



CITY OF
MONASH

MINUTES

MEETING OF COUNCIL

HELD ON

TUESDAY 24 FEBRUARY 2026

at 7:00 PM

COUNCIL CHAMBER

CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY

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1 ACKNOWLEDGEMENT OF COUNTRY

Monash Council acknowledges the Traditional Owners of the lands on which we meet, the Wurundjeri Woi Wurrung and Bunurong People, and recognises their continuing connection to the land and waterways.

We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2 PRESENT AND APOLOGIES

PRESENT

Councillors: S James (Mayor), E Lee (Deputy Mayor), A de Silva, J Fergeus, G Lake, B Little, C Little, N Luo, S McCluskey, R Paterson.

Officers: A Diamond, V Blackman, K Green, I Kelly, P Panagakos, T Scicluna, S Wickes, A Sapolu, C Aslanidis, T Anderson.

APOLOGIES

Councillor: P Klisaris.

3 DISCLOSURES OF INTEREST

Mayor, Cr James declared a General Conflict of Interest for:

- Item 8.2: Additional Bench Seats at Waverley Women's Netball Courts.

4 CONFIRMATION OF MINUTES

Moved: Cr Lee

Seconded: Cr Luo

MOTION

That the minutes of the following meeting be taken as read and confirmed:

- **Meeting of Council held on 27 January 2026.**

CARRIED

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Nil.

6 PUBLIC QUESTION TIME

The Mayor advised that one (1) public question had been received.

Question 1: Aditya Komali from Mount Waverley.

How will littering and air/noise pollution be combated in Monash, especially in high-traffic areas like Clayton and Glen Waverley?

The Council provided the following response:

Council addresses littering and air and noise pollution through a combination of responding to complaints, prevention, education and enforcement across the municipality, including in high-traffic areas such as Clayton and Glen Waverley.

Littering is managed through regular street cleansing and waste services, public place bin infrastructure, community education and targeted enforcement where required.

Air and noise pollution are addressed through land-use planning controls, local laws and Council's enforcement responsibilities under the Environment Protection Act and the Public Health and Wellbeing Act, as well as compliance activities and collaboration with the Environment Protection Authority and other agencies that have regulatory responsibility for air and noise pollution.

Together, these measures help Council protect public health, support local amenity and respond to the challenges associated with various land uses and urban activity across Monash.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE

Moved: Cr B Little

Seconded: Cr McCluskey

MOTION

That Council notes the report containing the Town Planning Schedules.

CARRIED

7.1.2 TPA/52770A- 444 - 454 WAVERLEY ROAD, MOUNT WAVERLEY- PERMIT AMENDMENT

Moved: Cr McCluskey

Seconded: Cr B Little

MOTION

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit (TPA/52770A) for the buildings and works to construct and use a building on the land for a child care centre and a café (food and drink premises), tree removal including removal of native vegetation, at 444-454 Waverley Road, Mount Waverley subject to the following conditions

Amended Plans Required

- 1) Before the development and use starts, one copy of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council on ~~9 March 2022 (TP04, TP05 & TP05a Revision C dated 25 January 2022, TP04a Revision B dated 25 January 2022, TP06 & TP07 Revision A dated 25 January 2022, TP08 & TP09 dated 23 March 2022 and TP11 Revision A dated 22 March 2022),~~ 9 January 2026 prepared by Architecton (Issue A- basement plan, Issue P- ground floor plan, Issue J- first floor plan and Issue J- roof plan, dated 24 December 2025), but modified to show:
 - a) A 3 metre wide drainage easement to be created to protect Council's existing 375 mm and 450mm outfall drains from the Anthony Drive properties. A notation on the plans to read: 'The existing stormwater drain on the west side of the properties at 1 to 7 Anthony Drive to be replaced by a 300 mm stormwater drain, each property reconnected to the new drain and the creation of a 3 metre wide drainage easement to the satisfaction of Council;
 - b) All easements (carriageway, drainage and floodway) in accordance with the Section 173 Agreement (AG681522S);
 - ~~c) On the Waverley Road frontage, the provision of a corner splay or a defined area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property boundaries) from the western edge of the exit lane of the vehicle crossing to ensure that a clear view of pedestrians using the footpath along the frontage road is provided;~~
 - ~~d) The accessible parking spaces 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;~~
 - e)c) All windows on the first floor, south east elevation to be labelled 'obscure glazing up to minimum 1.7metres above finished floor levels';
 - f) ~~Site permeability increased to no less than 40% of site area;~~
 - g)d) Reference to the acoustic treatment and controls to the childcare centre and café in accordance with the Acoustic Report prepared by Acoustic Control Pty Ltd, dated ~~9 June 2021~~ 5 January 2026;
 - e) Design and signage of the bicycle parking facilities to comply with Clause 52.34-6 of the Monash Planning Scheme.

- f) Location and design of the hydrant booster enclosure, electricity supply, gas and water meter boxes.
- g) ~~Reference to the acoustic treatment and controls to the child care centre and café in accordance with the Acoustic Report prepared by Acoustic Control Pty Ltd, dated 9 June 2021~~
- h)g) An external lighting plan in accordance with the requirements of conditions 5 ~~and 9~~;
- i) h) Changes required in accordance with the Waste Management Plan as requested in condition ~~10 9~~; and
- j) i) Changes required to satisfy the Sustainable Management Plan in accordance with Condition ~~12-11~~.

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscaping Plan

3. 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 be generally in accordance with the Landscape Concept Plan prepared by ~~Blue Landscape Architects (Revision TP1) dated 4/6/2021~~ John Patrick Landscape Architects Pty Ltd (Revision A dated 9 January 2026)

except that the plan must show:

- a) ~~The revised building layout in accordance with the amended development plan (TP04, TP05 & TP05a Revision C dated 25 January 2022, TP04a Revision B dated 25 January 2022 and TP06 & TP07 Revision A dated 25 January 2022) and changes required under condition 1 of this permit Any changes as a result of Condition 1 and 46 of this permit;~~
- b) The ground floor play areas where they are not located above the basement carpark to be constructed of permeable materials. Details of the relevant materials must also be provided;
- c) Use of non-invasive, clumping species of bamboo (including provision of appropriate root barriers) and planting of indigenous climbing/ screen plants along the new shared path;
- d) The hydrant booster enclosure, electricity supply, gas and water meter boxes designed to be incorporated into the landscape setting;
- e) The detail of all proposed paving;
- f) The location of external lighting (if any); 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. When approved, the plans will be endorsed and then form part of the Permit.

4. Before the uses start, 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 thereafter.

Lighting Plan

5. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Lighting Plan prepared by a suitably qualified or experienced Lighting Engineer must be submitted to and approved by the Responsible Authority. The Lighting Plan must show:
 - a) Location of any external lighting;
 - b) Intensity of lighting limited so as not to cause any loss of amenity to occupiers of nearby land and/or excessive light spill to public open space conservation areas to the satisfaction of the Responsible Authority.When approved, the plans will be endorsed and then form part of the Permit.
6. All external lighting must be designed, baffled, located and maintained to prevent light spill from the site causing any unreasonable amenity or environmental impacts on the locality, to the satisfaction of the Responsible Authority.

Easements and Section 173 Agreement

- ~~7. The existing shared user path behind the properties at 1 to 7 Anthony Drive must be removed when the new shared path is constructed within the subject land to the satisfaction of the Responsible Authority. The cost of the removal of the existing path will be met by the permit holder. Ongoing pedestrian and cyclist access through the site must be provided at all times to the satisfaction of the Responsible Authority. The Responsible Authority may provide its written consent to alternative arrangements including the timeframe for removal of the existing shared path and temporary pedestrian and cyclist access through the site during construction works.~~
- 8.7. Prior to commencement of the use hereby permitted, all requirements of the existing Section 173 Agreement (AG681522S) registered on the Title must be fully satisfied or the Agreement amended accordingly to the satisfaction of the Responsible Authority and respective parties to the Agreement.
- 9.8. Prior to commencement of the use hereby permitted all easements required by this permit and the existing Section 173 Agreement (AG681522S) must be created and registered on Title to the satisfaction of the Responsible Authority.

Waste Management Plan

- ~~10.9.~~ Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by ~~Ratio Consultants, dated 19 May 2021~~ Traffic Group (Issue D dated 9 January 2026) but revised to show the:
 - a) Inclusion of the TPA number to the introductory section; and Recycling bins are not stored in front of each other to enable safe/ convenient access to bins.

- ~~b) Provision of scaled plans detailing the proposed waste collection process including; bin collection areas, the strategy for bin transfer from storage area to collection point & transfer routes and gradients; and plans for hard waste and e-waste collection and disposal;~~

When approved, the plans will be endorsed and then form part of the 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.

Construction Management Plan

11.10. Prior to the commencement of any site works (including any demolition, vegetation removal and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. Once approved, 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) Pedestrian and cyclist access through and around the construction site including ongoing connections to the adjoining shared user path network;
- b) Appropriate measures to control noise, dust and water and sediment laden runoff;
- c) Appropriate measures to prevent silt or other pollutants from entering into the Council's drainage system or onto the road network;
- d) Appropriate measures relating to removal of any 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 or drainage system;
- f) A program for the regular cleaning and maintenance of the 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 24 hour site security;
- i) A plan showing the location of parking areas for all construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to the surrounding location. 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, using the largest truck anticipated on site, demonstrating the ability of trucks to enter and exit the site in a safe and timely manner.
- 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 24 hour contact details of key construction site staff; and
- n) Restriction on hours of work on site, including demolition, excavation or general construction works, to 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.

Unless prior written consent is provided by the Responsible Authority these hours cannot be varied.

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.

Sustainable Management Plan (SMP)

12.11. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan (in accordance with ~~Clause 22.13~~ **Clause 15.01-2L-02 Environmentally Sustainable Development Policy** and Clause 53.18 *Stormwater Management in Urban Development*) must be submitted to and approved by the Responsible Authority. Upon approval the Sustainable Management Plan will be endorsed and become part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Use of Land

13.12. There must be no more than ~~184~~ **147** children in the Child Care Centre premises at any one time.

14.13. The Child Care Centre use may operate only between the hours of 6:00am to 7pm Monday to Friday.

15.14. The Food and Drink Premises may operate only between the hours of 6:00am to 7pm Monday to Friday and 7am to 4pm Saturday & Sunday.

Tree Protection & Removal of Native Vegetation

16.15. All existing vegetation shown on the endorsed plans marked to be retained, must not be removed, destroyed or lopped without the further written consent of the Responsible Authority.

17.16. Prior to the commencement of any works permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, must be marked and provided with a protective barricade to ensure the retention. The installation and maintenance of these barriers must be verified by a qualified landscape architect or horticulturist.

18.17. All work within the dripline of any tree to be retained (including trees on site 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.

19.18. No building material, demolition material earthworks, machinery or vehicles shall be parked, stored or stockpiled under the canopy line of any tree identified as “to be retained” during the construction period of the development hereby permitted.

Car Parking and Accessways

20.19. A minimum of **40 25** parking spaces are to be provided for the childcare centre use and **5 3** parking spaces are to be provided for the food and drink premises at all times and suitably labelled/signed as such.

21.20. Before the uses start, 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.

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

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

Privacy screens

24.23. Prior to the ~~uses start commencement of use~~, 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. Note: The application and use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Services and Plant Equipment

25.24. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.

26.25. 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.

27.26. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Drainage & Stormwater

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

29.28. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

30.29. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.

31.30. Prior to ~~occupation of the approved premises commencement of use~~, drainage easements (3 metres wide or as specified by City of Monash Engineering Department) are to be created to protect Council's existing 375 mm and 450mm outfall drains from the Anthony Drive properties and any additional drainage assets required by this permit as specified by the Responsible Authority. The existing stormwater drain on the west side of the 1-7 Anthony Drive properties to be replaced by a 300 mm stormwater drain, each property reconnected to the new drain and the creation of a 3 metre wide drainage easement to the satisfaction of Council.

Satisfactory Continuation

32.31. Once the development and/or use has started it must be continued and completed to the satisfaction of the Responsible Authority.

Department of Environment, Land, Water & Planning (DELWP) Conditions

33.32. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

34.33. The total area of native vegetation proposed to be removed totals ~~0.0102 hectares~~ 0.099 hectares, comprised of:

~~a) 1 large scattered tree.~~

~~b) 1 small scattered tree.~~

a) 1 patch of native vegetation totalling 0.029 hectares [containing 1 large tree]

- b) 1 large scattered tree
- c) 0 small scattered trees

35.34. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* *Guidelines for the removal, destruction or lopping of native vegetation Version 1.1 (DELWP 2025)*, the permit holder must secure general offset of 0.018 general habitat units:

- a) Located within the Port Phillip and Westernport Catchment Management boundary or Monash City Council municipal area.
- b) With a minimum strategic biodiversity score of at least 0.152. The offset(s) secured must also protect 1 large tree.

36.35. Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:

- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

37.36. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.

38.37. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

39.38. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

40.39. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.

41.40. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) Any vehicle or pedestrian access, trenching or soil excavation, and
- b) Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products, and
- c) Entry or exit pits for underground services, and

- d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

42.41. Before any works start a Construction Environment Management Plan (CEMP) is developed to the satisfaction of the Responsible Authority. The CEMP should include:

- a) Measures to address Conditions 32, 39 and 40
- b) Measures to control erosion and sediment laden water runoff
- c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction
- d) Tree/vegetation protection measures and zones
- e) The location of trenching works, boring, and pits associated with the provision of services
- f) The location of any temporary buildings or yards
- g) Measures to remediate any areas on Crown land that are disturbed during construction
- h) Reasonable precautions to ensure that any soil and equipment is free from noxious/environmental weed seeds and other vegetative material that can grow prior to transporting any soil and equipment to or from the site

43.42. That a Landscape Plan that enhances the creek interface and protects retained native vegetation is developed and implemented to the satisfaction of the Responsible Authority.

Melbourne Water Conditions (Ref: MWA- 1215179)

44.43. The building setbacks adjacent to Scotchmans Creek must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate setback from the waterway.

45.44. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:

- a) Silt fencing
- b) Access tracks
- c) Spoil stockpiling
- d) Trenching locations
- e) Machinery/Plan Locations

46.45. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

Landfill Gas Assessment

46. Prior to the commencement of the development authorised under this permit (excluding works reasonably required to conduct the landfill gas assessment), the permit holder must to the satisfaction of the Responsible Authority:

- a) Engage a professional environmental consultant with demonstrated experience in the assessment of landfill gas in the subsurface environment, to conduct an assessment of any methane within the land, subsurface services and buildings and structures on the land and prepare and submit to the responsible authority the scope of the proposed risk assessment adopting the methane gas action levels prescribed at items 6 and 7 of schedule 3 of the *Environment Protection Regulations 2021 (Vic)* as set out below.

<u>Item</u>	<u>Location for assessing methane gas concentration action levels</u>	<u>Methane gas concentration action level</u>
<u>6</u>	<u>Subsurface services on, and adjacent to, the waste</u>	<u>10,000 parts per million</u>
<u>7</u>	<u>Buildings and structures on, and adjacent to, the waste</u>	<u>5000 parts per million</u>

- b) Upon approval of the scope of the risk assessment by the responsible authority, have the consultant conduct the risk assessment and prepare a report to be submitted to the responsible authority which contains the consultant's opinion as to any potential risk associated with landfill gas beneath the land and any recommendations for the management or monitoring of the gas. The consultant must provide an opinion on whether further investigation is required, in particular, whether such further investigation should consist of an environmental audit under Part 8.3 of the *Environment Protection Act 2017*.
- c) Implement any recommendations of the risk assessment report.
- d) If the risk assessment report, or the responsible authority recommends an audit under Part 8.3 of the *Environment Protection Act 2017*:
- i) engage an environmental auditor appointed (or taken to be appointed) under the *Environment Protection Act 2017* to prepare and submit to the satisfaction of the responsible authority a scope of the proposed audit which includes consideration of both landfill gas and odour risk;
 - ii) have the environmental auditor conduct an audit under Part 8.3 of the *Environment Protection Act 2017* in accordance with the agreed scope;
 - iii) implement any recommendations of the audit report.

Prior to commencement of use or occupation of the development, the permit holder must:

- a) implement all recommendations in an environmental audit statement to the satisfaction of the responsible authority;
- b) where the recommendations require verification of works or compliance, provide written confirmation of compliance from a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. Compliance sign-off must be in accordance with any requirements in the conditions or recommendations regarding verification of works.
- c) if the risk assessment report or audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority requiring the

implementation of any ongoing requirements. The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Landfill Gas Risk Assessment Peer Review

47. Prior to the commencement of the development authorised under this permit, the permit holder must:

- a) provide to Council a copy of the LGRA undertaken in accordance with condition 47 within 14 days of receiving the LGRA;
- b) pay Council's costs and expenses associated with a Council-arranged peer review of the LGRA. The peer review will be undertaken by an independent and suitably qualified environmental consultant nominated by Council; and
- c) obtain a copy of the peer review obtained by Council.

The recommendations of the LGRA including any requirements arising from the peer review are to be implemented by the permit holder.

Pedestrian Connection with Shared Path

48. Unless with the agreement of the Responsible Authority, prior to the use commencing, the developer is required to fully fund the construction of the pedestrian connection from the subject land to the shared path. A detailed design plan of the proposed pedestrian connection must be submitted to the Council's Engineering Department for approval. The works are to be designed and constructed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

47-50. 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.
- (c) The uses are not started before two (2) years from the completion date of the development.

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. 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.
- C. 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.
- D. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.
- 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. 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.
- G. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the reserve to be constructed to Council standards. *(A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit).*
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- H. 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.
- I. All infrastructure proposed over the newly created drainage easement requires a Building Over Easement approval obtained from the Council.
- J. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.
- K. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.
- L. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
- M. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- N. Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.

- O. 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.
- P. Noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
- Q. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- R. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- S. The recommendations and requirements of the approved Cultural Heritage Management Plan must be implemented to the satisfaction of the Cultural Heritage Advisor.

Notes required by Department of Environment, Land, Water and Planning

- T. Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* may be required. To obtain an FFG permit or further information, please contact Simon Denby, Program Manager- Natural Environment Programs at the Knoxfield regional office of the Department of Environment, Land, Water and Planning on (03) 0436 920 161 or email simon.denby@delwp.vic.gov.au.

CARRIED

7.1.3 TPA/52268 - 251-261 SPRINGVALE ROAD GLEN WAVERLEY - AMENDMENT TO APPROVED DEVELOPMENT FOR THE CONSTRUCTION OF A MIXED USE BUILDING AND A REDUCTION IN THE STANDARD CAR PARKING REQUIREMENTS

Moved: Cr Luo

Seconded: Cr B Little

MOTION

That Council:

1. Resolves to support the application for an amendment of Planning Permit TPA/52268 at 251-261 Springvale Road, Glen Waverley for the use of the land for the purpose of accommodation (residential apartments), construction of a mixed use building and a reduction in car parking subject to the following amended conditions:

Amended Plans Required

1. Before the development and use commences, 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 prepared by Plus Architecture dated ~~21/02/2023~~ **5 June 2025 (VCAT Amended Plans)** but modified to show:
 - a) Clarification to be provided on all structures located at roof level including elevations of all enclosures to plant **and balustrade height including a**

- reduction in the lift overrun height by 600mm, and specific details in terms of external finish treatments.
- b) Level 1 and Level 2 west facing windows associated with the commercial premises to be screened to prevent unreasonable views into habitable room windows of 52-54 O'Sullivan Road.
 - c) Allocation of car parking spaces to be identified.
 - d) Provide 300mm clearance to adjacent storage cages for car door opening in accordance with Diagram 1 of Clause 52.06-9 of the Monash Planning Scheme.
 - e) A minimum headroom clearance of 4.5m provided within the loading bay in accordance with the requirements of AS2890.2-2018 for an 8.8m MRV medium rigid vehicle.
 - f) Annotations to ensure double glazing to the apartments and retail commercial (retail/food and drink premises/offices) tenancies necessary to comply with the acoustic noise levels prescribed by Standard D16 (Table D3D5) (SJ para 119).
 - g) Outdoor areas at roof level to comply with the solar access provisions of Standard B18, excluding the wind protection measures noting they are highly permeable (SJ para 134 and oral evidence).
 - h) ~~The wind protection measures set out in the letter from RWDI Australia Pty Ltd, dated 27 March 2023 as modified~~ Any modifications required by any recommendations arising from the wind tunnel testing required by Condition 5 of this Permit with:
 - ~~Any rooftop pergola or similar structure to be constructed of a material that provides for sunlight penetration, openable fins or similar; and~~
 - ~~The full height glazing proposed for the balconies with a southern aspect at Levels 4 – 19 is to be comprised of clear glazing above balustrade height. ;~~
 - ~~i) — An annotation to ensure a minimum floor to ceiling height of 2.7m in all habitable rooms of the dwellings~~
 - ~~j) — The platform lift at ground to be provided with direct access to the residential access;~~
 - ~~k)i) The location of any air-conditioning or cooling units, condensers and the like located on roofs, external walls or on balconies.~~
 - ~~l) — Taller balustrades with landscaping at Level 3 within the south-west and south-east corners in accordance with the recommendations of the pedestrian wind study prepared by RWDI Australia Pty Ltd dated 28 July 2021.~~
 - ~~m) — The relevant floor plans and elevations to provide details of awnings and screens to terrace areas of the building in accordance with the revised recommendations prepared by RWDI Australia Pty Ltd dated 27 March 2023.~~
 - ~~n)i) Any fire services, electricity supply, gas and water meter boxes to be discretely located and/or screened.~~

- e)k) Details of basement ventilation (design, location and noise levels) ensuring any external flues are designed and integrated into the building design.
- ~~p) The volume of the rain water tank increased to 40,000 and the location noted to be connected to irrigation and toilet flushing as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.~~
- ~~q) At least eighteen (18) vehicle parking spaces be provided with electricity charging points and associated infrastructure as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2024~~
- ~~r) Revised layouts of apartments 203 & 403 and 305 & 405 as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023. Deletion of the full height glazing element to the west facing balcony of apartment type 06V as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources, Dated 29 March 2023.~~
- S) An increase in the capacity of the rooftop photovoltaic system from 25kW to 89.6kW as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- t) An additional 50 bike racks for residents as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- u)l) Annotation to indicate food and glass recycling receptacles for each dwelling;
- v)m) Manoeuvrability of bins in the commercial waste room to be improved by increasing the size and/or arrangement of the waste room.
- n) All bin storage areas at ground (and other levels) fully dimensioned including bin size and access aisle width information.
- o) Small waste rooms located every 6 floors to accommodate food and organic waste recycling or other provision for resident convenience.
- p) Introduction of an air lock space in front of the commercial lobby area fronting Springvale Road, set back in line with the air lock of the residential lobby generally in accordance with the sketch plan prepared by Plus Architecture dated 19 December 2025.
- q) The ground floor of the building fronting Glenway Arcade to be set back a minimum of 1 metre from the title boundary with the exception of any necessary services.
- r) The doors to the substation to be openable to 180 degrees and half open via hook/eye at external wall or the substation be set back to ensure that doors do not open over the title boundary.
- s) The provision of a direct pedestrian access from the Glenway Arcade to the Ground Level retail premises
- t) Provision of a minimum passing space of 1.8 metre wide and 2 metres long to the walkway/ramp to Glenway Arcade to allow two people using wheelchairs or pushing bikes to pass each other.

- u) Changes to the internal layout of the Level 1 (Drawing TP101) and Level 2 (TP102) generally in accordance with the plans prepared by Plus Architecture, dated 16 December 2025.
- v) The location of male and female bathroom facilities within the food and drinks premises.
- w) Detail all materials and colours in a schedule for all levels and building surfaces (including all abbreviations) including the specific screening treatments to Glenway Arcade for the ground and podium levels.
- x) Reinstatement of landscaping between the open spaces between the dwellings on Level 3 and other landscaping beds throughout the development comparable to the width indicated in the previous plans by Plus Architecture dated 21 February 2023.
- y) Remove the notation of the motorcycle space within the loading bay.
- z) Specific details of the fire hydrant booster facility to Springvale Road entry are to be provided. The outcome is to ensure it appears as a part of the building rather than a separate facility. Any identification signage proposed is to be such that it has a minimal visual impact.
- aa) The communal facilities on Level 20 relocated to the north side (generally in accordance with the sketch plan prepared by Plus Architecture Pty Ltd dated 19 December 2025), with the dwelling relocated to the south side. The layout is to demonstrate compliance with relevant Clause 58.03-2 (Standard D7), Clause 58.03-3 (Standard D8) and Clause 58.07 (Internal Amenity) requirements.
- bb) Removal of motorcycle space within the loading bay.
- .
- cc) The columns adjacent to parking space numbers B1-24, B1-25, B2-06, B2-27, B2-28, B3-06, B3-27 and B3-28 compliant with the required clearance (in accordance with Design Standard 2 of Clause 52.06-9) or to the satisfaction of the Responsible Authority.
- dd) The accessible parking spaces 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.
- ee) Bicycle parking facilities shall generally follow the design and signage requirements set out in clause 52.34 of the Monash Planning Scheme including a minimum 20% ground level (horizontal) parking spaces as per AS2890.3:2015.
- ff) Relocation of the proposed visitor/customer bicycle parking outside the site on Springvale Road to be within the land title boundary to the satisfaction of the Responsible Authority.
- gg) Dimensions of all balconies.

- hh) Setback dimensions to Springvale Road at ground and podium levels, in the same location as the plans previously considered by VCAT, dated 21 February 2023.**
- ii) Annotations detailing any additional construction requirements to address the acoustic impacts of the changes to the bedrooms next to the rubbish chute and lift facilities as contained in the written advice of Acoustic Logic dated 19 December 2025.**
- jj) Detailing on the roof of the pergola on Level 20 (and that of any other measures at this level) required to mitigate wind impacts. Any rooftop pergola or similar structure to be constructed to provide for sunlight penetration with openable fins or similar.**
- kk) Allocation of all car parking spaces.**
- ll) A Landscape Plan required by Condition 3 of this Permit.**
- mm) A Waste Management Plan required by Condition 4 of this Permit.**
- nn) A Wind Tunnelling Model Study required by Condition 5 of this Permit.**
- oo) A Sustainable Management Plan required by Condition 6 of this Permit.**
- pp) A Green Travel Plan required by Condition 7 of this Permit.**
- qq) A Car Parking Management Plan required by Condition 8 of this Permit.**

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.

Landscape Plan

3. 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 Jack Merlo Design & Landscape , dated 12/11/20 (Revision D) except that the plan must be modified to show:
 - a) Consistency with the plans prepared by Plus Architecture dated **21/2/2023 5 June 2025 (VCAT Amended Plans)**; and
 - b) Any changes as required by Condition 1 of this Permit.

Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

Waste Management Plan

4. 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 generally in accordance with the Waste Management Plan prepared by Leigh Design dated ~~15 December 2020~~, 13 August 2025, except that the plan must be modified to show:
- a) Any changes required by Condition 1 of this Planning Permit.
 - b) Purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants (last page of this checklist) must be added to the WMP;
 - c) Accessibility to hard waste and clothing/textiles waste area clarified;
 - d) Measures to minimise the impact upon the residents, users of Glenway Arcade and the local amenity including proposed hours for the waste collection;
 - e) Litter management; and
 - f) Location of e-waste storage.

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

Wind Tunnel Modelling Study

5. Concurrent with the endorsement of any plan requested pursuant to Condition 1, an amended Wind Tunnel Modelling Study prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority. The study must be generally in accordance with the Wind Impact Assessment Prepared by RWDI Australia Pty Ltd dated ~~28 July 2020~~ 10 July 2025 except that the plan must be modified to show:
- a) Any changes required by Condition 1 of this Planning Permit.
 - b) That all balconies and the rooftop communal space, meet at a minimum 'Comfortable for Standing' criteria with specific treatments identified.
 - c) Treatment of the building to ensure Point 21 on the north side of O'Sullivan Road in the 'Pedestrian Wind Study', prepared by RWDI Australia Pty Ltd, dated 10 July 2025, retains the same wind impact outcome achieved in the previous version of the plans supported by VCAT.
 - d) Confirmation that all wind testing locations meet at least the minimum impacts accepted by VCAT in the previous plans.
 - e) Confirmation that the outcomes sought in Design and Development Overlay 12 are achieved.

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

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, ~~and include all recommendations made within the statement of evidence prepared by Jan Talacko, Arc Resources dated 29.03.2023, the Sustainable Management Plan prepared by GIW Environmental Solutions Pty Ltd dated 16 July 2025~~ including the modifications to the plans required by condition 1.

Upon approval the Sustainable Management Plan 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.

Green Travel Plan

7. Before the use and development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- a) A description of the location in the context of alternative modes of transport;
 - b) Details of end of trip facilities provided;
 - c) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site;
 - d) Management practices identifying sustainable transport alternatives;
 - e) Details of the provision of electric vehicle charging facilities;
 - f) Lobby areas of building to include real time information of train, tram and bus services;
 - g) Details of bicycle spaces for staff;
 - h) Employee and resident packs (ie myki cards for new workers);
 - i) An obligation to update the plan not less than every 5 years;
 - j) Details of when and how this travel plan will be available for new staff; and
 - k) Any other relevant matters.

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

Car Parking Management Plan

8. Before the use and/or development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- a) The number and location of car parking spaces allocated to each tenancy;

- b) The number and location of car spaces for shared use, including time of shared use;**
 - c) The provision and allocation of usable and secure storage spaces in accordance with Clause 58.05-4 of the Monash Planning Scheme. All storage spaces must not be constructed of any visibly transparent materials, and be securely locked given their publicly accessible location;**
 - d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions.**
 - e) Details regarding the management of loading and unloading of goods and materials.**
- The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Construction Management Plan

89. 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) Appropriate measures to control noise, dust and water and sediment laden runoff;**
- b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;**
- c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;**
- d) 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;**
- e) 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 to the satisfaction of the Responsible Authority.

Privacy screens

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

Amenity of Area

1011. The amenity of the area must not be detrimentally affected by the use or development, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
- d) presence of vermin.

To the satisfaction of the Responsible Authority.

Landscaping Maintenance

1112. 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.

Hours for Waste Collection

1213. Waste collection must only to be carried out within hours prescribed by EPA requirements for residential noise under the Environment Protection Regulations 2021 (or any replacement regulations), so that the collection of waste does not cause unreasonable noise.

No Waste Bin in View

1314. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public from any public land and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Ongoing Architect Involvement

1415. As part of the ongoing consultant team, Plus 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:

- n)a)** oversee design and construction of the development; and
- e)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.

Plant / Equipment or features on roof

1516. 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.

Car Parking and Driveways ~~to be Constructed~~

17. Car parking provided to be in accordance with the Clause 52.06-5 (Table 1) with the exception of the retail and food and drinks premises which must be provided at a rate of 0.94 spaces per 100m² of leasable floor area.

1618. 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.
- f) Parking areas and access lanes must be kept available for these purposes at all times.

Use of car parking spaces and driveways

- 1719.** Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
- 1820.** Car parking spaces allocated for the residential dwellings must only be used by residential occupants of the residential dwellings or their visitors.
- 1921.** Car spaces must not be individually subdivided, on-sold or leased to any other person unless with the prior written consent of the Council.

Lighting of car parks and accessways

- 2022.** Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Drainage & Stormwater

- 2123.** The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
- 2224.** No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 2325.** Stormwater 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 any stormwater drainage works commencing.
- 2426.** A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au.

Department of Transport Conditions

- 2527.** The demolition and construction of the development must not disrupt bus operations on Springvale Road without the prior written consent of the Head, Transport for Victoria.
- 2628.** Any request for written consent to disrupt bus operations on Springvale Road during the demolition and construction of the development must be submitted to the Head,

Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Time for Starting and Completion

2729. 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 has not started before 4 years from the date of issue.
- b. The development is not completed before 6 years from the date of issue.
- c. The use of the land has not commenced before 6 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 use or 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.

2. Notes that the matter is still the subject of a Confidential Compulsory Conference process at VCAT and authorises Officers to negotiate conditions relating to the matters discussed in the report or any other matter that may arise and that does not significantly change the development from that which is currently being considered.

CARRIED

7.1.4 TPA/56988- 12-14 MARSHALL AVENUE CLAYTON- USE AND DEVELOP THE LAND FOR A FOUR-STOREY RESIDENTIAL BUILDING TO BE USED FOR STUDENT ACCOMMODATION AND REDUCTION OF THE CAR PARKING REQUIREMENT

Moved: Cr Fergeus

Seconded: Cr Lee

MOTION

That Council resolves to Grant a Planning Permit TPA/56988 for the use and develop the land for a four-storey residential building to be used for student accommodation and removal of boundary canopy trees at 12-14 Marshall Avenue Clayton, subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be

generally in accordance with the plans prepared by Parallel Workshop Architects, Revision C, dated 25 September 2025, but modified to show:

- a) Addition of four (4) bicycle parking spaces or relocation of the six (6) bicycle parking spaces on the ground level closer to the pedestrian entry gate for visitors.
- b) Location and design of any substation enclosure proposed.
- c) Detailed material and finishes schedule specifying the finishing materials and colours.
- d) Details of the mechanical car parking system modules to cater for the following:
 - i) Independent operation for each parking space.
 - ii) A minimum ground level overhead clearance of 1.8 metres.
 - iii) A clear/usable platform width of at least 230cm.
 - iv) A clear/usable platform length of at least 520cm.
 - v) Loading weight per platform of at least 2000kg
- e) A minimum clearance distance of 0.3 metres between the wall and adjacent car parks 1 and 11.
- f) The columns between car park 3 & 4, 6 & 7 and 9 & 10 slightly relocated towards the west to meet the clearance requirements in Clause 52.06-9.
- g) References to the Tree Protection measures in accordance with the Tree Management Plan (as required under Condition 5).
- h) A Landscape Plan prepared in accordance with Condition 4.
- i) A Waste Management Plan prepared in accordance with Condition 6.
- j) A Sustainable Management Plan prepared in accordance with Condition 7.
- k) A Green Travel Plan prepared in accordance with Condition 8.

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.

Compliance with Documents Approved under this Permit

3. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit 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 John Patrick (Revision B, dated 30 October 2025) except that the plan must be modified to show:
 - a) Changes as a result of Condition 1a and b.

Tree Management Plan

5. Concurrent with the submission of amended plans required by Condition 1 and prior to

any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 2, 3, 13, 14 & 19 (as identified in the Arborist Report submitted with the application, prepared by John Patrick (Revision 2 dated 30 October 2025)).

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

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

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

Waste Management Plan

6. Concurrent with the endorsement of plans required pursuant to Condition 1, the Waste Management Plan prepared by WSP (Revision B, dated 25 September 2025) will be endorsed by Council.

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

7. Concurrent with the endorsement of plans requested pursuant to Condition 1, the Sustainable Management Plan prepared by Melbourne Sustainability Consultants (Version 1, dated 16 September 2025) will be endorsed by Council.

Upon approval the Sustainable Management Plan 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.

Green Travel Plan

8. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Green Travel Plan (in accordance with Clause 15.01-2L-02- Environmentally sustainable development policy) must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- a) A description of the location in the context of alternative modes of transport;
 - b) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site;
 - c) Management practices identifying sustainable transport alternatives;
 - d) Consider the provision of electric vehicle charging facilities;
 - e) Entry / common areas of building to include real time information of train, tram and bus services;
 - f) Details of bicycle spaces for residents and visitors;
; and
 - g) An obligation to update the plan not less than every 5 years;
 - h) Details of when and how this travel plan will be available for new occupants;
 - i) Any other relevant matters.

The Green Travel Plan must be provided to the management and residents of the building to the satisfaction of the Responsible Authority. This plan may only be amended with the prior written consent of the Responsible Authority.

Construction Management Plan

9. 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;**
- 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:**
 - i) **Monday to Friday (inclusive) – 7.00am to 6.00pm;**
 - ii) **Saturday – 9.00am to 1.00pm; and**
 - iii) **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.

Use of Student Accommodation & S173 Agreement

10. **The total number of students within the student accommodation facility must not exceed 96 except with the further written consent of the Responsible Authority.**
11. **Prior to the commencement of the development 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) **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;**
 - b) **Car parking spaces are only permitted to be used by the occupants of the units and their visitors;**
 - c) **Car spaces must not be individually subdivided, on-sold, leased, rented or made available to any other person other than an owner or occupant or visitor of the premises;**
 - d) **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;**
 - e) **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;

- f) That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use; and
- g) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 12 of this permit.

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

12. Prior to the commencement of the student accommodation use, an Operational Management Plan must be submitted to and approved by the Responsible Authority.

The Plan should detail but not limited to:

- a) Induction of residents to be familiar with the behaviour requirements of the Management Plan;
- b) A log for recording residents and visitor details;
- c) 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;
- d) 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;
- e) A resident on-site manager must be on the premises at all times.
- f) All issues or complaints that arise must be recorded and must include details of actions taken to address the issue or complaint;
- g) Appropriate management of the car park including access arrangements;
- h) Provision of the endorsed Green Travel Plan to management and residents;
- i) Appropriate maintenance of buildings and grounds, including all landscaped areas;
- j) Waste Disposal, including management of bins, in accordance with the waste management conditions of this permit;
- k) Landscaping maintenance; and
- l) Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

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.

Ongoing Architect Involvement

13. As part of the ongoing consultant team, Parallel Workshop Architects 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.

Car Parking and Access

14. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes for that stage 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.

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

Accessways

16. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Drainage

17. The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
18. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Site Management

19. 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 ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
20. 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.

Completion of Buildings and Works

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

Time for Starting and Completion

- 22. 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 commenced within two (2) years of the date of this permit, or;**
 - b) The development is not completed within two (2) years from commencement of the development;**
 - c) The use is not commenced within two (2) years from the date of completion of the development.**

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 use or 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. Building permit approval for the works must be obtained prior to the commencement of the approved works.**
- B. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for stormwater connections and these works are to be inspected by Council.**
- C. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.**
- D. An Asset Protection Permit may be required (and if required, must be obtained prior to works commencing) from Council's Engineering Department for the protection of public assets and infrastructure prior to any works commencing on the land.**
- E. 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.**

- F. The full cost of reinstatement of any Council assets affected by the demolition, building or construction works, must be met by the permit applicant or any other person responsible for such works, to the satisfaction of the Responsible Authority.
- G. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au.
- H. An on-site detention system for storm events up to the 1% AEP event is to be retained on-site for the basement car park. 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. Stormwater 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 any stormwater drainage works commencing.
- J. The design parameters for the internal detention system are to be obtained from Council's Engineering Department (mail@monash.vic.gov.au).
- K. Tree planting should be kept clear of any drainage easement.
- L. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- M. Any residents of the approved development will not be entitled to car parking permits for on street car parking.

CARRIED

7.1.5 STATE GOVERNMENT PLANNING REFORM UPDATE

Moved: Cr B Little

Seconded: Cr de Silva

MOTION

That Council

1. Notes the recent planning reforms and changes to planning scheme:
 - a) Changes to the planning panel process resulting from the Housing Reform changes to the *Planning and Environment Act 1987* (The Act);

- b) Revised car parking provision requirements;
 - c) The introduction of Infrastructure Contribution Plans (ICPs) for Activity Centres;
 - d) The introduction of a Significant Landscape Overlay (SLO) over parts of Gardiners Creek; and
 - e) Reforms to the signage provisions.
2. Writes to the Minister for Planning outlining concerns over the spatial application of the PTAL grid that is used as the basis for the assessment of car parking requirements under Clause 52.06 and the unintended consequences as outlined in this report.
 3. Notes the commencement of the Infrastructure Contribution Plan (ICP) for pilot centres is January 2027.

CARRIED

7.2 Community Services

7.2.1 SPORTS CLUB FRAMEWORK REFRESH

Moved: Cr Lee

Seconded: Cr McCluskey

MOTION

That Council endorses the Draft Sports Club Framework for the purpose of consultation with Monash Sports Clubs.

CARRIED

7.3 Corporate Services

7.3.1 CONSULTANCY REPORT FOR PERIOD ENDING 31 DECEMBER 2025

Moved: Cr B Little

Seconded: Cr Fergeus

MOTION

That Council notes the attached summary of completed and current Consultancy engagements for the six months to 31 December 2025.

CARRIED

7.3.2 INFORMAL MEETING OF COUNCILLORS RECORDS

Moved: Cr Lee

Seconded: Cr B Little

MOTION

That Council notes the records of Informal Meetings of Councillors as attached to this report.

CARRIED

7.3.3 AUDIT AND RISK COMMITTEE CHARTER AMENDMENT

Moved: Cr Fergeus

Seconded: Cr Lee

MOTION

That Council endorses the amendments to the Monash Council Audit and Risk Committee Charter.

CARRIED

7.3.4 REVIEW OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING & ENVIRONMENT ACT 1987

Moved: Cr McCluskey

Seconded: Cr Lee

MOTION

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Monash City Council (Council) resolves that:

- 1. The members of Council staff referred to in the Instrument attached be authorised as set out in the Instrument.**
- 2. The Instrument comes into force immediately after it is signed by the Chief Executive Officer and remains in force until Council determines to vary or revoke it.**

CARRIED

7.4 City Services

7.4.1 DRAFT CLIMATE RESILIENCE PLAN 2026-2030

Moved: Cr Fergeus

Seconded: Cr B Little

MOTION

That Council

1. Notes the draft Climate Resilience Plan 2026-2030.
2. Endorses the draft Climate Resilience Plan 2026-2030 for community consultation.
3. Receives a Community Engagement Summary Report and proposed Climate Resilience Plan following community consultation.

CARRIED

7.4.2 COLEMAN PARADE ROAD RECONSTRUCTION ADDITIONAL FUNDING REQUEST

Moved: Cr Lee

Seconded: Cr B Little

MOTION

That Council:

1. Approves additional contingency funds of \$700,000 to Contract 2025090 Coleman Pde Road Rehabilitation Blackburn Rd to Myrtle St, Glen Waverley with TDM Earthworks Pty Ltd.
2. Notes that this request for additional contingency funds is compliant with Council's Contract Variation Delegation Rules as approved by Council on 31 October 2023.
3. Notes that the increased contract value resulting from this pending approval exceeds the approved Project Budget.

Please Note: All values in this report are GST exclusive unless stated otherwise.

CARRIED

7.4.3 ENVIRONMENTAL ADVISORY COMMITTEE ANNUAL REPORT

Moved: Cr B Little

Seconded: Cr Lee

MOTION

That Council:

- 1. Notes the activities of the Environmental Advisory Committee (EAC) in this report during 2025 and thanks all members for their time and contributions.**
- 2. Acknowledges the following outgoing members for their time and valuable contributions:**
 - a. CC Hua**
 - b. Jo Prendergast**
 - c. Amit Agrawal**
 - d. Euan Rowland**
 - e. Philip Liberatore**
 - f. Ratnakar Vallabhaneni**
 - g. Lee Tan**
- 3. Notes the successful appointment of:**
 - a. Lee Whitfield**
 - b. Genevieve Fryer**
 - c. Jungang Fu**
 - d. Scott Musgrave-Takeda**
 - e. Venkata Kalva**
 - f. Dr. Rajmohan Ramanathapillai**
 - g. Edna Louzado**
 - h. Ann Maria Baby**
 - i. Ryan Beurle**

CARRIED

7.4.4 2025146: ATKINSON STREET CARPARK SAFETY FENCING

Moved: Cr Paterson

Seconded: Cr McCluskey

MOTION

That Council

1. Awards the tender from Boongalla Group Pty Ltd for Atkinson Street Carpark Safety Fencing, Contract No. 2025146 for a revised Fixed Lump Sum of \$802,293.50 with an extra \$40,000 for Contingencies;
2. Authorises the Chief Executive Officer or their delegate to execute the contract agreement;
3. Approves the allocation of an additional \$162,893.50 to allow the minimum required scope of works for the project to be completed;
4. Notes that the contract commencement date will be April 2026 and the expected completion date is June 2026; and
5. Notes that the total anticipated project expenditure including the contract Fixed Lump Sum and Project Management / Delivery fees is \$832,293.50 with an extra \$40,000 for Contingencies.

Please note that all dollar figures are GST exclusive unless stated otherwise.

MOTION CARRIED

Mover: Cr B Little Secoder: Cr C Little

AMENDMENT

Replace all the points in the current recommendation with the following:

1. Asks officers to seek quotations for the supply and installation of a 2.1m high security fence for the perimeter of the Atkinson St. car park roof based on standard 'off the shelf' security fence components available from security fence companies operating in the vicinity of council.
2. That officers return to council with a recommendation to proceed with the installation based on an evaluation of the quotations received.

Mover: Cr B Little Secoder: Cr McCluskey

PROCEDURAL MOTION

That Cr B Little be permitted to speak more than once to motion.

CARRIED

AMENDMENT LOST

MOTION CARRIED

DIVISION

A division was called by Cr B Little.

For: Cr James, Cr Lee, Cr de Silva, Cr Fergeus, Cr Lake, Cr Luo, Cr McCluskey, Cr Paterson.

Against: Cr B Little, Cr C Little.

Abstained: Nil.

7.4.5 2025064: PROVISION OF TREE SERVICES

Moved: Cr Lee

Seconded: Cr Luo

MOTION

That Council

1. Awards the tender from Active Tree Services Pty Ltd for Provision of Tree Services Part A: Cyclic Tree Works North Zone, Contract No. 2025064AA, for a lump sum contract value of up to \$5,198,454 for the initial term, and an estimated total contract value of \$13,153,164 inclusive of all available extension options.
2. Awards the tender from Treeserve Pty Ltd for Provision of Tree Services Part A: Cyclic Tree Works South Zone, Contract No. 2025064AB, for a lump sum contract value of up to \$4,659,163 for the initial term, and an estimated total contract value of \$11,788,648 inclusive of all available extension options.
3. Awards the tenders from Citywide Service Solutions Pty Ltd, The Tree Company Arboricultural Services Pty Ltd and Treeserve Pty Ltd for Provision of Tree Services Part B: Reactive Tree Works, panel Contract No. 2025064B, for an estimated schedule of rates-based contract value of up to \$5,421,735 for the initial term, and an estimated total contract value of \$13,718,113 inclusive of all available extension options.
4. Awards the tender from Dianabelle Pty Ltd for Provision of Tree Services Part C: Tree Root Management, Contract No. 2025064C, for an estimated schedule of rates-based contract value of up to \$979,464 for the initial term, and an estimated total contract value of \$2,478,248 inclusive of all available extension options.
5. Authorises the Chief Executive Officer or their delegate to execute the contract agreements.
6. Authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.

7. Notes that the anticipated contract commencement date for all parts is 02 March 2026, with an initial term of three years, with two separate extension options of two years each.
8. Notes that the estimated schedule of rates contract values stated above are based on historical and anticipated future spend, including an allowance for inflation and growth (please refer to Financial section for more information).

Please note that all dollar figures are GST exclusive unless stated otherwise.

CARRIED

7.5 Chief Executive Officer

Nil

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION- COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATION - FEBRUARY 2026

Moved: Cr McCluskey Seconded: Cr Lee

MOTION

That Council approve the applications listed below for funding from the Council's Discretionary Expenditure Fund, in accordance with the guidelines.

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Emilie Cheung	Partial financial assistance to represent Volleyball Victoria as a member of the Victorian U14 Girls State Youth Beach Volleyball Team at the 2026 Australian Youth Beach Volleyball Championships, to be held in Coolangatta, Queensland.	\$500
Cyrus Raco	Financial assistance for venue hire for a new production called "The First Curtain Festival" to be performed at the Clayton Community Centre-Theatrette.	Hall hire up to \$1000

CARRIED

Meeting Notes:

- Mayor, Cr James declared a General Conflict of Interest in Item 8.2 on the basis that he has family members who are users of the Waverley Netball Courts.
- Mayor, Cr James left the meeting at 7.39 pm prior to the discussion of this item.
- Deputy Mayor, Cr Lee assumed the position of Chair for item 8.2.

8.2 ADDITIONAL BENCH SEATS AT WAVERLEY WOMEN'S NETBALL COURTS

Moved: Cr Lee

Seconded: Cr C Little

NOTICE OF MOTION

That Council

- 1. Endorses the expenditure of \$50,000 for the supply and installation of additional bench seats at Waverley Women's Netball Courts prior to 30 June 2026.**
- 2. Allocate this expenditure from the current Capital Works budget.**

CARRIED

Meeting Notes:

- Mayor, Cr James returned to the meeting at 7.46 pm.
- Cr Lake left the meeting at 7.46 pm

9 URGENT BUSINESS

Moved: Cr B Little

Seconded: Cr E Lee

MOTION

That Council resolves to admit an item of Urgent Business and endorse the submission to the 2026 ALGA National General Assembly.

CARRIED

9.1 MOTION TO ALGA: SUPPORT FOR REFORM OF THE PETROLEUM RESOURCE RENT TAX (PRRT)

Moved: Cr B Little

Seconded: Cr Lee

MOTION

This National General Assembly calls on the Australian Government to:

1. Reform (or replace) the Petroleum Resource Rent Tax (PRRT) to deliver a fair and timely return to Australians from the extraction and export of non-renewable petroleum resources, including liquefied natural gas (LNG).
2. In the PRRT reform process, accept the ACTU proposal (August 2025) to replace the existing PRRT arrangements for LNG with a flat 25 per cent levy on LNG export revenues, noting estimates that such a measure could raise approximately \$12.5 billion to \$17 billion per year in additional Commonwealth revenue.
3. Direct the additional revenue raised through PRRT reform to national priorities that directly affect councils and communities, including funding the \$400M climate adaptation and resilience fund advocated by ALGA, substantial increases in social housing and homelessness prevention, expansion of aged care and NDIS, support for renewable energy projects, and the renewal of regional roads and infrastructure.

CARRIED

Meeting Notes:

- It was noted and agreed that Cr Little be authorised to make a minor amendment to the motion prior to submission to ALGA.

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

Nil

11 PERSONAL EXPLANATIONS

Nil

12 COUNCILLORS' REPORTS

Cr B Little provided comments on:

- Live at Warrawee 2026 music event at Warrawee Park in Oakleigh, noting the large crowd, the enjoyable music, and congratulating the organisers.

13 CONFIDENTIAL BUSINESS

13.0 MOVE INTO CONFIDENTIAL SESSION

Moved: Cr Lee Seconded: Cr McCluskey

PROCEDURAL MOTION

That Council, having reviewed and considered the certificates in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters in confidential business, resolve to: Close the meeting to the public in accordance with section 66(2)(a) of the *Local Government Act 2020* for the reasons specified in the certificate.

That Council, having reviewed and considered the certificates in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters in confidential business, resolve to:

Close the meeting to the public in accordance with section 66(2) of *the Local Government Act 2020* for the reasons specified in the certificates.

CARRIED

The Council moved into Confidential business at 7.54 pm.

RETURN TO OPEN COUNCIL

The Council returned to open Council at 7.59 pm.

14 MEETING CLOSURE

The Mayor declared the meeting closed at 7.59 pm

MAYOR:

DATED: XX