



**CITY OF  
MONASH**

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

**at 7.00 pm**

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

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**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 25 JANUARY 2022 AT 7.00 PM.**

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

**APOLOGIES**

Councillor P Klisaris

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 14 DECEMBER 2021**

Moved Cr Little                      Seconded Cr Luo

*That the minutes of the Meeting of the Council held on 14 December 2021, be taken as read and confirmed.*

**CARRIED**

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

**PETITION**

Cr Samardzija tabled a petition of 25 signatures from residents against the proposed development at 260 Jells Road, Wheelers Hill.

Moved Cr Samardzija                      Seconded Cr James

*That the petition be accepted.*

**CARRIED**

**PUBLIC QUESTION TIME**

The Mayor advised that 2 questions had been received.

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**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 Town Planning Schedules**

Moved Cr Little

Seconded Cr Paterson

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

**CARRIED**

**1.2 Parliamentary Inquiry into the Protections within the Victorian Planning Framework**

Moved Cr Paterson

Seconded Cr Little

*That Council:*

- 1. Notes the Terms of Reference of the Parliamentary Inquiry into Protections within the Victorian Planning Framework.*
- 2. Endorses the draft officer submission as detailed in the report.*
- 3. Directs the Director City Development to finalise and lodge Council's submission to the Inquiry in accordance with the draft officer submission included as Attachment 2 to this report.*

**CARRIED**

**1.3 2263-2267 Dandenong Road, Mulgrave - Apartment Development with Town Houses**

Moved Cr Little

Seconded Cr James

*That Council:*

- 1. Notes the submission from Urbis in relation to the development of a multi-level residential development under the Victorian Big Housing Build stimulus at 2263-2267 Dandenong Road, Mulgrave.*
- 2. Directs the Director City Development to write to the applicant in response to the submission generally stating:*
  - a. That it is Council's view that the proposal is generally consistent with the provisions of Clause 52.20 of the Monash Planning Scheme and the approved development under Planning Permit TPA/47349/A.*
  - b. There are a number of minor concerns with the proposed development as outlined in this report.*
  - c. That a number of conditions are recommended for approval; and*
- 3. Grant the Director City Development the flexibility to form the letter proposed to best suit and implement what is sought by this resolution and may add or remove some aspects of this recommendation.*

**CARRIED**

**1.4 52 Montclair Avenue, Glen Waverley - The development and use of a 7 storey building and reduction in the car parking requirement**

Moved Cr Zographos

Seconded Cr Little

*That Council resolves to issue a Notice of Decision to Grant an Amendment to Planning Permit (TPA/38878) which seeks to increase the number of patrons of the existing place of assembly on level 5 and reduction in the associated car parking requirement, at 52 Montclair Avenue GLEN WAVERLEY VIC 3150 subject to the following:*

- *Permit description amended to read buildings and works for the development and use of a 7 storey building (plus basement) comprising café/restaurants, karaoke/lounge bar and snooker/lounge bar areas and internet cafe with an on-premises liquor licence for all levels. Proposed trading hours: 7 days a week between 7am and 1am the following day and reduction in the car parking requirement*
- *Amended plans showing the additional patron numbers endorsed.*

*All existing permit conditions to remain as:*

1. *Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.*

*The plans must be generally in accordance with the plans submitted with the application, but modified to show:*

- a) *The proposed amended application uses reflecting the 3 levels of cafe/restaurant uses, 2 levels of snooker/karaoke/lounge bar uses and the level of therapeutic massage facilities.*
  - b) *the location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".*
  - c) *the location of gas and water meters;*
2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority*
  3. *Before the development begins, the owner of the land must enter into an agreement under section 173 of the Act in which the owner agrees to pay \$12,662.20 (GST inclusive) indexed by CPI (all groups) from 1 July 2011 to the responsible authority for:*
    - *each car parking space or part thereof specified under this Scheme; or*
    - *where a rate is not specified, as determined by the responsible authority and which cannot be provided on the land (net of car parking credits).*

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*The agreement may provide for the payment of the contribution in instalments plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.*

*The agreement must provide that the contribution is to be indexed according to the CPI (all groups) from 1 July 2011 until it is paid. The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, deregistering the agreement.*

*A cash contribution for 124.1 car spaces is required.*

*As at the date this permit issued, the total amount payable for the development and use hereby permitted is \$1,571,379 (GST inclusive).*

4. *Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the preparation of a Site Management Plan prepared to the satisfaction of the Responsible Authority and shall only be amended with the written consent of the Responsible Authority. The Site Management Plan required in the agreement must provide for the following matters:*
- a) Permanent display of the Management Plan in the common area;*
  - b) The nature of the management of the complex and the contact details of the manager for each tenancy;*
  - c) Provision of emergency contact details to be displayed so they are clearly visible to any person outside the site;*
  - d) Provision to ensure that the approved uses do not cause negative impacts on the amenity of the surrounding area particularly in respect to patron behaviour, activities and the extent to which external areas may be used at night;*
  - e) A requirement that should behavioural problems occur at the site causing disruption to surrounding residents, the operator under this permit must immediately take ameliorative action to the satisfaction of the Responsible Authority;*
  - f) Maintenance of grounds and upkeep of the buildings;*
  - g) Details of rubbish bin storage and waste collection;*
  - h) Emergency and evacuation procedures.*

*The cost of the preparation and review of the Section 173 Agreement and its registration on the title of the land must be borne by the owner of the land.*

5. *The uses authorised by this permit may operate only between the hours of 7am to 1am, the following day, 7 days a week.*

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6. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

*The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the north-west corner of the site where the entire site's storm water must be collected and free drained via a pipe to the Council outside No. 50 Montclair Avenue via a 225mm pipe and 900 mm x 600 mm junction pit to be constructed to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit. If the point of discharge cannot be located then notify Council's Engineering Division immediately.*

7. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties*
8. *Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*
9. *Prior to commencement of any buildings and works on the site, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
- a) measures to control noise, dust and water runoff;*
  - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - c) the location of where building materials are to be kept during construction;*
  - d) site security;*
  - e) maintenance of safe movements of vehicles to and from the site during the construction phase;*
  - f) on-site parking of vehicles associated with construction activities;*
  - g) wash down areas for trucks and vehicles associated with construction activities;*
  - h) cleaning and maintaining surrounding road surfaces.*

*Lighting must be designed baffled and located to ensure the safety and security of the premises, without adversely impacting on surrounding properties, to the satisfaction of the Responsible Authority.*

10. *Noise from mechanical services equipment and any music noise associated with the premises must at all times conform with the State Environment Protection policies SEPP N-1 and SEPP N-2, respectively.*
11. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*

12. *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 top level of the building unless otherwise agreed to in writing by the Responsible Authority.*
13. *A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. When approved the plan will be endorsed and will then form part of the permit.*
14. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
15. *Before the use starts all works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all works are completed to enable the site to be inspected.*
16. *Any unused portion of the property must be kept drained and tidy at all times to the satisfaction of the Responsible Authority.*
17. *The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.*
18. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
19. *External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
20. *The sign must not distract drivers due to its colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.*
21. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:  
(a) The development is not started before two (2) years from the date of issue.  
(b) The development is not completed before four (4) years from the date of issue.  
In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:  
(i) within six (6) months afterwards if the development has not commenced; or  
(ii) within twelve (12) months afterwards if the development has not been completed.  
Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.*

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act require Council approval via the Chief Environmental Health Officer before occupation.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *Any new drainage work within the road reserve requires the approval of Council's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$2,000 is to be paid prior to the drainage works commencing.*
5. *Engineering permits must be obtained for altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3690)*
6. *Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
7. *The redundant vehicle crossing is to be removed and reinstated with kerb and channel to the satisfaction of Council.*
8. *A drainage contribution will not be accepted in lieu of a detention system.*
9. *Detention system requirements are as follows:*
  - *Minimum storage = 7.00 cubic metres*
  - *Maximum discharge rate = 7.14 litres per second*
  - *Minimum orifice diameter if using orifice pit = 90 mm, otherwise install a Phillips multi cell or similar to control outflow*
10. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*

**CARRIED**



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**1.5 Award of Tender for Consultancy Services (Architectural and other Design Services)  
Bogong Car Park Extension Project**

Moved Cr Little

Seconded Cr Luo

***That Council:***

- 1) Awards the tender from Katz Architecture Pty Ltd for Contract No. 2022057 - Consultancy Services (Architectural and other design services) – Bogong Car Park Extension Project (Project) for the fixed lump sum amount of \$517,073 (or \$546,571 if novated to the builder) with an extra \$60,000 for contingencies to provide lead consultancy services related to the preparation of a detailed design, planning permit, tender documentation and construction stage services.***
- 2) Notes that the 2021/2022 adopted budget for the Project is \$641,000 which will cover consultancy progress payments from this Contract 2022057 and also Contract 2022056 being quantity surveying services for this Project.***
- 3) Authorises the Chief Executive Officer or their delegate to execute the Contract.***

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

**CARRIED**

**2. COMMUNITY SERVICES**

Nil.

**3. CORPORATE SERVICES**

Nil.

**4. INFRASTRUCTURE & ENVIRONMENT**

**4.1 Adopting the Environmental Sustainable Design Policy for Council Buildings and Infrastructure**

Moved Cr Paterson

Seconded Cr James

***That Council:***

- 1) Endorses the Environmental Sustainable Design for Buildings and Infrastructure Policy (ESD Policy).***
- 2) Notes the 'Policy Guidelines for Environmental Sustainable Design in Capital works - Buildings and Infrastructure' as the support document for the delivery of the ESD policy; and***

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**3) Notes that once endorsed, the ESD Policy will be applied to all relevant future Council lead Capital Works projects**

AMENDMENT

Moved Cr Fergeus

Seconded Cr de Silva

**That Council:**

**A) endorse the Environmental Sustainable Design for Buildings and Infrastructure Policy (ESD Policy) with the following amendments;**

- **Greenhouse Emissions Objective 1 be amended to “All building services to be powered by electricity (no fossil fuels) using efficient heating, cooling and hot water, except under exceptional circumstances or when user needs cannot be met”.**
- **Biodiversity Objective 2 be amended to “Ensure that the design retains and plants canopy trees and understorey. where possible to contribute to urban greening and to reduce the urban heat island effect”.**
- **Transport Objective 1 be amended to “Infrastructure must support all forms of active transport and wherever possible prioritise safe environments for pedestrian and bicycle users, and electric gadget users (e.g. electric or mobility scooters).”**
- **Transport Objective 2 be amended to “Wherever possible buildings incorporate end of trip facilities including secure bicycle parking, shower and change room numbers using Green Star standards.”**

**B) note the ‘Policy Guidelines for Environmental Sustainable Design in Capital works - Buildings and Infrastructure’ as the support document for the delivery of the ESD policy and notes that amendments will be made to the guidelines where required as per amendments outlined in A.**

**C) note that once endorsed, the Environmental Sustainable Design (ESD) policy will be applied to all relevant future Council lead capital works projects**

**CARRIED**

SUBSTANTIVE MOTION

The amendment became the Substantive Motion and was put to the vote and declared carried.

**CARRIED**

**4.2 Tender for Cambridge Street Reserve & Playground Upgrade**

Moved Cr Samardzija

Seconded Cr Fergeus

**That Council:**

- 1. Awards the tender from CommercialScapes Pty Ltd for Cambridge Street Reserve & Playground Upgrade Contract No. 2022063 for the fixed Lump Sum Price of \$632,925.81 with an extra \$55,000 for Contingencies and \$108,398.11 for Provisional Items;**

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2. *Authorises the Chief Executive Officer to execute the contract agreement;*
  3. *Notes that the contract is anticipated to commence on 27 January 2022 and the expected completion date is 30 June 2022; and*
  4. *Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management & Delivery Fees, Additional and Provisional Items is \$856,079.77*

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

**CARRIED**

#### **4.3 Tender for Drainage Pit & Pipe Works to Various Sites**

Moved Cr Paterson

Seconded Cr Samardzija

*That Council:*

1. *Awards the tender from Comar Constructions Pty Ltd for the following four (4) projects as part of the Drainage Pit & Pipe Works to Various Sites Contract No. 2022043:*
  - a. *Project 1: Doubell Close, Glen Waverley for the fixed Lump Sum Price of \$468,316.20 with an extra \$70,250 for Contingencies and \$36,850 for Provisional Items;*
  - b. *Project 4: View Street, Clayton for the fixed Lump Sum Price of \$212,249.40 with an extra \$32,000 for Contingencies and \$21,000 for Provisional Items;*
  - c. *Project 5: Layton Court, Glen Waverley for the fixed Lump Sum Price of \$152,773.50 with an extra \$23,000 for Contingencies and \$3,080 for Provisional Items; and*
  - d. *Project 6: Banksia Street, Clayton for the fixed Lump Sum Price of \$47,668.50 with an extra \$7,190 for Contingencies and \$1,100 for Provisional Items.*
2. *Awards the tender from Kalow Holdings Pty Ltd for the following three (3) projects as part of the Drainage Pit & Pipe Works to Various Sites Contract No. 2022043:*
  - a. *Project 2: Highland Avenue, Oakleigh East for the fixed Lump Sum Price of \$80,392.40 with an extra \$13,000 for Contingencies and \$8,500 for Provisional Items;*
  - b. *Project 3: Maureen Street, Mount Waverley for the fixed Lump Sum Price of \$237,297.50 with an extra \$24,000 for Contingencies and \$13,000 for Provisional Items; and*
  - c. *Project 7: Morton Road, Burwood for the fixed Lump Sum Price of \$22,082.50 with an extra \$3,600 for Contingencies.*
3. *Authorises the Chief Executive Officer to execute the contract agreements;*

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4. *Notes that the contract awarded to Comar Constructions Pty Ltd is expected to commence in March 2022 and is anticipated to be completed by June 2022;*
  5. *Notes that the contract awarded to Kalow Holdings Pty Ltd is expected to commence in February 2022 and is anticipated to be completed by June 2022; and*
  6. *Notes that the anticipated project expenditure including the fixed Lump Sums, Contingencies, Provisional Items and Project Management / Delivery Fees for the projects awarded to Comar Constructions Pty Ltd & Kalow Holdings Pty Ltd is \$1,142,577.60 and \$438,172.40 respectively, with an overall expenditure across all projects of \$1,580,750.*

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

**CARRIED**

#### **4.4 Tender for Road Reconstruction – Normanby Street, Hughesdale**

Moved Cr Paterson

Seconded Cr Little

*That Council:*

1. *Awards the tender from CDN Constructors Pty Ltd for Road Reconstruction - Normanby Street, Hughesdale, Contract No. 2022048 for the fixed Lump Sum Price of \$1,456,240.50 with an extra \$220,000 for Contingencies and \$118,525 for Provisional Items;*
2. *Authorises the Chief Executive Officer to execute the contract agreement;*
3. *Notes that the contract is anticipated to commence on 4 April 2022 and the expected completion date is 31 December 2022; and*
4. *Notes that the anticipated project expenditure including the Fixed Lump Sum, Contingencies, Provisional Items and Project Management & Design Fees is \$1,851,965.50.*

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

**CARRIED**

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**4.5 Report on Environmental Advisory Committee Activities**

Moved Cr Little

Seconded Cr James

*That Council note the discussions and outcomes that the Environmental Advisory Committee, as representatives of the community, have contributed to council in 2021.*

**CARRIED**

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

**5.1 Councillors' Meeting Records**

Moved Cr Little

Seconded Cr James

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

**CARRIED**

**5.2 Audit and Risk Committee 6 Monthly Activities Report**

Moved Cr Samardzija

Seconded Cr Luo

*That Council notes the six monthly briefing report forwarded by Council's Audit & Risk Committee, to the Chief Executive Officer (CEO) outlining the Committee's activities and providing any findings and recommendations in relation to the functions of the Committee.*

**CARRIED**

**5.3 Councillor Attendance at the ALGA National General Assembly 2022**

Moved Cr Samardzija

Seconded Cr Little

*That Council approves the attendance of the following Councillors at the Australian Local Government Association's National General Assembly in Canberra from 19 to 22 June 2022 both dates inclusive:*

*Councillors James, Samardzija, Zographos, Paterson, Little, McCluskey and Luo.*

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications - Mayor**

Moved Cr James

Seconded Cr Zographos

*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>Friends of Scotchmans Creek and Valley Reserve Inc.</i>	<i>Weeding/planting in Valley Conservation Reserve, Waterwatch activities, school groups.</i>	<i>\$1,000.00</i>

**CARRIED**

**6.2 Cycling Connection between Scotchmans Creek and Djerring Trails**

Moved Cr James

Seconded Cr Fergeus

*That Council:*

- 1. Agrees to progress work on a cycling connection between Scotchmans Creek Trail and the Djerring Trail in Oakleigh*
- 2. Directs officers to finalise the concept proposal for consultation and seek endorsement from Council in February 2022*
- 3. Directs officers to include consideration in the concept proposal for a dedicated cycleway along Hanover Street between Atherton Road and Burlington Street, instead of diverting via Oxford Street*

**CARRIED**

**7. COMMITTEE REPORTS**

**7.1 Audit and Risk Committee Minutes**

Moved Cr Samardzija

Seconded Cr Luo

*That Council:*

- 1. notes the unconfirmed minutes of the 7 December 2021 Audit & Risk Committee (the Committee); and*
- 2. notes that the minutes will be signed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

**CARRIED**

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8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Nil.

The Mayor declared the meeting closed at 7:32pm

MAYOR:  .....

DATED THIS 25 ..... DAY OF FEB ..... 2022