



CITY OF
MONASH

MINUTES OF THE MEETING OF

COUNCIL

HELD ON 26 APRIL 2022

at 7.00 pm

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

MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 26 APRIL 2022 AT 7.00 PM.

PRESENT

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

APOLOGIES

Councillors A de Silva, R Paterson

DISCLOSURES OF INTEREST

Nil.

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PETITION

Cr Zographos tabled a petition of 14 signatures from residents, property owners, eligible voters and business operators. The petition calls for the City of Monash to install a safety protection zone along the rear laneway of 186-190 Huntingdale Road, Oakleigh East.

Moved Cr Zographos

Seconded Cr James

That the petition be received.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that four questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr Little

Seconded Cr McCluskey

That Council notes report containing the Town Planning Schedules.

CARRIED

1.2 1-9 Allen Street and 777-781 Warrigal Road, Oakleigh - Use and development of a retirement village with food and drink premises (café), signage and a reduction of carparking

Moved Cr Luo

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53176) for the use and development of a retirement village with food and drink premises (café), alteration of access to a road in a Transport Zone 2, business identification signage and a reduction of car parking at 1-9 Allen Street & 777-781 Warrigal Road, Oakleigh 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. 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 to Council prepared by VIA Architects Pty Ltd (Revision G dated 2 February 2022) but modified to show:*
 - a) *The ground floor setback a minimum of 7.5 metres from the eastern boundary, excluding the terraces/balconies;*
 - b) *The first floor setback a minimum of 9 metres from the eastern boundary, excluding the terraces/balconies;*
 - c) *Internal rearrangements as a result of the above change in point a);*
 - d) *Details of all retaining walls including materials, height and finished levels;*
 - e) *Width of the western crossover on the ground level plan to match the ramp details plan;*
 - f) *Details of privacy screens on balconies including materials and level of transparency to prevent overlooking to the north adjoining property to the satisfaction of the Responsible Authority;*
 - g) *The accessible parking space designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*

The vehicle path to and from each accessible space have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm;

- h) Notation on the ground floor plan to read 'no excavation will take place within 2.5 metres on the outside base of the street tree located west of the western crossover';*
 - i) Location of a minimum of eight (8) canopy trees along the northern boundary including four (4) trees along the egress path adjacent to 775 Warrigal Road & four (4) trees along the egress path adjacent the carpark of 773 Warrigal Road;*
 - j) Design of the hydrant booster enclosure, electricity supply, gas and water meter boxes including the height and colour of the enclosures to ensure that they are incorporated into the landscape setting;*
 - k) Bin storage details in accordance with the Waste Management Plan;*
 - l) An amended Landscape Plan prepared in accordance with Condition 4;*
 - m) An amended Waste Management Plan prepared in accordance with Condition 5;*
 - n) A Landfill Gas Risk Assessment & Sustainable Management Plan in accordance with Conditions 6 & 7; and,*
 - o) A Car Parking Management Plan in accordance with condition 9.*
- All to the satisfaction of the Responsible Authority.*

Layout not to be Altered

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***
- 3. As part of the ongoing consultant team, VIA Architects Pty Ltd or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:***
 - a) Oversee design and construction of the development; and*
 - b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*

Management and Landscaping Plans

Landscape Plan

- 4. Concurrent with the endorsement of any plans required 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 John Patrick (Revision A) dated 29 November 2021 except that the plan must show:***
 - a) Additional canopy trees along the northern boundary as required under condition 1;*

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- b) Additional shrubs at the south of the pedestrian walkway from Warrigal Road near the substation;*
 - c) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*
 - d) The hydrant booster enclosure, electricity supply, gas and water meter boxes incorporated into the landscape setting;*
 - e) The detail of the proposed paving;*
 - f) The location and operational detail of external lighting (if any); and*
 - g) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas, all to the satisfaction of the Responsible Authority.*

Waste Management Plan

- 5. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be submitted with a Landfill Gas Risk Assessment in accordance with condition 6, and substantially consistent with the Waste Management Plan prepared by Traffix Group, Revision B dated 10 September 2021 but revised to the satisfaction of the Responsible Authority:***
 - a) Provide the Planning Application number to the introductory section;*
 - b) Amended waste generation calculation to reduce food waste diversion to be no greater than 50%;*
 - c) A later adoption of separate glass recycling including allowing for glass containers when separated glass recycling is required;*
 - d) Bin storage inside premises amended to include food waste kitchen caddies; and bin storage area should be updated to indicate drainage to sewer, accessibility and bin manoeuvrability;*
 - e) Bin collection details including collection points, bin transfer routes and swept path diagram;*
 - f) Bin storage details to include drainage to sewer, accessibility, bin manoeuvrability and all waste streams indicated;*
 - g) Provision for an e-waste recycling bin in accordance with the Best Practice Waste Management;*
 - h) Indication that the property is ineligible for the Council hard waste collections; and*
 - i) Outline of how the waste management system will be monitored and communication strategy for occupiers.*

Landfill Gas Risk Assessment

- 6. Concurrent with the endorsement of the Waste Management Plan required pursuant to Condition 5, a Landfill Gas Risk Assessment prepared by a suitably qualified expert must be submitted to and approved by the Responsible Authority.***

Sustainable Management Plan

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7. *Concurrent with the endorsement of plans required 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 Integrated Group Services Dated 10 September 2021 but amended to reflect the amended development plan required under Condition 1.*

Construction Management Plan

8. *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) 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; and*
 - 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;*

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- *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.*

Car Parking Management Plan

9. *Concurrent with the endorsement of any plans pursuant to Condition 1, a Car Parking Management Plan (CPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CPMP will be endorsed and will form part of this permit. The CPMP must address, but not be limited to, the following:*
 - a) *The number and location of car parking spaces allocated to each building for residents;*
 - b) *The location and number of any staff car parking spaces;*
 - c) *The location and number of any visitor car parking spaces;*
 - d) *Details of way-finding, cleaning and security of end of trip bicycle facilities; and*
 - e) *A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits and restrictions.*
10. *The provisions, recommendations and requirements of the above endorsed Management Plans related to in Conditions 4-8 inclusive must be implemented and complied with in an ongoing manner, to the satisfaction of the Responsible Authority.*

Use Conditions

11. *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 that the Independent Living Units as shown on the plans prepared by VIA Architects Pty Ltd (Revision G dated 2 February 2022) must only be used for the purpose of a Retirement Village in accordance with the Retirement Villages Act 1986 (Vic) or future legislation which may supersede this Act. The agreement must be registered on Title and the cost of the preparation and execution of the Agreement is to be paid by the owner.*
12. *The Retirement Village must be operated and managed in accordance with the Retirement Villages Act 1986 (Vic) or future legislation which may supersede this Act.*
13. *The amenities and other communal facilities must only be used by residents and their guests or by members of staff, to the satisfaction of the Responsible Authority.*

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14. *The food and drink premises may only operate between the hours of 6:00am to 6:00pm Monday to Sunday, unless the Responsible Authority gives consent in writing to vary these hours.*
 15. *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 products;*
 - (d) presence of vermin.*
 16. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

Car Parking Conditions

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

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

18. *No less than 103 car spaces must be provided on the land, including 1 car space to be allocated to the food and drink premises, to the satisfaction of the Responsible Authority prior to the commencement of the use or occupation of the development.*
19. *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.*
20. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*
21. *All loading and unloading of vehicles must be carried out within the boundaries of the land and must 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.*

Drainage & Stormwater

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

23. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

General Conditions

24. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

25. All signs must be located wholly within the boundary of the land.

26. Signs must not be illuminated without the written consent of the Responsible Authority.

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

28. 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.

29. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

30. 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.

31. 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.

32. Any required fire services, electricity supply, gas and water meter boxes as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.

33. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

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

Tree Protection

- 35. All existing vegetation (including trees on adjacent land and naturestrips) shown on the endorsed plans must be suitably identified before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.**
- 36. 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 trees on adjacent land and naturestrip). 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.**
- 37. 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 (including trees on adjacent land and naturestrip) as shown on the endorsed plans and are advised of their obligations in relation to the protection of those trees.**
- 38. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.**

Department of Transport Conditions (Ref: PPR 37651/21)

- 39. Prior to the occupation of the development, all disused or redundant vehicle crossings on Warrigal Road must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 40. The demolition and construction of the development must not disrupt bus operations on Warrigal Road without the prior written consent of the Head, Transport for Victoria.**
- 41. Any request for written consent to disrupt bus operations on Warrigal Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.**

Time for Starting and Completion

- 42. The approved signs of this Permit will expire 15 years from the date of issue of this permit.**
- 43. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:**
- (a) The development is not started before two (2) years from the date of issue.**
 - (b) The development is not completed before four (4) years from the date of issue.**
- In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:**
- (i) within six (6) months afterwards if the development has not commenced; or**
 - (ii) within twelve (12) months afterwards if the development has not been completed.**
- Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.**

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.**
- B. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.**
- C. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:**
- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or**
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or**
 - another Council approved equivalent.**
- D. All stormwater collected on the site 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 drainage works commencing.**
- E. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the easement. (A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit).**
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.**

- F. Existing Council drains and pits located in properties 777 – 781 Warrigal Road and part of 1-9 Allen Street are to be discontinued and removed along with easements removal applications to Council's satisfaction.*
- G. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention system is to be separated from the storm water detention system for the property, which is to be at ground level and discharge by gravity.*
- H. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department 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.*
- I. Unless no permit is required under the planning scheme, any further signs not shown on the endorsed plans must not be constructed or displayed without a further permit.*
- 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. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.*
- K. 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.*
- L. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*
- M. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.*
- N. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- O. Please apply via Council's online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business*

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- P. The design and fit out of the food premises must comply with Food Standard Australia New Zealand's 'Food Safety Standard 3.2.3 -- Food Premises & Equipment'.*
- Q. The premises must not create a nuisance under the Public Health and Wellbeing Act and 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).*
- R. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- S. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- T. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*
- U. Residents of the approved development will not be entitled to car parking permits for on street car parking.*

Cultural Heritage Management Plan

- V. The recommendations and requirements of the approved amended Cultural Heritage Management Plan must be implemented to the satisfaction of the Cultural Heritage Advisor.*

Notes required by Department of Transport

- W. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.*

CARRIED

- 1.3 444-454 Waverley Road, Mount Waverley – To construct and use of a building on the land for a child care centre, café (food and drink premises) and tree removal**

Moved Cr Little

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/52770) for the buildings and works to construct and use a building on the land for a child care centre and a café (food and drink premises), tree removal including

removal of native vegetation, at 444-454 Waverley Road, Mount Waverley subject to the following conditions:

Amended Plans Required

- 1. Before the development and use starts, one copy 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 to Council on 9 March 2022 (TP04, TP05 & TP05a Revision C dated 25 January 2022, TP04a Revision B dated 25 January 2022, TP06 & TP07 Revision A dated 25 January 2022, TP08 & TP09 dated 23 March 2022 and TP11 Revision A dated 22 March 2022), but modified to show:

- a) A 3 metre wide drainage easement to be created to protect Council's existing 375 mm and 450mm outfall drains from the Anthony Drive properties. A notation on the plans to read: 'The existing stormwater drain on the west side of the properties at 1 to 7 Anthony Drive to be replaced by a 300 mm stormwater drain, each property reconnected to the new drain and the creation of a 3 metre wide drainage easement to the satisfaction of Council;*
- b) All easements (carriageway, drainage and floodway) in accordance with the Section 173 Agreement (AG681522S);*
- c) On the Waverley Road frontage, the provision of a corner splay or a defined area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property boundaries) from the western edge of the exit lane of the vehicle crossing to ensure that a clear view of pedestrians using the footpath along the frontage road is provided;*
- d) The accessible parking spaces designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm;*
- e) All windows on the first floor, south east elevation to be labelled 'obscure glazing';*
- f) Site permeability increased to no less than 40% of site area;*
- g) Reference to the acoustic treatment and controls to the child care centre and café in accordance with the Acoustic Report prepared by Acoustic Control Pty Ltd, dated 9 June 2021;*
- h) An external lighting plan in accordance with the requirements of conditions 5 and 9;*
- i) Changes required in accordance with the Waste Management Plan as requested in condition 10; and*
- j) Changes required to satisfy the Sustainable Management Plan in accordance with Condition 12.*

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 written consent of the Responsible Authority.***

Landscaping 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. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Blue Landscape Architects (Revision TP1) dated 4/6/2021 except that the plan must show:***

- a) The revised building layout in accordance with the amended development plan (TP04, TP05 & TP05a Revision C dated 25 January 2022, TP04a Revision B dated 25 January 2022 and TP06 & TP07 Revision A dated 25 January 2022) and changes required under condition 1 of this permit;***
 - b) 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;***
 - c) Use of non-invasive, clumping species of bamboo (including provision of appropriate root barriers) and planting of indigenous climbing/ screen plants along the new shared path;***
 - d) The hydrant booster enclosure, electricity supply, gas and water meter boxes designed to be incorporated into the landscape setting;***
 - e) The detail of all proposed paving;***
 - f) The location of external lighting (if any); and***
 - g) 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.***

- 4. Before the uses start, 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 thereafter.***

Lighting Plan

- 5. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Lighting Plan prepared by a suitably qualified or experienced Lighting Engineer must be submitted to and approved by the Responsible Authority. The Lighting Plan must show:***

- a) Location of any external lighting;***
- b) Intensity of lighting limited so as not to cause any loss of amenity to occupiers of nearby land and/or excessive light spill to public open space conservation areas to the satisfaction of the Responsible Authority.***

When approved, the plans will be endorsed and then form part of the Permit.

- 6. All external lighting must be designed, baffled, located and maintained to prevent light spill from the site causing any unreasonable amenity or environmental impacts on the locality, to the satisfaction of the Responsible Authority.*

Easements, Shared Path & Section 173 Agreement

- 7. The existing shared user path behind the properties at 1 to 7 Anthony Drive must be removed when the new shared path is constructed within the subject land to the satisfaction of the Responsible Authority. The cost of the removal of the existing path will be met by the permit holder. Ongoing pedestrian and cyclist access through the site must be provided at all times to the satisfaction of the Responsible Authority. The Responsible Authority may provide its written consent to alternative arrangements including the timeframe for removal of the existing shared path and temporary pedestrian and cyclist access through the site during construction works.*
- 8. Prior to commencement of the use hereby permitted, all requirements of the existing Section 173 Agreement (AG681522S) registered on the Title must be fully satisfied or the Agreement amended accordingly to the satisfaction of the Responsible Authority and respective parties to the Agreement.*
- 9. Prior to commencement of the use hereby permitted all easements required by this permit and the existing Section 173 Agreement (AG681522S) must be created and registered on Title to the satisfaction of the Responsible Authority.*

Waste Management Plan

- 10. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants, dated 19 May 2021 but revised to show the:*
- a) Inclusion of the TPA number to the introductory section; and*
 - b) Provision of scaled plans detailing the proposed waste collection process including; bin collection areas, the strategy for bin transfer from storage area to collection point & transfer routes and gradients; and plans for hard waste and e-waste collection and disposal;*
- to the satisfaction of the Responsible Authority*

When approved, the plans will be endorsed and then form part of the Permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

- 11. Prior to the commencement of any site works (including any demolition, vegetation removal and excavation), a Construction Management Plan (CMP)*

must be submitted to and approved by the Responsible Authority. Once approved, 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) Pedestrian and cyclist access through and around the construction site including ongoing connections to the adjoining shared user path network;*
 - b) Appropriate measures to control noise, dust and water and sediment laden runoff;*
 - c) Appropriate measures to prevent silt or other pollutants from entering into the Council's drainage system or onto the road network;*
 - d) Appropriate measures relating to removal of any 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 or drainage system;*
 - f) A program for the regular cleaning and maintenance of the 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 24 hour site security;*
 - i) A plan showing the location of parking areas for all construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to the surrounding location. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
 - j) A Traffic Management Plan showing truck routes to and from the site;*
 - k) A swept path analysis, using the largest truck anticipated on site, demonstrating the ability of trucks to enter and exit the site in a safe and timely manner.*
 - 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 24 hour contact details of key construction site staff; and*
 - n) Restriction on hours of work on site, including demolition, excavation or general construction works, to 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.*
- Unless prior written consent is provided by the Responsible Authority these hours cannot be varied.*

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 (SMP)

- 12. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan (in accordance with Clause 22.13 Environmentally Sustainable Development Policy and Clause 53.18 Stormwater Management in Urban Development) must be submitted to and approved by the Responsible Authority. Upon approval the Sustainable Management Plan will be endorsed and become part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority***

Use of Land

- 13. There must be no more than 184 children in the Child Care Centre premises at any one time.***
- 14. The Child Care Centre use may operate only between the hours of 6:00am to 7pm Monday to Friday.***
- 15. The Food and Drink Premises may operate only between the hours of 6:00am to 7pm Monday to Friday and 7am to 4pm Saturday & Sunday.***

Tree Protection & Removal of Native Vegetation

- 16. All existing vegetation shown on the endorsed plans marked to be retained, must not be removed, destroyed or lopped without the further written consent of the Responsible Authority.***
- 17. Prior to the commencement of any works permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, must be marked and provided with a protective barricade to ensure the retention. The installation and maintenance of these barriers must be verified by a qualified landscape architect or horticulturist.***
- 18. All work within the dripline of any tree to be retained (including trees on site and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.***
- 19. No building material, demolition material earthworks, machinery or vehicles shall be parked, stored or stockpiled under the canopy line of any tree identified as "to be retained" during the construction period of the development hereby permitted.***

Car Parking and Accessways

-
- 20. A minimum of 40 parking spaces are to be provided for the child care centre use and 5 parking spaces are to be provided for the food and drink premises at all times and suitably labelled/signed as such.**
- 21. Before the uses start, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:**
- a) constructed to the satisfaction of the Responsible Authority;**
 - b) properly formed to such levels that they can be used in accordance with the plans;**
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;**
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and**
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.**

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

- 22. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.**
- 23. The loading and unloading of goods from vehicles must only be carried out on the subject land.**

Privacy screens

- 24. Prior to the uses start, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. Note: The application and use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.**

Services and Plant Equipment

- 25. 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.**
- 26. 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.**
- 27. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.**

Drainage & Stormwater

- 28. The site must be drained to the satisfaction of the Responsible Authority.***
- 29. 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.***
- 30. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.***
- 31. Prior to occupation of the approved premises, drainage easements (3 metres wide or as specified by City of Monash Engineering Department) are to be created to protect Council's existing 375 mm and 450mm outfall drains from the Anthony Drive properties and any additional drainage assets required by this permit as specified by the Responsible Authority. The existing stormwater drain on the west side of the 1-7 Anthony Drive properties to be replaced by a 300 mm stormwater drain, each property reconnected to the new drain and the creation of a 3 metre wide drainage easement to the satisfaction of Council.***

Satisfactory Continuation

- 32. Once the development and/or use has started it must be continued and completed to the satisfaction of the Responsible Authority.***

Department of Environment, Land, Water & Planning (DELWP) Conditions

- 33. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.***
- 34. The total area of native vegetation proposed to be removed totals 0.0102 hectares, comprised of:***
 - a) 1 large scattered tree***
 - b) 1 small scattered tree.***
- 35. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.018 general habitat units:***
 - a) Located within the Port Phillip and Westernport Catchment Management boundary or Monash City Council municipal area***
 - b) With a minimum strategic biodiversity score of at least 0.152. The offset(s) secured must also protect 1 large tree.***
- 36. Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:***

-
- a) *An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or*
- b) *Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.*
37. *A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.*
38. *Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.*
39. *Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.*
40. *A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.*
41. *Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:*
- a) *Any vehicle or pedestrian access, trenching or soil excavation, and*
- b) *Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products, and*
- c) *Entry or exit pits for underground services, and*
- d) *Any other actions or activities that may result in adverse impacts to retained native vegetation.*
42. *Before any works start a Construction Environment Management Plan (CEMP) is developed to the satisfaction of the Responsible Authority. The CEMP should include:*
- a) *Measures to address Conditions 32, 39 and 40*
- b) *Measures to control erosion and sediment laden water runoff*
- c) *Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction*
- d) *Tree/vegetation protection measures and zones*

-
- e) The location of trenching works, boring, and pits associated with the provision of services*
 - f) The location of any temporary buildings or yards*
 - g) Measures to remediate any areas on Crown land that are disturbed during construction*
 - h) Reasonable precautions to ensure that any soil and equipment is free from noxious/environmental weed seeds and other vegetative material that can grow prior to transporting any soil and equipment to or from the site*

43. That a Landscape Plan that enhances the creek interface and protects retained native vegetation is developed and implemented to the satisfaction of the Responsible Authority.

Melbourne Water Conditions (Ref: MWA- 1215179)

44. The building setbacks adjacent to Scotchmans Creek must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate setback from the waterway.

45. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:

- a) Silt fencing*
- b) Access tracks*
- c) Spoil stockpiling*
- d) Trenching locations*
- e) Machinery/Plan Locations*

46. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

Time for Starting and Completion

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

- (a) The development is not started before two (2) years from the date of issue.*
 - (b) The development is not completed before four (4) years from the date of issue.*
- In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:*
- (i) within six (6) months afterwards if the development has not commenced; or*
 - (ii) within twelve (12) months afterwards if the development has not been completed.*

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

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.**
- B. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.**
- C. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.**
- D. 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.**
- E. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:**
- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or**
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or**
 - another Council approved equivalent.**
- F. 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.**
- G. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the reserve to be constructed to Council standards. (A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit).**
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.**
- H. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department 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.**
- I. All infrastructure proposed over the newly created drainage easement requires a Building Over Easement approval obtained from the Council.**

- J. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.*
- K. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*
- L. 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.*
- M. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.*
- N. Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.*
- O. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- P. 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).*
- Q. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- R. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*
- S. The recommendations and requirements of the approved Cultural Heritage Management Plan must be implemented to the satisfaction of the Cultural Heritage Advisor.*

Notes required by Department of Environment, Land, Water and Planning

- T. Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or further information, please contact Simon Denby, Program Manager-Natural Environment Programs at the Knoxfield regional office of the Department of Environment, Land, Water and Planning on (03) 0436 920 161 or email simon.denby@delwp.vic.gov.au.*

CARRIED

1.4 22 Burton Avenue, Clayton – Amendment to permit to allow the construction of a four storey apartment building with basement parking and within a Special Building Overlay area

Moved Cr Luo

Seconded Cr Samardzija

That Council resolves to issue a Notice of Decision to Amend Planning Permit (TPA/44769/A) for a ~~three~~ four storey apartment building with basement parking within a Special Building Overlay area, at 22 Burton Avenue, Clayton subject to the following conditions (changes underlined or ~~deleted~~):

- 1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.*

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

- a) ~~The fence in front of Apartment G01 to have a maximum height of 1.8 metres and to be setback from the front property boundary a minimum of 5.0 metres~~ relocated in line with the front façade of the building*
- b) An additional 600mm deep planting area in front of the front fence of Apartment G01.*
- ~~c) Increased setbacks to dwellings at Levels 1 and 2 (excluding the lift core and stairwell) to ensure that the overshadowing impact of the development on the secluded private open space of the adjoining properties is no greater than that cast by the existing south western property boundary fence from 10am onwards on 22nd September.~~*
- d) The car park entry ramp modified to reflect the flood proof apex requirements contained in Melbourne Water's conditions.*
- e) Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending to at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- f) Balconies for Apartments 101, 104 and 108 to have a minimum width of 1.6 metres for at least a total of 8 square metres.*
- g) Reduction of the utility services structure to no more than 5 metres in length and 1.245 metres in height. Design detail of the services "cupboard" on the Burton Street frontage must also be provided, including dimensions and colours, showing that the services are incorporated into the overall design of the development to minimise the visual impact.*
- g) Deletion of all paving within the front setback, except for the driveway and pedestrian entry path with a commensurate increase soft landscaping.*
- h) Redesign of the bicycle parking area, or relocation to the basement, to increase soft landscaping.*
- i) Installation of a minimum of two electric vehicle charging ports.*

-
- h)j) Any changes as a result of the requirements of conditions a) to g) i) above, to the satisfaction of the Responsible Authority.*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.*
 - 4. 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. The plan must show the proposed landscape treatment of the site including:-*
 - an additional deep planting area in front of ~~the front fence~~ of Apartment G01*
 - the location of all existing trees and other vegetation to be retained on site*
 - provision of canopy trees with spreading crowns at the front of the site with at least one of the canopy trees with a minimum mature height of 10 metres*
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - the location and details of all fencing*
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - details of all proposed hard surface materials including pathways, patio or decked areas*

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

- 5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 6. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*
- 7. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
 - a) trench grates (150 minimum internal width) located within the property; and/or*

-
- b) shaping the driveway so that water is collected in a grated pit on the property:
and/or
c) another Council approved equivalent*
- 8. The nominated point of stormwater connection for the site is to the north-west of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Melbourne Water Drain in the naturestrip to Melbourne Water and Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately*
- 9. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.*
- 10. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518 3555)*
- 11. Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
- 12. The proposed crossing is within 1.5 metres of an adjoining crossing and shall be converted to form a double crossing.*
- 13. All new crossings must be a minimum of 3.0 metres in width.*
- 14. The proposed vehicle crossing will affect the on street line marked parking bays. The existing line marking in front of the site is to be removed and new marking installed 1m north-east from the north-east splay on the new vehicle crossing. All works are to be done to the satisfaction of Council's Engineering Department at the full cost to the developer.*
- 15. The development is to provide car parking for residents and visitors in accordance with the provisions of Clause 52.06-5 of the Monash Planning Scheme.*
- ~~*16. On-site visitor parking spaces are required to be clearly marked.*~~
- ~~*17. Car spaces 21 and 22 are to be allocated to visitor parking.*~~
- ~~*18.*~~
- 16 The layout of the development shall follow the design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*
- Driveway to be at least 3 metres wide.*
 - Driveway to have an internal radius of at least 4 metres at changes of direction or intersection.*

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- *Driveway to provide at least 2.1 metres headroom beneath overhead obstructions.*
 - *Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles or to the satisfaction of the Responsible Authority.*
 - *Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - (i) Maximum grade 1 in 4,*
 - (i) Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - *Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*

~~19.~~

17 *Plans for the car stacker detail design and associated features (including plan and model numbers) are required to the satisfaction of the Responsible Authority.*

~~20.~~

18 *Car stacker modules are required to cater for the following:*

- a) Independent operation for each parking space.*
- b) A minimum ground level overhead clearance of 1.8 metres to the satisfaction of the Responsible Authority.*
- c) A car/van up to 175 cm height on the upper level.*
- d) A clear/usable platform width of at least 230cm.*
- ~~*e) Minimum pit length of 520cm.*~~
- f) Loading weight per platform of at least 2000kg.*
- g) A minimum aisle width adjacent to the stacker system of 6.4 metres.*

~~21.~~

19 *The stacker system is to provide a “hold-to-run” switch to ensure that the system immediately stops when released. It should also provide an acoustic warning signal which sounds while the system is in operation.*

~~22.~~

20 *The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.*

~~23.~~

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

~~24.~~

22 *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and*

recyclables for all uses on the site. The Waste Management Plan shall provide for:

- a) The method of collection of garbage and recyclables for uses;*
- b) Designation of methods of collection including the need to provide for private services or utilisation of council services;*
- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
- e) Litter management.*

A copy of this plan must be submitted to Council and approved by Council.

~~25.~~

23 *As the development has an enclosed bin storage arrangement, the following measures are required:*

- a) Appropriate ventilation.*
- b) Bin washing facility.*
- c) Suitable capacity to store all bins.*

~~26.~~

24 *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

~~27.~~

25 *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*

~~28.~~

26 *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*

~~29.~~

27 *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*

- a) measures to control noise, dust and water runoff;*
- a) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- b) the location of where building materials are to be kept during construction;*
- c) site security;*
- d) maintenance of safe movements of vehicles to and from the site during the construction phase;*
- e) on-site parking of vehicles associated with construction of the development;*

-
- f) wash down areas for trucks and vehicles associated with construction activities;
- g) cleaning and maintaining surrounding road surfaces;
- h) a requirement that 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. This does not include excavation or the use of heavy machinery.)

~~30.~~

- 28 The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7:00am to 6pm;
 - Saturday – 9am to 1pm;
 - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);
- unless otherwise approved in writing by the Responsible Authority.

~~31.~~

- 29 Tree protection measures, including tree protection fencing and management, are to be implemented in accordance with the Aboricultural Assessment report recommendations prepared by Tree Logic dated 30 October 2015.

~~32.~~

- 30 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.

~~33.~~

- 31 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.

Conditions ~~34-43~~ 32 – 41 required by Melbourne Water (Ref: ~~261300~~ MWA-1242965)

~~34.~~

32

- Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

~~35.~~

33

- Finished floor levels of the ground floor must be constructed no lower than 54.81 metres to Australian Height Datum (AHD).

~~36.~~

34

Finished floor levels to the services area must be constructed no lower than 54.66 metres to AHD.

~~37.~~

35

The entry/exit driveway of the basement carpark must incorporate a flood proof apex constructed no lower than 54.81 metres to AHD.

~~38.~~

36

The buildings including the basement and footings, eaves, etc must be set outside any drainage easement or a minimum ~~1.5~~ 2.0 metres laterally clear of the outside edge of the main drain, whichever is greater.

~~39.~~

37

The services area located on the front boundary must be setback a minimum of ~~1.5~~ 2.0 metres from the Melbourne Water drain or relocated.

~~40.~~

38

Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building, services area and driveway ramp to the basement.

~~41.~~

39

Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services team.

~~42.~~

40

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

~~43.~~

41

Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

~~44.~~

42

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

~~45.~~

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

- The development is not started ~~before 3 May 2020~~ before two (2) years from the date of issue.*
- The development is not completed ~~before 3 May 2022~~ 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 within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES-

- 1. The applicable flood level is 54.51 metres to Australian Height Datum (AHD). ~~If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 261300.~~*
- 2. Three printed 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.*
- 3. An on site detention system for storm events up to the 1% AEP event is to be retained on site for the basement carpark. The retention system for the basement is to be separate from the detention system for the property, which is to be at ground level and discharge by gravity.*
- 4. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
- 5. Tree planting should be kept clear of the drainage easement.*
- 6. The proposed crossings are to be constructed in accordance with City of Monash standards.*

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7. *The developer is to notify Council to request the existing parking restriction in front of the site to be changed (if required). Any change to parking restrictions will be done by Council at the cost to the developer.*
 8. *All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.*
 9. *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
 10. *In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.*

CARRIED

- 1.5 **34-54 Clayton Road, Clayton - Buildings and works associated with a staged development including eight mixed use buildings (ranging from three storeys to 11 storeys in height)**

Moved Cr Luo

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51900) for buildings and works associated with the staged development of the land including eight buildings across the site (ranging from 3 to 11 storeys in height) for use as office, residential hotel, retail premises (including food and drink premises), showroom, gymnasium and childcare centre, an associated reduction in the statutory carparking requirements, removal of native vegetation, and alteration of access to land in a Transport Zone 2, at 34-54 Clayton Road, Clayton to be generally in accordance with the plans prepared by Rothe Lowman Architects (Revision B dated 10 March 2022) subject to the following conditions:

Amended Plans Required

1. *Before the development commences, an amended staging plan must be submitted to and approved by the Responsible Authority. The Plan must be generally in accordance with the staging plan prepared by Rothe Lowman Architects dated 22 March 2022, but modified to show:*
 - a) *Access and traffic works to Clayton Road to be included within Stage 1 of the development;*
 - b) *A detailed schedule of all works to be included in each stage;*
 - c) *Staging plans showing the areas of each basement level to be completed in each stage, including the number of car parking spaces to be completed; and*

d) Clear staging plans showing which areas of internal accessways are to be completed in each stage.

2. Before the development of each Stage starts, amended plans of that Stage 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 for Stage 1 must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Realignment of the existing title boundary along Clayton Road to include the footpath location, provision of deceleration lanes and associated pedestrian crossings within the jurisdiction of Council/ Department of Transport.*
- b) All changes to the traffic signals and site access arrangements as required by the Department of Transport in their letter dated 29.07.2021.*
- c) Details of the footpath and naturestrip works, bus shelter works, access arrangements at the northern and southern access points (which should include physical aboveground devices within the site to emphasise any turning movement restriction), and the Fairland Avenue left-in-left-out traffic treatment.*
- d) Relocation of the existing bus shelter (located south of Fairland Avenue within the property boundary) or provide and install a new bus shelter to serve the relocated southbound bus stop, to Council's satisfaction at the developers cost and at no cost to Council.*
- e) A minimum of 291 car spaces to be provided in the Stage.*
- f) The relocation of the accessible car spaces within the Basements to improve ease of access and use.*
- g) Details of the treatment at the internal cross intersection, generally in accordance with Figure 4 of the November 2021 traffic advice from Traffix Group dated 22.11.2021.*
- h) Full detailed plans and elevations of Building C and H including internal layouts and a full materials schedule including colour swatches.*
- i) A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.*
- j) Details of bicycle spaces including End of Trip facilities to be in accordance with Clause 52.34*
- k) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture.*
- l) An Automatic Number Plate Recognition (ANPR) system to be installed at each basement car park access and to be in operation prior to the commencement of the uses.*
- m) The location of existing Council street trees proposed to be removed on the proposed site plan.*
- n) The existing easement Number E2 shown as running east – west to be relocated to run along the rear boundary.*

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- o) The width and location of the proposed new easement along the eastern boundary.*
 - p) A Landscaping Plan in accordance with Condition 6 of this Permit.*
 - q) A Tree Management Plan in accordance with Condition 8 of this permit.*
 - r) A Waste Management Plan in accordance with Condition 10 of this permit.*
 - s) A Sustainable Management Plan in accordance with Condition 14 of this permit.*
 - t) A Wind Impact Assessment in accordance with Condition 19 of this permit*

The plans for Stage 2 must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Full detailed plans and elevations of Building D and E including internal layouts and materials schedule including colour swatches.*
- b) A minimum of 1,468 car spaces to be provided on site after completion of Stage 2.*
- c) Details of bicycle spaces including End of Trip facilities to be in accordance with Clause 52.34*
- d) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture*
- e) A Landscaping Plan in accordance with Condition 6 of this Permit.*
- f) A Waste Management Plan in accordance with Condition 10 of this permit.*
- g) A Sustainable Management Plan in accordance with Condition 14 of this permit.*

The plans for Stage 3 must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Full detailed plans and elevations of Building F and G including internal layouts and materials of construction.*
- b) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture*
- c) A minimum of 2092 car spaces to be provided on site after completion of Stage 3.*
- d) Provision for a black plastic coated chain wire mesh fence with a minimum height of 1.8 metres adjoining the Carlson Avenue Reserve.*
- e) Details of the pedestrian link and gate to the Carlson Avenue Reserve is to be shown and to be located clear of any sporting fields. The gate is to inward opening and a maximum width of 1 metre.*
- f) Details of bicycle facilities and End of Trip facilities in accordance with Clause 52.34.*
- g) A Landscaping Plan in accordance with Condition 6 of this Permit.*
- h) A Waste Management Plan in accordance with Condition 10 of this permit.*
- i) A Sustainable Management Plan in accordance with Condition 14 of this permit.*

The plans for Stage 4 must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

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- a) *The removal and relocation of the four at grade parking spaces provided in the setback area of the southern boundary and this area to be provided with landscaping.*
 - b) *A minimum of 2,450 car spaces provided on the site.*
 - c) *Full detailed plans and elevations of Building A and B including internal layouts and materials of construction.*
 - d) *Details of bicycle facilities and End of Trip facilities in accordance with Clause 52.34.*
 - e) *Details of the construction techniques to protect and minimise the risk of the trees to be retained with the development.*
 - f) *The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture.*
 - g) *A Landscaping Plan in accordance with Condition 6 of this Permit.*
 - h) *A Waste Management Plan in accordance with Condition 10 of this permit.*
 - i) *A Sustainable Management Plan in accordance with Condition 14 of this permit.*
 - j) *An Acoustic Report detailing construction techniques for the hotel in accordance with Condition 11 of this permit.*

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Sensitive Use

4. *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.*
5. *If, in accordance with Condition 4, 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.*

Where an Environmental Audit Statement is issued for the land in accordance with Condition 4:

- 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 development starts (other than for necessary excavation, demolition and excavation works), 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 the 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.*

Landscape Plan

6. *Concurrent with the endorsement of any plans pursuant to Condition 2 for each stage, 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 plan must be generally in accordance with the plan prepared by Site Image and dated 30.11.2020 but modified to show:-*
 - a) *The changes required by condition 2 of this permit.*
 - b) *Full details of proposed terraced seating areas and feature pavilions.*
 - c) *Details of the outdoor gymnasium at the rear of Building A.*
 - d) *The pedestrian link and gate to the Carlson Avenue Reserve to be located clear of any sporting fields and is to include the width and proposed construction materials. The gate is to inward opening and a maximum width of 1 metre.*
 - e) *Full details of all soft and hard landscaping including soil depth for planting above the basement areas.*
 - f) *Schedule of all proposed trees, shrubs, creepers and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material. The choice of trees species shall include avoiding particularly tall trees being planted in the new easement along the rear boundary.*
 - g) *Provision of appropriate species suited to low water use and low ongoing maintenance.*
 - h) *Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces.*
 - i) *The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*

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

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- 7. Before the occupation of the buildings for each Stage allowed by this permit, landscaping works as shown on the endorsed plans for that particular Stage must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.**

Tree Management Plan

- 8. Concurrent with the submission of amended plans required by Condition 2 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. 47 and 51 (as identified in the Arborist Report submitted with the application, prepared by prepared by Treemap Arboriculture dated May 2020.**

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. A notation stating all services will either be located outside of the tree protection zones or any services proposed to be located within the tree protection zone will be, 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.

Waste Management Plan

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9. *Concurrent with the endorsement of any plans of any Stage, the owner shall prepare a Waste Management Plan for that stage that provides for the collection and disposal of garbage and recyclables from all buildings within that Stage carried out on the site by an appropriate private contractor. The Waste Management Plan shall provide for:*
- a) The method of collection of garbage and recycling including provision for food organics and green waste;*
 - b) Designation of methods of collection by private services;*
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) Litter management.*

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed and form part of the permit.

Acoustic report

10. *Before the plans of Stage 4 are endorsed, an Acoustic Report for the hotel must be submitted to and approved by the Responsible Authority. The Acoustic Report must:*
- a) reflect the plans to be submitted under condition 2 of this permit;*
 - b) recommend all measures necessary to protect all hotel occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);*
 - c) recommend all measures necessary to protect all hotel occupants within the development from noise associated with Clayton Road and which achieves a noise level of greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
 - d) detail any required changes to, or describe the further details required to be made to the plans to be submitted under condition 1 of this permit to limit the noise impacts in accordance with relevant guidelines or acoustic requirements.*

When approved, the Acoustic Report will be endorsed and will form part of this permit.

11. *The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with on an ongoing basis to the satisfaction of the Responsible Authority.*
12. *On the completion of any works required by the endorsed acoustic report and before the hotel use commences development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:*
- a. confirm compliance with relevant conditions of the permit; and*

b. provide measurement data taken from inside the rooms of the hotel demonstrating compliance with relevant guidelines or acoustic requirements of this permit.

The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

13. Concurrent with the endorsement of any plans of any Stage, a Sustainable Management Plan (SMP) for that particular Stage must be submitted to and approved by the Responsible Authority. Upon approval the SMP 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. The report must include, but is not limited to, the following:

- a. Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.*
- b. Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
- c. Document the means by which the appropriate target or performance is to be achieved.*
- d. Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
- e. Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
- f. Any relevant requirements of the Condition 1 sub-clauses hereof.*

14. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

15. Prior to the occupation of any of the buildings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must confirm that (in relation to those relevant completed buildings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan to the satisfaction of the Responsible Authority.

Car Park Management Plan

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- 16. Before the use of each Stage commences, a Car Park Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan for that particular Stage 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) Include provision of an automatic Number Plate Recognition (ANPR) system to be installed at each basement car park access and to be in operation prior to the commencement of the use.**
 - b) The number and location of car parking spaces allocated to each tenancy;**
 - c) Any tandem parking spaces allocated to a single tenancy;**
 - d) The number and location of car spaces for shared use, including time of shared use;**
 - e) The methods proposed for the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;**
 - f) The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas;**
 - g) Details of way-finding, cleaning and security of end of trip bicycle facilities;**
 - h) The number and allocation of storage spaces;**
 - i) Policing arrangements and formal agreements;**
 - j) A schedule of all proposed signage necessary to ensure the safe and smooth operation of the parking including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system;**
 - k) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by this Permit; and,**
 - l) Details regarding the management of loading and unloading of goods and materials.**
 - m) The plan is to regularly reviewed and updated to manage on going parking demands and changes of tenants when required.**
- 17. The provisions, recommendations and requirements of the endorsed Car Park Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.**

Wind Impact Assessment

- 18. Concurrent with the endorsement of plans for Stage 1, a Wind Impact Assessment for the entire development prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority to ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site. The assessment must include a Wind Tunnel Modelling Study to identify and quantify wind impacts. The modelling should be conducted in accordance with the Australasian Wind Engineering Society's (AWES) 'Wind Engineering Studies of Buildings Quality Assurance Manual'.**

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- 19. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

Public lighting plan

- 20. Prior to the commencement of any Stage of the development, a public lighting plan for that particular Stage must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:**
- a. confirm that all primary pedestrian access to the Land and within the development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;**
 - b. confirm that any new poles and luminaires required for the development will be sourced from the relevant power authority's standard energy efficient luminaires list and comply with that power authority's technical requirements;**
 - c. include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to "No Go Zone" requirements from the relevant power authority; and**
 - d. confirm the supply/installation of any additional/upgraded lighting, electrical hardware and poles will be funded by the permit holder.**
- 21. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Green Travel Plan

- 22. Before the use of Stage 1 commences, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:**
- a) The Green Travel Plan must provide for inclusion of a flexi car scheme associated with the development and other "green travel" initiatives to be made available to visitors and staff associated with the development. Where practical the Green Travel Plan should include synergies with the retail and offices uses also undertaken on the land.**
 - b) A description of the location in the context of alternative modes of transport;**
 - c) Details of cycling end of trip facilities provided;**
 - d) Education and awareness initiatives and incentives for staff and visitors to encourage more sustainable modes of travel to/from the site;**
 - e) Management practices identifying sustainable transport alternatives;**
 - f) Consider the provision of electric vehicle charging facilities;**
 - g) Lobby areas of building to include real time information for relevant public transport services;**
 - h) Details of bicycle spaces for staff;**
 - i) Employee public transport packs (i.e. myki cards for new workers); and**

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- j) An obligation to update the plan not less than every 5 years;*
 - k) Details of when and how this travel plan will be available for new staff; and*
 - l) Any other matters to sustainable travel.*

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

Construction Management Plan

24. 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) 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; and*
- 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;*

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- *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.*

Storage of Goods

- 25. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
- 26. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*

Number of Children

- 27. *No more than 115 children in care may be present within the childcare facility without the further written consent of the Responsible Authority.*

Noise

- 28. *Noise levels generated from the uses on site must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.*

Ongoing Architect Involvement

- 29. *As part of the ongoing consultant team, RotheLowman or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:*
 - a) *oversee the design and construction of the development; and*
 - b) *ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*

Car parking

- 30. *Prior to occupation of the buildings of any Stage of the approved development, areas set aside for parked vehicles and access lanes associated with the relevant stage 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;*

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- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

- 31. The layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme.*
- 32. 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.*
- 33. 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.*

Loading and Unloading

- 34. All loading and unloading of vehicles must be carried out within the boundaries of the land and designated loading bays and must 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.*

Bicycle Parking

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

Drainage and Stormwater

- 36. The site must be drained to the satisfaction of the Responsible Authority.*
- 37. 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.*

Plant / Equipment or features on roof

- 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.*

Service Location

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

Landscaping Maintenance

40. *All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plants replaced as soon as practicable, all to the satisfaction of the Responsible Authority.*
41. *All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
42. *No building material, demolition material, excavation or earthworks spoil shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
43. *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.*

Removal of Street Trees

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

Department of Transport Conditions (PPR:33979/20):

45. *Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of the development, Functional Layout Plans and function stage Road Safety Audit 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 generally in accordance with the plans submitted with the application but modified to show:*
- a) *Clayton Road signalised intersection to the development, to include:*
- i. a southbound bus jump lane.*
 - ii. the northern access to the development to be left-out only.*
 - iii. a traffic island to enforce left-in-left-out access at the southern access to the development.*
 - iv. a left turn deceleration lane for the southern access to the development.*
 - v. relocation of the south bound bus stop to the deceleration lane of the southern access to the development.*

-
- vi. Fairland Avenue access to Clayton Road to be restricted to left-in-left-out only.*
- b) Functional Layout Plan and function stage Road Safety Audit of Clayton Road/Ferntree Gully Road intersection to include:*
- i. a new stand-alone left turn lane from Clayton Road (southern leg) to Ferntree Gully Road with the existing shared lane converted to a through lane only.*
 - ii. extension of the right turn lane from Ferntree Gully Road (western leg) to Clayton Road.*
- c) Functional Layout Plan and function stage Road Safety Audit of Princes Highway/Clayton Road intersection to include:*
- i. additional right turn lane from Princes Highway (eastern leg) to Clayton Road.*
- 46. Prior to the submission of the Functional Layout Plans for the Princes Highway/Clayton Road intersection, a SIDRA analysis of the Princes Highway/Clayton Road intersection must be conducted to determine the length of the right turn lanes from the eastern leg of Princes Highway to Clayton Road, to the satisfaction of and at no cost to the Head, Transport for Victoria.*
- 47. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans and traffic signal plan along with detailed design stage Road Safety Audit to the Head, Transport for Victoria for review and obtain written approval. The detailed design plans and traffic signal plan must be prepared generally in accordance with the approved functional layout plan and functional stage Road Safety Audit.*
- 48. Prior to the occupation of the development, access to Fairland Avenue must be restricted to a left-in-left-out only by a traffic island to the satisfaction of the Responsible Authority.*
- 49. Prior to the occupation of the development, all the required roadworks as per the above conditions must be constructed in accordance with the approved detailed design plan to the satisfaction and at no cost to the Head, Transport for Victoria.*
- 50. Prior to the occupation of the development, the north bound bus stop and shelter and associated infrastructure must be relocated and constructed in accordance with PTV Standard Drawing No. STD_S0062, STD_S0063 and STD_S0064 – for pole, pole sleeve, TGSI's, concreting and grade requirements, all to the satisfaction of and at no cost to the Head, Transport for Victoria.*
- 51. The demolition and construction of the development must not disrupt bus operations on Clayton Road without the prior written consent of the Head, Transport for Victoria.*

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- 52. Any request for written consent to disrupt bus operations on Clayton Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.**

Melbourne Water Conditions Ref MWA-1207630

- 53. Prior to the commencement of works, a separate build over/land access application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain/land.**
- 54. Prior to the commencement of works, a separate application direct to Melbourne Water's Asset Services Team must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.**

Satisfactory Continuation of Uses and Completion of Development

- 55. Once the development and uses have commenced they must be completed and/or continued to the satisfaction of the Responsible Authority.**

Expiry of permit

- 56. 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 has not started before 4 years from the date of issue.**
 - b) The development is not completed before 6 years from the date of issue.**
 - c) The use is not started before 6 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 use or 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 trees proposed.**

-
- D. Before the development of each Stage starts, a site layout plan for that Stage 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 Stage and for the conveying of the stormwater to the nominated point of discharge.*
- E. 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.*
- F. 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.*
- G. 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.*
- H. 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.*
- I. 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).*
- J. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, street trees, kerb and channel to the satisfaction of the Responsible Authority.*
- K. The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*

Department of Transport Notes:

- A. The proposed development requires the modification of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.*
- B. The permit holder should obtain Council's opinion about the bus shelter type would most likely need to be as Monash City Council requirements.*

CARRIED

1.6 Public Toilet Strategy Update

Moved Cr Little

Seconded Cr Luo

That Council;

- 1. Notes that 12 public toilets identified in the Public Toilet Strategy were opened over the daylight savings months.*
- 2. Notes that the public toilet at Federal Reserve required further maintenance and will be able to be opened during future daylight savings months.*
- 3. Notes that the public toilet at Ashwood Reserve Pavilion was not opened as there are refurbishment works required and Council allocates \$50,000 in the 2022-23 budget to enable these works so that it may be opened during daylight savings months.*
- 4. Notes that there is sufficient budget for security, cleaning and maintenance costs associated with the opening of the identified public toilets over the daylight savings months.*
- 5. Notes that the identified public toilets will be opened on an ongoing annual basis during daylight savings months.*

AMENDMENT

Moved Cr McCluskey

Seconded Cr James

Replaces point 5 to read "Opens the identified public toilets on an ongoing year-round basis during daylight hours."

Adds point 6 to read "Allocates \$80,000 in the 2022-2023 budget to fund the additional opening hours."

The mover, seconder and all Councillors accepted the amendment and it became the substantive motion.

CARRIED

SUBSTANTIVE MOTION

The substantive motion was put to the vote and declared carried.

CARRIED

1.7 Proposed naming of a laneway abutting Tandara Court, Chadstone

Moved Cr Luo

Seconded Cr Samardzija

That Council:

- 1. Receives this report on the outcome of submissions received to Council's public notice in respect of the proposal to name the unnamed laneway abutting Tandara Court, Chadstone "Colwell Lane" (The Proposal), being Road R1 on Plan of Subdivision PS55996 and comprised in certificate of title volume 11168 folio 088 (the Laneway).*
- 2. Notes that 19 submissions were received in respect of the Proposal.*
- 3. Accepts the report's recommendation to proceed with "Colwell Lane" for the naming of the Laneway based on an assessment of the submissions received.*
- 4. Having complied with its obligations under the Geographic Place Names Act 1998 as outlined in "Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016", authorises the Chief Executive Officer or her delegate to lodge an application with The Victorian Registrar of Geographic Names and Geographic Names Victoria for the registration and gazettal of "Colwell Lane" as the name for the Laneway.*

CARRIED

2. COMMUNITY SERVICES

2.1 Review - Community Sport, Premier League and Elite Sport Framework Conditions

Moved Cr Samardzija

Seconded Cr McCluskey

That Council:

- 1. Note that an officer review of the Premier and Elite Sports Framework Conditions (May 2015) has been completed; and*
- 2. Endorse the updated policy titled 'Community Sport, Premier League and Elite Sport Framework Conditions' (Attachment A) which will supersede the guidelines for Premier and Elite Sports Framework Conditions (May 2015).*

CARRIED

2.2 Jack Edwards Reserve Pavilion

Moved Cr Klisaris

Seconded Cr Little

That Council:

- 1. Notes the funding commitment from the State Government of a \$4 million contribution towards the development of a new sports pavilion at Jack Edwards Reserve*

2. *Makes application to Sport and Recreation Victoria (SRV) under the 2021-22 Special Projects funding stream for \$8 million dollars in matching funding towards this project*
3. *Commits to a maximum contribution of \$8.2 million towards the project*
4. *Directs officers to pursue additional funding contributions including but not limited to State and Federal Governments and the Oakleigh Cannons Football Club, and;*
5. *Notes that the project will not commence until such time as full funding is confirmed.*

CARRIED

3. CORPORATE SERVICES

3.1 Proposed Draft Annual Budget 2022/23

Moved Cr James

Seconded Cr Samardzija

That Council:

1. *approves the proposed Draft Annual Budget 2022/23, as presented, for the purpose of giving public notice of the consultation process;*
2. *adopts the Schedule of Fees & Charges, as detailed in the Draft Annual Budget 2022/23, to be effective from 1 July 2022 (except as otherwise indicated);*
3. *applies differential rating using Capital Improved Value (CIV) as the basis of valuation to all rateable land to raise rates by 1.75 per cent in 2022/23;*
4. *recognising that ratepayers receiving pensions should be given assistance to remain in their homes, maintains the Council funded \$50 rate rebate to assist eligible pensioners with their Council rates;*
5. *applies a service charge under Section 162 of the Act, Recycling & Waste Charge of \$46 per rateable property; and also provide a \$46 rebate under Section 171 of the Local Government Act 1989 for eligible pensioners towards the Recycling & Waste Charge;*
6. *notes that in order to comply with Council's Community Engagement Framework, public notice of the preparation of the proposed budget will be published in The Age;*
7. *notes that at the time of publication of the public notice, the information contained in the public notice and the requirements for statutory information set out in the Local Government (Planning and Reporting) Regulations 2020 will be available for public inspection between 27 April and 3 June 2022 (both dates inclusive), during normal business hours at the following locations:*
 - *Civic Centre 293 Springvale Road, Glen Waverley;*
 - *Oakleigh Service Centre, Atherton Road, Oakleigh;*
 - *Oakleigh Library, Drummond Street, Oakleigh;*
 - *Clayton Branch Library, Cooke Street, Clayton;*
 - *Mount Waverley Library, 41 Miller Crescent, Mt Waverley;*
 - *Wheeler's Hill Library, 860 Ferntree Gully Road, Wheeler's Hill;*
 - *Glen Waverley Library, Kingsway, Glen Waverley;*
 - *Mulgrave Library, Mackie Road, Mulgrave; and*

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- on Council's web site: www.monash.vic.gov.au, and shape.monash.vic.gov.au
8. *appoints a Committee of Council, comprising all Councillors to consider submissions received on the Draft Annual Budget 2022/23, and determines that the meeting of the Committee shall be held at the Council Chambers at the Civic Centre, 293 Springvale Road Glen Waverley, at 7.00pm on Tuesday 14 June 2022;*
 9. *directs that any written submissions on any proposal contained in the proposed Draft Annual Budget 2022/23 received by the Council by close of business, Friday 3 June 2022, be considered by the Committee;*
 10. *directs that any requests for verbal submissions received be heard by the Committee; and*
 11. *subject to the consideration of any written or verbal submissions received and any recommendations of the Committee appointed pursuant to Part 7 of this resolution, adopts the Annual Budget 2022/23 at its meeting on 28 June 2022.*

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Tender for Oakleigh Activity Centre, Safe Pedestrian Project

Moved Cr James

Seconded Cr Little

That Council:

1. *Awards the tender from Urban Civil Construction Group Pty Ltd for Oakleigh Activity Centre, Safe Pedestrian Project, Contract No. 2022112 for a fixed Lump Sum of \$428,834.45 with an extra \$49,520 for Contingencies;*
2. *Authorises the Chief Executive Officer to execute the contract agreement;*
3. *Notes that the contract is anticipated to commence on 6 June 2022 and the expected completion date is 26 Aug 2022.*
4. *Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees, Contingencies, Monash City Council supplied Material and Landscape Works is \$590,629.66.*
5. *Notes that this project is fully funded by the Department of Transport*

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

CARRIED

4.2 Tender for Intersection Upgrade – Waverley and Jells Road, Glen Waverley

Moved Cr McCluskey Seconded Cr Little

That Council:

- 1. Awards the tender from Appia Pty Ltd for Intersection Upgrade – Waverley and Jells Road, Glen Waverley, Contract No. 2022113 for a fixed Lump Sum of \$641,481.50 with an extra \$96,221 for Contingencies.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement.*
- 3. Notes that the contract is anticipated to commence on 9 June 2022 and the expected completion date is 11 August 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees is \$905,946.*
- 5. Notes that these works support safer movement of traffic as part of the Glen Waverley Sports Hub project which is jointly funded by North East Link Program (\$21m) and Council (\$5.77m)*

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

CARRIED

4.3 Tender for Tree Root Management

Moved Cr McCluskey Seconded Cr Luo

That Council:

- 1. Awards the tender from Rootcontrollers & Hydrox Australia for Tree Root Management, Contract No. 2022090 for a schedule of rates based contract with an estimated annual contract value of \$308,770 and an estimated total contract value of \$926,310 inclusive of all available extension options (assuming a 3% annual CPI indexation);*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract will commence on Monday 2 May, 2022, with an initial term of One (1) year and the contract has Two (2) separate extension options of One (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

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

CARRIED

4.4 Tender for Pinewood Integrated Child and Family Hub

Moved Cr Samardzija

Seconded Cr Luo

That Council:

- 1. Awards the tender from Simbuilt Pty Ltd for Pinewood Integrated Child and Family Hub Contract No. 2022124 for the fixed Lump Sum Price of \$4,883,816.30 with an extra \$594,000 for Contingencies and \$380,600 for PM & Design Fees;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 11 May 2022 and the expected completion date is 9 December 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management & Delivery Fees and Provisional Items is \$6,046,874.50.*
- 5. Notes that this project is jointly funded by the Department of Education (\$2.2M) with the balance funded by Council (\$3,846,874.50)*

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

CARRIED

4.5 Landfill Redirection: Improving Food Waste Recycling

Moved Cr Fergeus

Seconded Cr Little

That Council:

- 1. Confirms it will proceed with the collection frequency change of Food Organics and Garden Organics (FOGO) (green) bins to weekly and Landfill (red) bins to fortnightly from August 2022;*

And to support the community through this change:

- 2. Expands the special consideration to include eligibility for households with two or more children in nappies to obtain an upgraded (120L to 240L) waste bin at no additional cost.*
- 3. Reduces the cost of obtaining an additional 240L recycling bin to \$65 in 2022/23.*
- 4. Posts an information package that includes a letter from the Mayor, waste calendar, Waste and Recycling Guide, A-Z guide to recycling and disposal, information about liners and other information on waste reduction.*
- 5. Continues community education programs to support all households to reduce waste; and*

6. Notes that officers will continue to investigate, pursue and advocate for new waste reduction and resource recovery initiatives.

AMENDMENT

Moved Cr James Seconded Cr Samardzija

Updates point 3 to replace the word “in” with “from”.

Adds point 7 which reads “Posts a once-off pack of compostable caddy liners prior to the change to collection services, with supporting information, to households that have a Green Food and Garden Waste bin”.

The amendment was not acceptable to the mover, therefore the amendment was debated.

CARRIED

SUBSTANTIVE MOTION

The substantive motion was then open for debate.

PROCEDURAL MOTION

Moved Cr James Seconded Cr Little

That the Mayor be able to move a second amendment.

CARRIED

AMENDMENT

Moved Cr James Seconded Cr Zographos

That the cost in point 3 is changed from \$65 to \$50.

The amendment was not acceptable to the mover, therefore the amendment was debated.

LOST

SUBSTANTIVE MOTION

The substantive motion was debated, put to the vote and declared carried.

DIVISION

For: Councillors James, Samardzija, Fergeus, Klisaris, Lake, Little, Luo, McCluskey, Zographos

Against: Nil.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meeting Records

Moved Cr McCluskey Seconded Cr Zographos

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

CARRIED

5.2 Monash Gallery of Art Committee of Management – Strategic Plan 2022-2026

Moved Cr McCluskey Seconded Cr Samardzija

That Council:

- 1. Approves Monash Gallery of Art's Strategic Plan 2022-26 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.*

CARRIED

6. NOTICES OF MOTION

6.1 Lighting Improvements – Scotchmans Creek Trail Pedestrian Tunnel

Moved Cr Fergeus Seconded Cr Little

That Council:

- 1. Notes feedback from residents relating to the lighting of the pedestrian tunnel under the Monash Freeway which connects the Scotchmans Creek Trail between Stanley Avenue and Stephensons Road, Mount Waverley;***
- 2. Writes to Department of Transport (DoT) to formally request lighting and pedestrian safety improvements to the pathway through the tunnel.***

CARRIED

6.2 Mount Waverley Reserve Redevelopment

Moved Cr Zographos Seconded Cr Klisaris

That council:

- 1. Notes the \$3 million and \$4 million commitments from the opposition and federal government for the redevelopment of Mount Waverley Reserve.***
- 2. Commits the required funding to proceed and complete this project.***

AMENDMENT

Moved Cr Fergeus

That point 2 be removed.

There was no seconder and therefore the amendment was declared lapsed.

LAPSED

The motion was put to the vote and declared lost.

LOST

6.3 Monash Parklets

Moved Cr Zographos Seconded Cr Klisaris

That Council:

- 1. Notes the community concern arising from the discontinuation of Monash Parklets also known as Enhanced Outdoor Dining.***

2. *Notes that discussions will be underway next month about the way forward for enhanced outdoor dining spaces in Monash.*
3. *Notes that a number of Councils in a similar position to Monash have made the decision to continue their enhanced outdoor dining programs. This includes Stonnington, Yarra, Bayside, Boroondara, Port Philip, Mooney Valley, Moreland, Hobsons Bay and Melbourne councils. Bayside, Kingston are currently considering their ongoing position.*
4. *Notes that council can always consider on a case by case basis any application from Monash businesses to use car spaces for outdoor dining use.*
5. *Notes council does not have authority to issue permits for outdoor dining on roads as opposed to footpaths and there are still planning exemptions in place as provided for by state government legislative reforms.*
6. *Notes the state government policy enabling existing licensees to apply for a temporary limited licence (TLL) to authorise the supply of liquor for consumption in an outdoor area which is not normally licensed (an outdoor area TLL) which was due to end in March 2022, has now been extended to December 2022.*
7. *Notes that in the event of council charging for the use of car spaces, a fair and reasonable methodology would need to be used. Officers have previously provided the following data:*
 - i. *Fee per parking bay (2.4m x 5.4m) that forms any part of the trading area - \$3380 per annum or \$260 per m², whichever is greater*
 - ii. *Fee per chair \$418.60 per annum*
 - iii. *Fee per plastic delineator \$15 per week*
 - iv. *Fee per concrete delineator - \$3 per week*
 - v. *Plastic delineator removal fee - \$1000 per site OR Concrete delineator removal fee - \$2550 per site (dependent on which is installed)*
 - vi. *Concrete delineator cleaning fee - \$500 per delineator*
8. *Notes that the City of Melbourne charges \$7992 per bay per year.*
9. *Notes that a similar policy titled "Yarra's Parklet Program – Policy and Design Guidelines" was recently created by Yarra City Council (See Attachment 1)*

PROCEDURAL MOTION

Moved Cr Zographos

Seconded Cr James

That Cr Zographos be able to move an amendment.

CARRIED

AMENDMENT

Moved Cr Zographos

Seconded Cr Samardzija

That points 2, 4, 5 and 7 be deleted.

The amendment was acceptable to the mover, seconder and all Councillors and therefore became the substantive motion.

CARRIED

SUBSTANTIVE MOTION

The substantive motion was debated and put to the vote and declared carried.

DIVISION

For: Councillors James, Samardzija, McCluskey, Klisaris, Fergeus, Zographos

Against: Councillors Little, Luo, Lake

CARRIED

7. COMMITTEE REPORTS

7.1 Audit & Risk Committee Minutes

Moved Cr Samardzija

Seconded Cr McCluskey

That Council:

- 1. notes the unconfirmed minutes of the 1 March 2022 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

8. URGENT BUSINESS

PROCEDURAL MOTION

Moved Cr Zographos

Seconded Cr James

That Council moves into confidential business to discuss a matter of urgent business.

CARRIED

Council moved into confidential business at 8:44pm and moved back to Open Council at 8:47pm.

9. CONFIDENTIAL BUSINESS

9.1 Early Years Infrastructure

Moved Cr Samardzija

Seconded Cr McCluskey

That Council, having reviewed and considered the certificate in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter at a closed meeting

CARRIED

Council moved into confidential business at 8:47pm and moved back to Open Council at 8:51pm.


10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Cr McCluskey acknowledged the work of Council officers in relation to Waverley Park ownership being handed over to Council.

The Mayor declared the meeting closed at 8:54pm.


MAYOR:

DATED THE 31ST OF MAY 2022