



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 29 SEPTEMBER 2020**

at 7.00 pm

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

MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 29 SEPTEMBER 2020 AT 7.00 PM.

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

APOLOGIES:

Nil.

DISCLOSURES OF INTEREST

Nil.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING

Moved Cr James,

Seconded Cr Klisaris

That the minutes of the Ordinary Meeting of the Council held on 25 August 2020 and the Additional Meeting of Council held on 15 September 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Moved Cr Zographos

Seconded Cr Tsoi

That the 282 signatory petition against the change in parking restrictions for parking spaces in Atherton Road, Portman and Chester Streets, Oakleigh be accepted.

Cr Klisaris asked who had initiated the petition.

POINT OF ORDER

Cr Fergeus called a Point of Order, saying that Cr Klisaris was not behaving in accordance with the requirements of the Governance Rules.

The Mayor advised that the line of questioning was potentially crossing the line, in relation to the election period and would uphold the point of order.

The matter was put to the vote and declared lost.

DIVISION

A division was called.

For: Crs Zographos, McCluskey, Saloumi, Tsoi

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

Abstain: Cr Fergeus

PUBLIC QUESTION TIME

The Mayor advised that 1 question had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 4-6 Stockdale Avenue, Clayton - Construction of A Three Storey Residential Building To Be Used As A Rooming House (Student Accommodation)

Moved Cr Zographos,

Seconded Cr Tsoi

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51467) for the construction of a three storey residential building to be used as a rooming house (student accommodation), at 4-6 Stockdale Avenue, Clayton subject to the following conditions:

Amended Plans Required

- 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 prepared by Parallel Workshop Pty Ltd (Revision C) dated 25 June 2020 but modified to show:***
 - a) Finished floor levels of the deck;***
 - b) All habitable room windows with obscured glazing (labelled GL02) to be fixed (non-openable) up to a height of 1.7 metres above finished floor levels to prevent overlooking;***

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- c) *The following windows to be screened or demonstrate compliance of Standard B22 of Clause 55.01 (Overlooking objective):*
- *The first floor level east facing lounge room windows;*
 - *The second floor level south and south-east facing lounge room windows; & the east facing kitchen window of unit 209;*
- d) *A boom gate to the basement car park to be setback sufficiently from the front boundary to prevent vehicles overhanging the footpath while waiting for the gate to open;*
- e) *A notation on the ground floor plan to read 'Trees No.1, 2, 11 and 13 to be protected in accordance with the recommendation in the arborist report prepared by Melbourne Arborist Reports (Revision 4) dated 20 June 2020';*
- f) *The northern street tree in front of No.6 Stockdale Avenue notated 'street tree to be removed by developer/ owner of 6 Stockdale Avenue';*
- g) *The accessible parking spaces increased to 5.4 metres in length;*
- h) *Plans and specifications for a revised car stacker system to accommodate vehicles up to 175cm height on the upper level;*
- i) *The existing redundant crossing notated 'removed and replaced with kerb and channel to the satisfaction of the Responsible Authority';*
- j) *Bicycle parking facilities to generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme;*
- k) *An amended Landscape Plan prepared in accordance with Condition 4;*
- l) *An amended Waste Management Plan prepared in accordance with Condition 5; and*
- m) *A Sustainable Management Plan prepared in accordance with Condition 6.*
- All to the satisfaction of the Responsible Authority.*
2. *The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*

Landscaping Plan

4. *Concurrent with the endorsement of any plans pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Zenith Concepts (Revision B) dated June 2020 except that the plan must show:*
- (a) *At least one canopy tree within the front setback to have mature height of a minimum of 11 metres;*

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- (b) Detail of the proposed paving;*
 - (c) Location of external lighting (if any);*
 - (d) Location of retaining walls and site services; and*
 - (e) Provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas to the satisfaction of the Responsible Authority.*

Waste Management Plan

- 5. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Low Impact Development Consulting, dated 17 March 2020 (Amended 22 June 2020) but revised to the satisfaction of the Responsible Authority to:*
 - a) Allow for separated glass recycling as per 2020 State Government Recycling Victoria policy; and*
 - b) Provide details of waste collection process supported by scaled plans.*

Sustainable Management Plan

- 6. Concurrent with the endorsement of plans pursuant to Condition 1, 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.*

Construction Management Plan

- 7. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
 - a) Hours for construction activity in accordance with any other condition of this permit;*
 - b) Measures to control noise, dust and water and sediment laden runoff;*
 - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
 - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
 - f) Cleaning and maintaining surrounding road surfaces;*

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- g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
- h) *Public Safety and site security;*
- i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
- j) *A Traffic Management Plan showing truck routes to and from the site;*
- k) *Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
- l) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
- m) *Contact details of key construction site staff; and*
- n) *Except with the prior written consent of the Responsible Authority, 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; and*
 - *No works are permitted on Sundays or Public Holidays.*

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

S173 Agreement

8. *Prior to the endorsement of plans referred to in Condition 1, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
- *That no person may reside in the building unless that person is a bona fide student or academic whether part time, full time, short term or resides there in a supervisory, management or caretaker capacity;*
 - *Car parking spaces are only permitted to be used by the occupants of the units and their visitors;*
 - *Car spaces must not be individually subdivided, on-sold or leased to any other person other than an owner or occupant of the premises;*
 - *Residents of the units will not be entitled to car parking permits for on street car parking;*
 - *Should the land cease to be used for student housing, a new planning permit may be required for an alternative use. It should be noted that any dispensation for*

on-site car parking given to the student accommodation development is not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the Monash Planning Scheme;

- *The student accommodation premises must be managed by a single entity;*
- *A management plan prepared and implemented to the satisfaction of the Responsible Authority; and*
- *The cost of the preparation and review of the Section 173 Agreement and its registration on the title of the land must be borne by the owner of the land.*

Operational Management Plan

9. *Prior to the commencement of the use an Operational Management Plan concerning the student accommodation prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:*
- a) *Student accommodation units are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises;*
 - b) *The contact details of the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person;*
 - c) *After hours contact details for management of the facility;*
 - d) *Management of the car park including access arrangements; and*
 - e) *Maintenance of buildings and grounds, including all landscaped areas.*

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Car Parking

10. *Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.

11. *The mechanical parking systems 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 mechanical parking systems to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.*
13. *All access points to the mechanical parking system require the provision of a gate/door which is to be fully automated and linked to the operating system to ensure that there is no inadvertent access when the system is in motion.*

Landscaping and Tree Retention

14. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained (including trees on the nature strip) during the demolition and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
15. *All works (including demolition works) within the dripline of any tree to be retained (including trees on nature strip and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
16. *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.*
17. *All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*

Drainage

18. *The site must be drained to the satisfaction of the Responsible Authority*
19. *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.*
20. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal*

detention system is to be approved by Council's Engineering Department prior to drainage works commencing.

Other

21. *Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and be in good condition to the satisfaction of the Responsible Authority.*
22. *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.*

Time for Starting and Completion

23. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*
 - (a) *The development is 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:

- (i) *within six (6) months afterwards if the development has not commenced; or*
- (ii) *within twelve (12) months afterwards if the development has not been completed.*

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. *This is not a Building Permit. 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.*
- C. *Council's Horticulture Department must be contacted regarding the removal of the street tree proposed.*
- D. *No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act*

2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

- E. 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.*
- F. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:*
- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or*
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
 - another Council approved equivalent.*
- G. The nominated point of stormwater connection for the site is to the 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 nature strip to be constructed to Council standards.*

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

- H. A drainage contribution of approximately \$9,782 will be accepted in lieu of a detention system. This amount is valid until 30 June 2021. 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.*
- I. Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
- J. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.*
- K. 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.*
- L. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by*

Council's Engineering Department. A refundable security deposit of \$2,000 is to be paid prior to the drainage works commencing.

- M. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- N. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
- O. The proposed crossing is to be constructed in accordance with the City of Monash standards.*
- P. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- Q. Residents of the approved development will not be entitled to car parking permits for on street car parking.*

CARRIED

1.2 12 Calderwood Avenue, Wheelers Hill - Removal of Two (2) Trees

Moved Cr Klisaris,

Seconded Cr Zographos

- A. That Council resolves to issue a Planning Permit (TPA/51636) to remove vegetation in a Vegetation Protection Overlay at 12 Calderwood Avenue, Wheelers Hill subject to the following conditions:*

Amended Plan

- 1. Prior to the removal of Tree 2, a plan is to be submitted detailing:
 - a) Retention of Tree 1 – Spotted Gum tree located at the front of dwelling*
 - b) Removal of Tree 2 – Lemon Scented Gum located at the rear of the dwelling*
 - c) Location of one (1) replacement tree within the rear setback of the site, including details of the species, height of the tree at planting and expected height at maturity (minimum 7 metres).**
- 2. The tree removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
- 3. The replacement tree must be planted, and in a healthy state, within six (6) months of the removal of the tree.*

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4. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the tree is not removed before two (2) 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.

- B. *That Council write to the Owner advising that for the tree to be retained, that maintenance pruning be under taken by a qualified Arborist with light weight reduction and re-inspected at 2-3 year intervals as recommended by Baxter Ecology and Associates; and*

That all pruning must be in accordance with the Australian Standard – AS4373 Pruning of Amenity trees.

PROCEDURAL MOTION

Moved Cr Klisaris,

Seconded Cr Zographos

That the motion be amended to reference the removal of both trees.

The Mayor informed the Council that the Governance advice was that that constituted an alternative motion, rather than an amendment.

The Mayor advised, that as a result, consideration of the alternative motion would be contingent upon the failure of the motion currently before Council.

The motion was put to the vote and declared carried.

CARRIED

- 1.3 **170-174 Highbury Road, Mount Waverley - Amendment To Planning Permit For An Additional Three Residential Apartments and Three Car Spaces Within the Basement**

Moved Cr Paterson,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Refuse to Grant an amendment to the Planning Permit (TPA/40955) which seeks to provide for an additional three residential apartments and three car spaces within basement associated with the development of a three storey building with basement car parking and use for a medical centre (up to 17 practitioners), child care centre (up to 144 children), cafe and dwellings and alteration of access to a Road Zone, Category 1) at 170-174 Highbury Road, Mount Waverley on the following grounds:

1. *The proposal will result in poor internal amenity for future residents and fails to comply with the objectives of Clause 55.07.*
2. *The proposal is an overdevelopment of the site.*
3. *The proposal fails to provide for efficient vehicle movement within the site and fails to meet the design requirements of Clause 52.06.*

CARRIED

1.4 428-430 Haughton Road Clayton

Moved Cr Tsoi,

Seconded Cr Little

That Council resolves to consent to the amended plans and support the application via consent order to (TPA/50934) for the construction of a 4 storey residential building, at 428-430 Haughton Road, Clayton subject to the following conditions:

Amended Plans Required

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Life Design Architecture 17 September 2020 but modified to show:*
 - a) *Bedroom 2 eastern facing window of Apartment 1.09 and Bedroom 2 western facing window of Apartment 1.02 to be screened in accordance with Standard B22 of Clause 55.04-6 or further details showing that no unreasonable overlooking will occur.*
 - b) *All balconies which have an outlook within 9 metres of adjoining habitable room windows and secluded private open space to be screened as required in accordance with Standard B22 of Clause 55.04-6.*
 - c) *Natural Ground Level to be clearly identified on all elevations.*
 - d) *The location and height of all retaining walls within the site to be detailed on the ground floor plan.*
 - e) *The area of hard paving associated with Apartments G.01, G.02 and G.11 to be reduced to not extend past the line of the basement (except for any pedestrian pathway).*
 - f) *The area of hard paving associated with Apartment G.04 to be no greater in width than 2.2 metres.*
 - g) *Screening between balconies at the upper level facing Haughton Road to be obscure glass or other lightweight material to the satisfaction of the Responsible Authority.*
 - h) *The Materials Schedule to correctly identify material AA being Metal Cladding.*

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- i) *Details of any recommendations as required by the Acoustic Report prepared in accordance with Condition 9 of this Permit.*
 - j) *A Waste Management in accordance with Condition 4 of this Permit.*
 - k) *A Sustainable Management Plan in accordance with Condition 7 of this Permit.*
 - l) *A Landscape Plan in accordance with Condition 11 of this Permit.*
 - m) *A Tree Management Plan in accordance with Condition 14 of this Permit.*

Layout not to be Altered

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

Satisfactory Continuation

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

Waste Management

4. *Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by One Mile Grid dated 18 December 2019, but showing to the satisfaction of the Responsible Authority:*
 - a) *Any changes as required by Condition 1 of this Permit.*
 - b) *Clearance heights required for waste collection.*
5. *The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
6. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*

Amended Sustainable Management Plan (SMP) Required

7. *Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Green Rate and dated 2 December 2019 but modified to reflect the amended plans dated 17 September 2020 and any changes as required by Condition 1 of this Permit.*
8. *The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Amended Acoustic Report Required

9. ***Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics dated 19 December 2019, but modified to reflect the amended plans dated 17 September 2020 and any changes as required by Condition 1 of this Permit.***
10. ***The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.***

Landscape Plan

11. ***Concurrent with the endorsement of any plans pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Outward Design, dated 29 November 2019, except that the plan must show:***
- a) ***Any changes required by Condition 1 of this Permit.***
 - b) ***Paving finishes associated with pathways to individual apartments to differ to the main entrance of the building.***
 - c) ***Material finishes of all hard paved / decked areas.***
 - d) ***Screen planting located in front of balcony spaces associated with Apartments G.01, G.02 and G.11 to provide for privacy of these spaces.***
 - e) ***Climbing plants to be provided over the pergola to the pedestrian entrance and beams over the vehicle accessway.***
 - f) ***The proposed lawn areas within the front setback of the site to be revised and replaced with low level planting.***
 - g) ***The deletion of any clothes lines for apartments fronting Haughton Road, and the location of any clothes lines for any remaining ground floor open spaces to be located away from the main area of secluded private open space where practicable.***
 - h) ***The existing street tree adjacent to the proposed accessway to be shown to be removed.***
 - i) ***The Tree Protection Zones of all trees to be retained adjoining the property.***
12. ***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.***

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- 13. An in-ground, automatic watering system connected to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.**

Tree Management

- 14. Concurrent with the endorsement of any plans pursuant to Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 2, 3 and 10 as identified in the Arborist Report prepared by TreeMap dated December 2019).**

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree protection zones and structural root zones of all trees to be retained,**
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;**
 - iii. The type of footings within any tree protection zones;**
 - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and**
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.****
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.**
- c) Supervision and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and**
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.**

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Tree protection during construction

- 15. Before any development (including demolition) starts on the land, a tree protection fence must be erected around the Street Trees (Trees 2 and 3) to be retained and**

the tree located within the rear SPOS of 426 Haughton Road (Tree 10) to define a "Tree Protection Zone" as detailed in the endorsed Tree Management Plan. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.

Construction Management Plan

16. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must address the following issues:

- o) Hours for construction activity in accordance with any other condition of this permit;**
- p) Measures to control noise, dust and water and sediment laden runoff;**
- q) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;**
- r) Measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- s) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
- t) Cleaning and maintaining surrounding road surfaces;**
- u) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;**
- v) Public Safety and site security;**
- w) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
- x) A Traffic Management Plan showing truck routes to and from the site;**
- y) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
- z) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
- aa) Contact details of key construction site staff;**
- bb) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.**
- cc) Except with the prior written consent of the Responsible Authority, 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).*
 - *No works are permitted on Sundays or Public Holidays.*

17. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking and Driveways to be Constructed

18. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed to the satisfaction of the Responsible Authority;*
- b) properly formed to such levels that they can be used in accordance with the plans;*
- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.

19. Before the use starts or any building is occupied:

- a) Traffic signals must be installed on or near each basement access ramp. Such traffic control measures must include appropriate hold points and detector loops; and*
- b) A convex mirror must be installed at the top of the two access ramps within the basement.*

to the satisfaction of the Responsible Authority.

20. The traffic signals must be routinely serviced and maintained to the satisfaction of the Responsible Authority.

Vehicle Crossovers

21. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

22. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Drainage & Stormwater

23. The site must be drained to the satisfaction of the Responsible Authority.

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- 24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.*
- 25. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.*
- 26. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.*

Privacy screens

- 27. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.*

Plant / Equipment or features on roof

- 28. 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.*

DIVISION

A division was called by the Mayor.

For: Crs Zographos, Lake, Klisaris, Fergeus, McCluskey, Little

Against: Crs Paterson, Tsoi, James, Saloumi

CARRIED

1.5 Town Planning Schedules

Moved Cr Paterson,

Seconded Cr Little

That the report containing the Town Planning Schedules be noted.

CARRIED

1.6 Outdoor Dining

Moved Cr James,

Seconded Cr Tsoi

That Council:

- 1) Notes the Victorian Government's Outdoor Eating and Entertainment Package will provide \$87.5 million to Councils and businesses outside of Melbourne's CBD to make widespread outdoor dining safe, practical and a reality this summer.*
- 2) Notes funding of up to \$500,000 will be available to local Councils to help them implement swift and streamlined permit, enforcement and monitoring processes to support expanded outdoor dining*
- 3) Notes officers have established the Getting Ready for Enhanced Outdoor Dining project and have commenced the process of engaging with traders and identifying opportunities where outdoor dining can be expanded in a range of settings*
- 4) Notes that Council has not yet charged footpath trading fees in the current financial year as trading has not been allowed, and that, in light of announcements and providing stimulus in line with the Victorian Government's Outdoor Eating and Entertainment Package footpath trading fees (\$210k) for the 20/21 financial year will not be charged.*
- 5) Notes that dependant on the demand for increased trading across the Municipality, Council may need to request additional financial assistance from the State Government to facilitate further trading opportunities and/or allocate further budget as may be required.*

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 A Healthy and Resilient Monash: Integrated Plan 2017 - 2021 Year Three Evaluation Summary (2019 - 2020)

Moved Cr Fergeus,

Seconded Cr McCluskey

That Council notes the achievements outlined within the Year Three Evaluation Summary of 'A Healthy and Resilient Monash: Integrated Plan 2017-2021'

CARRIED

2.2 2020/21 Monash Quick Response Grants Program Recipients

Moved Cr McCluskey,

Seconded Cr Paterson

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 13 August – 9 September 2020 to a total of \$18,650.

CARRIED

3. CORPORATE SERVICES

Nil

4. INFRASTRUCTURE

4.1 2020/21 Playspace Renewal

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council:

- 1. Awards the tender from Yellowstone Landscaping Pty Ltd for 2020/21 Playspace Renewal, Contract No. CF2020174 for the fixed Lump Sum Price of \$607,241.24 with an extra \$53,900 for Contingencies and \$42,983.71 for Provisional Items (executable at Council's option);*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract will commence on 26 October 2020 and the expected completion date is 30 April 2021; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/Delivery Fees and Provisional Items is \$758,024.95.*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Record of Committees' Meetings and Councillors' Meetings

Moved Cr Little,

Seconded Cr McCluskey

That Council Notes the Record of Committees Meetings and Meetings of Councillors.

CARRIED

6. NOTICES OF MOTION

Nil.

7. COMMITTEE REPORTS

7.1 Audit & Risk Committee Minutes

Moved Cr Paterson,

Seconded Cr Klisaris

CARRIED

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Moved Cr Tsoi,

Seconded Cr Zographos

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 66(2) of the Local Government Act 2020 for the reasons specified in the certificate.

CARRIED

The meeting moved into Confidential Business at 7.40 pm and returned to Open Council at 7.42 pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

11.1 Cr Paterson, congratulated Sally and Tony Walker who had been the driving force behind the Friends of Scotchmans Creek and Valley Reserve Group, having served in a number of key roles, and who were recently awarded the Victorian Environmental Friends Network Award, for their service to their local environment.

11.2 Cr Tsoi thanked the Chief Executive Officer and her staff for their support during this current term of Council.

Cr Tsoi said that his sympathies were with the Clayton shop owners who had experienced damage to their premises and that the city of Monash was a place that had zero tolerance to any kind of racism.

The Mayor said that he wanted to clarify that the graffiti and the racist literature circulated after that attack on the premises were unrelated.

The Mayor declared the meeting closed at 7.47 pm

MAYOR:

DATED THIS DAY OF 2020