



**CITY OF  
MONASH**

**MINUTES OF THE MEETING OF  
COUNCIL  
HELD ON 28 SEPTEMBER 2021**

**at 7.00 pm**

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

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**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 28 SEPTEMBER 2021 AT 7.00 PM.**

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

**APOLOGIES:**

Cr A de Silva.

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 31 AUGUST 2021**

Moved Cr Zographos,

Seconded Cr Little

*That the minutes of the Meeting of the Council held on 31 August 2021, be taken as read and confirmed.*

**CARRIED**

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

Nil.

**PUBLIC QUESTION TIME**

The Mayor advised that 3 questions had been received.

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**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 Town Planning Schedules**

Moved Cr Zographos,

Seconded Cr Samardzija

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

**CARRIED**

**1.2 8-20 King Street, Oakleigh - Construction of Office Buildings, Warehouses, Use of a Caretaker Dwelling, Food and Drink Premises and A Reduction of the Number of Required Car Spaces**

Moved Cr Klisaris,

Seconded Cr James

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/52498) for buildings and works to construct ten (10) buildings and a basement car park for the use of office, caretaker's dwelling and food and drink premises in the Industrial 1 Zone and Design and Development Overlay Schedule 1 and the reduction of on-site car parking provision, at 8-20 Kings Street, Oakleigh 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 Jam Architects Pty Ltd, dated 21 June 2021 (Revision B) but modified to show:
  - a) The car stacker systems split to have no more than 14 spaces per stacker system while maintaining the total number of parking spaces;*
  - b) Provision of a 2m long by 2.5m deep pedestrian sight line on the west side of the proposed crossover on King Street;*
  - c) The street tree closest to the vehicle crossover in King Street and the street tree in Edward Street marked and notated 'to be removed by Council';*
  - d) The required fire services, electricity supply, gas and water meter boxes; and*
  - e) An amended Landscape Plan prepared in accordance with Condition 3.**

*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.*

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### **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 John Patrick (Revision A) dated 1 July 2021 but modified to show:**

- a) the street tree closest to the vehicle crossover in King Street marked to be removed;**
- b) any required fire services, electricity sub-station, gas, electricity and water meter boxes discreetly screened and integrated into the landscaping.**

**All to the satisfaction of the Responsible Authority**

### **Waste Management Plan**

**4. The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by One Mile Grid Pty Ltd dated 10 August 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.**

### **Car Park Management Plan**

**5. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:**

- a) The number and location of car parking spaces allocated to each tenancy;**
- b) Any tandem parking spaces allocated to a single tenancy;**
- c) The number and location of car spaces for shared use, including time of shared use;**
- d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;**
- e) The Car Parking Management Plan must detail any barrier mechanisms within public parking areas;**
- f) Details of way-finding, cleaning and security of end of trip bicycle facilities;**
- g) Policing arrangements and formal agreements;**
- h) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;**
- i) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by this Permit; and,**
- j) Details regarding the management of loading and unloading of goods and materials.**

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**Construction Management Plan**

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

*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.*

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### ***Sustainability Management Plan***

- 7. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan prepared by Sustainable Development Consultants, dated March 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.***

### ***Amenity of Area***

- 8. The amenity of the area must not be detrimentally affected by the use or development, through the:***
- a) transport of materials, goods or commodities to or from the land;***
  - b) appearance of any building, works or materials;***
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and***
  - d) presence of vermin.***
- All to the satisfaction of the Responsible Authority.***

### ***Car Parking and Accessways***

- 9. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
- a) constructed to the satisfaction of the Responsible Authority;***
  - b) properly formed to such levels that they can be used in accordance with the plans;***
  - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;***
  - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;***
  - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***

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

- 10. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.***

### ***Services and Plant Equipment***

- 11. 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.***
- 12. 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.***
- 13. 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***

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*the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*

- 14. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.**

***Drainage and Stormwater***

- 15. The site must be drained to the satisfaction of the Responsible Authority.**
- 16. 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.**
- 17. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.**

***Caretaker's Residence***

- 18. The caretaker's residence must only be occupied by a bona fide employee in a supervisory, management or caretaker capacity of the approved uses undertaken on the land to the satisfaction of the Responsible Authority.**

***Food and Drink Premises***

- 19. Except with the prior written consent of the Responsible Authority, the food and drink premises located within Building J may operate only between the hours of 6:00am to 10:00pm Monday to Sunday.**

***Satisfactory Continuation***

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

***Time for Starting and Completion***

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

- a) The development has not started before 2 years from the date of issue.**
- b) The development 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:***

- (i) within six (6) months afterwards if the use or 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.**

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**NOTES:**

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.*
- B. Council's Horticulture Department must be contacted regarding the removal of the street tree proposed.*
- C. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department.*
- D. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.*
- E. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.*
- F. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*
- G. 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 affected service authorities is required as part of the vehicle crossing application process.*
- H. All service pits and service infrastructure (including power poles) near or within existing and proposed vehicle crossings are to be relocated or modified to the satisfaction of the Responsible Authorities.*
- I. 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.*
- J. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.*
- K. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- L. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*

**CARRIED**



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**1.3 40-44 Wellington Road, Clayton - Amendment to Conditions of Approved Five Storey Student Accommodation Building and Associated Food and Drink Premises**

Moved Cr Zographos,

Seconded Cr Klisaris

*That Council resolves to Grant an Amended Planning Permit (TPA/52242/A) for the development of a five storey residential building to be used as student accommodation, associated food and drink premises and alteration of access to a road in a Road Zone Category 1, subject to the following conditions (changes underlined or ~~deleted~~):*

***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 One Design Office, Revision I and dated 24 February 2021 but modified to show:*
  - a) *A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road;*
  - b) *Notation to the street trees on Arnott Street near the proposed vehicle crossover to read 'trees to be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works until completion. The fence must extend out at least 3.5 metres from the tree base';*
  - c) *The gas and water meter enclosures to be screened in the landscape setting; and*
  - d) *An amended Landscape Plan prepared in accordance with Condition 4**all to the satisfaction of the Responsible Authority.*

*Note: Concurrent with the endorsement of plans requested pursuant to this condition, a Landscape Plan, Waste Management Plan and Sustainable Management Plan is to be endorsed in accordance with Conditions 4, 5 and 6.*

***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.*

***Satisfactory Continuation***

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

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### ***Landscape Plan***

4. ***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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan (Revision A) dated 25 February 2021, Prepared by John Patrick Landscape Architects Pty Ltd, except that the plan must be modified to show:***
- (a) The provision of a minimum of one canopy tree with mature height at least equal to the height of the roof of the proposed building, within the development;***
  - (b) The bicycle spaces south to the basement carpark entry in Arnott Street to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;***
  - (c) The detail of the proposed paving;***
  - (d) The location of external lighting (if any); and***
  - (e) 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.***

### ***Waste Management Plan***

5. ***Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by WSP (Revision 2) dated 18 December 2020.***

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

### ***Sustainable Management Plan***

6. ***Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Urban Digester (Revision 2) Dated 2 March 2021.***

### ***Construction Management Plan***

7. ***Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the 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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- n) *Hours for construction activity in accordance with any other condition of this permit;*
- o) *Appropriate measures to control noise, dust and water and sediment laden runoff;*
- p) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- q) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
- r) *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;*
- s) *A program for the cleaning and maintaining surrounding road surfaces;*
- t) *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;*
- u) *Measures to provide for public Safety and site security;*
- v) *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;*
- w) *A Traffic Management Plan showing truck routes to and from the site;*
- x) *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;*
- y) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
- z) *The provision of contact details of key construction site staff; and*
- aa) *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.*

*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.*

### **S173 Agreement**

8. *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*

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*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 housing, 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*
- g) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 9 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***

- 9. *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 detail but not limited to:***
  - a) Student accommodation units managed and under the control of a single operator 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. This information is to be updated as required immediately following any change to the nominated responsible management contact person;*
  - 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;*

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- f) *Permanent display of the Management Plan in a common area accessible to all residents of the student accommodation facility; and*
- g) *Car parking spaces are to be managed to prevent vehicles entering the car park when all spaces are full.*

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

#### *Car Parking*

10. *Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
  - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and*
  - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

11. *The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- *Minimum requirements for car park dimensions to be in accordance with Table 2.*
  - *Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
12. *The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*

#### *Landscaping and Tree Retention*

13. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained (including trees on the nature strip) during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

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14. *All works (including demolition and excavation works) within the dripline of any tree to be retained (including trees on nature strip and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
  15. *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 there after maintained to the satisfaction of the Responsible Authority.*

**Drainage**

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

**Other**

17. *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.*

**Use of land**

18. *That each of the rooms are used for a single student only and no more than 130 occupants can reside at any given time.*

**Time for Starting and Completion**

19. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - (a) *The development is not started before two (2) years from the date of issue.*
  - (b) *The development is not completed before four (4) years from the date of issue.**In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:
  - (i) *within six (6) months afterwards if the development 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. A Building Permit approval for the works must be obtained prior to the commencement of the approved works.*
- B. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire*

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*Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*

- C. 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.*
- 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 basement detention system is to be separated from the storm water detention system for the property.*
- E. 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.*
- F. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.*
- G. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*
- H. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
- I. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*
- J. 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.*
- K. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.*
- L. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.*
- M. 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.*
- N. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.*

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- O. *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 affected service authorities is required as part of the vehicle crossing application process.*
- 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.*
- R. *Residents of the approved development will not be entitled to car parking permits for on street car parking.*

**CARRIED**

- 1.4 **45-49 McNaughton Road, Clayton - Amendment to Permit Issued For the Development of the Land For Warehouses and Ancillary Office, Display of Internally Illuminated Business Identification Signage and a Reduction of the Standard Car Parking Requirements**

Moved Cr Samardzija,

Seconded Cr Fergeus

- A. *That Council resolves to Grant an Amended Planning Permit (TPA/51462/A) for buildings and works associated with a warehouse and ancillary office space, display of internally illuminated business identification signage and a reduction of the standard car parking requirements, at 45-49 McNaughton Road, Clayton subject to the following conditions(changes underlined or deleted):*
1. *Before the 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 must be generally in accordance with the decision plans prepared by ~~Nicholas & Alexander Architects~~ DTA Architects, Revision € N dated ~~7 May 2020~~ 11 August 2021 but modified to show:*
- a) *The building (including any raised parking areas and front fencing) to be generally set back a minimum of 13.7 metres from McNaughton Road to the satisfaction of the Responsible Authority.*
- b) *A total of ~~411~~539 car spaces to be provided on the land. In the event that the proposed floor space is reduced, the development will provide for the required car spaces under the planning scheme minus any applicable parking credits that exist for the land.*
- c) *The relocation of the proposed substation to allow for the retention of Trees No. 1, 3 and 5 as identified within the Arborist Report prepared by Arbkey, dated 19 May 2020, whilst ensuring trees No. 10, 18 and 20 continue to be retained.*



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- d) *Existing trees to be retained to be numbered in accordance with the Arborist Report prepared by Arbkey dated 19 May 2020.*
  - e) *Dimensions of car spaces and accessways to meet the requirements of Clause 52.06.*
  - f) *All car spaces to be numbered on plans.*
  - g) *Clarification of all directional signage and line markings within the accessways within the south-east and north east corners of the site.*
  - h) *Concave mirrors or other traffic management measures to assist with potential conflict of vehicles travelling from the accessway adjacent to the northern boundary of the site and from the first floor car parking area adjacent to Warehouse 1.*
  - i) *Details of any car park control equipment in accordance with Condition 17.*
  - j) *Landscaping features (i.e. Islands) within the parking area located over the easement adjacent to the western boundary of the site every 5 bays to mitigate heavy vehicle loads.*
  - k) *The location of existing crossovers to be removed and reinstated with kerb and channel to be clearly identified on the site plan.*
  - l) *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development.*
  - m) *A Landscape Plan in accordance with Condition 3 of this Permit.*
  - n) *A Waste Management Plan in accordance with Condition 4 of this Permit.*
  - o) *A Sustainable Management Plan in accordance with Condition 5 of this Permit.*
  - p) *A Tree Management Plan in accordance with Condition 6 of this Permit.*

***Layout not to be Altered***

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

***Landscape Plan***

3. *Concurrent with the endorsement of any plans 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Urbis Pty Ltd, Revision C dated 19 May 2020, except that the plan must show:*
  - a) *Retained trees to be numbered in accordance with the Arborist Report prepared by Arbkey, dated 19 May 2020;*
  - b) *Details and dimensions of required TPZ during construction for trees to be retained*

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- c) *Further details of the proposed first floor planting;*
  - d) *All changes in accordance with Condition 1 of this Permit.*

*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.*

#### ***Waste Management Plan***

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

#### ***Amended Sustainable Management Plan (SMP) Required***

- 5. *Concurrent with the endorsement of any plans required by Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by D2 dated April 2020 but modified to include or show changes as required by Condition 1 of this Permit.*

*The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.*

#### ***Tree Management Plan***

- 6. *Concurrent with the endorsement of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 3, 5, 10,*

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*18 and 20 (as identified in the Arborist Report submitted with the application, prepared by Arbkey dated 29 May 2020).*

*The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:*

- a) A Tree Protection Plan drawn to scale that shows:
  - i. Tree protection zones and structural root zones of all trees to be retained,*
  - ii. All tree protection fenced off areas and areas where ground protection systems will be used;*
  - iii. The type of footings within any tree protection zones;*
  - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
  - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.**
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.*
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.*

*The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.*

#### **Construction Management Plan**

- 7. Prior to the commencement of any site works (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:**
  - a) Hours for construction activity in accordance with any other condition of this permit;*
  - b) Measures to control noise, dust and water and sediment laden runoff;*
  - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*

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- d) *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
  - e) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
  - f) *Cleaning and maintaining surrounding road surfaces;*
  - g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
  - h) *Public Safety and site security;*
  - i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
  - j) *A Traffic Management Plan showing truck routes to and from the site;*
  - k) *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;*
  - l) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
  - m) *Contact details of key construction site staff;*
  - n) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
  - o) *Hours of construction to be in accordance with EPA requirements.*

#### *Use of the land*

- 8. *This Permit does not include permission for the use of the land. The land must be used for a purpose other than that listed within Section 1 of Clause 33.01-1 unless authorised by the Responsible Authority.*
- 9. *The floor area of the warehouse tenancies must not be increased without the written permission of the Responsible Authority (including the provision of mezzanine floor spaces).*
- 10. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
- 11. *The experience centre must only be used as an ancillary use associated with the approved warehouse use, to the satisfaction of the Responsible Authority.*
- 12. *Without the written consent of the Responsible Authority, no more than 80 customers are permitted within the experience centre at any one time.*

#### *Landscaping and Tree Protection*

13. *Before occupation of any of the buildings, landscaping works as shown of the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
14. *Works associated with the removal of the existing street tree No. 28 (Willow Bottlebrush) must not be undertaken without the further consent of the Responsible Authority.*
15. *All existing vegetation shown on the endorsed plans to be retained must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
16. *The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.*
17. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

#### *Car Parking and Accessways*

18. *Details of any car park control equipment must be submitted to and approved in writing by the Responsible Authority. These details must include a car park control device which can be accessed by visitors to the development including clear instructions on how to operate any security system.*
19. *All loading and unloading of vehicles must be carried out within the boundaries of the land/ designated loading bay and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.*
20. *Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building as shown on the endorsed plans must be :*
  - a) *constructed to the satisfaction of the Responsible Authority;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
  - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*

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

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

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.*

**Stormwater**

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

**Signage**

23. *The location, layout, dimensions, structures and features of the approved signs shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
24. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
25. *All signs must be located wholly within the boundary of the land.*
26. *The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.*

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*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:*

- a) The development is not started before 2 years from the date of issue.*
- b) The development 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,*

- (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.*

28. *The approved signs of this Permit will expire 15 years from the date of issue of this permit.*

*NOTES:*

- A. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.*
- B. Council's Horticulture Department must be contacted regarding the removal of the street trees proposed. The trees will be removed by Council at a cost to the Permit holder.*
- C. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- D. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- E. All new vehicle crossings and access roads are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- F. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$1000 is to be paid prior to the drainage works commencing.*

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- G. *The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.***
  - H. *The minimum Finished Floor Level is to be at least 63.8 metres Australian Height Datum (AHD).***
  - I. *No buildings are permitted within 6.8 metres of the northern and western boundaries of the property to allow for overland flow to pass through.***
  - J. *All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.***
  - K. *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.***
  - L. *The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the rear easement to be constructed to Council standards. (A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately***

**CARRIED**

**1.5 87 Madeleine Road, Clayton - Construction of Four (4) Dwellings (3 Storeys in Height) and a Front Fence**

Moved Cr Paterson,

Seconded Cr Little

***That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51889) for the construction of four (4) dwellings (3 storeys) and a front fence, at 87 Madeleine Road, Clayton subject to the following conditions:***

- 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 development plans prepared by Mushan Architects dated 30 July 2020 (Revision E) and the landscaping plan by Path Design dated 9 July 2021, but modified to show:***
  - e) *The southern elevation to show obscure glazing of the bathroom window of Dwelling 1 and powder room window of Dwelling 2 to be consistent with the floor plan.***
  - f) *The floor plan to show fixed obscure glazing to 1700mm from second floor level to the stairwell window of Dwelling 2 as shown on the southern elevation.***



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- g) The floor plan of Dwelling 2 to provide a doorway from the stair case to the Master bedroom.*
  - h) A schedule of all external materials and finishes including colours.*
  - i) The 1.2m high front fence is to be reduced to a maximum height of 900mm.*
  - j) The setback of the 1.8m high fence to the side of Dwelling 4 from Lillian Street to be in line with the garage.*
  - k) Additional landscaping to the in the frontage of Dwelling 4 and to the secluded open space to the side of Dwelling 4.*
  - l) Bin location for Dwellings 2 and 3 to be provided to the rear of each dwelling or within the garage.*
  - m) All garages to be provided with a minimum setback of 5.5 metres to the front boundary.*
  - n) A Waste Management Plan outlining the proposed management of waste and recycling arrangements for the site.*
  - o) A notation on the plans providing the three Council Street trees (two in Madeleine Road and one in Lillian Street) with protective temporary rectangular wire fencing as per Australian Standards to erected prior to commencement of works until completion.*
  - p) Details of the construction techniques for the driveway and garage of Dwelling 1 as recommended in the Arborist Report prepared by Bluegum dated December 2019 to protect the tree on the adjoining property at 89 Madeleine Road.*
  - q) The location and design of any proposed electricity supply meter boxes.*
  - r) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage 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.*
  - s) A Landscape Plan in accordance with condition 3 of this Permit to incorporate the above required changes.*

***Layout not to be Altered***

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

***Landscape 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 show:***

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- a) *A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;*
  - b) *A minimum of four canopy trees (minimum 1.5 metres tall when planted) on the site.*
  - c) *The location of any fencing internal to the site;*
  - d) *Planting to soften the appearance of hard surface areas such as driveways and other paved areas;*
  - e) *Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;*
  - f) *The location of any retaining walls associated with the landscape treatment of the site;*
  - g) *Details of all proposed surface finishes including pathways, accessways, patio or decked areas;*
  - h) *The location of external lighting (if any);*
  - i) *Planting required by any other condition of this permit; and*
  - j) *Landscaping and planting within all open areas of the site.*

*When approved the plan will be endorsed and will then form part of the permit.*

#### **Tree Protection**

- 4. *Before any development (including demolition) starts on the land, tree protection fencing must be erected around the Council street tree and Tree 10 on the adjoining property to define a "Tree Protection Zone" as detailed in the arborist report prepared by Bluegum dated December 2019. The fences must be constructed as specified and must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.*
- 5. *All trees specified in the endorsed arborist report / Tree Management Plan are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the Responsible Authority.*
- 6. *No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.*

#### **Landscaping Prior to Occupation**

- 7. *Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.*

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**Drainage**

8. *The site must be drained to the satisfaction of the Responsible Authority.*
9. *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.*

**Vehicle Crossovers**

10. *All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.*
11. *Any new vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*

**Satisfactory Continuation and Completion**

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

**Permit Expiry**

13. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*

- a) *The development has not started before 2 years from the date of issue.*
- b) *The development 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*

- (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.*

**Permit Notes**

- S. *Building permit approval must be obtained prior to the commencement of the approved works.*
- T. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*

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- U. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.**
  - V. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.**
  - W. 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.**
  - X. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.**
  - Y. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001 - Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.**
  - Z. Future Occupants will not be eligible for Residential parking permits.**

**LOST**

ALTERNATIVE MOTION

Moved Cr James,

Seconded Cr Zographos

***That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/51889) for the construction of four (4) dwellings (3 storeys) and a front fence, at 87 Madeleine Road, Clayton on the following grounds:***

- 1. The proposal fails to provide an acceptable design outcome to Madeleine Road and Lillian Street and is inconsistent with the design objectives of the General Residential Zone, Schedule 6.***
- 2. The proposal will adversely impact the amenity of adjoining properties by way of unreasonable visual bulk.***
- 3. The proposal will result in poor internal amenity for future residents.***
- 4. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to neighbourhood character, site layout and building massing, landscaping, overlooking and private open space provision.***

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5. *The proposal will result in a poor quality design outcome.*

**CARRIED**

2. **COMMUNITY DEVELOPMENT AND SERVICES**

2.1 **A Healthy & Resilient Monash: Integrated Plan 2017-2021 Four Year Evaluation Summary (2020-2021)**

Moved Cr Paterson,

Seconded Cr Fergeus

*That Council notes the achievements outlined within the Year Four Evaluation Summary of 'A Healthy and Resilient Monash: Integrated Plan 2017-2021' and the completion of the four-year Municipal Public Health and Wellbeing Plan.*

**CARRIED**

3. **CORPORATE SERVICES**

Nil

4. **INFRASTRUCTURE**

4.1 **Chester Street and Eaton Mall - Pedestrian Improvements**

Moved Cr Fergeus,

Seconded Cr James

*That Council:*

1. *Note findings regarding options to enhance the amenity and safety of pedestrians on Chester Street at Eaton Mall as detailed in this report.*
2. *Note that introducing a pedestrian-only area on Chester Street at Eaton Mall is cost prohibitive at this time and further work is required to understand wider precinct implications.*
3. *Note that the planned installation of road humps on Chester Street between Hanover Street and Station Street in 2021/22 utilising external grant funding will contribute to enhanced safety and amenity.*
4. *Directs officers to commence preliminary planning and community consultation for a 20km/h Shared Zone trial on Chester Street at Eaton Mall and an area-wide 30kph speed limit in the area bounded by Warrigal Road, Atherton Road, Hanover Street and Portman Street.*

**CARRIED**

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#### **4.2 Mulgrave Reserve Pavilion**

Moved Cr McCluskey,

Seconded Cr Klisaris

*That Council:*

- 1. Awards the tender from Simbuilt Pty Ltd for Mulgrave Reserve Pavilion Redevelopment, Contract No. 2021136 for a fixed Lump Sum of \$3,442,659 with an extra \$341,000 for Contingencies and \$148,500 for Provisional Sum allowances;*
- 2. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Provisional Sum Allowances, Project Management fees (\$153,450) and Design Fees (\$402,358) is \$4,487,967;*
- 3. Notes the existing budget provision of \$4,400,000 is less than the anticipated project expenditure (approx. \$88K) and any shortfall will be funded from the overall 2021/22 Capital Works program;*
- 4. Authorises the Chief Executive Officer to execute the contract agreement; and*
- 5. Notes that the contract commences on 7 October 2021 and the expected completion date is 5 May 2022.*

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

**CARRIED**

#### **4.3 Tender for Tally Ho Sportsground Redevelopment**

Moved Cr Paterson,

Seconded Cr Klisaris

*That Council:*

- 1. Awards the tender from Hendriksen Contractors Pty Ltd for Tally Ho Reserve Sportsground Redevelopment, Contract No. 2021158 for a fixed Lump Sum of \$907,089.70 with an extra \$105,013.70 for Contingencies;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 4 October 2021 and the expected completion date is 30 November 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees is \$1,056,552.20.*

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

**CARRIED**

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#### 4.4 Tender for Mulch Management and Supply

Moved Cr Paterson,

Seconded Cr James

*That Council:*

- 1. Awards the tender from Ecodynamics Services Pty Ltd for Mulch Management and Supply, Contract No.2021103, for the schedule of rates based contract with an estimated annual expenditure of \$601,040 and an estimated total contract value of \$3,165,857 inclusive of all available extension options (executable at Council's option) and*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract will commence on 1 October 2021 with an initial term of one year and the contract has two extension options of two years 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**

#### 4.5 Sports Ground Lighting Upgrade 2021-2022

Moved Cr McCluskey,

Seconded Cr Paterson

*That Council:*

- 1. Awards the tender from Commlec Services Pty Ltd for Sportsground Lighting Upgrade 2021-2022 Contract No. 2022003 for the fixed Lump Sum Price of \$1,046,715.18 with an extra \$157,014 for Contingencies.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract will commence on 4 October 2021 and the expected completion date is 11 March 2022; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management & Delivery Fees and Provisional Items is \$1,292.864.10*

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

**CARRIED**

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

5.1 **Councillors' Meeting Records**

Moved Cr Samardzija,

Seconded Cr McCluskey

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

**CARRIED**

5.2 **Review of Delegations to the Chief Executive Officer and Council Staff**

Moved Cr James,

Seconded Cr Klisaris

*In the exercise of the powers conferred by s11(1) of the Local Government Act 2020 (the Act) and any other Acts conferring a power of delegation on it, Council resolves that –*

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer (at Attachment 1 to this Report), subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.*
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt, unless otherwise provided by the Instrument.*
- 5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with the Act.*

**AND**

- 6. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff (at Attachment 2 to this Report), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.*
- 7. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 8. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- 9. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**AND**



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10. *There be delegated to Andi Diamond and to Peter Panagakos, the power to execute any document relating to the acquisition of land or the disposal of Council owned land, as set out in the attached Instrument (at Attachments 3a and 3b).*
  11. *The instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
  12. *On the coming into force of the Instrument, the previous delegations to Andi Diamond and to Peter Panagakos regarding the power to execute any document relating to the acquisition of land or the disposal of Council owned land are revoked.*

**CARRIED**

### 5.3 Draft Complaints Policy

Moved Cr Paterson,

Seconded Cr James

*That Council:*

1. *Adopts the draft Complaints Policy, as attached to this report, for the purpose of inviting public submissions.*
2. *Invites public submissions on the draft Complaints Policy.*
3. *Appoints a Committee of all Councillors to consider any public submissions received on the draft Complaints Policy, at 7.00 pm 16 November 2021.*

**CARRIED**

AMENDMENT

Moved Cr Zographos,

Seconded Cr Samardzija

*Part 4 be added, as follows: 4. Reviews the policy within 12 months of its formal adoption.*

**CARRIED**

SUBSTANTIVE MOTION

The motion, as amended, was put to the vote and declared carried.

**CARRIED**

#### **5.4 Advisory Committee Policy and Governance Rules**

Moved Cr James,

Seconded Cr Samardzija

*That Council*

*1. Adopts the:*

*1.1 Policy for Advisory Committees.*

*1.2 Governance Rules for Advisory Committees.*

*2. Directs the relevant Council officers to provide a copy of the adopted Policy Advisory Committees and Governance Rules for Advisory Committees to each of the Council's Advisory Committees.*

**CARRIED**

#### **5.5 Tender for E-Learning Library**

Moved Cr Paterson,

Seconded Cr McCluskey

*That Council:*

- 1. Awards the tender from Go1 Pty Ltd for the provision of the eLearning Library, Contract No. 2021132 for a schedule of rates based contract with an estimated annual contract value of \$85,800 and an estimated total contract value of \$772,200 inclusive of all available extension options.;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement subject to acceptable negotiation of proposed contractual terms and conditions.*
- 3. Notes that the contract will commence on 1 November 2021, with an initial term of three years and that the contract has two extension options of three years each and authorises the Chief Executive Officer to approve these extension options subject to future strategic requirements and satisfactory performance.*

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

**CARRIED**

**5.6 Contract Variation Report –Contract No. 2020023 Procurement Australia - Information Technology Products and Services**

Moved Cr Paterson,

Seconded Cr James

*That Council:*

- 1. Notes that on 27 August 2019, it adopted the recommendation to appoint a panel of Suppliers utilising the Procurement Australia (PA) contract No. 2106/0712 for the provision of Information Technology (IT) Products & Services in line with PA expiry of 30/06/2022 for an estimated total expenditure of \$3,500,000 GST inclusive over the life of the contract (including available extensions.*
- 2. Notes that an additional estimated expenditure of \$1,665,000 is now required over the remaining life of this contract.*
- 3. Notes and approves that the revised estimated total expenditure under this contract has increased from \$3,500,000 to \$5,165,000.*

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

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications - Mayor**

Moved Cr Paterson,

Seconded Cr Little

**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>Playhouse Players Inc.</i>	<i>"Around the World in 80 Days" Play held from 1-4 December 2021. Requesting a donation</i>	<i>\$1,000</i>

**CARRIED**

**7. COMMITTEE REPORTS**

Nil.

**8. URGENT BUSINESS**

**8.1 Outdoor and Enhanced Areas Dining Fees**

Moved Cr Little,

Seconded Cr Klisaris

*That the matter of outdoor and enhanced areas dining fees be admitted as an item of Urgent Business.*

**CARRIED**

DIVISION

A Division was called.

For: Crs Little, Lake, Luo, Klisaris, McCluskey, Paterson, Samardzija, Zographos

Against: Crs James, Fergeus

URGENT BUSINESS MOTION

Moved Cr Little,

Seconded Cr Lake

*That Council:*

- 1) Notes that at its 29 June 2021 meeting, Council resolved amongst other matters to waive the annual permit fees associated with footpath dining are waived for the 2021/22 financial year.*
- 2) Notes that Council at the same meeting also resolved to waive all other fees associated with enhanced dining areas for the 2021/22 financial year with the exception of fees associated with concrete/plastic delineators (on a cost recovery basis payable from 1 September 2021) which were:
  - a) Fee per plastic delineator \$15 per week*
  - b) Fee per concrete delineator - \$3 per week**
- 3) Notes that the Glen Waverley Traders Association has written to Council and made contact more recently seeking an urgent response to their request for these cost recovery fees to be waived given ongoing trading restrictions and the impacts on their business which are suffering the effects of numerous and ongoing lockdowns.*
- 4) Resolves to waive the fees outlined in point 2 of this recommendation, for any and all periods that lockdowns are in place as trading areas are unable to be used for their intended purpose and that fees only apply to periods where the areas are able to be used for outdoor dining on a pro-rata basis.*

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- 5) *Authorise the CEO or her Delegate the power to determine the appropriateness of charging these fees (including the imposition of a reduced fee should circumstances warrant) where trading can resume in these enhanced areas but restrictions are such that a reduction or waiving of these fees is appropriate in the circumstances.*
  - 6) *Directs that officers write to all traders with enhanced outdoor trading permits advising of the details of this resolution.*

AMENDMENT

Moved Cr Little,

Seconded Cr Lake

*That part 5 of the motion be deleted.*

**CARRIED**

Cr James proposed a further amendment to the wording in part 4, with the replacement of the word “the” in the last sentence, with the word “trading”.

This amendment was approved by Council.

The final form of the motion carried by Council was therefore as follows:

***That Council:***

- 1) *Notes that at its 29 June 2021 meeting, Council resolved amongst other matters to waive the annual permit fees associated with footpath dining are waived for the 2021/22 financial year.*
- 2) *Notes that Council at the same meeting also resolved to waive all other fees associated with enhanced dining areas for the 2021/22 financial year with the exception of fees associated with concrete/plastic delineators (on a cost recovery basis payable from 1 September 2021) which were:*
  - a) *Fee per plastic delineator \$15 per week*
  - b) *Fee per concrete delineator - \$3 per week*
- 3) *Notes that the Glen Waverley Traders Association has written to Council and made contact more recently seeking an urgent response to their request for these cost recovery fees to be waived given ongoing trading restrictions and the impacts on their business which are suffering the effects of numerous and ongoing lockdowns.*
- 4) *Resolves to waive the fees outlined in point 2 of this recommendation, for any and all periods that lockdowns are in place as trading areas are unable to be used for their intended purpose and that fees only apply to periods*

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*where trading areas are able to be used for outdoor dining on a pro-rata basis.*

- 5) *Directs that officers write to all traders with enhanced outdoor trading permits advising of the details of this resolution.*

DIVISION

A Division was called.

For: Crs Little, Lake, Luo, Klisaris, McCluskey, Paterson, Samardzija, Zographos, James

Against: Cr Fergeus

9. **CONFIDENTIAL BUSINESS**

Moved Cr McCluskey,

Seconded Cr Little

*That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter is 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 certificate.*

**CARRIED**

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.05 pm.

The Mayor confirmed the decision carried in Confidential Business, in relation to the reappointment of the CEO, as follows:

***That Council:***

- 1. Having followed the process set out in the CEO Employment & Remuneration Policy, resolves to reappoint the current Chief Executive Officer, Dr Andi Diamond, for a further term of 5 years on terms generally in accordance with her current Contract of Employment.*
- 2. Authorises the Mayor to negotiate the specific terms of the new Contract of Employment with the Chief Executive Officer, with the proposed new Contract of Employment to be returned to Council for approval when those negotiations have concluded, no later than one month before the expiry of the current Contract of Employment.*

*3. That the resolution be made public.*

**10. PERSONAL EXPLANATIONS**

Nil

**11. COUNCILLORS' REPORTS**

- 11.1** Cr James informed the Council that he watched, with great excitement, the AFL Grand Final.

The Mayor declared the meeting closed at 8.08 pm



**MAYOR:** .....

**DATED TUESDAY THE 26<sup>TH</sup> DAY OF OCTOBER 2021**