



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 27 NOVEMBER 2018**

at 7.00 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 27 NOVEMBER 2018 AT 7.00 PM.**

PRESENT: Councillors S McCluskey (Mayor), B Little (Deputy Mayor), R Davies, J Fergeus, S James, G Lake, P Klisaris, R Paterson, L Saloumi, MT Pang Tsoi, T Zographos

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 30 OCTOBER 2018**

Moved Cr Pang Tsoi,

Seconded Cr Klisaris

That the minutes of the Ordinary Meeting of the Council held on 30 October 2018, be taken as read and confirmed.

CARRIED

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 12 NOVEMBER 2018**

Moved Cr Paterson,

Seconded Cr Little

That the minutes of the Ordinary Meeting of the Council held on 12 November 2018, be taken as read and confirmed.

CARRIED

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 13 NOVEMBER 2018**

Moved Cr Paterson,

Seconded Cr Pang Tsoi

That the minutes of the Ordinary Meeting of the Council held on 13 November 2018, be taken as read and confirmed.

CARRIED

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr James tabled a petition from residents of Swindon Road Hughesdale in support of the introduction of a No Right Turn out of Swindon Road into Warrigal Road.

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Monash Planning Scheme Amendment C131- Rezoning of 256-262 Huntingdale Road, Huntingdale

Moved Cr Pang Tsoi,

Seconded Cr Little

That Council:

- 1. Reviews and considers the issues raised in submissions to Amendment C131.*
- 2. Requests the Minister for Planning to appoint an independent Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions and Amendment C131 to the Monash Planning Scheme.*
- 3. Refers all submissions and Amendment C131 to the Panel appointed by the Minister for Planning.*
- 4. Notifies all submitters of Council's position on this Amendment.*

CARRIED

1.2 254-294 Wellington Road, Mulgrave Amendment To Permit Issued For Buildings & Works For The Construction of A Staged Office Development

Moved Cr Fergeus,

Seconded Cr Klisaris

That Council resolves to Grant an Amended Planning Permit (TPA/47000/A) for the buildings & works for the construction of a staged office development, use of part of the land for food and drink premises, alteration to a road in a Road Zone Category 1, and buildings and works within a Heritage Overlay, at 254-294 Wellington Road, Mulgrave subject to the following conditions:

- 1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible*

Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) *The accessible parking spaces should be designed to ensure that the space and its associated shared area are free from other than transitory obstructions at all times, i.e. no columns between the accessible space and its associated shared area. It is noted that four of the spaces on Level 00 appear to be affected.*
- b) *That layout of car parking areas designed generally in accordance with the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
 - *Car parking space dimensions.*
 - *Tandem parking spaces provided with an additional 500mm in length must be provided between each space.*
 - *Accessway width.*
 - *Clearance to car parking spaces.*
- c) *Clearance/circulation space to the car parking space south of the Building 4, Level 00 Future in accordance with 52.06-9 ,Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*

All to the satisfaction of the Responsible Authority.

2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *Once any stage of the approved the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
4. *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;*
 - (d) *Presence of vermin.*
5. *The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
6. *No goods must be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.*

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7. *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.*
 8. *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
 9. *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.*
 10. *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 prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
 - *the location of all existing trees and other vegetation to be retained on site*
 - *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - *the location and details of all fencing*
 - *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - *details of all proposed hard surface materials including pathways and patio areas.*

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

11. *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.*
12. *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.*
13. *Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works*

area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.

14. *All works within five (5) metres of any tree to be retained 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. *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.*
16. *No vehicle shall park under the canopy line of any tree to be retained.*
17. *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
 - a) *measures to control noise, dust and water runoff;*
 - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *the location of where building materials are to be kept during construction;*
 - d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - f) *on-site parking of vehicles associated with construction of the development;*
 - g) *wash down areas for trucks and vehicles associated with construction activities;*
 - h) *cleaning and maintaining surrounding road surfaces;*
 - i) *a requirement that 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. This does not include excavation or the use of heavy machinery.)*
18. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the south-west corner of the property where the entire sites stormwater must be collected and free drained via a pipe to the 525 mm Council drain on the western boundary of 254-294 Wellington Road via 675mm drains, and 900x600mm junction pits in the easement from the western boundary, which are to be constructed to Council Standards.

If the point of discharge cannot be located then notify Council's Engineering Division immediately.

19. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*

- a) *trench grates (150mm minimum internal width) located within the property; and/or*
- b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
- c) *another Council approved equivalent.*

20. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing. Please refer to the notes section of this permit for additional details.*

21. *Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.*

22. *Before the use and development permitted starts, 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.

23. *No less than 3.0 car spaces per 100m² of net leasable office floor area must be provided on the land for the office component of the development. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement to the satisfaction of the Responsible Authority.*

24. *No less than 7 car spaces must be provided on the land for each cafe/food and drink tenancy and allocated for staff car parking. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement.*

25. *Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.*

The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for staff of ancillary uses and provision of visitor car parking within public realm areas.

The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.

Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.

26. *No more than 40 patrons are permitted within each cafe/food and drink tenancy at any single time.*

27. *The loading and unloading of goods from vehicles must only be carried out on the land.*

28. *The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*

- *All driveway gradients to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
- *Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - i. *Maximum grade of 1 in 4.*
 - ii. *Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
- *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.*

29. *The accessible parking spaces should generally be designed (other than length of space which should be 4.9 metres) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*

30. *Bicycle parking facilities shall be generally in accordance with the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*

31. *Prior to occupation of any stage of development forming part of this permit a Green Trave Plan must be submitted to and approved by the Responsible Authority.*

The Green Travel Plan must provide for inclusion of sustainable travel initiatives to be made available to tenants and visitors associated with the development.

Once approved the Sustainable Transport Strategy Plan will be endorsed to form part of this permit. The endorsed Sustainable Transport Strategy Plan must be implemented to the satisfaction of the Responsible Authority.

Vic Roads conditions (ref: 20318/17)

32. *Prior to the commencement of works, the following must be submitted to and approved by VicRoads:*

a. *An amended Functional Layout Plan (FLP). The FLP must be generally in accordance with the Functional Layout Plan (Drawing No. 16M1236100-01, Issue P5 dated 3 February 2017 prepared by GTA Consultants) and amended to show:*

i. *A 3 metre wide Shared User Path along the Wellington Road frontage of the site.*

ii. *A 95 metre long left turn deceleration lane for vehicles entering the left-in left-out access midway along the Wellington Road frontage.*

iii. *The removal of vegetation affected by the roadworks along Wellington Road, and the installation of any roadside barriers that may be required to protect the occupants of errant vehicles from collision with roadside hazards.*

iv. *An amended property boundary, if so required, such that any roadworks pursuant to the FLP, are wholly contained within the road reserve.*

b. *The FLP must be accompanied by a functional stage Road Safety Audit (RSA), and amended as per the recommendations of the RSA.*

c. *The FLP must be accompanied by appropriate swept path analysis, demonstrating how the largest reasonably anticipated design vehicle can perform the ingress and egress movements from Wellington Road to the land.*

d. *A traffic signal layout plan.*

33. *Prior to the commencement of works, an amended ground floor plan must be submitted to and approved by VicRoads. Once approved by VicRoads, the plan may then be endorsed by the Responsible Authority and will form part of the permit. The ground floor plan must be generally in accordance with the advertised plan and amended in accordance with the approved Functional Layout Plan.*

34. *Prior to the commencement of the use:*

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- a) *Detailed engineering design plans, together with detailed design stage road safety audit must be submitted to, and to the satisfaction of, VicRoads. The detailed design plans must be generally in accordance with the approved FLP and functional stage road safety audit.*
- b) *The road works, in accordance with the approved FLP and detailed design plans, must be constructed to the satisfaction of, and at no cost to, VicRoads.*
- c) *If so required, pursuant to Condition 29(a)(iv) a plan of subdivision must be submitted to, and approved by, VicRoads showing the vesting of that part of the land where any part of the approved road works, including the footpath, are proposed to be located. The land must be vested as ROAD to the Roads Corporation.*
- d) *If so required, pursuant to Condition 29(a)(iv) that part of the land must be vested as ROAD to the Roads Corporation at no cost to VicRoads.*
- e) *All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority, and at no cost to the Responsible Authority or Roads Corporation.*
35. *No work may 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 Act or regulations created under those Acts.*

Public Transport Victoria condition (File: FOL/17/1549, Ref: DOPT2017/0002)

36. *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Wellington Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.*
37. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
- *The development and use are not started before 2 years from the date of issue.*
 - *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 within three months afterwards.*

NOTES-

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Disabled access and car parking to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide*

disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
5. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 424.81 cubic metres*
 - *Maximum discharge rate = 360.51 litres per second*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
6. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council pits and these works are to be inspected by Council (tel. 9518 3690).*
7. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details of the requirements to satisfy this requirement.*
8. *Driveways are to be designed and constructed using appropriate engineering standards.*
9. *Tree planting should be kept clear of the drainage easement.*
10. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*
11. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*

Vic Roads Notes:

12. *The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as*

“Standard Requirements - Externally Funded Projects” and any other requirements considered necessary depending on the nature of the work.

13. *Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.*

CARRIED

1.3 10 Legon Road, Oakleigh South Extension of Time - Development of Three (3) Double Storey Dwellings

Moved Cr Little,

Seconded Cr Klisaris

That Council resolves to issue an Extension of time to Planning Permit No. TPA/37785 for the development of two (2) double storey dwellings at the rear of the existing double storey dwelling (which is to be modified) with associated car parking and landscaping at 10 Legon Road, Oakleigh South, pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

The permit expiry date extended as follows:

- *The development is not completed before 12 March 2020*

CARRIED

1.4 Town Planning Schedules

Moved Cr Little ,

Seconded Cr James

That the report containing the Town Planning Schedules be noted.

CARRIED

1.5 Proposed Road Discontinuance and Sale - 1A Johnson Street, Oakleigh

Moved Cr James,

Seconded Cr Little

That Council:

- 1. Notes that following the public consultation process pursuant to section 223 of the Local Government Act 1989, no written submissions were received in respect of the proposed road discontinuance and sale or retention of 1A Johnson Street Oakleigh.*
- 2. Discontinues the road located at 1A Johnson Street Oakleigh, being part of the land contained in certificate of title volume 1960 folio 915 and shown as being part of Haughton Road on plan of subdivision no. LP1696 (“the land”) by*

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- publishing a Notice of Road Discontinuance in the Victoria Government Gazette.*
- 3. Notes that once the road has been discontinued, an application will be submitted to Land Registry to register the land in Council's name.*
 - 4. Notes that the Director of City Development in accordance with Council's resolution of 31 July 2018, will engage in without prejudice discussions with VicTrack regarding the potential terms of sale of the land to VicTrack and the future use and development of both the land and VicTrack's adjoining land known as 1 - 15 Johnson Street, Oakleigh.*
 - 5. Notes that the outcomes of the discussions with VicTrack will be reported back to Council for consideration.*

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Kindergarten Funding Advocacy

Moved Cr McCluskey,

Seconded Cr James

That Council:

- 1. Acknowledges the recent advocacy to the then Prime Minister of Australia, the Hon. Malcolm Turnbull MP, the then Minister for Education and Training Senator Simon Birmingham MP, and the then Minister for Social Services, the Hon. Daniel Tehan MP, along with the leaders of all major federal political parties, urging them to reconsider the Federal Budget decision and reinstate this important funding for our children undertaken in August 2018.*
- 2. Acknowledges the Federal Opposition's commitment to both permanent funding for 15 hours kindergarten and restoring national commitment to quality announced on October 4 2018 through a media release.*
- 3. Writes to the local Members of Parliament and leaders of the key political parties seeking bipartisan support for stable funding and a quality early childhood education base of fifteen hours per week prior to ensure that this is realised post the next Federal Election in 2019.*

Cr Davies said that the Council was proposing to advocate to the Federal Government for a promise made 5 years ago at COAG, but the State Government was responsible and in October 2018 committed funding for extra hours. He added that this was politicking and it was wrong; the advocacy needed to be aimed at the right level of Government, which was the State Government.

Cr Paterson said that the State Government's commitment had been for funding for 3 year old kindergarten; the issue before Council related to extra hours for 4 year olds. She added that it was important for both sides of politics to make a commitment for funding extra hours for 4 year old kindergarten.

Cr Zographos said that it would not take a great deal of extra effort by the Council to advocate on this issue to the State Government.

Cr Klisaris said that the State Government was responsible for 3 year old kindergarten funding and it some of his councillor colleagues were making uninformed comments on an issue that they knew little about.

POINT OF ORDER

Cr Davies called a Point of Order, saying that Cr Klisaris was criticising fellow Councillors.

The Mayor asked Cr Davies to identify the section of clause 27 of the meeting procedure local law that he was calling the Point of Order under.
As Cr Davies declined to do so, the Mayor did not uphold the Point of Order.

Cr Klisaris continued, saying that Australia was lagging behind many OECD countries, including New Zealand, in the number of hours offered for kindergarten. He noted that there was no Federal funding proposed for the extra hours for 4 year old kindergarten and this had to be addressed.

CARRIED

DIVISION

A division was called.

For: Crs Lake, James, Little, McCluskey, Paterson, Klisaris, Pang Tsoi, Fergeus

Against: Crs Zographos, Saloumi

Abstain: Cr Davies

3. CORPORATE SERVICES

3.1 2018/2019 Financial Management and Capital Works Progress Report – First Quarter 30 September 2018

Moved Cr Little ,

Seconded Cr Pang Tosi

That Council:

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 30 September 2018, presented in accordance with Section 138 of the Local Government Act 1989.***
- 2. Approves the variations contained therein.***

Cr Little commended report and thanked the relevant officers for the preparation of the reports, in an clear and understandable format.

CARRIED

4. INFRASTRUCTURE

4.1 City of Monash Urban Biodiversity Strategy

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council:

- 1. Notes submissions received in response to the Draft Urban Biodiversity Strategy 2018-2028*
- 2. Adopts the Urban Biodiversity Strategy as appended to this report.*
- 3. Delegates authority to the Director Infrastructure to make editorial and other minor changes to the Strategy that may be required from time to time.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Little,

Seconded Cr James

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.

Cr Paterson noted that the Assembly of Councillors on page 2 of the report was incorrectly headed Briefing Meeting.

The Mayor advised that this would be corrected by officers.

CARRIED

5.2 2019 Council Meetings Schedule

Moved Cr McCluskey,

Seconded Cr Zographos

That the schedule for the Ordinary Meetings of Council be adopted for 2019, as follows, with the meetings to be held at the Civic Centre, Glen Waverley and to commence at 7.00 pm:

29 January 26 February 26 March 30 April 28 May

25 June 30 July 27 August 24 September 29 October

26 November 10 December

CARRIED

5.3 Renaming of Councillors' Discretionary Fund Policy

Moved Cr Paterson,

Seconded Cr Little

That

- 1. The Councillors' Discretionary Fund Policy and Procedures be amended by it being retitled as "Council Discretionary Fund Policy and Procedures"*
- 2. The new title be applied to any reference to the Fund that occurs in the discretionary fund policy and procedures document.*
- 3. The new title be applied to all documents associated with the discretionary fund policy and procedures.*

CARRIED

6. NOTICES OF MOTION

6.1 Discretionary Fund Applications - Mayor

Moved Cr Paterson,

Seconded Cr Pang Tsoi

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Oakleigh Chinese Senior Club</i>	<i>Use of Council hall for regular meetings</i>	<i>\$4,708.25 excl. GST</i>
<i>Cerebral Palsy Education Centre</i>	<i>Donation towards end of Year Christmas Party</i>	<i>\$980</i>
<i>Individual applicant</i>	<i>Donation towards participation in dance competition</i>	<i>\$300</i>

CARRIED

6.2 Engaging Our Community - Participatory Budgeting

Moved Cr Fergus,

Seconded Cr Saloumi

That Council:

- 1. Notes that participatory budgeting has been shown to significantly contribute to broader public participation in local governance, and has been associated with*

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- improvements in public health, reduced corruption, greater trust in government, higher tax compliance and stronger economic growth.*¹
2. *Notes that 43% of respondents in the Monash 2021 and Beyond community survey wanted 'more openness and transparency', and particularly more detail on Council expenditure.*
 3. *Notes the following Council policy positions which align with the principles of participatory budgeting:*
 - *"People can have a say in, and are at the centre of, our decisions" (Council Plan, 2017-21);*
 - *"Enhancing community consultation and involvement in our decision-making", (Council Plan, 2017-21);*
 - *"We commit to actively engaging our community in decision-making to shape our services", (Council Plan, 2017-21);*
 - *"A city which actively listens, engages and values community wisdom in shaping its own future", (A Healthy & Resilient Monash, 2017-2021);*
 - *"What we will do: support community to have an active role through participation in civic and community life", (A Healthy & Resilient Monash, 2017-2021).*
 4. *Requests that Officers provide a report to Council no later than April 2019 detailing options for a limited trial of participatory budgeting to contribute to the development of the 2020-2021 Council Budget.*

Refer the Participatory Budget Project to the 2019-2020 Budget process, to allow for the appropriate allocation of resources should Council choose to proceed with the Project upon receipt of the Officer report.

Cr Fergeus said that he had brought the motion forward in time for the next Council Budget. He noted that the process had been used successfully for 30 years and would strengthen governance processes. Cr Fergeus said that this was a different way of managing public money and the motion was seeking to examine options for a limited trial that would allow ratepayer and resident input.

Cr James said that Councillors already engaged directly with the community and were constantly available. He added that with an already tight budget, there were better things for the Council to spend its money on.

Cr Lake said that there hadn't been an opportunity for Councillors to discuss this motion, prior to the Council meeting. He added that the issue deserved discussion and preferred that it be deferred to the December meeting of Council. He added that if wasn't, he would vote against the motion.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Saloumi

That this item be deferred to the 11 December 2018 Ordinary Meeting of Council.

CARRIED

6.3 ICAN Cities Appeal

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council:

- 1. Congratulates the International Campaign to Abolish Nuclear Weapons (ICAN), founded in Melbourne, on winning the 2017 Nobel Peace Prize.*
- 2. Endorses the ICAN Cities Appeal, that is, that the City of Monash “is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.”*
- 3. Writes to ICAN with notification of Council’s endorsement.*

Cr Fergeus noted that ICAN won the Nobel Peace Prize last year and is a coalition of non-governmental organizations in one hundred countries promoting adherence to and implementation of the United Nations nuclear weapon ban treaty. He added that the Federal Government had declined to sign the Treaty but the Department of Defense web site stated that Australia promoted a world free of nuclear weapons. Supporting the pledge was consistent with that position. Cr Fergeus said that ICAN had taken its campaign to cities around the world as nuclear weapons had an impact on cities. He noted that this was an issue for local government as one of its key responsibilities was community safety.

Cr Davies said that there were other weapons such as landmines and chemical weapons which presented a more direct threat and considered nuclear weapons to represent a deterrent against possible aggression from other countries. He noted that nuclear weapons had not been used in 75 years. Cr Davies added that ratepayers wanted the Council to focus on other matters. Cr Davies said that he would not support the motion.

Cr James said that he would not support the motion; this was not a matter for Local Government, although he fundamentally agreed with and supported the principles in the motion.

Cr Little said that he agreed that this was not a matter for Local Government, adding that Councillors and Council were not experts in this area. He noted that the Australian Government deliberately did not sign the Treaty. He also read out a statement from the Department of Foreign Affairs and Trade against the Treaty as the Treaty would not include key states that held nuclear weapons and would not lead to a reduction in them.

Cr Zographos said that Councillors had the right to test support for any issue

RIGHT OF REPLY

Cr Fergeus said that the Council was charged with the responsibility of community safety. He added that the issue was not complicated – did we want nuclear weapons in the world –yes or no? Cr Fergeus said that the proposal sought action from the Australian Government on this issue and Council would be advocating on behalf of the community.

LOST

DIVISION

A division was called.

For: Cr Fergeus

Against: Crs Lake, Davies, Little, McCluskey, James, Klisaris, Paterson, Zographos, Pang Tsoi

Abstain: Cr Saloumi

6.4 IPCC Special Report – Global Warming of 1.5 °C

Moved Cr Fergeus,

Seconded Cr Little

That Council:

- 1. Notes the Intergovernmental Panel on Climate Change’s recent Special Report on the impacts of global warming of 1.5 °C²;***
 - 2. Notes in particular the following findings of the report, issued with a high degree of confidence by the IPCC:***
 - I. To date, Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels;***
 - II. Global warming is likely to reach 1.5°C by as early as 2030;***
 - III. Warming from anthropogenic emissions from the pre-industrial period to the present will persist for centuries to millennia and will continue to cause further long- term changes in the climate system, such as sea level rise, with associated impacts;***
 - IV. Climate induced impacts on health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase significantly further (in many cases double) with a 2°C rise;***
 - V. Most adaptation needs will be lower for global warming of 1.5°C***
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- compared to 2°C;*
- VI. Limiting global warming to 1.5°C with no or limited overshoot would require rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings);*
 - VII. Stated mitigation ambitions as submitted under the Paris Agreement would not limit global warming to 1.5°C, even if supplemented by very challenging increases in the scale and ambition of emissions reductions after 2030;*
 - VIII. Avoiding overshoot and reliance on future largescale deployment of carbon dioxide removal (CDR) can only be achieved if global CO2 emissions start to decline well before 2030;*
 - IX. Strengthening the capacities for climate action of national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities can support the implementation of ambitious actions implied by limiting global warming to 1.5°C;*
- 3. Acknowledges the unprecedented levels of urgency declared by the IPCC, and other scientific bodies, with regard to the need to drastically reduce emissions and limit global warming to 1.5°C. The Special Report in particular predicts that a 2°C rise in average global temperature would most likely:*
 - 4. See the Arctic entirely ice free one year in 10, compared with one year in 100 at 1.5°C*
 - 5. Lead to the death of 98% of corals, almost certainly leading to the death of the Great Barrier Reef*
 - 6. Reduce the yields of global fisheries by 3 million tonne, twice that of a decrease at 1.5°C.*
 - 7. See the loss of species of between 200% and 300% worse at 2°C as opposed to 1.5°C*

Cr Little noted the sever bushfires in Queensland and California. The argument that there are no effects from global warming were dead. He added that the IPCC report looked at the impact on the globe of a 1.5 degree increase in temperature and 2 degree increase. Cr Little noted that the IPCC was the pre-eminent source of information on global warming. He added that the Council had policies to enable it to work towards a carbon neutral future.

Cr Davies said that more nuclear weapons could stop the global warming threat.

Cr Fergeus said that it was unhelpful and inappropriate to mock an issue if a Councillor opposed it. He added that the community was concerned about such issues and that their concerns should not be underestimated.

CARRIED

DIVISION

For: Crs Fergeus, Little, Saloumi, Klisaris, McCluskey, James, Lake, Pang Tsoi

Against: Zographos, Davies

Cr Paterson was not present in the Chamber at the time of the division

6.5 Cities Power Partnership Summit

Moved Cr Fergeus,

Seconded Cr Little

That Council:

- 1. Notes Cr Fergeus' report on his attendance at the Cities Power Partnership 2018;***
- 2. Notes the Australian Capital Territory Government's offer to assist Cities Power Partnership members by coordinating an electric vehicle 'bulk buy' purchasing agreement;***
- 3. Notes the existence of the Clean Energy Finance Corporation's Local Government Finance Program;***
- 4. Notes that Brisbane City Council, the largest Council in Australia, has gone carbon neutral;***
- 5. Notes that Councils must take the risk of climate change into consideration and that a failure to act may create a legal liability.***

AMENDMENT

Moved Cr James,

Seconded Cr Davies

That the motion be amended by the removal of parts 2 to 5.

Cr James said that motion should have confined itself to a report on the summit, which part 1 of the motion dealt with. He noted that other parts of motion required separate consideration and therefore separate motions. Cr James added that he had no concern with those parts, but they should not have been included in the report on the summit.

Cr Davies said that he supported the amendment as there was no need to add other matters that appeared to warrant more investigation and information to Council.

Cr Fergeus advised that the matters raised in the motion had been key parts or findings that were addressed at the summit and he had provided links to those findings in his report. He added that he was not seeking to influence policy, but was reporting on the summit.

Cr Zographos sought clarification on the issue of legal liability if the Council did not take climate change into consideration.

Cr Fergeus responded, saying that the summit was addressed by lawyers for the ACT government and Clean Energy Finance Corporation, who advised that there

was established legal precedent that if councils failed to act on climate adaptation and mitigation, there will be a level of legal liability.

CARRIED

DIVISION

A division was called.

For: Crs Davies, James, McCluskey, Lake, Klisaris, Paterson

Against: Crs Fergeus, Little, Saloumi

Abstain: Crs Zographos, Pang Tsoi

SUBSTANTIVE MOTION

Cr Fergeus noted that among the things that he had learned at the summit were that the ACT government had offered to assist Cities Power Partnership members by coordinating a bulk buy purchase of electric vehicles. He added that this would allow the Council to purchase electric vehicles at a much cheaper rate and hoped that the Council would consider the offer. Cr Fergeus noted the Clean Energy Finance Corporation's advice regarding investing in community renewable energy and local opportunities for developing clean energy. He added that finance was available at very low rates, particularly for local government as the Corporation was at the summit touting for business. Cr Fergeus said that Brisbane City Council was Australia's largest Council and had gone carbon neutral. He added that councils now had to take the risk of climate change into consideration and failure to act would create a legal liability. He said that it needed to be discussed through the audit and risk process and incorporated into Council's risk framework.

Cr James said that the amendment was not an attack on what he was noting in his motion. He added that he had been impressed with the information available via the links that Cr Fergeus had attached to his report. He noted that he and Cr Fergeus had spoken to the Chief Executive Officer about electric vehicles. Cr James added that the amendment addressed a matter of process.

CARRIED

6.6 The Glen Waverley Library & Civic Precinct

Moved Cr Saloumi,

Seconded Cr Fergeus

That Council Officers table a report to Council at the 11 December 2018 Council Meeting on the progress made on considering options and if appropriate, possible timeframe for:

1. An expanded library and civic space on the existing Glen Waverley Library site

2. Relocation of Council officers currently accommodated at leased premises at The Ibis Building, 295 Springvale Road, Glen Waverley

Cr Saloumi said that the Council was paying \$500k per annum to rent 1,000 square metres of office space at the IBIS Building for the last 10 years and it was crucial to extend the Glen Waverley Library and relocate the offices. She added that 99 car spaces would be lost at the Kingsway and this precinct's car parking would also be affected. Cr Saloumi said that the Council needed to have a progress report on the possible options and these issues needed to be addressed by early 2019 if not earlier.

Cr James sought clarification from the Director City Development on the 99 car spaces in the Kingsway.

POINT OF ORDER

Cr Davies called a Point of Order, saying that the question was irrelevant to the motion.

The Mayor advised that as Cr James was seeking clarification on a statement made by Cr Saloumi, he would not uphold the Point of Order.

The Director City Development advised that those spaces would be relocated and there would not be a loss in the number of spaces available in the Activity Centre.

Cr James said that Council officers in the City Development Division were actively engaged in a range of major projects and were actively working on this project as well.

Cr Fergeus said that he noted the sense of urgency from Cr Saloumi, the workload of City Development staff and that a progress report would be provided to Council in early 2019.

The Mayor advised that he shared Cr Saloumi's sense of urgency, but was concerned that the process was not rushed and that careful consideration of all possibilities was needed. He added that a progress report from officers was not too far away and he would therefore not support the motion.

Cr Lake said that there was no urgency regarding Council's rental of office space at the IBIS Building and a comparison between the costs of leasing and the costs associated with construction of office space would likely be similar. He noted that the process of examining options in this precinct had been commenced by Council officers, in consultation with Councillors and it was inaccurate to suggest that officers were delaying the process. Cr Lake said that it was an exciting concept and he was pleased that Cr Saloumi had reconsidered her previous position and now supported the possible redevelopment of the library.

RIGHT OF REPLY

Cr Saloumi said that she always promoted the redevelopment of the Glen Waverley Library and had opposed its relocation to the Central Car Park. She added that there would be the loss of some parking in the Kingsway if it was altered. Cr Saloumi said that she was not seeking to attack or criticise officers.

LOST

DIVISION

A division was called.

For: Crs Saloumi, Zographos, Pang Tsoi, Davies

Against: Crs Lake, Little, McCluskey, James, Paterson, Klisaris

Abstain: Cr Fergeus

7. COMMITTEE REPORTS

7.1 MGA Committee of Management Approval of Member Tenure Extension

Moved Cr McCluskey,

Seconded Cr Little

That Council approves the Monash Gallery of Art Committee of Management term extension of Mr Les Walkling for a further and final twelve (12) months effective 1 April 2019 to 31 March 2020.

The Mayor took on notice, a question from Cr James as to why Mr Walkling's tenure had not been extended for a longer period, when the matter was first submitted to Council 5 months ago.

The Mayor said that it was good for the Committee to have Mr Walkling continue his involvement and brought many positive elements to the Committee and its activities.

CARRIED

7.2 Monash Neighbourhood Matching Grants

Moved Cr McCluskey,

Seconded Cr Paterson

That Council endorses the Monash Community Grants Evaluation Panel's recommendation to provide \$855.00 as a one-off cash grant allocation through the Monash Neighbourhood Matching Grant program to the Winifred Street End of Year Party application.

CARRIED

8. URGENT BUSINESS

PROCEDURAL MOTION

Moved Cr McCluskey,

Seconded Cr James

That the matter of the Mayor's proposed attendance at South East Melbourne (SEM) Briefing session in Canberra on Wednesday 28 November 2018, be accepted as an Item of Urgent Business, for the 27 November 2018 Council meeting.

CARRIED

SOUTH EAST MELBOURNE (SEM) BRIEFING – CANBERRA

Moved Cr McCluskey,

Seconded Cr Fergeus

That the Mayor, Cr Shane McCluskey be given approval to attend the South East Melbourne (SEM) Briefing session in Canberra on Wednesday 28 November 2018.

In response to a question from Cr Zographos, the Mayor advised that the original opportunity to go to Canberra was for the Chief Executive Officer, who represents Council on SEM. The opportunity for the Mayor's attendance came up after the finalisation of the agenda for this Council meeting and therefore the item could not be included on the meeting agenda.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr Little,

Seconded Cr James

That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificates.

The Council moved into Confidential Business at 8.13 pm and returned to Open Council at 8.20 pm.

10. PERSONAL EXPLANATIONS

Nil

11. COUNCILLORS' REPORTS

- 11.1 Cr Pang Tsoi informed Council of his attendance at a meeting with community groups, including Neighbourhood Watch, and with Victoria Police. He also noted the successful Federal Funding for work on the Smart City Scheme. The project would also involve Monash University.
- 11.2 Cr Davies informed Council of the State Government's \$2 million commitment for the redevelopment of Mulgrave Reserve. He said that this was most welcomed.
- 11.3 The Mayor noted that State funding would also be allocated for improvements to the Waverley Netball Centre at Jells Park.
- 11.4 Cr Paterson advised of her attendance at the Ashwood Chadstone Family Fun Day, on 18 November 2018, which had been a successful event and thanked the Council for its recent approval of \$10,000 to ensure the scope of the Ashwood Chadstone Family Fun Day 2018 to include additional programming, activities and provision of marquees for accommodating community and cultural group stalls.

The Mayor declared the meeting closed at 8.25 pm

MAYOR:

DATED THIS DAY OF 2018