



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 25 JUNE 2019**

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 25 JUNE 2019 AT 7.00 PM.**

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

APOLOGIES:

Nil.

DISCLOSURES OF INTEREST

Cr Lake disclosed a conflict of interest relating to item 6.4 of the agenda.

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MAY 2019

Moved Cr Little

Seconded Cr Pang Tsoi

That the minutes of the Ordinary Meeting of the Council held on 28 May 2019, be taken as read and confirmed.

CARRIED

PROCEDURAL MOTION

Moved Cr McCluskey

Seconded Cr Little

To move items 2.2 Legend Park Kindergarten and 7.1 Annual Budget 2019/20 to the start of the meeting agenda.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Fergeus tabled a petition regarding New Start Allowance scheme

The Mayor tabled a petition containing 828 signatures regarding the proposed closure of Legend Park Kindergarten.

PUBLIC QUESTION TIME

The Mayor advised that 6 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Draft Huntingdale and Clayton Activity Centre Precinct Plans

Moved Cr James

Seconded Cr Little

That Council:

1. *Note the content and recommendations of the Draft Huntingdale and Clayton Activity Centre Precinct Plans appended to this report.*
2. *Release the Draft Huntingdale and Clayton Activity Centre Precinct Plans for community consultation in accordance with the consultation program set out in this report.*
3. *Note that a further report will be presented to Council upon the completion of the community consultation program for the draft Huntingdale and Clayton Activity Centre Precinct Plans.*

Cr James said that it is exciting that we are discussing these plans and can't wait to get started. Cr James acknowledged the enormous amount of work that has gone into the development of the precinct plans.

Cr Little echoed Cr James' comments and commended officers on their work.

Cr Zographos said that the plans are a massive piece of work and thanked officers for their work. Cr Zographos added that he looks forward to seeing the plans take shape.

CARRIED

PROCEDURAL MOTION

Moved Cr McCluskey

Seconded Cr Davies

Mindful that members of the gallery had an interest in item 1.5 and that item 1.5 be moved as the next item

CARRIED

1.2 Proposed New Planning Provisions for Tree and Vegetation Removal Monash Urban Landscape and Canopy Vegetation Strategy Implementation

Moved Cr Paterson

Seconded Cr Fergeus

That Council:

1. *Notes the proposed changes to the planning provisions for tree and vegetation removal and buildings and works in Monash.*

2. Notes that these proposed changes include:

- a) removing the existing Vegetation Protection Overlay, with the exception of the property at 24 Samada Street Notting Hill,**
- b) introducing a Significant Landscape Overlay across Monash to require a planning permit for canopy tree removal,**
- c) defining the height of a canopy tree at 6 metres,**
- d) exempting the removal of canopy trees within 3 metres (or 2 metres in the case of SLO3, which is proposed to apply to parts of Oakleigh and Hughesdale) of an existing dwelling from the proposed planning permit requirements, and**
- e) including decision guidelines that take into account the appropriateness of the tree to its suburban location.**

3. Directs the Director of City Development to finalise the amendment documentation in accordance with this report.

4. Request the Minister for Planning to introduce two interim Significant Landscape Overlay across the municipality to require a permit for canopy tree removal whilst the formal amendment process for permanent planning controls is undertaken.

5. Request the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare an amendment to the Monash Planning Scheme generally as outlined in this report.

6. Upon receiving authorisation from the Minister for Planning, directs the Director City Development to prepare and exhibit the Amendment in accordance with Section 19 of the Planning and Environment Act 1987

7. Notes that a further report will be presented to Council after the exhibition of the proposed Amendment.

Cr Paterson said that it is great that we are finally discussing this matter and it's great to see so many residents in the gallery. Cr Paterson said that she has been working with the Friends of Damper Creek and Valley reserve to ensure that we make our community more sustainable. Cr Paterson said that she was pleased to support the report and thanked all Councillors that had supported it all the way. Cr Paterson thanked the community for their patience and support throughout the process and also thanked the Director City Development and Officers for all of their work.

AMENDMENT

Moved Cr James

Seconded Little

Amend item 2d to be 'exempting the removal of canopy trees within 3 metres (or 2 metres in the case of SLO3, which is proposed to apply to parts of Oakleigh and Hughesdale) of an existing dwelling from the proposed planning permit requirements, and' and

Point 4 to be 'Request the Minister for Planning to introduce two interim Significant Landscape Overlay across the municipality to require a permit for canopy tree removal whilst the formal amendment process for permanent planning controls is undertaken.'

Cr James said that the simple changes are important, specifically in the Oakleigh ward. Cr James said that the amendment seeks to change this to 2 metres in Oakleigh and Hughesdale and leaving it at 3 metres in the remainder of the municipality.

Cr Fergeus said that the amendment is relevant to areas of Oakleigh, and clarified that this won't mean that trees won't be able to be removed they will just have to go through an additional process. Cr Fergeus said that this is applicable especially in an area where we need to improve and retain tree canopy.

Cr Lake said that the amendment introduces confusion, different classes of residents across the municipality. Cr Lake said that the control is to protect residences from trees. Residents in Oakleigh and Hughesdale will wake up in the morning with a new set of rules that are more restrictive and may question fairness in the controls.

Cr Davies sought clarification regarding property boundaries in respect to adjoining land.

Cr Zographos said that the amendment is good and doesn't believe that there is a material change. Cr Zographos agrees that 3m won't be relevant in the Oakleigh ward.

CARRIED

SUBSTANTIVE MOTION

Cr Little said that we are privileged to live in this area because of the garden area. Cr Little noted that the wholesale destruction of trees in the municipality has been causing concern from residents. He added that this will be the first time, apart from the VPO that we will be putting a concrete stop to the wholesale destruction of our garden character and said that this motion is vital.

Cr James thanked officers for all of their work – it's been a massive journey. Cr James said that there have been a number of hurdles crossed to get to where we are tonight. Cr James also thanked his fellow Councillors who have support this the entire way through.

Cr Zographos stated that he hasn't been a strong advocated, however, has been pleased by the engagement and interest of the community.

Cr Lake said that he supports trees as much as everyone and believes that residents should be able to do as they wish within their own property – people are important too.

Cr Fergeus said that trees is the number 1 issue he has been contacted about as a Councillor. Cr Fergeus thanked officers for their work and said that these simple controls regarding safety but also protect trees.

Cr Saloumi said that developers don't live in Monash and they are just moon-scaping properties. People living here are less likely to do this.

Cr Klisaris acknowledged the work undertaken by officers, however, won't be supporting the recommendation.

Cr Davies said that the VPO is flawed in the Mulgrave Ward. Cr Davies said that a change is required but he doesn't agree. Residents want garden character, but not so much on their properties, more on Council land, such as street trees. Cr Davies said that he won't be supporting the recommendation.

Cr McCluskey said that 'Garden Character' is an interesting term, and he didn't have a true appreciation until he moved to this side of town. Cr McCluskey said that he takes some solace in the fact that there is a provision for removing dangerous trees, and noted that he believes that point 4 of the recommendation isn't necessary. Cr McCluskey is interested to see what comes back from the community consultation.

RIGHT OF REPLY

Cr Paterson addressed a couple of points that were raised throughout the discussion. Cr Paterson said that there are several provisions in the report that allow for dangerous trees to be removed and residents will now be able to apply for a permit to remove a tree on their property.

DIVISION

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

Against: Crs Lake, Davies, Klisaris

CARRIED

1.3 Proposed Amendment C143 –Rezoning Of 1 Jacksons Road and 634-648 Wellington Road, Mulgrave – Former Bodyshop and Officemax Site

Moved Cr Little

Seconded Cr Pang Tsoi

That Council:

- 1. Request the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C143.***
- 2. Authorise the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report.***
- 3. Upon receiving authorisation from the Minister for Planning, prepare Amendment C143 and exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.***
- 4. Notes the proposed change of zone from Commercial 2 Zone to Mixed Use Zone is not currently supported by the Monash Industrial Land Use Strategy 2014, but recognises the changed circumstances of the site and is supported by Plan Melbourne 2017-2050 the Monash Housing Strategy 2014 and the strategic directions of the Monash Planning Scheme.***

Cr McCluskey said that he isn't supportive of the report, specifically surrounding the height where it meets the Waverley Park Estate. Cr McCluskey said that is a good time for Council to exercise some control over the developments. Cr McCluskey noted that it is great to see the site being redeveloped, but isn't supportive of the proposal.

Cr Davies said that the development sees the land being rezoned and that additional controls can be put in place with this process. Cr Davies said that it isn't a high density area, and he believes that there is no need for this type of development in the area, especially when there aren't many facilities in the area. Cr Davies said that he won't be supporting the recommendation.

Cr Klisaris praised officers for their work. Cr Klisaris said that the site is currently a ghost town, derelict buildings that have been let go and said that the site is the prime location for the high density development. Cr Klisaris said that he supports the proposal, it's a great opportunity and looks forward to seeing the site developed.

DIVISION

For: Crs Zographos, Lake, Little, Klisaris, Pang Tsoi, Fergeus

Against: Crs James, Davies, McCluskey, Saloumi

Cr Paterson was not present in the Chamber at the time of the Division.

CARRIED

ACTING CHAIRPERSON

The Mayor left the Chamber, Deputy Mayor, Cr Brian Little took over as Acting Chairperson.

Cr Paterson re-entered the Chamber.

1.4 2-4 Atherton Road, Oakleigh Development of a Ten (10) Storey Building and Use of the Land for Residential Apartments (TPA/49921)

Moved Cr Zographos

Seconded Cr Klisaris

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49921) for the development of a ten (10) storey building and use of the land for residential apartments at 2-4 Atherton Road, Oakleigh subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. 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 to Council after public notification dated 23 May 2019 (Revision 1), but modified to show:

- a) A schedule of construction materials, external finishes and colours.**
 - b) Details of the pedestrian canopy across the Atherton Road frontage, to the satisfaction of the Responsible Authority.**
 - c) The vehicle crossover in Jones Street reduced to 3.5 metres in width, and associated changes to the vehicle waiting bay.**
 - d) Provision of decorative architectural screening or a door enclosing the vehicular waiting bay to Jones Street.**
 - e) Modification to the vehicle exit to the ROW and/or the bike store room to ensure that the vehicle egress will not encroach into the property boundary of 3-9 Chester Street. This must be supported with swept path diagrams.**
 - f) Plans and specifications for the mechanical parking system. The mechanical car parking system modules are required to cater for the following:**
 - i. Independent operation for each parking space.**
 - ii. A minimum ground level overhead clearance of 1.8 metres.**
 - iii. A clear/usable platform width of at least 230cm.**
 - iv. Minimum pit length of 520cm.**
 - v. Loading weight per platform of at least 2000kg.**
 - g) Driveways to provide at least 2.1m headroom beneath overhead obstructions.**
 - h) Changes required to satisfy requirements in the acoustic report and wind assessment required under Conditions 8 and 9 of this permit.**
- All to the satisfaction of the Responsible Authority.**

No Alteration or Changes

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

Sustainable Management Plan

3. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:

- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.**

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- b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
 - c) Document the means by which the appropriate target or performance is to be achieved.*
 - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
 - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

4. Prior to the occupation of any of the dwellings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

Construction Management Plan

5. 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 emissions of noise and dust and water runoff from the site;*
- b) prevention of silt or other pollutants from entering Council's underground drainage system or road network;*
- c) the location where building materials are to be kept during construction;*
- d) site security to prevent people from entering the construction site;*
- 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) a program for 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;*

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- ***Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines).***

Waste Management Plan

6. Prior to the commencement of works on the site, a Waste Management Plan must be submitted to and approved by the Responsible Authority for the collection and disposal of garbage and recyclables by a private contractor for all uses on the site. The Waste Management Plan shall provide for:

- a) The time and method of collection of garbage and recyclables from uses;***
- b) Designation of methods of collection by the private contractor;***
- c) Appropriate areas for bin storage on site and areas for bin placement on collection days;***
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;***
- e) The timing collection of all waste so as not to cause disruption to traffic and amenity of the area.***
- f) Bins not to obstruct car parking or traffic movement.***

Once approved the Waste Management Plan will be endorsed to form part of the permit.

7. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public (except on collection day/s) and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Acoustic Report

8. Prior to the endorsement of plans pursuant to condition 1 of the permit, a Preliminary Acoustic Noise and Amenity Assessment must be undertaken by suitably qualified persons to establish what (if any) particular noise attenuation or additional amenity treatments are required to protect the amenity of dwellings. All recommendations or required modifications to the development must be shown on the plans for endorsement and then implemented to the satisfaction of responsible authority.

Wind Assessment

9. Prior to endorsement of plans pursuant to Condition 1 of the permit, a Wind Modelling Assessment must be undertaken by a suitably qualified person to assess the wind impact of the development at street level. Any recommendations or required modifications to the development must be implemented to the satisfaction of responsible authority.

Car Stackers and Vehicle Crossovers

10. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

11. The mechanical parking system to meet Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD).

12. The existing redundant crossing in Atherton Road is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

13. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Drainage

14. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

15. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the laneway to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).

Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

16. The southern right of way is to be fully reconstructed to Council's standards for the entire frontage of the development.

17. The Jones Street footpath is to be fully reconstructed to Council's standards for the entire frontage of the development.

Completion of Buildings and Works

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

19. 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.

Permit Expiry

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

(a) The development has not started before two (2) years from the date of issue.

(b) The development is not completed before four (4) years from the date of issue.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires

Permit Notes

Building Approval

A. Building Permit approval must be obtained prior to the commencement of the above approved works

B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

Drainage

C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

D. Approval from Monash City Council must be obtained for connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.

E. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.

F. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.

Variation to Planning Permit

G. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

Cr James said that Council had a structure plan in Oakleigh that sets the height for developments at 8 storeys or approx. 30m high, this building exceeds both the height and storey limits and he won't be supporting the recommendation.

Cr Lake said that planning can't be reduced to just a series of iron clad rules, planning is something that mixes subjectivity, opinions and objectivity to get outcomes. Cr Lake said that we are striving to create a general outcome, a general community neighbourhood while being guided by good principle logic and reason.

Cr McCluskey returned to the chamber and resumed as chair of the meeting

Cr Little commended the comments by Crs James and Lake and said that while there are concerns about sticking to the structure plans, he agrees that there needs to be some flexibility. Cr Little said that he doesn't think that the 3.5m above the structure plan isn't too much of a concern as it could become more if the application was to go to VCAT.

Cr Zographos said that the site is so far away from the residential zone as opposed to similar high rise developments in the area. Cr Zographos noted that the structure plan has been worked around too many times for it to be relevant for this site. Cr Zographos is comfortable with the report, considering the original proposal was for 14 storeys and will be supporting the report.

Cr Saloumi questioned the relevance of a 60 odd space car stacker and how this would operate if the power was out. Cr Saloumi said that we don't need another 10 storey building and she would not be supporting the report.

DIVISION

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

Against: Crs James, Fergeus, Saloumi

CARRIED

1.5 2 Curtis Avenue, Mount Waverley Construction of Three (3) Double Storey Dwellings (TPA/49295)

Moved Cr James

Seconded Cr Paterson

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49295) for the construction of three (3) double storey dwellings, at 2 Curtis Avenue, Mount Waverley 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. 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 secluded open space area for Dwelling 2 provided with a minimum rectangle of 8m x 5m and a minimum 7.6 metre setback from the Ripley Street title boundary to the satisfaction of the Responsible Authority.*
 - b) The Dwelling 2 entry re-orientated towards Ripley Street and the front wall staggered without (except for the front porch) encroaching into the 7.6 metre front setback to the satisfaction of the Responsible Authority.*
 - c) The garage for Dwelling 2 extended 1 metre to the east and the area is to be used to satisfy the storage requirements for the dwelling.*
 - d) The upper storey of Dwelling 2 is to be redesigned as a consequence of the ground floor amendments. The upper storey shall comprise a maximum of 3 bedrooms (one with ensuite) and separate bathroom area only, to the satisfaction of the Responsible Authority.*
 - e) The upper storey must be setback to provide articulation and visual interest from the ground floor to the satisfaction of the Responsible Authority.*
 - f) The fence around the secluded open space of Dwelling 2 is to be no more than 2 metres above ground level and be of an exposed post and rail construction to the satisfaction of the Responsible Authority.*
 - g) Tree protection measures in accordance with the amended arborist report by All Trees Consulting Services lodged 21 March 2019 to protect neighbour's Trees 4, 5, 6 and 7.*
 - h) Notations on the elevation plans to state first floor obscure glazing with not more than 25% transparency. (In addition to the notations already shown)*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. 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:-*
- a) provision of eight (8) canopy trees with spreading crowns comprising four in the front setback to Ripley Street, one located in each of the secluded private space areas and one located within the Dwelling 1 front setback to Curtis Avenue.*
 - b) planting to soften the appearance of hard surface areas such as driveways and other paved areas.*
 - c) 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.*
 - d) the location and details of all fencing.*
 - e) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*

f) details of all proposed hard surface materials including pathways, patio or decked areas.

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

- 4. 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.*
- 5. Neighbour's Trees 4, 5, 6 and 7 must be protected in accordance with the endorsed plans and must not be damaged during construction.*
- 6. The nature strip trees must be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works and maintained to the satisfaction of the Responsible Authority until the issue of Certificate of Occupancy.*
- 7. All common boundary fences internal to the site are to be a minimum of 2 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.*
- 8. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) transport of materials, goods or commodities to or from the land;*
 - b) appearance of any building, works or materials;*
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) presence of vermin;**
- 9. The construction works associated with the permitted development must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7:00am to 6pm;*
 - Saturday – 9am to 1pm;*
 - Saturday – 1pm to 5pm (only activities associated with the erection of buildings that does not exceed EPA Guidelines);**

unless otherwise approved in writing by the Responsible Authority.

- 10. The existing redundant crossing at Ripley Street is to be removed and replaced with kerb and channel. The footpath and naturestrip is to be reinstated to the satisfaction of the responsible authority.*
- 11. 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 all driveways onto the footpath. Such a system may include either:*

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- a) *a trench grate (150 mm 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.*
12. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
13. *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 is 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 six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

NOTES:

1. *Building Permit approval must be obtained prior to the commencement of the above approved works.*
2. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
3. *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
4. *The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip of 1 Selby Street via a 225 mm pipe and a 900 mm x 600 mm junction pit to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).*
5. *A drainage contribution of approximately \$4786 will be accepted in lieu of a detention system. This amount is valid until 30 June 2020. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any*

additional hard surfaced areas included on the landscape or drainage plans will alter this amount.

6. *Stormwater detention requirements may be obtained from the Monash City Council prior to the design of any stormwater detention system.*
7. *Building Over Easement approval is required for the Unit 1 garage and driveway and Unit 4 garage and driveway. Approval will be given subject to:*
 - *Yarra Valley Water approval being obtained;*
 - *The use of easement agreement being signed by Council.*
8. *The proposed vehicle crossing is to be constructed in accordance with the Monash City Council standards.*

Cr James thanked residents of Curtis and Ripley streets for their work and said that the outcome is the best compromise, however, noted that not all of their concerns were able to be addressed. Cr James noted that if this proposal was to go to VCAT it could quite easily be overturned and result in 4 dwellings being constructed without the conditions that Council has put in place. Cr James said that he will be supporting the report.

Cr Fergeus echoed Cr James' comments and added that ongoing feedback and input from residents has been incorporated into the report and he hopes that these address concerns from residents. Cr Fergeus also noted that he believes this will be the best outcome for this site.

Cr Paterson thanked all residents for being involved in the process and said she was glad that the development has been reduced to 3 dwellings rather than 4. Cr Paterson noted that in past experience this outcome is good middle ground, rather than going to VCAT.

RIGHT OF REPLY

Cr James said that there are at least 3-4 conditions within the report that are direct concerns raised by residents and again thanked residents for their contribution.

CARRIED

1.6 Town Planning Schedules

Moved Cr Paterson

Seconded Cr Fergeus

That the report containing the Town Planning Schedules be noted.

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 A Healthy and Resilient Monash: Integrated Plan 2017-2021 – Year Two Evaluation Summary

Moved Cr Fergeus

Seconded Cr McCluskey

That Council notes the achievements outlined within the Healthy and Resilient Monash: Integrated Plan 2017-2021 Year Two Action Plan Evaluation Summary

CARRIED

2.2 Update on the Expansion of Supported Playgroups Into Legend Park Kindergarten

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Notes the community feedback in relation to the proposed re-purposing of Legend Park Kindergarten from 2020;*
- 2. Commit to support the families associated with Legend Park Kindergarten and the Kindergarten operator to
 - a. Increase enrolments to a financially viable level*
 - b. Seek the support of Bestchance or another provider, to operate the Kindergarten*
 - c. Seek agreement by the kindergarten parents and the broader community to meet the requirements of the lease by keeping the kindergarten garden and play area to a community expected standard; and*
 - d. Seek agreement by the parent group to take responsibility for the promotion of the kindergarten, as occurs for all other kindergartens in Monash**
- 3. Notes that the Central Enrolment Parent Portal has been re-activated for Legend Park Kindergarten effective 20 June 2019 to 2 September 2019*
- 4. Suspend the expansion of the Supported Playgroup for Glen Waverley at this time and authorise officers to identify and report back to Council in the September 2019 cycle on an alternate location and associated financial implications to support a five day per week operational model or a transitional approach for Legend Park Supported Playgroup in 2020.*
- 5. Council develop a policy to require Council to consult and engage with the community in the future prior to making any decision to close or support the closure of a kindergarten.*
- 6. Requests officers to provide a report to Council by March 2020 on the future of kindergartens in Monash with the view of Council being a strong advocate in ensuring the ongoing sustainability and success of kindergartens in Monash.*

Cr Lake said that he doesn't support the recommendation, however would support an alternative recommendation if the current one isn't supported. Cr Lake said that there hasn't been an opportunity for parents or the community to have a voice as they only became aware of it a couple of weeks ago when announced by Bestchance. Cr Lake said that a 2 year period would be necessary to implement the changes and stated that we owe an apology to the parents and community on this occasion.

Cr Saloumi reiterated what Cr Lake said. Cr Saloumi said that we need to support the community at this time and it appear that there may have been some miscommunication between Bestchance and the community.

Cr Fergeus sought clarification as to whether Bestchance were aware of the alternative recommendation, which has a significantly longer time period than the one in the report.

Cr Fergeus said that he has been in the not for profit sector for 15 years and stressed to the community and parents in the gallery that the committee will need to drive the change, if given the opportunity – need to grab it with both hands. Cr Fergeus thanked officers for their work.

Cr Paterson apologised for not being involved in prior discussions as she has been on leave. She stated that there had been no discussion about closing the kindergarten prior to her leave and apologised to the community for the lack of lead time and consultation. Cr Paterson said that kindergarten is a 2 year program for 3 & 4 year olds and is an important part of a child's life.

Cr Zographos thanked the community for their interest and staff for all of their work. Cr Zographos said that early childhood education is important and we need to get this right. Cr Zographos said that Council as the elected officials need to make better decisions and have their finger on the pulse and not assume that stakeholders have been communicated or consulted with by another organisation.

Cr James said that he will not be supporting the officer's report or alternative recommendation if tabled. Cr James thanked the community for all of their interest, however stated that the emotion needs to be taken out of the situation. Bestchance as the provider should have flagged issues with enrolment numbers earlier. Cr James agreed that consultation in relation to the closure could have been done better.

Cr Klisaris acknowledged staff, and stated that he has no doubt officers acted with the best of intentions as best they could. Cr Klisaris also said that the community should be speaking with Bestchance and calling them out as the service provider.

Cr McCluskey said that he has received a lot of correspondence on this matter and as an organisation we need to learn from this, and take away learnings and look at how we do things differently. Cr McCluskey strongly refuted claims that Council acted in secrecy regarding this matter. Cr McCluskey acknowledge Cr James' position on the matter.

Cr McCluskey also stressed to the community and parents in the gallery that there is going to be a lot of work ahead, and that they will need to be committed to the ongoing success of the kindergarten.

DIVISION

For: Cr Fergeus

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

LOST

ALTERNATIVE RECOMMENDATION

Moved Cr Saloumi

Seconded Cr Fergeus

That Council:

- 1. Notes the community feedback in relation to the proposed re-purposing of Legend Park Kindergarten from 2020;***
- 2. Commit to support the families associated with Legend Park Kindergarten and the Kindergarten operator to***
 - a. Increase enrolments to a financially viable level***
 - b. Seek the support of Bestchance or another provider, to operate the Kindergarten***
 - c. Seek agreement by the kindergarten parents and the broader community to meet the requirements of the lease by keeping the kindergarten garden and play area to a community expected standard; and***
 - d. Seek agreement by the parent group to take responsibility for the promotion of the kindergarten, as occurs for all other kindergartens in Monash***
- 3. Notes that the Central Enrolment Parent Portal has been re-activated for Legend Park Kindergarten effective 20 June 2019 to 2 September 2019***
- 4. Suspend the expansion of the Supported Playgroup for Glen Waverley at this time and authorise officers to report back to Council in the September 2019 cycle on Legend Park Kindergarten enrolments for 2020.***

Cr Saloumi said that the amendment is the answer to the communities concerns. Cr Saloumi noted that the enrolment page closed early. Cr Saloumi said that the kindergarten should be given a chance to increase enrolments.

AMENDMENT

Moved Cr James

Seconded Cr Klisaris

- 1. Notes the community feedback in relation to the proposed re-purposing of Legend Park Kindergarten from 2020;***

-
2. ***Commit to support the families associated with Legend Park Kindergarten and the Kindergarten operator to***
 - a. *Increase enrolments to a financially viable level*
 - b. *Seek the support of Bestchance or another provider, to operate the Kindergarten*
 - c. *Seek agreement by the kindergarten parents and the broader community to meet the requirements of the lease by keeping the kindergarten garden and play area to a community expected standard; and*
 - d. *Seek agreement by the parent group to take responsibility for the promotion of the kindergarten, as occurs for all other kindergartens in Monash*
 3. ***Notes that the Central Enrolment Parent Portal has been re-activated for Legend Park Kindergarten effective 20 June 2019 to 2 September 2019***
 4. ***Suspend the expansion of the Supported Playgroup for Glen Waverley at this time and authorise officers to identify and report back to Council in the September 2019 cycle on an alternate location and associated financial implications to support a five day per week operational model or a transitional approach for Legend Park Supported Playgroup in 2020.***

Cr James said that replacing point 4 with point 6 of the original recommendation is consistent with what he believes Cr Saloumi is trying to achieve.

Cr Lake said that he is supportive of the amendment as it includes the playgroup transition.

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

Add 2 additional points

5. ***Council develop a policy to require Council to consult and engage with the community in the future prior to making any decision to close or support the closure of a kindergarten.***
6. ***Requests officers to provide a report to Council by March 2020 on the future of kindergartens in Monash with the view of Council being a strong advocate in ensuring the ongoing sustainability and success of kindergartens in Monash.***

Cr Paterson thanked Cr Lake for his amendment.

Cr Klisaris said that there has been major changes in the early learning sector recently, and it's under pressure. Cr Klisaris also said that Bestchance needs to be held accountable.

Cr Lake said that were now responding to give the kinder a chance and disagreed with Cr Klisaris' comments saying that Bestchance is a great organisation.

Cr Zographos said that he hopes to see parents come back following Council's decision tonight.

Cr McCluskey thanked the parents and community for their interest and again stressed that they will need to play a significant role in the success of the kindergarten.

CARRIED

DIVISION

For: Crs Zographos, Lake, Davies, Little, McCluskey, Klisaris, Paterson, Pang Tsoi, Saloumi

Against: Crs James, Fergeus

3. CORPORATE SERVICES

3.1 Adoption of the 2019/20 Annual Budget

Moved Cr McCluskey

Seconded Cr Little

That Council, having prepared and given public notice of the proposed 2019/20 Annual Budget in accordance with Sections 129 of the Local Government Act 1989 (the Act), and having conducted a consultative process, including having received and considered submissions, as required under Section 223 of the Act, resolves:

- 1. that the 2019/20 Annual Budget be adopted in accordance with Section 130 of the Act in the same form as the proposed 2019/20 Annual Budget of which Council gave public notice, with the agreed adjustments to the Comprehensive Income Statement, Cash Flow, Capital Works Statement and Strategic Resource Plan as outlined in the body of this report;*
- 2. to declare in respect of the 2019/20 financial and rating year and in accordance with Sections 158 and 161 and Part 8A - Rate Caps of the Act that the estimated amount it intends to raise by way of General Rate Income is \$126,118,934 comprising:*
 - a) an amount of \$123,498,316 which is intended to be raised by the General Rates; and*
 - b) an amount of \$195,884 in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963;*
- 3. to provide a Council funded rebate of \$50 to each eligible pensioner towards their Council rates in 2019/20 to ease some of the household budget pressures (estimated cost \$828,000);*
- 4. that Council does not intend to have a municipal charge;*
- 5. that Council intends to have a service charge raised under Section 162 of the Act and referred to as the "Recycling Levy" of \$22 per rateable property (Net income \$1,510,000);*

-
6. *to provide a waiver under Section 171 the Act for eligible pensioners of \$22 to offset the impact of the Recycling Levy. (estimated cost \$253,000);*
 7. *that there being no change in the valuation system, notes that Section 161(2)(iii) of the Act does not apply;*
 8. *that the rates will be raised by the application of Differential Rates:*
 - a) *the General Residential Rate of 0.00158350 cents in the dollar applied to the Capital Improved Value (CIV) of all residential rateable land; and*
 - b) *the General Non-Residential Rate of 0.00179606 cents in the dollar applied to the Capital Improved Value (CIV) of all non-residential rateable land;*
 9. *that the declaration of the General Residential Rate and General Non-Residential Rate will contribute to the equitable and efficient carrying out of its functions. The Rates will be applied to all rateable property;*
 10. *that the Rates will be separately levied in respect of each portion of rateable land for which Council has a separate valuation (unless Council has determined a charge in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963);*
 11. *that, Council provides a concession of 60% of the relevant rate for qualifying properties in accordance with the Cultural and Recreational Lands Act 1963 (CRLA);*
 12. *that in accordance with Section 167 of the Act, the rates and charges must be paid:*
 - a) *in a lump sum on or before 17 February 2020; or*
 - b) *by 4 instalments on or before:*
 - *30 September 2019;*
 - *2 December 2019;*
 - *2 March 2020; and*
 - *1 June 2020; or*
 - c) *by 10 instalments (direct debit only) on or before:*
 - *2 September 2019;*
 - *1 October 2019;*
 - *1 November 2019;*
 - *2 December 2019;*
 - *2 January 2020;*
 - *3 February 2020;*
 - *2 March 2020;*
 - *1 April 2020;*
 - *1 May 2020; and*
 - *1 June 2020.*
 13. *that interest will be applied to overdue rates payments and charges in accordance with Section 172 of the Act. The rate of the interest which is payable on the rates and charges which have not been paid by the dates specified, is fixed in accordance with Section 2 of the Penalty Interest Rates Act 1983;*
 14. *that for overdue non-instalment payers, an additional 21 days from the 14 February will be allowed to pay any overdue rates, before the application of the interest referred to in part 13 of this resolution; and*
 15. *to give public notice of its decision to adopt the 2019/20 Annual Budget in accordance with the Act.*

Cr McCluskey thanked the Chief Financial Officer and Finance Manager for all of their work, it's a big piece of work and a long process every year. Cr McCluskey also thanked the community for all of their input.

CARRIED

3.2 Public Liability, Products Liability and Professional Indemnity Insurance Services

Moved Cr Fergeus

Seconded Cr Little

1. *That Council renews its membership of the mutual liability insurance scheme with MAV Insurance, Liability Mutual Insurance, for the period 4pm 30 June 2019 to 4pm 30 June 2020, for the approximate sum of \$645,570 (GST exclusive).*
2. *That Council delegate the authority to the Chief Executive Officer to approve and renew ongoing insurance for Public and Products Liability and Professional Indemnity Insurance*

AMENDMENT

Moved Cr McCluskey

Seconded Cr Klisaris

1. *That Council renews its membership of the mutual liability insurance scheme with MAV Insurance, Liability Mutual Insurance, for the period 4pm 30 June 2019 to 4pm 30 June 2020, for the sum of \$702,922 (GST exclusive).*
2. *That Council delegate the authority to the Chief Executive Officer to approve and renew ongoing insurance for Public and Products Liability and Professional Indemnity Insurance.*

The Mayor advised that the actual sum was \$702,922 (GST exclusive).

CARRIED

3.3 Industrial Special Risks (Assets) Insurance Renewal

Moved Cr Fergeus

Seconded Cr Little

1. *That Council renews its Industrial Special Risks (Assets) insurance with the Jardine Mutual Asset Protection Plan (JMAPP) scheme for the period 4pm, 30 June 2019 to 4pm, 30 June 2020 for an estimated sum of \$449,391.45 (GST exclusive).*
2. *That Council delegate the authority to the Chief Executive Officer to approve and renew ongoing insurance for the Asset and Artworks portfolio.*

AMENDMENT

Moved Cr McCluskey

Seconded Cr James

1. *That Council renews its Industrial Special Risks (Assets) insurance with the Jardine Mutual Asset Protection Plan (JMAPP) scheme for the period 4pm, 30 June 2019 to 4pm, 30 June 2020 for the sum of \$449,391.45 (GST exclusive).*
2. *That Council delegate the authority to the Chief Executive Officer to approve and renew ongoing insurance for the Asset and Artworks portfolio.*

The Mayor advised that the word 'estimated' needed to be removed from point 1 of the motion, as the amount of \$449,391.45 (GST Exclusive) had been confirmed.

CARRIED

4. INFRASTRUCTURE

4.1 Tender for Maintenance of Automated Public Toilets

Moved Cr Davies

Seconded Cr Little

That Council:

- 1. Awards the tender for Maintenance of Automated Public Toilets Contract No. 2019128 for a schedule of rates based contract with an estimated annual contract value of \$101,646 (GST incl) and an estimated total contract value of \$508,230 (GST inclusive) inclusive of all available extension options.;***
- 2. Notes that the contract will commence on 1 July 2019 and the expected completion date is 30 June 2024; and***
- 3. Authorises the Chief Executive Officer to execute the contract agreement; and***
- 4. Notes that the contract will commence on 1 July 2019 with an initial term of one year and the contract has two extension options of two years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.***

CARRIED

4.2 Demolition of Carlson Reserve & Princess Street Scout Halls

Moved Cr Little

Seconded Cr Paterson

That Council:

- 1. Note the advice from the Scouts Association of Australia Victorian Branch (Scouts) that the Scout Hall at Carlson Reserve, Clayton North and the Scout Hall on Princess Street, Oakleigh (also known as 30-40 Haughton Road) are no longer required for purposes associated with Scouting activity;***
- 2. Note that Scouts have surrendered the premises at Carlson Reserve, Clayton North and Princess Street, Oakleigh back to Council in accordance with the terms of the lease agreement.***
- 3. Note that the demolition of the Scout Halls at Carlson Reserve, Clayton and Princess Street Oakleigh to commence as a matter of priority.***
- 4. Fund the demolition works as a variation to the 2019/20 Capital Works Program.***

CARRIED

4.3 Local Area Traffic Management Study - Brandon Park Drive Area

Moved Cr McCluskey

Seconded Cr Pang Tsoi

That Council

- 1. Notes the Local Area Traffic Management Study process undertaken in the area bounded by Ferntree Gully Road, Springvale Road, Brandon Park Drive and Lum Road;***
- 2. Endorses the proposal for the installation of 17 road humps within Darnley Grove, Earlwood Drive, Blackwood Drive and Academy Avenue;***
- 3. Notes the budget allocation of \$240,000 in the 2019/20 draft capital works program for delivery of LATM study;***
- 4. Includes ongoing maintenance costs of \$5,000 per year in Council's annual engineering operating budget commencing 2020/21; and***
- 5. Acknowledges the work of the community members who dedicated time to the Steering Committee and collaborated productively the Local Area Traffic Management study process.***

Cr Davies said that it has been a long process to get to this point, extensive consultation with the community has been undertaken & the community is happy with the result. Cr Davies said that he will be supporting the recommendation.

The Mayor followed by saying that several community meetings have been held and we have received great feedback from the community and as a result have a proper local traffic management area plan. Cr McCluskey added that action and collaboration by the State/ Federal government in progressing the Westall Road extension would be beneficial to alleviate traffic congestion within Monash and surrounding areas.

CARRIED

4.4 Tender for Melissa Street & Evelyn Street Reserve Playspace Renewal

Moved Cr Fergus

Seconded Cr Paterson

That Council:

- 1. Awards the tender from Yellowstone Landscaping Pty Ltd for Melissa Street & Evelyn Street Reserve Playspace Renewal, Contract No. 2019167 for a fixed Lump Sum of \$405,836.75 with an extra \$26,400 for Contingencies;***
- 2. Authorises the Chief Executive Officer to execute the contract agreement;***
- 3. Notes that the contract will commence on 15 July 2019 and the expected completion date is 27 December 2019; and***
- 4. Notes that the total budget including the fixed Lump Sum, Contingencies and Project Management Fees is \$440,000.00.***

(*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 Fergeus

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 **Council Minutes**

Moved Cr Paterson

Seconded Cr Fergeus

That the minutes for Ordinary and Special meetings of Council no longer include the commentary made by Councillors or advice provided by officers on items of business on the agenda of a meeting.

AMENDMENT

Moved Cr Zographos

Seconded Cr Davies

That Councils report be amended to add a new point 1.

- 1. Council's Local Law 1 be formally presented for review so that the following proposal can be considered.*
- 2. That the minutes for Ordinary and Special meetings of Council no longer include the commentary made by Councillors or advice provided by officers on items of business on the agenda of a meeting.*

Cr McCluskey advised that the proposed amendment was more applicable to the code, rather than the Local Law but would allow Cr Zographos to determine if he would like to proceed with the amendment.

Cr Zographos said that he hasn't opted to amend the code as he understands that its review will happen as part of the overall Local Law 1 review.

Council's Chief Operating Officer advised that the meeting procedure Local Law was resolved upon only 18 months ago after a lengthy process, at the same time the code was developed and put in place. It would be more appropriate for the code to include the amendment rather than the Local Law and if Council moves this way, it can be dealt with as a standard Council report.

Cr Zographos stated that he understands the advice, however, the intent of his amendment is to allow Council to consult with the community prior to implementing the change.

Cr Zographos said that he believes that this material change requires consultation. He said that the recommendation takes away the commentary by Councillors in the Chamber and he believes that doing this will put the Chairperson, Council and officers in a difficult position if they need to be reviewed. Cr Zographos noted that in the email from the Inspectorate regarding the minutes there is no breach or reason to make the change.

DIVISION

For: Crs Zographos, Pang Tsoi

Against: Crs Lake, Davies, Little, McCluskey, Klisaris, Paterson, Fergeus

Abstained: Crs James, Saloumi

LOST

SUBSTANTIVE MOTION

Cr Zographos said he thinks this is incredibly important issue. Cr Zographos said that Council Minutes cannot be substituted by video/ live streaming as this would be bad practice. Cr Zographos highlighted that we already have a decisions document that is circulated before the minutes are finalised which shows the community and others the decision that have been made by Council. Cr Zographos said he would like to see what other Councils are doing and would like a table showing how they are capturing their minutes.

Cr Paterson sought clarification from the Chief Operating Officer as to how much time officers spend on preparing the minutes each month.

The Chief Operating Officer advised that it would be dependent on the size of the meeting, agenda and amount of discussion on item at each meeting. Suggested that approximately 1 full day for an officer.

Cr Paterson said that the purpose of minutes of a meeting is to capture the decisions and any actions that arise, not the entirety of the discussion.

Cr Little left the Chamber at 9.49pm.

Cr Saloumi said that she believes constituents still like to view and receive a hard copy of the minutes and questioned if we are doing the wrong thing by the community.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Fund Applications

Moved Cr McCluskey

Seconded Cr Fergeus

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Ielyzaveta Ivanova</i>	<i>Victorian Biodiversity Conference 6-7 February 2020</i>	<i>\$1,000</i>

CARRIED

6.2 Cities Power Partnership SA Renewables Road Trip

Moved Cr Fergeus

Seconded Cr McCluskey

That Council notes the report on the Cities Power Partnership's South Australian Renewables Road Trip attended by Cr Josh Fergeus.

CARRIED

6.3 Jack Edwards Reserve Turf Pitch – Electronic Scoreboard Installation

Moved Cr James

Seconded Cr Klisaris

That Council agree to waive project management fees, electrical and geo-technical costs estimated to be \$12,700 in lieu of the club's \$15,000 capital contribution associated with the delivery of a new electronic scoreboard at Jack Edwards Reserve, West Turf Oval.

Cr Fergeus said that officer advice does call out that once again if we are to pass this, is like to set a prejudice for future projects and that he feels that this approach undermines consistency with the budget process and will not be supporting the report.

Cr Klisaris commended the Cannons for coming to Council with money. Cr Klisaris said that he understands and agrees with Cr Fergeus' comments, however, does welcome the opportunity to work with the Cannons on this occasion. Cr Klisaris said that he doesn't agree with Council's policy that sporting clubs are to fund the installation of assets on Council land and he will be pushing for this policy to change.

Cr Saloumi said that she doesn't mind supporting a sporting group as they have sought funding towards the project. Cr Saloumi noted that she would rather support a project like this than events such as festivals, as there is a continuing benefit, however said that it is not ideal to be doing it outside of the budget.

EXTENSION OF TIME

Moved Cr Davies

Seconded Cr James

That the meeting be extended until 11pm, if required.

CARRIED

Council returned to debate on item 6.3

Cr Davies said that community groups and sports clubs already pay towards assets such as lighting and we have rules and policies in place regarding this. Cr Davies said that he doesn't understand why we need to keep making exceptions for clubs in Oakleigh unless we do it for everybody. Cr Davies said current policies and rules should be looked to ensure that they are fair for everybody, and that he won't be supporting the motion.

Cr James said that he agrees with Cr Fergeus in that we should hold a line of not funding scoreboards, however there is a district difference in this case as there was with Oakleigh Districts. Cr James said that the difference here is that the State Government has provided money towards the funding towards the project, we can't say not to State or Federal funding.

Cr McCluskey said that most people would know he is in favour of active lifestyles, however he won't be supporting this, only for the sake of consistency. If it was just the management fees, he would support it for the sake of fairness.

CARRIED

Cr Lake vacated the Chamber, having declared a direct interest in Item 6.4, as he is the Chairperson of the Vision Super Board.

6.4 Vision Super

Moved Cr Davies

Seconded Cr Saloumi

Notes the comments in the 'Councillor News' in the May edition of the Monash Bulletin, detailed below,

- *Notes that Vision Super is the default superfund for Council employees, Cr Lake is currently Chairman of Vision Super.*
- *Notes that as of 30 June 2018, the Vision Superfund, the trustee for our employees Superannuation investments, held 1.75% of its Australian Equity holdings in Woolworths Group Limited, and 1.53% of its Australian Equity holding in Aristocrat Leisure Ltd. Both of these holdings were within the Vision Superfunds Top 20 Australian Equity holdings and underweight their ASX300 index weight,*
- *That the Mayor writes to the CEO and Directors of Vision Super, requesting clarification of Vision Super's views on the following,*
 - *Does Vision superfund hold an investment or board policy consistent with the statement that Woolworths Group and Aristocrat Leisure are "receiving benefits funded from the human misery caused by their everyday operations"?*

-
- *If such a policy is so held, why do they continue to invest in business's causing 'human misery'?*
 - *Does Vision Super have a policy regarding Directors making public statements about the investments held by Vision Super? How often do directors of Vision Super make public commentary on investments held by Vision Super, expressing personal or professional views on the quality or integrity of the investments held in trust for our Monash Council employee's retirement?*
 - *Authorises the CEO to survey employees on their satisfaction with the service they receive from Vision Super as Monash Council's default superfund provider for employees.*

Cr Davies said that there is a contrast between the two situations, one being the contents of the Monash Bulletin and the other being the investment practices of Vision Super. Council is trusted by its employees to work in their best interest. Council's default super fund for employees is Vision Super so there is a direct contrast with this relating to Council's gambling policy. Cr Davies said that it is responsible for Council to ask some questions about the situation and get further information to ensure that everything is satisfactory.

Cr Saloumi said that she was taken aback by the article in the Bulletin and found the contents degrading, specifically regarding members of the Mulgrave Country Club. Cr Saloumi said that 12 schools receive funding from the Mulgrave Country Club. Cr Saloumi added that the Councillor has been on the board of Vision Super, as a Director he has to work in the interest of the fund that he is a director for which is to operate in the best interest in their members.

Cr Klisaris said that it is the employees right to choose their super fund, and questioned why this report is before Council tonight. Cr Klisaris said that the report was 'playing the man' and this is not a matter that should be before Council.

The Chief Executive Officer confirmed that her position on this matter hadn't changed and said that it's not an exercise that is helpful to staff.

AMENDMENT

- *That point 4 be removed from the report.*

Cr Fergeus said that he agrees with certain points raised so far. He would like to see the last point removed as it causes discomfort. Cr Fergeus isn't clear on the intent of the report but can see that there is contrast between Council's positions and would like Council to have things clarified by Vision Super regarding their investments.

Cr Davies said that point 4 was altered to allow the CEO to use her discretion.

LOST

SUBSTANTIVE MOTION

Cr James said that he doesn't support 'playing the man' on any occasion. He agreed with writing to Vision Super regarding their investment practices. Cr James said that he won't be supporting the motion tonight.

PROCEDURAL MOTION

Moved Cr Fergeus

Seconded Nil.

That this item be deferred to a future meeting of Council.

LAPSED

Cr Paterson said that Cr Little has had to leave the meeting, however, he had a contribution towards this matter and tabled this on his behalf.

The Mayor advised that Cr Paterson could use her time to speak, however, the document would not be recorded in the minutes.

POINT OF ORDER

Cr Zographos said that he believes Cr Paterson could table a document if she would like to.

The Mayor did not uphold the Point of Order.

Cr Paterson continued to say that Cr Little's view, as provided for in his written contribution was that this was not a motion that had a place on Council's meeting agenda, and should be voted down as quickly as possible.

Cr Paterson added her views were very much in accord with what Cr James had said; she would like Council to write to Vision Super requesting further information regarding their investments. Cr Paterson said that the commentary regarding Councillor Lake was not relevant to the question that needed to be asked of Vision Super.

PROCEDURAL MOTION

Moved Cr Klisaris

Seconded Cr McCluskey

That the motion be put to the vote.

LOST

Cr Fergeus said that he can't support this in its full form and that he doesn't agree with what has been presented. Cr Fergeus said that he supports writing to Vision Super about these issues in the future, however, he won't be supporting the report tonight. He added that he believes this is exactly the type of matter that Council should be discussing.

The Mayor said that he thinks shareholders should be contacting Vision Super if they have concerns, but supported Council writing to Vision Super asking the same questions we have asked of other organisations.

RIGHT OF REPLY

Cr Davies said that Council recommends Vision Super as the default fund to employees and Council had an obligation to our employees. Cr Davies said that this hasn't been put up with the intention of attacking anyone, however, stated that the article in the Bulletin did.

LOST

DIVISION

For: Cr Zographos, Davies, Saloumi

Against: Crs James, McCluskey, Klisaris, Paterson, Fergeus

Abstained: Cr Pang Tsoi

Cr Lake returned to the Chamber

6.5 Auditor-General's Report into Recovering and Reprocessing Resources from Waste

Moved Cr Fergeus

Seconded Cr Paterson

That Council:

- 1. Notes the Auditor General's report, Recovering and Reprocessing Resources from Waste, released on the 6th June 2019.***
- 2. Writes to Environment Minister Lily D'Ambrosio affirming Council's support for the recommendations of the report, in particular:***
 - The creation of a state-wide waste policy;***
 - Clarifying the role of government agencies;***
 - Improving the reliability and quality of waste data; and***
 - Developing strategies to reduce reliance on international markets.***
- 3. Notes that more than half a billion dollars is currently set aside in Victoria's Sustainability Fund.***
- 4. Strongly supports the development of the Victorian recycling and waste recovery industry.***
- 5. Notes that according to the Auditor-General, Monash Council is ably fulfilling its role in delivering waste and resource recovery services to their communities and have managed to provide continued waste services despite the challenges brought about by the Chinese Sword Policy.***

Cr Zographos said that point 3, sustainability fund sitting there for many years that previous and successive governments have earned interest on and haven't spent the money on anything that it should have been spent on for many years.

Cr Saloumi said that if the half a billion dollars was used to change the recyclables into road surfaces, that would be a really good use of the money.

CARRIED

6.6 City of Monash Public Health Approach to Gambling Policy Statement 2016 – 2020 - Sports Clubs

Moved Cr James

Seconded Nil

That prior to December 2019, Council officers:

- a. prepare a draft sports grounds and facilities allocation policy for Council consideration that addresses issues regarding the Club compliance with Council's Approach to Gambling Policy Statement 2016 – 2020, and to better promote the principles of access and inclusion of Council facilities.*
- b. prepare a draft revision of the City of Monash Public Health Approach to Gambling Policy Statement 2016-2020 for Council consideration that addresses the outcomes sought in this motion*

LAPSED/ LOST

7. COMMITTEE REPORTS

7.1 Report on Submissions for Draft Budget 2019/2020

Moved Cr Fergeus

Seconded Cr Zographos

Cr McCluskey thanked all submitters for their submissions.

Cr James said that all submissions were worthwhile and suggested that these be called for earlier in the next budget process to allow them to be considered earlier by Council.

CARRIED

8. URGENT BUSINESS

8.1 Submission for Local Government Bill 2019 Proposal

Moved Cr Fergeus

Seconded Cr Zographos

That the matter of a submission to the State Government on the Local Government Bill 2019, be admitted as an Item of urgent Business

Cr Fergeus said the submission opened before the Council papers were in and closes before the next Council meeting.

CARRIED

Moved Cr Fergeus

Seconded Cr Zographos

That Council put forward a submission prior to 12 July to oppose Reform 2 'Electoral Structures' in the Local Government Bill 2019 which is proposing to amend the current representative structure and introduce single member wards.

Cr Fergeus said he has discussed this item with a number of Councillors around the table and also Councillors from other Councils. Cr Fergeus said that he is proposing that a submission be made before the closing date of the 12 July to oppose the one reform in particular that relates to the single member ward structure across Victoria. Cr Fergeus said that this would result in a reduction of diversity of representation including women, migrants, and ethnic minorities. Cr Fergeus said that he is not proposing to put forward a submission on any of the other items, as there are some good measures being included.

Cr Lake said that he doesn't support singling out one of several changes when there has been no consultation with the sector. Cr Lake has a number of general concerns around the proposals but noted that there has been a lot of talk about improving Local Government structures previously. Cr Lake highlighted that there are some questions that can be raised about the overall proposal, and added that he has specific concerns regarding the reform whereby 25% of the community can sign a petition which can initiate a commission of enquiry into a Councillor or Council which is then investigated.

Cr James agrees with the comments from Crs Fergeus and Lake; Council didn't have time to consult with the community and said that single member wards will tend to be harder to challenge as Councillors who have been on Council for a number of years would get re-elected. Cr James said that multi-member wards created more diversity and were better for the community.

Cr Zographos said that wards are there for electoral reasons, making it more practical and that each Councillor represents the community across all wards. Cr Zographos said that making a submission based on one point itself, he doesn't see any value in the item. Cr Zographos said that Council needed to advocate against these proposals when they're bad, but we need to also support them when they're good.

RIGHT OF REPLY

Cr Fergeus said that he appreciates the discussion on this item but it is sensible for Council to consider this as it is being rushed through. Cr Fergeus said that this is taking away our right to consult with our community, advocate on their behalf in the future and is an extreme divergence from the status quo and needs to be considered more carefully. Cr Fergeus acknowledges that there are several other items that we could address, however we simply don't have time.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr McCluskey

Seconded Cr Davies

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 10.35pm and returned to Open Council at 10.55pm.

CARRIED

10. PERSONAL EXPLANATIONS

Cr Lake provided a personal explanation regarding his direct conflict of interest relating to item 6.4 Vision Super. Cr Lake stated that he takes his different roles very seriously and is careful in managing any conflicts of interest. Cr Lake added that he was entitled to state his own personal views regarding matters, as he did in his article in the Monash Bulletin, it just happens to be the same as Council's position on poker machines and gambling. Cr Lake said that when he is acting in his role as a Director of Vision Super it is not appropriate for him to express his personal views on matters discussed around the table. He added that he doesn't participate in conversations around the Vision Super table that relate the screening of investments or areas of concern around gambling, as he considers this a conflict.

11. COUNCILLORS' REPORTS

The Mayor declared the meeting closed at 11.05pm

MAYOR:

DATED THIS DAY OF 2019