



CITY OF
MONASH

MINUTES OF THE
MEETING OF COUNCIL
HELD ON 27 JANUARY 2021

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 27 JANUARY 2021 AT 7.00 PM

PRESENT

Councillors B Little (Mayor), S McCluskey (Deputy Mayor), A de Silva, J Fergeus, S James, P Klisaris, G Lake, N Luo, R Paterson, T Samardzija, T Zographos

APOLOGIES

Nil.

DISCLOSURES OF CONFLICT OF INTEREST

Cr Klisaris disclosed a conflict of interest for item 1.7. Cr Klisaris left the meeting at 7:14pm and returned to the meeting at 7:16pm.

CONFIRMATION OF MINUTES OF THE MEETING OF COUNCIL HELD ON 15 DECEMBER 2021

Moved Cr James

Seconded Cr McCluskey

That the minutes of the Meeting of Council held on 15 December 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

MEMORIAL

The Mayor, on behalf of his Council colleagues and the Monash community, passed on his sincere condolences to Mr Hiroyuki Kikuchi on the tragic loss of his wife Kaoru and three daughters Ako, Uta and Enna following a fire at their home in Glen Waverley.

Cr Paterson acknowledged the sad passing of Monash Reconciliation Group member and significant contributor to the Monash Arts community; Marjorie Louise Walker and passed on her condolences to her partner Alfred, family and friends.

Cr Fergeus wished to pass on his condolences to the family of Marjorie Louise Walker.

PETITION

Cr Fergeus tabled a petition of 18 signatures from residents which was an Objection to Grant a Planning Permit for 14 Greta Street, Oakleigh East (TPA/51711).

PROCEDURAL MOTION

Moved Cr Fergeus

Seconded Cr James

That the petition which was an Objection to Grant a Planning Permit for 14 Greta Street, Oakleigh East (TPA/51711) be received.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr McCluskey

Seconded Cr Paterson

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 Proposed Sale of Council Land to Abutting Landowner at 64 Golf Links Avenue, Oakleigh

Moved Cr James

Seconded Cr Paterson

That Council:

- 1. Notes that Council owns Lot 13 on TP023758V being an 11m² parcel of land comprised in Certificate of Title Volume 11654 Folio 925 located at the rear of 64 Golf Links Avenue and 23 Best Street, Oakleigh (the Land) (Refer Attachment 1 – Locality Plan).*
- 2. Notes the interest of the adjoining landowners at 64 Golf Links Avenue, Oakleigh in purchasing the Land contained in Point 1 from Council by private treaty. ('the Proposal')*

3. ***Give public notice of the Proposal in accordance with Section 189 of the Local Government Act 1989 (the Act) in a newspaper and on Council's website from Thursday 04 February 2021 and invite submissions on the Proposal.***
4. ***Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 233 of the Act in respect of the Proposal.***
5. ***Appoint a Committee of Council comprising the Mayor and the Oakleigh Ward Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act at a time and place to be fixed.***
6. ***Directs that following any hearing and consideration of submissions by the Committee of Council, or if no submissions are received, the Committee of Council report back to Council on its proceedings and a summary of the hearings following the Section 223 process and seek a decision on whether or not to proceed with the sale of the Land.***
7. ***Advise the owner of 64 Golf Links Avenue, Oakleigh that should the sale of the above Land proceed, the sale should not be construed as endorsement of any future development proposal on the site that may be lodged with Council as the planning authority.***

CARRIED

1.3 13 Burton Avenue, Clayton – Construction of a four storey residential building above a basement car park for the use of student accommodation

Moved Cr Zographos

Seconded Cr Samardzija

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51731) for the construction of a four storey residential building for the use of student accommodation and buildings and works within the Special Building Overlay, at 13 Burton Avenue, Clayton subject to the following conditions:

Amended Plans Required

1. ***Before the development starts, amended plans drawn to scale and correctly 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 HC Global (Amendment E) dated 28 September 2020 but modified to show:***
 - a) ***Location of the fire booster, electricity, water and gas meters appropriate screened with landscaping so as to minimise visual impact of the streetscape and front setback;***
 - b) ***A minimum height clearance of 2.5 metres is provided throughout the basement car park;***
 - c) ***The accessible parking space designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.;***
 - d) ***The driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles;***

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- e) An amended Landscape Plan prepared in accordance with Condition 4;
f) A Waste Management Plan prepared in accordance with Condition 5; and
g) A Sustainable Management Plan prepared in accordance with Condition 6,*

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 2. The development and use as shown on the endorsed plans must not be altered without the prior 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.*

Landscaping Plan

- 4. Concurrent with the endorsement of any development plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and correctly 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 MEMLA (Revision B) dated 18 September 2020 except that the plan must be modified to show:*

- (a) A reduction of paving within the private courtyards and provision of screen planting along the western boundary;
(b) The detail of the proposed paving;
(c) The visitor bicycle spaces next to the ground level building entry positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;
(d) The location of external lighting (if any);
(e) The location of retaining walls and site services; and
(f) 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 development plans required 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 Sustainable Development Consultants (Version 2), dated October 2020 except that the plan must be revised to reflect any changes required by Condition 1 of this planning permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Sustainable Management Plan

6. Concurrent with the endorsement of development plans required pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by AV- Low Impact Development Consulting dated 3 July 2020 except that the plan must be revised to reflect any changes required by Condition 1 of this planning permit. 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 any demolition and excavation), a Construction Management Plan (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;***
- b) Appropriate measures to control noise, dust and water and sediment laden runoff;***
- c) Appropriate measures for the prevention of silt or other pollutants entering into Council's drainage system or road network;***
- d) Appropriate 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 so as to prevent material leaving the site and being deposited on Council's road network;***
- f) A program for the cleaning and maintenance of surrounding road surfaces;***
- 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) Measures to provide for 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) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner based on the largest anticipated truck associated with the construction;***
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;***
- m) The provision of contact details of key construction site staff; and***

n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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 by all contractors 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 of the facility;*
- 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, leased, rented or made available to any other person other than an owner, occupant or visitor of the premises;*
- That residents of the units will be notified in writing as part of any lease or rental agreement that they will not be entitled to car parking permits for on street car parking;*
- Clearly note and acknowledge that 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 use 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;*
- That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use;*
- An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 9 of this permit; 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 student accommodation, an Operational Management Plan for the use of the site must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:

- a) Student accommodation units managed and under the control of a single operator responsible for the operation and maintenance of the entire premises for the life of the use as student accommodation;*

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- b) *The 24 hour contact details for 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 management contact person;*
- c) *After hours contact details for management of the facility;*
- d) *Appropriate management of the car park including access arrangements; and*
- e) *Appropriate 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 layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- *Driveway to be at least 3 metres wide.*
 - *Driveway to provide at least 2.5m headroom beneath overhead obstructions.*
 - *Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - *Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - i. *Maximum grade of 1 in 4.*
 - ii. *Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - iii. *Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.*
12. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
13. *The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*

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, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

15. All works (including demolition and excavation 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 there after maintained to the satisfaction of the Responsible Authority.

Drainage

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

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

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 site is to be detained on site to the predevelopment level of peak stormwater discharge. Any internal detention system is to be designed to detained peak flows to the pre-development level of stormwater discharge and is to be approved by Council's Engineering Department prior to drainage works commencing.

Privacy Screens

21. 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 in an ongoing manner to the satisfaction of the Responsible Authority. The use of an obscuring film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Other

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

23. 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.

Melbourne Water Conditions (Ref: MWA-1179953)

24. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:

a) Finished floor levels of the accommodation set no lower than 54.65 metres to AHD; and

b) The entrance to the basement constructed with a flood-proof apex and associated bunding/walls set no lower than 54.30 metres to AHD.

25. The accommodation must be constructed with finished floor levels set no lower than 54.65 metres to Australian Height Datum, which is 300mm above the applicable flood level of 54.35 metres to AHD.

26. The entrance to the basement must be constructed with a flood proof apex and associated bunding/walls set no lower than 54.30 metres to Australian Height Datum, which is 300mm above the applicable graded flood level of 54.00 metres to AHD.

27. Any openings to the basement (for example, windows, doors or vents) except the entrance protected by the apex, must be set no lower than 300mm above the applicable graded flood level.

28. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the accommodation (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

29. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the building.

30. The building setbacks shown to site boundaries must not be further reduced without the review and written approval of Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.

31. Any new fence must be of an open style of construction (minimum 50% open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of overland flood flows.

- End of Melbourne Water Conditions -

Time for Starting and Completion

32. 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. A Building Permit approval for the works 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. 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.

D. 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 whether or not the drainage works will meet all drainage conditions of the permit.

E. The private on-site drainage system must be designed and installed to 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.*

F. The nominated point of stormwater discharge connection for the site is to the south of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the nature strip of Burton Avenue via a 900mm x 600mm junction pit to be constructed to Council standards.

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

G. Stormwater detention requirements may be obtained from the Engineering Department at City of Monash prior to the design of any stormwater detention system.

H. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention is to be separated from the storm water detention system for the property.

I. 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.

J. 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 is to be paid prior to any drainage works commencing.

K. *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.*

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

M. *Any residents of the approved development will not be entitled to car parking permits for on street car parking.*

CARRIED

1.4 30-32 Wellington Road, Clayton – Construction of a five storey residential building for the use of student accommodation

Moved Cr McCluskey

Seconded Cr Klisaris

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51786) for the construction of a five (5) storey residential building for the use of student accommodation and alteration of access to a Road Zone Category 1, at 30-32 Wellington Road, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly 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 Telha Clarke Architecture & Design Revision 01) dated 19 October 2020 but modified to show:

- a) The south facing level 3 habitable room windows screened to prevent overlooking;***
- b) A notation indicating the western street tree on Wellington Road near the proposed vehicle crossover ‘will be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works until completion. The fence must extend out at least 3.5 metres from the tree base’.***
- c) An amended Landscape Plan prepared in accordance with Condition 4;***
- d) A Waste Management Plan prepared in accordance with Condition 5; and***
- e) A Sustainable Management Plan prepared in accordance with Condition 6, all to the satisfaction of the Responsible Authority.***

Layout not to be Altered

2. The development and use as shown on the endorsed plans must not be altered without the prior 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.

Landscaping Plan

4. Concurrent with the endorsement of any development plans required pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and correctly 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 C) dated September 2020 except that the plan must be modified to show:

- (a) The provision of a minimum of one canopy tree with mature height at least equal to the height of the roof of the proposed building, within the development;**
- (b) A reduction of paving in front of the laundry room within the front setback and to the east of the reception where the visitor bicycle parking spaces are located; and increased landscaping within these areas;**
- (c) The visitor bicycle spaces east to the ground level building entry to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;**
- (d) The detail of the proposed paving;**
- (e) The location of external lighting (if any);**
- (f) The location of retaining walls and site services; and**
- (g) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas, all to the satisfaction of the Responsible Authority.**

Waste Management Plan

5. Concurrent with the endorsement of development plans required 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 Leigh Design, dated 14 October 2020 but revised to the satisfaction of the Responsible Authority to:

- a) Identify each waste stream for each bin; sufficient room for bin changeovers with chutes without relying on space outside the waste room to complete the changeover; provision of an e-waste bin; provision of space for the future separated glass service; and some spare capacity (ideally 25%) for future waste system flexibility;**
- b) Provide details of waste collection process supported by scaled plans; and**
- c) Include a waste management communication strategy to ensure occupants are able to understand their responsibility waste separation, all to the satisfaction of the Responsible Authority.**

Sustainable Management Plan

6. Concurrent with the endorsement of development plans required pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by ADP Consulting dated 14 July 2020 except that the plan must be revised to accord with the decision plan prepared by Telha Clarke Architecture & Design (Revision 01) dated 19 October 2020 and any changes required by Condition 1 of this planning permit. 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 (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;***
- b) Appropriate measures to control noise, dust and water and sediment laden runoff;***
- c) Measures for the prevention of silt or other pollutants entering into Council's drainage system or road network;***
- d) Appropriate 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 so as to prevent material leaving the site and being deposited on Council's road network;***
- f) A program for the cleaning and maintenance of surrounding road surfaces;***
- 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) Measures to provide for 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) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner based on the largest anticipated truck associated with the construction;***
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the Construction Management Plan;***
- m) The provision of contact details of key construction site staff; and***

n) Include a requirement that, except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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 by all contractors 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 of the facility;*
- 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, leased, rented or made available to any other person other than an owner or occupant of the premises;*
- The residents of the units will be notified in writing as part of any lease or rental agreement that they will not be entitled to car parking permits for on street car parking;*
- Clearly note and acknowledge that 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 use 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;*
- That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use;*
- An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 9 of this permit; 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 student accommodation, an Operational Management Plan for the use of the site must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:

- a) Student accommodation units managed and under the control of a single operator responsible for the operation and maintenance of the entire premises for the life of the use as student accommodation;*

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- b) The 24 hour 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 management contact person;*
 - c) After hours contact details for management of the facility;*
 - d) Appropriate management of the car park including access arrangements; and*
 - e) Appropriate 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 layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- Driveway to be at least 3 metres wide.*
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - i. Maximum grade of 1 in 4.*
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - iii. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.*
 - Minimum requirements for car park dimensions to be in accordance with Table 2.*
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
- 12. The accessible parking spaces should be designed 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.

13. *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).*
14. *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.*
15. *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.*
16. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
17. *The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.*

Landscaping and Tree Retention

18. *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, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
19. *All works (including demolition and excavation 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.*
20. *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 there after maintained to the satisfaction of the Responsible Authority.*

Drainage

21. *The site must be drained to the satisfaction of the Responsible Authority.*
22. *Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.*
23. *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.*
24. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. Any internal detention system is to be designed to detain peak flows to the pre-development level of stormwater discharge and is to be approved by Council's Engineering Department prior to drainage works commencing.*

Other

25. *Prior to the occupancy of the development, all fencing must be in place in accordance with the endorsed plans and be in good condition to the satisfaction of the Responsible Authority.*
26. *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

27. *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. A Building Permit approval for the works 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. 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.*
- D. 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 whether or not the drainage works will meet all drainage conditions of the permit.*
- E. The private on-site drainage system must be designed and installed to 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.*

F. The nominated point of stormwater discharge connection for the site is to the north-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the kerb and channel in the nature strip via a Council approved kerb adaptor to be constructed to Council standards.

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

G. Detention system requirements for above property are as follows:

- *Minimum storage = 8.82 m³*
- *Maximum discharge rate = 12.36 l/s*
- *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*

H. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention system is to be separated from the storm water detention system for the property.

I. 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.

J. 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 is to be paid prior to any drainage works commencing.

K. 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.

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

M. Residents of the approved development will not be entitled to car parking permits for on street car parking.

CARRIED

1.5 418-424 Haughton Road, Clayton – Construction of a four storey building and basement comprising 21 apartments

Moved Cr McCluskey

Seconded Cr James

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51529) for the construction of a four storey building with basement comprising 21 apartments, at 418-424 Haughton Road, 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 Artisan Architects (Revision B) but modified to show:***
- a) Details of the fencing to the Haughton Road and Pullyn Street frontages reduced to a maximum of 0.9 metres in height (measured at natural ground level) and provide a minimum of 70% transparency; The 1.5 metre high screens between the courtyards of Pullyn Street apartments tapered down to the meet the 0.9 metres high fence.***
 - b) The basement to be setback at least 2 metres from the northern boundary, to allow for deep soil canopy tree planting;***
 - c) The extent of paving within the front open space of apartment G01 reduced to allow for canopy tree planting.***
 - d) The 'high level wall mounted ac condenser units' relocated to allow vehicle from the most southern parking space to leave in a forward direction;***
 - e) Plans to detail the proposed ramp grades with AHD levels for all ramp sections. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:***
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.***
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.***
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:***
 - i. Maximum grade of 1 in 4.***
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).***
 - f) Solar protection to the north and west facing habitable room windows;***
 - g) The proposed vehicle crossover to be minimum 3 metres in width;***
 - h) Notation to read 'The existing redundant crossing will be removed and replaced with kerb and channel. The footpath and nature strip will be reinstated to the satisfaction of Council';***
 - i) The notation of 'Haughton Road' corrected on the north and east elevations.***
 - j) An amended Landscape Plan prepared in accordance with Condition 4;***
 - k) An amended Waste Management Plan prepared in accordance with Condition 5;***
 - l) A Sustainable Management Plan prepared in accordance with Condition 6; and***
 - m) Changes and/or acoustic treatments provided for the building in accordance with Condition 7,***
- all to the satisfaction of the Responsible Authority.***

Layout not to be Altered

- 2. The development and use as shown on the endorsed plans must not be altered without the prior 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.

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 MEMLA Pty Ltd dated 17 June 2020 except that the plan must show:

- (a) An updated building layout in accordance with the development plan submitted to Council on 19 November 2020 (prepared by Artisan Architects Revision B).**
- (b) At least one canopy tree within the front setback to have mature height of a minimum of 13.5 metres to satisfy Standard B13 of RG3;**
- (c) The visitor bicycle spaces near the pedestrian entry to the building to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;**
- (d) Location of external lighting (if any);**
- (e) Location of retaining walls and site services; and**
- (f) 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 in accordance with the Waste Management Plan prepared by Sustainable Development Consultants, Vision 2 dated August 2020 but revised to the satisfaction of the Responsible Authority to include:

- a) permitted collection times;**
- b) bin storage equipment inside premises;**
- c) ventilation, bin washing facilities and drainage to sewer;**
- d) site access arrangement to the waste room; and**
- e) on site e-waste recycling service;**

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. The plan must be generally

in accordance with the plan prepared by Sustainable Development Consultants Revision 2 dated August 2020, but revised to the satisfaction of the Responsible Authority:

- a) To reflect the amended building layout in accordance with the decision plan (prepared by Artisan Architects (Revision B)).*

Acoustic Report

7. Concurrent with the endorsement of plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must demonstrate that the development meets the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*

Construction Management Plan

8. 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;*
- 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;*

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- 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.

Car Parking

- 9. 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).*
- 10. The mechanical parking systems must 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.*
- 11. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*

Landscaping and Tree Retention

- 12. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of the street trees to be retained during the demolition and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
- 13. 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.*
- 14. 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.*
- 15. 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

- 16. The site must be drained to the satisfaction of the Responsible Authority.*
- 17. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.*
- 18. 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.*

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19. *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.*

Privacy screens

20. *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.*

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.*

Service Location

23. *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*

Time for Starting and Completion

24. *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. 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.**
- D. 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.**
- E. 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.**
- F. The nominated point of stormwater connection for the site is to the south 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 outside Jean Avenue to be constructed to Council standards.**
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.**
- G. Detention system requirements for above property are as follows:-**
- **Minimum storage = 5.47 m³**
 - **Maximum discharge rate = 8.23 l/s**
 - **Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.**
- H. 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.**
- I. 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.**
- J. 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 \$1,500 is to be paid prior to the drainage works commencing.**

-
- K. 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.*
- L. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
- M. The proposed crossing is to be constructed in accordance with the City of Monash standards.*
- N. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- O. Residents of the approved development will not be entitled to car parking permits for on street car parking.*

CARRIED

1.6 501-521 Police Road, Mulgrave – Construction of 41 dwellings

Moved Cr McCluskey

Seconded Cr Klisaris

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/51849) for the construction of forty-one (41) dwellings and alteration of access to a Road Zone Category 1 at 501-521 Police Road, Mulgrave subject to the following grounds:

- 1. The proposal is inconsistent with the Planning Policy Framework including clauses 16.01-1S Housing supply, 16.01-1R Housing supply – Metropolitan Melbourne, and Plan Melbourne Directives Outcome 2.*
- 2. The proposal is inconsistent with the local planning policy framework of the Monash Planning Scheme including Clause 21.04-3 'Residential Development', Clause 22.01 'Residential Development and Character Policy' and Clause 22.05 'Tree Conservation Policy'.*
- 3. The proposal is inconsistent with the objectives and requirements of the Neighbourhood Residential Zone (NRZ) and Schedule 4 of the NRZ.*
- 4. The proposal is an overdevelopment of the site.*
- 5. The proposal does not adequately satisfy the objectives and design standards of Clause 55 with regard to Neighbourhood Character, Landscaping, Site Layout and Private Open Space.*
- 6. The proposal does not adequately satisfy the objectives and design standards of Clause 55 with regard to walls on boundaries (B18), overshadowing open space (B21), daylight to existing windows (B19), Overlooking (B22) and will result in an adverse impact on the amenity of adjoining properties to the north and east.*
- 7. The proposal will not result in the safe and efficient movement of vehicles and pedestrians to, from and within the site.*
- 8. The proposal does not provide for sufficient parking for visitors within the site.*
- 9. The proposal will result in a poor urban design outcome with the lack of pedestrian access to Katoomba Drive.*

10. The proposal will not satisfactorily allow for collection of waste generated from the site.

CARRIED

1.7 Smoke Free Areas Local Law

Moved Cr Lake

Seconded Cr Luo

That Council:

Part A

- 1. Notes that at its meeting of 15 December 2020 Council directed officers to draft a new Local Law that retains relevant provisions of the current Local Law (which sunsets on 30 September 2021 and as a result of a series of amendments to the Tobacco Act 1987 that have significantly expanded no smoking areas to the extent that parts of the Local Law may now be inoperative) and which enables Council to prescribe smoke-free areas in the municipality from time to time.**
- 2. Receives the proposed Smoke Free Areas Local Law (2021) (proposed Local Law) and associated Community Impact Statement.**
- 3. Gives notice, in accordance with sections 119(1) and 223 of the Local Government Act 1989, in the Victoria Government Gazette and in a newspaper circulating generally in Council's municipal district:**
 - 3.1 stating the purpose and general purport of the proposed Local Law;**
 - 3.2 stating that a copy of the proposed Local Law can be obtained from Council's website;**
 - 3.3 inviting submissions, in accordance with section 223 of the Local Government Act 1989, within 28 days from the date of publication of the notice; and**
 - 3.4 stating that a person making a submission is entitled to request to be heard in support of their submission.**
- 4. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal.**
- 5. Appoint a Committee of Council comprising of all Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.**
- 6. Consider a report of the Committee of Council's proceedings, including a summary of the hearings, on section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.**
- 7. Authorises the Chief Executive Officer to take such steps as are necessary to give effect to this Resolution.**

Part B

- 1. Notes that at its meeting of 15 December 2020 Council directed officers to review and update its Footpath Trading and Access Policy (the Policy), including amending the**

guidelines for assessment and determination, to clarify that Council, in making these public areas available for trade, requires that food must be made available for consumption at all times when these areas are in use.

- 2. Notes that a review of the Footpath Trading and Access Policy 2016 has been conducted in accordance with Council's resolution of 15 December 2020.*
- 3. Receives the Revised Footpath Trading and Access Policy 2020 and releases the revised Policy for public consultation concurrent with the consultation process associated with the draft Smoke Free Areas Local Law 2020.*

Part C

- 1. Allocates \$30,000 for consultation and legal costs required to implement the recommendations in Parts A & B of this recommendation.*

CARRIED

1.8 Enhanced Outdoor Dining Update

Moved Cr Klisaris

Seconded Cr Fergeus

That Council:

- 1) Notes that the Getting Ready for Enhanced Outdoor Dining project have been engaging with the traders and identifying opportunities where outdoor dining can be expanded in a range of settings across a number of Activity Centres.*
- 2) Notes that delineators are in place and visual enhancement is being completed including the use of vinyl banners, painting and artwork by community artists utilising the \$500,000 funding provided by the State Government for expanded outdoor dining.*
- 3) Notes that there is a remaining balance of \$140,000 that is not required for the additional trading areas (delineators) and visual enhancements identified in point 2 above.*
- 4) Notes that the provision of direct grant funding is not permitted within the State Funding Guidelines, but that the \$140,000 balance amount identified in point 3 should be directed equitably across Activity Centres for further visual enhancement as was intended by the funding provided by the Government.*
- 5) Allocates \$25,000 of the remaining funds (identified in point 4) to each of the activity centres where there has been significant interventions by Council for enhanced outdoor dining including Pinewood, Oakleigh, Glen Waverley, Clayton and Mt Waverley (\$125,000 total). Officers will work with the traders/associations in those areas on further dining improvements/enhancement in line with the State Government funding agreement.*
- 6) Allocate \$5,000 being the balance of the remaining funding to each activity centre where there has been less intervention being Hughesdale, Huntingdale and Syndal.*
- 7) Direct officers to work with the traders and trader associations to ensure that funding expenditure is consistent with the State Grant Guidelines.*

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- 8) Notes that the Oakleigh Village Traders Association (OVTA) recently received tentative approval for a \$20,000 grant for an Artistic Suspended Lighting Installation under the Andrews Government's Grants for Business Chamber and Traders Groups program and have via Steve Dimopoulos MP approached Council seeking \$10,000 to support and make up for a shortfall in funding (in addition to a \$8,000 by OTVA) contribution for their Eaton Mall lighting project.
- 9) Notes that officers will work with the OTVA so that part of the \$25,000 allocation is used to make up the shortfall identified in point 8 above, subject to compliance with the State Government funding agreement and Council's procurement requirements.
- 10) Notes that there has been no further announcements from the State Government regarding any extension of the program. The current funding agreement (\$500,000) for the enhanced outdoor trading areas requires that the money be spent by June 30 2021. If there was to be any extension Council would expect additional financial support to that already given.

CARRIED

2. COMMUNITY SERVICES

2.1 2020/21 Monash Quick Response Grants Program Recipients

Moved Cr Fergus

Seconded Cr Paterson

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 18 November – 16 December 2020 to a total of \$2,500.

CARRIED

2.2 Monash Advisory Committees – Annual Report

Moved Cr McCluskey

Seconded Cr Paterson

That Council:

1. Notes the activities of its Advisory Committees during 2020.
2. Notes the resignation of:
 - Ms Vrinda Mahesh, Mr Karthik Muralim, Ms Tatyana Wilson, Ms Anna Zhang, Ms Shriya Gupta, Mr Ani Prakash, Ms Veronica Levey, Mr Darren Chee and Ms Laura Wang as members from the Monash Youth Committee;
 - Di Gow, Leanne Grosvenor and Vicki Hayes from the Disability Advisory Committee;
 - Shivan Arora and Harvey Foenander from the Multicultural Advisory Committee, with Esha Zahid completing her term;
 - Dorothy Bysouth from the Positive Ageing Reference Group;

and acknowledges their contributions to the City of Monash.

3. Endorses the appointment of Mr Jonathan Lee, Mr Jacob Biviano, Mr Raghav Baheti, Mr Vibhu Desilva and Mr Alan Wang to the Monash Youth Committee.

CARRIED

4. **INFRASTRUCTURE & ENVIRONMENT**

4.1 **Tender for Heavy Plant Machinery and Equipment**

Moved Cr McCluskey

Seconded Cr Fergeus

That Council:

1. Approves access to the following panel suppliers under the Municipal Association of Victoria (MAV) Contract No. NPN2.15-2 for the provision of Heavy Plant, Machinery and Equipment for a five (5) year term with options for extension of two (2) x one (1) year periods with an estimated annual expenditure of \$650,000 GST inclusive:

ADT Western Australia Pty Ltd
AFGRI EQUIPMENT AUSTRALIA PTY LTD
BT EQUIPMENT PTY LTD
C J D EQUIPMENT PTY LTD
C.E.G. Distributions Pty Ltd
C.F.C. HOLDINGS PTY LTD
CLARK EQUIPMENT SALES PTY LTD
CNH INDUSTRIAL AUSTRALIA PTY LIMITED
CONPLANT PTY LTD
EAGLE LODGE DEVELOPMENTS PTY. LTD.
EARTHMOVING EQUIPMENT AUSTRALIA PTY LIMITED
EARTHMOVING INDUSTRY ENGINEERING PTY LTD
GCM ENVIRO Pty Ltd
HASTINGS DEERING (AUSTRALIA) LIMITED
HITACHI CONSTRUCTION MACHINERY (AUSTRALIA) PTY LTD
HSR SOUTHERN CROSS PTY LTD
KOBELCO CONSTRUCTION MACHINERY AUSTRALIA PTY LIMITED
KOMATSU AUSTRALIA PTY LTD
KUBOTA AUSTRALIA PTY LTD
LIEBHERR-AUSTRALIA PTY. LTD.
MCINTOSH HOLDINGS PTY LTD
PACIFIC MATERIALS HANDLING PTY. LTD.
PHILDEN TRADE PTY LTD
PORTER EQUIPMENT AUSTRALIA PTY LTD
RDO AUSTRALIA GROUP PTY LTD

SEMCO PTY. LIMITED
The Trustee for GCM AGENCIES UNIT TRUST
The Trustee for Onetrak Unit Trust
The Trustee for R & D TRUST
The Trustee for Ronco Group Unit Trust
United Equipment Pty Limited
WESTRAC PTY LTD
WILLIAM ADAMS PTY LTD
WIRTGEN AUSTRALIA PTY LTD

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

3. Notes that initial contract term ends 31 October 2025 and the contract has two extension options of one year each and authorises the Chief Executive Officer or her delegate to approve extension options subject to Municipal Association of Victoria extending the contract and satisfactory performance.

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

CARRIED

4.2 Oakleigh Recreation Centre – Contract Valuations and Additional Funding

Moved Cr Zographos

Seconded Cr Paterson

That Council:

1. Notes and approves the additional \$987,513 expenditure required to complete the Oakleigh Recreation Centre Indoor Stadium and Waverley Gymnastics Facility Redevelopment project which includes \$487,695 approved by the CEO under delegation specifically for CF2019079 Oakleigh Recreation Centre Construction with APM Group (Aust) Pty Ltd.

2. Notes the final overall project expenditure of \$26,389,003 for the Oakleigh Recreation Centre Indoor Stadium and Waverley Gymnastics Facility Redevelopment project.

*Please note that all dollar figures in this report are GST exclusive.

CARRIED

4.3 Tender for HVAC & Mechanical Renewal Program – Glen Waverley Library

Moved Cr McCluskey

Seconded Cr Paterson

That Council:

1. Awards the tender from BH&C Air Conditioning for 2020/21 HVAC & Mechanical Renewal Program - Glen Waverley Library, Contract No. 2021006 for

the fixed Lump Sum Price of \$379,696.46 with an extra \$17,183.54 for Contingencies;

2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract will commence on 15 February 2021 and the expected completion date is 25 June 2021; and
4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Design Fees and Project Management & Delivery Fees is \$418,000.

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

CARRIED

4.4 Tender for Trucks and Specialised Bodies

Moved Cr Fergeus

Seconded Cr Klisaris

That Council:

1. Approves access to the following Municipal Association of Victoria (MAV) Contract No. RFT 20092 for the provision of Trucks and Specialised Truck Bodies for an initial term ending 30 September 2025 with two (2) x one (1) year options for extension periods with an estimated annual expenditure of \$750,000 GST inclusive. The panel suppliers available under this contract are:

Altec Australia Holdings Pty Ltd

Ausroad Systems Pty Ltd

Brak Pty Ltd trading as Sweepers N Scrubbers

Bucher Municipal Pty Ltd

CAPEM Pty Ltd trading as North East Isuzu

Conquest Equipment Technologies Pty Ltd

DCS Manufacturing Pty Ltd

Garwood International Pty Ltd

GMJ Equipment Pty Ltd

HiDrive Group Pty Ltd

HSR Southern Cross Pty Ltd

KOR Equipment Solutions Pty Ltd

Metalcraft (SA) Pty Ltd trading as Bott Storage Systems (Bott)

Mike Trace Engineering Sales and Services Pty Ltd trading as Mike Trace Engineering

Quik Corp Pty Ltd trading as Quik Corp Pty Ltd (Victorian Branch)

Rapid Spray Pty Ltd

Riviera Discretionary Trust trading as Australian General Engineering

Rosmech Sales & Services Pty Ltd

RXI Group Pty Ltd

Service Body Manufacturing Australia Pty Ltd trading as CSM Service Bodies

Superior Pak Pty Ltd

The Trustee for Bellivan Unit Trust trading as Bell Environmental
The Trustee for D G W Family Trust trading as Allquip Water Trucks
The Trustee for The James Copping Family trust trading as AJ Stock
The Trustee for Work Structures Unit trading as Work Caravans
Wastech Engineering Pty Ltd

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

3. Notes that initial contract term ends 30 September 2025 and the contract has two extension options of one year each and authorises the Chief Executive Officer or her delegate to approve extension options subject to Municipal Association of Victoria extending the contract and satisfactory performance.

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

CARRIED

4.5 Tender for Hire of Equipment

Moved Cr Klisaris

Seconded Cr McCluskey

That Council:

1. Approves access to the following Procurement Australia (PA) Panel Contract No. 2311/0333 for the provision of Hire of Equipment for an initial term ending 30 November 2022 with two (2) x one (1) year optional extension periods with an estimated annual expenditure of \$350,000 GST inclusive. The panel suppliers available under this contract are:

A-Plant Equipment Pty Ltd
Coates Hire Operations Pty Ltd
Conplant Pty Ltd
Northern Hire Group Pty Ltd
Orange Equipment Pty Ltd trading as Orange Hire
Porter Excavations Pty Ltd
PR Power
Rollers Australia Pty Ltd
Sherrin Rentals Pty Ltd

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

3. Notes that initial contract term ends 30 November 2022 and the contract has two extension options of one year each and authorises the Chief Executive Officer or her delegate to approve extension options subject to Procurement Australia extending the contract and satisfactory performance.

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meeting Records

Moved Cr Klisaris

Seconded Cr Fergeus

That Council notes the record of Committee Meetings and Informal Councillors' Meetings.

CARRIED

5.2 Audit & Risk Committee 6 monthly activities report

Moved Cr Samardzija

Seconded Cr Lake

That Council notes the six monthly briefing report forwarded by Council's Audit & Risk Committee, to the Chief Executive Officer (CEO) outlining the Committee's activities and providing any findings and recommendations in relation to the functions of the Committee.

CARRIED

5.3 Appointment of the CEO to the Victoria University Advisory Board

Moved Cr Klisaris

Seconded Cr Paterson

That Council approves the appointment of Dr Andi Diamond, CEO to take on the Chairperson role of the Victoria University Business School Advisory Board as well as approving her involvement in the Executive –in-Residence initiative for 2021.

CARRIED

6. NOTICES OF MOTION

6.1 Refugee Welcome Zone Leadership Councils – Cr Fergeus

Moved Cr Fergeus

Seconded Cr de Silva

That Council:

- 1. Commits to becoming a Refugee Welcome Zone Leadership Council;**
- 2. Allocates an amount of \$5000 in its recurrent budget for the purposes of membership with the Refugee Council of Australia as a Leadership Council, and;**
- 3. Authorises Officers to undertake the necessary actions to fulfil this commitment.**

DIVISION

For: Crs de Silva, Fergeus, McCluskey

Against: Crs James, Klisaris, Lake, Little, Luo, Paterson, Samardzija, Zographos

LOST

6.2 Update on Responsible Investment – Cr Fergeus

Moved Cr Fergeus

Seconded Cr de Silva

That Council:

- 1. Directs the CEO to present a report to an upcoming Council meeting, no later than March 2021, detailing:**
 - a) The positive screening approach adopted as a result of Council’s Responsible Investment motion passed in June 2018;**
 - b) The amount of money invested in fossil fuel free financial institutions at 30 June 2018, 30 June 2019, 30 June 2020 and 31 December 2020;**
 - c) Advice on potential changes to Council policy which could further decrease Council’s investment exposure to financial institutions investing in fossil fuels.**

DIVISION

For: Crs de Silva, Fergeus, McCluskey, Zographos

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

LOST

7. COMMITTEE REPORTS

7.1 Audit & Risk Committee Minutes

Moved Cr Samardzija

Seconded Cr Lake

That Council:

1. notes the unconfirmed minutes of the 1 December 2020 Audit & Risk Committee (the Committee); and
2. notes that the minutes will be signed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.

CARRIED

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Nil.

The Mayor declared the meeting closed at 7:40pm.


MAYOR:

DATED THURSDAY THE 22ND DAY OF APRIL 2021