



CITY OF
MONASH

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 29 NOVEMBER 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 29 NOVEMBER 2022 AT 7.00 PM.

PRESENT

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

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

Cr Paterson declared a general conflict of interest for item 2.3 of the agenda.

Cr de Silva declared a material conflict of interest for item 1.1 of the agenda.

Cr Fergeus declared a material conflict of interest for item 1.1 of the agenda.

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that two questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedule

Cr de Silva and Cr Fergeus left the meeting at 7.17pm.

Moved Cr S McCluskey

Seconded Cr N Luo

That the report containing the Town Planning Schedules be noted.

CARRIED

Cr de Silva and Cr Fergeus returned to the meeting at 7.18pm.

1.2 251-261 Springvale Road, Glen Waverley – Construction of a 21 storey mixed use building and a reduction in the standard car parking requirements

Moved Cr T Zographos

Seconded Cr S McCluskey

A. That Council resolves that if it were in a position to make a decision, it would have determined to issue a Notice of Decision to refuse the application for a Planning Permit (TPA/52268) for the use of the land for the purpose of accommodation (residential apartments), construction of a 21 storey (above ground floor level) mixed use building and a reduction in the standard car parking requirements at 251-261 Springvale Road, Glen Waverley subject to the following grounds:

- 1. The proposed building height is excessive and is not in keeping with the aspirations of the Glen Waverley Structure Plan or the design objectives of the Design and Development Overlay, 12.*
- 2. The proposal does not provide sufficient car parking on the site for the demand generated by the proposal, pursuant to Clause 52.06.*
- 3. The proposal does not provide for an appropriate podium height which will enable the development to sit comfortably within the streetscape, due to excessive floor to ceiling heights of the lower three levels.*
- 4. The proposed development does not provide for appropriate setbacks and the width of the tower element is not in keeping with the requirements of the Structure Plan and Design and Development Overlay 12, resulting in unequitable development impacts.*
- 5. The setback of the southern portion of the ground floor wall to Springvale Road is inappropriate for pedestrian movement and the activation of the proposed food and drinks premises.*
- 6. The proposal does not provide for a variety of housing types to accommodate future housing needs and preferences in accordance with Clause 22.1 and 16.01-1S.*

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7. *Apartment Type 03 will result in poor internal amenity as it does not allow for an appropriate living area width to allow for the functional use of this space.*
 8. *The proposal does not allow for appropriate waste management in accordance with objectives and standards of Clause 58.06-3.*
 9. *The proposal fails to provide a sufficient application of high quality materials.*
 10. *The proposal will result in unreasonable overlooking into the existing development at 52-54 O'Sullivan Road.*
 11. *The proposal is an overdevelopment of the site.*
- B. *That Council advise VCAT and all submitters of its position on this application.*

CARRIED

1.3 1 Westbrook Street, Chadstone – Removal of 7 trees in a Vegetation Protection Overlay

Moved Cr S James

Seconded Cr P Klisaris

- A. *That Council resolves to issue a Planning Permit (TPA/54189) for the removal of three (3) trees in a Vegetation Protection Overlay at 1 Westbrook Street, Chadstone subject to the following conditions:*
1. *Before the removal of the subject trees, an amended plan to the satisfaction of the Responsible Authority must be submitted to 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 tree removal plan dated 11 August 2022 submitted to Council, but modified to show:*
 - a) *All trees on site numbered according to the Arboricultural Report prepared by Melbourne Tree Care Pty Ltd.*
 - b) *Trees 1 and 2 Syzygium paniculatum (Magenta Cherry Lilly Pilly) and Tree 6 Eucalyptus nicholii (Narrow-Leaved Black Peppermint) tree marked for removal only.*
 - c) *Tree 3: Eucalyptus saligna (Sydney Blue Gum) tree, Tree 7: Corymbia citriodora (Lemon-scented Gum) tree, Tree 8: Grevillea robusta (Silky Oak) tree and Tree 10: Corymbia maculata (Spotted Gum) tree clearly identified to be retained.*
 - d) *The location of Tree Protection Zones and Tree Protection Fencing as outlined within the Arborist Report prepared by Melbourne Tree Care Pty Ltd.*

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

2. *The tree removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
3. *The tree protection fence must remain in place until the construction of any new dwelling or buildings and works are completed on the land, except with the prior written consent of the Responsible Authority.*

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4. *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 excavation and construction period of any future development to be undertaken at the site.*
 5. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the trees are not removed before two (2) years from the date of issue.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the period referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

NOTES:

1. *Any future construction or buildings and works within the Tree Protection Zone (TPZ) of any tree to be retained on site should be carried out in consultation with a qualified Arborist to ensure that appropriate protection and construction techniques are employed in order to safeguard the health and protection of existing vegetation.*
 2. *An application to Council to remove the existing street tree may be made to Council's Horticulture division. The street tree is to be removed and replaced by Council, at the cost of the developer and will be subject to the payment of an amenity value yet to be determined.*
- B:** *That Council write to the Owner advising that with respect to the trees to be retained, that a professional arborist should be engaged to remove deadwood and undertake routine crown maintenance pruning works of the trees to be retained as may be required. All pruning must be in accordance with the Australian Standard - AS4373 Pruning of Amenity Trees.*

AMENDMENT

Moved Cr G Lake

Seconded Cr N Luo

That the recommendation read as follows:

- A. *That Council resolves to Grant a Planning Permit (TPA/54189) for the REMOVAL OF FIVE (5) TREES IN A VEGETATION PROTECTION OVERLAY, at 1 WESTBROOK STREET CHADSTONE VIC 3148 subject to the following conditions:*
 1. *Before the development starts, an amended tree removal plan with trees numbered according to the Arboricultural Report prepared by Melbourne Tree Care Pty Ltd, 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 tree removal plan dated 11 August 2022 submitted to Council, but modified to show:*

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- a) *All trees on site numbered according to the Arboricultural Report prepared by Melbourne Tree Care Pty Ltd.*
 - b) *Trees 1 and 2 Syzygium paniculatum (Magenta Cherry Lilly Pilly), Tree 3 Eucalyptus saligna (Sydney Blue Gum), Tree 6 Eucalyptus nicholii (Narrow-Leaved Black Peppermint), and Tree 7: Corymbia citriodora (Lemon-scented Gum) marked for removal only.*
 - c) *Tree 8: Grevillea robusta (Silky Oak) and Tree 10: Corymbia maculata (Spotted Gum) clearly identified to be retained.*
 - d) *The location of Tree Protection Zones and Tree Protection Fencing as outlined within the Arborist Report prepared by Melbourne Tree Care Pty Ltd.*
 - e) *A minimum of two (2) replacement canopy trees (minimum 1.5 metres tall when planted) on the land. The canopy trees must have a minimum mature 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.*

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

- 2. The tree removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
- 3. The tree protection fence must remain in place until the construction of any new dwelling or buildings and works are completed on the land, except with the prior written consent of the Responsible Authority.*
- 4. 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 excavation and construction period of any future development to be undertaken at the site.*
- 5. The replacement trees must be planted, in a healthy state, within 6 months of the removal of the subject trees.*
- 6. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the trees are not removed before two (2) years from the date of issue.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the period referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

NOTES:

- 1. Any future construction or buildings and works within the Tree Protection Zone (TPZ) of any tree to be retained on site should be carried out in consultation with a qualified Arborist to ensure that appropriate protection and construction techniques are employed in order to safeguard the health and protection of existing vegetation.*
- 2. An application to Council to remove the existing street tree may be made to Council's Horticulture division. The street tree is to be removed and replaced by Council, at the cost of the developer and will be subject to the payment of an amenity value yet to be determined.*

B: That Council write to the Owner advising that with respect to the trees to be retained, that a professional arborist should be engaged to remove deadwood and undertake routine crown maintenance pruning works of the trees to be retained as may be required. All pruning must be in accordance with the Australian Standard - AS4373 Pruning of Amenity Trees.

The amendment was put to the vote and declared carried. The recommendation as amended became the substantive motion. A division was called.

DIVISION

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

Against: Councillors A de Silva, J Fergeus, T Samardzija, R Paterson

CARRIED

SUBSTANTIVE MOTION

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

CARRIED

1.4 7-9 Nicholson Court, Clayton – Noting Decision Under Delegation

Moved Cr B Little

Seconded Cr N Luo

That Council note:

- 1. On 9 November 2022, the Director City Development, having first notified Councillors in writing on the 7 November 2022, authorised his delegate to issue a Notice of Decision to Refuse to Grant a Permit at 7-9 Nicholson Court, Clayton for the construction of a five storey apartment building within a Special Building Overlay.***
- 2. The decision of the Director City Development was exercised under Council's Instrument of Delegation which states: Any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed***
- 3. The application was refused on the following grounds:***
 - 1. The proposal is inconsistent with the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 58 of the Monash Planning Scheme regarding building height and scale, neighbourhood character, landscaping, private open space, front fencing and design detail.***

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2. *The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 provisions of the Monash Planning Scheme.*
 3. *The proposal will result in unreasonable bulk impacts to adjoining properties to the north, west and south.*
 4. *The front fence and provision of site services do not allow for an open front garden to soften the presentation to the streetscape.*
 5. *The proposal will result in a poor level of internal amenity for future residents.*
 6. *The proposal does not provide for effective waste management to cater for the scale of the development.*
 7. *The design fails to provide for adequate integrated water and storm water management strategies and does not satisfy the objectives of Clause 22.04 of the Monash Planning Scheme.*
 8. *The proposal is not site responsive and an overdevelopment of the site.*

CARRIED

2. COMMUNITY SERVICES

2.1 2022/23 Monash Quick Response Grants Program Recipients - November

Moved Cr S McCluskey

Seconded Cr B Little

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 15 September – 26 October 2022 to a total of \$12,887.16.

CARRIED

2.2 Dog Off-Leash Area Review Consultation Findings & Off-Leash Policy

Moved Cr P Klisaris

Seconded Cr T Samardzija

That Council:

1. *Notes the community feedback and key findings of the off-leash area review and draft off-leash policy consultation.*
2. *Notes the comprehensive community feedback received in regard to off-leash area hot-spots and endorses the amended off-leash area recommendations for Gardiners Reserve, Damper Creek Conservation Reserve, Mayfield Park and FE Hunt Reserve as depicted in Attachment 1 – OLA Hot Spots & Recommendations.*
3. *Notes that, with exception of the off-leash area hot-spots, generally all remaining proposed changes to existing and new off-leash areas are supported.*

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4. ***Agrees to increase the number of off-leash areas in Monash from 31 to 45 sites as detailed and mapped in Attachment 1 – OLA Hot Spots & Recommendations and -
a) notes that the provision of new OLA sites generally meets the recommended 800m minimum provision standard; and
b) approves a future capital allocation of up to \$700k to fabricate and install dog-related infrastructure (incl. safety fencing) at recommended and new off-leash sites.***
 5. ***Notes that the need for the proactive enforcement of the dog controls in places such as on-lead and off-leash areas was highlighted throughout the consultation and:
a) notes that the Community Laws team do not have capacity to uplift the existing level of patrols; and
b) refers an additional 3.0 EFT Community Laws Officers for consideration as part of Council's 2022/23 budget process.***
 6. ***Endorse the Off-Leash Policy as presented in Attachment 2 – Off-Leash Policy, noting that no changes have been made to the draft Policy.***
 7. ***Authorise offices to bring Council's decision regarding any approved changes to off-leash areas by adopting an Order made under Section 26 of the Domestic Animals Act 1994 and publish this order in the Government Gazette and in a newspaper circulating in the Monash municipal district (effective from 1 July 2023).***

AMENDMENT

Moved Cr S James

Seconded Cr B Little

Adds a point 8 which reads: resolves not to reduce the existing off-leash area at Jack Edwards Reserve, with the status quo to remain, given the limited alternatives for off-leash areas in this part of the municipality.

The mover of the original recommendation did not agree to the amendment and the amendment was put to the debate. The amendment was put to the vote, declared carried. The recommendation as amended became the substantive motion.

CARRIED

SUBSTANTIVE MOTION

The substantive motion was debated and put to the vote and declared carried. A division was called.

DIVISION

For: Councillors S James, G Lake, B Little, A de Silva, J Fergeus, R Paterson

Against: Councillors T Samardzija, N Luo, P Klisaris, S McCluskey, T Zographos

CARRIED

2.3 Public Health Approach to Gambling Harm Policy

Cr Paterson left the meeting at 7.51pm.

Moved Cr S James

Seconded Cr B Little

That Council endorse the Public Health Approach to Gambling Harm Policy.

AMENDMENT

Moved Cr J Fergeus

Seconded Cr G Lake

Adds two points to section 2.2 which reads:

- *Advocate for changes to regulations concerning the design of EGMs to reduce characteristics designed to promote persistent machine use and addiction,*
- *Advocate for changes to EGM licensing requirements to prevent predatory practices by operators and reduce gambling harm.*

The amendment was debated. The amendment was put to the vote, declared carried. The recommendation as amended became the substantive motion. A division was called.

DIVISION

For: Councillors P Klisaris, S James, G Lake, B Little, A de Silva, J Fergeus

Against: Councillors T Samardzija, N Luo, S McCluskey, T Zographos

CARRIED

SUBSTANTIVE MOTION

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

CARRIED

Cr Paterson returned to the meeting at 8.05pm.

2.4 LGBTIQ+ Action Plan

Moved Cr S James

Seconded Cr J Fergeus

That Council endorses the LGBTIQ+ Action Plan.

CARRIED

2.5 Multicultural Advisory Committee – Appointment of New Members

Moved Cr N Luo

Seconded Cr T Samardzija

That Council:

Endorses the appointment of the following eight community representatives and one agency representative to the Multicultural Advisory Committee, each for a two- year term:

Elisha Lee

Nira Rahman

Rajmohan Ramanathapillai

Eman Armanous

Philip Liberatore

Rukhsana Ahmadi

Amit Patel

Malinda Zhu

Saied Rezawi – Agency representative: MiCare

Thanks the following eight members who are retiring for their contribution, having served two X two- year terms:

Bala Balamurugan

May Hu

Victoria Mandoh

Lena Kojadelian

Jimmy Jian-Min Li

Theresa Ssali

Richard Ng

Konstantina Kouroutsidou

CARRIED

2.6 Proposed Special Charge Scheme for the Mount Waverley Activity Centre

Moved Cr B Little

Seconded Cr A de Silva

That:

1. Council receives and notes the:

a) submissions received; and

b) recommendation of the Committee established by Council to hear submitters, in respect of the proposal to declare a Special Charge Scheme for the Mount Waverley Activity Centre, in accordance with section 223 of the Local Government Act 1989 which resolved to recommend that Council proceeds with the Declaration of the Special Charge Scheme for the Mount Waverley Activity Centre, amended from the original proposal by excluding properties in Wadham Parade, for the period 1 December 2022 until 30 November 2027.

2. Council declares the Mount Waverley Activity Centre Special Charge in accordance with section 163 of the Local Government Act 1989 as follows:

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- a) *the Mount Waverley Activity Centre Special Charge be declared for a period of 5 years commencing on 1 December 2022 and concluding on 30 November 2022;*
 - b) *the Mount Waverley Activity Centre Special Charge 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, which:*
 - i. *Council considers is or will be of special benefit to those persons required to pay the Mount Waverley Activity Centre Special Charge; and*
 - ii. *arises out of Council's functions of:*
 - A. *encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Mount Waverley Activity Centre; and*
 - B. *providing good governance in its municipal district for the benefit and wellbeing of the municipal community;*
 - c) *the Mount Waverley Activity Centre Special Charge applies 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 - 11 Hamilton Walk, Mount Waverley;*
 - ii. *1 – 29 Hamilton Place, Mount Waverley;*
 - iii. *2 – 30 Hamilton Place, Mount Waverley;*
 - iv. *275 - 283/303 - 329 Stephenson's Road, Mount Waverley;*
 - v. *258 – 316 Stephenson's Road, Mount Waverley;*
 - vi. *4 – 12 The Highway, Mount Waverley; and*
 - vii. *64 – 74 Virginia Street, Mount Waverley;*
 - d) *the total cost of performing the function and the maximum amount of the Mount Waverley Activity Centre Special Charge to be levied is approximately \$66,040 per annum, equating to a maximum of approximately \$330,200 over a period of 5 years, exclusive of any CPI adjustments, or such other amount as is lawfully levied as a consequence of this Resolution;*
 - e) *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;*
 - f) *the benefit ratio, being 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%), on the basis that the community benefit is nil;*
 - g) *the criteria which forms the basis of the Mount Waverley Activity Centre Special Charge is the ownership of the land described in paragraph (2)(c) of this Resolution;*
 - h) *the Mount Waverley Activity Centre Special Charge 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; and*
 - ii. *\$260 per annum for each rateable property comprising a 1st floor or higher premise, to be adjusted cumulatively by an amount equal to the March Quarter Consumer Price Index (CPI) as published prior to the annual Special Charge renewal at 1 July for each year of the Scheme, with the first adjustment to be made on 1 July 2024; and*

-
- i) the Mount Waverley Activity Centre Special Charge be levied by sending notices to the persons liable to pay it, with payments 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:**
 - a) notify each person who made a submission or objection of Council's decision and reasons for the decision;*
 - b) write to the owners and occupiers of properties within the Mount Waverley Activity Centre Special Charge Scheme advising them of the decision embodied in this Resolution and associated appeal rights; and*
 - c) enter into an agreement with the Mount Waverley Traders Association in relation to expenditure of the Mount Waverley Activity Centre Special Charge Scheme proceeds.*

CARRIED

2.7 Gender Equity Advisory Committee – Appointment of New Members

Moved Cr R Paterson

Seconded Cr A de Silva

That Council:

- 1. Endorses the appointment of Deborah Wu as the new Women's Health East Organisational representative for the Gender Equity Advisory Committee for a two-year term.*
- 2. Thanks Women's Health East Representative, Kirsty Kain, for her contribution.*

CARRIED

3. CORPORATE SERVICES

3.1 Financial Management and Capital Works Progress Report (First Quarter)

Moved Cr B Little

Seconded Cr T Samardzija

That Council:

- 1. Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 30 September 2022, presented in accordance with Section 97 of the Local Government Act 2020.*
- 2. Approves the project variations contained therein.*

CARRIED

4. CITY SERVICES

4.1 Councillors' Meeting Records

Moved Cr S James

Seconded Cr S McCluskey

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

CARRIED

4.2 Council Meeting Schedule 2023

Moved Cr S McCluskey

Seconded Cr N Luo

That Council adopts the 2023 meeting schedule as detailed in Attachment 1 to this report.

CARRIED

4.3 Council Representation on Organisations/Committees

Moved Cr N Luo

Seconded Cr T Zographos

That Council appoints the Council representatives to the various organisations and committees for 2022/2023.

CARRIED

AMENDMENT

Moved Cr R Paterson

Seconded Cr G Lake

Adds a second point to the recommendation which reads:

2. Nominates Cr Brian Little, Cr Nicky Luo and Cr Rebecca Paterson as well as Director of Community Services Russell Hopkins as City of Monash representatives to the Eastern Innovation Business Centre Board.

2.a. And directs the Chief Executive Officer to write to the Acting Chief Executive Officer and the Chairperson of Eastern Innovation Business Centre requesting that its Constitution is amended before November 2023 so that Council nominates up to four (4) persons as Directors under clause 9.2.2, rather than requiring the appointment of three (3) Councillors at all times with the option of a Director level council employee as a fourth appointment.

The amendment was acceptable to the mover, seconder and all Councillors. The recommendation as amended became the substantive motion.

CARRIED

SUBSTANTIVE MOTION

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

CARRIED

4.4 Scotchmans Creek Trail, Stanley Avenue, Mount Waverley – Road Narrowing & Trail Widening – Project Budget Variation Exceeding CEO Delegation

Moved Cr J Fergeus

Seconded Cr B Little

That Council:

- 1. Approves an increase to the Project Budget for Project C09281 - Scotchmans Creek Trail - Stanley Avenue Road Narrowing & Trail Widening, Mount Waverley in the amount of \$80,000;***
- 2. Notes that the revised project budget will be \$200,000;***
- 3. Notes that the additional funding required for this project will be managed within delivery of the overall 2022/23 Capital Works Program.***

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

CARRIED

4.5 Governance Rules Amendments

Moved Cr S James

Seconded Cr N Luo

That:

The Council adopt the proposed Governance Rules amendments for the purposes of community engagement prior to consideration of the amendments in their final form in February 2023.

CARRIED

4.6 Monash Gallery of Art Revised Terms of Reference and Governance Rules

Moved Cr T Samardzija

Seconded Cr S McCluskey

That:

Council adopts the revised MGA Terms of Reference and Governance Rules.

CARRIED

4.7 MAV Board Regional Groupings Review

Moved Cr S McCluskey

Seconded Cr N Luo

That:

The Council write to the MAV advising its preference is Option One.

CARRIED

4.8 Oakleigh Recreation Centre – Outdoor Pools Filtration Upgrade

Moved Cr B Little

Seconded Cr N Luo

That Council:

- 1. Awards the tender from Walter J Pratt for Oakleigh Recreation Centre - Outdoor Pools Filtration Upgrade, Contract No. 2023051 for a fixed Lump Sum of \$758,890 with an extra \$75,889 for Contingencies, \$25,300 for Project Management fees and \$44,000 for Provisional Items;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence in early December 2022 and the expected completion date is 30 June 2023; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees and Provisional Items is \$904,079.*

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

CARRIED

4.9 Progress on Council's Journey to Net Zero

Moved Cr J Fergeus

Seconded Cr A de Silva

That Council notes the first Progress Report on the Zero Net Carbon Action Plan (ZNCAP) which provides a status of the nominated actions that have been

undertaken since the plan was endorsed in August 2020 to deliver carbon neutrality by 2025. Achievements to date include:

- *a 78% reduction of GHG emissions since the 2018-19 baseline*
- *a 28% reduction in electricity costs (equating to \$611,000 pa), and*
- *enhanced progress on projects to realise savings earlier.*

CARRIED

4.10 Tender for Receipt of Recyclables

Moved Cr N Luo

Seconded Cr B Little

That Council:

- 1. Awards the tender from Visy Recycling for Receipt of Recyclables, Contract No. 2022145 for a schedule of rates based contract with an estimated contract value of \$8,831,715 for the initial six year term and an estimated total contract value of \$13,904,777 inclusive of all available extension options;*
- 2. Notes that based on current volume trends, Bulk Cardboard will also provide an estimated \$455,400 of income for Council's Recycling and Waste Centre over the initial term of the contract.*
- 3. Authorises the Chief Executive Officer or their delegate to execute the contract agreements subject to satisfactory negotiation of the final Contractual Terms and Conditions;*
- 4. Notes that the contracted services will commence on 1 April 2023 with an initial term of six years and the contract has two (2) separate extension options of two (2) years each, and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*
- 5. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.*

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

CARRIED

4.11 Tender for Jingella Avenue, Ashwood – Road Reconstruction

Moved Cr T Zographos

Seconded Cr R Paterson

That Council:

- 1. Awards the tender from CDN Constructors Pty Ltd for Jingella Avenue, Ashwood – Road Reconstruction Contract No. 2023025 for the fixed Lump Sum Price of \$1,554,008.45 with an extra \$155,100 for Contingencies and \$78,100 for Project Management/Delivery Fees;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*

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3. *Notes that the contract is anticipated to commence on 23 Jan 2023 and the expected completion date is 21 August 2023;*
 4. *Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies and Project Management/ Delivery Fees is \$1,787,208.45; and*
 5. *Approves additional funding of \$412,208.45 required for this project*

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

CARRIED

4.12 Tender for Ladner Court, Ashby Court and Torquay Avenue, Chadstone – Road Reconstruction

Moved Cr S McCluskey

Seconded Cr S James

That Council:

1. *Awards the tender from Fulton Hogan Industries Pty Ltd for Ladner Court, Ashby Court and Torquay Avenue, Chadstone - Road Reconstruction, Contract No. 2023020 for a fixed Lump Sum of \$1,114,348.84 with an extra \$111,100 for Contingencies, and \$55,000 for Project Management/Delivery fees;*
2. *Authorises the Chief Executive Officer to execute the contract agreement;*
3. *Notes that the contract is anticipated to commence on 16 Jan 2023 and the expected completion date is 22 May 2023; and*
4. *Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies and Project Management/Delivery Fees is \$1,280,448.84; and*
5. *Approves additional funding of \$510,448.84 required for this project*

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

CARRIED

4.13 Tender for Drainage Pit & Pipe Works to Various Sites 2022-23

Moved Cr B Little

Seconded Cr N Luo

That Council, for the Drainage Pit & Pipe Works to Various Sites 2022-2023, Contract No. 2023005:

1. *Awards the tender from Accomplished Plumbing Services Pty Ltd for the following two (2) projects:*
Project A: Luke Street, Clayton for a fixed Lump Sum of \$346,057.80 with an extra \$70,000 for Contingencies, and \$16,500 for Project Management / Delivery Fees;
Project F: Panoramic Grove, Glen Waverley for a fixed Lump Sum of \$563,314.40 with an extra \$84,000 for Contingencies, and \$24,200 for Project Management / Delivery Fees;

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2. ***Awards the tender from Parkinson Group (VIC) Pty Ltd for the following three (3) projects:***
 - Project B: Willesden Road, Hughesdale for a fixed Lump Sum of \$165,656.69 with an extra \$17,000 for Contingencies, and \$7,500 for Project Management / Delivery Fees;***
 - Project C: Ashwood Drive, Ashwood for a fixed Lump Sum of \$206,497.09 with an extra \$20,000 for Contingencies, and \$9,000 for Project Management / Delivery Fees;***
 - Project E: Faulkner Street, Clayton for a fixed Lump Sum of \$290,308.01 with an extra \$29,000 for Contingencies, and \$13,200 for Project Management / Delivery Fees;***
 3. ***Awards the tender from CDN Constructors Pty Ltd for the following project:***
 - Project D: Florence Street, Burwood for a fixed Lump Sum of \$299,394.70 with an extra \$29,700 for Contingencies, and \$13,200 for Project Management / Delivery Fees;***
 4. ***Awards the tender from Comar Construction Pty Ltd for the following project:***
 - Project G: Gemini, Domino, Rochelle & Aquarius Court, Wheelers Hill for a fixed Lump Sum of \$465,196.60 with an extra \$69,300 for Contingencies, and \$20,900 for Project Management / Delivery Fees;***
 5. ***Authorises the Chief Executive Officer to execute the contract agreements;***
 6. ***Notes that all contracts will commence December 2022 and the expected completion date is June 2023;***
 7. ***Notes that the anticipated total project expenditure including the fixed Lump Sum, Contingencies, Project Management / Delivery Fees is \$2,759,925.29; and***
 8. ***Approves the additional funding of \$328,925.29 required for these projects and that this funding will be sourced from the Developer Contributions Program.***

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

CARRIED

4.14 Tender for Fregon Reserve Sportsground Lighting Upgrade

Moved Cr T Zographos

Seconded Cr S McCluskey

That Council:

1. ***Awards the tender from High Access Cabling Pty Ltd for Fregon Reserve Sportsground Lighting Upgrade, Contract No. 2023042 for a fixed Lump Sum of \$425,408.50 with an extra \$42,900 for Contingencies;***
2. ***Authorises the Chief Executive Officer to execute the contract agreement;***
3. ***Notes that the contract is anticipated to commence on 19 December 2022 and the expected completion date is 30 June 2023; and***
4. ***Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies and Project Management/ Delivery Fees is \$491,903.50***
5. ***Approves additional funding of \$99,203.50 required for this project.***

*(*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 T Samardzija

Seconded Cr S 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>JET Australia Foundation Ltd</i>	<i>Diwali and Karthika Festival held at the Clayton Community Hall.</i>	<i>\$646.10 (GST excl)</i>

CARRIED

6.2 Cassius Turvey

Moved Cr J Fergeus

Seconded Cr A de Silva

That Council:

- 1. Acknowledges and shares in the outpouring of grief and anger at the recent death of 15-year-old Noongar Yamatji boy Cassius Turvey;*
- 2. Reaffirms its solidarity with Aboriginal and Torres Strait Islander people against racism and injustice;*
- 3. Reaffirms its support for the 'Racism – It Stops With Me' campaign;*
- 4. Commits to ensuring the City of Monash is a safe and welcoming community for all people, free from racially-motivated hate and violence.*

CARRIED

6.3 Event in Railway Parade, Glen Waverley

Moved Cr N Luo

Seconded Cr B Little

That Council allocate the remaining funds from the grant (\$6162.85) to the Glen Waverley Traders Association to stage the 2022 Moon Festival towards an event which will activate the Railway Parade North, Glen Waverley area opposite Glen Waverley Bus and Train Station.

CARRIED

AMENDMENT

Moved Cr S James

Seconded Cr S McCluskey

Adds point 2 which reads:

Prior to funding being released, GWTA must provide a plan for activation activities to the satisfaction of Council officers.

The amendment was acceptable to the mover, seconder and all Councillors. The recommendation as amended became the substantive motion.

SUBSTANTIVE MOTION

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

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

8.1 Heatherton Park Closed Landfill

The Mayor advised they have an item of urgent business to discuss, however it is required to be considered in Confidential Business.

Moved Cr N Luo

Seconded Cr S McCluskey

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.

The Council moved into Confidential business at 8.17 pm.

9. CONFIDENTIAL BUSINESS

9.1 Monash David Conran Leadership & Integrity Award

The Council had moved into confidential business for urgent business and this item was considered at this point in time.

The Council moved into Open Council at 8.41 pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Cr Zographos acknowledged and thanked the outgoing MPs from the recent State Election including Neil Angus (State Member for Forest Hill) and Will Fowles (State Member for Burwood). Cr Zographos acknowledged and congratulated incoming MP John Mullahy (State Member for Glen Waverley).

The Mayor declared the meeting closed at 8.43pm.


MAYOR:

DATED 13 DECEMBER 2022