash Planning Scheme.*
5. *Notes that based on forecast population growth and services standards of the Monash Open Space Strategy and the Monash Open Space Strategy Implementation Plan, a public open space contribution rate of 10% is proposed to be included in the Monash Planning Scheme.*
6. *Authorises the Director City Development to request the Minister for Planning for authorisation to prepare and exhibit an amendment to the Monash Planning Scheme as outlined in this report, including:*
 - a. *Changes Clause 53.01 to require that all subdivision is required to provide a public open space contribution at a rate of 10%.*
 - b. *A new Local Planning Policy for open space contributions.*
7. *Upon receiving authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*
8. *Notes that a further report will be presented to Council upon completion of the public consultation of the future amendment referred to in Items 7 & 8 above.*
9. *Recognises that the provision and enhancement of open space is a significant contributor to the livability of the Municipality and that a long-term view with regard to planning for the provision and improvement to open space must be*

taken to ensure that the needs of the growing population that are creating the demand for additional and improved open space are met.

CARRIED

DIVISION

For: Crs James, Little, Luo, Klisaris, Fergeus, de Silva,

Against: Crs Samardzija, Lake, McCluskey

2. COMMUNITY SERVICES

2.1 Active Recreation Opportunities Strategy

Moved Cr Little,

seconded Cr de Silva

That Council:

- 1. Note the findings of the community consultation on the draft Active Recreation Opportunities Strategy as detailed in Attachment 2 – Part B Community & Stakeholder Submissions on the Draft Strategy.*
- 2. Endorse the Active Recreation Opportunities Strategy as presented in Attachment 1.*

CARRIED

2.2 Mount Waverley Reserve Masterplan

Moved Cr Little,

seconded Cr Luo

That Council:

- 1. Notes the community and stakeholder submissions received in response to the public exhibition of the draft Mount Waverley Reserve Masterplan (Attachment B) and officer responses to the key issues (Attachment C).*
- 2. Endorses the Mount Waverley Reserve Masterplan as presented in Attachment A.*
- 3. Authorises officers to:*
 - a) offer the Mount Waverley Tennis Club a 3 year lease; and*
 - b) commence discussions with tennis clubs in Mount Waverley regarding a potential co-location and/or merger with the Mount Waverley Tennis Club with the view to prioritising capital investment into the destination club by way of incentive.*

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4. *Notes that land title consolidation process has commenced, along with the statutory procedures pursuant to Sections 207A and 223 of the Local Government Act 1989 to remove the Road status as part of the plan of consolidation process.*

CARRIED

2.3 Off-Leash Areas for Dogs Including Consideration of Fenced Off-Leash Areas

Moved Cr McCluskey,

seconded Cr Luo

That Council:

- 1 *Notes that work has been done on FOLAs as per the 15 December 2020 resolution of Council, including investigation of potential locations having regard to the off-leash area key principles as outlined in Attachment A.*
- 2 *Notes the key considerations and challenges of FOLAs as outlined in this report.*
- 3 *Accepts in-principle that for the above reasons, the scale and number of any potential FOLA developments in Monash need to be further considered following further assessment and consultation, but if introduced should be on a limited basis.*
- 4 *Notes the Domestic Animal Management Plan (DAMP) action for review of OLAs and accepts that this will impact existing areas, and the need to develop a policy and identify new OLAs (including possibly FOLAs) accepting this will have an impact on current and future locations where people can exercise their dogs off lead.*
- 5 *Agrees to undertake a holistic review of OLAs, including consideration of any changes/removal of existing OLAs and the identification of new possible OLA/FOLA locations.*
- 6 *Accepts that the review of existing OLAs will be undertaken within accordance with the 16 key principles as detailed in Attachment A.*
- 7 *Consult with clubs and users where OLAs exist and may be subject to any changes/removal of existing OLAs and report to Council at the appropriate time on proposed actions and feedback as well as a draft policy to inform the establishment (and retention) of OLAs, including how FOLAs may be considered in the future.*

AMENDMENT

Moved Cr Lake

seconded Cr Klisaris

*That the following words be added to the end of part 2 to the recommendation:
"and resolves not to proceed with FOLAs at this point in time."*

The Mayor foreshadowed an amendment, should this amendment be carried.

CARRIED

DIVISION

For: Crs Luo, McCluskey, Lake, Klisaris, Little, Samardzija

Against: Crs James, de Silva, Fergeus

AMENDMENT

Moved Cr James, seconded Cr Lake

That part 8 be added to the motion, to read: 8: That following the review referred to in part 6 of the motion that Council consults with the broader community to seek their feedback on the review, including OLAs and FOLAs, moving forward.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, was put to the vote and declared carried.

CARRIED

2.4 First Peoples Consultation

Moved Cr Fergeus, seconded Cr James

That Council undertakes consultation and engagement with the Bunurong Land Council Aboriginal Corporation, Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, and the broader community to inform the nature of any activities which acknowledge the pain and loss of culture, language and identity felt by many First Nations people on 26 January, with any resultant activities taking place as of 26 January 2023 rather than 26 January 2022 as originally proposed.

CARRIED

2.5 Monash Cricket Wicket Policy

Moved Cr Little, seconded Cr James

That Council:

1. Notes the consultation findings and submissions received in response to the draft Monash Cricket Wicket Policy.

2. Adopts the final Monash Cricket Wicket Policy (Attachment 2).

CARRIED

3. CORPORATE SERVICES

3.1 2021/22 Financial Management and Capital Works Progress Report – First Quarter 30 September 2021

Moved Cr Luo, seconded Cr Little

That Council:

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 30 September 2021, presented in accordance with Section 97 of the Local Government Act 2020.*
- 2. Approves the project variations contained therein.*

CARRIED

3.2 Tender for Provision of Business Continuity System and Support

Moved Cr McCluskey, seconded Cr Luo

That Council:

- 1. Awards the combined tender from RiskLogic Pty Ltd and Catalyst Technologies Pty Ltd for the provision of a Business Continuity System and Support, Contract No. 2021032 for an estimated fixed Lump Sum and Schedule of Rates contract \$767,543 and \$243,772 respectively¹ (estimated total \$1,011,315) inclusive of all available extension options;*
- 2. Authorises the Chief Executive Officer to execute the contract agreements;*
- 3. Notes that the contract will commence on 1 December 2021 or shortly thereafter with a three year initial term and three separate two year extension options executable at Council's option.*

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

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Appointment of New Members to the Environmental Advisory Committee

Moved Cr Little, seconded Cr McCluskey

That Council approves the appointment of the following community representatives: Jeffrey Xia, Mark Nan Tie and Boris Lai, to the 2020-22 Environmental Advisory Committee (EAC) as casual vacancies to replace departed members, in accordance with the current Terms of Reference of the Environmental Advisory Committee, until June 2022.

CARRIED

4.2 Tender for Sportsground Lighting Upgrade 2021-22 - Meade Reserve & Freeway Reserve

Moved Cr McCluskey, seconded Cr Little

That Council:

- 1. Awards the tender from Commlec Services Pty Ltd for Sportsground Lighting Upgrade 2021-2022 - Meade Reserve and Freeway Reserve, Contract No. 2022007 for the fixed Lump Sum Price of \$476,162.50 with an extra \$95,232.50 for Contingencies,*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on Monday 6 December 2021 and the expected completion date is Friday 11 March 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies and Project Management & Delivery Fees is \$607,930.40.*

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

CARRIED

4.3 Tender for Bus Shelter Maintenance, Supply and Installation

Moved Cr Fergeus, seconded Cr Little

That Council:

- 1. Awards the tender from JCDecaux Australia Pty Ltd for Bus Shelter Maintenance, Supply and Installation, Contract No. 2021038 for an estimated initial annual minimum guaranteed revenue of \$293,599 and an estimated total minimum guaranteed revenue of \$12,502,717 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 January 2022 or shortly thereafter, with an initial term of ten years and the contract has two separate extension options of five years each at the discretion of Council through formal resolution; and*
 4. *Requires that a portion of the revenue obtained through the contract be reinvested into bus shelter infrastructure, formalised through annual plan and budget process.*

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

AMENDMENT

Moved Cr James,

seconded Cr Luo

5. *That part 4 of the motion be amended to read "4. Requires that a portion of the revenue obtained through the contract be reinvested into new bus shelter infrastructure where none existed previously and this be formalised through annual plan and budget process."*

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, was then put to the vote and declared carried.

CARRIED

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

5.1 **Councillors Meeting Records**

Moved Cr McCluskey,

seconded Cr James

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

CARRIED

5.2 Monash Friends of Vemassee

Moved Cr Fergeus,

seconded Cr de Silva

That Council:

- 1. Re-affirms its commitment to the Friendship Agreement that it entered into with the Sub-District of Vemassee, Timor-Leste, on 10 March 2009 and August 2014.*
- 2. Agrees to forward a letter, from the Mayor, to the Administrator of the Sub-District of Vemassee regarding reaffirming the Friendship Agreement.*
- 3. Agrees to in-kind support for the one-off production of a Monash Friends of Vemassee brochure, with costs to be met from the 2021/2022 budget.*
- 4. Agrees to provide some space in the Monash Bulletin for Monash Friends of Vemassee to publicise its work.*
- 5. Re-affirms its agreement to providing furniture that the Council may seek to dispose of, for use by the school in Vemassee, if the furniture is suitable for use, with any transport costs to be met by the Monash Friends of Vemassee.*
- 6. Continues to provide support to the Monash Friends of Vemassee and a meeting space for its Annual General Meeting and up to two ad hoc meetings per annum.*

CARRIED

5.3 Monash Gallery of Art Committee of Management Annual Report 2020-2021

Moved Cr McCluskey,

seconded Cr Samardzija

That Council:

- 1. Notes the 2020 – 2021 Annual Report presented by the Monash Gallery of Art Committee of Management.*
- 2. Acknowledges the leadership of the Committee of Management in the achievement of Monash Gallery of Art's strategic vision.*
- 3. Approves the date of development of MGA's Strategic Plan 2022-2026 by 1 May 2022.*

CARRIED

5.4 Council Representation on Organisations/Committees

Moved Cr McCluskey, seconded Cr Little

That Council appoints:

- 1. the Council representatives to the various organisations and committees for 2021/2022.*
- 2. a Councillor representative to the Eastern Affordable Housing Alliance for a period of 2 years.*

CARRIED

5.5 Monash Council's 2020/21 Annual Report

Moved Cr James, seconded Cr Little

That Council adopts the Annual Report for the 2020/21 year, in accordance with the Local Government Act 2020.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr James, seconded Cr McCluskey

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>4Ever Friends Association Inc.</i>	<i>New Seniors Club Opening Party held at Southern Community Centre on 5 December 2021.</i>	<i>\$127.75 GST excl.</i>

CARRIED

6.2 Neighbourhood Issue: Climate Costs and Risks to Councils

Moved Cr Fergeus,

seconded Cr James

That Council:

- 1. Notes the Cities Power Partnership and Climate Council joint report, Neighbourhood Issue: Climate Costs and Risks to Councils;*
- 2. Requests that Officers consider the recommendations of the report and provide advice to Council on progress towards, or potential for, their implementation.*

CARRIED

6.3 Councillor Contact with Developers

Moved Cr de Sliva,

seconded Cr Fergeus

That Council:

- 1. Notes the October 2021 report from the Victorian Ombudsman "Investigation into allegations of collusion with property developers at Kingston City Council";*
- 2. Notes the Ombudsman's comments regarding meetings with property developers, including her recommendation that "it would be prudent for both Council staff and Councillors to record such meetings and for Council to keep a register of these";*
- 3. Re-affirms its commitment to the highest possible levels of transparency with regard to Council's decision-making as to planning and development;*
- 4. Directs Officers to provide advice to Council on the relevant recommendations from the Ombudsman contained in this report, including as regards the development of a public register of contact with developers.*

LOST

DIVISION

A division was called.

For: Crs Fergeus, de Silva

Against: Crs James, Lake, Little, Luo, McCluskey, Klisaris, Samardzija

7. COMMITTEE REPORTS

7.1 Monash Gallery of Art Committee of Management Recommendation for Committee Membership

Moved Cr McCluskey

seconded Cr Samardzija

That Council:

- 1. Approves the appointment of Tony Peake to the Monash Gallery of Art Committee of Management for a term of three years from 1 September 2022 to 1 September 2025.*
- 2. Approves to extend Kathy Hendy-Ekers' appointment to the Monash Gallery of Art Committee of Management from 27 October 2021 to 27 October 2022*

CARRIED

8. URGENT BUSINESS

Nil

PROCEDURAL MOTION

Moved Cr James,

seconded Cr Little

That Items 10 and 11 be considered as the next 2 items of business on the Council agenda

CARRIED

10. PERSONAL EXPLANATIONS

Nil

11. COUNCILLORS' REPORTS

Nil

9. **CONFIDENTIAL BUSINESS**

Moved Cr Samardzija,

seconded Cr McCluskey


That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificates.

CARRIED

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.56 pm.

The Mayor declared the meeting closed at 8.57 pm.

MAYOR: 

DATED THIS 25 DAY OF FEB 22 ~~2021~~