



CITY OF  
**MONASH**

# **MINUTES**

**MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 29 AUGUST 2023**

**at 7:00 PM**

**COUNCIL CHAMBER**

**CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY**

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## 1 ACKNOWLEDGEMENT OF COUNTRY

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

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

## 2 PRESENT AND APOLOGIES

### PRESENT:

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

Officers: A Diamond, J Doake, R Hopkins, P Panagakos, D Wain, J Robertson, T Shoshan, R Pedder, R Russell

### APOLOGIES

Councillors: B Little, P Klisaris, S James

## 3 DISCLOSURES OF INTEREST

Cr Lake declared a Material Conflict of Interest for:

- Item 7.1.3: Received hospitality from a person who is associated with the proponent (Brandon Yeoh).

Cr Lake left the meeting prior to discussion and voting on these items.

## 4 CONFIRMATION OF MINUTES

RESOLUTION NUMBER: OCM23/1

Moved: Cr Zographos      Seconded: Cr McCluskey

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

- **Meeting of Council held on 25 July 2023**
- **Additional Meeting of Council held on 4 July 2023**

**CARRIED**

## **5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS**

Cr Samardzija tabled a petition about car parking in Kingsway and Montclair Avenues with 20 signatories.

## **6 PUBLIC QUESTION TIME**

The Mayor advised that seventeen (17) questions had been received.

## **7 OFFICERS' REPORTS**

### **7.1 City Development**

#### **7.1.1 TOWN PLANNING SCHEDULE**

RESOLUTION NUMBER: OCM23/2

Moved: Cr McCluskey    Seconded: Cr Paterson

#### **RECOMMENDATION**

**That Council notes the report containing the Town Planning Schedules.**

**CARRIED**

## **7.1.2 296-308 AND 310-324 FERNTREE GULLY ROAD, NOTTING HILL AMENDMENT OF AN EXISTING PLANNING PERMIT TO ALLOW FOR CONSTRUCTION OF A WAREHOUSE BUILDING (TPA/35875/K)**

RESOLUTION NUMBER: OCM23/3

Moved:Cr McCluskey      Seconded:Cr Luo

**That Council resolves to Grant an Amended Planning Permit (TPA35875K) for the staged development of office, warehouse and industry premises, development and use of food and drink premises, development and use of a residential hotel (serviced apartments), access to a Transport Zone 2 and road works at 296-308 and 310-324 Ferntree Gully Road, Notting Hill, subject to the following conditions:**

- 1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (TPA/35875/H), but modified to show:**
  - a) Any required acoustic attenuation measures as a consequence of the required Acoustic Assessment.**
  - b) Bicycle parking provision to be increased to 20 spaces (10 hotel resident and 10 visitor).**
  - c) Undercroft car space 12 widened to 2.6m with a corresponding reduction in the width of the turning bay.**
  - d) Indicative detail of signage (subject to separate permit application) providing for prominent identification of the premises/business.**
- 2. Prior to the commencement of any buildings or works for Buildings B, C, D, E, N and H, amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. Full details of the buildings including details of materials and colours of each building and location of bicycle and waste facilities must be submitted for approval. The gross floor area for Buildings B and C must be no greater than 9,867sqm and 6,703sqm, respectively. The gross floor area for Building D must be no greater than 7,723sqm. The gross floor area for Building E must be no greater than 2,192sqm for warehouse, 3,047sqm for office, 1,386sqm for research and development and 310sqm for amenities and the atrium. When approved the plans will be endorsed and will then form part of the permit.**
- 3. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 4. Floor area in excess of 1800 square metres must only be used for offices as specified in Clause 22.02-3 dot point No. 12 of the Monash Planning Scheme, unless the use is otherwise specified by the endorsed plans forming part of this permit.**

5. The provision of car parking on the site must be provided at a rate not less than:

- 3.5 car parking spaces to each 100 square metres of net floor area for office use.
- 0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).

Car parking must be provided prior to the commencement of the use and within the designated spaces to the satisfaction of the Responsible Authority as shown on the endorsed plans under this permit and/or within the designated car parking spaces approved under other Planning Permits for this land.

6. Bicycle facilities for each building, hereby permitted, must be provided in accordance with the provisions detailed in Clause 52.34 of the Monash Planning Scheme.

7. The maximum number of seats permitted within the café is 100 unless the Responsible Authority gives consent in writing.

8. Once the development of each building has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works for each building are completed to enable the site to be inspected.

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

10. 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.

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

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

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin.

13. 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 any building unless otherwise agreed to in writing by the Responsible Authority.

14. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
- the location of all existing trees and other vegetation to be retained on site
  - provision of canopy trees with spreading crowns located throughout the site
  - planting to soften the appearance of hard surface areas such as driveways and other paved areas
  - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
  - the location and details of all fencing
  - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
  - details of all proposed hard surface materials including pathways

When approved the plan will be endorsed and will then form part of the permit. The landscaping may be staged as per staging of buildings.

15. Before occupation of any of the buildings, landscaping works as shown of the endorsed plans for each stage must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
16. Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building 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.

17. The driveway and parking area should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004, apart from the dimensions of car parking spaces and associated accessways, which must be in accordance with Clause 52.06-3 of the Monash Planning Scheme.
18. Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.
19. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.



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

The plans must show a drainage scheme providing for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is to the south of the property where it must be collected and free drained via a pipe to the Council pits along the southern boundary easement to be constructed to Council Standards.

Note: If the nominated point of discharge cannot be located then notify Council's Engineering Division immediately.

21. Any new drainage work within a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works for stages 1, 2 & 3 must be submitted to and approved by the Engineering Division prior to the commencement of works.
22. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
23. Prior to occupation of any new premises hereby permitted, an amended Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority. The amended Parking Management Plan must be generally in accordance with the approved Parking Management Plan, but modified to detail:
- Provision of car parking at a minimum rate of 3.5 spaces per 100sqm of office floor area across the development;
  - 0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).
  - Provision and adequacy of car parking to service other uses undertaken on the land;
  - Equitable allocation and management of car parking of car parking throughout the development
  - The integrated management of car parking and access during the course of the construction of the development of the new office building fronting Ferntree Gully Road.

The Parking Management Plan may be amended with the written consent of the Responsible Authority. When approved the Parking Management Plan will be endorsed to form part of this permit.

24. Prior to the commencement of the use of any building hereby permitted, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
- a) The method of collection of garbage and recyclables for uses;
  - b) Designation of methods of collection including the need to provide for private services or utilisation of council services;
  - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- e) Litter management.
- f) A copy of this plan must be submitted to Council.

25. Prior to commencement of any buildings and works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) measures to control noise, dust and water runoff;
  - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - c) the location of where building materials are to be kept during construction;
  - d) site security;
  - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
  - f) on-site parking of vehicles associated with construction activities;
  - g) wash down areas for trucks and vehicles associated with construction activities;
  - h) cleaning and maintaining surrounding road surfaces.

26. Prior to endorsement of plans pursuant to condition 1 of the permit (TPA/35875/H) an Acoustic Assessment must be submitted to and approved by the responsible authority. The Acoustic Assessment must be undertaken by a suitably qualified person to:
- a) Assess the noise impact of permissible surrounding land use on the approved residential hotel.
  - b) Specify any required noise attenuation measures to be incorporated into the design of the residential hotel. The residential hotel building must be designed to limit noise levels in bedrooms to a maximum of 45dB LAeq,8h for the night period from 10:00pm to 6:00am the following day in accordance with relevant Australian Standards for acoustic control.

Any recommendations or required modifications to the development must be specified on the endorsed plans and implemented to the satisfaction of Responsible Authority prior to occupation of the premises.

When approved the Acoustic Assessment will be endorsed to form part of this permit.

27. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
- a) Residential hotel (serviced apartments) premises within the development are restricted to short-stay serviced apartments defined as "Residential Hotel" by the Monash Planning Scheme.
  - b) Permanent occupation of apartment premises as a primary residence is prohibited.
  - c) Residential hotel (serviced apartments) premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.

- d) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.
- e) Subdivision of the residential hotel units is prohibited.
- f) The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.

A memorandum of the Agreement is to be entered into on Title. The cost of the preparation and execution of the Agreement and entry of the memorandum on Title is to be paid by the owner.

28. Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the residential hotel (serviced apartments) prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:
- a) The presence of a manager on site at such times to operate the reception area.
  - b) Services provided.
  - c) Operating hours.
  - d) Management of the car park associated with the residential hotel (serviced apartments).

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

29. Function and conference facilities within the development must not exceed 54 patrons/seats at any single time and be operated ancillary to the primary use as serviced apartments, unless with the prior written consent of the Responsible Authority. Adequate car parking must be provided for function and conference facilities within close proximity to the premises (within Ferntree Business Park) to the satisfaction of Responsible Authority.

**VicRoads Conditions (0332808 & 01281/11 – 13 December 2011)**

30. Prior to the use of any building constructed with the authority of this permit, the following road works shall be constructed to Vic Road's satisfaction:
- a) Extension of the existing u-turn lane (west approach) of the signalized intersection of Ferntree Gully Road and Gilby Road. The length of the extension is to be approved by VicRoads in consideration of SIDRA analysis to be undertaken by the applicant.
  - b) Extension of the right/u-turn lane (east approach) at the median opening in Ferntree Gully Road, approximately 150 metres from the western property boundary. The length of the extension is to be approved by VicRoads in consideration of SIDRA analysis to be undertaken by the applicant.
31. Prior to the commencement of the use of more than 10,000 square metres of floor area constructed with the authority of this permit, the following road works shall be constructed to VicRoads satisfaction:

- a) A channelization treatment at the central access point on Ferntree Gully Road, generally in accordance with GTA consultants Drawing 12M1543000-02, or other mitigation treatments to the satisfaction of VicRoads.
32. Prior to the commencement of any roadworks, in, on, under or over the Ferntree Gully Road reservation the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.
33. Where the roadworks associated with the access arrangement to Ferntree Gully Road (including footpath and nature strip) lie within the property, the applicant must arrange for the plan of subdivision to show the land abutting the road, which is affected by the roadworks, labelled "ROAD" which vests in the Roads Corporation upon certification of the plan of subdivision. Prior to the commencement of the use of more than 10,000 sq metres of floor area constructed with the authority of this permit, a Statement of Compliance must be issued for the subdivision.
34. The applicant must pay the full cost of all roadworks, drainage, service relocations, public lighting and modifications, and any other costs associated with the development.

**VicRoads Condition (02466/12-4 – 25 November 2019)**

35. Unless otherwise agreed in writing by VicRoads, prior to any further developments along Ferntree Place within the Business Park, an access strategy for the site must be prepared to the satisfaction of and at no cost to VicRoads. The access strategy must outline the anticipated level of traffic to be generated by future developments along Ferntree Place and identify modifications to the Ferntree Place interface with Ferntree Gully Road (if any) in order to maintain the operational efficiency and safety of the access.

**Department of Transport Condition (DOPT2008/0013)**

36. The relocation of the bus stop and shelter must be to the satisfaction of the Director of Public Transport, fully compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 and completed prior to the decommissioning of the existing stop.
37. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development is not started before *12 March 2013*.
  - The development is not completed before *12 March 2024*.
- In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

## **NOTES:**

- A. Building approval must be obtained prior to the commencement of the above approved works.
- B. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- C. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).
- D. Prior to the commencement of the development permitted a statement of liability indemnity, (Use of Easement Approval), related to the road and car parks over the western, eastern and southern boundary easements on the site shall be provided to the satisfaction of the City of Monash.  
Approval to be given subject to:
- Council and Yarra Valley Water approval being given
  - The Registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.
  - The use of easement agreement being signed by Council.
  - A construction joint being made along the easement line.
- E. Tree planting should be kept clear of the drainage easement.
- F. Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.
- G. VicRoads approval and inspections are required for roadworks along Ferntree Gully Road and a copy of the approved plans and details of inspections are to be submitted for Council records.
- H. Buildings and structures are not to be constructed within the easement containing the existing 300mm & 225mm stormwater drains (as shown on Council drawing no 20223) within 296-308 Ferntree Gully Road property if the pipes are to be used. These drains will become private drains as part of the private internal stormwater system for the development. However if the stormwater pipes are not to be utilised and proven to Council's satisfaction that no other property connects into this drainage system then they can be made redundant.

## **VicRoads Note**

- I. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
- Channelisation treatment at the central access.

- Extension of the U-turn lane (west approach) of the signalized intersection of Ferntree Gully Road and Gilby Road.

Extension of the right/U-turn land (east approach) at the median opening along Ferntree Gully Road west of the site.

CARRIED

### 7.1.3 PLANNING SCHEME AMENDMENT REQUEST – TALBOT QUARRY REZONING

Moved: Cr McCluskey    Seconded: NIL

#### RECOMMENDATION

That Council

1. Notes that a Statement of Environmental Audit (SoEA) has been issued for the site, which states that, subject to the interventions it recommends that the land is suitable for an urban use – either commercial/industrial or high density residential.
2. Notes that the SoEA sets out a range of physical interventions, ongoing monitoring and maintenance, site management obligations on future owners/occupiers to ensure ongoing compliance with the SoEA, keeping the site in a condition that is suitable for urban use.
3. Notes that the Comprehensive Development Zone provides an exemption from third party notice and appeal rights for future planning permits that are generally in accordance with an approved comprehensive development plan under the zone should the amendment ultimately be approved. That this exemption is considered appropriate given the limited external interfaces and the detailed plans that have been proposed as part of the amendment.
4. Notes that the officers propose that the amendment contain a minimum requirement for a 4 metres front setback for the majority of housing typologies and that the proponent has advised that they will lodge a submission to the amendment and any panel hearing seeking to reduce the front setbacks in some locations to less than 4 metres.
5. Resolves to seek authorisation from the Minister for Planning to prepare and undertake a planning scheme amendment to rezone the former Talbot Quarry to the Comprehensive Development Zone – Schedule 3 to facilitate residential and mixed-use development of the site in accordance with this report.
6. Following receipt of authorisation of the amendment from the Minister for Planning, to exhibit the planning scheme amendment.
7. Notes that a further report will be presented to Council upon completion of the public consultation of the amendment.

LAPSED

## 7.1.4 CAULFIELD – ROWVILLE TRACKLESS RAPID TRANSIT

RESOLUTION NUMBER: OCM23/4

Moved: Cr Fergeus

Seconded: Cr Paterson

### RECOMMENDATION

That Council:

1. Notes the current progress of the Trackless Rapid Transit developed and promoted by Vicinity Centres and Monash University which connects Caulfield Station to Rowville via Chadstone Shopping Centre, Monash National Employment and Innovation Cluster (NEIC) and Monash University Clayton.
2. Provides continued public support and advocacy for the project to maintain its status as a high priority for state and federal government funding.
3. Supports ongoing officer involvement representing City of Monash Council as a stakeholder in the project.

CARRIED

## 7.1.5 SCHOOL CROSSING TENDER

RESOLUTION NUMBER: OCM23/5

Moved: Cr McCluskey

Seconded: Cr Samardzija

### RECOMMENDATION

That Council:

1. Awards the tender from Chandler Macleod Group Limited for the provision of School Crossing Supervision Contract No. 2023148 for a schedule of rates-based contract with an estimated contract value of \$1,354,000 for the initial term and an estimated total contract value of \$7,103,000 inclusive of all available extension options and price increases associated;
2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;
3. Notes that the contract will commence on 1 January 2024, with an initial term of 1 year and the contract has 4 extension options of 1 year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; and



4. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.

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

CARRIED

### 7.1.6 PROPOSED SALE OF 14 BOGONG AVENUE, GLEN WAVERLEY

RESOLUTION NUMBER: OCM23/6

Moved: Cr Luo

Seconded: Cr Paterson

#### RECOMMENDATION

That Council:

1. Notes that on 31 March 2020, Council resolved not to proceed with the sale of 14 Bogong Avenue Glen Waverley (the Land) due to the investigation works being undertaken by the Suburban Rail Loop Authority (SRLA) to identify the preferred location of its station within the Glen Waverley Activity Centre.
2. Notes that the land is not required for the SRLA project.
3. Notes that it has been over 3 years since Council previously completed the statutory process on the proposal to sell the Land, and that a sale of the Land will require Council to undertake a new community engagement process to satisfy its statutory requirements in accordance with Section 114 of the Local Government Act 2020 (the Act).
4. Resolves to commence the statutory process pursuant to Section 114 of the Act regarding the proposal to sell the land, described in Certificate of Title Volume 7933 Folio 192 through a public auction or private treaty (the Proposal).
5. Gives public notice of the Proposal in accordance with Section 114 of the Act and Council's Community Engagement Policy on Council's website from 11 September 2023 and invites submissions on the Proposal for a period of at least 28 days from that date.
6. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to fulfil the requirements of Section 114 of the Act and Council's Community Engagement Policy in respect of the Proposal.
7. Appoints a Committee of Council comprising the Mayor and Glen Waverley Ward Councillors to hear any submitters requesting to be heard and consider any submissions received at a meeting to be held on 14 November 2023 at 6:30pm at the Monash City



Council Civic Centre, 293 Springvale Road, Glen Waverley, or at such a later time and date as the Chief Executive Officer may determine.

8. Following the meeting of the Committee, directs the Committee to provide a report to Council on its considerations, including whether any submissions were received and, if so, a summary of those submissions, and make a recommendation to Council on whether or not to proceed with the Proposal.

CARRIED

#### DIVISION

For: Cr Samardzija, Cr Luo, Cr Lake, Cr McCluskey, Cr Paterson and Cr Zographos

Against: Cr de Silva and Cr Fergeus

Abstained: Nil

### 7.1.7 SALE OF COUNCIL LAND 14-16 ATKINSON STREET, CHADSTONE VIC 3148

RESOLUTION NUMBER: OCM23/7

Moved: Cr Samardzija     Seconded: Cr McCluskey

#### RECOMMENDATION

That Council:

1. Receives this report from the Committee established by Council pursuant to Section 114 of the Local Government Act 2020 and Council's Community Engagement Policy (Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to sell Council's land at 14-16 Atkinson Street, Chadstone, Victoria, 3148 being lots 124-127 (inclusive) on Plan of Subdivision PS8883 and comprised in Certificates of Titles volume 5465 folio 880, volume 4995 folio 905, volume 6331 folio 163 and volume 7508 folio 033 ("the Property") through an Expression of Interest process.

("Proposal")

2. Notes the Committee met on Tuesday 15 August 2023 at 6.30pm to hear and consider submissions received in respect of the Proposal.
3. Notes that there were 156 submissions received.
4. Accepts the Committee's recommendation to agree to proceed with the sale of 14-16 Atkinson Street, Chadstone being the land described in the Table below through an Expression of Interest process.

Lot on PS8883	Certificate of Title	
124	Volume 5465	Folio 880
125	Volume 4995	Folio 905
126	Volume 6331	Folio 163
127	Volume 7508	Folio 033

5. Having complied with its obligations under Section 114 of the Local Government Act 2020 and Council’s Community Engagement Policy, authorises the Chief Executive Officer or her delegate to sign all documentation required for the sale of the Property.

**CARRIED**

**DIVISION**

For: Cr Samardzija, Cr Luo, Cr Lake, Cr McCluskey, Cr Paterson and Cr Zographos  
 Against: Cr de Silva and Cr Fergeus  
 Abstained: Nil

**7.1.8 SUBURBAN RAIL LOOP (SRL) PROJECT UPDATE – CARINISH ROAD, CLAYTON REVIEW**

RESOLUTION NUMBER: OCM23/8

Moved: Cr Fergeus      Seconded: Cr Samardzija

**RECOMMENDATION**

That Council:

1. Notes that Council acknowledged through the Environment Effects Statement (EES) process that whilst maintaining a preference for Carinish Road to remain open, there are potential public realm benefits to the closure of Carinish Road, however that this should not cause unacceptable local traffic impacts. Following the Minister’s Decision that a review of the closure should be undertaken, Council Officers have participated in the Carinish Road closure review process with SRLA since late 2022.
2. Notes that the SRLA has undertaken a review of the Carinish Road closure following the Ministers Decision on the Suburban Rail Loop (SRL) East Environment Effects Statement (EES) which included:
  - Investigation of 10 options, which included an option added to the process by Council. These were shortlisted to three options, which were the subject of a Multi Criteria Analysis. The SRLA ultimately decided on a preferred option of Carinish Road

being closed and a right turn being introduced at Shandean Avenue onto Clayton Road (Option 2).

- Modelling and data collection (when Carinish Road was closed for Initial Works) that demonstrated that with the Carinish Road closure was in place and the proposed modifications to Shandean Avenue, all local streets will operate within their theoretical environmental capacity. A significant benefit of Option 2, if it is confirmed as part of the Surface and Tunnel Plan amendment process that it is understood is being undertaken imminently by SRLA, is that it could be implemented before Main Works construction starts, which will see Carinish Road closed for approximately six years regardless of what option is pursued.
- Modelling that shows, with the Carinish Road closure, there are increases in traffic along Madeleine Road, Shandean Avenue, Thompson Street (eastbound) and Flora Road. Subsequently, there are decreases in traffic along Clayton Road, Carinish Road and Colonel Street. In both the AM and PM peak periods, Prince Charles Street (south of Faulkner Street) and Faulkner Street experience increases in traffic travelling away from Clayton Station. The modelling shows that the volumes will remain within the theoretical estimated environmental capacity according to the Planning Scheme.
- An agreed outcome that SRLA would fund a Local Area Traffic Management study, including necessary mitigation works and also pedestrian connectivity and safety improvements to Haughton Road.
- A request from Council that when Carinish Road is closed for the Main Works construction period of approximately six years, there is an expectation that continued monitoring of the local street network, including Madeleine Road, Shandean Avenue and Prince Charles Street, will be required and Council has requested that any agreed traffic management and parking mitigation would be addressed by the SRL project.
- The preferred option (Option 2) of Carinish Road being closed and a right turn being introduced at Shandean Avenue, which may require the introduction of restricted parking (i.e. no stopping during peak periods) or potential relocation of 2P parking into a No Stopping area. This is expected to have minimal impact on parking supply.
- An SLRA assessment of the location of PuDo (Pick up and Drop off) parking to identify if additional locations at Clayton would better serve passengers and enable access from all locations. Two additional locations were recommended on Carinish Road east (northern verge) and Mary St. These were not supported due to impact on parking for businesses and traffic impacts. Analysis that the proposed closure of Carinish Road, west of Clayton Road, allows for improved public realm and a high level of pedestrian safety by removing vehicles from directly outside of the proposed SRL Clayton Station entrance. The introduction of the right turn at Shandean Avenue mitigates the impact of the closure by providing the right turn for use by residents with no significant impact to the local street network. All other movements can be undertaken within the local street network.

**3. Resolves to write to the CEO of the SRLA stating:**

- Council maintains its position that Carinish Road should remain open with Haughton Road being preferably closed and outlining and reiterating the concerns raised during the EES process. Further advising that if SRLA pursues Carinish Road being closed and a right turn being introduced at Shandeanu Avenue onto Clayton Road (Option 2) despite Council's concerns, Council will maintain its opposition, but expects that its negotiated outcomes with SRLA, including a Local Area Traffic Management study, necessary mitigation works and also pedestrian connectivity and safety improvements to Haughton Road are honoured.
  - Council maintains its position that relocating the entrance/exit to the station further south along with the closure of Haughton Road will lead to superior and improved outcomes including but not limited to traffic movements, PuDO, and pedestrian connectivity to the Activity centre, particularly in negating the need for a pedestrian to have to almost immediately cross a road to access the Activity Centre.
  - Accepts that the issue should be resolved as soon as possible and if SRLA determines that they will pursue Option 2 as an outcome, this must be undertaken by the SRLA, rather than the future Main Works contractor, at a later time, and SRLA should commence and undertake the Surface and Tunnel Plan amendment process. This should ensure that amendments to Shandeanu Avenue, if agreed, can be implemented before Carinish Road is closed for construction for approximately six years. This should also ensure negotiated outcomes with SRLA, including the post implementation Local Area Traffic Management (LATM) study and treatments, and proposed pedestrian improvements to Haughton Road, are realised, and minimise disruption in and around the Clayton Activity Centre and surrounding residential area.
  - Requests that if SRLA's position on the preferred option changes then discussions should recommence as soon as possible on the alternative option, including the timing and implementation, and any mitigation during construction should be discussed and resolved.
4. Notes that there will be increased traffic and impact on some residential streets to the north and southwest of the station as a result of the SRLA preferred option.
  5. Resolves to maintain its objections and opposition to two additional proposed PuDo locations on Carinish Road east (northern verge) and Mary St due to the impact on parking for businesses and traffic impacts.

**CARRIED**

## 7.2 Community Services

### 7.2.1 2023/24 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS

RESOLUTION NUMBER: OCM23/9

Moved: Cr Fergeus      Seconded: Cr Paterson

#### RECOMMENDATION

**That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 1 June to 12 July 2023 to a total of \$17,596.**

**CARRIED**

### 7.2.2 MONASH SPORTS CLUB GRANTS

RESOLUTION NUMBER: OCM23/10

Moved: Cr McCluskey      Seconded: Cr Samardzija

#### RECOMMENDATION

**That Council approves the guidelines for a one-off grant program for sports clubs to assist them with implementation of the Monash Public Health Approach to Gambling Harm policy which will simultaneously support actions from both the Monash Health & Wellbeing Plan and Active Monash Sports Club Framework.**

**CARRIED**

### 7.2.3 MOUNT WAVERLEY RESERVE MASTERPLAN IMPLEMENTATION

RESOLUTION NUMBER: OCM23/11

Moved: Cr de Silva

Seconded: Cr Fergeus

#### RECOMMENDATION

That Council:

1. Notes the expedited implementation program for the Mount Waverley Reserve Masterplan as a result of State and Federal Government funding.
2. Notes that compensation funding that has been negotiated between Council and Melbourne Water for pipe upgrade works at Mount Waverley Reserve and allocates this funding towards the 2323/24 Mount Waverley Reserve oval reconstruction and the 2024/25 Mount Waverley Reserve Cricket Nets project.

CARRIED

### 7.2.4 DRAFT GLADESWOOD RESERVE MASTERPLAN

RESOLUTION NUMBER: OCM23/12

Moved: Cr Samardzija

Seconded: Cr McCluskey

#### RECOMMENDATION

That Council:

1. Approves the draft Gladeswood Reserve Masterplan presented in Attachment A for public exhibition on Council's website and invite community feedback on the draft.
2. Notes that following the public exhibition period of the draft Gladeswood Reserve Masterplan, a Community Consultation Report will be prepared for Council consideration, and a final masterplan presented to Council for endorsement.

CARRIED

## 7.3 Corporate Services

### 7.3.1 CONSULTANCY ENGAGEMENT REPORT

RESOLUTION NUMBER: OCM23/13

Moved: Cr Fergeus      Seconded: Cr Zographos

#### RECOMMENDATION

That Council notes the attached summary of completed and current Consultancy engagements for the 6 months to 30 June 2023.

CARRIED

### 7.3.2 2024008 BILL PAYMENT SERVICES

RESOLUTION NUMBER: OCM23/14

Moved: Cr Paterson      Seconded: Cr Luo

#### RECOMMENDATION

That Council:

1. Approves access to the Municipal Association of Victoria Contract BP8411-2023 for the provision of Bill Payment Services, under Council Contract No. 2024008 for a schedule of rates-based contract with an estimated contract value of \$740,000 for the initial term and an estimated total contract value of \$1,380,000 inclusive of all available extension options;
2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;
3. Notes that the contract will commence on 1 September 2023 and the initial term will expire on 31 May 2028, and the contract also has two separate extension options of two years each and authorises the Chief Executive Officer to approve the extension options subject to the Municipal Association of Victoria extension approval and satisfactory performance for the City of Monash; and
4. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.

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

CARRIED

## 7.4 City Services

### 7.4.1 TENDER FOR TALBOT PARK PLAYSPLACE AND DRAINAGE UPGRADE - CT2023213

RESOLUTION NUMBER: OCM23/15

Moved: Cr Fergeus      Seconded: Cr Paterson

#### RECOMMENDATION

That Council:

1. Awards the tender from Yellowstone Landscaping Pty Ltd for Talbot Park Playspace and Drainage Upgrade, Contract No. 2023213 for a fixed Lump Sum of \$929,294.30 with an extra \$130,900 for Contingencies;
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract is anticipated to commence on 11 September 2023 and the expected completion date is 30 April 2024; and
4. Notes that the anticipated project expenditure including the fixed Lump Sum and Project Management/ Delivery Fees \$945,794.30 with a further allocation of \$130,900 for Contingencies.

CARRIED

### 7.4.2 TENDER FOR MOUNT WAVERLEY 3 YEAR-OLD KINDERGARTEN REFURBISHMENT AND UPGRADE CONSTRUCTION - CT2023235

RESOLUTION NUMBER: OCM23/16

Moved: Cr de Silva      Seconded: Cr Paterson

#### RECOMMENDATION

That Council:

1. Awards the tender from Simbuilt Pty Ltd for Mount Waverley 3 Year Old Kindergarten Refurbishment, Contract No. 2023235 for a fixed Lump Sum of \$861,663 with an extra \$110,000 for Contingencies and \$28,600 for Project Management/Delivery fees;
2. Authorises the Chief Executive Officer to execute the contract agreement;



3. Notes that the contract anticipated to commence on 18 September 2023 and the expected completion date is 12 January 2024; and
4. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees is \$890,263 with a further allocation of \$110,000 for contingencies.

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

CARRIED

### **7.4.3 TENDER FOR MOUNT WAVERLEY SPORTGROUND UPGRADE AND LIGHTING CONSTRUCTION - CT2023232**

RESOLUTION NUMBER: OCM23/17

Moved: Cr Fergeus

Seconded: Cr Paterson

#### **RECOMMENDATION**

That Council:

1. Awards the tender from SJM Turf & Civil Pty Ltd for Mount Waverley Reserve Sports Oval Redevelopment, Contract No. 2023232 for a fixed Lump Sum of \$2,363,142.85 with an extra \$418,000 for Contingencies, and \$50,094 for Provisional Items;
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract is anticipated to commence on 1 November 2023 and the expected completion date is 31 May 2024; and
4. Notes that the anticipated project expenditure including the fixed Lump Sum and Project Management / Delivery Fees and Provisional Items is \$2,496,836.85 with a further allocation of \$418,000 for Contingencies.

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

CARRIED

#### **7.4.4 TENDER FOR GARDINERS RESERVE - PITCH 1 REDEVELOPMENT AND LIGHTING CONSTRUCTION - CT2023242**

RESOLUTION NUMBER: OCM23/18

Moved: Cr Paterson      Seconded: Cr McCluskey

##### **RECOMMENDATION**

**That Council:**

- 1. Awards the tender from Hendriksen Contractors Pty Ltd for Gardiners Reserve - Pitch 1 Redevelopment and Lighting Construction, Contract No. 2023242 for a fixed Lump Sum of \$2,052,153.84 with an extra \$203,500 for Contingencies, and \$112,200 for Project Management/ Delivery Fees;**
- 2. Authorises the Chief Executive Officer to execute the contract agreement;**
- 3. Notes that the contract is anticipated to commence on 13 September 2023 and the expected completion date is 17 May 2024;**
- 4. Approves the additional funding of \$167,853.84 required to deliver this project; and**
- 5. Notes that the anticipated project expenditure including the fixed Lump Sum and Project Management/Delivery Fees is \$2,164,353.84 with a further allocation of \$203,500 for Contingencies.**

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

**CARRIED**

#### **7.4.5 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLOR MEETINGS**

RESOLUTION NUMBER: OCM23/19

Moved: Cr Samardzija      Seconded: Cr de Silva

##### **RECOMMENDATION**

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

**CARRIED**

## 7.5 Chief Executive Officer

NIL

## 8 NOTICES OF MOTION

### 8.1 NOM NO.11-2023: IMPROVED PARKING MANAGEMENT

RESOLUTION NUMBER: OCM23/20

Moved: Cr Fergeus      Seconded: Cr Paterson

#### MOTION

That Council

1. **Directs officers to undertake a comprehensive review of the provision and management of car parking in and around activity centres and other areas of high demand to:**
  - a. **Understand the current parking provision and the demands for parking in each location.**
  - b. **Identify a range of tools to optimise availability and distribution of parking.**
  - c. **Consider contemporary best practice parking management strategies.**
  - d. **Identify recommended solutions, staging and estimated costs for implementation, specific to each location.**
  - e. **Report to Council on the outcomes of this notice of motion no later than the March 2025 Council meeting.**

**CARRIED**

#### AMENDED MOTION (1)

Moved:Cr Zographos      Seconded:Cr McCluskey

That Council:

1. **Directs officers to undertake a comprehensive review of the provision and management of car parking in and around activity centres and other areas of high demand to:**
  - a. **Firstly, reaffirm its long-standing policy position of never having paid parking in Monash.**

- b. Accordingly rule out paid parking as being within the scope of this review.
- c. Understand the current parking provision and the demands for parking in each location.
- d. Identify a range of tools to optimise availability and distribution of parking.
- e. Consider contemporary best practice parking management strategies.
- f. Identify recommended solutions, staging and estimated costs for implementation, specific to each location.
- g. Report to Council on the outcomes of this notice of motion no later than the March 2025 Council meeting.

LOST

#### AMENDED MOTION (2)

Moved:Cr Zographos      Seconded:Cr Samardzija

That the timeframe in Point e of the Officer's Recommendation be changed from March 2025 to September 2024.

LOST

#### PROCEDURAL MOTION

Moved: Cr Lake      Seconded: Cr Luo

That Cr Lake be given an extension of time of one (1) minute to speak against the Amendment Motion (2).

CARRIED

#### PROCEDURAL MOTION

Moved: Cr Fergeus      Seconded: Cr de Silva

That the Amendment Motion (1) by Cr Zographos be put to a vote.

CARRIED

#### DIVISION

For: Cr Luo, Cr de Silva, Cr Fergeus, Cr Lake and Cr Paterson  
Against: Cr Samardzija, Cr McCluskey and Cr Zographos  
Abstained: Nil

### **AMENDED MOTION (3)**

Moved: Cr McCluskey    Seconded: Cr Samardzija

**That the timeframe in Point e of the Officer's Recommendation be changed from March 2025 to August 2024.**

**LOST**

### **PROCEDURAL MOTION**

Moved: Cr Fergeus                                Seconded: Cr Paterson

**That Amendment Motion (3) by Cr McCluskey be put to a vote.**

**CARRIED**

### **PROCEDURAL MOTION**

Moved: Cr Zographos    Seconded: Cr Samardzija

**That Cr Zographos be provided with an additional one (1) speaking time to speak on the Amendment Motion (3).**

**CARRIED**

### **DIVISION**

**For:** Cr Luo, Cr de Silva, Cr Fergeus, Cr Lake and Cr Paterson  
**Against:** Cr Samardzija, Cr McCluskey and Cr Zographos  
**Abstained:** Nil

## 8.2 CNCL21 - COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

RESOLUTION NUMBER: OCM23/21

Moved: Cr Samardzija    Seconded: Cr McCluskey

### MOTION

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Bangla Art Centre of Victoria Inc	The group is seeking financial support to cover expenses relating to their Winter Festival on 25 August 2023.	\$500.00

CARRIED

## 9 URGENT BUSINESS

NIL

## 10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

NIL

## 11 PERSONAL EXPLANATIONS

NIL

## 12 COUNCILLORS' REPORTS

### Cr Zographos

- Attended BUPA Dog Show in Clayton to judge dog tricks.
- Noted his concern about the Local Government Ministers suspension motion at one of the Labor Party's factions against support about the United Nations Statement on Cyprus. He called on her to cancel the suspension motion.

## 13 CONFIDENTIAL BUSINESS

RESOLUTION NUMBER: OCM23/22

Moved: Cr Luo

Seconded: Cr Samardzija

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

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

**CARRIED**

The Council moved into Confidential business at 8:28 pm.

## 14 MEETING CLOSURE

The Mayor declared the meeting closed at 8:31 pm.

**MAYOR:** 

**DATED: 26 September 2023**