



CITY OF
MONASH

MINUTES OF THE MEETING OF

COUNCIL

HELD ON 31 JANUARY 2023

at 7.00 pm

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

**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 31 JANUARY 2023 AT 7.00 PM.**

PRESENT:

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

APOLOGIES

NIL

DISCLOSURES OF INTEREST

Cr Lake declared a material conflict of interest for item 1.3 of the agenda.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 13 DECEMBER 2022

Moved Cr McCluskey

Seconded Cr Luo

That the minutes of the Meeting of the Council held on 13 December 2022, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Moved Cr Fergus

Seconded Cr James

Cr Fergus tabled a petition of 26 signatures from Emily Hunter which is in response to BMX park facilities at Stan Riley Reserve.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that nine (9) questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr Luo

Seconded Cr McCluskey

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 19 - 21 Beddoe Avenue, Clayton - Buildings and works to construct a four storey residential building to be used for the purposes of 96 student accommodation units

Moved Cr Little

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53534) for the buildings and works to construct a four storey residential building to be used for the purposes of student accommodation, at 19-21 Beddoe Avenue, Clayton subject to the following conditions:

Amended Plans Required

- 1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Parallel Workshop Pty Ltd (Revision C dated September 2022) but modified to show:
 - a) The vehicle crossing constructed to be align with the proposed driveway;*
 - b) The accessible parking spaces designed to provide the length in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6;*
 - c) Screening measured to prevent overlooking in accordance with the requirements of Clause 55.04-6 to be clearly annotated on elevations.**

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- d) *Section diagram(s) providing full details of the design of screening measures to prevent overlooking in accordance with the requirements of Clause 55.04-6.*
 - e) *An amended Landscape Plan prepared in accordance with Condition 3; and*
 - f) *Plans amended to meet the internal amenity IEQ requirements of Clause 22.13 (ESD Policy) as per the amended Sustainability Management Plan.*
 - g) *Full details of cabinet structures enclosing the hydrant booster enclosure, electricity supply, gas and water meter boxes. The structures must be discreetly designed to complement the development and appropriately screened by landscaping.*
 - h) *The electricity supply, gas and water meter boxes screened from the street by landscaping.*

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscaping Plan

- 3. *Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Etched Projects Pty. Ltd. Revision D date 26 October 2022 except that the plan must show:*

- a) *A minimum of five (5) additional canopy trees along the northern boundary, within 26 metres of the front boundary;*
- b) *A minimum of five (5) additional canopy trees along the western boundary, outside of the easement;*
- c) *A minimum of three (3) small to medium sized trees along the southern boundary, within 11 metres of the front boundary;*
- d) *The hydrant booster enclosure, electricity supply, gas and water meter boxes incorporated into the landscape setting;*
- e) *Detail of the proposed paving;*
- f) *The location of external lighting (if any); and*
- g) *The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas,*

all to the satisfaction of the Responsible Authority.

- 4. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 5. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*

S173 Agreement

- 6. Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
 - a) That no person may reside in the building unless that person is a bona fide student or academic whether part time, full time, short term or resides there in a supervisory, management or caretaker capacity of the facility;*
 - b) Car parking spaces are only permitted to be used by the occupants of the units and their visitors;*
 - c) Car spaces must not be individually subdivided, on-sold, leased, rented or made available to any other person other than an owner, occupant or visitor of the premises;*
 - d) That residents of the units will be notified in writing as part of any lease or rental agreement that they will not be entitled to car parking permits for on street car parking;*
 - e) Clearly note and acknowledge that should the land cease to be used for student accommodation, a new planning permit may be required for an alternative use. It should be noted that any dispensation for on-site car parking given to the student accommodation use is not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the Monash Planning Scheme;*
 - f) That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use and development; and*
 - g) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 7 of this permit.*

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority

Operational Management Plan

- 7. Prior to the commencement of the student accommodation, an Operational Management Plan for the use of the site must be submitted to and approved by the Responsible Authority. The Plan should include but not be limited to:***
- a) All student accommodation units managed and under the control of a single operator who is responsible for the operation and maintenance of the entire premises for the life of the use as student accommodation;***
 - b) The 24 hour contact details for the management of the premises displayed in a manner and location that it is visible to any person entering the site.***
 - c) After hours contact details for management of the facility;***
 - d) Appropriate management of the car park including access arrangements;***
 - e) Appropriate maintenance of buildings and grounds, including all landscaped areas;***
 - f) No bin or receptacle or any form of rubbish or refuse shall be allowed to remain stored in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.***
 - g) Permanent display of the Management Plan in a common area accessible to all residents of the student accommodation facility.***

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented and maintained to the satisfaction of the Responsible Authority. The plan must be updated should the management or operational requirements of the premises change.

Waste Management Plan

- 8. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by WSP Revision 4 dated 20 September 2022.***

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

Construction Management Plan

- 9. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:***

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- a) *Appropriate measures to control noise, dust and water and sediment laden runoff;*
 - b) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
 - d) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;*
 - e) *A program for the cleaning and maintaining surrounding road surfaces;*
 - f) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
 - g) *Measures to provide for public safety and site security;*
 - h) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
 - i) *A Traffic Management Plan showing truck routes to and from the site;*
 - j) *A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
 - k) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
 - l) *The provision of contact details of key construction site staff; and*
 - m) *Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:*
 - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - *Saturday – 9.00am to 1.00pm;*
 - *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 except with the prior written consent of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Sustainable Management Plan (SMP)

10. *Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainable Management Plan must be submitted to and approved by the Responsible Authority.*

Use of Land

11. *The development can only be used for the purpose of student accommodation. Should the land cease to be used for student accommodation, a new planning permit may be required for any alternative use. The car parking requirements for any subsequent use will be assessed in accordance with the provisions of the Monash Planning Scheme.*
12. *No more than one person may reside in each unit as their place of residence.*
13. *All common areas on the endorsed plans must be made available and accessible to residents on a shared basis at all times.*
14. *A resident on-site manager must reside on the premises with full contact details made clearly available at the entrance to the premises.*

Car Parking and Accessways

15. *All car parking spaces are to remain in common property for the communal use of residents.*
16. *Before the use starts or any part of the building is occupied, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *Fully constructed.*
 - b) *Properly formed to such levels that they can be used in accordance with the plans.*
 - c) *Surfaced with an all-weather sealcoat.*
 - d) *Drained, maintained and not used for any other purpose.*
 - e) *Line-marked to indicate each car space and 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.

17. *Any modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*

Privacy screens

18. *Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.*

Services and Plant Equipment

19. *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.*
20. *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.*
21. *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*

Drainage & Stormwater

22. *The site must be drained to the satisfaction of the Responsible Authority.*
23. *Stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled onto adjoining properties or the road reserve*
24. *No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.*
25. *Stormwater discharge must not exceed the pre-development level of peak stormwater discharge. This may require an on-site stormwater detention system. Any proposed detention system must be submitted to and approved by the Responsible Authority prior to works commencing.*

Satisfactory Continuation

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

Time for Starting and Completion

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

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- (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.*
 - (c) The use is not started before 4 years from the date of issue.*

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (i) within six (6) months afterwards if the development has not commenced; or*
- (ii) within twelve (12) months afterwards if the development has not been completed.*

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

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.*
- B. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.*
- C. The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225 mm Council drain in the nature strip via a 900 mm x 600 mm junction pit to be constructed to Council standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*
- D. 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.*
- E. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
 - a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or*
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
 - another Council approved equivalent.**
- F. 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. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*
- H. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- I. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.*
- J. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.*
- K. 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.*
- L. Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.*
- M. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit or other services. Approval from the affected service authorities is required as part of the vehicle crossing application process.*
- N. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

CARRIED

Cr Lake left the meeting at 7.29pm.

- 1.3 1221 - 1249 Centre Road, Oakleigh South - Use and development of land for preloading of earth including construction of buildings and works (drainage swales), the removal of native vegetation and alteration of access to a road in the Transport Zone 2**

Moved Cr Little

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53477) for the use and development of land for preloading of earth including buildings and works (drainage swales), the removal of native vegetation and

alteration of access to a road in the Transport Zone 2, at 1221-1249 Centre Road, Oakleigh south subject to the following conditions:

Amended Plans required

1. ***Before the use or development starts, 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 are to be generally in accordance with the plans prepared by Tetra Tech Coffey dated 11 October 2021, contained within the Domains 2A, 2B, 3A, 3B and 5 Preload Design Report prepared by Tetra Tech Coffey, dated February 2022 and the Site Environmental Management Plan prepared by Verve dated 23 November 2021 but modified to show:***
 - a) ***The location and height of the proposed silt fencing to be shown on sectional diagrams prepared by Tetra Tech Coffey.***
 - b) ***The location and minimum setbacks of the proposed swale drain to adjoining properties and identified on sectional diagrams on the plans prepared by Tetra Tech Coffey.***
 - c) ***The location of the crest of the sand quarry pits in relation to the property boundaries to be shown on the Site Environmental Management Plan prepared by Verve, dated 23 November 2021.***
 - d) ***The overall site location of all cross sectional diagrams prepared.***
 - e) ***Clarification of the level of compaction and target densities of the preload stockpiles to be documented to ensure the stability of the stockpile slopes around the perimeter of the site to be provided in the Preload Design Report prepared by Tetra Tech Coffey.***
 - f) ***Confirmation of the level of compaction of any existing fill underlying the perimeter slopes of the pre load stockpiles to be provided in the Preload Design Report prepared by Tetra Tech Coffey.***
 - g) ***The Preload Design Report to include reference to Domain 2B.***

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Endorsed documents and plans forming part of this permit include:

- ***Plans prepared by Tetra Tech Coffey;***
- ***Preload layout and trench detail plans prepared by Tetra Tech Coffey;***
- ***Domain 2A, 2B, 3A, 3B and 5 Preload Design Report prepared by Tetra Tech Coffey;***

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- *Site Environmental Management Plan prepared by Verve;*
 - *Construction and Environmental Management Plan per Condition 3;*
 - *Traffic Management Plan prepared by Cardno dated 11 November 2021 and updated as per Condition 31;*
 - *Tree Removal Plan prepared by Tetra Tech Coffey dated 18 November 2021;*
 - *Stormwater Management Plan per Condition 4; and*
 - *Construction Management Plan per Condition 31.*

including any amendments which would supersede any earlier plan or document.

Construction Environmental Management Plan

3. *Prior to the commencement of works, an amended Construction Environmental Management Plan (CEMP) must be submitted and approved by the Responsible Authority. The Plan must include the recommendations as identified within the CEMP prepared by Coffey Environments Australia dated May 2020, but also include the following:*

Dust management:

- *Requirement that pre-load stockpiles must be vegetated, or other appropriate method (such as soil binder) for the top surface of the stockpile as soon as reasonably practicable following placement to assist in dust management.*
- *Include definitive requirements for when dust monitoring must be conducted.*
- *Include definitive weather conditions and observations that require works to cease, e.g. wind speeds >40 kmph / visible movement of dust off-site.*

Noise and Vibration Management:

- *Detail the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard1 (ERS), the requirements of EPA Publication 1834 Civil construction, building and demolition guide (November 2020).*
- *Include methods for controlling noise and vibration at the source.*
- *Develop a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken when.*
- *Develop a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.*

The updated CEMP is to be verified by the appointed environmental auditor and this verification provided in writing to the Responsible Authority

Stormwater Management Plan

- 4. Prior to the commencement of works, a Stormwater Management Plan must be prepared by the principal contractor to manage stormwater quality, site drainage and including any water and silt run off during construction and during the presence of stockpiles. The plan must demonstrate that all stormwater discharge and water and/or silt run off is to be controlled within the site and this plan is to be submitted and approved by the Responsible Authority.***
- 5. No polluted and/or sediment laden runoff is to be discharged directly or indirectly onto adjoining properties, Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.***
- 6. The onsite stormwater drainage system is to be inspected every month or after any rain event greater than 10mm.***
- 7. Sediment collected by the sediment fence is to be removed frequently and fences maintained in working order and/or replaced to prevent the transportation of sediment to the stormwater system and adjoining properties.***
- 8. The silt fences should be inspected at the same time and cleaned if required in line with the manufacture's specification. Should there be any signs of a loss of integrity in sections of the silt fence, these should be replaced.***
- 9. Inspection and maintenance of the onsite stormwater system will be the ongoing responsibility of the Principal or delegated to the Principal Contractor.***

Vibration Management Plan

- 10. A Vibration Management Plan prepared to document specific vibration controls to be implemented during the works.***

Gas Monitoring

- 11. During any pre-loading activities in Domain 2A, 2B 3A, 3B and 5 an on-going landfill gas monitoring program must be implemented in accordance with the environmental auditor approved workplan or a revised plan verified by an appointed environmental auditor.***
- 12. Works conducted onsite during construction must comply with Victorian Occupational Health and Safety (OH&S) Regulations (2017). The Site Manager shall ensure appropriate OH&S measures are implemented and that all site personnel (including those employed / engaged by sub-contractors) are aware of all potential OH&S issues at the site.***
- 13. Monitoring for the presence of hazardous ground gases or a potentially explosive or oxygen deficient atmosphere using an LEL meter must be undertaken as part of any ground opening works. All existing gas monitoring infrastructure on the site should be maintained in an operational state during construction.***

Stockpiling

14. *The importation of any fill soils to the site must be in accordance with EPA Victoria legislative requirements, the CEMP (Coffey 2020) (as attached to the Statements to Environmental Audit) and associated Site Backfilling Protocol (Coffey 2015). Soil importation is subject to specific site criteria and must be approved by the Environment Protection Agency prior to importation.*
15. *The batter surfaces of the proposed pre-load surcharge stockpile must be vegetated (e.g. with grass seed) as soon as reasonably practicable to reduce further the potential for surface soils erosion. The top surface of the pre-load must be either vegetated or utilise another other appropriate method (such as a soil binder) to reduce potential for soil erosion.*
16. *The height of the stockpiles shall not exceed the approved RL heights shown on the Proposed Works Plan or the Preload Design report.*

Site Management

17. *Contact details of the key site personnel on-site and the principal contacts for registration and resolution of complaints must be clearly displayed in a legible manner at a highly visible location external to the site at all times during the stockpiling works.*
18. *All complaints received in relation to the works must be managed, addressed and resolved by the operator within 24 hours (or 48 hours in the case of the weekend) of receipt. Details of all complaints and the action taken by the operator in respect thereof shall be given forthwith to the Responsible Authority.*
19. *All works approved under this permit may only operate between the hours of:*
 - *Monday to Friday, 7:00am-6:00pm.*
 - *Saturdays, 8:00am-12:00pm.*

No work is permitted on Sundays or public holidays.

Unless the Responsible Authority gives consent in writing.
20. *Any unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
21. *If directed by the Responsible Authority, the applicant must immediately take action to limit the scale of, or cease operations, which emit dust during windy days when dust levels are unacceptable.*
22. *If directed by the Responsible Authority, the applicant must immediately arrange for the external cleaning of any adjacent properties unduly affected by dust from the works being undertaken. The cleaning works as requested by the Responsible Authority, are to be undertaken at full cost of the developer/operator.*
23. *The applicant must ensure that vehicles leaving the site have clay, mud and soil removed from their wheels before entering public roads. Street sweeping of roads*

surrounding the development is to be undertaken as requested by the Responsible Authority at full cost of the developer/operator.

- 24. Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes oil, grease and detergents from vehicles to the stormwater system and adjoining properties. Sediment control measures are to be designed in consultation with and implemented to the satisfaction of the Responsible Authority.*
- 25. No bin, waste 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 bin, waste receptacle or any form of rubbish or refuse so as to cause offence to persons outside the land.*
- 26. Parking areas and access lanes must be kept available for these purposes at all times.*
- 27. A car parking direction sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.*
- 28. The loading and unloading of goods and materials from vehicles must only be carried out on the land.*
- 29. Vehicles under the control of the operator of the use and development or the operator's staff must not be parked on Centre Road, Huntingdale Road, Talbot Avenue, Sinclair Street, Alvina Street, Clarinda Road, Crawford Road, Eulinga Road, Elder Street, Scotsburn Avenue, Coonil Street, Hardy Court, Redpath Close, Kaybrook Court and Ashbrook Court.*
- 30. 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, from and within the land.*
 - b) through vehicle movements (including parking of trucks and reversing beepers etc) in any other way.*
 - c) appearance of any building, works or materials.*
 - d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
 - e) presence of vermin.*

At the direction of the Responsible Authority the owner or operator must take immediate action to respond to amenity and nuisance issues raised by the Responsible Authority including suspending operations upon request.

Construction Management Plan

- 31. Prior to the commencement of any site works (including excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and*

must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

- a) *Construction program to be generally in accordance with the submitted "Construction Program Estimate" located within Section 7 of the Preload Design Report;*
- b) *Hours for construction activity in accordance with any other condition of this permit;*
- c) *Appropriate measures to control noise, dust, water and sediment laden runoff;*
- d) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- e) *Stormwater pit inspection every three months or after any rain event greater than 10mm (Cross referenced Condition 6) to Council's satisfaction.*
- f) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
- g) *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;*
- h) *A program for the cleaning and maintaining surrounding road surfaces;*
- i) *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;*
- j) *Measures to provide for public safety and site security;*
- k) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;*
- l) *A Traffic Management Plan showing truck routes to and from the site and in accordance with conditions required by Department of Transport and Planning;*
- m) *A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
- n) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
- o) *The provision of contact details of key construction site staff; and*
- p) *Noise and Vibration Management:*
 - *Detail the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard¹ (ERS), the requirements of EPA*

Publication 1834 Civil construction, building and demolition guide (November 2020).

- Include methods for controlling noise and vibration at the source.*
- Develop a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken when.*
- Develop a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.*

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.

Acoustic Testing

- 32. At the request of the Responsible Authority, the owner or occupier must, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority. The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority. The frequency of this request will be at the discretion of the Responsible Authority.*

Stormwater Drainage

- 33. The site must be drained to the satisfaction of the Responsible Authority. All stormwater and water runoff from the site must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.*

Native Vegetation Offsets

- 34. To offset the removal of 0.256 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017). The permit holder must secure the following offsets:*
- a) A general offset of 0.035 General Habitat Units:*
 - i. Located within the Port Phillip and Westernport CMA/ Monash City Council*
 - ii. A minimum offset of 5 large trees*
 - iii. A minimum Strategic Biodiversity Value of 0.114.*

-
35. *Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:*
- a) *An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing*
 - b) *management of the site; and/or*
 - c) *Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.*

Department of Transport conditions (ref PPR:38849/22)

36. *Prior to the commencement of works, the crossover and driveway on Huntingdale Road are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.*
37. *No right-turn movements into or out of the site by heavy vehicles are permitted between the hours of 6.00am-9.30am and 3.30pm-7.00pm on weekdays.*
38. *No heavy vehicles associated with the works are permitted to be stopped/parked on Huntingdale Road.*
39. *Prior to the commencement of works, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.*
40. *Vehicles must enter and exit the site in a forward direction at all times.*

Completion of Buildings and Works

41. *Once the works have started they must be continued and completed to the satisfaction of the Responsible Authority.*

Removal of works – Preload Fill

42. *At the end of the settlement/surcharge or within 5 years from the date of this permit, whichever occurs earlier all the preload fill material is to be removed from Domains 2A, 2B, 3A, 3B and 5 to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.*

Permit Expiry

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

-
- (i) *The development and use is not started before 2 years from the date of issue.*
 - (ii) *The development and use is not completed before 4 years from the date of issue.*

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- (iii) *within six (6) months afterwards if the development has not commenced; or*
- (iv) *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.

Permit Notes

- O. *Building approval may be required to be obtained prior to the commencement of the above approved works*
- P. *Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- Q. *Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*

Department of Transport Note:

- R. *The proposed development requires works within the arterial road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works: mse_workswithinroadreserve@roads.vic.gov.au.*

EPA Note:

- S. *The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.*

CARRIED

Cr Lake returned to the meeting at 7.32pm.

1.4 10 Blair Road, Glen Waverley - Construction of five storey apartment building with basement carpark

Moved Cr Little

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/53789) for the construction of five storey apartment building with basement carpark at 10 Blair Road, Glen Waverley subject to the following grounds:

- 1. The proposal is inconsistent with the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 58 of the Monash Planning Scheme regarding building height and scale, neighbourhood character, landscaping, private open space, front fencing and design detail.*
- 2. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 4, Clause 21.04 and 22.01 provisions of the Monash Planning Scheme.*
- 3. The proposal will result in unreasonable visual bulk and amenity impacts to adjoining properties to the north, east and south.*
- 4. The proposed front fence does not comply with the requirements of the Residential Growth Zone, Schedule 4.*
- 5. The front fence and provision of site services do not allow for an open front garden to soften the presentation to the streetscape.*
- 6. The proposal will result in a poor level of internal amenity for future residents.*
- 7. The proposal is not site responsive and an overdevelopment of the site.*
- 8. The proposed basement layout does not provide for functional vehicle movement.*

CARRIED

1.5 EPA Proposed Separation Distance Guideline and Landfill Buffer Guideline

Moved Cr Little

Seconded Cr McCluskey

That Council:

1. *Notes that the EPA commenced public consultation on 7 December 2022 for two draft guidelines, Separation Distance Guideline and Landfill Buffer Guideline (Guidelines), prepared by the Environment Protection Agency and consultation on these documents closes on 17 February 2023.*
2. *Endorses the draft officer submission as detailed in the report.*
3. *Directs the Director City Development to finalise and lodge Council's submission generally in accordance with the position outlined in Attachment 4 to this report.*

CARRIED

1.6 Amendment C169 Open Space - Adoption

Moved Cr Fergeus

Seconded Cr Luo

That Council:

1. *Notes and receives the panel report for Monash Planning Scheme Amendment C169 at Attachment 1.*
2. *Notes the officer report regarding Amendment C169, the officer recommendations (including the recommend changes proposed in Attachment 2 to address the Panel's recommendations) and Attachments 2 and 3 to this report.*
3. *Having considered the Panel report under s 27 of the Planning and Environment Act 1987 (Act), adopts Amendment C169 to the Monash Planning Scheme in accordance with s 29 (1) of the Act with the changes set out in in Attachment 2 to this report and in clean form the documents attached as Attachment 3 to this report.*
4. *Authorises officers to submit the adopted Amendment C169 as set out in Attachment 3 to this report to the Minister for Planning for approval in accordance with s 31(1) of the Act.*
5. *Authorises officers to submit the information prescribed under section 31(1) of the Act with the adopted Amendment, including (but not limited to) a description of and reasons for the changes made to the Amendment*

between exhibition and adoption as outlined in the officer report and Attachment 2 to this report.

- Writes to the Minister for Planning requesting that priority be given to reforming the public open space contribution system in Victoria as there are a now number of panel reports and strategies from State Government or their departments acknowledging that the current method is no longer fit for purpose.*

CARRIED

1.7 Chester Street, Oakleigh - Feasibility assessment of a two-way traffic concept for the eastern end

Moved Cr McCluskey

Seconded Cr Little

That Council:

- Receives and notes the Chester Street, Oakleigh Feasibility Assessment undertaken by Quantum Traffic.*
- Notes that the majority of vehicles entering Chester Street from Hanover Street continue along Chester Street, with only approximately 27% of vehicles entering the Chester Street car park.*
- Notes that whilst changing the eastern end of Chester Street to a two-way traffic flow would reduce traffic volumes passing Eaton Mall, the traffic volumes would still be well above the threshold set by DoTP for the implementation of a Shared Zone.*
- Notes that given the minor reduction in traffic volume the change to a two-way flow would have limited pedestrian safety benefits at the Eaton Mall signalised pedestrian crossing and would likely introduce new pedestrian safety risks within the proposed two-way section of Chester Street.*
- Notes that this change would result in a range of other negative traffic impacts including the loss of 5 on-street parking spaces on the north side of Chester Street and potential traffic flow implications at Atherton Road / Hanover Street and the Hanover Street car park northern access.*
- Resolves not to pursue the two-way traffic concept at the eastern end of Chester Street at this point in time.*

CARRIED

1.8 Proposed Road Discontinuance and Sale – Part of Railway Parade North Glen Waverley

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Notes that the Suburban Rail Loop Authority (SRLA) have requested Council to consider removing the road status from the 671m² parcel of Railway Parade North, Glen Waverley as shown hatched in Attachment 2 to this report, being part of the Road on LP 13583 contained in certificate of title volume 6527 folio 374 (Road) and selling the land from the Road to the SRLA.*
2. *Notes that an existing public footpath exists on this portion of Railway Parade North that is of interest to the SRLA and that the SRLA have confirmed that as part of the development of the new multi-level car park, the SRLA will construct a new public footpath on that part of the developments site as shown coloured purple on the plan in Attachment 1 to this Report. The land containing this footpath will be owned and managed by Council.*
3. *Given items 1 to 2 above, resolves to commence the statutory procedures pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989 ('the Act') to consider discontinuing the Road and vesting the land from the Road in Council ('the Proposal') and saving any easement rights in favour of statutory authorities that may have assets located in the Road.*
4. *Pursuant to Sections 207A and 223 of the Act, directs that public notice of the Proposal be given in locally circulating newspaper and on Council's website.*
5. *Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Proposal ('Appointed Officer').*
6. *Appoints a Committee of Council, comprising of the Mayor and Glen Waverley Ward Councillors, to consider any submissions to the Proposal received under section 223 of the Act at 6:30pm on 14th March 2023 at the Monash Civic Centre, 293 Springvale Road, Glen Waverley, or at such a later time and date as the Chief Executive Officer may determine.*
7. *Council will consider the Committee of Councils report on its proceedings and a summary of any hearing and determine whether to proceed with the Proposal at its Ordinary Meeting on March 28, 2023, or such a later time and date as the Chief Executive Officer may determine.*
8. *Notes that the completion of the Proposal is also subject to Council and the SRLA reaching agreement on the terms of the contract of the sale for the land.*

CARRIED

1.9 Bogong Car Park Extension Project Consultancy Services – Variations Exceeding Officers Delegation

Moved Cr Luo

Seconded Cr Little

That Council:

- 1. Notes that the original value of Contract 2022057 Bogong Car Park Extension - Architectural and other Design Related Services (the Contract) was \$517,073 (or \$546,571 if novated to the builder) with a \$60,000 contingency.***
- 2. Notes that at the August 2022 Council meeting, Council approved a variation to the Contract in the amount of \$144,375 with a further contingency of \$65,000 providing a revised contract sum (including both contingencies) of \$786,448.***
- 3. Notes that the original \$60,000 contingency referred to in Item 1 above and the second approved contingency amount of \$65,000 referred to in item 2 has been expended on Contract variation claims to the extent that there are now insufficient contingency funds remaining to cover any further variation claims lodged under this Contract.***
- 4. Notes that Council approval is now required for any variations to the value of the Contract as the value of accrued variations to date exceeds 10% or \$100,000 of the original contract sum awarded.***
- 5. Agrees to approve an additional variation to the Contract of \$56,072.50 as detailed in Attachment 1 to this report.***
- 6. In light of the heightened risk of further contract variation claims as discussed in this report, approves an additional contingency sum of \$40,000 for the construction stage services component of the Contract.***
- 7. Notes that as a consequence of additional funds approved in August 2022 and proposed in Item 5 above the revised value of Contract 2022057 will be \$842,520.50 (Noting this amount does not include the proposed \$40,000 contingency referred to in Item 6 above).***
- 8. Notes that the current 2022/23 budget allocation for this Project can accommodate the additional funding variation request of Item 5 and additional contingency amount of Items 6.***

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Zographos

Removes point 6 which reads:

In light of the heightened risk of further contract variation claims as discussed in this report, approves an additional contingency sum of \$40,000 for the construction stage services component of the Contract.

LOST

The amendment was debated, put to the vote and declared lost.

A division was called.

DIVISION

For: Councillors G Lake, N Luo, T Samardzija, S James, T Zographos

Against: Councillors B Little, S McCluskey, R Paterson, J Fergus, A de Silva, P Klisaris

SUBSTANTIVE MOTION

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

2. COMMUNITY SERVICES

2.1 2022/23 Monash Quick Response Grants Program Recipients

Moved Cr Little

Seconded Cr Luo

That Council notes the successful application that has been funded through the Quick Response Grant program during the period 27 October – 19 December 2022 to a total of \$5,000.00.

CARRIED

2.2 Gambling Sponsorship in Monash

Moved Cr James

Seconded Cr Samardzija

That Council officers provide in-kind support to sporting clubs and community groups to support the implementation of the Public Health Approach to Gambling Harm Policy.

CARRIED

A division was called.

DIVISION

For: Councillors G Lake, N Luo, T Samardzija, S James, B Little, S McCluskey, R Paterson, J Fergus, A de Silva, P Klisaris

Against: Councillor T Zographos

2.3 Future Tenancy Option for the Victorian Sikh Association

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Notes the following three future tenancy options for the Victorian Sikh Association:*
 - i. *Relocation to Princes Highway Reserve, West Pavilion*
 - ii. *Relocation to Southern Reserve Sports Pavilion*
 - iii. *Remain at Ashwood Reserve (North)*
2. *Endorses the West Pavilion at Princes Highway Reserve as the preferred option to accommodate the future needs of the Victorian Sikh Association, and:*
 - i. *Provides the Victorian Sikh Association with a deadline of 28 February 2023 to respond to the offer of future accommodation at the West Pavilion at Princes Highway Reserve*
 - ii. *Authorises officers to prepare a licence agreement for execution for this option dependent upon a favourable response from the Victorian Sikh Association and, if applicable, commence planning for facility improvement works for the West Pavilion at Princes Highway Reserve;*
 - iii. *Directs officers to prepare a licence agreement for Ashwood Reserve North Pavilion and Reserve should the Victorian Sikh Association not provide a formal response by the set deadline, on the understanding that the development of a second synthetic*

hockey pitch at this site remains a strategic priority for Council and will proceed, subject to external funding and budget approval.

CARRIED

A division was called.

DIVISION

For: Councillors G Lake, N Luo, T Samardzija, S James, B Little, S McCluskey, R Paterson, P Klisaris, T Zographos

Against: Councillors J Fergus, A de Silva

2.4 Pinewood Reserve Cricket Net Feasibility and Design 2022/23

Moved Cr McCluskey

Seconded Cr Little

That Council:

- 1. Approve a cricket net feasibility and design project for Pinewood Reserve including a budget of \$30,000 for delivery in the current financial year 2022/23.***
- 2. Note that, subject to the findings of this feasibility and design project, a budget bid for construction of new cricket nets at Pinewood Reserve will be submitted for consideration as part of the 2023/24 capital works budget.***

CARRIED

3. CORPORATE SERVICES

3.1 Audit and Risk Committee Minutes

Moved Cr Samardzija

Seconded Cr Luo

That Council:

- 1. notes the unconfirmed minutes of the 25 November 2022 Audit and Risk Committee (the Committee); and***
- 2. notes that the minutes will be confirmed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.***

CARRIED

3.2 Tender for Home and Community Care Software

Moved Cr Luo

Seconded Cr Paterson

That Council:

- 1. Awards the tender for Home and Community Care Software to GoldCare Solution Pty Ltd, Contract No. 2022189, with an estimated contract value of \$99,764 for the initial term, comprising a fixed price of \$81,614 for annual software, maintenance and support, and an estimated \$18,150 for implementation for an estimated total contract value of \$516,413 inclusive of all available extension options, with an additional contingency sum of \$51,642.***
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;***
- 3. Notes that the contract will commence on 1 April 2023, with an initial term of one (1) year, and the contract has four (4) separate extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.***

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

CARRIED

4. CITY SERVICES

4.1 Councillors' Meeting Records

Moved Cr Little

Seconded Cr Fergeus

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

CARRIED

4.2 W.A Scammell Reserve Sportsground Boundary Fence Renewal and Behind Goal Netting - Project Budget Variation Exceeding CEO Delegation

Moved Cr Fergeus

Seconded Cr Luo

That Council:

- 1. Approves an increase to the Project Budget for Project C09298 – W.A Scammell Reserve, Oakleigh South - Sportsground Boundary Fencing Renewal & Behind Goal Netting of \$40,796.***
- 2. Notes that the current approved budget is \$97,000 which includes a club contribution of \$24,000 for the new behind goal soft netting; and***
- 3. Notes the revised project budget is \$137,796, inclusive of the \$24,000 club contribution.***

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

CARRIED

4.3 Tender for Carlson Reserve Cricket Net Redevelopment

Moved Cr Fergeus

Seconded Cr Little

That Council:

- 1. Awards the tender from SmartGrass for Carlson Reserve Cricket Net Redevelopment, Contract No. 2023075 for a fixed Lump Sum of \$473,427.90 with an extra \$47,342.90 for Contingencies, \$14,202.83 for Project Management and \$6,976.20 for Construction Phase Design Services;***
- 2. Authorises the Chief Executive Officer to execute the contract agreement;***
- 3. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management fees, and Consultancy Services is \$541,949.83;***
- 4. Approves additional funding of \$46,949.83 required for this project.***

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

CARRIED

4.4 Tender for Provision of Light Plant Equipment

Moved Cr Zographos

Seconded Cr Little

That Council:

- 1. Approves access to the Municipal Association of Victoria, Contract LP20091 for Provision of Light Plant and Equipment, under Council Contract No. 2023101 for a schedule of rates based contract with an estimated contract value of \$900,000 for the initial term and an estimated total contract value of up to \$1,500,000 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 initial term of 5 years ends on 30 September 2025 and the contract also has two (2) extension options of one (1) year each and authorises the Chief Executive Officer or her delegate to approve extension options subject to the Municipal Association of Victoria, extension approval and satisfactory performance for the City of Monash.***
- 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

4.5 Tender for Bulk Fuel, Fuel Card Services and Oils, Lubricants and Vehicle Care Products

Moved Cr Lake

Seconded Cr Fergeus

That Council:

- 1. Approves access to the Municipal Association of Victoria contract 2018163 NPN 1.17: Bulk Fuel, Fuel Card Services and Oils, Lubricants and Vehicle Care Products for provision of bulk fuels, under Council Contract No. 2018163 for a schedule of rates based contract with an estimated contract value of \$600,000 for the 12 month extension period negotiated by the Municipal Association of Victoria;***
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement, if required;***
- 3. Notes that the current contract term, including all available extension options was scheduled to end on 31 January 2023 and that the Municipal Association of Victoria has negotiated an additional extension of 12 months, ending 31 January 2024.***

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

CARRIED

4.6 Tender for Cloud Disaster Recovery

Moved Cr Lake

Seconded Cr Paterson

That Council:

- 1. Approves access to the Municipal Association of Victoria (MAV) ICT Professional and Leasing Services (ES8111-2021) contract for the provision of Cloud Disaster Recovery Services (CDR), under Council Contract No. 2023112 to enter a contract with Onel Consulting Pty Ltd for a fixed Lump Sum of \$1,497,540 for the initial contract term, with an additional contingency sum of \$149,754;***
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement subject to satisfactory negotiation of the final Contractual Terms and Conditions; and***
- 3. Notes that the contract will commence on 01/07/2023, and the completion date is 30/06/2028; (5 year term) and there are no extension options.***

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

CARRIED

4.7 Appointment of New Members to the Environmental Advisory Committee

Moved Cr Little

Seconded Cr Luo

That Council:

Endorses the appointment of the following fifteen (15) community representatives to the 2022-24 Environmental Advisory Committee (EAC) for a period of two years according to the current Terms of Reference.

- | | |
|---------------------------------------|-----------------------------------|
| <i>- John (Jack) Krohn</i> | <i>- Lee Tan</i> |
| <i>- Phei (Faye) Lok</i> | <i>- Peter Mathieson</i> |
| <i>- Joanna Prendergast</i> | <i>- Jeffrey Xia</i> |
| <i>- Mark Nantie</i> | <i>- Graham Bryant</i> |
| <i>- Natasha Abrahams</i> | <i>- Philip Liberatore</i> |
| <i>- CC Hua</i> | <i>- Amit Agrawal</i> |
| <i>- Ratnakar Vellabhaneni</i> | <i>- Euan Ronald</i> |
| <i>- Phong Si (Rowland)</i> | |

CARRIED

4.8 Environmental Advisory Committee Annual Report

Moved Cr Little

Seconded Cr Luo

That Council notes the activities of the Environmental Advisory Committee (EAC) during 2022, and thanks all members of the Committee for their time and contributions while being representatives of the Monash community.

CARRIED

4.9 Tender for Jack Edwards Reserve Pavilion Redevelopment Design Services

Moved Cr James

Seconded Cr Luo

That Council:

- 1. Awards the tender from Katz Architecture Pty Ltd for the Jack Edwards Reserve Pavilion Redevelopment - Design Services, Contract No. 2023081 for a fixed Lump Sum of \$661,760 with an extra \$99,264 for Contingencies;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 6 February 2023 and the expected completion date is February 2025.*

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

CARRIED

AMENDMENT

Moved Cr McCluskey

Seconded Cr Klisaris

Add a point four as follows:

- 4. directs officers to investigate what costings would be involved in adding to the design component that was dismissed by Council previously.*

LOST

SUBSTANTIVE MOTION

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

A division was called.

DIVISION

For: Councillors G Lake, T Zographos, N Luo, T Samardzija, S McCluskey, B Little, P Klisaris, R Paterson, S James

Against: Councillors J Fergus, A de Silva,

4.10 Gardiners Creek Regional Collaboration Memorandum of Understanding

Moved Cr Paterson

Seconded Cr Fergeus

That Council:

- 1. Acknowledges the strategic role for Council as member of the Gardiners Creek Regional Collaboration in the improvement of the local amenity of the Gardiners Creek Catchment for the benefit of community and the environment.***
- 2. Endorses Council's role in the Gardiners Creek Regional Collaboration by executing the Memorandum of Understanding and noting the Terms of Reference.***
- 3. Delegates authority to the Chief Executive Officer to sign the Memorandum of Understanding to formalise the membership over its' three year term.***

CARRIED

4.11 Tender for Building Design, Landscape Design and Project Management Services

Moved Cr Samardzija

Seconded Cr Little

That Council:

1. *For the service category of Building Architecture, awards the panel tenders from*
 - a. *DWP Australia Pty Ltd*
 - b. *R Architecture Pty Ltd*
 - c. *Freeform Architects Pty Ltd*
 - d. *K20 Architecture*
 - e. *Katz Architecture Pty Ltd*
2. *For the service category of Landscape Architecture, awards the panel tenders from*
 - a. *Outerspace Landscape Architects Pty Ltd*
 - b. *CX Landscape*
 - c. *Arcadia Landscape Architecture VIC Pty Ltd*
 - d. *Playce Pty Ltd*
 - e. *ACLA Consultants Pty Ltd*
3. *For the service category of Project Management, awards the panel tenders from*
 - a. *Specialised Project Management Group Pty Ltd*
 - b. *Pure Projects Pty Ltd*
 - c. *Projx Pty Ltd*
 - d. *Touch Projects Limited*
4. *for a schedule of rates-based contract with an estimated cumulative contract value of \$9,150,000 for the initial term and an estimated total contract value of \$18,300,000 inclusive of all available extension options;*
5. *Authorises the Chief Executive Officer to execute the Deed Agreements;*
6. *Notes that the contract will commence in February 2023, with an initial term of three (3) years and the contract has three (3) separate extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*
7. *Notes that the estimated schedule of rates panel 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

4.12 Tender for Supply of Natural Gas to Large Tariff Sites

Moved Cr McCluskey

Seconded Cr Luo

That Council:

- 1. Approves access to the Municipal Association of Victoria Contract EC8310-2022-NG – Supply of Natural Gas for Large Buildings and Facilities for provision of Natural Gas to Large Tariff Sites, under Council Contract No. 2023133 for a schedule of rates based contract (fixed \$/GJ rate plus tariffs) with Shell Energy for an estimated contract value of \$1,037,000 inclusive of GST;***
- 2. Authorises the Chief Executive Officer to execute the contract agreement;***
- 3. Notes that the contract will expire on 31 December 2023 with no extension options.***

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

CARRIED

4.13 Samada Street Reserve Improvements - Project Budget Variation Exceeding CEO Delegation

Moved Cr Fergeus

Seconded Cr Little

That Council:

- 1. Approves an increase to the Project Budget for Project C01530 – Samada Street Reserve Improvements by an additional \$113,000;***
- 2. Notes that the current approved budget is \$126,564;***
- 3. Notes the revised project budget is \$239,564.***

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

CARRIED

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

5.1 **Audit and Risk Committee Six Monthly Activities Report**

Moved Cr Samardzija

Seconded Cr Luo

That Council notes the six-monthly briefing report forwarded by Council's Audit and Risk Committee to the Chief Executive Officer (CEO) that outlines the Committee's activities in relation to the functions of the Committee.

CARRIED

6. **NOTICES OF MOTION**

6.1 **Discretionary Fund Applications - Mayor**

Moved Cr Samardzija

Seconded Cr McCluskey

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Mount Waverley Rotary Club</i>	<i>Fundraising Trivia Evening held at the Mount Waverley Community Centre.</i>	<i>\$275.75 (GST excl)</i>

CARRIED

7. **COMMITTEE REPORTS**

Nil.

8. **URGENT BUSINESS**

Nil.

9. **CONFIDENTIAL BUSINESS**

Moved Cr Luo

Seconded Cr Samardzija

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

Council moved into Confidential Business at 8:58pm.

Council moved into Open Council at 8:59pm.

10. **PERSONAL EXPLANATIONS**

Nil.

11. **COUNCILLORS' REPORTS**

Cr Zographos acknowledged the recent citizenship ceremony he attended. He acknowledged the celebration held with the candidates, Federal and State members.

The Mayor declared the meeting closed at 9.01pm.

MAYOR:



DATED 28 FEBRUARY 2023