

CITY OF
MONASH

MINUTES OF THE
MEETING OF COUNCIL
HELD ON 27 SEPTEMBER 2022

at 7.00 pm

Council Chambers
293 Springvale Road,
Glen Waverley

MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 27 SEPTEMBER 2022 AT 7.00 PM.

PRESENT:

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

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

Cr Lake disclosed a general conflict of interest for item 6.3 (Flammable Cladding Rectification). Cr Lake left the meeting at 7:58pm and returned to the meeting at 8:00pm.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 30 AUGUST 2022

Moved Cr McCluskey

Seconded Cr Little

That the minutes of the Meeting of the Council held on 30 August 2022, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr Little

Seconded Cr McCluskey

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 73-75 Kingsway, Glen Waverley – Amendment to allow for the development and use of land for a seven (7) storey building comprising food and drink premises and offices, and a reduction in the car parking requirement to zero

Moved Cr Luo

Seconded Cr Samardzija

That Council resolves to issue an Amended Planning Permit (TPA/50168/B) for the development and use of land for a six (6) seven (7) storey building and a reduction in the car parking requirement to zero, at 73-75 Kingsway, Glen Waverley subject to the following conditions (changes underlined):

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 Triten Constructions Pty Ltd, dated 26/07/2019 and plan numbers 02.1-G, 02.4-G – 02.11-G, 02.15-G- 02.19-G and dated 13/07/2019 and plan numbers 02.12-G – 02.14-G 02.1-I, 02.4-K, 02.05 to 02.09-L, 02.10 to 02.15-B, 02.16 to 02.20-G but modified to show:

(a) the following changes generally in accordance with the sketch included in the Urbis evidence prepared by Mr Pagliaro of Urbis P/L and dated September 2020:

i Amended- Reduction in height of the gas meter and hydrant booster and meets the relevant Fire Engineering Requirements.

ii Amended- Relocation of the bicycle hoops to the basement.

iii Extension of the restaurants so that they are 1.5m from the western title boundary.

iv Expansion of the rear glazing at ground floor to reflect the above changes.

(b) details of the screening associated with the duct in the rear elevation;

(c) details of the external cladding, trim and colour scheme of the proposed development;

(d) bicycle parking facilities to generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme;

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- (e) changes required to satisfy recommendations in the Sustainable Management Plan in accordance with Condition 5; and*
 - (f) details of the waste rooms to accord with the Waste Management Plan in accordance with Condition 7.*
 - (g) Finishing material and façade details of the proposed walls on level 6 to complement the architecture of the building.*

All of the above must be done to the satisfaction of the Responsible Authority.

- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
- 3 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 4 As part of the ongoing consultant team, Triten Constructions Pty Ltd or an architectural firm which has comparable skills 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 consistent with the proposal as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.**

Management Plans

Sustainable Management Plan

- 5 Before the plans required by Condition 1 are endorsed, a Sustainable Management Plan [SMP] must be submitted to and approved by the Responsible Authority. Upon approval, the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to the following:
 - (a) demonstration of how ‘best practice’ sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.*
 - (b) identification of relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
 - (c) documentation of the means by which the appropriate target or performance is to be achieved.*
 - (d) identification of responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
 - (e) demonstration that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.**

All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the endorsed SMP may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed plans.

Waste Management Plan

- 6 Before the plans required by Condition 1 are endorsed, a Waste Management Plan [WMP] must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Leigh Design and dated 16 July 2019 (supersedes report dated 21 June 2019) but revised to the satisfaction of the Responsible Authority to:*

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- (a) reflect the revised development plan layout.*
 - (b) include sewer/ water facilities connected to the waste room for bin washing and ventilation for odour control.*
 - (c) include details of the building operator.*
Waste collection must be undertaken in accordance with the approved WMP to the satisfaction of the Responsible Authority.

Construction Management Plan

- 7** *Prior to the commencement of works on the site (including demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:*
- (a) hours for construction activity in accordance with any other condition of this permit;*
 - (b) 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 subcontractors' 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 CMP;*
 - (m) contact details of key construction site staff;*
 - (n) any other relevant matters, including the requirements of Head, Transport for Vitoria or Public Transport Victoria.*
 - (o) except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:*
 - o Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - o Saturday – 9.00am to 1.00pm;*
 - o No works are permitted on Sundays or Public Holidays;*

Note: Hours for demolition and construction condition to be used in conjunction with this condition. Check EPA website for standard construction hours.

- 8** *The provisions, recommendations and requirements of the endorsed Management Plans related to in Conditions 5-8 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.*

GENERAL CONDITIONS

- 9** *The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*
- 10** *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
- 11** *All waste receptacles must be stored on the property except during waste collection to the satisfaction of the Responsible Authority.*

TIME FOR STARTING AND COMPLETION

- 12** *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*
- (a) The development is not started before two (2) years from the date of issue.*
- (b) The development is not completed before four (4) years from the date of issue.*
- In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.*

CARRIED

- 1.3** **580 Springvale Road, Wheelers Hill (Brandon Park Shopping Centre) - Construction of a seven (7) storey mixed use building including the use of the land for accommodation (serviced apartments)**

Moved Cr Little

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/52240) for the construction of a seven (7) storey mixed use building including the use of the land for accommodation (serviced apartments) and a reduction in the standard car parking requirements, at 580 Springvale Road, Wheelers Hill subject to the following conditions:

Amended Plans Required

- 1.** *Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Buchan, dated 14 July 2022 but modified to show:*
- a) The existing conditions plan to depict all extent of works to existing car park entries including numbering of all existing car spaces to be removed and retained.*

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- b) The Level 1 car park provided with a minimum setback of 10 metres from Brandon Park Drive and to provide a minimum of 131 car spaces.*
 - c) The framing structure surrounding the podium levels to be setback a minimum of 10 metres from Brandon Park Drive.*
 - d) Redesign of the southern accessway into the site to be reduced to three lanes and include details of associated reconfiguration of the footpath.*
 - e) Redesign of the pathway and associated kerb in the foreground of the building to ensure all vehicle movements are within the designated area and clear of the footpath.*
 - f) Provision of a 1.6 metre wide pedestrian connection through the front landscaped setback along Brandon Park Drive.*
 - g) Relocation of the trolley bay out of the landscaped setback.*
 - h) Details of the upgrade to the existing height bar and associated signage to the entry to the car park located at the northern access point to Brandon Park Drive.*
 - i) Details of the protection fencing to be shown and provided to all existing trees including the Council street trees to be retained with the development.*
 - j) All car spaces in the Level 1 car park to be provided with a minimum 300mm clearance from obstructions.*
 - k) All columns within the Level 1 car park should be set back 250mm from the aisle.*
 - l) Details of the metal frame surrounding the podium to include the width and material finishes to be used.*
 - m) A schedule of construction materials, external finishes and colours (including swatch samples) including details of the colour of the tinted glazing to the windows to the ground floor tenancies along Brandon Park Drive.*
 - n) Details of external lighting installed to provide safe entry and exit for occupants and visitors of the building.*
 - o) The location of any air-conditioning or cooling units, condensers and the like located on roofs, external walls or on balconies and appropriately screened to the satisfaction of the Responsible Authority.*
 - p) Any required fire services, electricity supply, gas and water meter boxes to be discreetly located and/or screened to complement the development. Any required services must be clearly detailed.*
 - q) All Apartment 1B Types to include a window to the bedroom where the bedroom has an external wall.*
 - r) All Apartment 1B Types to be revised so that the wash basin is located within the bathroom.*
 - s) Ground floor plan to provide designated retail and medical tenancies including any external changes to provide for door and window openings to the façade.*
 - t) The plans to correctly reference Level 5 to have a total of 36 apartments.*
 - u) A revised Landscape Plan in accordance with condition 4 of this Permit.*
 - v) A Tree Management Plan in accordance with Condition 5 of this permit*
 - w) A revised Waste Management Plan required by condition 6 of this Permit and any changes required to be reflected.*
 - x) A revised Sustainable Management Plan in accordance with condition 7 of this permit.*

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- y) *A revised Wind Impact Assessment in accordance with condition 8 of this permit and any changes required to be reflected.*
 - z) *A Loading Dock Management Plan in accordance with Condition 11 of this permit.*

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Satisfactory Continuation and Completion

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

Landscape Plan

- 4. *Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plans prepared by SLS Designs, dated 27 June 2022 except that the plan must be modified to show all changes to the layout of the development required by Condition 1.*

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 to be maintained as identified as Trees 57, 58, 59 and 60 in the Arborist Report submitted with the application, prepared by Tree Logic dated March 2021.*

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*

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- 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, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular private waste (including recyclables) collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:*
- a) The method of collection of all waste from the land;*
 - b) Waste volume calculation and total waste generated per waste stream;*
 - c) Frequency of Waste collection and permitted collection times;*
 - d) Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);*
 - e) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area;*
 - f) Details regarding the removal of medical waste.*
- 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, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Design Assessment prepared by Norman Disney & Young Dated 26 July 2021, except that the plan must be modified to show:*
- a. Any changes as a result of the amended plans prepared by Buchan, dated 14 July 2022;*
 - b. Any changes as a result of Condition 1 of this Permit; and*
 - c. Demonstrates compliance with Clause 22.13 Environmentally Sustainable Development Policy.*

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.

Wind Impact Assessment

8. *Concurrent with the endorsement of any plan requested pursuant to Condition 1, a Wind Impact Assessment prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority to ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site. The report must be generally in accordance with the assessment provided by Windtech Consultants dated November 2021 except revised to assess:*
- a. *Any changes as a result of the amended plans prepared by Buchan, dated 14 July 2022; and*
 - b. *Any changes as a result of Condition 1 of this Permit.*
The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Carparking Management Plan

9. *Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.*

The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for staff of retail and office use of the car park within rooftop car parking areas at peak times. The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.

Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.

Green Travel Plan

10. *Prior to the commencement of the development, 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 is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to occupants and visitors. The Green Travel Plan should 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;*

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- (c) Education and awareness initiatives and incentives for occupants and visitors to encourage more sustainable modes of travel to/from the site;*
 - (d) Management practices identifying sustainable transport alternatives;*
 - (e) Consider 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 packs (ie myki cards for new workers); and*
 - (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;*
 - (k) Any other relevant matters.*

Loading Dock Management Plan

- 11. Concurrent with the endorsement of Condition 1, a Loading Dock Management Plan must be submitted and approved by the Responsible Authority. The plan must provide for the operation of:***
 - a) The existing loading dock (adjacent to the Level 01 car park ramp) associated with the Aldi Supermarket, which schedules loading activity to occur outside the proposed development and the Shopping Centre's peak hours, as far as practicable.*
 - b) The new mixed use development, which includes redistribution of existing loading movements associated with the removal of Loading Dock C, and management of vehicles that exceed the headroom of the proposed mixed use loading dock.*

Upon approval the Loading Dock Management Plan will be endorsed as part of the planning permit and the development must incorporate the initiatives outlined in the LDMP to the satisfaction of the Responsible Authority

Construction Management Plan

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

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- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
- h) Measures to provide for public Safety and site security;*
- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
- j) A Traffic Management Plan showing truck routes to and from the site;*
- k) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
- m) The provision of contact details of key construction site staff; and*
- n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:*
- Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - Saturday – 9.00am to 1.00pm;*
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)*
 - No works are permitted on Sundays or Public Holidays.*

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

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

Landscaping Conditions

- 14. 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.*
- 15. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*
- 16. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

Amenity

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

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

to the satisfaction of the Responsible Authority.

18. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

19. 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.

Car Parking and Accessways

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

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

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

21. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.

22. Outdoor lighting including the car parking areas must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Loading and Unloading

23. All loading and unloading of vehicles must be carried out within the boundaries of the land and designated loading bay and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Ongoing Architect Involvement

- 24. As part of the ongoing consultant team, Buchan 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.***

Services and Plant Equipment

- 25. 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. 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.***

Drainage & Stormwater

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

Department of Transport Conditions (Reference PPR:35131/21-A)

- 29. Within 6 months of the development operating, a post development Transport Impact Assessment report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Transport Impact Assessment must include the following:***
- a. An assessment on the operation of the road network post development.***
 - b. Identify any mitigation measures that may be required to improve operation of the intersection of Ferntree Gully Road and Brandon Park Drive, Wheelers Hill.***
- 30. Within 12 months of the development operating, or any such time as agreed with the Head, Transport for Victoria, the mitigation measures outlined in the post development Transport Impact Assessment must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.***
- 31. Prior to the commencement of the use, the bus stops on Brandon Park Drive must be upgraded to include a new shelter and public information display as per Department of Transport's requirements. Please consult maintenance@transport.vic.gov.au who can advise the exact specifications of the public information displays.***

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- 32. The demolition and construction of the development must not disrupt bus operations on Brandon Park Drive without the prior written consent of the Head, Transport for Victoria.**
- 33. Any request for written consent to disrupt bus operations on Brandon Park Drive 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**
- 34. No work must be commenced in, on, under or over a road reserve without having first obtained all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant Acts or Regulations created under those Acts.**

Time for Starting and Completion

- 35. 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 three (3) years from the date of issue.**
 - (b) The development is not completed before six (6) years from the date of issue.**
 - (c) The use is not started before six (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 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. 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.**
- C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of**
- D. 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.**

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- E. 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.*
- F. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.*
- G. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- H. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*

Department of Transport

- I. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.*

CARRIED

1.4 25 Shaftsbury Drive, Mulgrave - Construction of one (1) double storey residential building to be used as a rooming house to the rear of a dwelling

Moved Cr Luo

Seconded Cr James

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53131) for the construction of one (1) double storey Residential Building to be used as a rooming house to the rear of a dwelling at 25 Shaftsbury Drive, Mulgrave subject to the following conditions:

Amended Plans

- 1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by West Urban, TP05 –TP08, dated December 2021 and TP01 – TP04, dated September 2021, but modified to show:*
 - a) Dwelling 1 faded or labelled to clearly identify that the dwelling is not the subject of the planning assessment and approval.*
 - b) The northern boundary fence to have a minimum height of 1.8 metres and any other required additional screening in order to meet the requirements of Clause 55.04-6 from the ground level of the building.*
 - c) Screening (obscure glazing or fixed screens) to prevent overlooking from north facing upper level habitable room windows (bedroom 4 and bedroom 5) in order to meet the requirements of Clause 55.04-6*

-
- d) Tree Protection Fencing to be shown to the ground floor plan, in accordance with the Tree Protection Management Plan prepared by ArborReport Victoria dated 8 December 2021*
 - a) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at or behind the setback alignment of buildings on the site, or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".*
 - b) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.*
 - c) A Landscape Plan in accordance with condition 3 of this Permit.*
 - d) The Rooming House Management Plan prepared by Westurban, dated December 2021 amended as required by Condition 10.*
 - e) A Waste Management plan in accordance with condition 14 of this Permit.*

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 2. The use and development 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. The Landscape Plan must show:*
 - a) A minimum of five (2) eucalyptus variety canopy trees (minimum 1.5 metres tall when planted) in the following areas: one (1) in the Residential Building 2 private open space area; and one (1) on the western boundary of the common driveway. The canopy trees must have a minimum height of 7 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;*
 - b) planting to soften the appearance of hard surface areas such as driveways and other paved areas;*
 - c) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material;*
 - d) the location and details of all fencing;*
 - e) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site; and*

-
- f) details of all proposed hard surface materials including pathways, patio or decked areas.*

When approved the plan will be endorsed and will then form part of the permit.

Tree Protection

- 4. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.*
- 5. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

Landscaping Prior to Occupation

- 6. 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.*

Drainage

- 7. The site must be drained to the satisfaction of the Responsible Authority.*
- 8. 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.*

Vehicle Crossovers

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

Management Plan

- 10. Prior to the commencement of the use, a Rooming House Operational Management Plan for the facility is to be prepared, submitted to and approved by the Responsible Authority. The Management Plan must be generally in accordance with the Rooming House Management Plan prepared by Westurban, dated December 2021 modified to include the following:
 - a) Update proposal to “construction of one (1) double storey residential building to be used as a Rooming House at the rear of a dwelling.”*
 - b) The contact details of the responsible contact person displayed in a manner and location so that it is visible to any person entering the site. This information is to**

be updated as required immediately following any change to the nominated responsible contact person

- c) Maintenance of buildings and grounds, including all landscaped areas.*
- d) Permanent display of the Management Plan in a common area accessible to all residents of the facility.*

Once approved the plan will be endorsed to form part of this permit. This Management Plan is to be implemented to the satisfaction of the Responsible Authority and shall only be amended with the written consent of the Responsible Authority.

Use of Land

- 11. The development can only be used for the purpose of rooming house. Should the land cease to be used for rooming house, a new planning permit may be required for any alternative use. The car parking requirements for any subsequent use will be assessed in accordance with the provisions of the Monash Planning Scheme.*

Occupants

- 12. Not more than nine (9) persons may permanently reside in the Residential Building 2 at any one time.*

Common Areas

- 13. The communal areas of the buildings and open spaces on the land that are shown on the endorsed plans are to be made available and accessible to all persons occupying the premises on a shared basis at any given time to the satisfaction of the Responsible Authority.*

Waste Management Plan

- 14. Prior to the commencement of works on the site, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
 - a) The method of collection of garbage and recyclables for uses;*
 - b) Designation of methods of collection by Council or private services;*
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) Litter management.*

Once approved the Waste Management Plan will be endorsed to form part of the permit.

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.

Urban Design

15. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Satisfactory Continuation and Completion

16. Once construction of the rooming house approved by this permit has started, construction of the rooming house and the dwelling at the front must be continued and completed to the satisfaction of the Responsible Authority.

Landfill Gas Risk Assessment

17. 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 an appropriately qualified site assessor 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 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.*

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

- b) Ensure that the site assessor prepares a report to be submitted to the Responsible Authority. The landfill gas risk assessment (LGRA) should be based on guidance prepared by the Environment Protection Authority from time to time and / or made under the Environment Protection Act 2017 (Vic) and subordinate legislation. As at the issue date of this permit, such 'guidance' includes EPA Publication 788.3 (Landfill Best Practice Environmental*

Management or Landfill BPEM) and EPA Publication 1684 (Landfill gas fugitive emissions monitoring guideline).

- c) If the landfill gas assessment identifies methane at concentrations exceeding the methane gas concentration action levels, the permit holder must engage the services of an EPA-appointed environmental auditor to complete an environmental audit with a scope limited to:*
- (i) assessment of the nature and extent of the risk of harm to human health from waste;*
 - (ii) recommending measures to manage the risk of harm to human health from waste;*
 - (iii) making recommendations to manage any waste, where the landfill extends onto or beneath the land.*
- d) The permit holder must provide the Responsible Authority with a scope and supporting documents endorsed or determined by the Environment Protection Authority pursuant to section 208(5) of the Environment Protection Act 2017 (Vic) and a copy of the environmental audit statement and environmental audit report issued pursuant to sections 210(1) of the Environment Protection Act 2017 (Vic).*

18. 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 1 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;*
- c) Obtain a copy of the peer review obtained by Council.*

Permit Expiry

19. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:

- The development has not started before 2 years from the date of issue.*
- The use is not commenced within 4 years of the date of issue.*
- The development is not completed before 4 years from the date of issue.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

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

Permit Notes

-
- A. Building permit approval must be obtained prior to the commencement of the approved works.*
- B. Dwelling 1 is not subject planning permit approval was not assessed against the provisions of Clause 54 or 55 (ResCode) of the Monash Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance pursuant to the Building Regulations. Assessment will be required by the Building Surveyor as part of any building permit approval. Non-compliance with ResCode provisions may require dispensations to be obtained and subject to further assessment and approval.*
- C. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
- D. 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.*
- E. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.*
- F. A drainage contribution may be accepted in lieu of a detention system. The contribution is based on the hard surfaced areas and is calculated at the time of the drainage plan approval.*
- G. Variation to Planning Permit - Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- H. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*
- I. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001 - Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- J. Any residents of the approved development will not be entitled to car parking permits for on street car parking.*

DIVISION

For: Councillors S James, A de Silva, J Fergeus, G Lake, B Little, N Luo, P Klisaris, R Paterson, T Zographos

Against: Councillors T Samardzija, S McCluskey

CARRIED

1.5 Batesford Reserve – Proposed Lease to Australian Tower Network Pty Ltd

Moved Cr Little

Seconded Cr Luo

That Council:

- 1. Receives this report from the Committee of Council established in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act) to hear and consider any submissions received to Council's public notice in respect of the proposal to negotiate a lease with the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
- 2. Notes the Committee met on Tuesday 13 September 2022 to hear and consider submissions received in respect of the proposal.*
- 3. Notes that no submissions were received.*
- 4. Accepts the Committee's recommendation to grant a lease to the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
- 5. Having complied with its obligations under the Monash Community Engagement Policy, directs the Chief Executive Officer or her delegate, on behalf of Council to sign all documentation required to effect a lease with the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*

CARRIED

1.6 Suburban Rail Loop Project

Moved Cr Luo

Seconded Cr Samardzija

That Council:

- 1. Notes the outcomes of the community consultation that Council undertook with Glen Waverley traders and residents on the SRL East Project proposal in the Glen Waverley Activity Centre.*
 - 723 submissions were received during the consultation period.*
 - Approximately 150 people attended the Community Information session held at the Civic Centre, Glen Waverley and via Zoom on Wednesday 13 July 2022.*
 - The overwhelming majority of participants supported Council's position. More than 95% supported the undergrounding of the existing Glen Waverley station to create a connection between the new SRL station and the existing one. 82% supported an extension of Myrtle Street to address traffic on Kingsway, being a part of the project. 80% supported replacement parking being south of the existing Glen Waverley Railway line and over 86% supported Council's vision for Kingsway.*

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2. *Provides a copy of the summary of stakeholder responses contained in Appendix 1 of this report to the SRLA for their information, consideration and response.*
 3. *Notes the update on Minister's Assessment on the Suburban Rail Loop (SRL) East Environment Effects Statement (EES).*
 - *The Minister's Assessment on the SRL East EES supports the project, finding the effects on the environment will be acceptable, subject to various recommendations.*
 - *Reviews are required on the proposed road closures at Coleman Parade and Carinish Road, the Pick up Drop off (PuDo) parking at all stations, the location of the bus interchange at Monash, and the replacement car parking location at Glen Waverley.*
 - *Council representation on the Urban Design Advisory Panel (UDAP) and Public Open Space Advisory Panel (POSAP) is supported, as is a voluntary purchase scheme, further business and employee assistance, noise, air quality and arboriculture improvements.*
 - *The lowering of Glen Waverley Station to enable superior interchange between stations and the extension of Myrtle Street as part of a ring road; or even that a direct 'paid area connection' is provided between the existing Glen Waverley MMRN station and proposed SRL station were not recommended by the Minister to be delivered by the project.*
 - *The Minister expects the future lowering of Glen Waverley MMRN Station will be considered as part of the Precinct Planning component of SRL East and notes that DoT advised that it intends to deliver a 'paid area connection' between the two stations in due course, subject to funding and approvals.*
 4. *Notes and endorses the Council position and officers comments in response to the Inquiry and Advisory Committee recommendation and Ministers assessment at Appendix 2 of this report.*
 5. *Writes to the Glen Waverley community to provide a summary of the feedback received as part of Council's consultation, the link to this report as well as the relevant aspects of the Minister's Assessment on the SRL East EES, Council's thoughts on these and next steps.*
 6. *Endorses further advocacy arising from the Glen Waverley community consultation outcomes and Minister's Assessment on the SRL East EES by way of a community campaign focussing on the upgrade/lowering of existing Glen Waverley Melbourne Metro Rail Network (MMRN) station, keeping Coleman Parade open to traffic and the provision of a direct 'paid area connection' between it and the proposed SRL station. The community campaign will be developed and may include:*
 - *Website updates;*
 - *Community videos;*
 - *Social media; and*
 - *Other advocacy as required.*
 7. *Resolves to reaffirm its qualified support for the SRL East project and the benefits it may bring, and to advocate and call whoever is in Government to proceed with this transformative project, and to think about and implement beneficial change across the three station locations within the City of Monash that will deliver not only deliver the SRL project but will improve outcomes around the station*

locations such as those that Council is advocating for, particularly in Glen Waverley.

CARRIED

1.7 Public Realm Studies - Portman Street, Station Street and Haughton Road, Oakleigh

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Notes that officers have progressed Council's previous resolutions regarding developing the design for the public realm at the intersection of Portman and Station Streets (Part A) and a two-stage feasibility study to alter the road condition of Haughton Road between Johnson St and Mill Rd, Oakleigh (Part B), and that Council allocated a total budget of \$230,000 to complete these studies.*
- 2. Notes that Part A has reached the stage of awarding a contract to the preferred respondent through a request for quote process (Contract 2022138). Further notes that there is a remaining budget of \$100,000 to complete Part A and that the tendered price for Contract 2022138 to complete Part A is \$215,550 which includes a contract fixed lump sum of \$195,750, provisional items of \$9,800 and contingencies of \$10,000 resulting in a budget shortfall of \$115,550.*
- 3. Direct officers to proceed Part A as outlined in point 2 above and agrees to increase the FY 2022/2023 operational budget allocation by a further \$115,550 to enable this work to occur.*
- 4. Award the tender from Hansen Partnership Pty Ltd for Portman Station Street Public Realm Feasibility Study, Contract No. 2022138 for a fixed lump sum Price of \$195,750 plus \$9,800 for provisional items and \$10,000 for contingencies.*
- 5. Notes that with regards to Part B, stage 1 (preliminary schematic design work) has been completed at a cost of \$30,000 and stage 2 (feasibility study) has reached the stage of awarding a contract to the preferred tenderer through a request for quote process (Contract 2022181). Further noting that there is a remaining budget of \$100,000 to complete Part B and that the tendered price for Contract 2022181 to complete Part B is \$206,020 which includes a contract fixed lump sum of \$194,820, provisional items of \$1,200 and contingencies of \$10,000 providing a budget shortfall of \$106,020.*
- 6. Direct officers to proceed with Part B as outlined in point 5 above and agrees to increase the FY 2022/2023 operational budget allocation towards Part B by a further \$106,020 to enable this work to occur.*
- 7. Awards the tender from Hansen Partnership Pty Ltd for Haughton Road, Oakleigh, Feasibility Study Stage 2, Contract No. 2022181 for a fixed lump sum Price of \$194,820 plus \$1,200 for provisional items and \$10,000 for contingencies.*
- 8. Authorises the Chief Executive Officer or her delegate to execute Contracts 2022138 and 2022181 as referred to in items 4 and 7 above.*

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

CARRIED

1.8 Outdoor Dining

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Notes that consultation has been conducted with traders and the broader community about enhanced outdoor dining options and that traders and the community are supportive of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets.*
- 2. Notes the strong desire to facilitate this type of trading as soon as possible given the approaching warmer months, and the ability to utilise the draft Policy for a limited period and seek feedback from traders before considering a final Policy.*
- 3. Adopts the Parklets on Roads Policy in principle (Attachment One), for a maximum six month period and concurrently commences consultation with Traders on the Policy, seeking their feedback by or before 31 December 2022.*
- 4. Directs officers to provide a report to Council no later than its February 2023 meeting reporting on any feedback received and officer's responses recommendations on how to proceed with a more permanent implementation of the policy inclusive of any revisions and updates considered necessary based on further officer assessment and any feedback received on the Policy.*

CARRIED

1.9 Future of School Crossings Supervision Program

Moved Cr James

Seconded Cr Fergeus

That Council:

- 1. Notes that the Mayor invited all Local Government Mayors, CEOs and the MAV to discuss the future of school crossing supervision at an on-line forum held on 28 July 2022, and that at least 112 representatives from approximately 40 councils attended the forum.*
- 2. Notes that a survey of Councils who attended the forum found:*
 - 97 per cent of Councils have unsupervised crossing sessions*
 - 82 per cent regularly face crossing supervisor staff shortages, and*
 - 87 per cent consider the system no longer fit for purpose.*
- 3. Notes that having heard the different perspectives from other councils there is general consensus that the Victorian School Crossing Supervision model is failing, in that:*
 - Victorian Government financial support for Councils to provide the service has gradually, but significantly, decreased over time*
 - changing demographics are making it increasingly difficult to attract staff*
 - growing numbers of crossing sessions are unstaffed each day*
 - costs to Councils are increasing each year.*
- 4. Accepts that the basis of an ongoing advocacy campaign will highlight Local Government's concern about the sustainability of the school crossings service, seek reform to the way road safety around schools is managed and that this work*

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- continues to be led by the City of Monash with support from the MAV and a representative committee made up of other Council representatives.*
- 5. Notes that following the on-line forum held on 28 July 2022 to discuss the future of the school crossings, Council representatives were asked to indicate their willingness to participate in the campaign and make a modest financial contribution towards an advocacy campaign and that to date 22 Councils have agreed to participate with a further 9 still considering their position.*
 - 6. Notes that the School Crossings Advocacy Campaign has been developed and includes the following objectives:*
 - o The Victorian Government to commit to fully fund the delivery of the School Crossing program*
 - o Requesting the Victorian Government conduct an urgent review and reform of the current School Crossing Supervisor model (noting that in 2016, the Government made a commitment to undertake a broad strategic review into the movement and safety of school students that to date remains unfulfilled).*
 - o Engage with community stakeholders to increase awareness and support of the reduced/lack of financial support for Councils to provide school crossing supervisor services.*
 - 7. Notes that the campaign has received recent media attention including TV, print and radio with the Mayor being interviewed.*
 - 8. Allocates \$50k to cover the cost of the School Crossings Advocacy Campaign noting that most of these costs will be recovered from the municipal Councils participating in the campaign with any remaining shortfall being paid for by Monash Council.*
 - 9. Notes that due to a nation-wide labour shortage the contractor who provides school crossing services under the provisions of School Crossing Supervision Contract No. 2022069 has requested a variation to suspend the clauses that provide a failure to commence supervision of a crossing will incur a penalty of \$50 per occasion to a maximum penalty of \$250 per day and notes the relevant clauses are intended to serve as an incentive to ensure all efforts are made to safeguard adequate on-going and casual staff being retained to deliver the service during normal times.*
 - 10. Notes that in light of point 9 above, offices will execute a variation to the School Crossing Supervision Contract No. 2022069 that in affect suspends the clauses that provide a failure to commence supervision of a crossing incurs a penalty of \$50 per occasion to a maximum penalty of \$250 per day, for the duration of the current contract term which expires on 30 December 2022.*
 - 11. Notes that given the current status of the advocacy campaign, and the need for the continuation of the service, the current school crossing supervision contract will be extended for a further 6 months from 30 December 2022 as allowed in Council's resolution at its 29 March 2022 meeting.*

CARRIED

2. COMMUNITY SERVICES

2.1 Mount Waverley Activity Centre Special Charge

Moved Cr Little

Seconded Cr Paterson

That:

- 1. Council resolves to give Notice of its Intention to Declare a Special Charge for the Mount Waverley Activity Centre, commencing 1 December 2022.**
- 2. The following matters constitute the proposed declaration:**
 - a) The Mount Waverley Activity Centre Special Charge will be declared for the purpose of defraying marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the Mount Waverley Activity Centre.**
 - b) In declaring the Mount Waverley Activity Centre Special Charge, Council will be performing functions of:**
 - i. encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Mount Waverley Activity Centre.**
 - ii. providing good governance in its municipal district for the benefit and well being of the municipal community.**
 - c) The total cost of performing the function and maximum amount of the Mount Waverley Activity Centre Special Charge to be levied is \$72,280 per annum, subject to any CPI adjustment. This equates to a maximum of \$361,400 over a period of five years, exclusive of any CPI adjustments.**
 - d) The Mount Waverley Activity Centre Special Charge is to commence on 1 December 2022 and conclude on 30 November 2027.**
 - e) The Mount Waverley Activity Centre Special Charge will apply to all rateable land primarily used or adapted or designed to be used for retail, commercial or entertainment purposes, being the following land at ground level and above ground level:**
 - i. 1 to 11 Hamilton Walk, Mount Waverley**
 - ii. 1 to 79 Hamilton Place, Mount Waverley**
 - iii. 2 to 30 Hamilton Place, Mount Waverley**
 - iv. 275 to 283/303 to 329 Stephenson's Rd, Mount Waverley**
 - v. 258 to 316 Stephenson's Rd, Mount Waverley**
 - vi. 4 to 12 The Highway, Mount Waverley**
 - vii. 64 to 74 Virginia Street, Mount Waverley**
 - viii. 47 to 63 Wadham Parade, Mount Waverley**
 - f) The criteria which forms the basis of the Mount Waverley Activity Centre Special Charge is the ownership of the land described area set out above.**
 - g) The Mount Waverley Activity Centre Special Charge is to be assessed and levied on the following basis:**
 - i. \$520.00 per annum for each rateable property comprising a single storey or ground floor premise;**

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- ii. \$260 per annum for each rateable property comprising a first floor or higher premise, to be increased by an amount equal to the Consumer Price Index each year.*
- h) Council considers that there will be a special benefit to persons required to pay the Mount Waverley Activity Centre Special Charge because the viability of the Mount Waverley Activity Centre will be enhanced through increased commerce and business activity.*
- i) Council determines that the estimated proportion of the total benefits of the Mount Waverley Activity Centre Special Charge Scheme (including all special benefits and community benefits) that will accrue as special benefits to all the persons who are liable to pay the Mount Waverley Activity Centre Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, the broader community benefit is nil because expenditure of the Mount Waverley Activity Centre Special Charge is marketing, management and business development related and will accordingly only benefit the owners and occupiers of those properties included in the Mount Waverley Activity Centre Special Charge Scheme.*
- j) The Mount Waverley Activity Centre Special Charge will be levied by sending notices to the persons liable to pay it. Payments are to be made either in four instalments or a lump sum, in accordance with Council's general rate collection process.*
- 3. Council's Chief Executive Officer be authorised to give public notice of the proposed declaration of the Mount Waverley Activity Centre Special Charge, in accordance with section 163 of the Local Government Act 1989.*
- 4. Council appoints a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 3 above, and to consider any submissions and hear any submitters requesting to be heard in accordance with Section 223 of the Local Government Act 1989, at 6.30pm on 15 November 2022 at the Monash City Council Civic Centre, 293 Springvale Road, Glen Waverley.*
- 5. The Notice of Intention to declare the Mount Waverley Activity Centre Special Charge indicates that Council will consider the recommendation of the Committee of Council and determine whether to declare the Mount Waverley Activity Centre Special Charge at its Ordinary Meeting on 29 November 2022.*
- 6. The proceeds of the Mount Waverley Activity Centre Special Charge be expended on activities and programs which:*
- a) provide incentives to shop and do business within the Mount Waverley Activity Centre;*
- b) strategically plan the fostering of business growth within the Mount Waverley Activity Centre;*
- c) enhance customer service, pride and excellence in business within the Mount Waverley Activity Centre; and*
- d) improve the commercial viability of the Mount Waverley Activity Centre*

AMENDMENT

Moved Cr Lake Seconded Cr James

That a further point is added to the resolution that reads: "Ask officers to prepare a draft policy for establishing special charge schemes in Monash for further consideration by Council".

The amendment was acceptable to the mover, seconder and all of Council and became the substantive motion.

CARRIED

SUBSTANTIVE MOTION

The substantive motion was put to the vote and declared carried.

CARRIED

2.2 2022/23 Monash Quick Response Grants Program Recipients

Moved Cr McCluskey Seconded Cr Luo

That Council notes the successful application that has been funded through the Quick Response Grant program during the period 2-25 August 2022 to a total of \$2,367.00.

CARRIED

2.3 LGBTIQA+ Action Plan

Moved Cr James Seconded Cr Fergeus

That Council endorses the draft LGBTIQA+ Action Plan for public exhibition and community feedback for a period of three (3) weeks, 28 September – 19 October 2022.

CARRIED

2.4 Jack Edwards Reserve Pavilion and Grandstand Development

Moved Cr Klisaris Seconded Cr James

That Council:

- 1. Notes the currently committed funding towards the development of the Jack Edwards Reserve pavilion and grandstand of \$2 million from the Federal*

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- Government, \$4 million from the State Government, \$500,000 from the Oakleigh Cannons Football Club and \$8.2 million from Council.*
- 2. Begins the design for the development of the Jack Edwards Reserve pavilion and grandstand on the basis of a project cost of a minimum of \$14.7 million, being the amount committed to date.*
 - 3. Enters into a binding agreement with the Oakleigh Cannons Football Club in relation to its contribution of \$500,000 towards the cost of this project.*
 - 4. Continues to explore options for additional funding to enable the project to fulfill its original scope estimated at \$16.4 million, including but not limited to other levels of government and the Oakleigh Cannons Football Club.*
 - 5. Authorises the CEO or her delegate to formalise the funding agreements with the State and Federal Governments for a project value of \$14.7 million.*

DIVISION

For: Councillors S James, T Samardzija, G Lake, B Little, N Luo, P Klisaris, S McCluskey, R Paterson, T Zographos

Against: Councillors A de Silva, J Fergeus

CARRIED

3. CORPORATE SERVICES

3.1 2021/22 Financial and Performance Statements

Moved Cr Samardzija Seconded Cr Little

That Council:

- 1. notes the draft City of Monash 2021/22 Annual Financial Statements and Performance Statement (the Statements) prepared in Accordance with the Local Government Act 2020;*
- 2. notes the 8 September 2022 recommendation of Council's Audit & Risk Committee in relation to the Statements;*
- 3. approves the Statements "in principle" prior to them being provided to the Victorian Auditor-General's Office for audit sign off;*
- 4. nominates the Mayor and Deputy Mayor to certify the Statements in their final form; and*
- 5. authorises the nominated Councillors to accept any further recommended changes to the Statements by the Victorian Auditor-General's Office.*

CARRIED

3.2 Tender for Mobile Services

Moved Cr McCluskey Seconded Cr Luo

That Council:

1. *Approves access to the Victorian Government State Purchasing Contract, Telecommunication Services for a schedule of rates-based contract with an estimated contract value of \$1,310,000 for the initial term and an estimated total contract value of \$2,410,000 inclusive of all available extension options;*
2. *Authorises the Chief Executive Officer or their delegate to execute the contract agreement; and*
3. *Notes that the initial term ends on 31 September 2025, and the contract has two extension options of 1 year each and authorises the Chief Executive Officer to approve extension options subject to Victorian Government extension approval and satisfactory performance for the City of Monash.*

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

CARRIED

4. CITY SERVICES

4.1 Councillors' Meeting Records

Moved Cr McCluskey Seconded Cr Little

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

CARRIED

4.2 Tender for Playspace Upgrades for Herriotts Boulevard, Rivett Crescent, Atheldene Drive and Flora Road Reserves

Moved Cr Samardzija Seconded Cr Fergeus

That Council:

1. *Awards the tender from Yellowstone Landscaping Pty Ltd for the following four projects; the Playspace Upgrades for Herriotts Boulevard, Rivett Crescent, Atheldene Drive and Flora Road Reserves Contract No. 2022177:*
 - a. *Project 1: Herriotts Boulevard Reserve Playspace Upgrade for the fixed Lump Sum Price of \$254,767.15 with an extra \$22,662.70 for Contingencies;*
 - b. *Project 2: Rivett Crescent Reserve Playspace Upgrade for the fixed Lump Sum Price of \$166,310.10 with an extra \$14,719.10 for Contingencies;*
 - c. *Project 3: Atheldene Drive Reserve Playspace Upgrade for the fixed Lump Sum Price of \$131,213.50 with an extra \$15,175.05 for Contingencies;*

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- d. Project 4: Flora Road Playspace Upgrade for the fixed Lump Sum Price of \$248,559.30 with an extra \$27,743.10 for Contingencies;*
- 2. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees across all projects is \$923,793.75*
 - 3. Notes the existing budget provision of \$895,550.70 is less than the anticipated project expenditure and any shortfall will be funded through savings in the overall 2022/2023 Capital Works program;*
 - 4. Authorises the Chief Executive Officer to execute the contract agreement; and*
 - 5. Notes that the contract is anticipated to commence on 3 October 2022 with a completion date of 30 June 2023.*
- (*Please note that all dollar figures are GST Inclusive unless stated otherwise).*

CARRIED

4.3 Tender for Vision Street, Chadstone - Road Reconstruction

Moved Cr Little

Seconded Cr Luo

That Council:

- 1. Awards the tender from Delfino Paving Pty Ltd for Vision Street, Chadstone – Road Reconstruction, Contract No. 2023004 for the fixed Lump Sum price of \$679,445.58 with an extra \$101,200 for Contingencies, and \$138,116 for Provisional Items;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 31 October 2022 and the expected completion date is 30 May 2023; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management & Delivery Fees and Provisional Items is \$951,761.58*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications

Moved Cr James

Seconded Cr McCluskey

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Individual Applicant</i>	<i>The individual applicant has been selected for the National Youth Championships for touch football in QLD and would like help with participation and uniform costs.</i>	<i>\$500.00</i>

CARRIED

6.2 Attendance at National Local Roads and Transport Congress 2022

Moved Cr James

Seconded Cr Samardzija

That Council approves the attendance of Cr Stuart James at the National Local Roads and Transport Congress 2022 in Hobart from 1 to 4 November 2022.

CARRIED

6.3 Flammable Cladding Rectification

Cr Lake declared a conflict of interest on this item and left the chamber.

Moved Cr McCluskey

Seconded Cr Little

That Council:

- 1. Supports the motion to the Municipal Association of Victoria October 2022 State Council requesting State Government supports the retention of extreme and high risk buildings resulting from the use of flammable cladding must remain under the control of the Victorian Building Authority (VBA) and that none of these buildings revert to Councils' jurisdiction.*

The motion to be submitted is:

That the MAV:

1. *Urgently seek an update from State Government of the rectification status where the Victorian Building Authority (VBA) is Municipal Building Surveyor (MBS).*
2. *Seek an explanation as to why rectification has not been completed on buildings over the past 5 years.*
3. *Seek a commitment from the State Government that all buildings that are deemed extreme and high risk where the VBA is the MBS remain under their jurisdiction, and that none are transferred to Councils'. Understanding that:*
 - *The VBA has been the MBS for many of these building for 5 years, has inspected, issued notices and has intimate knowledge of issues beyond that of Councils, who have had little to no involvement in the management of these buildings during this time.*
 - *It would create confusion and angst amongst the owners and occupiers of these buildings, as a Council would need to reinspect, issue its own notices and take action for rectification of the buildings which seems unnecessary and duplicitous given the actions of the VBA as MBS.*
 - *The issues associated with these buildings is greater than just cladding, and includes issues such as water ingress, standard of construction and modification to performance measures where VBA is not only MBS, but a regulatory authority.*
 - *It would create a significant cost burden on Councils and their ratepayers, (VBA and CSV were funded for this), risk, lack of access to technical expertise and lack of available resourcing given the shortage in qualified building professionals.*

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Moved Cr Samardzija

Seconded Cr McCluskey

That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to:

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

CARRIED

Council moved into Confidential Business at 8:03pm.

Council moved into Open Council at 8:08pm.

10. PERSONAL EXPLANATIONS

Nil.

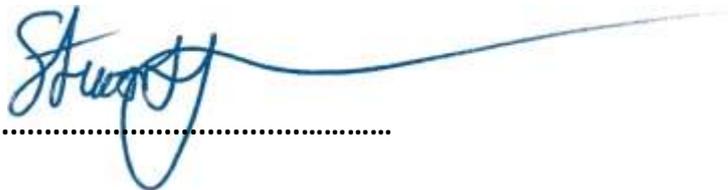
11. COUNCILLORS' REPORTS

Councillor Zographos acknowledged the National Day of Mourning on 22 September 2022 for the late Queen Elizabeth II and reported that he hosted a local observance at the Oakleigh Chambers.

Councillor Little reported that he attended the Indian Performing Arts Festival which was an event about Indian Music and Dance held at the Ian Potter Centre at Monash University. He acknowledged that Monash Council were very pleased to be involved with the event.

The Mayor declared the meeting closed at 8:11pm.

MAYOR:



DATED THE 25TH OF OCTOBER 2022