



CITY OF  
**MONASH**

# **MINUTES**

**MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 30 APRIL 2024**

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

Officers: A Diamond, J Doake, R Hopkins, P Panagakos, J Robertson, R Russell, A Sapolu, T Shoshan, S Wickes, G Budhiraja, L Skinner

### APOLOGIES

NIL.

## 3 DISCLOSURES OF INTEREST

Cr Lake declared a general conflict of interest on item 13.1 Combustible Cladding Update - Dixon Street on the basis of Cr Lake and his wife are owners of an apartment in one of the combustible cladding buildings in Monash which is one of the buildings that have recently been handed back to the Municipal Building Surveyor from the Victorian Building Authority.

- Cr Lake left the meeting prior to item *13.1 Combustible Cladding Update - Dixon Street* being discussed and returned after the votes concluded for the item.

## 4 CONFIRMATION OF MINUTES

Moved: Cr Little

Seconded: Cr Klisaris

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

- Meeting of Council held on 26 March 2024
- Additional Meeting of Council held on 02 April 2024

**CARRIED**

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

Nil.

## **6 PUBLIC QUESTION TIME**

The Mayor advised that four (04) questions had been received.

At 7.14 pm Public Question Time concluded.

## **7 OFFICERS' REPORTS**

### **7.1 City Development**

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

Moved: Cr Little

Seconded: Cr Luo

#### **RECOMMENDATION**

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

**CARRIED**

#### **7.1.2 PROPOSED PUBLIC OPEN SPACE ALLOCATION MODEL**

Moved: Cr Little

Seconded: Cr James

#### **RECOMMENDATION**

**That Council notes and adopts the Monash Public Open Space Strategy - Public Open Space Contribution Allocation and Expenditure Plan as described in this report and provided at Attachment 1.**

Moved: Cr Lake

Seconded: Cr Fergeus

## AMENDED RECOMMENDATION

Cr Lake moved to add the following point in addition to above recommendation.

2. Directs officers to delete the following words in the Public Open Space acquisition model on page 5 “Where the balance of Part B exceeds \$10 million in any given year decisions can be made to purchase land if it becomes available, fund other capital projects or leave the money in the reserve” and replace it with “Part B funds can be used to purchase land for the purpose of creating new public open space or to fund capital projects on land that has been acquired for public open space purposes since the commencement of this policy” and make any other consequential changes to the Public Open Space Contribution Allocation and Expenditure Plan to ensure it is consistent with this change.

## DIVISION

For: Cr Lake, Cr de Silva, Cr Fergeus, Cr James, Cr Little, Cr Klisaris, Cr Luo and Cr Paterson  
Against: Cr Samardzija, Cr McCluskey and Cr Zographos

## RECOMMENDATION

The Council

1. Notes and adopts the Monash Public Open Space Strategy - Public Open Space Contribution Allocation and Expenditure Plan as described in this report and provided at Attachment 1.
2. Directs officers to delete the following words in the Public Open Space acquisition model on page 5 “Where the balance of Part B exceeds \$10 million in any given year decisions can be made to purchase land if it becomes available, fund other capital projects or leave the money in the reserve” and replace it with “Part B funds can be used to purchase land for the purpose of creating new public open space or to fund capital projects on land that has been acquired for public open space purposes since the commencement of this policy” and make any other consequential changes to the Public Open Space Contribution Allocation and Expenditure Plan to ensure it is consistent with this change.

CARRIED

## 7.1.3 WAVERLEY PARK ESTATE TOILET AND KIOSK CONCEPT - MIRVAC UPDATE

Moved: Cr McCluskey     Seconded: Cr Klisaris

## RECOMMENDATION

That Council:

1. Endorses the concept design provided by Mirvac for the delivery of Public Toilets and a Kiosk, April 2024, in accordance with the attachment to this report.
2. Advises Mirvac that:

- a. the provision of the kiosk is conditional upon Mirvac, in consultation with Council officers, finding a suitable operator for the kiosk
  - b. the kiosk should be in operation for no less than 12 months prior to Council accepting transfer of the land and kiosk
  - c. in the event that an suitable operator cannot be engaged the kiosk will not be provided and Council along with Mirvac will explore any other options or possibilities that may be available.
3. Request Mirvac to proceed to detailed design based on the concept plan.
  4. Notes that the delivery of this project is funded through the allocation of funds required to be spent by Mirvac as part of the amended planning permit and other broader financial commitments Mirvac has in compliance with the amended planning permit. Further noting that funds from the open space contribution will only be utilised in the event that there are insufficient funds available from the combined community facility funds and the Mirvac residual financial commitments.

CARRIED

#### 7.1.4 FOOTPATH TRADING AND ACCESS POLICY 2024

Moved: Cr Little

Seconded: Cr Paterson

#### RECOMMENDATION

That Council:

1. notes the Revised Footpath Trading and Access Policy 2021 and the Parklets on Roads Policy 2023 have been reviewed in accordance with Council's *Policy Framework*;
2. notes that following their review the Revised Footpath Trading and Access Policy 2021 and the Parklets on Roads Policy 2023 have been incorporated into the draft Footpath Trading and Access Policy 2024;
3. resolves to release the Footpath Trading and Access Policy 2024 for community consultation in accordance with Council's Community Engagement Policy; and
4. notes a subsequent report will be presented to Council for consideration following completion of the community engagement process, along with any proposed changes and an officer recommendation.

CARRIED

## 7.1.5 LEASING AND LICENCING POLICY

Moved: Cr Little

Seconded: Cr Klisaris

### RECOMMENDATION

That Council:

1. Notes that the current Leasing and Licensing Policy (2017 Policy) was adopted by Council at the August 2017 Council meeting and is due for renewal to ensure that Council has a consistent approach when entering into an occupancy agreement with an external organisation for the occupation of Council's property assets.
2. Resolves to commence community consultation on the New Policy in accordance with Council's Community Engagement Policy.
3. Notes that a further report will be presented to Council for consideration on the outcome of the community consultation on the New Policy, along with any changes and an officer recommendation.

CARRIED

## 7.2 Community Services

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

Moved: Cr Klisaris

Seconded: Cr Fergeus

### RECOMMENDATION

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 1 February to 2 April 2024 to a total of \$3,500.

CARRIED

## 7.3 Corporate Services

### 7.3.1 AUDIT AND RISK COMMITTEE - MARCH 2024

Moved: Cr Little

Seconded: Cr Klisaris

### RECOMMENDATION

That Council:

1. Notes the unconfirmed minutes of the 14 March 2024 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 possible meeting.

CARRIED

### 7.3.2 TENDER AWARD - INTERNAL AUDIT SERVICE

Moved: Cr Little

Seconded: Cr Zographos

#### RECOMMENDATION

That Council:

1. Awards the tender from Pitcher Partners for Internal Audit Services Tender, Contract No. 2024097, for a schedule of rates based contract with an estimated contract value of \$485,277 for the initial term and an estimated total contract value of \$808,794 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 July 2024, with an initial term of three years and the contract has one extension option of two years 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

### 7.3.3 2023/24 FINANCIAL MANAGEMENT AND CAPITAL WORKS PROGRESS REPORT - THIRD QUARTER 31 MARCH 2024

Moved: Cr Klisaris

Seconded: Cr Little

#### RECOMMENDATION

That Council:

1. Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 31 March 2024, presented in accordance with Section 97 of the Local Government Act 2020.
2. Approve the project and annual plan actions variations contained therein.

CARRIED

## 7.4 City Services

### 7.4.1 COUNCIL'S RESPONSE TO LOCAL GOVERNMENT REFORMS 2024 CONSULTATION PAPER

Moved: Cr Fergeus      Seconded: Cr Little

#### RECOMMENDATION

That Council:

1. Notes that on 31 January 2024 Local Government Victoria sought engagement from councils and Councillors on proposed changes to the *Local Government Act 2020*, with feedback to be provided by 29 February 2024.
2. Endorses the Monash City Council response that was provided to Local Government Victoria on 29 February 2024.
3. Expresses its disappointment in the length of time provided by Local Government Victoria to councils to enable sufficient review and relevant resolutions.

CARRIED

### 7.4.2 RECORD OF COMMITTEE MEETINGS

Moved: Cr McCluskey      Seconded: Cr Ferg

#### RECOMMENDATION

That Council notes the record of Committee Meetings.

CARRIED

### 7.4.3 2024024: MAVP – SUPPLY OF TRUCKS, BUSES, SPECIALISED TRUCKS, BODIES & TRAILERS NPN1.23

Moved: Cr Little      Seconded: Cr Luo

#### RECOMMENDATION

That Council:

1. Approves access to the Municipal Association of Victoria Contract Trucks, Buses, Specialised Trucks, Bodies & Trailers NPN1.23 for provision of Trucks, Buses, Specialised Trucks, Bodies & Trailers, under Council Contract No. 2024024 for a schedule of rates

based contract with an estimated annual contract value of \$1,250,000 for each year of the initial three year term and an estimated total contract value of \$11,250,000 inclusive of all available extension options (nine years maximum);

2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and
3. Notes that the contract initial term ends on 31 Jan 2027 and the contract also has two extension options of three years each and authorises the Chief Executive Officer to approve extension options subject to the Municipal Association of Victoria extension approval and satisfactory performance for the City of Monash.

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

CARRIED

#### **7.4.4 2024167 - SUPPLY OF MOTOR VEHICLES AND RELATED SERVICES (VIC FLEET)**

Moved: Cr Klisaris

Seconded: Cr Little

#### **RECOMMENDATION**

**That Council:**

1. Approves access to the Victorian Government Department of Treasury and Finance Contract Supply of Motor Vehicles and Related Services (Vic Fleet) SS-01-2018 for provision of Supply of Motor Vehicles and Related Services, under Council Contract No. 2024167 for a schedule of rates based contract with an annual estimated contract value of \$2,000,000 and an estimated six year total contract value of \$12,000,000;
2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;
3. Notes that the Council contract term ends on 31 March 2030.

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

CARRIED

## 7.4.5 2024153 - SUPPLY OF ONE LOW FLOOR GARBAGE TRUCK

Moved: Cr Little

Seconded: Cr Klisaris

### RECOMMENDATION

That Council

1. Awards the tender from Garwood International Pty Ltd for Supply of One Garbage Truck, Contract No. 2024153 for a fixed Lump Sum of \$530,323.16 with an extra \$15,000 for commissioning and registration costs;
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract will commence on 1 June 2024 and the expected completion date is 1 June 2025; and
4. Notes that the total budget including the contract fixed Lump Sum, Contingencies and Provisional Items is \$545,323.16

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

CARRIED

## 7.4.6 2024125 MOUNT WAVERLEY RESERVE PAVILION REDEVELOPMENT CONSTRUCTION

Moved: Cr Little

Seconded: Cr Zographos

### RECOMMENDATION

That Council:

1. Awards the tender from Constructive Group Pty Ltd for Mount Waverley Reserve Pavilion Redevelopment Construction, Contract No. 2024125 for a fixed Lump Sum of \$7,774,074.80 with an extra \$1,100,000 for Contingencies
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract will commence on 7 May 2024 and the expected completion date is 30 May 2025; and
4. Notes that the total budget including the contract fixed Lump Sum, Project Management/ Delivery Fees is \$7,842,714.80 with a further allocation of \$1,100,000 for Contingencies.

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

CARRIED

## 7.5 Chief Executive Officer

Nil.

## 8 NOTICES OF MOTION

### 8.1 COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

Moved: Cr Luo

Seconded: Cr McCluskey

#### RECOMMENDATION

That Council resolves to approve one (1) of the following applications for funding from the Council's Discretionary Expenditure Fund in accordance with the guidelines.

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Jaiden D'Rozario	Partial costs to represent Victoria in u16 National Hockey Team.	\$500.00

**CARRIED**

#### Meeting Note:

- Cr James left the meeting prior to this item being discussed and did not participate in the voting for this item.

## 9 URGENT BUSINESS

Nil.

## 10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

### 10.1 CONFIDENTIAL EMPLOYMENT MATTER

<b>Responsible Manager:</b>	Amanda Sapolu
<b>Responsible Director:</b>	Jarrod Doake

The Council discussed this item in the confidential Meeting as it contains confidential information.

## 11 PERSONAL EXPLANATIONS

### Cr Fergeus

*"I rise to inform the community that since the last public meeting of this Council I have resigned as a member of the Australian Greens Victoria.*

*I have always been open about my party membership and affiliation and my statement today is a continuation of that commitment to my community.*

*I was a member of the Victorian Greens for 20 years. Over a period of 16 years I was democratically selected to represent the Party as a candidate for public office at three state and three federal elections, and endorsed at four consecutive local government elections. Local members endorsed me for a fifth time last year to contest the Monash Council elections due in October, and I apologise to those members who once again gave me their confidence that, though I will continue to represent them, I will not do so as a Green.*

*For many years I have been exceptionally proud to contribute to a political culture which was, truly, different from everything else on offer in the Australian political landscape. No longer. The Party I know today offers precious little humility, introspection or generosity of spirit.*

*The good it represents is best demonstrated in its pillars, pillars which I continue to hold dear – ecological sustainability, grassroots democracy, social justice, peace and non-violence. But that good has been eclipsed by a rapidly growing list of critical governance failures, an alarming lack of self-awareness, a growing anti-intellectual tendency, and a myopic preoccupation with faux-progressive conformity.*

*Many good people have left, but I am sad to leave behind many more members right across Victoria who exemplify the very best of humanity. I thank them for their comradeship, their service, their compassion and their leadership. I can only hope that things improve and that these wonderful people can once again feel the pride in their membership which I used to feel.*

*I have not made this decision lightly. Over many years I have made every effort to ensure that the Party was as much the Party I thought it had the potential to be as possible. Sadly, both for the planet and for me personally, I no longer see that potential. That is why I have chosen to resign. I do not intend to make any further statements on the matter.*

*I will now represent that community, my community, the thousands of people who have supported me over many years, as a progressive, independent voice in this chamber.*

*I was born right here in Monash. I have chosen to live here for the best part of my life. I am here because I love it, and I am in this chamber because I want to contribute to its present and its future. Thank you".*

## Cr de Silva

*“As many of you know, I was elected to this chamber four years ago as a Greens Councillor. A few weeks ago, I let my membership of the Australian Greens Victoria lapse. I stand tonight to explain my decision to the people of Ashwood, Chadstone, Mount Waverley, and Burwood, whom I am so proud to represent. This is the only statement I intend to make on this matter.*

*Over the last couple of years, I have become ever more dismayed at the standard of behaviour that is being demonstrated and fostered within the Victorian Greens. Members who have been lifelong advocates for justice and inclusion for Indigenous Australians have been called racists for advocating for a ‘yes’ vote on the Voice referendum. New joiners installed in positions of significant responsibility have proclaimed that climate change is only a concern for the privileged. In meetings, women members with decades of qualifications and experience are regularly lectured to and shouted down by men. Some members, particularly older women and their supporters, have endured months on end of abuse and harassment.*

*This conduct has been enabled and emboldened by people in positions of power, who have variously told those who have been victimised that they are imagining it, that they are asking for it, and that it is merely the cost of doing politics with younger members; a claim that is as insulting to young people as it is to the victims.*

*Quite apart from the targeted attacks on women, this kind of politics that I have witnessed become ascendant in the Victorian Greens – a politics of surveillance, of disinformation, and of fear and intimidation – is an inherently, institutionally, and profoundly anti-feminist, chauvinistic politics. It is the kind of politics I criticise in my academic work, and the kind of politics I swore I would have nothing to do with when I decided to run for public office.*

*Many years ago, in its best guise, the Greens was a political party that was sorely needed. In its best guise, it is still sorely needed. Sadly, in Victoria, despite some exemplary and courageous people who have retained their membership and for whose continuing friendship, support, and efforts I am extremely grateful, that party no longer exists.*

*To the many wonderful people of Monash that supported me as a Green, I am sincerely sorry that it has come to this. Please be assured that my values remain the same as when you elected me. It is with a great sense of relief and of coming home to myself that I have bid farewell an organisation that no longer represents those values. I have done so with full confidence that I will be far better able to serve you as a progressive, independent voice in this chamber, and that is exactly what I intend to do. Again, I am so proud to continue to represent this incredible community, our community. Thank you as ever for having me..”*

## 12 COUNCILLORS' REPORTS

### Cr Klisaris provided comments on:

- City Services department's director and team
- The recent news of domestic violence victims

### Cr James provided comments on:

- City Services department's director and team
- RSL Memorial for ANZAC day

### Cr Zographos provided comments on:

- The opening of Oakleigh South Child and Family Hub
- United Sri Lankan Muslim Association of Australia
- Monash Connects event

### Cr McCluskey provided comments on:

- ANZAC Commemorative Ceremony 2024

## 13 CONFIDENTIAL BUSINESS

### PROCEDURAL MOTION

**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)(a) of the Local Government Act 2020 for the reasons specified in the certificate.**

**CARRIED**

The Council moved into Confidential business at 8:11 pm.

### RETURN TO OPEN COUNCIL

The council return to Open Council at 8.24pm.



## 14 MEETING CLOSURE

The Mayor declared the meeting closed at 8.25 pm.



**MAYOR:** .....

**DATED:** XX