



CITY OF
MONASH

MINUTES

**MEETING OF COUNCIL
HELD ON**

TUESDAY 30 JULY 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 (until 8.11pm), P Klisaris, G Lake, S McCluskey, S James, T Samardzija, T Zographos. R Paterson (from 8.16pm)

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

APOLOGIES

Nil.

3 DISCLOSURES OF INTEREST

Cr Lake declared a Material Conflict of Interest for:

- Item 7.1.2- 1221-1249 Centre Road, Oakleigh South - TPA/54381 - Backfilling of former quarry pit in Domain 4, removal of native vegetation and alteration of an access to a Transport Zone 2

4 CONFIRMATION OF MINUTES

Moved: Cr Klisaris

Seconded: Cr Little

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

- **Meeting of Council held on 25 June 2024**

CARRIED

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Cr Zographos paid tribute to Inga Peulich, former Politician, who recently passed away, and extended his condolences to the family.

6 PUBLIC QUESTION TIME

The Mayor advised that seven (7) questions had been received.

Question 1: Gordon Percival from Hughesdale asked:

Has the Central Car Park been sold to the Suburban Rail Loop Authority? If so, how much has the Council received for this land and when will settlement occur? Is there a guarantee that no settlement extension(s) will be considered? How many other bids for the land were received and considered and what percentage difference were they below the top price?

The Mayor read the following response:

A decision on the sale of the Central car park has not been made. On tonight's agenda in confidential business Council will consider the outcome of the expression of interest process. If Council resolves to proceed with a sale of the land, details will be released to the public at the completion of a sale.

Question 2: Mary Palatsides from Hughesdale asked:

7.4.4 I would like to commend Kristy Green Manager of Sustainable Monash or the officer in her team responsible for the council's submission to the DEECA. Finally it appears someone has some clear insight into what the community wants and is requesting the state government produce the data and information to support their recycling decision making for homeowners. Glad to see real world solutions suggested in this submission especially considering the lack of transparency from state government into what impact on resources, funding, environment and open spaces this will possibly have as state government transitions our suburbs into 20 minute neighbourhoods with 25 story buildings. Industry is the real driver when it comes to waste. The focus again is on the end user when it should be on industry, manufacturing and the multinational stores. Great work again on the submission. Is Monash council collaborating with other council's counterparts in regards to this submission?

The Mayor read the following response:

The Sustainable Monash Team are very passionate about waste, sustainability and the circular economy, and they work hard to ensure Council can make informed decisions on these topics. Monash has been in conversation with many other Councils to discuss the proposed standards, and officers have attended consultation sessions with the State Government. The sentiment is similar across councils, with widespread support to include compostable bags in the acceptable items list. Council will continue to advocate to drive the best possible outcomes for our community.

Question 3- 6 were combined: Peter Palatsides from Hughesdale asked:

Question 3:

Removal of Clause 14.9 (Access to Bathrooms): This clause restricted access to bathrooms, change rooms and similar facilities for different genders if over 6 years of age. It has been removed due to its inconsistency with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006. Does this mean that change rooms will no longer be gender specific? Does this mean that a biological born man who identifies as a woman will be able to enter a change room with biological women present? Since the submission had 2 against, and 1 for, why did council agree to remove it since it was 66.6% of contributors against removing it. Was this not a strong support to keep the clause?

Question 4:

Liability. In other areas and countries where this has occurred, there have been assaults of a graphic nature from biological males claiming to be women. Is Monash liable for ANY assaults that may occur if a biological male frequents women changing areas by removing this clause? Since Trans women need not undergo surgery, will it be ok for biological men to expose themselves whilst getting changed in the gender neutral area in front of women and girls 7 and above? Is that be considered ok because of inclusivity?

Question 5:

There were 79 contributors of 150 submissions. Considering, there are 193,000 residents, is the Shape Monash website an accurate method of gauging the residents perception, understanding and direction for these laws. This has been mentioned in the past and the uptake, is not conclusive of the number of residents you are catering for. It is 0.04% to make a "law" affecting 193000 residents is nonsensical Are you even trying to represent the residents you want votes for?

Question 6:

There was good support for this section of the Local Law, with 41% of submitters expressing support, 6% expressing strong support, and 41% maintaining a neutral position.

Is 41% of 0.04% of residents statistically viable considering the sample size does not correlate to the actual population of the total group. In any other study, this size would be considered insignificant and yet Monash claim it to be good and strong support. If this is not considered statistically significant, what is the validity of proceeding on this feedback alone?

The Mayor read the following response:

The Local Government Act 2020 sets out strict requirements which Council must follow when making a Local Law. A local law cannot be inconsistent with a state or federal law and clause 14.9 has been removed because it is inconsistent with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006.

This change has no bearing on how change rooms or bathrooms are managed but it does mean those who identify as non-binary, gender diverse or transgender can lawfully use toilets and facilities that they're most comfortable using which improves access and inclusion for all genders. Children who are under the care of a parent or care provider will still be able to accompany them into a changeroom which the parent or care provider is using.

Whilst the clause could not remain in the Local Law it was important to seek the communities view to understand any concerns that had not already been considered.

Council does not expect any change in the day to day use of our facilities and where a person's behaviour is unsafe or inappropriate the matter would be referred to police.

Seeking and receiving feedback via Shape Monash is a well-established way of engaging with our community. The opportunity to provide feedback on the local law was widely publicised in the Monash Bulletin delivered to all households within the municipality, as a news item on the Council website, on social media, on-hold messages, included in email newsletters and on screens at Active Monash aquatic and recreation centres.

The percentages you mentioned are discussed in the report in relation to feedback about the Local law provisions governing the use of Council land and the expected behaviours on that land. Making a local law does not necessitate majority community support; instead, the consultation process aims to collect feedback from the community to inform the Council's decision-making, which has occurred in this case.

Question 7: Peter Palatsides from Hughesdale asked:

There were 12 resident contributors. This percentage is 0.006%. Was this policy sent to all the traders? They could have raised awareness to customers and locals to get a proper gauge on what the residents want or need. Surely feedback from 12 people is not the basis to determine feedback and action accordingly. Were the traders engaged in this policy since it will be directly affecting them. Since they pay the registrations as specified, shouldn't they be actively engaged before proceeding? Shape Monash website is not working as a feedback channel for the residents of Monash. Is Monash considering a better way to get feedback?

The Mayor read the following response:

The Footpath Trading and Access Policy was updated in 2021 and it now incorporates the Parklets on Roads Policy that was adopted in 2023. Due to the extensive consultation already undertaken on both policies, and the fact both policies remain largely unchanged in the draft policy, the consultation primarily targeted traders and trader groups. Council wrote to all traders who hold a footpath trading permit and trader associations seeking their feedback via the Shape Monash platform being an effective means of capturing their input. More generally, the opportunity to provide feedback was promoted on social media, in newsletters and on Councils website. In addition a gender impact assessment was completed as part of the Gender Equality Act 2020.

At 7.20pm Public Question Time concluded.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE

Moved: Cr Little

Seconded: Cr McCluskey

MOTION

That Council notes the report containing the Town Planning Schedules.

CARRIED

Meeting Note:

- After having declared an interest in Item 7.1.2 Cr Lake left the meeting prior to discussion and did not participate in voting on this item.

7.1.2 1221-1249 CENTRE ROAD, OAKLEIGH SOUTH - TPA/54381 - BACKFILLING OF FORMER QUARRY PIT IN DOMAIN 4, REMOVAL OF NATIVE VEGETATION AND ALTERATION OF AN ACCESS TO A TRANSPORT ZONE 2

Moved: Cr James

Seconded: Cr Little

MOTION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit TPA/54381 for

- Works (backfilling of former quarry pit) in Special Use Zone – Schedule 2
- Alteration of access to a road in a Transport Zone
- Removal of native vegetation.

at 1221-1249 Centre Road, Oakleigh South subject to the following conditions:

1. At all times, what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Domain 4 Backfill Design Report and Works Plans

2. Before the works start, a Domain 4 Backfill Design Report and Plans must be submitted to the satisfaction of and approved and endorsed by the Responsible Authority. The Domain 4 Backfill Design Plans must be generally in accordance with Domain 4 Backfill Design Report

prepared by Tetra Tech Coffey, dated December 2022, but to show the following details:

- a) The structural fill layer provided with a minimum 4 metre thickness on all relevant plans.
- b) The location and minimum setbacks of the proposed swale drain to southern boundary and identified on sectional diagrams.
- c) The retention of the existing swale drains along the western boundary. maintained.
- d) The settlement monitoring period to a minimum of 18 months.

The provisions and requirements of the endorsed Domain 4 Backfill Design Report and Plans must be implemented and complied with by the permit holder to the satisfaction of the Responsible Authority.

Traffic Management Plan

3. Before the works start a revised Traffic Management Plan (TMP) must be approved and endorsed by the Responsible Authority. The plans must be generally in accordance with the TMP prepared by Cardno dated 11 October 2022 but modified to include:
 - a) The proposed widening to the Huntingdale Road vehicle crossing, including all relevant dimensions. The widening of the crossing is required to satisfactorily accommodate the proposed truck turning maneuvers.
 - b) 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 works.
 - c) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along Huntingdale Road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
 - d) The location of all temporary internal haul roads provided with a minimum 30 metre setback from the eastern boundary.
 - e) A plan showing the location of parking areas for contractors and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity are located so as to cause minimum disruption to surrounding premises.

The provisions and requirements of the endorsed Traffic Management Plan must be implemented and complied with at all times by the permit holder and their agent to the satisfaction of the Responsible Authority.

Construction Management Plan (CMP)

4. Before the works authorized by this permit start, a Construction Management Plan (CMP) must be approved and endorsed by the Responsible Authority. The CMP must:
- a) provide specific construction management oversight for the works permitted by this permit, including providing the following details:
 - i A construction program that is generally in accordance with the submitted “Domain 4 Backfill Design Report;”
 - ii Hours for construction activity in accordance with any other condition of this permit and including a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken and when;
 - iii Appropriate measures to control noise, dust and water and sediment laden runoff;
 - iv Documentation to verify that the works align with relevant sections of the following standards, guidelines and consents:
 - (1) Statement of Environmental Audit ref. CARMs: 70403-2 Service Order No.: 8004092 (EPA, 2020).
 - (2) *Occupational Health & Safety Regulations 2017.*
 - (3) AS3798-2007: Guidelines on Earthworks for Commercial and Residential Developments.
 - (4) EPA Publication 1828.2 Waste disposal categories – characteristics and thresholds (March 2021).
 - (5) EPA Publication 1968.1 Guide to classifying industrial waste (August 2021)
 - b) Detail the applicable environmental values, 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).
 - c) Make provision for dust management including:
 - i Requirements 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.
 - ii Establishing definitive requirements for when dust monitoring must be conducted.
 - iii Establishing definitive weather conditions and observations that will require works to cease.
 - d) Make provision for Noise and Vibration Management including:
 - i 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).

- ii **Methods for controlling noise and vibration at the source.**
- iii **Develop a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken and when.**
- iv **Develop a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.**
- e) **Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- f) **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 the road network;**
- g) **A program for the cleaning and maintaining surrounding road surfaces;**
- h) **A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like;**
- i) **Measures to provide for public safety and site security;**
- j) **A Traffic Management Plan consistent with the endorsed Traffic Management Plan under Condition 3 of this permit.**
- 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 suitably empowered supervisory site staff;**

The provisions and requirements of the endorsed CMP must be implemented and complied with by the permit holder and their agents to the satisfaction of the Responsible Authority.

Stormwater Management Plan

- 5. Before the works start, a stormwater management plan must be approved and endorsed by the Responsible Authority. The Stormwater Management Plan must:**
- a) **include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system,**
 - b) **include details of proposed water treatment and quality testing to be established prior to the discharge of water from the site.**
 - c) **demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will be met,**
 - d) **be generally in accordance with the Stormwater Management Plan prepared by Afflux dated 7 November 2022 and Site Environmental Management Plan prepared by Verve, but amended to show the following details:**
 - i **Appropriate measures preventing silt or other pollutants entering into Council's underground drainage system or onto the road network;**
 - ii **The location and height of the proposed silt fencing along the southern boundary to be shown on sectional diagrams prepared by Tetra Tech Coffey.**

- iii The location and minimum setbacks of the proposed swale drain to adjoining properties along the southern boundary identified on sectional diagrams on the plans prepared by Tetra Tech Coffey.

The provisions and requirements of the endorsed Stormwater Management Plan must be implemented and complied with by the permit holder and their agents to the satisfaction of the Responsible Authority.

Removal of Native Vegetation

6. Before the works commence, a biodiversity assessment to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority for the removal of native vegetation within Domain 4. The biodiversity assessment must be undertaken by a suitably qualified ecologist and in accordance with the *Permitted clearing of native vegetation -Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual* and generally in accordance with the submitted Flora and Fauna Assessment by Ecology and Heritage Partners dated September 2021, however with offsets to refer native vegetation removal in Domain 4 only.

Native Vegetation Offset Evidence and Timing

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

A copy of the offset evidence must be endorsed by the Responsible Authority and will form part of this permit.

Section 173 Agreement

8. Before the commencement of any of the works associated with this permit, the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:
 - a) All works described in the Domain 4 Backfill Design Report by Tetra Tech Coffey, December 2022 must be undertaken in accordance with the Workplan verified by the appointed environmental auditor or a revised Workplan subsequently verified by the appointed environmental auditor.
 - b) Following the completion of all works on site:
 - i An appointed environmental auditor must be engaged to verify the completion of all works in accordance with the Workplan.
 - ii Works must comply with *Victorian Occupational Health and Safety (OH&S)*

Regulations 2017. The Site Manager must 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.

- iii On going monitoring of ground water quality and for the presence of hazardous ground gases as required under the Statement of Environmental Audit issued on 14 May 2020 (Ref:8004092).

c) The works that are:

- i described in the Domain 4 Backfill Design Report prepared by Tetra Tech Coffey, December 2022 (as amended in accordance with this permit); and
- ii not authorised by this permit,

must be completed no later than the completion of the works authorised by this permit, unless otherwise agreed in writing with the Responsible Authority.

d) The Agreement to end upon the earlier of completion of the works authorised by this permit (TPA/54381) and verified by an appointed environmental auditor.

All costs of preparation, execution registration and removal 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.

Importation of Material

9. The importation of any fill soils to the site must be in accordance with *Environment Protection Act 2017 (as amended from time to time)* and subordinate regulations and guidelines.

Drying of Sediment and Slimes

10. The height of the drying material must at all times be limited so that no part is higher than 2 metres from the RL heights as shown in the endorsed Domain 4 Backfill Design Plan forming part of this permit.

Site Management

- 11. Contact details of the key personnel on-site and the principal contacts for registration and resolution of complaints must be clearly displayed in a highly visible location external to the site at all times during the works authorised by this permit.
- 12. 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 permit holder must be immediately provided to the Responsible Authority.
- 13. Works may only be undertaken between the hours of:
 - 7:00am-6:00pm, Monday to Friday
 - 8:00am-12:00pm, Saturday.

- **No work is permitted on Sunday or public holidays.
Unless the Responsible Authority gives consent in writing.**
- 14. **At the request of the Responsible Authority, the applicant must take action to immediately limit the scale of, or cease operations, which emit dust during windy days when dust levels are unacceptable.**
- 15. **At the request of the Responsible Authority, the applicant must 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.**
- 16. **The applicant must ensure that vehicles leaving the site are free from dirt, clay, mud and soil before entering public roads. Street sweeping of roads surrounding the site is to be undertaken as requested by the Responsible Authority at full cost of the developer/operator.**
- 17. **Sediment traps or similar, must be installed to prevent the transportation of sediment, litter waste, 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 Monash City Council Engineering Division.**
- 18. **Any unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority**
- 19. **Parking areas and access lanes must be kept available for these purposes at all times.**
- 20. **A 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 unless a separate permit is granted.**
- 21. **The loading and unloading of goods and other materials from vehicles must only be carried out on the land.**
- 22. **Vehicles associated with the works 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.**
- 23. **The amenity of the area must not be detrimentally affected by the approved works, by the:**
 - a) **transport of materials, goods or commodities to, from and within the land.**
 - b) **onsite movement of vehicles (including parking of trucks and reversing beepers etc) or in any other way.**
 - c) **appearance of any 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.

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

Acoustic Testing

25. At the request of the Responsible Authority, the owner or occupier must, supply an assessment undertaken by a qualified acoustic consultant measuring noise levels emitted from the site whilst the works are being undertaken 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 site 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 management

26. The stormwater management system approved by the Responsible Authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of the Responsible Authority.

27. The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the written consent of the Responsible Authority.

28. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into adjoining properties, Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

29. The stormwater drainage system is to be inspected every month or after any rain event greater than 10 millimetres.

30. Sediment collected by the sediment fence is to be removed and fences maintained and/or replaced to prevent the transportation of sediment to the stormwater system and adjoining properties.

31. The silt fences should be inspected at the same time and cleaned if required in line with the manufacturer's specifications. Should there be any signs of a loss of integrity in sections of the silt fence, these should be replaced immediately.

32. Inspection and maintenance will be the ongoing responsibility of the permit holder.

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.

34. Stormwater must not be allowed to flow into adjoining properties including the road reserve.

Department of Transport and Planning Conditions (ref PPR:4215/23)

35. 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.
36. 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.
37. No heavy vehicles associated with the works are permitted to be stopped/parked on Huntingdale Road.
38. 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.
39. Vehicles must enter and exit the site in a forward direction at all times.

Completion of works

40. Once the works have started the works must be continued in accordance with this permit and completed to the satisfaction of the Responsible Authority.

Removal of works

41. At the end of the drying period or four (4) years from the date of this permit, whichever occurs earlier, all sediment and slimes material must be removed from Domains 2b,3a, 3b and 5 to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.

Expiry of permit

42. This permit will expire if one of the following circumstances applies:
 - (a) The works are not started within two (2) years of the issue date of this permit.
 - (b) The works are not completed within four (4) years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes

- A. 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 set by Monash City Council at the time the request is made.

Department of Transport and Planning Note

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

CARRIED

7.1.3 2 POETS COURT GLEN WAVERLEY - TPA/55767 - REMOVAL OF TWO (2) TREES

Moved: Cr James

Seconded: Cr Little

MOTION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit TPA/55767 for the removal of two trees on land affected by the Vegetation Protection Overlay at 2 Poets Court, Glen Waverley subject to the following grounds:

1. There is inadequate justification for the removal of the trees regarding the statement of significance, the objective, and the decision guidelines of Clause 42.02 (Vegetation Protection Overlay).
2. The trees make a significant contribution to both the streetscape and the tree canopy of the municipality, and their removal would be contrary to both strategies and policy guidelines in Clause 15.01-1L-02 (Tree Conservation for a Garden City).
3. The proposed tree removals do not accord with the relevant purposes of Clause 42.02 (Vegetation Protection Overlay), as it does not preserve the existing trees and contradicts Clause 15.01-1L-02 (Tree Conservation for a Garden City).

CARRIED

7.1.4 78 GLEN TOWER DRIVE GLEN WAVERLEY - TPA/55943 - REMOVAL OF TWO (2) TREES

Moved: Cr James

Seconded: Cr Luo

MOTION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit TPA/55943 for the removal of two trees on land affected by the Vegetation Protection Overlay at 78 Glen Tower Drive, Glen Waverley subject to the following grounds:

1. There is inadequate justification for the removal of the trees regarding the statement of significance, the objective, and the decision guidelines of Clause 42.02 (Vegetation Protection Overlay).
2. The trees make a significant contribution to both the streetscape and the tree canopy of the municipality, and their removal would be contrary to both strategies and policy guidelines in Clause 15.01-1L-02 (Tree Conservation for a Garden City).
3. The proposed tree removals do not accord with the relevant purposes of Clause 42.02 (Vegetation Protection Overlay), as it does not preserve the existing trees and contradicts Clause 15.01-1L-02 (Tree Conservation for a Garden City).

CARRIED

7.1.5 AMENDMENT C157- ADMINISTRATIVE AMENDMENT TO CORRECT PLANNING SCHEME ANOMALIES FOR PUBLICLY OWNED LAND

Moved: Cr Zographos

Seconded: Cr Little

MOTION

That Council

1. Notes and considers the submissions received in response to proposed Amendment C157.
2. Adopts Amendment C157 to the Monash Planning Scheme in accordance with s29 (1) of the *Planning and Environment Act 1987* (the Act).
3. Authorises officers to submit the adopted Amendment C157 in accordance with this report to the Minister for Planning for approval in accordance with s 31(1) of the Act.
4. Notifies the submitters of Council's resolutions on proposed Amendment C157 as set out above.

CARRIED

7.1.6 MAKING OF THE COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

Moved: Cr Little

Seconded: Cr James

MOTION

That Council

1. Acknowledges and thanks the community for their participation and feedback through the community engagement process.
2. Having:
 - a. Completed the statutory process under Division 3 of Part 3 of the *Local Government Act 2020* for the making of the proposed, Community Safety and Amenity Local Law 2024 (Attachment One) (“the proposed Local Law”);
 - b. Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in Section 72 of the *Local Government Act 2020* (Attachment Two);
 - c. Undertaken community engagement in accordance with Council’s Community Engagement Policy in respect of the proposed Local Law; and
 - d. Considered all submissions received,

Resolves to make the proposed Local Law in the form attached to this report as Attachment One.

3. Authorises Council’s Chief Executive Officer to publish in the Victoria Government Gazette, and on Council’s website the notice required by Section 74 of the *Local Government Act 2020* in respect of Council’s decision to make the proposed Local Law 2024.

Moved: Cr Lake

Seconded: Cr Zographos

AMENDMENT

- 2 d. Considered all submissions received,

Resolves to make proposed Local Law in the form attached to this report as Attachment 1, **subject to the removal of clause 15.1.1 (permit required to fly aircraft (including model aeroplanes) in a reserve) and to making any other amendments required as a result of its removal.**

Meeting Note:

- Cr Samardzija raised a point of order in accordance with Governance Rule 30 (a)(i) conduct or a practice which is contrary to these Rules.

Cr Lake moved a Procedural Motion to speak further to the amendment.

Moved: Cr Lake

Seconded: Cr Klisaris

PROCEDURAL MOTION

That Cr Lake be permitted to speak more than once to the amendment.

CARRIED

DIVISION

For: Cr Luo, Cr Klisaris, Cr Lake, Cr Little, Cr Zographos

Against: Cr James, Cr de Silva, Cr Fergeus, Cr Samardzija, Cr McCluskey

Abstained: Nil

In accordance with Governance Rule 32(c) the Mayor exercised her casting vote.

CARRIED

MOTION

That Council

- 1. Acknowledges and thanks the community for their participation and feedback through the community engagement process.**
- 2. Having:**
 - a. Completed the statutory process under Division 3 of Part 3 of the *Local Government Act 2020* for the making of the proposed, Community Safety and Amenity Local Law 2024 (Attachment One) (“the proposed Local Law”);**
 - b. Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in Section 72 of the *Local Government Act 2020* (Attachment Two);**
 - c. Undertaken community engagement in accordance with Council’s Community Engagement Policy in respect of the proposed Local Law; and**
 - d. Considered all submissions received,**

Resolves to make proposed Local Law in the form attached to this report as Attachment 1, subject to the removal of clause 15.1.1 (permit required to fly aircraft (including model aeroplanes) in a reserve) and to making any other amendments required as a result of its removal.

- 3. Authorises Council’s Chief Executive Officer to publish in the Victoria Government Gazette, and on Council’s website the notice required by Section 74 of the *Local Government Act 2020* in respect of Council’s decision to make the proposed Local Law 2024.**

CARRIED

7.1.7 FOOTPATH TRADING AND ACCESS POLICY 2024

Moved: Cr Klisaris

Seconded: Cr Zographos

MOTION

That Council

1. Notes the results of the community consultation, conducted in accordance with Council's Community Engagement Policy, for the draft Footpath Trading and Access Policy 2024.
2. Resolves to adopt the Footpath Trading and Access Policy 2024 in accordance with this report and Attachment 1.

CARRIED

7.1.8 COLLABORATIVE PROCUREMENT TENDER FOR SPECIALISED CONSULTANCY SERVICES PANEL

Moved: Cr Little

Seconded: Cr Luo

MOTION

That Council

1. Notes that in accordance with Councils Procurement Policy, Council participated in a collaborative procurement event to develop a Specialised Consultancy Services Panel with the municipalities of Bayside, Knox, Frankston, Manningham and Whitehorse;
2. Notes that the collaborative procurement event was led by Manningham City Council acting as the Agent for Monash and the other participating Councils;
3. Awards the tenderers to be appointed on Contract No.2025001 Specialised Consultancy Services Panel as set out in the service category tables discussed in this report and contained in Attachment No. 1;
4. Authorises the Chief Executive Officer or her delegate to execute the relevant contract agreements to establish the Specialised Consultancy Services Panel;
5. Authorises the Chief Executive Officer to approve extension options subject to satisfactory performance;
6. Notes that the annual cumulative spend will be no more than \$600,000 and that quotations will be sought for every project;
7. Notes that the Panel contracts will commence with an initial term of five (5) years with two (2) extension options of two (2) years each.

CARRIED

7.2 Community Services

7.2.1 WAVERLEY GYMNASTICS RECOVERY BATHS – APPROVAL SOUGHT FOR INCLUSION IN THE 2024/2025 CAPITAL WORKS PROGRAM

Moved: Cr Little

Seconded: Cr McCluskey

MOTION

That Council

1. Notes the concept design for the recovery baths and the associated cost estimate as detailed in Attachment 1 & 2.
2. Notes the prior contribution of \$30,000 excl GST from the Waverley Gymnastic Centre, held in project C08019.
3. Approves an amount \$45,665 excl GST of Council funds to allow the project to be undertaken as part of the 2024/2025 capital works program.

CARRIED

7.2.2 SUBMISSION FOR INQUIRY INTO WOMEN'S PAIN

Moved: Cr Luo

Seconded: Cr de Silva

MOTION

That Council endorses the submission of Attachment 1 '*Monash Council - Submission for Inquiry into Womens Pain*' to the Victorian Government's Inquiry into Women's Pain.

CARRIED

7.3 Corporate Services

7.3.1 INVESTMENT POLICY UPDATE

Moved: Cr Little

Seconded: Cr Luo

MOTION

That Council adopts the revised Investment Policy, dated June 2024 as attached, including amendments to provide for reporting frequency of the investment report.

CARRIED

7.3.2 AUDIT AND RISK COMMITTEE MEETING MINUTES JUNE 2024

Moved: Cr Little

Seconded: Cr James

MOTION

That Council notes

1. The unconfirmed minutes of the 13 June 2024 Audit and Risk Committee.
2. 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.
3. The amended minutes of the 14 March 2024 Audit and Risk Committee.

CARRIED

7.3.3 ENTERPRISE RISK OPPORTUNITY AND MANAGEMENT FRAMEWORK

Moved: Cr Little

Seconded: Cr Luo

MOTION

That Council notes and endorses the Enterprise Risk and Opportunity Management Framework.

CARRIED

7.3.4 SIX MONTHLY AUDIT AND RISK ACTIVITY REPORT

Moved: Cr Little

Seconded: Cr Luo

MOTION

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

CARRIED

7.4 City Services

7.4.1 INFORMAL MEETING OF COUNCILLORS RECORDS

Moved: Cr McCluskey

Seconded: Cr Little

MOTION

That Council notes the Informal Meetings of Councillors Records.

CARRIED

7.4.2 2022057: BOGONG CAR PARK EXTENSION, CONSULTANCY SERVICES - ARCHITECTURAL & OTHER DESIGN SERVICES – VARIATIONS EXCEEDING OFFICERS DELEGATION

Moved: Cr Luo

Seconded: Cr Little

MOTION

That Council

1. Approves additional contingency funds of \$93,181 to Contract 2022057 Consultancy Services - Architectural and Other Design Services for the Bogong Car Park Extension Project with Katz Architecture for two variations totalling \$60,181 and additional contingency of \$33,000 for the remainder of the project;
2. Notes that this request for additional contingency funds is compliant with Council's Contract Variation Delegation Rules as approved by Council on 31 October 2023;
3. Notes that on 30 August 2022, Council approved a variation to Contract 2022057 for \$144,375 for an approved scope increase for the design of an additional level together with a further contingency sum of \$65,000 which has been applied to the contract;

4. Notes that on 31 January 2023, Council approved a further variation to Contract 2022057 for \$56,072.50 for additional Suburban Rail Loop requested structural design works, surveying and in ground detection works with a further contingency sum of \$40,000 that has \$3,042.12 currently remaining; and
5. Notes that the increased contract value resulting from this pending approval remains within the approved project budget of \$47,300,000 (\$43,000,000 excluding GST).

Please Note: All values in this report are GST inclusive unless stated otherwise.

CARRIED

7.4.3 ADOPTION OF ELECTION PERIOD POLICY

Moved: Cr Little

Seconded: Cr Luo

MOTION

That Council adopts the Election Period Policy at Attachment 5.4.4.1, to form part of its Governance Rules.

CARRIED

7.4.4 CITY OF MONASH SUBMISSION TO SETTING THE STANDARD FOR BETTER RECYCLING AT HOME - ENGAGE VICTORIA

Moved: Cr Luo

Seconded: Cr McCluskey

MOTION

That Council endorses the attached submission to the Department of Energy, Environment and Climate Action Service Standards Engagement and supports suggested changes to the proposed standards.

Cr Little proposed an amendment in addition to the motion in accordance with the rule 23 (f).

The Amendment was accepted by consent of Council.

AMENDMENT

2. Supports the Mayor to write on behalf of the Council to the four Local Members with associations in Monash, vis. Stephen Dimopoulos (Oakleigh), Matt Fregon (Ashwood), John Mullahy (Glen Waverley) and Eden Foster (Mulgrave) attaching a copy of the Monash response to the Department of Energy, Environment and Climate Action Service Standards Engagement and asking for their support, in particular on the following points:

- a. While it broadly supports the States intention to seek uniform standards across all LGAs to avoid confusion amongst the community and to encourage more landfill diversion, the associated infrastructures and processing mechanisms are lacking in significant areas (e.g. soft plastics)
- b. That standards should seek to encourage increased recycling habits, not reducing them by giving residents the ability to opt out of Food Organics Garden Organics kerbside collection or removing compostable bin liners.
- c. Certified compostable plastic caddy liners should be accepted in Food Organics Garden Organics bins right across the State, with those processing providers unable to process these to be given a suitable time to implement a solution, with a phased introduction period.
- d. Council should not be made responsible for sorting and collection of soft plastics, at least until such time as there are adequate collection, transport and processing mechanisms in place.
- e. There is further work required on reducing upstream waste production especially excessive soft plastic packaging and making manufacturers and distributors (for imported products) responsible for their disposal costs

And points out that the proposed standard waste content lists are out of line with the standard lists of other States, including NSW, which runs counter to the concept of a nationally acceptable waste standard and has the potential to cause problems across State boundaries

MOTION

That Council

1. Endorses the attached submission to the Department of Energy, Environment and Climate Action Service Standards Engagement and supports suggested changes to the proposed standards.
2. Supports the Mayor to write on behalf of the Council to the four Local Members with associations in Monash, vis. Stephen Dimopoulos (Oakleigh), Matt Fregon (Ashwood), John Mullahy (Glen Waverley) and Eden Foster (Mulgrave) attaching a copy of the Monash response to the Department of Energy, Environment and Climate Action Service Standards Engagement and asking for their support, in particular on the following points:
 - a. While it broadly supports the States intention to seek uniform standards across all LGAs to avoid confusion amongst the community and to encourage more landfill diversion, the associated infrastructures and processing mechanisms are lacking in significant areas (e.g. soft plastics)
 - b. That standards should seek to encourage increased recycling habits, not reducing them by giving residents the ability to opt out of Food Organics Garden Organics kerbside collection or removing compostable bin liners.

- c. Certified compostable plastic caddy liners should be accepted in Food Organics Garden Organics bins right across the State, with those processing providers unable to process these to be given a suitable time to implement a solution, with a phased introduction period.
- d. Council should not be made responsible for sorting and collection of soft plastics, at least until such time as there are adequate collection, transport and processing mechanisms in place.
- e. There is further work required on reducing upstream waste production especially excessive soft plastic packaging and making manufacturers and distributors (for imported products) responsible for their disposal costs

And points out that the proposed standard waste content lists are out of line with the standard lists of other States, including NSW, which runs counter to the concept of a nationally acceptable waste standard and has the potential to cause problems across State boundaries

CARRIED

7.5 Chief Executive Officer

Nil.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION- COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

Moved: Cr Luo

Seconded: Cr McCluskey

MOTION

That Council resolves to approve the below three (3) applications for funding from the Council's Discretionary Expenditure Fund in accordance with the guidelines.

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Jordan Gilbert- Individual	Seeking partial financial assistance to participate in U20 World Athletics Championships in Peru in August	\$500
Shree Swaminarayan Gurukul Australia	Seeking financial assistance for their monthly youth seminar which is proposed to be held at Clayton Senior	\$82.80

	Citizens Centre for City of Monash's international students.	
Waverley Bonsai Group	Seeking assistance for the Hall Hire Expenses	\$1000

CARRIED

Meeting Note:

- Cr Fergeus left the meeting at 8.11pm.

9 URGENT BUSINESS

Nil.

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

Nil.

11 PERSONAL EXPLANATIONS

Nil.

12 COUNCILLORS' REPORTS

Cr Zographos provided comments on:

- His attendance at the Australian Local Government Association National General Assembly 2024
- The passing of Rod Fyffe, Bendigo Councillor

Cr Little commended:

- Director Community Services for a successful Winter Series Festivals
 - Dancing Man
 - La Mauvaise Reputation

13 CONFIDENTIAL BUSINESS

Moved: Cr Little

Seconded: Cr Luo

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) of the Local Government Act 2020 for the reasons specified in the certificates.

CARRIED

The Council moved into Confidential business at 8.16pm.

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.21pm

14 MEETING CLOSURE

The Mayor declared the meeting closed at 8.21pm.



MAYOR:

DATED: 27 August 2024