DEcisions of the ordinary meeting of
COUNCIL
HELD ON 12 DECEMBER 2017

at 7.00 pm

Council Chambers
293 Springvale Road,
Glen Waverley
CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2017

That the minutes of the Ordinary Meeting of the Council held on 28 November 2017, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PUBLIC QUESTION TIME

The Mayor advised that 2 questions had been received, from 1 submitter.

OFFICERS’ REPORTS

1. CITY DEVELOPMENT

1.1 1 Argyle Court, Glen Waverley Remove Four (4) Trees

That Council resolves to Grant a Planning Permit (TPA/48217) for the removal of four (4) trees within the Vegetation Protection Overlay, at 1 Argyle Court, Glen Waverley subject to the following ground:

1. Tree 3 (Corymbia maculata Spotted Gum) as marked is to be retained.
2. Other significant tree/s (if any) within the subject site must not be removed or destroyed without the written consent of the Responsible Authority.
3. The Responsible Authority must be notified in writing within 14 days of the subject trees (trees 1, 2 and 4) having been removed.
4. Three replacement canopy trees must be planted, in a healthy state within six months of the removal of the trees, which must be advanced specimens, growing to at least 8 metres at maturity.
5. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the subject tree is not removed within two years of the date of this permit.
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 six months afterwards.

CARRIED

1.2 292 Lawrence Road, Mount Waverley  Remove Six Trees

That Council resolves to issue a Planning Permit (TPA/48229) for removal of six trees at 292 Lawrence Road, Mount Waverley subject to the following conditions:

1. Only the 2 Poplar trees and 1 Elm tree are permitted to be removed from the land. The 3 Cypress trees must be retained.

2. Other significant trees within the subject site must not be removed or destroyed without the written consent of the Responsible Authority.

3. The Responsible Authority must be notified in writing within 14 days of the Poplar and Elm tree(s) being removed.

4. Three (3) replacement canopy trees must be planted in a healthy state, within 6 months of the removal of the trees allowed under this planning permit. The replacement trees should be one of the following preferred species:
   a) Eucalyptus Mannifera (“Little Spotty”)
   b) Eucalyptus Pauciflora (“Little Snowman”)
   c) Eucalyptus Leucoxylon (“Euky Dwarf”)

The trees should be advanced at the time of planting.

5. This permit will expire in accordance with Section 68 of the Planning and Environment Act 1987, if the approved trees are not removed within two years of the date of this permit.

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 six months afterwards.

CARRIED

1.3 65-67 Railway Parade North, Glen Waverley Amend The Existing Permit Which Allows A Six (6) Storey Commercial Building By Allowing The Construction Of A Further Four (4) Storeys

That Council resolves to issue a Notice of Decision to Refuse to Amend Planning Permit (TPA/39124) to construct four additional storeys (to be used for office and massage use), (total height of 10 storeys proposed), convert the approved ground floor level to retail (previously restaurant) and the 5th floor level to office and the provision of carparking to be provided in accordance with the requirements of Schedule 1 of the Parking Overlay (PO1), and the erection of business identification signage at 65-67 Railway Parade North, Glen Waverley on the following grounds.
1. The proposal is not consistent with the preferred building height and street setback for Built Form Area A of the Glen Waverley Activity Centre, as identified in the Glen Waverley Activity Centre Structure Plan and Amendment C120 to the Monash Planning Scheme.

2. The proposal is considered an overdevelopment of the site and will result in unreasonable overshadowing of the public realm.

CARRIED

1.4 Town Planning Schedules

That the report containing the Town Planning Schedules be noted.

CARRIED

1.5 Membership of South East Melbourne

That Council resolves to join the South East Melbourne (SEM) group from 1 January 2018.

CARRIED

1.6 Proposed Road Discontinuance of Government Road in Caloola Reserve, 88A Drummond Street, Oakleigh

That Council

1. Pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989 (“the Act”) and being of the opinion that the government road as shown in Attachment 1 being part of Caloola Avenue as shown on the original subdivision between Drummond Street and Atkinson Street Oakleigh is not reasonably required as road, resolves:
   a) to commence the statutory procedures under Sections 189, 207A and 223 of the Local Government Act 1989, to discontinue the government road by giving public notice of the proposed discontinuance in the Monash Leader newspaper stating that Council proposes to discontinue the road; and
   b) to appoint a Committee of Council, comprising the Oakleigh Ward Councillors to consider any submissions received under Section 223 of the Act to be held at the Civic Centre on Tuesday 13 March 2018 at 7.30pm.

2. Resolves that should no submissions be received in accordance with Section 223 of the Act, that:
   a) The Land is not reasonably required for public use as a road and is discontinued;
   b) The Chief Executive Officer or her delegate be authorised to:
   c) arrange for a Notice of Discontinuance to be published in the Victoria Government Gazette; and
3. Following publication of the Notice of Discontinuance, make arrangements with the Department of Environment Land Water and Property for Council to be appointed as Committee of Management for the land.

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 International Gambling Conference 2018

That Council approves the international travel of Simon Harrex, Health Promotion Officer, to attend to present on the role of Local Government in gambling-harm prevention, representing the City of Monash at the International Gambling Conference in Auckland from 12-14 February 2018.

CARRIED

3. CORPORATE SERVICES

Nil.

4. INFRASTRUCTURE

4.1 Caloola Reserve – Construction of 8 Synthetic Tennis Courts

That Council:

1. Accepts the revised lump sum tender price of $1,439,075 (GST Inclusive) submitted by Turf One Pty Ltd, to undertake the construction of the 8 synthetic tennis courts at Caloola Reserve, Atkinson Street, Oakleigh.

2. Approves a project contingency of $140,000 (GST Excl.) for any latent conditions, project management fees and for any potential variations.

3. Notes the overall estimated project cost of $1,668,250 (GST Excl.) inclusive of Lump Sum tender price, Project Contingency, Design and Temporary Club Facilities Hire.

4. Notes the estimated cost of $37,675 (GST Incl.) pa for maintenance services of the new synthetic surface for a period of 3 years (total cost $113,295) and that this be referred to the Operational Budget for funding.

5. Authorises The Chief Executive Officer to execute the contract documentation only after approval of the Cultural Heritage Management Plan is received.

6 Notes that there will be further consultation with adjoining residents regarding the removal of trees and parking impacts.
7. Notes that a Heads of Agreement between Council and the Oakleigh and North Oakleigh Tennis Clubs has been signed and executed on 20 October 2017 in which the clubs agree to surrender their current lease arrangements for their respective tennis clubs and merge to become one tennis club prior to occupying the new tennis facility.

CARRIED

4.2 Tender For Road Resurfacing And Associated Services

That Council:

1. Appoints a panel of suppliers to Contract 2018047 for the provision of Road Resurfacing and Associated Services for an initial period to 31 July 2020 with two (2), one (1) year extension options for the schedule of rates submitted with their respective tenders (Estimated annual expenditure $2.75M GST Incl.):
   - Asphalt & Civil Construction Pty Ltd;
   - Boral Asphalt;
   - Downer EDI Works Pty Ltd;
   - Prestige Paving Pty Ltd;
   - RABS Paving Services Pty Ltd and;

2. Authorises the Chief Executive Officer to execute the contract agreement and;

3. Authorises the Chief Executive Officer at her discretion to approve each of the extension options subject to satisfactory performance.

CARRIED

4.3 Reducing Use of Single Use Plastics Across Council Business

That Council:

1. Endorse the following key actions to direct the avoidance or minimal use of single use plastics across the Council business and events. The key actions will include:
   a) Review of procurement policy and leasing agreements to discourage the use of single use plastics, including a request that suppliers avoid or minimise the use of plastic film packaging from items purchased by Council or provide alternative recyclable or reusable packaging materials to protect goods where appropriate by September 2018.
   b) Revision of the stallholder guidelines, to at Council run and sponsored events by June 2018.
   c) Review leasing and licensing agreements to minimise the use of single use plastics at Cafes and Sporting Clubs by June 2019.
   d) Develop and deliver an education program to encourage alternative practices and behaviours which will reduce the use of single use plastics and support diversion from landfill, within Council business and in the community by December 2018.
e) Installation of dedicated plastic bag and film collection, to further avoid single-use plastics from entering the municipal waste stream, and consider purchase of recycled plastic products, subject to budget processes by June 2019.

2. Advocate and contribute to the Victorian Government consultation process to best implement a Policy for a State Wide ban of single use plastic bags.

3. Acknowledge that single use plastics reduction actions will align with the objectives of the new Council Waste Strategy (currently in draft).

CARRIED

5. CHIEF EXECUTIVE OFFICER’S REPORTS

5.1 Assembly of Councillors Record

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

CARRIED

6. COMMITTEE REPORTS

Nil.

7. NOTICES OF MOTION

7.1 Discretionary Fund Applications

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

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PURPOSE</th>
<th>AMOUNT RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nara Pre School</td>
<td>Donation towards purchase of bookshelf for reading corner.</td>
<td>$416.90</td>
</tr>
<tr>
<td>Friends of Damper Creek Reserve Inc.</td>
<td>Donation towards costs for annual celebration.</td>
<td>$350</td>
</tr>
</tbody>
</table>

CARRIED

7.2 Questions from the Public at Council Meetings

That Council resolves that:
1. **Standing Orders be suspended such that the formalities of Council's meeting procedures are temporarily disposed of.**

2. **During the time that standing orders are suspended, the Mayor:**
   A. **retains discretion to accept or reject such questions. In exercising that discretion, the Mayor will consider whether a question:**
      i) relates to a matter beyond the power of Council;
      ii) is defamatory, malicious, abusive or objectionable in language or substance;
      iii) relates to the personal views or actions of an individual Councillor or officer;
      iv) relates to a matter which would prejudice the Council or any person;
      v) is repetitive of a question already answered at the Meeting or the previous Ordinary Meeting of Council;
      vi) is in the nature of a statement, comment or opinion; or
      vii) relates to any matter which would otherwise be considered by Council in a meeting that is closed to the public under Section 89(2) of the Local Government Act 1989.
   B. Where such an opportunity is provided, the Mayor shall:
      i) call on members of the public gallery who have submitted an accepted question to ask their question verbally, if they wish;
      ii) allow a maximum of two questions from any person;
      iii) only allow a second question from any person should time permit;
      iv) allow, at her or his discretion, a questioner to seek clarification on any point/s made in the answer provided;
      v) give priority to questions relating to matters on the Meeting agenda and to questions in the order in which they were received;
      vi) allow a maximum of three questions on a particular topic, grouping questions together and responding collectively as appropriate;
      vii) nominate the appropriate Councillor or Council officer to answer the question or elect answer it herself/himself;
      viii) advise the Meeting where questions have been submitted to the Meeting and rejected;
      ix) distribute rejected questions to all Councillors by the end of the next working day;
      x) nominate an appropriate time period of no less than 15 minutes.
   C. The text of each question asked and a summary response will be recorded in the minutes of the Meeting.
   D. **All questions not dealt with due to time constraints shall be responded to within seven working days. If a response cannot be provided in this time, Council Officers will advise the questioner of the expected timeframe for a response to be provided. Where an email address is supplied, this response will be provided via email.**
7.3 Acknowledgement of Country

That the Council resolves to include the following Acknowledgement of Country in the documents prepared and circulated for all Ordinary and Special Meetings of Council:

“Monash City Council acknowledges the Traditional Owners of the land on which we meet. We pay our respects to their Elders, past and present and the Elders from other communities who may be here today.”

CARRIED

7.4 Glen Waverley Central Car Park

Council notes:
- it has spent approximately $640,000 till now from the commencement of the Central Car Park EOI process, excluding costs of Masterplans and Structure plans.

CARRIED

7.5 Most Dangerous and Congested Intersections in Monash

1. Notes the policy commitment of the State Opposition that it will grade separate 55 of the most dangerous and congested road intersections in Melbourne and Geelong.

2. Directs officers to identify further intersections that Council would like to lobby for inclusion into the State Opposition’s list (of which 20 will be announced next year) and report back by March 2018 ordinary council meeting.

LOST

7.6 Victorian Cladding Taskforce Interim Report Findings

That Council notes the Interim Report of the Victorian Cladding Taskforce and directs the Director City Development to brief the Council on the outcome of the cladding audits.

CARRIED

8. URGENT BUSINESS

Nil.

9. COUNCILLORS’ REPORTS
10. **PERSONAL EXPLANATIONS**

Nil.

11. ** MATTERS OF COUNCIL IMPORTANCE**

Nil

12. **CONFIDENTIAL BUSINESS**

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 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 certificate.

**RETURN TO OPEN COUNCIL**

The Council returned to Open Council and it was confirmed that the following motion had been carried by the Council, in Confidential Business:

1. **Directs Council’s Director City Development to undertake a review of Council’s Footpath Trading and Access Policy 2016, with a view to investigating the feasibility, or otherwise, of altering the above mentioned policy to reflect that all outdoor trading areas on Council controlled land, across the entire municipality, be used for the service of food.**
2. **Expresses its intention that this approach should apply consistently across the whole municipality.**
3. **Notes that any changes proposed to the policy will be subject to consultation and will be considered at a future Council meeting.**
4. **Receives a further report from Council’s Director City Development when work on the Council’s Footpath Trading and Access Policy 2016 is complete.**

The Mayor declared the meeting closed at 9.30 pm

**MAYOR: ..............................**