

CITY OF  
**MONASH**

**MINUTES OF THE  
MEETING OF COUNCIL  
HELD ON 30 AUGUST 2022**

**at 7.00 pm**

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

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**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 30 AUGUST 2022 AT 7.00 PM.**

**PRESENT:**

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

**APOLOGIES**

Councillor T Zographos

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 26 JULY 2022**

Moved Cr Little

Seconded Cr Luo

*That the minutes of the Meeting of the Council held on 26 July 2022, be taken as read and confirmed.*

**CARRIED**

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

Nil.

**PUBLIC QUESTION TIME**

The Mayor advised that 1 questions had been received.

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**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 Town Planning Schedules**

Moved Cr Little

Seconded Cr Luo

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

**CARRIED**

**1.2 1041 Centre Road, Oakleigh South – Buildings and works to construct a nine storey building, to be used for accommodation and retail premises, display of signage, alteration of access to a road in a Transport Zone 2 and reduction of the car parking requirement**

Moved Cr Samardzija

Seconded Cr Luo

*That Council note:*

- 1. On 10 June 2022, the Director City Development, having first notified Councillors in writing on the 8 June 2022, determined to issue a Notice of Decision to Refuse to Grant a Permit at 1041 Centre Road, Oakleigh South for buildings and works to construct a nine storey building with two levels of basement, to be used for accommodation and retail premises, display of signage, alteration of access to a Road in a Transport Zone 2 and reduction of the car parking requirement.*
- 2. The decision of the Director City Development was exercised under Council's Instrument of Delegation which states: Any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed.*
- 3. The application was refused based on the following grounds:*
  - 1) The height and massing of the proposed development is excessive and will result in a poor urban design outcome.*
  - 2) The proposed scale and form of the development is excessive, unjustified and fails to achieve high quality design and architectural excellence.*
  - 3) The proposal would have a poor level of internal amenity for future residents.*
  - 4) The proposal is considered an overdevelopment of the land.*
  - 5) The development does not provide for adequate or appropriate pedestrian links and landscaping outcomes.*
  - 6) The proposal is inconsistent with the built form objectives, policy and decision guideline of Clause 22.03.*
  - 7) The proposal is inconsistent with the decision guidelines of Clause 34.01-8.*

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- 8) *The proposal is inconsistent with design objectives and decision guidelines of Design and Development Overlay Schedule 1.*
  - 9) *The proposal is inconsistent with design objectives and decision guidelines of Design and Development Overlay Schedule 1.*
  - 10) *The proposal does not meet the following objectives of Clause 58 of the Monash Planning Scheme:*
    - *58.02-1 - Urban Context*
    - *58.02-2- Residential policy*
    - *58.02-3-Dwelling diversity*
    - *58.02-5- Integration with the street*
    - *58.03-4- Safety*
    - *58.07-1 Functional layout*

**CARRIED**

- 1.3 62-94 Jacksons Road, Mulgrave – Amendment to permit issued for the staged development of the land for purpose of a retirement village and residential aged care facility**

Moved Cr Luo

Seconded Cr Little

*That Council resolves to issue a Notice of Decision to Amend a Planning Permit (TPA/47359/A for the Staged development of the land for purpose of a Retirement Village and Residential Aged Care Facility (up to 5 storeys in height), alteration of access to a Transport Zone 2 and removal of native vegetation, at 62-94 Jacksons Road, Mulgrave subject to the following conditions:*

1. *Prior to the commencement of the development, an Early Works Plan must be drawn to scale and submitted to the Responsible Authority. The Early Works Plan must provide details of all works which comprise the early works, and must include:*
  - a. *A Tree Management Plan prepared in accordance with Condition 8 9;*
  - b. *A Construction Management Plan prepared in accordance with Condition ~~10~~ 11; and*
  - c. *Any changes required by Conditions 24, 25, 26, 35, 36, 37, 38, 40, 41, 42, and 43.*

*The plans must be to the satisfaction of the Responsible Authority and when approved shall form part of this Permit. “*

2. *Before the development starts, excluding works detailed in any endorsed Early Works Plan amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision*

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plans prepared by CHT VIA Architects, Plan no. TP0.00- TP05-06 Rev B dated 15 November 2019 Rev C dated 29 March 2022 and but modified to show:

- ~~a. The envelope of Unit 2 and associated terrace on the second floor of Building E to be deleted. This area may be replaced with a terrace space, however must be set back a minimum of 5 metres from the building envelope of the first floor.~~
- ~~b. Any revisions to the proposed footpath and fencing to allow for the retention of Street Tree No. 6.~~
- ~~c. Reference to boundary fencing materials deleted.~~
- ~~d. Provision of a minimum 1.0m blind aisle extension on the northern parking aisles of Building F basement car park.~~
- a. Privacy screening measures as proposed on the sketch plan TP91-02 prepared by VIA Architects (Revision D, dated 20 July 2022) along the northern interface to provide a 1.6 metre high screen (with a maximum transparency of 25 %) along the northern edge of the decks associated with villa units adjoining No 20, 21, 22 and 23 Morawa Drive
- b. Deletion of the 500mm boundary trellis and replacement with a 1.7 metres high screen (with a maximum transparency of 25%) along the eastern edge of the decks associated with the villas along the eastern interface.
- c. Provision of at least 14 residential visitor spaces associated with the villa units to be provided and allocated on the site plan (exclusive of spaces provided within driveways
- d. The two resident apartment spaces located in the south west at-grade car park are to be reallocated as visitor spaces associated with the villa units. The two residential apartment spaces relocated to the Main Building basement car park to improve residential access and amenity.
- e. Internal footpaths modified to provide improved pedestrian connectivity across the site, the satisfaction of the Responsible Authority and to include the sections of footpath :
  - North of villa units 42;
  - West of villa unit 52;
  - South of villa Unit 63 (west of the pedestrian plaza);
  - South of villa unit 70 (north of the at grade car park);
- f. Provision for a shared path, which incorporates the existing footpath where practical, on the east side of Jacksons Road from the site access to the Jacksons Road service road (opposite No 96 Jacksons Road) and include a widened pram crossing to the service road to the satisfaction of the Responsible Authority
- g. A notation on the site plan and landscaping plan to provide all boundary fencing with a minimum height of 1.8 metres.
- h. Additional landscaping throughout the site, particularly pedestrian accessways and adjacent to vehicle accessways by way of additional small to medium sized planting and the use of arbours, green walls or creeping plants where appropriate to provide shade.

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- ~~e-i.~~ *Designated staff and visitor parking spaces in accordance with the endorsed Car Parking Management Plan.*
- ~~f-j.~~ *A notation indicating that the supply and installation of the bus shelter to be in accordance with Council's current bus shelter contract.*
- ~~g-k.~~ *Any changes to the development as a result of the Functional Layout Plan prepared in accordance with Condition ~~35-33~~.*
- ~~h. l.~~ *A Waste Management Plan prepared in accordance with Condition 5.*
- ~~i. m.~~ *A Sustainable Management Plan prepared in accordance with Condition 6.*
- ~~n.~~ *A Stormwater Management Strategy in accordance with Condition 7*
- ~~j. o.~~ *A Car Parking Management Plan in accordance with Condition ~~7~~ 8*
- ~~k. p.~~ *A Tree Management Plan prepared in accordance with Condition ~~9~~ 10.*
- ~~l. q.~~ *A Landscape Plan prepared in accordance with Condition ~~12~~ 13.*
3. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
4. *As part of the ongoing consultant team, ~~CHT~~VIA Architects 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*

##### *Waste Management Plan*

5. ~~*Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 14 November 2019, but revised to the satisfaction of the Responsible Authority:*~~
- ~~a) *To reflect the variation of the number of Units as required by Condition 1 of this Permit.*~~

*The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by LID Consulting dated 20 March 2022 must be implemented and complied with to the satisfaction of the Responsible Authority.*

##### *Sustainable Management Plan*

6. ~~*Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Ark Resources dated 7 November 2019, but revised to the satisfaction of the Responsible Authority:*~~

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- ~~a) To reflect the variation of the number of Units and any other changes as required by Condition 1 of this Permit.~~

The provisions, recommendations and requirements of the endorsed Sustainable Management Plan prepared by Bestec dated 17 December 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

#### *Stormwater Management Strategy*

7. The provisions, recommendations and requirements of the endorsed Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec dated 16 December 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

#### *Car Park Management Plan*

- ~~7.~~ 8. Concurrent with the endorsement of any plans pursuant to Condition ~~1~~ 2, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) *The number and location of car parking spaces allocated to 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) The number and location of car spaces for shared use, including time of shared~~
- 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, restrictions, pay parking system etc.

#### *Tree Management Plan to facilitate works detailed in the Early Works Plan*

- ~~8.~~ 9. Prior to any demolition or site works associated with the early 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 trees within and adjacent to the early works area. The TMP must make specific recommendations in accordance with the Australian Standard A54970: 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:*
- b. *Tree protection zones and structural root zones of all trees to be retained,*

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- c. *All tree protection fenced off areas and areas where ground protection systems will be used;*
  - d. *The type of footings within any tree protection zones.*
  - e. *Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
  - f. *A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.*
  - g. *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.*
  - h. *Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
  - i. *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.*
  - j. *No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.*
  - k. *No vehicle access or parking within the Tree Protection Zone of any tree to be retained.*
  - l. *That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.*

#### ***Tree Management Plan for the balance of works***

***9- 10. Concurrent with the submission of amended plans required by Condition 2 and prior to any demolition or site works for the balance of 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 Trees identified on the Plan prepared by Axom Tree Management Pty Ltd dated 31 March 2022 - John Patrick Pty Ltd dated 2 October 2019 (with the removal of Trees No. 170, 171 and 172 and retention of Tree No. 6). 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;*



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- iii. *The type of footings within any tree protection zones;*
  - iv. *Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
  - v. *A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.*
- b. *Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.*
  - c. *Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
  - d. *Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.*
  - e. *No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.*
  - f. *No vehicle access or parking within the Tree Protection Zone of any tree to be retained.*
  - g. *That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.*

**Construction Management Plan to facilitate works detailed in the Early Works Plan**

- ~~10.~~ *Prior to the commencement of any site works associated with the early*
- 11.** *works (including excavation), a Construction Management Plan 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 Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.*

**The plan must address the following issues:**

- a. *Hours for construction activity in accordance with any other condition of this permit;*
- b. *Measures to control noise, dust and water and sediment laden runoff;*
- c. *Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- d. *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
- e. *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
- f. *Cleaning and maintaining surrounding road surfaces;*
- g. *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*

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- h. Public Safety and site security;*
  - i. A plan showing the location of parking areas for construction and sub-contractors vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
  - j. Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;*
  - k. A Traffic Management Plan showing truck routes to and from the site;*
  - l. 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;*
  - m. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
  - n. Contact details of key construction site staff;*
  - o. Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
  - p. Except with the prior written consent of the Responsible Authority, 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.)*

*No works are permitted on Sundays or Public Holidays.*

*Construction Management Plan for the balance of works*

- ~~11.~~ *Prior to the commencement of any site works associated with balance of*
12. *works, a Construction Management Plan 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 Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.*

*The plan must address the following issues:*

- a) Hours for construction activity in accordance with any other condition of this permit;*
- b) Measures to control noise, dust and water and sediment laden runoff;*
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;*

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- e) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
  - f) *Cleaning and maintaining surrounding road surfaces;*
  - g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
  - h) *Public Safety and site security;*
  - i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
  - j) *Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages to demonstrate that construction parking demand can be accommodated wholly on the site ;*
  - k) *A Traffic Management Plan showing truck routes to and from the site;*
  - l) *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;*
  - m) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
  - n) *Contact details of key construction site staff;*
  - o) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
  - p) *Except with the prior written consent of the Responsible Authority, 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.)*

*No works are permitted on Sundays or Public Holidays.*

#### *Landscape Plan*

- ~~12.~~ *Concurrent with the endorsement of any plans pursuant to Condition 1 2,*
- 13. *a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority for every Stage of the development (excluding the early works). When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Masterplan and Level 1 Activity Areas Plan prepared by Papworth Design Pty Ltd dated 21 March 2022 ~~Concept Plan dated 13~~*

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~~November 2019, Prepared by John Patrick Pty Ltd, except that the plan must show:~~

- a) ~~Existing Trees 170, 171 and 172 removed and the proposed citrus grove to be extended into this space with the provision of a minimum of three additional citrus trees~~ replaced with three (3) Fir Trees;
- b) ~~Retention of Existing Street Tree No. 6;~~  
The changes required by Condition 2 of this permit.
- c) Further details of pavement materials / finishes.
- d) Deletion of reference to boundary fencing materials.
- e) Full details of all soft and hard landscaping including soil depth for planting above the basement areas.
- f) Existing Trees 170, 171 and 172 removed and replaced with a minimum of three (3) fir trees
- g) 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.
- h) Provision of appropriate species suited to low water use and low ongoing maintenance.
- i) Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces; and
- j) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

- ~~13.~~ The provisions, recommendations and requirements of the above
- 14. endorsed Management Plans related to in Conditions 4-9 5-13 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **General Conditions**

##### **Use Conditions**

- ~~14.~~ 15. Prior to the use commencing, the owner of the land at 62-94 Jacksons Road, Mulgrave, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the Independent Living Villa and Units identified as Buildings A, B, C, D, E and part of Building F as shown on the plans prepared by ~~CHT Architects dated 15 November 2019~~ VIA Architects Rev A dated 21 December 2021 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.
- ~~15.~~ The Retirement Village must be operated and managed in accordance

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~~16.~~ *with the Retirement Villages Act 1986 (Vic) or future legislation which may supersede this Act.*

~~16.~~ *The amenities and other communal facilities (with the exception of the*  
~~17.~~ *medical centre) must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.*

~~17.~~ *No more than 70 persons providing health services including 18 doctors and allied health practitioners and 52 case managers shall be permitted on the premises at any given time without the further written consent of the Responsible Authority.*

~~18.~~ *The Medical Centre may operate only during the following hours:*

- ~~• Monday to Friday (except Public Holidays) – 8:30am – 6:00pm~~
- ~~• Saturday – 9:00am – 12:00pm (noon)~~
- ~~• Sunday and Public Holidays – Closed~~

~~Except in the case of emergency. Unless with the written consent of the Responsible Authority.~~

#### *Car Parking Conditions*

~~19.~~ *Before the use starts or any building is occupied, areas set aside for parked*

~~18.~~ *vehicles and access lanes as shown on the endorsed plans must be:*

- (a) constructed to the satisfaction of the Responsible Authority;*
- (b) properly formed to such levels that they can be used in accordance with the plans;*
- (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
- (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
- (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

~~20.~~ *No less than ~~520~~ 367 car spaces must be provided on the land to the*

~~19.~~ *satisfaction of the Responsible Authority prior to the occupation of the last stage of the development.*

~~21.~~ *Car spaces, access lanes and driveways shown on the endorsed plans*

~~20.~~ *must not be used for any other purpose, to the satisfaction of the Responsible Authority.*

~~22.~~ *Concrete kerbs or other suitable barriers must be provided to prevent*

~~21.~~ *damage to fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the nominated access, to the satisfaction of the Responsible Authority.*

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- ~~23.~~ *All loading and unloading of vehicles must be carried out within the*  
22. *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.*

#### *Construction of Bus Shelter and Public Footpaths*

24. *Details of the proposed bus shelter and bus stop are required to be*  
23. *submitted to Council's Engineering Department for approval prior to the works commencing. The full cost of the provision of the bus shelter is to be funded by the developer and is to be arranged in consultation with Council.*
- ~~25.~~ *Prior to the commencement of the use of the development, the existing footpath on the north side of the development access road is to be set aside for Road and vested in the name of the appropriate Road Manager.*
26. *Plans for the proposed shared path on Jacksons Road are to be submitted*  
24. *to Council's Engineering department for approval. The proposed shared path is required to be constructed to Council standards.*

#### *Landscaping and Tree Retention*

- ~~27.~~ *All landscaping works shown on the endorsed landscape plan(s) must be*  
25. *maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*
- ~~28.~~ *Prior to the completion of any stage of the development allowed by this*  
26. *permit, landscaping and urban design works as shown on the endorsed plans forming part of the that stage of the development must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- ~~29.~~ *Lighting must be provided to the satisfaction of the Responsible Authority*  
27. *to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.*
- ~~30.~~ *An in-ground, automatic watering system linked to rainwater tanks on*  
28. *the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.*

#### *Drainage Engineering Conditions*

- ~~31.~~ *All stormwater collected on the site from all hard surface areas must not*  
29. *be allowed to flow uncontrolled into adjoining properties or the road reserve.*
- ~~32.~~ *A new 525 mm drain is to be constructed at stage 1 of the project*

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- 30.** *between a new junction pit at the north-western corner of 62-94 Jacksons Road and the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.*

**Other**

- ~~33.~~ *No equipment, services, architectural features or structures of any kind,*  
**31.** *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.*
- 34.** *Any required fire services, electricity supply, gas and water meter boxes*  
**32.** *as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.*

**Section 55 Referral Conditions**

**Department of Transport VicRoads Conditions (Ref: 21526/17-1)**

- ~~35.~~ *Unless otherwise agreed in writing by VicRoads, and before the development starts, a revised Functional Layout Plan (FLP) must be submitted to VicRoads for review and approval. The revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T TR DG 2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:*
- ~~a)~~ *Signage and Line Marking;*
  - ~~b)~~ *Swept path analysis for all movements associated with the proposed access point, including how the largest design vehicle that could be reasonably anticipated to access the subject land can turn in and out of the subject land from Jacksons Road;*
  - ~~c)~~ *Functional Stage Road Safety Audit;*
  - ~~d)~~ *Revised functional layout plan as per the findings of the road safety audit.*
- ~~36.~~ *Subsequent to the approval of the Functional Layout Plan and functional stage Road Safety Audit, the permit holder must submit a copy of the Traffic Signal Layout Plan to VicRoads for review and approval.*
- ~~37.~~ *Subsequent to the approval of the traffic signal layout plan, and prior to the commencement of any roadworks required by VicRoads under this permit, the permit holder must submit the detailed engineering design plans, public lighting plan, along with a detail design stage Road Safety Audit, to VicRoads for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road safety Audit must be addressed in the detailed design plans to the satisfaction of and at no costs to VicRoads;*
- ~~38.~~ *Where the proposed roadworks lies within private property, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare a Plan of Subdivision and submit to the Responsible Authority for certification under the Subdivision Act 1988 to show:*
- ~~a)~~ *Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.*

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- ~~b) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads) upon certification of the Plan of Subdivision, without any encumbrances.~~
- ~~39. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:~~
- ~~a) All roadworks as required by VicRoads must be completed generally in accordance with the approved Functional Layout Plan (FLP) and detailed design plans;~~
- ~~b) The permit holder must reimburse VicRoads and the Responsible Authority with all the costs associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to Road Zone Category 1 (RDZ1) pursuant to the provisions of the Planning and Environment Act 1987.~~
- ~~c) All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.~~
33. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of any works, a revised Functional Layout Plan (FLP) 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 revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:
- a) Signage and linemarking.
- b) Swept path analysis for all movements associated with the proposed access point, including the largest design vehicle that could be reasonably anticipated to access the site.
- c) Functional Stage Road Safety Audit.
- d) Any revisions as which result from the findings of the Road Safety Audit.
- e) Shared User Path
- f) Bus shelter which is DDA compliant, including associated seating and walkways in plan and cross section form, and allocated space for wheelchairs
- g) Bus stop identification linemarking on Jacksons Road
- h) The proposed substation to be fully contained within the site
34. Subsequent to the approval of the Functional Layout Plan and prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with a detailed design stage Road Safety Audit to the Head, Transport for Victoria for review and approval. The detailed design plans and any traffic signal modification plan must be prepared generally in



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accordance with the approved Functional Layout Plan and functional stage Road Safety Audit.

35. Prior to the occupation of the development, all roadworks as per the approved Functional Layout Plan must be completed and available for use.
36. Prior to the occupation of the development, all land to be vested as road or reserve, for which the Head, Transport for Victoria is to be responsible, must be vested in the name of the Head, Transport for Victoria.
37. Prior to the occupation of the development, any disused or redundant vehicle crossings on Jacksons 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.
38. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.
39. Prior to the occupation of the development, all bus stop works must comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002 to the satisfaction of the Head, Transport for Victoria.
40. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

*Department of Transport Conditions (Ref: HTFV2019/451)*

- ~~40. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria 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 drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:~~
- ~~a) A Disability Discrimination Act 1992 compliant bus stop and all associated infrastructure located generally in the location of the existing stop on the Jacksons Road frontage;~~
  - ~~b) Bus turning circles which demonstrate all buses can stop at the bus stop;~~
  - ~~c) A bus shelter, associated seating and walkways in plan and cross section form;~~
  - ~~d) Allocated space for wheelchairs within bus shelters; and~~

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~~e) A bus stop identification line marking to identify the bus stop on Jacksons Road.~~

~~41. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.~~

~~42. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. All bus stop works must comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002 to the satisfaction of the Head, Transport for Victoria.~~

~~43. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.~~

Department of Environment, Land, Water and Planning Conditions (Ref: PP/LA/03/0109 & SP461389)

~~44.~~ Before works start, the permit holder must advise all persons undertaking 41. the vegetation removal and works on site of all relevant conditions of this permit.

~~45.~~ Before works start, native vegetation protection fencing must be erected 42. around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

~~46.~~ The protection fencing must be constructed to the satisfaction of the 43. responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:

- a) No vehicular or pedestrian access, trenching or soil excavation is to occur,
- b) No storage or dumping of tools, equipment or waste is to occur,
- c) No entry and exit pits for underground services are to be constructed.

~~47.~~ In order to offset the removal of 1.452 ha ~~1.461~~ hectares of native 44. vegetation and one scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual: The general offset must:

- Contribute gain of ~~0.050 general biodiversity equivalence units~~ 263 General Habitat Units,

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- *Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.*
  - *Have a strategic biodiversity score of at least ~~0.111~~ 0.131.*

- ~~48.~~ *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:*
- ~~45.~~ *Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:*
- *A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.*
  - *A credit register extract from the Native Vegetation Credit Register.*

*AusNet Conditions (Ref: 40110-2)*

~~49.~~ *No part of the proposed buildings, including eaves, awnings, canopies, 46. shelters and the like, is permitted on AusNet Transmission Group’s easement.*

~~50.~~ *The proposed car park must be used only by domestic and small 47. commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.*

~~51.~~ *The use of vehicles and equipment involved in construction work on the 48. easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.*

~~52.~~ *Any lighting poles erected on the easement must not exceed 3 metres in 49. height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.*

~~53.~~ *Scaffolding is not permitted on the easement.*

50.

~~54.~~ *All trees and shrubs planted on the easement must not exceed 3 metres 51. maximum mature growth height.*

~~55.~~ *The storage of flammable materials, including that within waste bins, is 52. not permitted on the easement.*

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~~56.~~ *Natural ground surface levels on the easement must not be altered by*  
~~53.~~ *the stockpiling of excavated materials or by landscaping within prior written approval from AusNet Transmission Group.*

~~57.~~ *All services traversing the easement must be installed underground.*

~~54.~~

~~58.~~ *The use of construction equipment including cranes that have the ability*  
~~55.~~ *to extend into the easement are not permitted.*

~~59.~~ *All future works within the easement must be submitted to AusNet*

~~56.~~ *Transmission Group and approved in writing prior to the commencement of work on site.*

#### *Time for Starting and Completion*

~~60.~~—*Once the development has started the approved development must be*  
~~57.~~ *continued and completed to the satisfaction of the Responsible Authority.*

~~61.~~ *This Permit will expire if one of the following circumstances applies:*

~~58.~~ • *The first stage of development has not commenced within 3 years of the date of this Permit; or*

• *The first stage of development is not completed within 2 years from commencement of the first stage; or*

• *Subsequent stages of development are not completed within 6 years from the completion of the first stage of development.*

*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 (6) months afterwards if the development has not commenced; or*

• *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.~~—~~*The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.*~~

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*The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current DoT/VicRoads policy, procedures and standards and at no cost to the Head, Transport for Victoria. In order to meet the requirements for these tasks the applicant will be required to comply with the requirements documented as “Standard Requirements - Externally Funded Projects” and any other requirements considered necessary depending on the nature of the work.*

- ~~B.~~ *The Functional Layout Plan may need to be amended to accommodate any changes that may arise during the detailed design stage review, in response to the Road Safety Audit, in relation to services and their relocation, vegetation, drainage, treatment of hazards within clear zones and other matters.*
- ~~C.~~ *The proposed development requires works within in the road reserve. Separate approval under the Road Management Act 2004 may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.*
- ~~B.~~ *D.* *The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.*
- ~~C.~~ *E.* *Road Safety Audits must be undertaken by an independent VicRoads prequalified road safety auditor and be conducted in accordance with Austroads – Road Safety Audit (Second Edition 2002) requirements. Any identified issues must be addressed to VicRoads ‘satisfaction.*
- ~~D.~~ *F.* *No work must be commenced in, on, under or over the road reserve until all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts have been obtained. Please contact VicRoads prior to commencing any works.*
- ~~E.~~ *G.* *This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.*
- ~~F.~~ *H.* *This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval.*
- ~~G.~~ *I.* *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.*

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- H. J.** *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](http://www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business)*
- I. K.** *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'.*
- J. L.** *The premises must not create a nuisance under the Public Health and Wellbeing Act and must comply in all respects with EPA noise legislation.*
- K. M.** *The private on-site drainage system must prevent stormwater discharge from the internal roads and parking 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/or*
  - shaping the internal roads and parking so that stormwater is collected in grated pits within the property; and or*
  - another Council approved equivalent.*
- L. N.** *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.*
- M. O.** *The nominated point of stormwater connection for:*
- Stage 1 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected and free drained via a pipe to the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.*
  - ~~Stage 2, 3 and 4 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary).~~*
  - Stage 2: To direct the entire site's stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to the Council pit in the easement via a 900 mm x 900 mm junction pit 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. Please note, since this stage is discharging into an easement through other neighbours – the drainage design is to cater for a 1 in 100 year storm event.*
  - Stage 3, 4 & 5: To direct the entire site's stormwater drainage to the north-west corner of 62 - 94 Jacksons Road where the stormwater drainage must*

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*be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary)*

***N. P.*** *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of ~~\$40,000~~ \$55,000 is to be paid prior to the drainage works commencing.*

***Q.*** *Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.*

**CARRIED**

**1.4 17-31 Franklyn Street, Huntingdale - Use and development of the land as warehouse, store and food and drink premises**

Moved Cr Luo

Seconded Cr James

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53506) for the use and development of the land as warehouse, store, office and food and drink premises at 17-31 Franklyn Street, Huntingdale subject to the following conditions:*

***Amended Plans Required***

- 1. Before the development and use starts, one copy of amended plans drawn to scale and correctly dimensioned, must be 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 prepared by Archsign (Revision 8) and dated 29 July 2022, but modified to show:***
  - a) All crossovers widened to accommodate medium rigid vehicle. A swept path diagram must be submitted to support the proposed width of the crossovers;***
  - b) Labelling of onsite car parking spaces for the different uses;***
  - c) Reallocation of 5 car parking spaces from office to warehouse use;***
  - d) A minimum of 2 bicycle spaces provided to the food and drink premises;***
  - e) The provision of outdoor seating to the café area, whilst maintaining a minimum 1.5 metre landscape area to the street boundary. This may include up to two of the eastern-most car parking spaces immediately north of the café premises.***
  - f) Provision of weather protection for pedestrians, and solar protection to windows to improve thermal performance of the buildings;***
  - g) Location of adjoining residential properties corrected on the plans;***
  - h) A notation to read 'all existing easements within the property are to be expunged';***
  - i) Indicative location of a new 6 metre by 6 metre easement at the south-western boundary (where the most southern two car spaces are located);***
  - j) 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***

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*with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road;*

- k) Any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to complement the architectural intent of the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on plans;*
- l) Any changes required in accordance with the recommendation of the Waste Management Plan of Condition 6; and*
- m) Any changes required in accordance with the recommendation of the Sustainability Management Plan of Condition 9.*

*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 correctly dimensioned must be approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Etched Projects Pty Ltd, Revision A dated 28 June 2022, except that the plan must be modified to show:*

- a) The location of any retaining walls associated with the landscape treatment of the site;*
- b) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;*
- c) 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;*
- d) The location of external lighting (if any);*

*all to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit.*

- 4. Before any permitted use on site commences, an amended landscape plan incorporating the strip of land immediately north of the subject land must be submitted to and approved by the Responsible Authority. The plan must be prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and correctly dimensioned to show:*

- a) Details of any retaining walls and fencing;*
- b) Proposed surface finishes; and*
- c) Proposed planting of shrubs, screen plantings and canopy trees*



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*all to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit.*

*An updated Survey Plan, and proof of completion of the acquisition of this parcel of land must be provided with the landscape plan.*

5. *Before the uses start, landscaping works as shown on the endorsed plans under Conditions 3 and 4 must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority thereafter.*

#### **Waste Management Plan**

6. *Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan (WMP) must be approved by the Responsible Authority. The plan must provide details of a regular private (including recyclables) collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:*
  - a) *The method of collection of all waste from the land;*
  - b) *Waste volume calculation and total waste generated per waste stream;*
  - c) *Frequency of Waste collection and permitted collection times;*
  - d) *Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);*
  - e) *Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area; and*
  - f) *Type and size of private waste vehicles and swept path analysis.*

*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.*

#### **Car Parking Management Plan**

7. *Before the use commences, a Car Park Management Plan must be submitted to the satisfaction and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:*
  - a) *The number and location of car parking spaces allocated to each tenancy;*
  - b) *The number and location of car spaces for shared use, including time of shared use;*
  - c) *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;*
  - d) *Details of way-finding, cleaning and security of end of trip bicycle facilities;*
  - e) *Policing arrangements and formal agreements;*

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- f) 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;*
  - g) 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,*
  - h) Details regarding the management of loading and unloading of goods and materials.*
  - i) The plan is to regularly reviewed and updated to manage on going parking demands and changes of tenants when required.*

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

#### *Construction Management Plan*

- 8. 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.*

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- 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.*

#### *Sustainability Management Plan (SMP)*

- 9. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Meinhardt Group (Revision 01) dated 22 December 2021, but modified to show the development in accordance with the amended plans prepared by Archsign (Revision 3) dated 27 June 2022.*

*The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.*

#### *Lighting Plan*

- 10. 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 residential land to the satisfaction of the Responsible Authority.*
- When approved, the plans will be endorsed and then form part of the Permit.*
- 11. 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.*

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***Car Parking and Accessways***

- 12. 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) line-marked to indicate each car space for different uses and 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) all access lanes***
- all to the satisfaction of the Responsible Authority.***

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

- 13. The loading and unloading of goods from vehicles must only be carried out on the subject land.***

***Services and Plant Equipment***

- 14. 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.***
- 15. 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.***
- 16. 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.***

***Noise***

- 17. 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.***

***Storage of Goods***

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

**19. All activities at the premises must comply with the Dangerous Goods Act and regulations.**

**Amenity of Area**

**20. The amenity of the area must not be detrimentally affected by the use or development, through the:**

- a) transport of materials, goods or commodities to or from the land;**
- b) appearance of any building, works or materials;**
- c) emission of noise, artificial light, smell, fumes, waste water, waste products, grit or oil;**
- d) presence of vermin;**

**To the satisfaction of the Responsible Authority.**

**Food and Drink Premises**

**21. Except with the prior written consent of the Responsible Authority, the food and drink premises may operate only between the hours of 7am to 5pm Monday to Saturday.**

**Drainage & Stormwater**

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

**Satisfactory Continuation**

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

**Time for Starting and Completion**

**24. 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 and/or use 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. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.*
  - F. *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.*
  - G. *Any work within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.*
  - 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. *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 nature strip 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).*  
*If the point of connection cannot be located, then notify Council's Engineering Department immediately.*
  - J. *Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
  - K. *The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.*
  - L. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*
  - M. *All new vehicle 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.*
  - N. *Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.*
  - O. *Disabled access to the building must be provided to the satisfaction of the relevant Building Surveyor. All work carried out to provide disabled access must be*

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*constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*

- P. 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.*
- Q. 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. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- S. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*

**CARRIED**

- 1.5 101-121 Whalley Drive, Wheelers Hill – Extension of time – The development of three apartment buildings up to three storeys in height, associated with the existing retirement village and including a reduction in the applicable car parking requirement**

Moved Cr Luo

Seconded Cr McCluskey

*That Council resolves to issue an Extension of time to Planning Permit No. TPA/42225/A for the development of three apartment buildings up to three storeys in height associated with the existing retirement village including a reduction in the applicable car parking requirement at 101-121 Whalley Drive, Wheelers Hill, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.*

- 1. That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the commencement of the development be extended for a further 2 years. Accordingly, the development must be commenced by 6 October 2024 and completed by 6 October 2026.*
- 2. That the applicant be advised that it is unlikely a further extension of time will be granted given the time that has passed since the permit was granted.*

**CARRIED**

- 1.6 Amendment C169 Open Space – Consideration of Submissions**

Moved Cr Fergeus

Seconded Cr Luo

*That Council:*

- 1. Notes and considers all submissions received in response to Amendment C169.*
- 2. Notes and considers the late submission received on 13 July 2022.*
- 3. Notes and endorses the officer response to the issues raised by the submissions as outlined in the officer report and Attachment 1.*

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4. *Requests the Minister for Planning appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C169 to the Monash Planning Scheme.*
  5. *Refers all submissions on Amendment C169 to the Panel appointed by the Minister for Planning.*
  6. *Endorses the recommended changes to Amendment C169 as outlined in the officer report and Attachments 1 and 2 for the purposes of Council's advocacy position before the Panel.*
  7. *Notifies all submitters of Council's resolution.*

DIVISION

**For:** Councillors B Little, S James, N Luo, A de Silva, J Fergeus, R Paterson, P Klisaris

**Against:** Councillors T Samardzija, S McCluskey, G Lake

**CARRIED**

**1.7 Consultancy Services (architectural and other design services) – Bogong Car Park Extension Project – Variations Exceeding Officers Delegation – Non-exceptional Circumstances**

Moved Cr Little

Seconded Cr Luo

*That Council:*

1. *Notes that the original value of Contract 2022057 Architectural and other design related services – Bogong Car Park Extension Project (the Contract) was \$517,073 (or \$546,571 if novated to the builder) with a \$60,000 contingency.*
2. *Notes that the original contingency of \$60,000 has been applied to the Contract.*
3. *Approves a variation to Contract 2022057 Architectural and other design related services – Bogong Car Park Extension Project (the Contract) in the amount of \$144,375 being 10% or \$100,000 greater than the original contract sum awarded (as referred to in item 1 above) which has arisen due an increase in the scope of services with Council's preference for a 4-level extension.*
4. *Notes the risk of further variations being received and agree that a further contingency in the amount of \$65,000 be allocated to the project to manage this risk.*
5. *Notes that the revised value of Contract 2022057 is \$721,448.*

*(Note: all figures are inclusive of GST)*

**CARRIED**



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**2. COMMUNITY SERVICES**

**2.1 Monash Gallery of Art – Recommendations for reappointment of member to MGA community asset committee (called the Committee of Management)**

Moved Cr McCluskey                      Seconded Cr Little

*That Council:*

- 1. Approves the reappointment of Matt Soulsby to the Monash Gallery of Art Committee of Management for a term of three years from 31 October 2022 – 31 October 2025;*
- 2. Approves the reappointment of Kathy Hendy-Ekers to the Monash Gallery of Art Committee of Management for a term of one year from 27 October 2022 – 27 October 2023.*

**CARRIED**

**2.2 Public Health Approach to Gambling Harm Policy**

Moved Cr Fergeus                      Seconded Cr Paterson

*That Council endorses the draft Public Health Approach to Gambling Harm Policy for public exhibition and community feedback for a period of three (3) weeks, 31 August to 21 September 2022.*

**AMENDMENT**

Moved Cr Lake                              Seconded Cr James

*That Council:*

- 1. subject to changes being made to the draft policy generally in accordance with the matters summarised in point 2 below, endorses the draft Public Health Approach to Gambling Harm Policy for public exhibition and community feedback for a period of six (6) weeks;*
- 2. directs that the draft policy be updated to include:*
  - a. a statement that Council expressly seeks as a policy objective to highlight the way that not-for-profit community clubs which operate gaming machines use their community grant allocations (which they are mandated to provide in order to qualify for tax concessions) to embed themselves with local community groups, especially sporting clubs; and*
  - b. relevant information which explains that:*
    - i. the harm done by the operation of gaming machines by not-for-profit gaming machine operators significantly outweighs any community grant allocations returned by these operators to the community;*



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SUBSTANTIVE MOTION

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

**CARRIED**

**2.3 Monash Arts and Culture Strategy 2025**

Moved Cr Little

Seconded Cr Luo

*That Council endorse the draft Monash Arts and Culture Strategy 2025 for public exhibition during September 2022.*

**CARRIED**

**2.4 2022/23 Monash Quick Response Grants Program Recipients**

Moved Cr McCluskey

Seconded Cr Little

*That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 1 July to 2 August 2022 to a total of \$10,547.93.*

**CARRIED**

**3. CORPORATE SERVICES**

**3.1 Consultancy Report**

Moved Cr Luo

Seconded Cr Little

*That Council notes the attached summary of completed and current Consultancy engagements for the 6 months to 30 June 2022.*

**CARRIED**

**3.2 Insurance Portfolio Renewal 2022/23**

Moved Cr Fergeus

Seconded Cr Samardzija

*That Council note this report.*

**CARRIED**

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**4. INFRASTRUCTURE & ENVIRONMENT**

**4.1 Declaration of Special Charge Scheme for Solar Savers Program**

Moved Cr Fergeus

Seconded Cr James

*That Council:*

- 1. *having complied with the requirements of sections 163a, 163b and 223 of the local government act 1989 (“act”), and otherwise according to law, hereby declares a special charge (“special charge”) under section 163 of the act as follows:***
  - i. A special charge is declared for the period commencing on the day on which council issues a notice levying payment of the special rate and concluding on the eight year anniversary of that day.***
  - ii. The special charge be declared for the purpose of defraying any expense incurred by council in relation to the provision of solar energy systems on residential properties participating in the solar savers scheme, which project:***
    - a) council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and***
    - b) arises out of council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of council's municipal district.***
  - iii. The total***
    - a) cost of performing the function described in paragraph 1, and***
    - b) amount for the special charge to be levied be recorded as \$52,141.85 or, such other amount as is lawfully levied as a consequence of this resolution.***
  - iv. The special charge be declared in relation to all rateable land described in the table included as attachment 3 to this report, in the amount specified in the table as applying to each piece of rateable land.***
  - V. The following be specified as the criteria which form the basis of the special charge so declared:***
    - ownership of any land described in paragraph 1(iv) of this resolution.***
  - Vi. The following be specified as the manner in which the special charge so declared will be assessed and levied:***
    - a) a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the solar savers scheme, in respect of which a householder agreement has been executed, totalling \$52,141.85, being the total cost of the scheme to Council;***
    - b) to be levied each year for a period of 8 years.***
  - Vii. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the act, it be recorded that the owners of the land described in paragraph 1(iv) of this resolution will, subject to a further resolution of council, pay the special charge in the amount set out in paragraph 1(vi) of this resolution in the following manner:***
    - a) payment annually by a lump sum on or before one month following the issue by council of a notice levying payment under section 163(4) of the act; or***

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*b) payment annually by ten instalments to be paid by the dates which are fixed by council in a notice levying payment under section 163(4) of the act.*

*Considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.*

- 2. For the purposes of having determined the total amount of the special charge to be levied:
  - i. Considers and formally records that only those rateable properties included in the solar saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by council; and*
  - ii. Formally determines for the purposes of section 163(2)(a), (2a) and (2b) of the act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.**
- 3. Council directs that notice be given to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/or an objection in writing of the decision of council to declare and levy the special charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of council to declare the special rate are that –
  - i. There is no objection to the scheme, and it is otherwise considered that there is a broad level of support for the special charge from all property owners and occupiers;*
  - ii. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of council's municipal district.*
  - iii. All persons who are liable or required to pay the special charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.**
- 4. Where a householder wishes to withdraw from the scheme, council agrees to such withdrawal where the householder has given written notice of their desire to withdraw from the scheme before council has incurred any expenditure in relation to the householder's solar PV system.*

**CARRIED**

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#### 4.2 2022-24 Environmental Advisory Committee Terms of Reference

Moved Cr Little

Seconded Cr McCluskey

*That Council endorses the updated Terms of Reference (TOR) for the Environmental Advisory Committee 2022-24.*

**CARRIED**

#### 4.3 Tender for Road Resurfacing and Associated Services

Moved Cr Little

Seconded Cr Luo

*That Council:*

1. *Approves access to Procurement Australia Contract 2507/0335 Road Resurfacing and Associated Services for provision of Road Resurfacing and Associated Services and appoints a panel of suppliers to Council Contract No. 2023017 for a schedule of rates-based contract with an estimated annual contract value of \$7.86M (GST inc) and an estimated total contract value of \$39.3M (GST inc) of all available extension options to:*
  - o Asphalt & Civil Construction P/L As Trustee for The RJ Pettifer Trust*
  - o BA Road Service Pty Ltd*
  - o Prestige Paving Pty Ltd*
  - o RABS Paving Services Pty Ltd*
  - o Silman Bros Asphalting Pty Ltd*
  - o The Trustee for The Centofanti Unit Trust T/A Metro Asphalt Pty Ltd*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*
3. *Notes that the contract initial term ends on 31 July 2025 and the contract also has 1 extension option of 2 years and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extension approval and satisfactory performance for the City of Monash.*

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

**CARRIED**

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#### 4.4 Clayton South Regional Landfill Land Acquisition

Moved Cr Samardzija                      Seconded Cr Luo

*That Council, as a member of the Clayton South Regional User Group, note the Notice of Intention to Acquire under the Land Acquisition and Compensation Act 1986, a portion of land at 654 – 718 Clayton Road, Clayton South, known as the Clayton South Regional Landfill.*

**CARRIED**

#### 4.5 Governance Rules: Electronic Attendance of Councillors at Council Meetings

Moved Cr Samardzija                      Seconded Cr Fergeus

*That Council's Governance Rules be amended as outlined in this report.*

**CARRIED**

#### 4.6 Tender for Glen Waverley Sports Hub Development

Moved Cr McCluskey                      Seconded Cr Luo

*That Council:*

- 1. Awards the tender from Commercial Industrial Construction Group (CICG) Pty Ltd for the Glen Waverley Sports Hub Development Contract No. 2022154 for the fixed Lump Sum Price of \$23,074,581 with \$2,750,000 for Contingencies and a \$550,000 allowance for Service Utility and Authority fees;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 12 September 2022 and the expected completion date is 4 November 2023; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Service Utility and Authority fees is \$26,374,581*

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

**CARRIED**

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**4.7 Councillors' Meeting Records**

Moved Cr McCluskey                      Seconded Cr Little

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

**CARRIED**

**4.8 Mulgrave Reserve Pavilion Redevelopment – Variations exceeding officers delegation**

Moved Cr McCluskey                      Seconded Cr Samardzija

*That Council:*

- 1. Approves a variation to Contract 2021136 - Mulgrave Reserve Pavilion Redevelopment awarded to Simbuilt Pty Ltd in the amount of \$538,560 above the original contract sum;*
- 2. Notes that the revised contract value will be \$4,322,219.*

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

**CARRIED**

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

Nil.

**6. NOTICES OF MOTION**

**6.1 Responding to the Local Government Inspectorate August 2022 – Josh Fergeus**

Moved Cr Fergeus                      Seconded Cr McCluskey

*That Council:*

- 1. Notes the advice issued by the Local Government Inspectorate in July 2022 that "Councils should keep a register of councillor interactions with developers";*
- 2. Further notes the advice of the Inspectorate that "Keeping a record of the interactions councillors have with developers will ensure any meetings are open and transparent and available for the public to see";*



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- 3. *Re-affirms its commitment to the highest possible levels of transparency with regard to Council's decision-making as to planning and development; Directs the CEO to request that the Inspectorate provides Council with further information pertaining to this advice, and to invite the Inspectorate to conduct a briefing for Council on these matters in the near future.***

**DIVISION**

**For:** Councillors T Samardzija, S McCluskey, S James, N Luo, A de Silva, J Fergeus, R Paterson, G Lake

**Against:** Councillors B Little, P Klisaris

**CARRIED**

**7. COMMITTEE REPORTS**

Nil.

**8. URGENT BUSINESS**

Nil.

**9. CONFIDENTIAL BUSINESS**

Moved Cr Samardzija

Seconded Cr McCluskey

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

**CARRIED**

The Council moved back into Open Council at 8:13pm.

**10. PERSONAL EXPLANATIONS**

Nil.

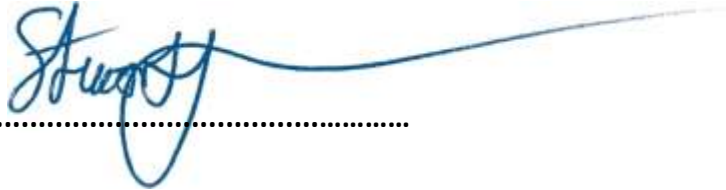
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**11. COUNCILLORS' REPORTS**

Nil.

The Mayor declared the meeting closed at 8:13pm.

MAYOR: .....

A handwritten signature in blue ink, appearing to read 'Stuart', is written over a dotted line. The signature is fluid and cursive, extending to the right with a long horizontal stroke.

**DATED THE 27<sup>TH</sup> DAY OF SEPTEMBER 2022**