



CITY OF  
**MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL  
HELD ON 29 JANUARY 2019**

**at 7.00 pm**

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

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**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 29 JANUARY 2019 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 11 DECEMBER 2018**

Moved Cr James,

Seconded Cr Little

*That the minutes of the Ordinary Meeting of the Council held on 11 December 2018, be taken as read and confirmed.*

**CARRIED**

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

Cr Saloumi tabled a petition of 300 signatures from residents and Glen Waverley traders, requesting Council to investigate the feasibility of establishing a green urban park on the site of the Central Car Park, Glen Waverley.

**PUBLIC QUESTION TIME**

The Mayor advised that 2 questions had been received.

One submitter did not attend the meeting. The Mayor advised that the Council's response to that submitter would be forwarded to them, in writing.

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**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 21 Banksia Street, Clayton - Extension of Time - Development of Two Double Storey Dwellings**

Moved Cr Fergeus,

Seconded Cr Zographos

*That Council resolves to issue an Extension of time to Planning Permit No. TPA/39858 for the development of two double storey dwellings at 21 Banksia Street, Clayton, pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.*

*The permit expiry dates extended as follows:*

- *The development is not started before 7 November 2020.*
- *The development is not completed before 7 November 2022.*

**CARRIED**

**1.2 Town Planning Schedules**

Moved Cr Davies,

Seconded Cr Fergeus

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

Cr Saloumi said that it was disappointing to see VCAT overturning Council decisions on planning applications and referred to page 53 of the Town Planning Schedules. Cr Saloumi said that she noted the concerns of residents who lived adjacent to the 3 properties that VCAT had overturned Council's decisions on.

**CARRIED**

**2. COMMUNITY DEVELOPMENT AND SERVICES**

**2.1 Redevelopment of Davies Reserve Athletics Track**

Moved Cr James,

Seconded Cr Fergeus

*That Council:*

1. *Endorses the Oakleigh Little Athletics facility as a local facility and proposed renewal of the Davies Reserve athletics track and inner sports field at Davies Reserve with a new natural grass (turf) surface and installation of new polyurethane surfaces to the jump runways;*

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2. *Formally advises the Oakleigh Little Athletics Club and Little Athletics Victoria of the proposal to renew the Davies Reserve athletics track and inner sports field at Davies Reserve with a new natural grass (turf) surface and installation of new polyurethane surfaces to the jump runways;*
  3. *Subject to the final feedback received from the Oakleigh Little Athletics Club, Little Athletics Victoria and the community, refers the project to forward capital works for consideration to be funded from the annual sports ground redevelopment program in 2020/2021 or subsequent years as determined by Council; and*
  4. *Directs officers to pursue funding opportunities from State and Federal Government and other external sources.*

Cr Fergeus said that the proposal was a credit to those involved with Oakleigh Little Athletics. He said that they advocated in a manner which was affective; they were sensible, patient, reasonable and provided a well thought through argument.

Cr James said that he supported Cr Fergeus's statement and noted that officers would seek funding from the State and Federal Government, and with a Federal election coming, there could be an opportunity to obtain funding. He also noted that this was one of the bigger athletics areas in Oakleigh and possibly Monash. Cr James said that the track was in terrible condition. He noted the cost of the redevelopment would be a big impost on Council, so a commitment for funding from wither levels of government would be welcomed.

Cr Saloumi said that she supported the maintenance of an athletics track, noting that she was involved with Waverley Little Athletics for 5 years and provided not only an opportunity for children to be involved in sport, but also adults and the wider community through the need for volunteers to run the athletics events.

Cr Zographos noted that this proposal would be referred to the budget process.

**CARRIED**

## **2.2 Waverley Women's Sport Precinct Plan Consultancy**

Moved Cr McCluskey,

Seconded Cr Little

*That Council endorse the use of the State Government weightings for the evaluation of consultant submissions for the proposed development of the 'Waverley Women's Sport Precinct Plan' as follows:*

- *Price/Value - 30%*
- *Response to brief and methodology - 35%*
- *Experience and capability - 35%*

Cr Paterson said that several thousand girls play netball in Ashwood and it was great that Council supported the growth of women's sport and improving facilities for girls and women.

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**CARRIED**

**3. CORPORATE SERVICES**

**3.1 Consultancy Report**

Moved Cr Fergeus,

Seconded Cr Paterson

*That Council notes the attached summary of Consultancy engagements for the 6 month period ending 31 December 2018.*

**CARRIED**

**4. INFRASTRUCTURE**

**4.1 Tender For Drainage Improvement Works: Harwood Close, Wheelers Hill - Stages 1 & 2**

Moved Cr Davies,

Seconded Cr Fergeus

*That Council:*

- 1. Accepts the tender from GP Bluestone Pty Ltd for drainage improvement works, Stages 1 & 2 – Harwood Close, Wheelers Hill, Contract No 2019066 for a fixed Lump Sum of \$314,464.70 with an extra \$31,350 for Contingencies and \$34,248.50 for Provisional Items (executable at Council's option).*
- 2. Authorises the Chief Executive Officer to execute the contract agreement.*
- 3. Notes that the total budget, including the fixed Lump Sum, Contingencies, design, project management fees and Provisional Items is \$396,000. (Please note that all dollar figures are GST inclusive unless stated otherwise.)*

**CARRIED**

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

**5.1 Assembly of Councillors Record**

Moved Cr McCluskey,

Seconded Cr Little

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

**CARRIED**

**5.2 Tender For Printer and Copier Renewal**

Moved Cr Paterson,

Seconded Cr Little

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***That Council:***

- 1. Accepts the tender from Toshiba (Australia) Pty Ltd for Contract No. 2019025, for the Printer and Copier Renewal via the Procurement Australia contract 1805-0835 – Multi-Functional Devices, Leasing fixed rate over a 36 Month period, \$362,488.50 and in accordance with the schedule of rates submitted, estimated 36 Month period copy charges of \$284,149.80 (GST inclusive).***
- 2. Notes the anticipated project expenditure of \$646,638.30 (GST inclusive) over the 36-month term for the Supply, Support, Maintenance of Printers and Copiers.***
- 3. Authorises the Chief Executive Officer to execute the contract agreement.***
- 4. Authorises the Chief Executive Officer at his/her discretion to approve the two (2) extension option(s) for additional 12-month periods in the contract agreement subject to satisfactory performance. At yearly cost for leasing and print volume of \$215,546.10 (GST inclusive).***

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications - Mayor**

Moved Cr Pang Tsoi,

Seconded Cr Paterson

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

<b><i>APPLICANT</i></b>	<b><i>PURPOSE</i></b>	<b><i>AMOUNT RECOMMENDED</i></b>
<b><i>Shanghai Overseas Exchange Association (Aust.) Inc.</i></b>	<b><i>Hire of Council facility for community events, Feb- June 2019.</i></b>	<b><i>\$2,500 excl. GST</i></b>

**CARRIED**

**6.2 15 Hours Kindergarten Advocacy Campaign**

Moved Cr McCluskey,

Seconded Cr Paterson

***That Council joins with the Municipal Association of Victoria, other councils and the kindergarten families of Monash in the "I Love Kinder" advocacy campaign to seek a commitment from the Federal Government for ongoing funding for the agreed additional 5 hours of kindergarten funding which will ensure kindergarten children have universal access to 15 hours of kindergarten.***

Cr Davies said that he supported the principle of more education, but didn't support the proposal as it was a politically partisan advocacy campaign. He said

that it was asking one level of government, which didn't fund kindergartens, to do so, without asking the other level of government. He said that Council should not support the campaign and that education was a State not a Federal responsibility. Cr Davies said that it would be great if more money could be obtained, but that this was a partisan initiative. He said that the Council should not be spending resources on fighting political battles.

Cr Paterson said that she was pleased to see the Mayor's support for a campaign that came from the MAV and that that organisation would be surprised to find that it was considered a politically partisan organisation. Cr Paterson added that this was a necessary campaign to make up for the Federal funding cuts, funding that had been provided since 2008. Cr Paterson said that the campaign was asking for the restoration of that funding. Cr Paterson noted the fundamentally crucial part that kindergarten education had in a child's development. She commended the motion to Council.

Cr James said that the MAV was not a political organisation; it represented all 79 councils, most of which were Liberal-dominated and they supported the campaign. Cr James added that in November 2008, COAG supported the introduction of 15 hours of pre-school and supported through the National Partnership Agreement on the National Quality Agenda for Early Education & Care. He said that it was laughable to suggest that the proposal was a political witch-hunt.

Cr Lake stated that he was at the COAG meeting in November 2008 as then President of the ALGA and that this was a great initiative. He said that evidence showed the significant difference that early education could make to a person's life, particularly for a person from a disadvantaged background. He said that it could only be a good thing if kindergarten places were made available and funded by governments across the country. Cr Lake said that there had been a bipartisan commitment, generally to this issue since 2008 and it was wrong for it to be suggested that the proposal before Council was partisan. He said that the MAV and local government across the country were united on this campaign. Cr Lake added that it was a little like Roads to Recovery in that it was a longstanding arrangement but there had never been a binding commitment that it would always be there. Cr Lake said that the campaign focussed on something that was really important. He added that he was not aware of any Victorian council that opposed the campaign.

Cr Zographos said that it was clear that this was a party-political campaign, noting the first line on the campaign website. He said that the statement put forward a premise of funding cuts when that was not the case, as the forthcoming Budget had not been set. Cr Zographos also noted that the website referred to an election commitment from the Federal Labor Party.

Cr Little said that his colleagues had expanded on the virtues of the proposal. He said that he wanted to correct a statement made by Cr Davies to say that there was no role for.....[Point of Order]

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POINT OF ORDER

Cr Davies called a point order said that Councillors were meant to speak about the matter before Council, not meant to correct other Councillors.

In response to the Mayor's request to identify the part under the local law that the point of order was being made, Cr Davies advised that Cr Little's statement was contrary to the local law.

The Mayor did not uphold the point of order, but asked Cr Little to confine his comments to the matter before Council. He said that he was welcome to comment on another Councillor's comments.

Cr Little said that if a Councillor's argument was based on an inaccuracy, then he considered that he had the right to correct the record. Cr Little said that only State Governments had a role in education.

POINT OF ORDER

Cr Davies called a point of order, saying that he didn't say that.

The Mayor asked Cr Davies to identify the category of his point of order under the local law.

Cr Davies responded that Cr Little was incorrect in his attribution of those comments to him

The Mayor ruled that there was no point of order and asked Cr Little to continue.

Cr Little said that the Federal Government had a large role in education, funding tertiary education and the funding related to early education, and had a supplementary role in State primary and secondary education. He said that the Federal Government was very germane to education in this country and to request the continuation of the addition 5 hours of early education was relevant and supported the campaign, irrespective of whether the funding had been part of a budget announcement or not.

Cr Davies requested to make a personal explanation.

The Mayor advised that that could be done at the appropriate time on the meeting agenda.

The Mayor said that he was happy to take advice from anybody, but said that he wanted to make it abundantly clear that it had been foreshadowed by the current Federal Government that there would be a removal of the funding of the 5 hours for 4 year old kindergarten. He said that this was not a political stunt, there was no political bias. The Mayor said that he had previously been involved in the committee of management of a community run, Council child care centre, which



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ran 4 and 5 year old kinder and was soon to run 3 year old kinder when he left. He said that the evidence for the extra education was there and he could also speak from personal experience having his children go through 4 and 5 year old kindergarten. He said that each of the children had benefitted from that education and this was a program that was pivotal to early education, interaction and socialisation. The benefits were endless. The Mayor said that the campaign did not to chastise any political party or government at any level, but was a bid to ensure that the funding that was already in place continued. He said that the government's actions had been done to prepare those affected for when the funding was discontinued. He said that the campaign only wanted the retention of what already existed, not anything new, and to maintain what had previously been agreed to by all political parties, at the time. He commended the motion to all Councillors, regardless of how they saw the political landscape. The Mayor emphasised that this was funding that had been mooted to be removed.

**CARRIED**

DIVISION

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

Against: Crs Davies, Zographos

### **6.3 Dispute Resolution**

Moved Cr McCluskey,

Seconded Cr Saloumi

*That the agreement reached between Crs Paul Klisaris and Josh Fergeus, on Monday 14 January 2019, and detailed in the body of this motion, be noted.*

Cr Davies said that it was pleasing to see that the procedures in the Councillors' Code of Conduct were working and noted that everyone was accountable for their behaviour.

**CARRIED**

## **7. COMMITTEE REPORTS**

### **7.1 Audit & Risk Committee Minutes & Extension of Independent Member's Tenure**

Moved Cr Fergeus,

Seconded Cr James

*That Council notes:*

- 1. The unconfirmed minutes of the 4 December 2018 Audit & Risk Committee (the Committee).*
- 2. That the minutes will be signed by the Chair of the Committee at the next*

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*Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

3. *The Briefing Paper from the Committee and approves the extension of Bev Excell's membership of the Committee until June 2019 to align all tenures for independent members to the end of the Financial Year.*

**CARRIED**

**8. URGENT BUSINESS**

Nil.

PROCEDURAL MOTION

Moved Cr James

*That the Council move to Item 11 (Councillors' Reports), as the next item of business.*

This matter lapsed for want of a seconder.

**9. CONFIDENTIAL BUSINESS**

Moved Cr Little,

Seconded Cr McCluskey

*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 7.33 pm and returned to Open Council at 7.50 pm.

**10. PERSONAL EXPLANATIONS**

Cr Davies refuted the representations made by Cr Little in relation to the Kindergarten funding item.

Cr Zographos made a personal explanation based on the Mayor's comments in relation to the kindergarten funding item. He said that the Mayor had inferred that Cr Zographos was factually wrong, which he disputed. He said that both his and the Mayor's positions were opinions, not fact. He then referred to the 3 October 2018 media release from the Minister for Education regarding early childhood funding in 2019. Cr Zographos said that he was concerned that he was misrepresented.

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The Mayor said that the funding cut would start in 2020. The Mayor then apologised to Cr James for missing his Point of Order at the beginning of the meeting when Cr Saloumi was tabling the petition regarding the Central Car Park.

**11. COUNCILLORS' REPORTS**

11.1 Cr James thanked the Friends of the Children Foundation for the fund raising event that they held at Brickmakers Park on Australia Day, noting that he had had the opportunity to attend similar events over the previous 2 years.

Cr James also noted his attendance at the successful and well attended Flag Raising and Citizenship Ceremony at the Civic Centre on Australia Day.

11.2 Cr Saloumi advised of her attendance at the Flag Raising and Citizenship Ceremony at the Civic Centre on Australia Day.

11.3 The Mayor said that the Friends of the Children Foundation, was a fantastic organisation which raised funds to support children and families in Monash who were in need. The Mayor (and Cr James) noted the presence in the public gallery of "Andrew" a member of the Foundation, who had an active role at the fund raising event at Brickmakers Park. The Mayor commended the efforts of the Foundation and other community organisations in the municipality for their vital contribution to the community.

The Mayor said that he wanted to acknowledge that Australia Day was a difficult time for many people in the community. He said that whilst the citizenship ceremony was a great occasion for many people, there was hurt and pain that had to be recognised.

11.4 Cr Zographos said that it was great to attend the Australia Day ceremony on Saturday 26 January 2018; both the flag raising and citizenship ceremonies. He said that it was a fantastic event that he received feedback on with people saying that it made them proud to be Australian and wanted more events to be held on that day.

The Mayor declared the meeting closed at 8.00 pm

**MAYOR: .....**

**DATED THIS ..... DAY OF ..... 2018**