



**CITY OF
MONASH**

**MINUTES OF THE
MEETING OF COUNCIL
HELD ON 27 APRIL 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 APRIL 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

Nil.

CONFIRMATION OF MINUTES OF THE MEETING OF COUNCIL HELD ON 30 MARCH 2021

Moved Cr McCluskey

Seconded Cr Zographos

That the minutes of the Meeting of Council held on 30 March 2021, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PETITION

Cr McCluskey tabled a petition of 179 signatures which called for the satisfactory completion by Mirvac of the Waverley Park estate.

Moved Cr McCluskey

Seconded Cr James

That the petition which calls for the satisfactory completion by Mirvac of the Waverley Park estate, be received.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that two (2) questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr James

Seconded Cr Samardzija

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 8-10 Johnson Street & 1 Mill Road Oakleigh - Building & Works to Construct a Double Storey Extension at the Rear of the Existing Medical Centre, Construct Two Single Storey Buildings

Moved Cr McCluskey

Seconded Cr Luo

That Council resolves to issue a Planning Permit (TPA/52298) for buildings and works to construct a double storey extension at the rear of the existing medical centre, construct two single storey buildings and a basement car park, at 8-10 Johnson Street & 1 Mill Road, Oakleigh 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 the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council. The plans must be generally in accordance with the plans submitted to Council prepared by DE SMIT Architecture (TP05B dated February 202; TP06A, TP07A, TP08A, TP09 to TP13 dated January 2021) but modified to show:*

- a) The existing vehicle crossovers on Houghton Road to be removed and reinstated to the satisfaction of the Responsible Authority;***
- b) The proposed pit depth and length for the car stacker spaces in accordance with the Traffic report prepared by Ratio Consultants dated 22 January 2021;***
- c) A minimum aisle width adjacent to the mechanical parking system of 6.2 metres;***
- d) The provision of a gate/door which is to be fully automated and linked to the operating system to all access points to the mechanical parking system;***
- e) A Landscape Plan prepared in accordance with Condition 4;***

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- f) A Waste Management Plan prepared in accordance with Condition 5;*
 - g) A Sustainable Management Plan prepared in accordance with Condition 6; and 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 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 dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must show:*
 - a) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;*
 - b) the location of any fencing internal to the site;*
 - c) provision of canopy trees with spreading crowns located within the internal courtyards;*
 - d) Plan notations indicating that the insert botanical name of trees;*
 - e) details of all proposed surface finishes including pathways, and accessways;*
 - f) The location of external lighting (if any);*

Waste Management Plan

- 5. Concurrent with the endorsement of plans required 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 Ratio Consultants, dated 22 January 2021.*

Sustainable Management Plan

- 6. Concurrent with the endorsement of plans required 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 1 dated January 2021.*

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 plan 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 from entering into the Council's underground 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; A program for the cleaning and maintaining surrounding road surfaces;**
- f) 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;**
- g) Measures to provide for public Safety and site security;**
- h) 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;**
- i) A Traffic Management Plan showing truck routes to and from the site;**
- j) A 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;**
- k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;**
- l) The provision of contact details of key construction site staff; and**
- m) 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;**
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)**
 - No works are permitted on Sundays or Public Holidays.**

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.

Car Parking

8. ***Mechanical car parking system modules are required to cater for the following:***
 - a. ***Independent operation for each parking space.***
 - b. ***A minimum ground level overhead clearance of 1.8 metres.***
 - c. ***A car/van up to 180cm height on the upper level.***
 - d. ***Minimum pit length of 520cm. The Trendvario 6300 / 240 should have a 240cm pit depth.***
 - e. ***Loading weight per platform of at least 2000kg.***

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. ***The mechanical parking systems must provide for a gate or door(s) to ensure that there is no inadvertent access to the mechanical parking system when the system is in motion.***

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

14. ***Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.***

15. ***The proposed crossing is to be constructed in accordance with the City of Monash standards.***

16. ***The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.***

17. ***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 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.***

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- 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).*

Landscaping and Tree Retention

18. *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

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

20. *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.*

Other

21. *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

22. *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

23. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*

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

(b) The development is not completed before four (4) years from the date of issue. In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

*(i) within six (6) months afterwards if the development has not commenced;
or*

(ii) within twelve (12) months afterwards if the development has not been completed.

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

NOTES

A. This is not a Building Permit. Building Permit approval 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 that the drainage works will meet all drainage conditions of the permit.

E. Any 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.

F. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip outside Johnson Street to be constructed to Council standards.

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

G. 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.

H. 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 \$5,000 is to be paid prior to the drainage works commencing.

I. 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.

J. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.

K. The proposed crossing is to be constructed in accordance with the City of Monash standards.

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

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

CARRIED

1.3 270 Clayton Road Clayton - Use of Land as a Residential Hotel (Serviced Apartments)

Moved Cr Zographos

Seconded Cr James

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51795) for the use of land as a residential hotel (serviced apartment) and buildings and works associated with a multi-storey mixed use building and reduction of the car parking requirement at 270 Clayton Road, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development and use starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by BG Architecture (Issue 1) dated 26 March 2021 but modified to show:

- a) Revision of the two uppermost storeys to reduce the sheer scale of the proposal and its perceived height from the east adjoining residential context. This could be achieved by deletion of the uppermost storey, or increased upper level setbacks to the eastern boundary, and/or materially treating the uppermost two storeys to distinctly different from the anodised mesh materiality of the proposal, or a combination of all.***
- b) The brick platform material MA01 on the west elevation replaced with clear glazing GL01 to reduce the perceptions of an elevated Ground Floor.***
- c) Provision of a vehicle passing area at the basement entrance at least 6.1 metres wide and 7 metres long.***
- d) Details of the accessible parking spaces 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 to have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area to be a minimum of 2500mm.***

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- e) *The basement 1 'FPR' door near the north-western corner amended to avoid opening directly into the accessway to avoid safety hazards.*
 - f) *The 8 visitor bike spaces located on the naturestrip of Clayton Road relocated.*
 - g) *An amended landscape plan prepared in accordance with Condition 4.*
 - h) *An amended Waste Management Plan prepared in accordance with Condition 5.*
 - i) *An amended 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.

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 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 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 Tract dated 12 November 2020 except that the plan must be modified to show:

- (a) The amended proposal in accordance with the amended development plan (Issue 1) dated 26 March 2021;*
- (b) Changes required under condition 1 of this permit;*
- (c) The detail of the proposed paving;*
- (d) The location of external lighting (if any); and*
- (e) The location of retaining walls and site services.*

Management Plans

Waste Management Plan

5. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Ratio Consultants (Version FEP02F01) dated 11 November 2020 but revised to show the amended proposal in accordance with the amended development plan (Issue 1) dated 26 March 2021 and changes required under condition 1 of this permit.

Sustainable Management Plan

6. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by WRAP Engineering Pty Ltd (Revision 05) dated 11 November 2020, except that the plan must be modified to show the amended proposal in accordance with the amended development plan (Issue 1) dated 26 March 2021 and changes required under condition 1 of this permit.

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 from entering into the Council's underground 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 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) 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 for 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;*
- *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)*
- *No works are permitted on Sundays or Public Holidays.*

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.

Green Travel Plan

8. *Before the development is occupied, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority following consultation with Public Transport Victoria. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants (Version F02) dated 11 November 2020, except that the plan must be modified to show the amended proposal in accordance with the amended development plan (Issue 1) dated 26 March 2021 changes required under condition 1 of this permit.*

9. *The Green Travel Plan must not be amended without the written consent of the Responsible Authority, following consultation with Public Transport Victoria.*

Once approved, the Green Travel Plan must form part of the permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents or owners to the satisfaction of the Responsible Authority.

Operational Management Plan

10. *Prior to the commencement of the use for serviced apartments, 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) *Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.*
- b) *The presence of a manager on site at such times to operate the reception area.*
- c) *The contact details of the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person.*
- d) *Services provided.*
- e) *Operating hours.*
- f) *After hours contact details for management of the facility.*

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- g) Car parking allocated to serviced apartments. No less than 0.5 car space must be allocated to each serviced apartment approved by this permit.*
 - h) Management of the car park associated with the serviced apartments including access arrangements.*
 - i) 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.

General Conditions

11. As part of the ongoing consultant team, BG Architecture or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:

- (a) Oversee design and construction of the development; and*
- (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*

Ensure an appropriate repair, reconstruction, paint removal and painting scheme is developed for the existing heritage building. This scheme is to carry out repairs to the awning, timber and render, tiles and other materials and authorised by a qualified heritage architect

Car Parking Conditions

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

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

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

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

14. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.

15. Any works within the road reserve must ensure the footpath and kerb and channel are reinstated to Council standards.

Drainage Conditions

16. 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.

Other

17. 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.

18. 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.

Section 173 Agreement

19. 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:

- a) Apartment premises within the development are restricted to short-stay serviced apartments defined as "Residential Hotel" by the Monash Planning Scheme;***
- b) Permanent occupation of apartment premises as a primary residence is prohibited;***
- c) Serviced apartment premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises;***
- d) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority;***
- e) Clearly note and acknowledge that should the land cease to be used for serviced apartment (residential hotel), a new planning permit may be required for an alternative use; and***
- f) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 10 of this permit.***

The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.

Melbourne Water Conditions (Ref: MWA-1181994)

20. The building and the entrance points at the lobby must be constructed with finished floor levels set no lower than 61 metres to Australian Height Datum (AHD),

which is 300mm above the applicable flood level at location of development of 60.70m to AHD.

21. The entry/exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 61.63m to AHD, which is a minimum of 300mm above the applicable flood level at location of development of 61.33m to AHD.

22. All doors, windows, vents and openings to the basement car park must be set no set no lower than 61.63m to AHD, which is a minimum of 300mm above the applicable flood level at location of development of 61.33m to AHD.

23. All the electrical components within the substation must be set above the applicable flood level of 61m to AHD.

24. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwelling, garage and driveway ramp.

25. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

26. Prior to commencement of works a Buildover application and agreement must be entered into for any development/works within 5m of the outside edges of the Melbourne Water drain. A Buildover application can be submitted online for Melbourne Water's terms and conditions: <https://www.melbournewater.com.au/planning-and-building/apply-to-build-ordevelop/apply-build-near-asset-or-easement>.

27. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

- End of Melbourne Water Conditions

Time for Starting and Completion

28. 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 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. One copy of the plans for the drainage and civil works must be submitted to and approved by the 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. The payment of a 5,000 refundable security deposit is required prior to the drainage works commencing.

D. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 100mm pipe to the Council pit in the right of way to be constructed to Council Standards.

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

E. 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.

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

G. 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.

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

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

CARRIED

1.4 Glen Waverley Civic Precinct Project

Moved Cr Paterson

Seconded Cr Lake

That Council:

- 1. Notes the completed Feasibility Study of the Glen Waverley Civic Precinct redevelopment project undertaken by ARM Architecture (ARM). Presented in Attachment 1.*
- 2. Resolves that the Glen Waverley Civic Precinct project proceed to the concept and schematic design stage and notes that officers will undertake a tender process for the concept and schematic design based on the completed feasibility study by ARM.*
- 3. Resolves that the Glen Waverley Civic Centre Project (Concept and Schematic Design only) be listed in the Draft Budget 2021/22, and form part of the draft budget and consultation process.*

Cr Fergeus abstained from the vote.

CARRIED

1.5 85 Atkinson Street Oakleigh – Part Caloola Reserve – Proposed Lease to Oakleigh Tennis Club Incorporated

Moved Cr Zographos

Seconded Cr Fergeus

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease Tennis Courts at part Caloola Reserve, 85 Atkinson Street Oakleigh (as shown in the lease premises plan in attachment 1 to this report) to the Oakleigh Tennis Club Inc.*
- 2. Notes the S.223 Committee met on Tuesday 13 April 2021 to hear and consider submissions received in respect of the proposal.*
- 3. Further notes that five (5) submissions in support of the proposal were received.*
- 4. Accepts the Committee's recommendation to lease part Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc.*
- 5. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document.*
- 6. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for part Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc.*

CARRIED

1.6 Proposed Sale of Land - 64 Golf Links Road, Oakleigh

Moved Cr McCluskey

Seconded Cr James

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to the sale of 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) as shown in the plan in Attachment 1 to this report, by private treaty to the abutting landowner at 64 Golf Links Avenue, Oakleigh (the Proposal).*
- 2. Notes the S.223 Committee met on Tuesday 13 April 2021 to hear and consider submissions received in respect of the Proposal and notes that there were no submissions received.*
- 3. Accepts the Committee's recommendation to proceed with the sale of Lot 13 on TP023758V comprised in Certificate of Title Volume 11654 Folio 925 to the adjoining landowner at 64 Golf Links Avenue, Oakleigh.*
- 4. Having complied with its obligations under S.223 of the Local Government Act 1989, authorises the Chief Executive Officer or her delegate to sign all documentation required to effect the sale of the Land.*

CARRIED

2. COMMUNITY SERVICES

2.1 2020/21 Monash Quick Response Grants Program Recipients

Moved Cr Fergeus

Seconded Cr Samardzija

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 10 – 24 March 2021 to a total of \$12,044.59.

CARRIED

2.2 Cricket In Monash Discussion Paper and Draft Cricket Wicket Policy

Moved Cr McCluskey

Seconded Cr James

That Council:

1. Endorses the draft Cricket In Monash Discussion Paper and draft Monash Cricket Wicket Policy for public release and consultation with the community.

2. Receives a further report with a draft Monash Cricket Plan which includes guiding principles and key actions linked to findings from the consultation on the Cricket In Monash discussion paper and an updated Cricket Wicket policy for final adoption.

CARRIED

3. CORPORATE SERVICES

3.1 Proposed Draft Annual Budget 2021/2022

Moved Cr James

Seconded Cr Samardzija

That Council:

1. approves the proposed Draft Annual Budget 2021/22, as presented, for the purpose of giving public notice of the consultation process;

2. adopts the Schedule of Fees & Charges, as detailed in the Draft Annual Budget 2021/22, to be effective from 1 July 2021 (except as otherwise indicated);

3. applies differential rating using Capital Improved Value (CIV) as the basis of valuation to all rateable land to raise rates by 1.5 per cent in 2021/22;

4. recognising that ratepayers receiving pensions should be given assistance to remain in their homes, maintains the Council funded \$50 rate rebate to assist eligible pensioners with their Council rates;

5. applies a service charge under Section 162 of the Act, Recycling & Waste Charge of \$42 per rateable property; and also provide a \$42 waiver under Section 171 of the Local Government Act 1989 for eligible pensioners towards the Recycling & Waste Charge;

6. in recognition of the adverse impacts of COVID-19 across the whole municipality, and to promote short term economic viability extends the Covid-19 Rates & Charges Deferral scheme to all rateable properties on the 2021/22 declared rate as at 1 July 2021, noting that this is in recognition of the impact of COVID-19 on the Monash community and is a gesture of support from us to our community who are hurting, including businesses and vulnerable ratepayers, many who now are without jobs;

7. notes that in order to comply with Council's Community Engagement Framework, public notice of the preparation of the proposed budget will be published in The Age;

8. notes that at the time of publication of the public notice, the information contained in the public notice and the requirements for statutory information set

out in the Local Government (Planning and Reporting) Regulations 2014 will be available for public inspection between 29 April and 28 May 2021 (both dates inclusive), during normal business hours at the following locations:

- *Civic Centre 293 Springvale Road, Glen Waverley;*
- *Oakleigh Service Centre, Atherton Road, Oakleigh;*
- *Oakleigh Library, Drummond Street, Oakleigh;*
- *Clayton Branch Library, Cooke Street, Clayton;*
- *Mount Waverley Library, 41 Miller Crescent, Mt Waverley;*
- *Whealers Hill Library, 860 Ferntree Gully Road, Wheelers Hill;*
- *Glen Waverley Library, Kingsway, Glen Waverley;*
- *Mulgrave Library, Mackie Road, Mulgrave; and*
- *on Council's web site: www.monash.vic.gov.au and shape.monash.vic.gov.au*

9. appoints a Committee of Council, comprising all Councillors to consider submissions received on the Draft Annual Budget 2021/22, and determines that the meeting of the Committee shall be held at the Council Chambers at the Civic Centre, 293 Springvale Road Glen Waverley, at 7.30pm on Tuesday 8th June 2021;

10. directs that any written submissions on any proposal contained in the proposed Draft Annual Budget 2021/22 received by the Council by close of business, Friday 28th May 2021, be considered by the Committee;

11. directs that any requests for verbal submissions received be heard by the Committee; and

12. subject to the consideration of any written or verbal submissions received and any recommendations of the Committee appointed pursuant to Part 7 of this resolution, adopts the Annual Budget 2021/22 and at its meeting on 29 June 2021.

AMENDMENT

Moved Cr Lake

Seconded Cr Zographos

To add a point 13 which reads:

In recognition of the continuing impacts of COVID-19 across the whole municipality and to promote short term economic viability, applies a 5% waiver under section 171 (1)(b) of The Local Government Act 1989 (The Act) to all rateable properties on the 2021/22 declared rate as of 1 July 2021.

Cr Lake attempted to clarify that his reference to The Act was incorrect.

POINT OF ORDER

Cr Little called a point of order that Cr Lake was not permitted to speak at this point as he had already spoken, which is contrary to the Governance rules.

Cr Fergeus called a point of order that Cr Lake should clarify on which basis he is speaking.

The amendment was put to the vote and declared lost.

LOST

The original motion was put to the vote and carried unanimously.

CARRIED

3.2 Revenue and Rating Plan 2021-2025

Moved Cr James

Seconded Cr McCluskey

That Council:

- 1. Approves the proposed Revenue and Rating Plan 2021-2025 (the Plan), as presented, for the purpose of giving public notice to seek submissions on the Plan.*
- 2. Provides public notice of the preparation of the proposed Plan published in The Age (with the proposed Draft Budget 2021/22).*
- 3. Invite submissions to the Plan via the Have Your Say or Shape Monash website or by mail.*
- 4. Considers submissions received on the Plan, and determines to consider the submissions at the meeting of the Committee (convened for the purpose of hearing submissions on the Draft Budget 2021/22 and the Plan).*
- 5. Directs that any written submissions on any proposal contained in the proposed Plan received by the Council by close of business, 28 May 2021, be considered by the Committee.*
- 6. Directs that any requests for verbal submissions received be heard by the Committee.*
- 7. Subject to the consideration of any written or verbal submissions received and any recommendations of the Committee (appointed to consider submissions), adopts the Revenue and Rating Plan 2021-2025 at its meeting on 29 June 2021.*

CARRIED

3.3 Audit & Risk Committee Minutes

Moved Cr Lake

Seconded Cr Samardzija

That Council:

- 1. Notes the unconfirmed minutes of the 2 March 2021 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

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Tender for Supply of Three Tractors

Moved Cr Samardzija

Seconded Cr McCluskey

That Council:

1. Awards the tender from Glenmac Sales & Service Pty Ltd representing John Deere for the supply of three tractors, Contract No. 2020184 for a fixed Lump Sum of \$419,100 with an additional \$4,500 for registration costs and \$15,000 for Contingencies (executable at Council's option);

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

3. Notes that the total budget including the fixed Lump Sum, Contingencies and Provisional Items is \$438,600.

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

CARRIED

4.2 Appointment of Replacement Member to the Environmental Advisory Committee

Moved Cr James

Seconded Cr de Silva

That Council endorses the appointment of the following community representative (Richard Gray) to the 2020-22 Environmental Advisory Committee (EAC) to replace departed members in accordance with the current Terms of Reference.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors Meeting Records

Moved Cr McCluskey

Seconded Cr Luo

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

CARRIED

5.2 Sir John Monash Awards Category

Moved Cr Fergeus

Seconded Cr McCluskey

That Council endorses a ninth category in the Sir John Monash Awards, recognising the contribution of a community member for their leadership as part of or for the LGBTIQA+ community.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr Little

Seconded Cr McCluskey

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
<i>Ashwood Parkinsong Support Group</i>	<i>Ashwood Parkinsong monthly meetings. Requesting hall hire funding.</i>	<i>\$569.80 GST excl.</i>
<i>Tamil Australian Friendship Group</i>	<i>Kalai Vizha (Art and Cultural Festival) 1/08/2021. Requesting hall hire funding.</i>	<i>\$961.80 GST excl.</i>

CARRIED

6.2 Proposed Road Closure - Chester Street Oakleigh – Crs James, Fergeus and Zographos

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Notes the response from the Oakleigh Village Traders Association (OVTA) in its letter to Oakleigh Ward Councillors on 18 March 2021 regarding community safety concerns in the Oakleigh Activity Centre, in particular to anti-social behaviour and hooning on Chester Street near Eaton Mall.*
- 2. Notes that the OVTA have agreed 'in-principle' to consider a range of community safety interventions, including road humps on Chester and Portman Streets, to reduce anti-social behaviour and hooning in these streets.*

-
3. *Notes that on 25 March 2021, the Department of Transport announced funding to implement a range of pedestrian safety related initiatives in Oakleigh Activity Centre, including road humps on Chester and Portman Streets.*
 4. *Directs officers to continue discussions with the OVTA, Chester and Portman Street traders and the Department of Transport to further develop the design for road humps on Chester and Portman Streets.*
 5. *Notes the opportunity for increased amenity and safe pedestrian movement by closing Chester Street near Eaton Mall.*
 6. *Notes the closure of Chester Street near Eaton Mall could potentially have a number of unknown traffic and safety related impacts and a traffic impact assessment is required to properly assess the extent of these potential impacts.*
 7. *Directs officers to further investigate the feasibility of closing Chester Street near Eaton Mall and engage a traffic consultant to provide the required traffic impact assessment noted above and refers consideration of a further \$15,000 to the 21/22 budget process to enable this work to occur.*
 8. *Directs officers to provide a further report in June 2021 on the traffic impact assessment for Council decision.*

CARRIED

6.3 Footpath Enhancements For Outdoor Dining In Oakleigh - Crs James, Fergeus and Zographos

Moved Cr Fergeus

Seconded Cr James

That Council:

1. *Notes that the enhancements to outdoor dining opportunities afforded to traders in response to the pandemic, and the restrictions associated with it, have been embraced by traders and their patrons.*
2. *Notes that the temporary outdoor dining opportunities occurring on roadways had never before been contemplated but have now caused a rethink on how such spaces may be utilised for outdoor dining.*
3. *Notes that there is potential for some areas of road currently being used to temporarily accommodate outdoor dining, to be made permanent outdoor dining areas by extending footpaths.*
4. *Notes that a separate motion will be put to Council to consider either timed or permanent closure of Chester Street around Eaton Mall which needs to be fully investigated prior to looking at outdoor dining extensions in that street.*

-
5. *Notes that in its draft 2021/2022 budget, Council has allocated funds for traffic studies around the Oakleigh Station Precinct as a follow-up to its 2018 Oakleigh Activity Centre Transport Interchange Design and that it is appropriate to carry out this work prior to looking at outdoor dining extensions in Portman Street to the west of Eaton Mall.*
 6. *Directs officers to undertake preliminary design works that maximise the width of the footpath to facilitate outdoor dining in the areas identified in the plan attached to this report.*
 7. *Directs officers to provide the costs required to deliver the widened footpaths identified and referred to in point 6 above.*
 8. *Directs officers to provide a report to Council prior to 31 October 2021 so that the proposed works can be referred to the 2022/23 budget process should Council decide to do so.*
 9. *Allocates \$60k required for the implementation of points 7 & 8 of this recommendation.*

CARRIED

PROCEDURAL MOTION

Moved Cr McCluskey

Seconded Cr James

That Council move into Confidential Business to consider an item that concerned personal information.

CARRIED

Council moved to Confidential Business at 7.58pm and back to Open Council at 8.04pm.

PROCEDURAL MOTION

Moved Cr James

Seconded Cr Little

That Council move to reconsider the Mount Waverley Structure Plan which was laid on the table at the August 2020 Council meeting.

CARRIED

PROCEDURAL MOTION

Moved Cr James

Seconded Cr McCluskey

That the item be no longer dealt with.

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

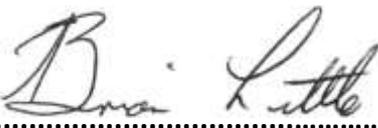
Nil.

11. COUNCILLORS' REPORTS

Cr James noted the success of ANZAC Day being in-person. He thanked Council for their support in streaming at the Oakleigh RSL.

Cr McCluskey noted he attended the Waverley RSL ANZAC Day dawn service, along with Cr Little, Cr Luo and Cr Samardzija. He noted it was organised very well by the RSL and everyone else involved. He noted Central Reserve was well manicured for the event and he thanked Council officers involved.

The Mayor declared the meeting closed at 8.09pm.

MAYOR: 

DATED TUESDAY THE 25TH DAY OF MAY 2021