



CITY OF
MONASH

MINUTES OF THE
MEETING OF COUNCIL
HELD ON 26 JULY 2022

at 7.00 pm

Council Chambers
293 Springvale Road,
Glen Waverley

MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 26 JULY 2022 AT 7.00 PM.

PRESENT:

Councillors S James (Mayor), T Samardzija (Deputy Mayor), A de Sliva, J Fergeus, G Lake, B Little, N Luo, S McCluskey, R Paterson, T Zographos

APOLOGIES

Councillor P Klisaris

DISCLOSURES OF INTEREST

Nil.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 28 JUNE 2022

Moved Cr Little

Seconded Cr Luo

That the minutes of the Meeting of the Council held on 28 June 2022, be taken as read and confirmed.

CARRIED

PUBLIC QUESTION TIME

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

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr McCluskey

Seconded Cr Luo

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 Planning Scheme Changes to Support the Decriminalisation of Sex Work

Moved Cr Samardzija

Seconded Cr Luo

That Council note:

1. *In March 2022, the Victorian Parliament passed the Sex Work Decriminalisation Act 2022 which will repeal the Sex Work Act 1994 and terms in other legislation, including, 'brothel', 'sex work' and 'sexual services', and introduces a new defined land use term 'sex services premises', to replace the land use term 'brothel'.*
2. *The first stage of the decriminalisation implementation commenced in May 2022 which involved removing offences and penalties for individuals participating in the act of consensual sex work in most circumstances, reviewing and amending advertising controls, repealing the exempt small owner operator register and introducing anti-discrimination protections for sex workers.*
3. *The next stage proposes changes to all Planning Schemes Across Victoria, including the Monash Planning Scheme, through the introduction of Amendment VC217 which was gazetted on 23 June 2022 and will come into operation on 1 December 2023 and implements the decriminalisation of sex work in Victoria.*
4. *The stated purpose of the changes made to the planning scheme under Amendment VC217 is part of the state government's plan for decriminalisation of sex work in Victoria with the objective to: improve the safety of sex workers, reduce the stigma around sex work and address discrimination against sex workers.*
5. *That Amendment VC217 was a state-wide planning scheme amendment that was not exhibited, and no panel hearing was held, and Council's were provided information on the changes as opposed to being consulted on what is proposed.*
6. *From 1 December 2023:*
 - a) *A sex services premises will fall under the definition of a 'shop', meaning the use is as of right (no planning permit required) in a commercial zone as well as in a mixed use zone (where the floor area does not exceed 150sqm) where a permit would then be required.*
 - b) *Sex work will be allowed as a home business in the same way as other home businesses are allowed to operate.*
 - c) *Where a use is as of right, a planning approval is not required from Council and there is no requirement to advise or notify neighbours of a proposed use, understanding Council still has a investigation and potential enforcement role, only where a use is contrary to the exemptions within the planning scheme.*
7. *Whilst street-based sex work does not fall under the legislative requirements of the Planning Scheme, the legislation decriminalises street-based sex work in most locations from 10 May 2022, but it remains illegal near a place of worship, school or other select locations frequented by children during the period of 6am to 7pm on any day, with any enforcement being the responsibility of Victoria Police.*

CARRIED

1.3 9 Coombs Avenue, Oakleigh South – Request to Council

Moved Cr Fergeus

Seconded Cr Little

That Council:

- 1. Notes the letter from Richard Bull, Executor of the Will of Leon Emile Borelli (the Executor) (as shown in annexure 1) seeking to bequeath 9 Coombs Avenue, Oakleigh South to Council.*
- 2. Writes to the executor of the will, passing on Council's sympathies to the family on the passing of Mr Borelli, accepting the offer of bequest of 9 Coombs Avenue Oakleigh South to Council and acknowledging their kind gesture.*
- 3. Agrees to the installation of a monument on the park once developed, in the form of a granite rock with a plaque stating:
"This Park was gifted in 2022 in perpetuity to the City of Monash community, by Leon Emile Borelli (1952-2020) in memory of his parents Allan and Lisbeth Borelli who lived on this land from the early 1900's."*
- 4. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative functions necessary to facilitate the land transfer of 9 Coombs Avenue Oakleigh South from Richard Bull, Executor of Leon Emile Borelli (deceased) to the Monash Council.*
- 5. Notes that a report to consider the naming of the new park will be presented to a future Council meeting following transfer of the land to Council.*

CARRIED

1.4 Batesford Reserve – Proposed Lease to Australian Tower Network Pty Limited

Moved Cr Little

Seconded Cr McCluskey

That Council:

- 1. Negotiate a lease with the Australian Tower Network Pty Limited for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
- 2. Incorporating the following terms and conditions:
Rent: \$22,000 per annum + GST
Rent Reviews: Increased by 2% annually
Term: 20 years
(‘the Proposal’)*
- 3. Give public notice of the Proposal in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act), in a daily newspaper and on Council's website from 1 August 2022 and invite submissions on the Proposal.*
- 4. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions in*

accordance with the Community Engagement Policy in respect of the Proposal. ('Appointed Officer').

5. *Appoint a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 3 above, and to hear and consider any submitters requesting to be heard in accordance with the Community Engagement Policy at 6.30pm on 13 September 2022 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
6. *Notes that following the meeting referred to in point 5 above, and consideration of any submissions, that the Committee of Council provide a report to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

CARRIED

1.5 Proposed Special Charge Scheme for Glen Waverley Activity Centre

Moved Cr Luo

Seconded Cr Little

That Council:

1. *Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to implement a Special Charge Scheme for the Glen Waverley Activity Centre.*
2. *Notes that the S.223 Committee met on Tuesday 12 July 2022 at 7.00pm to hear and consider any submissions received in response to the public notification of the proposed Special Charge Scheme for the Glen Waverley Activity Centre, and noting that in response to the Public Notification process:*
 - a. *4 separate submissions in support were received.*
 - b. *5 individual objections were received.*
 - c. *67 pro-forma support forms were submitted. However it appears that these are from the original GWTA Special Charge background support work undertaken in January 2002 have been resubmitted by the President of the GWTA as indications of support to the formal declaration of the Special Charge.*
3. *Notes and accepts the S.223 Committee's recommendation as follows:*
 - a. *The Committee resolved to recommend to Council that Council proceed with the process of Declaring a Special Charge Scheme for the Glen Waverley Activity Centre for the period 1 July 2022 until 30 June 2027.*
4. *Authorise the CEO or her delegate to:*
 - a. *publish a Public Notice of its Declaration of a Special Charge Scheme in The Age newspaper pursuant to the Local Government Act 1989 noting Council's decision to Declare a Special Charge for the Glen Waverley Activity Centre; and*
 - b. *Prepare and execute all documents required in connection with, and to give effect to, the Declaration of a Special Charge for the Glen Waverley Activity Centre.*

CARRIED

1.6 Tender for Eastern Transport Coalition Consultancy Services – Correction Report

Moved Cr James

Seconded Cr Luo

That Council:

- 1. Notes that Council awarded a tender for The Agenda Group for the Eastern Transport Coalition – Consultancy Services Contract No. 2022110 on 28 June 2022 for an initial period of four (4) years for a fixed Lump Sum of \$330,000 inclusive of GST, but that the contract should have been awarded for a fixed Lump Sum of \$330,000 excluding GST.*
- 2. Awards the tender from The Agenda Group for the Eastern Transport Coalition – Consultancy Services Contract No. 2022110 for an initial period of four (4) years for the corrected fixed Lump Sum of \$330,000, excluding GST;*
- 3. Authorises the Chief Executive Officer or their delegate to execute the contract agreement;*
- 4. Notes that the contract will commence as soon as possible and that the contract has two extension options of two years each and authorises the Chief Executive Officer or their delegate to approve extension options subject to satisfactory performance; and*
- 5. Notes that the total budget (ETC provided) including the contract fixed Lump Sum, Provisional Items and Contingencies, inclusive of all available extensions is \$660,000 excluding GST for eight years.*

CARRIED

2. COMMUNITY SERVICES

2.1 Monash Gallery of Art Committee Member Extension of Term

Moved Cr Luo

Seconded Cr Little

That Council:

- 1. Approves the reappointment of Nick Fletcher to the Monash Gallery of Art Committee of Management for a term of one year from 1 September 2022 – 31 August 2023.*

AMENDMENT

Moved Cr McCluskey

Seconded Cr Samardzija

Adds point two which reads: “Formally acknowledges and thanks Natasha Bowness for her significant contribution to the Monash Gallery of Art through her leadership as chair of the gallery’s committee of management.

CARRIED

The amendment was acceptable to the mover and seconder and all of Council and became the substantive motion.

SUBSTANTIVE MOTION

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

CARRIED

2.2 Public Health Approach to Gambling Harm Policy

Moved Cr Luo

Seconded Cr Fergeus

That Council endorses the draft Public Health Approach to Gambling Harm Policy for public exhibition and community feedback for a period of three (3) weeks, 27 July – 17 August 2022.

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr Luo

- 1. That Council requests that officers redraft the proposed policy to make it clearer in relation to how it is to apply and to reflect the feedback provided by councillors at the briefing meeting held on 19 July 2022.*
- 2. That this motion be treated as a 'Procedural Motion' in accordance with clause 25(d) of the Governance Rules.*

CARRIED

3. CORPORATE SERVICES

3.1 Audit & Risk Committee Minutes

Moved Cr Samardzija

Seconded Cr Luo

That Council:

- 1. notes the unconfirmed minutes of the 14 June 2022 Audit & Risk Committee (the Committee); and*
- 2. notes that the minutes will be signed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

CARRIED

3.2 Annual Internal Audit Plan 2022 to 2023

Moved Cr Samardzija Seconded Cr McCluskey

That Council approves the Internal Audit Plan for 2022/23

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Tender for Waverley Park Open Space

Moved Cr McCluskey Seconded Cr Luo

That Council:

- 1. Awards the tender from Asplundh Tree Expert Australia P/L, trading as Summit Open Space Services, for Waverley Park Open Space, Contract No. 2022149 for Part A and Part B for a fixed annual contract value of \$272,720, with an estimated contract value of \$842,952 for the initial term and an estimated total contract value of \$2,089,710 inclusive of all available extension options (assuming an annual 3% CPI adjustment).*
- 2. Notes that the additional annual schedule of rates cost associated with this service contract is estimated at \$4,000.*
- 3. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*
- 4. Notes that the contract will commence on 5 September 2022, with an initial term of three (3) years and the contract has two (2) extension options of two (2) years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*
- 5. Notes that there is adequate provision within the draft 22/23 operating budget for first year contract fixed Lump Sum and estimated schedule of rate costs*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meeting Records

Moved Cr Little Seconded Cr Samardzija

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

CARRIED

5.2 Audit & Risk Committee Six Monthly Activities Report

Moved Cr Samardzija

Seconded Cr Luo

That Council notes the six-monthly briefing report forwarded by Council's Audit & Risk Committee, to the Chief Executive Officer (CEO) outlining the Committee's activities and providing any findings and recommendations in relation to the functions of the Committee.

CARRIED

5.3 Tender for Supply of Information Technology Hardware, Software and Services

Moved Cr Little

Seconded Cr Luo

That Council:

- 1. Approves access to the Municipal Association of Victoria (MAV) Contract ES8111-2021 to access prequalified panel suppliers for the procurement of Information Technology hardware software and services with an estimated annual contract value of \$1,100,000 and an estimated total contract value of \$7,350,000 inclusive of all available extension options;*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement, if required;*
- 3. Notes that the MAV Contract ES8111-2021 initial term ends on 31/08/2024 and the contract has two (2) extension option of two (2) year (with a final contract expiry date of 31/08/2028) and authorises the Chief Executive Officer to approve the extension options subject to the Municipal Association of Victoria extension approval and satisfactory performance for the City of Monash.*
- 4. Approves access to the Procurement Australia (PA) Contract 2406/0713 to access prequalified panel suppliers also for the procurement of Information Technology hardware software and services with an estimated annual contract value of \$1,600,000 and an estimated total contract value of \$5,040,000 inclusive of all available extension options;*
- 5. Authorises the Chief Executive Officer or her delegate to execute the contract agreement, if required;*
- 6. Notes that the PA contract 2406/0713 initial term ends on 30/06/2024 and the contract has one (1) extension option of one (1) year (with a final contract expiry date of 30/06/2025) and authorises the Chief Executive Officer to approve the extension option subject to the Procurement Australia extension approval and satisfactory performance for the City of Monash.*

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

CARRIED

5.4 Results of 2022 Local Government Community Satisfaction Survey

Moved Cr Little

Seconded Cr Luo

That Council notes the findings of the 2022 Monash Community Satisfaction Survey and that specific areas have been identified for further attention or improvement.

CARRIED

5.5 Electronic Attendance at Council Meetings

Moved Cr Little

Seconded Cr de Silva

That:

- 1) Community Consultation be undertaken during the first two weeks of August 2022 on proposed amendments to the Governance Rules relating to the electronic attendance of Councillors at Council meetings as outlined in this report; and*
- 2) A Committee of the whole Council be appointed by Council to consider submissions received on proposed amendments to the Governance Rules, and to hear any submitters requesting in writing to be heard in support of their submission, in the Council Chamber at 6.30pm on Tuesday 16 August 2022.*

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr James

Seconded Cr de Silva

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
<i>Australia South Asia Society Inc</i>	<i>To hold a gathering to deliberate current political events in South Asian Region and Australia. Requesting a donation of \$1,000 (where hall hire is \$108.90 GST excl.)</i>	<i>Hall Hire Only \$108.90 GST excl.</i>

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

PROCEDURAL MOTION

Moved Cr de Silva Seconded Cr James

That Council accept the motion as Urgent Business.

CARRIED

MOTION

Moved Cr de Silva Seconded Cr James

- 1. Council shows solidarity and support to Sri Lankans and their families living in the city of Monash.*
- 2. We are concerned for the safety and welfare of friends and family in Sri Lanka and expresses this support public through council social media channels and the Monash bulletin.*

AMENDMENT

Moved Cr Little Seconded Cr Luo

To remove point 2 in the motion.

CARRIED

The amendment was not acceptable to the mover and was debated. The amendment was put to the vote and declared carried and became the substantive motion.

SUBSTANTIVE MOTION

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

CARRIED

DIVISION

Council voted for the substantive motion unanimously.

9. CONFIDENTIAL BUSINESS

Nil.


10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Nil.

The Mayor declared the meeting closed at 7:56pm



MAYOR:

DATED THE 30TH OF AUGUST 2022