



CITY OF
MONASH

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

at 7.00 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 30 OCTOBER 2018 AT 7.00 PM.**

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

APOLOGIES:

Nil.

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 25 SEPTEMBER 2018 & SPECIAL MEETING OF 16 OCTOBER 2018**

Moved Cr Little,

Seconded Cr McCluskey

That the minutes of the Ordinary Meeting of the Council held on 25 September 2018 & 16 October 2018, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Paterson tabled a petition containing 45 signatures, regarding the proposed development at 2 Curtis Avenue Mount Waverley.

PUBLIC QUESTION TIME

The Mayor advised that 3 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Monash Open Space Strategy

PROCEDURAL MOTION

Moved Cr McCluskey,

Seconded Cr Pang Tsoi

That this matter be deferred to the November 2018 Council meeting.

LOST

DIVISION

A division was called.

For: Crs McCluskey, Klisaris, Pang Tsoi, Davies, Lake

Against: Crs Fergeus, Little, Paterson, Saloumi, James, Zographos,

Moved Cr Fergeus,

Seconded Cr James

That Council:

- 1. Notes the changes made to the draft Monash Open Space Strategy in response to public consultation undertaken in September and October 2017.*
- 2. Notes that following the SGS Planning & Economics review a key direction of the Strategy is to require Public Open Space contribution of 10% for subdivision of all land in Monash.*
- 3. Adopt the updated Monash Open Space Strategy.*
- 4. Authorise the Director City Development to request the Minister for Planning for authorisation to prepare and exhibit an amendment to the Monash Planning Scheme as outlined in this report, including:*
 - Changes Clause 53.01 to require that all subdivision is required to provide a public open space contribution at a rate of 10%.*
 - A new Local Planning Policy to set out the policy for the process for open space contributions.*
- 5. Upon receiving authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*

Cr Fergeus said that the strategy represented a key part of the liveability of the city into the future. He said that the key principle was the increase in open space and an appropriate level of open space was available to all Monash residents. He noted that those areas with the greatest shortfall of open space included Hughesdale, Oakleigh East, Clayton, Notting Hill, Chadstone, which disadvantaged a large number of residents in the municipality. Cr Fergeus said that the Strategy had been well canvassed with the community, with over 470 submissions received and overwhelming support for the Council to take action and protect and expand public open space.

Cr Davies stated that there were 2 components to the Strategy; one was a tax on subdivisions and the allocation of the income from that tax to buy land for open space. He said that the 10 percent tax was too high and was uncomfortable with how it would be allocated to be spent. Cr Davies said that the problem of congestion was not being addressed, with the tax being generated in one part of the city but allocated to another part, to create open space. He said that he wanted the tax restructured and the best open space to have would be the Oakleigh Golf Course, which was under-utilized.

Cr James said that this matter had been dealt with for close to 2 years by this Council. The city was crying out for such a strategy. He added that it was important to have a pool of funds for the creation of open space and then the Council could determine where it would be spent. Cr James said that as more areas of Monash became densely populated, the Council needed to provide more open space. He supported the principle of the 10 percent tax.

Cr Lake said that he agreed in part with Cr Davies regarding the 2 separate issues; the tax and the distribution model. He said that he supported that model, noting that the areas predominantly in the south of the municipality were in greater need of open space. He supported the acquisition of land in the areas of highest need. Cr Lake said that his concern was what was a fair tax and did not support the current proposal and not enough work had been done to address unintended consequences. Cr Lake said that Melbourne had a problem with addressing an increase in population and he considered that that increase should be in places such as Monash rather than on the fringe. He added that he was concerned at the tax being set at 3 dwellings, which could contribute to overdevelopment, with people seeking to build more to obtain a greater yield.

Cr Saloumi noted the population forecast in the Strategy, for Glen Waverley Activity Centre and disagreed with the figures used. She noted a 2.7 percent increase in Melbourne's population. Cr Saloumi said that the population increase for Glen Waverley, as stated in the Strategy was too low. She said that there was not enough open space in the majority of the municipality and Monash was not doing enough for climate change. Cr Saloumi said that the tax should be spent in the areas that it was taken from and agreed with the tax being set at 10 percent.

Cr Zographos asked if the motion was passed, could the level of the tax be changed in the future and also could the money raised by the tax be allocated to improvements to current open space.

The Director City Development advised that the Council could ask for changes to the tax to be made and also in its final consideration of this matter, after public exhibition, make further changes. He added that the Council could make a decision, at any time, to make improvements to public open space.

Cr Zographos continued, saying that he would support the motion. He noted that the officers' report was meant to be submitted to Council in July 2018 and so the matter had been delayed for some months and further delays would not be helpful. Cr Zographos said that there were developments in Oakleigh that had a negative impact on local amenity and the least that the developers could have done was to contribute to public open space in the area. He expressed his support for the motion.

Cr Paterson said that this matter was raised for discussion in 2013 and funded for in the 2015/16 budget. Consideration of this and the Landscape and Vegetation Canopy Strategy were set for consideration by Council in November 2017 but were deferred. Cr Paterson added that the Council could not wait any longer on this strategy. She said that the two strategies sought to address the problems arising from overdevelopment. Cr Paterson noted the public feedback on the strategy.

Cr McCluskey said that everyone would support the need for more open space and that this has been a lengthy, but important process. He added that his procedural motion did not mean that he was against the strategy and supported the majority of it. Cr McCluskey said that more discussion was needed on the level of the tax. He said that there may be differences regarding where more open space was needed but the community supported the need for more open space. He said that strategy needed to be absolutely right and that it worked and there was no detrimental effect.

Cr Pang Tsoi supported the need for more open space and agreed with Cr McCluskey's concerns regarding the tax and the deferral of the motion for one month. He noted that the proposed 10 percent contribution was double that in the Council's current planning policies. Cr Pang Tsoi said that he had concerns about the contribution level and also how and where the funds raised would be spent. Cr Pang Tsoi said that he supported an open space strategy but considered that the proposal before Council needed more work.

The Mayor said that in regard to how the contribution funds would be distributed, he looked at the city in a holistic way and Monash was one city and not ward-centric. The Mayor said that he shared some of the concerns expressed regarding the proposed level of the contribution and wanted that matter examined further. He added that he was mindful of the expense involved in buying land and that in setting such requirements, the Council did so carefully and with thought. The Mayor added that there was no doubt that more open space was needed.

RIGHT OF REPLY

Cr Fergus said that the matter of public open space contributions had been considered by tribunals and courts and it was not a tax, but a cost associated with development. He added it was a clear outcome of a landowner seeking to subdivide

their land and the contribution was collected for a specific purpose and there was a direct relationship between the charge and the service provided, ie open space. Cr Fergeus said that this decision required the Council to be bold; land was expensive and the Council needed to raise the necessary funds and the Council had not provided the necessary open space in the past. He added that there will be improvements across the municipality.

CARRIED

DIVISION

For: Crs Saloumi, Little, Fergeus, Paterson, Zographos, James

Against: Crs Klisaris, Lake, Davies, McCluskey, Pang Tsoi

1.2 Monash Urban Landscape and Canopy Vegetation Strategy

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

- 1. Notes the Consultation Report, September 2018, that outlines the results of the consultation undertaken for the Draft Monash Urban Landscape and Canopy Vegetation Strategy;*
- 2. Having regard to the proposed changes outlined in this report in response to the issues raised during the community consultation process, authorises the Director to make those changes to the draft Strategy;*
- 3. Adopt the updated Monash Urban Landscape and Canopy Vegetation Strategy;*
- 4. Notes that a further report will be presented to Council outlining in detail an implementation plan for the Strategy that includes possible and proposed planning scheme options for consideration by Council;*
- 5. Advise all submitters in writing of Council's decision, thanking them for their contribution;*
- 6. Notes that a further report will be presented to Council outlining potential changes to permit requirements for tree removal.*

Cr Fergeus said that there had been over 350 responses to the consultation and over 93 percent said that trees and gardens were very important to their area and 91 percent wanted Council to do more to protect trees. He added that there was a high level of agreement with the vision and objectives of the Strategy with 80% of respondents strongly agreeing and 15% agreeing. He noted the need to protect trees and vegetation in general. He said that it was clear as to what the community wanted.

Cr Saloumi said that she supported the strategy. She said that it was no surprise that the majority of those attending the drop in sessions were from Mount Waverley and Glen Waverley given that 139 houses had been demolished and 'moonscaped' 125 in

Mount Waverley, in the past year. She said that these resulted in dual or multi-occupation developments.

Cr James said that this strategy and open space strategy went hand in hand and having one without the other was almost pointless. He added that if this wasn't adopted, it would have a negative impact on the Monash environment over time. Cr James said that Councillors were elected to be the visionaries for the future of the municipality, setting strategies and policy directions. He said that he supported the motion.

Cr Paterson said that the two strategies went hand in hand. She added that trees and impact of development on vegetation, together with car parking and open space, were a primary concern for residents. Cr Paterson said that it was the Council's role to have policies in place to ensure that the city was a place where people wanted to and could live in. Cr Paterson noted that Cr Little and former Cr Lo had, in previous Councils, made budget bids to have the strategy work done. She said that if the motion was passed it would mean that the Council was setting an objective of 30 percent vegetation cover for the municipality by 2040. Cr Paterson said that planning tools had to be put in place to protect the tree canopy and vegetation cover.

Cr Lake said that this was the laziest piece of policy development that this Council had been a part of, because it said nothing more than Council supported trees and subscribed to a mythical ideal of 30 percent canopy cover. He said that these had broad support and that's why it was lazy, because it stopped there and wasted hundreds of thousands of dollars, thousands of hours of time. Cr Lake said that the strategy was before Council because most Councillors were unprepared to face the difficult questions and which residents for more than 8 years wanted and that was for the Council to be clear on what tools it would use in the future to try to increase the tree canopy. Cr Lake noted the support in the community for changes to the VPO, protecting trees in relation to big commercial developments and giving residents a say over trees on their land.

Cr Little commended the motion and said that he would have liked to have seen strong recommendations on planning strategy. He noted that an implementation plan would be prepared, if the motion was carried, including planning scheme options and saw this as a first step. Cr Little noted the significant and detailed work that had been done on the strategy and provided the Council with a tremendous amount of information that it did not previously have. He added that he saw this as a very valuable document and the Council needed to adopt the Strategy as a first step. Cr Little noted that the Council had been planting trees on its own land, but the loss of the canopy was taking place on private land and there controls were needed to make it difficult to remove trees. Cr Little noted the fine that the City of Boroondara was to introduce for the inappropriate removal of a tree and that Monash should consider something similar.

Cr Davies said that he supported more open space and an increase in the tree canopy, but did not understand how the Council was to achieve its aspirational target of 30 percent. He noted the reduction of the tree canopy since 1992 and did not receive an answer to his question on how that cover was to be increased, in the light of increasing development in the city. He said that he was not sure what he was voting for and was therefore in a similar position on this, as Cr Lake.

Cr McCluskey said that he appreciated the garden character in Monash and noted that in Wheelers Hill at least 20 properties had been “moonscaped” over the last 12 months. He said that he saw the importance of increasing the tree canopy and vegetation cover and would support the motion and the Strategy. Cr McCluskey said that he cautioned on addressing the issue of trees that caused personal safety concerns and the effect that had on affected residents. He noted the current criteria for the removal of trees in a VPO area. Cr McCluskey said that he supported the strategy and looked forward to the next step in the process, regarding planning controls.

The Mayor said that there was no doubt that the Council and the community supported the protection of and enhancement of the vegetation canopy and trees in Monash. He added that he had no sympathy for those who “moonscaped” land. The Mayor said that he had struggled for many years and the matter before Council had not assisted him to address the issue where residents faced significant stress and anxiety from the inability to remove trees from their own properties. He added that he would extend that concern to street trees, where there were instances of such trees causing significant stress for certain residents. The Mayor added that he did not believe that phase 2 of the process would address his concerns and he could therefore not support the motion.

RIGHT OF REPLY

Cr Fergeus said that his position was based on sensible, evidence based policy. In referring to a previous survey conducted by Council 8 years ago, Cr Fergeus noted that 48 percent of those surveyed wanted the VPO removed from the Monash Planning Scheme, as he did because it didn’t work. He added that that was what the report on this issue called out and voting in favour of the motion was in line with changing the VPO. Cr Fergeus noted that only one third of survey respondents wanted the VPO to be more flexible. He added that the development of specific controls had been delayed and wanted them developed and adopted as soon as possible. Delays meant the loss of more trees and vegetation and amenity. Cr Fergeus said that the health and wellbeing of all residents needed to be considered.

CARRIED

DIVISION

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

Against: Crs Klisaris, Lake, Zographos, Davies

1.3 1-9 Allen Street & 777-781 Warrigal Road, Oakleigh Construction of A Residential Aged Care Facility

Moved Cr Klisaris,

Seconded Cr McCluskey

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/48803) for the construction of a Residential Aged Care Facility comprising of a two storey building with basement car parking and alteration (removal) of access to a Road Zone, Category 1, at 1-9 Allen Street & 777-781 Warrigal Road Oakleigh subject to the following conditions:

- 1. Before the development starts, one copy (electronic) of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.*

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

- a) The lower ground level of the development setback a minimum of 7 metres from the eastern boundary along with any associated reconfiguration to the internal layout of the development without modification to the advertised building envelope or window locations.*
- b) The ground level of the development setback a minimum of 8.5 metres from the eastern boundary along with any associated reconfiguration to the internal layout of the development without modification to the advertised building envelope or window locations.*
- c) Details of any required retaining walls adjacent to the northern boundary.*
- d) Windows and balconies of rooms located within the western wing of the development orientated to the north-east screened to prevent overlooking of adjacent to 775 Warrigal Road secluded private open space in accordance with the requirements of Clause 55.04-6.*
- e) Details of all mechanical ventilation (including heating and cooling units) located outside the building or on the rooftop with appropriate screening incorporated into the architectural design of the building. Heating and cooling units must not be located on the balconies, facade of the building or visible from outside the property.*
- f) The proposed vehicle crossovers to provide clearance to the adjacent nature strip trees in accordance with the requirements of Council's Horticulture Department.*
- g) The location and dimension of all services and any required electricity substations, fire services, gas and water meters, suitable painted, screened and landscaped to the satisfaction of the Responsible Authority to minimize their visual prominence.*

h) The porte-cochere vehicle crossings perpendicular to the road and the porte-cochere area modified accordingly.

i) A 1.0m blind aisle extension to the northern end of both vehicle access aisles within the basement car park.

j) A minimum headroom clearance of 3.5m to be provided to accommodate loading & waste vehicle access within the lower ground loading area.

k) Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

All to the satisfaction of the responsible authority.

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

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

4. The amenity of the area must not be detrimentally affected by the use or development, through the:

a) transport of materials, goods or commodities to or from the land;

b) appearance of any building, works or materials;

c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

d) presence of vermin;

5. 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 Planning Scheme.

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.

f) Any relevant requirements of the Condition 1 sub-clauses hereof.

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.

- 6. Prior to the occupation any of the building 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 the relevant completed stage of the building ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.*
- 7. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
- 8. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.*
- 9. No form of public address or alarm system may be installed so as to be audible from outside the site.*
- 10. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
- 11. 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.*
- 12. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
 - a) The method of collection of garbage and recyclables for uses;*
 - b) Designation of methods of collection including the need to provide for private services;*
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) Litter management.*

A copy of this plan must be submitted to and approved by Council. Once approved the plan will be endorsed to form part of this permit.

13. 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.

14. Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;*
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- c) the location of where building materials are to be kept during construction;*
- d) site security;*
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;*
- f) on-site parking of vehicles associated with construction of the development;*
- g) wash down areas for trucks and vehicles associated with construction activities;*
- h) cleaning and maintaining surrounding road surfaces;*
- i) a requirement that construction works must only be carried out during the following hours:*
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - Saturday – 9.00am to 1.00pm;*
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery).*

15. Before the development permitted is completed, 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.

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16. *The car parking layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
17. *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) The location of all existing trees and other vegetation to be retained on site.*
 - b) Provision of canopy trees with spreading crowns located throughout the site including the courtyard spaces within the development.*
 - c) Planting to soften the appearance of hard surface areas such as driveways and other paved areas.*
 - d) 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*
 - e) The location and details of all fencing.*
 - f) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*
 - g) Details of all proposed hard surface materials including pathways, patio or decked areas.*
 - h) Landscape treatment of the mounding within the Highbury Road frontage.*
- When approved the plan will be endorsed and will then form part of the permit.*
18. *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.*
19. *The occupier of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and must on request provide evidence to Council of Compliance with the policies.*
20. *Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*
21. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

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

The nominated point of discharge is the west of the property south-east corner of the property where the entire sites stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip of the property to Council Standards

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

22. 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.

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

a) trench grates (150mm minimum internal width) located within the property; and/or

b) shaping the driveway so that water is collected in a grated pit on the property; and/or

c) another Council approved equivalent

24. The new vehicle crossing must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.

25. All new vehicle 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.

26. The existing redundant crossings are to be removed and replaced with naturestrip, kerb and channel to the Council Standards.

27. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

28. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.

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

30. Deliveries to and from the site including the collection of waste must only take place between the hours of 7:00am-6:00pm Monday to Saturday.

Vic Roads Conditions

31. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.

32. 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 approval must be obtained prior to the commencement of the above approved works.**
- 2. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval before occupation.**
- 3. Unless no permit is required under the planning scheme, no signs must be constructed or displayed without a further permit.**
- 4. 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.**
- 5. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Department prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Department. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.**
- 6. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains and these works are to be inspected by Council (tel. 9518 3555).**
- 7. Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.**
- 8. 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.

9. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
10. *The accessible parking spaces should generally be designed (other than length of space which may encroach into the adjacent accessway width by 500mm) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*
11. *In the event that any parking restrictions are introduced in the surrounding area, this development will not be granted parking permits.*

Vic Roads note:

12. *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.*

CARRIED

1.4 Town Planning Schedules

Moved Cr Fergeus,

Seconded Cr Klisaris

That the report containing the Town Planning Schedules be noted.

CARRIED

1.5 Concept Designs For A New Multi-Deck Car Park In the Glen Waverley Activity Centre

Moved Cr Paterson,

Seconded Cr James

That Council:

1. *Notes the following updated information with regard to Council's 30 August 2016 resolution on this matter being:*
 - *Council has now issued sufficient planning approvals under Parking Overlay 3 and 4 (noting that this is up to and not beyond the date of the Minister for Planning's decision, and Parking Overlay 4 has ceased short of the intended 400 car spaces it was intended to provide);*

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- *The provision of a maximum 539 car spaces that are required to be provided under Parking Overlays 3 & 4 being 400 car spaces and 139 car spaces respectively;*
 - *That officers have undertaken and completed the process and the covenants no longer apply;*
 - *That the design must incorporate no less than 934 car spaces given that Parking Overlay 4 is now also considered subscribed (noted that this is not at the numbers originally intended by Council) as at the point of the Minister for Planning's decision;*
2. *Notes and accepts in principle that the proposed building will deliver a minimum 1,044 car spaces (inclusive of two levels of basement car parking) which consists of:*
 - *Replacement of the existing on site car spaces;*
 - *Relocation of car spaces from the Glendale East car park;*
 - *Relocation of car parking spaces from the kerbside of Kingsway;*
 - *Provision of car spaces consistent with contributions made from Parking Overlay 3 & 4;*
 - *Provides for adaptive re-use of the building should this be required in the future;*
 - *Provides for commercial element (over two levels) to provide ground level activation;*
 - *Allows for the provision of affordable housing to be incorporated as part of the development;*
 - *Includes relocation of the main sewer line that runs through the land and the adjacent Glendale east car park.*
 - *That as the preliminary concept design incorporates commercial floor space, approximately 73 car spaces will be required to be incorporated into the design. A further 36 car spaces resulting from the Euneva car park office fit out resolved upon by Council in April 2018 have also been incorporated. That the design process was delayed as a result of Council's ongoing consideration of the possible redevelopment and sale of the central car park site.*
 3. *Undertakes community consultation on the proposed concept design for Glendale West car park.*
 4. *Direct officers to undertake an Expression of Interest process with affordable housing providers so as to assess the level of interest in the provision and management of affordable housing in this location.*
 5. *Notes that a further report on the outcomes of the community consultation and Expression of Interest with affordable housing providers will be presented to Council for consideration before proceeding to detailed design.*

Cr Saloumi said that there had not been enough discussion on the matter and pushed forward. She said that this proposal was suggested by a person who was involved in the Euneva Avenue car park proposal. Cr Saloumi said that the proposal was for 523 car spaces for \$26 million and 41-47 Montclair Avenue was sold and developed, that would increase existing parking problem and create a number of other issues. She

added that she would vote against the motion, noting that only one option of 8 storeys had been presented to Council and there had been little time for consultation.

Cr Davies said that Council had a reasonably poor history with these projects, adding that there had been 2 in the last 4 or 5 years that had not proceeded. He added that any developer would be advised to consider the risks of the current project. Cr Davies said that the project had not been thought through; it had come up in the dying days of the last Council and it had not had proper consultation and discussion. He added that he didn't like the inclusion of low income housing in the centre of the Glen Waverley Activity Centre, noting that low incoming housing could have a detrimental impact on users of the car park at night and there could be safety issues from that cohort. Cr Davies said that it was not the best use of that space and the net cost for the project was massive. He said that it did not generate best value and he did not like the proposed design and would not support the motion.

Cr Little said that he wanted to respond to some of Cr Davies' comments.

POINT OF ORDER

Cr Davies called a Point of Order, saying that Councillors were meant to contribute with their own original thoughts.

The Mayor declined to accept the Point of Order and requested Cr Little to continue.

Cr Little continued, saying that the motion was to allow for the Council to go forward with a concept design. It was no more than an overall direction. He highlighted Council's commitment to Glen Waverley Activity Centre traders to provide 539 car parking spaces, with traders having contributed towards those spaces. Cr Little said that there was a proposal to make Kingsway a pedestrian friendly area, relocating some of the car parking there to the new car park. Cr Little said that he wanted to see research done on whether over 1,000 car spaces were really required. However, he noted that there was a need for additional parking in Glen Waverley at peak times.

Cr Paterson said that Cr Davies mentioned low income housing regarding the project, but the proposal was for affordable housing. She said that the definition of affordable housing was not low income or social housing or for people who were homeless, etc., but it was housing designed to be affordable to purchase by teachers, nurses, researchers at Monash University, etc.

The Director Community Development and Planning confirmed Cr Paterson's statement regarding the definition of affordable housing. She noted that some affordable housing providers allowed people on higher incomes who could not get into the property market, to purchase or rent.

Cr Paterson said that it did not appear that this would cause safety concerns around the car park. Cr Paterson said that the proposal had the potential to offer a good outcome, particularly with the inclusion of affordable housing, noting her involvement in the Eastern Region Affordable Housing Alliance, which gave her an appreciation of

how many people had to move to the fringes of the city to afford to purchase a house. Cr Paterson said that there was a need for people of all occupations and incomes to live in all sorts of areas and better and diverse housing options in Monash were needed.

Cr Fergeus said that it was not contentious to suggest providing housing for everyone in the community. He said that he would not support the motion and had not supported the project from the beginning, primarily because of the question raised by Cr Little regarding the need for an analysis of the amount of parking needed in Glen Waverley. Council needed to invest in the pedestrianisation of Kingsway and better transport interchange. Cr Fergeus said that the project was a huge expense and would a limited use going into the future.

Cr Zographos noted that 2 previous projects, for Hanover Street and the Glen Waverley Central Car Park, had been rejected by the Council and could not see this project attracting the necessary private sector investment. He added that this was not the right proposal and did not support the sale of the Council land. Cr Zographos said that he would not support the motion.

Cr James said that he had previously stated his disdain for car parking generally, and the community's reliance on travel by car. He said that this was a little different and would support the motion based upon the prioritisation of pedestrians in the Kingsway and he had advocated for that priority in all of Monash's activity centres. Cr James said that by removing the cars in the Kingsway would increase safety for pedestrians and the other elements of the proposal were additional bonuses.

Cr Lake said that the Council has taken millions of dollars from traders in Glen Waverley to build 400 car spaces. Council had a contractual obligation to provide those spaces. He added that if that wasn't to proceed, the money would have to be returned. He said that over the years, the activity centre had changed and that was partly due to the Council joining with traders in its development. Cr Lake said that there was a choice – either return the money or move forward with the project, including the relocation of 100 parking spaces from the Kingsway to the proposed multi-deck car park.

Cr Pang Tsoi said that this site was a better location than Euneva Avenue. He said that the concern was that more work needed to be done on the proposal, including its environmental impact. Cr Pang Tsoi said that, at this point, he was not prepared to support the motion.

AMENDMENT

Moved Cr Little,

Seconded Cr Fergeus

That part 6 be added as follows: "6. As part of the concept plans, commits to reviewing car park usage in Glen Waverley and assesses untapped car park demand in Glen Waverley and commits to reassessing the overall number of car parks to be provided at Glendale West.

Cr Little said that Council was committed to providing parking spaces that had already been funded by traders. He said that when the Council ended up with a design, with 1,044 car parks, it looked like overkill. He noted that Euneva car park was underutilised. Cr Little asked that the Council assessed car parking demand in the activity centre and untapped parking demand.

Cr Lake said that the amendment was misconceived; there was no discretion available to Council regarding the provision of the trader funded spaces. He added that if the project was scaled back, either Council's commitment to the traders would not be met or the removal of the spaces from the Kingsway would not take place. Cr Lake said the community had already been consulted on this project, at a concept stage and it was popular and had been placed in Council's long-term financial plan. He added that the parking in the activity centre was at capacity most of the time.

Cr Saloumi said that that the design had no drop offs and did not take into ride sharing into account or accommodate new technology.

POINT OF ORDER

Cr James called a Point of Order, saying that Cr Saloumi's statement was not relevant to the amendment before Council.

The Mayor requested Cr Saloumi to confine her comments to the amendment.

Cr Saloumi said that she applauded Cr Little for his amendment, because Council had taken \$8 million for 400 car spaces, but it would cost Council over \$18 million. It would be cheaper not to proceed with the project, if the extra spaces were not required.

Cr James stated that a major reason for his support of the motion was the proposed transformation of Kingsway. If the amendment was successful, it would alter his support for the motion.

Cr Davies said that the proposed pedestrianisation of Kingsway was an exciting project and there were aspects of the projects that should proceed, but did not support asset sales without a compelling reason. He added that there had been consultation on the part of the project but not on the affordable housing.

The Mayor requested Cr Davies to confine his comments to the amendment before Council.

Cr Davies said that he supported the amendment.

LOST

MOTION

The motion was put to the vote and declared carried.

CARRIED

DIVISION

A division was called.

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

Against: Crs Saloumi, Davies, Fergeus, Zographos

Abstain: Cr Pang Tsoi

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Draft Council Presented and Council Sponsored Events and Festivals Updated Guidelines For Stallholders and Speakers

Moved Cr Klisaris,

Seconded Cr Paterson

That Council:

- 1. Notes the consultation feedback.*
- 2. Adopts the revised Council Presented and Council Sponsored Events and Festivals Updated Guidelines for Stallholders and Speakers pertaining to both Council presented and Council supported Events and Festivals within the City of Monash.*

AMENDMENT

Moved Cr James,

Seconded Cr Little

That the motion be amended by the addition of part 3, to read: "3. Updates the guidelines to restrict political material, such as brochures or t-shirts, to the boundaries of the stall held by the representative of the party or political group.

Cr James stated that he did believe that Council or ratepayer funds should be used to promote political parties. He said that Parliamentarians had offices paid for by taxpayers, where constituents could go to if they needed assistance. Cr James said that a total ban on MP's at events was unlikely to be supported and his amendment was a compromise, limiting the political material to the stall of a Member of Parliament.

Cr Little read out part 2.5 of the guidelines. In response to a question from Cr Little, the Director Community Development and Planning advised that that section of the guidelines referred to material such as brochures and information, as opposed to t-shirts and other type of material.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Little

That the amendment be put to the vote.

CARRIED

The amendment was put to the vote and declared lost.

LOST

MOTION

The motion was put to the vote and declared carried.

CARRIED

2.2 Connecting With the Monash LGBTIQ Community – Consultation Findings

Moved Cr Fergeus,

Seconded Cr Lake

That Council:

- 1. Endorses officers to explore opportunities to better recognise, represent and connect with LGBTIQ members of the Monash community, within the scope of existing operational activities and resources as outlined in this report.*
- 2. Endorses exploration of opportunities to expand services, programs and networks, to better include and represent people who identify as LGBTIQ living in Monash; and*
- 3. Receive a further report of recommendations for future action in September 2019.*

Cr Fergeus said that speaking to the community about these issues had proven to be an important process. He said that 1 in 6 adolescents and adults in the community may be LGBTIQ. 85 community members and 26 service providers engaged with the consultation process and shared extremely valuable insights of their experience in living in Monash and their experience of Council. Cr Fergeus said that the participants provided a diverse range of ideas, experiences, and feedback about Council's current and future role in improving recognition and inclusion and community understanding of this part of the community and set significant aspirations and expectations, which he said, he hoped the Council could meet. Cr Fergeus said that he hoped that the Council could work towards increasing safety, inclusion and understanding. He noted

some of the comments that consultation participants had made. Cr Fergeus thanked the participants for their involvement. He said that the Council valued those members Monash residents who were LGBTIQ

CARRIED

DIVISION

A division was called.

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

Against: Crs Zographos, Davies

Cr Paterson was absent from the Chamber at the time of the division.

2.3 Active Monash Club Forums

Moved Cr McCluskey,

Seconded Cr Pang Tosi

That Council:

- 1. Notes the Active Monash Club Forums initiative;***
- 2. Endorses the development of sport specific discussion papers to assist in the future planning of key sports within Monash; and***
- 3. Is presented with the discussion papers and potential outcomes for review prior to external distribution.***

Cr McCluskey said that it was a fantastic initiative. He added that there was a potential to expand the forum to other sports. He added that it was imperative for Council to have an excellent relationship with user groups of its facilities. He noted the benefits flowing from an active lifestyle. Cr McCluskey said that the benefits of the proposal were endless.

Cr James said that he had put up a budget bid last year on a similar concept, but related to women in sport and domestic violence. He asked whether that would be tied in to this proposal.

The Director Community Development and Services advised that while the proposal would address issues regarding gender equity, the primary focus would be to work with the sporting codes, to understand future needs, promoting the sport and making it sustainable, etc. The issues would be wide-reaching and cover off the issues Cr James referred to.

Cr James said that he would support the motion and agreed with Cr McCluskey's comments. He added that the sporting clubs were a home to a lot of the youth in Monash, whether they participated in the sport or not.

Cr Paterson said that this was a fantastic initiative; it would give the Council a strategy on how the Council spent money on sport. She said that current expenditure on sport was a little ad hoc, and not strategic. Cr Paterson said that the proposal would encourage clubs to work with Council for the future development of key sports.

CARRIED

3. CORPORATE SERVICES

3.1 2017/18 Capital Works Program and Carried Forward Projects Report

Moved Cr Klisaris,

Seconded Cr Paterson

That Council:

- 1. Notes the outcomes of the 2017/18 Capital Works Program and budget adjustments.*
- 2. Approves the continuation of 2017/18 projects, incomplete at 30 June 2018, to be funded from the available 2017/18 carry forward projects budget, and additional savings in the 2018/19 Capital Works Program, to be further detailed in the first quarter 2018/19 Capital Works Progress Report to Council.*

CARRIED

4. INFRASTRUCTURE

4.1 Council Awarded Contracts – Contract Variations - Contract 2017074 – Oakleigh Recreation Centre Refurbishment Design Services & Contract 2018039 - Mount Waverley Community Centre & Mount Waverley Youth Centre Refurbishment

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

- 1. Notes the variation of \$289,849 (GST Excl) for Contract No: 2018039 for the Mount Waverley Community Centre & Mount Waverley Youth Centre Refurbishment which was awarded by Council at the October 2017 meeting, noting that the Chief Executive Officer has approved variations to this contract due to 'exceptional circumstances' in accordance with the Procurement Policy to vary a Council awarded contract where the revised contract sum exceeds 10*

percent or \$100,000 of the original contract price plus any Council approved contingency & provisional sums to allow for the contract to progress with due expediency.

2. *Approves the variation of \$208,905 (GST Excl) for Contract No: 2017074 for the Oakleigh Recreation Centre – Design Services contract for additional costs related to an increase in scope and budget of the project and for provision of professional services through the construction tender period.*
3. *Notes the overall revised project cost of \$822,535 (GST Excl) for Contract No. 2017074 (Oakleigh Recreation Centre Refurbishment- Design Services) plus \$29,533(GST Excl) for Project Management fees which will be funded from within the existing budget allocation of \$23.3M for the Oakleigh Recreation Centre Refurbishment project.*

CARRIED

4.2 Contract For Syndal To Clayton Station, Cycling Corridor - (Part A) Dorgan Street To Lawrence Road, Mount Waverley

Moved Cr Fergeus,
That Council -

Seconded Cr Pang Tsoi

1. *accepts the tender from Bitu-Mill (Civil) Pty Ltd to undertake the cycling improvement works between Dorgan Street and Lawrence Road, Mount Waverley for the fixed lump sum price of \$526,296.10 (GST inclusive);*
2. *notes that the anticipated total project expenditure is \$742,297.07 (GST inclusive) for the improvement works (including the contingency amount, service authority adjustments, lighting improvements and project management fees); and.*
3. *authorises the Chief Executive Officer to execute the contract documents and approve any contract variations that are contained within the project budget.*

CARRIED

4.3 Contract For Drainage Pit and Pipe Maintenance

Moved Cr Fergeus,

Seconded Cr McCluskey

That Council:

1. *Accepts tender submissions from Accomplished Plumbing, Allgood Contracting, CSA Specialised Services, Interflow, M Tucker & Sons and Total Drain Cleaning for Contract No. CF2019022 for the maintenance of drainage pits and pipes, for a period of one year with three optional two year extensions, based on the*

submitted schedule of rates with an estimated seven year expenditure of \$3,045,000 GST inclusive;

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

3. Authorises the Chief Executive Officer to approve the extension options and CPI adjustments subject to satisfactory performance.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Fergeus,

Seconded Cr Klisaris

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

CARRIED

5.2 2017/2018 Annual Report

Moved Cr Klisaris,

Seconded Cr Zographos

That Council adopts the Annual Report for the 2017/2018 year, in accordance with the Local Government Act 1989.

Cr Paterson said that like every year, this was a well written and presented annual report and interesting. She commended the Communication Department for their work.

Cr James commended the annual report.

Cr Little also commended the annual report. He noted a \$3million increase in rate and services income but staffing costs have gone up by \$4.3million and utilities costs had increased by 19 percent. Cr Little said that every year the Council faced increasing costs with a limited income.

CARRIED

6. NOTICES OF MOTION

6.1 Discretionary Fund Applications - Mayor

Moved Cr Klisaris,

Seconded Cr Paterson

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
<i>Lions Club Wheelers Hill</i>	<i>Hire of community facility for fund raising activity</i>	<i>\$208 excl. GST</i>
<i>U3A Wheelers Hill</i>	<i>Use of community halls for a range of participation and service activities</i>	<i>\$3,414.89 exc. GST</i>

CARRIED

6.2 Council Contribution to Humanitarian Causes

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council:

- 1. Notes that Local Government Victoria's Good Governance Guide states that good governance is transparent, and that "people should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made"*
- 2. Commits to adopting parameters to guide future decisions of Council with regards to financial contributions to humanitarian causes and disaster relief efforts;*
- 3. That any draft of such parameters should clearly detail the criteria by which future proposals to donate Council funds to such causes will be judged;*
- 4. That any parameters, once adopted by Council, should be made publicly available;*

Directs Officers to draft such parameters for Council consideration no later than February 2019.

Cr Fergeus said that a framework around spending public money for humanitarian causes was required. He noted that the discretionary fund had guidelines.

Cr James said that a policy of this kind was not needed. He said that there will always be situations which won't fit the policy and situations that should, but did not. Cr James said that the Council's donation to such causes was very infrequent. He said that the Councillors could sit together once every 3 to 4 years and debate the merits of making a humanitarian donation, without the need for guidelines. He said that policies were directions for Council officers, not Councillors.

Cr Zographos said that he supported Cr James' comments. He said that he understood that there had been 5 instances of proposed humanitarian aid in the last 10 years and he would not support the motion.

Cr Lake said that he supported the previous statements and that the Council had a policy, which was that donations would not be made with ratepayers' money except in exceptional circumstances. He added that he would be surprised if donations had been made 5 times in the last 10 years; perhaps it was less. Cr Lake said it was something that was exceptional and left to the Council's discretion and any exercising of that discretion was made transparently.

Cr Davies said that he didn't support donating to overseas humanitarian causes; it was not local government's role. He said that he may have sympathy if the cause was in Australia or local.

Cr Saloumi said that she understood where Cr Fergeus was coming from, but this was not the level of government to be supplying funds for such causes. She added that she would not have such a concern if the matter related to Monash residents.

RIGHT OF REPLY

Cr Fergeus said that he wasn't proposing that money be spent, but if it was then there should be some clarity about why it was being done. He added that some of the arguments against the motion actually strengthened the argument for the motion, including support for causes within Australia and the municipality.

LOST

6.3 World AIDS Day Recognition

Moved Cr Fergeus,

Seconded Cr James

That Council:

- 1. Shows its support for people living with HIV in the community and seeks to commemorate people who have died of AIDS related conditions or other conditions associated with HIV;***
- 2. Notes the 302 newly diagnosed cases of HIV across Victoria in 2017¹;***
- 3. Lights up Council offices and the Euneva carpark in red on the 1st of December 2018 and on the 1st of December in each subsequent year to mark World AIDS Day.***

Cr Fergeus said that this came out of the LGBTIQ consultation and was submitted to Council so that it could be enacted for World AIDS Day and this needed a particular show of support for those with AIDS and to feel safe within their community. He said that HIV could affect anyone. Cr Fergeus said that there were

302 newly diagnosed AIDS cases in Victoria. He said that through this motion, the Council supported those with AIDS and the motion was in line with the health and wellbeing strategy. Cr Fergeus noted the concerns of some councillors about the timing involved as it cut across Council activity regarding gender equity and asked the Director Community Development and Services how due time and appreciation could be given to both causes.

The Director Community Development and Services advised that there was 16 days of activism for gender equity, including lighting up the Civic Centre and Euneva car park in orange and the lighting could be programmed to change colour for World AIDS Day.

Cr Davies said that the disease was terrible. In relation to the symbolism, he noted the number of "world days" there were – 151 determined by the United Nations and over 500 days that have some kind of secular observance.

POINT OF ORDER

Cr James raised a Point of Order, saying that Cr Davies' statement was irrelevant to the motion.

The Mayor upheld the Point of Order and asked Cr Davies to confine his statements to the motion.

Cr Davies continued, saying that he was not making light of the disease, but that there were all sorts of things and causes that could be celebrated and this was just a local council.

Cr Paterson said that she had a bit of conflict as the proposal cut across the activities planned for support of gender equity and gender equity was at the forefront of what the Council fought for.

Cr McCluskey said that there were many causes and while he would support the motion, he cautioned about how many of these issues came before Council. He added that the event could be accommodated.

Cr James said that he thought that Cr Davies was making light of AIDS and it was offensive that he was comparing that with some of the 'world days' that he had identified. He added that any activity to support World AIDS Day would not diminish Council's support for gender equity. Cr James added that he supported Cr McCluskey's position that the Council was almost at the limit of supporting causes.

Cr Lake said that he supported the motion. He said that he thought that Cr Davies was making a sensible point and similar to Cr McCluskey's and Cr James' last point. He said that there was a limit to the number of causes that the Council could embrace. Cr Lake said that this was an important cause for the Council to

embrace, particularly as it had arisen through the LGBTIQ consultation. He said that there was a need for the Council to have a high bar for agreeing to support causes.

The Mayor said that symbolism was a powerful action and the lighting was a powerful gesture. He applauded Cr Fergeus for bringing the matter to Council.

RIGHT OF REPLY

Cr Fergeus said that he agreed that there was a need for a high bar for supporting causes. He said that this was raised with him directly, through the LGBTIQ consultation. Cr Fergeus added that the point about Council having a high bar was important.

CARRIED

6.4 Ashwood Chadstone Family Fun Day 2018 - Request For Additional Funding

Moved Cr Paterson,

Seconded Cr Klisaris

That Council approves the allocation of \$10,000 to ensure the scope of the Ashwood Chadstone Family Fun Day 2018 to include additional programming, activities and provision of marquees for accommodating community and cultural group stalls.

Cr Paterson said that it always ends up being very hot during the festival and where the festival is held cannot be moved. Cr Paterson said that the festival was held on an oval, where there was no shade and the time of year that it was held could also not be moved. The funding would be for the provision of a few marquees to provide shade, and additional activities. Cr Paterson said that the event was strongly supported by the local community. She sought Council's support for the motion.

Cr Davies said that there had been three or four festival initiatives this year. He said that there had been a budget process. He said that this request showed poor planning and a poor way for the Council to do its business. Cr Davies said that the festivals budget should be adhered to. He said that he would not support the motion.

CARRIED

DIVISION

A division was called.

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

Against: Cr Davies, Lake, Zographos

6.5 Strategic Drainage – Doubell Close, Glen Waverley

Moved Cr Klisaris,

Seconded Cr Paterson

That Council considers funding of \$490,000 for the additional capital works project “Strategic Drainage – Doubell Close, Glen Waverley”.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Fergeus

That the motion be put to the vote.

CARRIED

The motion was put to the vote and declared carried.

LOST

DIVISION

A division was called.

For: Crs Klisaris, Paterson, Saloumi, Pang Tsoi, Lake

Against: Crs Fergeus, Little, McCluskey, James, Zographos, Davies

6.6 Pokies Free Hawthorn Football Club – Further Developments

Moved Cr Fergeus,

Seconded Cr Lake

That Council:

- i) Congratulates the Western Bulldogs Football Club on their plan to withdraw the club from any financial interests attached to the gaming industry;*
 - ii) Notes the long relationship between the Hawthorn Football Club and the Monash City Council;*
 - iii) Notes that venues associated with the Hawthorn Football Club continue to be responsible for more pokies losses than any other AFL Club in the 2017-18 financial year², topping \$24.3 million;*
-

iv) Notes that \$10.95 million of pokies losses occurred at the Hawthorn Football Club gaming venue Vegas at Waverley Gardens in the 2017-18 financial year.

v) Calls on the Hawthorn Football Club to follow the example of the Western Bulldogs Football Club and withdraw the club from any financial interests attached to the gaming industry.

CARRIED

6.7 Additional Playgroup Facilitator

Moved Cr James,

Seconded Cr Klisaris

That Council support the increase of 1.00 FTE for an additional Playgroup Facilitator which will allow the creation of a second Child and Family Centre to be located in Glen Waverley.

Cr James said that this was associated with the successful project in Cabena Street, which had more than 400 families attending that facility weekly. He added that the feedback for the service was amazing and the motion was to replicate the service in Glen Waverley.

Cr Fergeus said that he would abstain. He supported the proposal and saw it was valuable, but it needed to be done through the budget process. Cr Fergeus said that Council was getting ill-disciplined with proposals.

Cr McCluskey said that he supported the motion and understood the aversion to approval of out of budget proposals. He said that this was an almost exceptional circumstance. Cr McCluskey said that the feedback he had received was that the service at Cabena Avenue had exceeded expectations and its benefit to the community was enormous.

In response to questions from Cr Davies the Director Community Development and Services advised that it was a free service that catered for new borns to pre-school aged children.

Cr Davies asked how the playing fair gender equity program worked with newborns and how they were taught gender equity.

The Director Community Development and Services advised that the playing fair initiative was aimed at parents and playgroup facilitators to embed gender equity and gender neutral activities.

Cr Davies asked what the initiative taught.

POINT OF ORDER

Cr James raised a Point of Order, saying that the Director had already answered
Cr Zographos said that that had already been answered.

The Mayor did not uphold the Point of Order. He asked if the Director was prepared to answer the question.

The Director Community Development and Services advised that the initiative sought to ensure that playgroup facilitators provided gender neutral activities for all children, ie the books and songs chosen, etc.

Cr Davies said that he was not comfortable with social engineering for toddlers and he did not support an out of budget expenditure.

The Mayor said that he was quite troubled by Cr Davies' comments and asked the Director if she wanted to respond.

The Director Community Development and Services did not respond.

Cr Zographos said that what the Council had been advised about regarding gender neutral activities was concerning. He said society had gone too far in trying to be politically correct and let parents raise their children as they wished. Cr Zographos said that the Council's priorities should be elsewhere.

Cr Saloumi said that she did not have a problem with a facilitator being engaged, but preferred that that be done through the budget process. She noted that when she was raising her family, playgroup facilitators were volunteers. Cr Saloumi said that she would not support the motion, but if funding for a facilitator came through the budget system, she may support it.

Cr Paterson said that gender equity with regard to toddlers was about the absence of social engineering. She added that the initiative promoted the ability of any child to play with any toy or read any book. Cr Paterson said it was about not putting children in boxes from a young age and no-one was forcing children to do anything – boys could still play with trucks and girls with dolls, etc. and allowed children to make choices.

RIGHT OF REPLY

Cr James said that it was obvious that some councillors had either not read or understood the report. He read from the report regarding support for the Cabena Street program. He said that it was ridiculous to focus on one small part of the program.

CARRIED

DIVISION

For: Crs James, Paterson, Little, McCluskey, Klisaris, Pang Tosi, Lake

Against: Crs Davies, Saloumi, Zographos

Abstain: Cr Fergeus

6.8 Leave of Absence – Cr Saloumi

Moved Cr Saloumi,

Seconded Cr Fergeus

- 1. That leave of absence from Council be granted to Cr Lynnette Saloumi from 11.30pm Tuesday, 30 October 2018 to 8am Monday, 26 November 2018.*
- 2. That Council notes that Cr Saloumi will be attending the Special Meeting of Council dealing with the election of the Mayor and Deputy Mayor on 12 November 2018.*

Cr Lake said that he noted that the second part of the motion, as with the motion for the next item on the agenda was asking the Council to note what the intention of the two Councillors was, and that was a matter for them. He said that he was comfortable to support both motions, but on the basis that the Council was conferring a leave of absence in accordance with its own policy and the MAV guidelines. He added that what the Councillors did in regard to the only meeting that the Council would be holding during their leave of absence was a matter for them.

CARRIED

6.9 Leave of Absence – Cr Fergeus

Moved Cr Fergeus,

Seconded Cr Little

That Council:

- i) Grants a leave of absence to Cr Josh Fergeus, from 12pm 8 November 2018 to 12pm 25 November 2018, both dates inclusive;*
- ii) Notes that Cr Fergeus will be attending the Special Meeting of Council dealing with the election of the Mayor and Deputy Mayor on 12 November 2018.*

CARRIED

6.10 The Use of CCTV in Monash

Moved Cr Saloumi,

Seconded Cr James

That Council develops policies on the use of CCTV in Monash.

Cr Saloumi said that the City of Monash did not have a policy for the use of CCTV. On 25 September 2018 the MAV President wrote to councils regarding the VAGO

report on 5 councils in relation to their use of CCTV. Cr Saloumi referred to the 9 recommendations from that report. She added that the councils examined were unable to demonstrate adequate safeguards for the protection of personal information collected via CCTV. Cr Saloumi said that policies and procedures were required to safeguard the information collected via CCTV.

In response to a question from the Mayor, the Director Infrastructure advised that officers were developing policies and procedures and the VAGO report and its recommendations were providing guidelines for the development of these.

Cr Davies said that this was a good initiative that addressed a current gap that VAGO had identified. He said that there would be concern about unauthorised access to Council's CCTV. He said that procedures were needed and he supported the motion.

PROCEDURAL MOTION

Moved Cr Fergeus,

Seconded Cr Klisaris

That the meeting be extended to 10.30 pm.

CARRIED

Cr Zographos said that policies like this should have already been in place and noted the work that was being undertaken to develop such policies. He said that this was all the more reason for voting in favour of the motion.

Cr Paterson said that this was important work and noted that policies and procedures were being developed.

Cr Pang Tsoi congratulated Cr Saloumi for submitting the motion, noting the importance of the issue and the work that was being done to develop the necessary policies and procedures.

CARRIED

7. COMMITTEE REPORTS

7.1 Monash Gallery of Art: Recommendations For Committee of Management Members

Moved Cr Fergeus,

Seconded Cr Davies

That Council:

- 1. Approves the appointment of Ms Wai Tang to the Monash Gallery of Art Committee of Management for the period 1 December 2018 to 30 November 2021; and*

-
2. *Approves the tenure extension of Dr Kathryn Hendy-Ekers for a further three years from 27 October 2018 to 27 October 2021.*

CARRIED

7.2 Oakleigh Transport Interchange Public Realm Design Review Community Feedback Summary

Moved Cr Fergeus,

Seconded Cr Lake

That Council:

- 1 *Notes that feedback on the Oakleigh Activity Centre Transport Interchange Design Review 2018 has been sought from key stakeholders and the community as per Council's resolution on 28 August 2018.*
- 2 *Notes that the submissions received to the Oakleigh Activity Centre Transport Interchange Design Review 2018 were in the majority supportive of the proposal, particularly with regard to public realm appearance and public transport improvements.*
- 3 *Notes there is some concern regarding the availability of parking and challenges with traffic congestion, as well as appropriate development and community safety.*
- 4 *Continues to advocate for the upgrading of Oakleigh Transport Interchange Public Realm.*
- 5 *Notes that should funding be granted, the design development would progress in accordance with officer recommendations set out in this report.*
- 6 *Notes that a further consultation will be undertaken with key stakeholders and the community as part of the technical design for the Oakleigh Transport Interchange Public Realm should funding be received and the project move to the next phase.*

AMENDMENT

Moved Cr James,

Seconded Cr Little

That part 7 be added "7. Notes that there was a commitment made this afternoon on social media from Steve Dimopoulos, Labor candidate for Oakleigh, of \$10M towards station upgrades, but that while cautiously optimistic, also notes that no information has been forthcoming to Council, nor is there any indication that the extra funding will be allocate towards Council's plan for the precinct."

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That the amendment be put to the vote.

CARRIED

The Mayor noted that the following Councillors had voted for the procedural motion:

Crs Lake, Klisaris, Little, Fergeus, Paterson.

The Mayor noted that he also used his casting vote in favour of the procedural motion.

The amendment was put to the vote and declared carried.

CARRIED

SUBSTANTIVE MOTION (AS AMENDED)

Cr Davies said that the Council was now debating tweets by MP's making promises and was a propaganda arm for the Labor Party.

The Mayor asked Cr Davies to cease his statement as he was not speaking on the amendment.

Cr Fergeus said that he was not interested in the Council being a propaganda arm for the Labor Party; he was interested in the details of the MP's commitment for funding. He would then decide whether that was a good or bad thing. He added that Cr James had simply provided information on what may happen if the current government was returned. He said that was reasonable and if the Liberal candidate for the seat of Oakleigh made a commitment he would support that too. Cr Fergeus said that he supported Council having as much information as possible about what may happen in the precinct after the election.

Cr Zographos said that feedback to Council raised a number of concerns, that were in the report and it was important that they were being considered before any decision was made regarding planning for the project, should it be funded post the forthcoming election.

CARRIED

DIVISION

For: Crs Fergeus, Lake, Little, McCluskey, Zographos, James, Pang
Tsoi

Against: Nil

Abstain: Crs Davies, Saloumi

8. URGENT BUSINESS

- 8.1 **Council's Support for Municipal Waste and Resource Recovery Group (MWRRG Waste Forum) and Municipal Association of Victoria (MAV) In their advocacy To**

State and Federal Governments for Increased Resources Required For Local Government To Deliver Waste Services

Moved Cr Little,

Seconded Cr Saloumi

That Council's support for Municipal Waste And Resource Recovery Group (MWRRG Waste Forum) and Municipal Association of Victoria (MAV) In their advocacy To State and Federal Governments for increased resources required for Local Government to deliver Waste Services be accepted as an Item of Urgent Business, for the 30 October 2018 Council meeting.

Cr Little said that this was a coordinated effort by all councils, the waste forums and the MAV, to advocate to Federal and State Governments on the need for investment in recycling and waste management equipment and plant. The Council's response was needed by 17 November 2018. He added that it was important for this advocacy to be undertaken before the next election.

CARRIED

Moved Cr Little,

Seconded Cr Klisaris

That Council supports the campaigns of the Combined Local Government Waste Forum Chairs and the Municipal Association of Victoria to advocate for the Waste and Resource Recovery issues on behalf of Local Government to the State and Federal Governments.

CARRIED

8.2 Youth Mental Health Advocacy Update

Moved Cr Klisaris,

Seconded Cr Paterson

That the matter of the Youth Mental Health Advocacy Update be accepted as an Item of Urgent Business, for the 30 October 2018 Council meeting.

The Mayor said that this was important to capitalise on the considerable body of work that had been undertaken to advocate for a headspace in Monash and noted the Federal Opposition's recent announcement to support such a service in Monash.

CARRIED

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

Against: Crs Zographos, James, Davies

Abstain: Cr Saloumi

Moved Cr Klisaris,

Seconded Cr Paterson

That Council:

- 1. Acknowledges the ongoing commitment to the headspace advocacy undertaken over the past four years;***
- 2. Acknowledges the tireless work of our young people including the leadership of the Monash Young Persons Reference Group in advocating for funding for youth mental health in Monash;***
- 3. Acknowledges and applauds the Federal Oppositions commitment for a headspace youth mental health facility to be located in Monash which was formally announced on Friday 19 October 2018 by the Federal Member for Hotham Clare O'Neil and the Shadow Minister for Health Senator Deborah O'Neill; and***
- 4. Writes to the local sitting members and leaders of the key political parties seeking bipartisan support for a headspace in Monash prior to the next Federal Election to ensure a dedicated headspace youth mental health facility in Monash is realised post the next Federal Election in 2019.***

Cr Davies said that it appeared to be a good initiative but it was not Urgent Business. He said that this was Labor Party propaganda. He said that the matter could wait until next month as the Federal election was to be held in 2019.

Cr Zographos said that it was relevant to discuss that the item was not urgent business because it went to whether the Council voted for or against it.

The Mayor asked Cr Zographos to confine his statement to the motion, as the procedural matter of whether the matter was urgent business or not had been decided by the Council.

Cr Lake stated that a procedural motion was not to be debated.

Cr Zographos said that the issue was not urgent and should be voted down.

Cr James said that this was an absolutely fantastic commitment and hoped that at its November meeting the Council would be making a similar consideration regarding a Liberal Party commitments, as it would be fantastic to have bipartisan support for this.

Cr Saloumi said that she was present at the announcement by the Federal Member for Hotham and the Shadow Minister for Health. She added that she had wanted a headspace in Monash but did not think that Clayton was the best option because of public transport considerations. Cr Saloumi said that under the announcement, headspace would be in the seat of Hotham and not on the northern side of Monash. She said that it would be great to have a headspace but one on the northern side of Monash was needed.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr McCluskey,

Seconded Cr Klisaris

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.

CARRIED

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

11.1 Cr Saloumi

A Report To Council On 2018 Sustainable Communities National Summit

Moved Cr Saloumi

Seconded Cr Fergeus

That it is my view that this report is overflowing with gems of wisdom from passionate individuals who understand the benefit and need for genuine, equitable community engagement for a society to flourish. It would be a useful exercise for Councillors and Officers to review the text in order to identify, and follow through with, opportunities relevant to The City of Monash.

Cr Saloumi noted that there were a number of interesting and relevant discussions at the summit.

NOTED

Cr Saloumi also advised of her attendance at:

Mount Street Neighbourhood House Annual General Meeting
South East Volunteers AGM & lunch
Scholarship presentation at Mulgrave Country Club
40th Anniversary of Leisuretime- at Uniting Church Glen Waverley

11.3 Cr McCluskey

Cr McCluskey advised the Council of his attendance, along with a number of other Councillors at Bowness Photography Prize, at the Monash Gallery of Art. He said that it was the pre-eminent award at the pre-eminent home of photography. Cr McCluskey said that it was a very well organised and attended event. He commended the winning entry and the prize winner.

11.3 Cr James

Cr James congratulated the Victorian Parliament for the passing of a treaty with the traditional owners. He said that it was the first State Parliament in the country to do so.

CARRIED

The Mayor declared the meeting closed at 10.30 pm

MAYOR:

DATED THIS DAY OF 2018