

MINUTES OF THE

MEETING OF COUNCIL

HELD ON 31 MAY 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 31 MAY 2022 AT 7.00 PM.

PRESENT

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

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

Nil.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 29 MARCH 2022

Moved Cr Little Seconded Cr Luo

That the minutes of the Meeting of the Council held on 29 March 2022, be taken as read and confirmed.

CARRIED

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 26 APRIL 2022

Moved Cr Samardzija Seconded Cr Little

That the minutes of the Meeting of the Council held on 26 April 2022, be taken as read and confirmed.

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PETITION

Cr Fergeus tabled a petition of 457 signatures from Wines on Poath in Hughesdale. The petition notes its opposition to the removal of the outdoor dining area.

Moved Cr Fergeus Seconded Cr James

That the petition be received.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that two questions had been received.

OFFICERS' REPORTS

1. <u>CITY DEVELOPMENT</u>

1.1 Town Planning Schedules

Moved Cr Samardzija Seconded Cr Luo

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 364-372 Huntingdale Road Oakleigh South – Construction and use of a two storey building for motor vehicle sales together with associated signage

Moved Cr Little Seconded Cr McCluskey

That Council resolves to Grant a Planning Permit (TPA/53369) for buildings and works to construct a building, use of the land for motor vehicle sales, erect internally illuminated signage, reduction of bicycle parking spaces and creation and alteration of access to a road in a Transport Zone 2, at 364-372 Huntingdale Road, Oakleigh South subject to the following conditions:

Amended Plans Required

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

The plans must be generally in accordance with the plans submitted to Council on 9 March 2022 prepared by i2C (DA04, DA06, DA07, DA09, DA10 Issue P3, DA05 Issue P4 & DA08 Issue P2), but modified to show:

- a) The number of car parking spaces on the ground level corrected to be '33' on the ground floor plan (DA05) and the roof plan (DA07) & total number of car parking spaces to '302' on the roof plan (DA07).
- b) The accessible parking spaces on the roof level repositioned closer to the lift facility.
- c) 8 customer bicycle parking spaces provided on ground level.
- d) A 6.4 metre aisle width to all car parking spaces on the roof level.
- e) Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- f) Any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to complement the architectural intent of the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on plans.
- g) Rainwater tank details in accordance with the Sustainability Management Plan.
- h) Numbering of each sign with respective dimensions on the elevations.
- i) Changes required by the Department of Transport in accordance with Condition 22.
- j) Changes required in accordance with the amended Waste Management Plan of Condition 6.

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscaping Plan

3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must show:

- a) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
- b) A minimum of five (5) canopy trees (minimum 1.5 metres tall when planted) within the front setback area. 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;
- c) Planting to soften the appearance of hard surface areas such as driveways and other paved areas;
- d) The location of any retaining walls associated with the landscape treatment of the site;
- e) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- f) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority;
- g) The location of external lighting (if any); all to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit.
- 4. Before the uses start, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority thereafter.
- 5. All external lighting must be designed, baffled, located and maintained to prevent light spill from the site causing any unreasonable amenity impacts on the locality, 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 (WMP) must be approved by the Responsible Authority. The plan must be generally in accordance with the WMP prepared by One Mile Grid, dated 28 January 2022 but revised to show the:
- a) Inclusion of the TPA number to the introductory section;
- b) Implementation details including provision of internal waste and recycling receptacles & food waste recycling, method of staff and customers interacting with the waste management system, principal to ensure adequate management of waste including food waste; and provision of a 5 to 7 litre food waste kitchen caddy in lunch room/ amenity rooms;
- c) Provision of scaled plans detailing the best practice waste management of e-waste; and
- d) Details of responsibility for the operation of the waste management system.

to the satisfaction of the Responsible Authority

When approved, the plans will be endorsed and then form part of the Permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

- 7. Prior to the commencement of any site works (including any demolition, vegetation removal and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. Once approved, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
- a) Pedestrian and cyclist access through and around the construction site including ongoing connections to the adjoining shared user path network;
- b) Appropriate measures to control noise, dust and water and sediment laden runoff;
- c) Appropriate measures to prevent silt or other pollutants from entering into the Council's drainage system or onto the road network;
- d) Appropriate measures relating to removal of any hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network or drainage system;
- f) A program for the regular cleaning and maintenance of the surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Measures to provide for public safety and 24 hour site security;
- i) A plan showing the location of parking areas for all construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to the surrounding location. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) A Traffic Management Plan showing truck routes to and from the site;
- k) A swept path analysis, using the largest truck anticipated on site, demonstrating the ability of trucks to enter and exit the site in a safe and timely manner.
- I) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- m) The provision of 24 hour contact details of key construction site staff; and
- n) Restriction on hours of work on site, including demolition, excavation or general construction works, to the following hours:

- Monday to Friday (inclusive) 7.00am to 6.00pm;
- Saturday 9.00am to 1.00pm;
- Saturday 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
- No works are permitted on Sundays or Public Holidays.

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

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

Sustainability Management Plan (SMP)

8. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by GIW Environmental Solutions Pty Ltd (Revision C) dated 21 January 2022.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Car Parking and Accessways

- 9. Before the uses start, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- a) constructed to the satisfaction of the Responsible Authority;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

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

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

Services and Plant Equipment

- 12. 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.
- 13. 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.

Loading and Unloading

14. All loading and unloading of vehicles must be carried out within the boundaries of the land and designated loading bays 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.

Noise

15. Noise levels generated from the uses on site must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

Storage of Goods

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

Signage

- 17. The location, layout, dimensions, structures and features of the approved signs shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 18. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

- 19. No flashing, intermittent or changing colour light is permitted to be displayed, except with the prior written consent of the Responsible Authority.
- 20. Signs must not be illuminated by external lights without the written consent of the Responsible Authority.
- 21. The intensity of lighting associated with the illumination of the advertising signs must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.
- 22. The sign must not:
- a) Dazzle or distract drivers due to its colouring;
- b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;
- c) Be able to be mistaken as an instruction to drivers. to the satisfaction of the Responsible Authority.

Drainage & Stormwater

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

Satisfactory Continuation

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

Department of Transport Conditions (Ref: PPR 38444/21)

- 25. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped 09.11.2021 and annotated "Oakleigh South Facility project 2021-211, drawing nos. DA05 (Proposed Ground Floor Plan) and DA02 (Site Analysis Plan) but modified to show either:
- a) the dimensions of crossover width and passing area which complies with the Monash Planning Scheme, if the southern crossover is proposed to cater for two-way vehicle movements; or
- b) provision of appropriate line marking and signage ('no exit') within the site, if the southern crossover is proposed to cater for entry movements only
- 26. Prior to the occupation of the development, the relocated northern crossover and widened southern crossover are to be constructed to the

satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

- 27. Prior to the occupation of the development, the disused/redundant northern vehicle crossover must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 28. Vehicles must enter and exit the site in a forward direction at all times.

Time for Starting and Completion

- 29. The approved signs of this Permit will expire 15 years from the date of issue of this permit
- 30. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before two (2) years from the date of issue.
- (b) The development is not completed before four (4) years from the date of issue.

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

- (i) within six (6) months afterwards if the development and/or use has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

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

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.
- C. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- D. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.

- E. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
- shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
- another Council approved equivalent.
- F. Any work within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
- G. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- H. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- I. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip to be constructed to Council standards. (A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit).

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

- J. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.
- K. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
- L. The proposed crossing will cause the relocation of 2 of the 11 existing indented bays outside the proposed site. The developer is to ensure these bays are provided in accordance with the AS 2890.1.
- M. Disabled access to the building must be provided to the satisfaction of the relevant Building Surveyor. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

- N. 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.
- O. Noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
- P. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- Q. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

Notes required by Department of Transport

R. The proposed development requires works within the arterial road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

CARRIED

1.3 15-17 Marriott Parade, Glen Waverley - Construction of a five storey building to be used as a child care centre, five townhouses and business identification sign

<u>Moved</u> Cr Luo <u>Seconded</u> Cr Samardzija

- A. That Council resolves that if it were in a position to make a decision, it would determine to refuse the application for a Planning Permit (TPA/53422) for the construction of a five storey building to be used as a child care centre, five (5) townhouses and a business identification sign at 15-17 Marriott Parade, Glen Waverley subject to the following grounds:
- 1. The proposal is inconsistent with Clause 22.09 of the Monash Planning Scheme Non-residential Use and Development in Residential Areas, as it fails to have appropriate regard to the residential environment and the amenity of the neighbourhood.
- 2. The proposal is inconsistent with the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 55 in regard to building height and scale, neighbourhood character, landscaping, private open space, front fencing and design detail.

- 3. The proposal fails to meet the design and built form policies of the Glen Waverley Major Activity Centre Structure Plan.
- 4. The proposal has not been designed to respect the site context or achieve good quality architectural outcome. The proposed built form is out of character due to excessive building height, scale and bulk, lack of separation between dwellings, excessive front fencing and insufficient landscaping opportunities.
- 5. The proposal represents a poor design outcome for the site and the area.
- 6. The proposal does not provide for adequate or appropriate landscaping outcomes and does not positively contribute to the Garden City Character.
- 7. The proposal will have a detrimental impact on the safety and performance of the surrounding streets and street network.
- 8. The traffic generated by the proposal is likely to cause adverse impacts to the safety, efficiency and amenity of the residential area.
- 9. The proposed development and signage would adversely affect the amenity of area and adjacent properties.
- 10. The proposal results in an overdevelopment within the context of the neighbourhood.
- 11. The proposal fails to satisfy the decision guidelines of clause 32.07 and 32.08.
- 12. The proposal will have adverse impacts to a Council street tree.
- B. That Council advise VCAT and all submitters of its position on this application.

1.4 Glen Waverley Traders Special Rate and Charge

Moved Cr Luo

Seconded Cr Lake

- 1. Council notes that:
- a) the Glen Waverley Traders Association (GWTA) has been canvasing traders in the Glen Waverley Activity Centre on the proposal for a Special Charge since December 2021.
- b) trading conditions and Covid impacts on business have made consultation and contacting business owners difficult which may have contributed to the low level of trader engagement.
- c) the GWTA has had some difficulty in contacting business and land owners and has not obtained written support from a majority of traders for the proposal.
- d) the information submitted by the GWTA does not show either majority support or majority opposition to the introduction of the Special Charge.
- e) the GWTA consultants interpretation of the "no response" and "awaiting response" as "support" potentially overstates the actual level of trader support for the proposed Special Charge and introduces a further element of risk of failure of the proposal should Council proceed to formal notice of the proposed Special Charge.
- f) the officer assessment of the responses to the GWTA consultation process shows approximately 27% confirmed support, 6% not supporting and 67% either no response or vacant.
- g) given the relatively low level of response indicating an objection to the proposed Special Charge and the difficulties experienced by the GWTA in undertaking consultation and obtaining feedback, although not without risk, there is some merit in undertaking a formal consultation process under the Local Government Act 1989.
- 2. Council resolves to give Notice of its Intention to Declare a Special Charge for the Glen Waverley Activity Centre, commencing 1 July 2022.
- 3. The following matters constitute the proposed declaration:
- a) The Glen 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 Glen Waverley Activity Centre.
- b) In declaring the Glen Waverley Activity Centre Special Charge, Council will be performing its functions of:
- i. encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Glen Waverley Activity Centre; and
- ii. providing good governance in its municipal district for the benefit and wellbeing of the municipal community.
- c) The total cost of performing the function and the maximum amount of the Glen Waverley Activity Centre Special Charge to be levied is \$107,750 per annum. This equates to a maximum of \$538,750 over a period of 5 years, exclusive of any CPI adjustments.

- d) The Glen Waverley Activity Centre Special Charge is to commence on 1 July 2022 and conclude on 30 June 2027.
- e) The Glen 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. 5-113 Kingsway, Glen Waverley
- ii. 2 110 Kingsway, Glen Waverley
- iii. 295 Springvale Road, Glen Waverley
- iv. 245-289 Springvale Road, Glen Waverley
- v. 40-54 Montclair Avenue, Glen Waverley
- vi. 161-193 Coleman Parade, Glen Waverley
- vii. 15-77 Railway Parade North, Glen Waverley
- viii. 52-60 O'Sullivan Road, Glen Waverley
- f) The criteria which forms the basis of the Glen Waverley Activity Centre Special Charge is the ownership of the land described area set out above.
- g) The Glen Waverley Activity Centre Special Charge is to be assessed and levied on the following basis:
- i. \$500.00 per annum for each rateable property comprising a single storey or ground floor premise; and
- ii. \$250 per annum for each rateable property comprising a 1st 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 Glen Waverley Activity Centre Special Charge because the viability of the Glen 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 Glen 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 Glen 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 community benefit is nil because expenditure of the Glen 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 Glen Waverley Activity Centre Special Charge Scheme.
- j) The Glen 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.
- 4. Council's Chief Executive Officer be authorised to give public notice of the proposed declaration of the Glen Waverley Activity Centre Special Charge, in accordance with section 163 of the Local Government Act 1989.
- 5. Council appoints a Committee of Council comprising of the Mayor and Glen Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 5 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 7.00pm on 12 July 2022 at the Monash City Council Civic Centre, 293 Springvale Road, Glen Waverley 7:00pm.

- 6. The Notice of Intention to declare the Glen Waverley Activity Centre Special Charge indicate that Council will consider the recommendation of the Committee of Council and determine whether to declare the Glen Waverley Activity Centre Special Charge at its Ordinary Meeting on 26 July 2022.
- 7. The proceeds of the Glen Waverley Activity Centre Special Charge be expended on activities and programs which:
- a) provide incentives to shop and do business within the Glen Waverley Activity Centre;
- b) strategically plan the fostering of business growth within the Glen Waverley Activity Centre;
- c) enhance customer service, pride and excellence in business within the Glen Waverley Activity Centre; and
- d) improve the commercial viability of the Glen Waverley Activity Centre.

CARRIED

1.5 Tender for Schematic Design and Report for Glen Waverley Precinct Project

Moved Cr Little Seconded Cr Luo

Awards the tender from ARM Architecture (ACN 22 476 949 399) for Contract No. 2022059 —Schematic Design & Report — Glen Waverley Civic Precinct Project (Project) for the fixed lump sum amount of \$586,630 with an extra \$50,000 for contingencies.

Authorises the Chief Executive Officer or their delegate to execute the Contract.

Notes that the Contract is anticipated to commence on 1 June 2022 for a period of 12 months.

Notes that there is budget allocated to this project in the 2022/23 budget which may also enable Council to commence the Detailed Design stage of the project depending on the time taken to complete this work. This would be a separate consideration and decision of Council.

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

1.6 Suburban Rail Loop Project

Moved Cr Lake

Seconded Cr Luo

- 1. Notes the update on Council's involvement in the Suburban Rail Loop East Environment Effects Statement (EES) Inquiry and Advisory Committee (IAC) hearing.
- 2. Notes that the IAC will generate a report and make recommendations to the

Minister for Planning by 23 June 2022, and that the Minister's assessment, which is expected in August, will inform other Government decision makers on

the approvals required for SRL East to proceed.

- 3. Notes the submission and position of Department of Transport (DoT) being: a) DoT has no plans to lower the Glen Waverley railway station and does not agree
- that the Project should be expanded to accommodate the Council's plans in respect of the Ring Road.
- b) DoT agrees that lowering of the Glen Waverley railway station and development of the Ring Road would be significant undertakings. It further notes that the feasibility of these projects has not been assessed and that the projects are not funded.
- c) DoT considers that the precinct planning process for Glen Waverley represents an obvious and appropriate opportunity to consider the future urban structure of the Glen Waverley Activity Centre, including what changes, if any, should be made to associated transport infrastructure.
- 4. Notes the submission of the SRLA that:
- a) The site nominated by the SRLA for the replacement of carparking spaces resulting from its acquisition of the Council owned car parks at Montclair Avenue is the existing Euneva West car park, immediately north of Railway Parade North.
- b) While there may not be an ideal location to replace those spaces, the site nominated by SRLA is within a comfortable walking distance of the Kingsway traders, and customers will still have the option of parking on-street or in the Bogong Avenue or Coleman Parade car parks. Whilst this is not seen as an adequate permanent solution, it can be secured and developed in a timely manner.
- c) little if any weight should be given to MCC's vision for a ring road requiring grade separation of the existing rail line whether this be on the basis of the 2014 Activity Centre Structure Plan or having regard to Council's aspirations over some years. There is a point where local structure planning must align with the plans of key agencies. DoT has yet again made it clear that it has no plan to provide grade separation at this location.
- d) Notes that the SRLA submission has disregard for Council's aspirations and vision for the future of the Activity Centre and ignores the comprehensive strategic planning work of Council, in consultation with the traders and community.

- e) Notes that Council's current car parking obligation to provide additional and
- replacement car spaces in the GWAC has been reduced from 706 car parking spaces to 704 car parking spaces not including any additional car spaces that may be displaced as a result of the project.
- f) Notes that Council will receive a report and further update on design work that is being undertaken for provision of additional carparking at the Bogong Avenue Multi-Deck Carpark.

Part B

That Council:

- 1. Endorses the following recommendations from the Glen Waverley Activity Centre Steering Committee to:
- a) Undertake community consultation and engages, updates and informs traders and residents on the process and outcomes proposed by the SRLA project in the Glen Waverley Activity Centre (GWAC), through Council's website, media, direct mail and where appropriate information sessions.
- b) Writes to all traders and residents within the 3150 post code and provide information on Council's discussions with the SRLA to date, including the matters and submissions made during the EES process across the whole GWAC, (understanding that the report of the IAC is yet to be delivered to the Minister for Planning, but that when this is public it may provide further clarity on matters and outcomes proposed in the GWAC);
- c) Notes that relevant considerations to the points above, including, but not limited to:
- (a) proposed road closures,
- (b) replacement and additional provision of parking;
- (c) opportunities for significant improvement in the GWAC that are not supported, being considered or within the scope of the SRLA project (as detailed by both SRLA and the Department of Transport) such as the proposed ring road and enhancements/improvements to the existing railway station and its relationship to the SRLA station
- (d) parking and traffic management; and
- d) Detailing the outcomes that Council believes should be considered as part of the SRLA project whether they are delivered as part of it, or that at a minimum are not compromised from being delivered in the future as a result of the SRLA project.
- 2. Maintains it qualified support for the SRLA project and the benefits it may bring but that the consultation/advocacy proposed is intended to create awareness of the limitations of the SRLA project scope and the benefits that could be delivered or planned for as part of this transformative project being a catalyst for change in the GWAC.
- 3. Agrees that:
- a. this consultation/advocacy process will enable traders and the community to provide feedback to Council on what is being proposed as well as feedback on Council's aspirations for the GWAC, including the identified improvements/benefits it believes should be provided for as a result of the SRLA project; and

- b. the community's feedback will assist Council in considering matters affecting the GWAC further as well as informing any advocacy that may be considered to ensure a shared vision to the benefit and improvement of the GWAC with the SRLA project as a catalyst for change.
- 4. Notes that:
- a. Council has received an undertaking from the CEO of the SRLA that the SRLA have not commenced any precinct planning work and that no work will commence without the involvement of Council and further, that the precinct planning work by the SRLA is not due to commence until 2023.
- b. Given a range of unresolved issues such as the location for replacement/additional car parking and improvements across the GWAC that Council is reliant on the outcome of this planning process. c. Supports the recommendation of the Glen Waverley Activity Centre Steering committee for Council to request that the State Government and the SRLA commence the precinct planning work immediately (recognising that the outcome of the EES process may provide further guidance), and in particular it is not understood why project scoping, initial work and community engagement could not commence understanding the importance of this work which will identify and provide solutions to important outcomes, directions and enhancements for the activity centre.
- 5. Notes that it will consider at a future Council meeting any further advocacy to
- both the Federal and State Government that may be needed arising from the consultation/advocacy with traders and residents as outlined in this recommendation.
- 6. Agrees to allocate resources and a financial contribution to facilitate this outcome.

CARRIED

1.7 Tender for Parking and Enforcement Services

Moved Cr McCluskey Seconded Cr James

- 1. Awards the tender from DCA Technologies Pty Ltd for the provision of Parking and Enforcement services, Contract No. 2022091 for a lump sum and schedule of rates based contract with an estimated annual contract value of \$3,532,835 and an estimated total contract value of \$39,580,000, subject to indexation and inclusive of all available extension options;
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement, subject to negotiations, if required; and
- 3. Notes that the contract will commence on 1 July 2022 with an initial term of six years and the contract has two extension options of two years each at

Council's sole discretion and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.

4. Notes that the entirety of the process was undertaken in conjunction with Council's appointed Probity Advisor as per policy guidelines.

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

CARRIED

1.8 Recreation Facilities – Proposed leases for the Waverley Basketball and Waverley Night Netball Association

Moved Cr McCluskey Seconded Cr Samardzija

1. Receives this report from the Committee established by Council 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 leases with the following local Not For Profit organisations for the delivery of recreation activities at the following Council owned sites:

Waverley Basketball Association Inc. – Batesford Basketball Centre, Batesford Reserve, 94 Batesford Road, Chadstone
Waverley Night Netball Association - Waverley Women's Sports Centre, 2-30 Jells Road Wheelers Hill

- 2. Notes the Committee met on Tuesday 17 May 2022 to hear and consider submissions received in respect of the proposal and notes that there were no submissions received.
- 3. Accepts the Committee's recommendation to grant a leases to the following organisations at the following Council owned sites:

 Waverley Basketball Association Inc. Batesford Basketball Centre, Batesford Reserve, 94 Batesford Road, Chadstone

 Waverley Night Netball Association Waverley Women's Sports Centre, 2-30 Jells Road Wheelers Hill
- 4. Having complied with its obligations under the Monash Community Engagement Policy, Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect leases for the following organisations at the following Council owned sites:

Waverley Basketball Association Inc. – Batesford Basketball Centre, Batesford Reserve, 94 Batesford Road, Chadstone

Waverley Night Netball Association - Waverley Women's Sports Centre, 2-30 Jells Road Wheelers Hill

1.9 Proposed road discontinuance of multiple unused roads forming part of Mount Waverley Reserve

Moved Cr Little Seconded Cr Samardzija

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to discontinue a number of roads, being the carriageway easements on Plan TP530016Q (Roads), which form Mount Waverley Reserve (Reserve) on the basis that they do not require the formal status of a road, and the land from the Roads should be retained by Council and consolidated with the various parcels of land forming the Reserve.
- 2. Notes that the S.223 Committee met on Tuesday May 17 2022 at 7.15pm to hear and consider any submissions received in respect of discontinuing the Roads and noting that there were no submissions received.
- 3. Accepts the S.223 Committee's recommendation as follows: The Committee resolved to recommend to Council that Council proceed with the discontinuance of the Roads and retain the land from the Roads to be consolidated with the surrounding Council land that forms the Reserve.
- 4. Authorise the CEO to:

a.

- i. publish a Notice of Road Discontinuance in the Victorian Government Gazette pursuant to Clause 3(a) of Schedule 10 of the Local Government Act 1989 noting Councils decision to discontinue the Road and retain the land; and
- ii. prepare and lodge with Council an application for certification of a plan of subdivision which will consolidate the land to be retained by Council with the surrounding Council land that that forms the Reserve; and
- b. prepare and execute all documents required in connection with, and to give effect to, the discontinuance of the Roads and the consolidation of the land from the Roads with the adjoining Council land that forms the Reserve.

CARRIED

2. **COMMUNITY SERVICES**

PROCEDURAL MOTION

Moved Cr James Seconded Cr Little

That standing orders be suspended to hear a question from a member of the public.

PROCEDURAL MOTION

Moved Cr James Seconded Cr McCluskey

That standing orders be resumed.

CARRIED

2.1 Off-Leash Area Review & Draft Off-Leash Policy

Moved Cr Samardzija Seconded Cr Lake

- 1. Notes the findings of the review of off-leash areas as presented in Appendix 1.
- 2. Notes the Draft Dog Off-Leash Policy as presented in Attachment A and that this draft:
 - incorporates the 16 key design principles endorsed by Council at the 30 November 2021 Council meeting; and
 - has been used to directly inform the review of off-leash areas as presented in Appendix 1 which identifies potential changes to existing and potential new off-leash areas.
- 3. Approve the public exhibition of the Off-Leash Area Review and Draft Dog Off-Leash Policy (Attachment A) for community feedback.
- 4. Approve temporary signage to be erected at reserves where changes to existing, new or potential off-leash or fenced off-leash areas are proposed to inform the community of these proposed changes and provide details on how they can have their say.
- 5. Consider the findings of the community consultation at a future meeting.

CARRIED

2.2 Monash Community Grants Program 2022/23

Moved Cr McCluskey Seconded Cr James

That Council approves the in-principle allocation of the 2022/23 Monash Community Grants Program budget (\$2,572,837), subject to the adoption of Council's 2022/23 budget, in the following way:

- a) Allocates a total of \$2,447,917.07 in financial and in-kind grant allocations to local community groups and organisations in line with the Monash Community Grants Program Policy & Guidelines.
- b) Allocates \$100,000 and any residual MCGP budget for the continuation of the successful Quick Response Grant program to enable Council to continue assisting the community throughout the funding year.

c) Allocates \$6,000 to provide funding for Mental Health First Aid training, or training to assist sporting clubs to meet the requirements for the Active Monash Sports Club Framework, on application.

AMENDMENT

Moved Cr Little Seconded Cr Samardzija

In the Community Events section add:

• 2223CE0014 SHMFA Spirit Harmony Multicultural Festival \$1,000 in cash, \$1,324.64 in In-kind Hall hire

In the Community Strengthening section add:

- 1. 2223CS0019 Friends of the Children Spirit of Humanity Get Together \$1,000 in cash and \$848.27 in in-kind hall hire
- 2. 2223CS0043 Telugu Yoga Yoga and Wellbeing classes \$1500 in cash

In the Halls Only section, amend the following item:

• Samedhi Sathkara Weekly Meditation Program. Increase in-kind hall hire from \$1,000 to \$2,016. Including the \$210 for a Zoom subscription that would take their total contribution to \$2,226.

As a result of these changes, the section totals would change as follows:
Community Events
\$28,175 plus \$1,324.64 in in-kind hall hire
Community Strengthening:
\$194,171 in cash and \$62,286.04 in in-kind hall hire
Hall Hire only - \$18,365.25

In total these additional contributions will add \$6.688.91 in cash and in-kind hall hire to the MCGP for 2022/23 taking the overall total contribution to \$2,454,605.98.

These additional contributions will require a change to the recommendation box as follows: Recommendation a) will now read "Allocates a total of \$\$2,454,605.98 in financial and in-kind grant allocations to local community groups and organisations in line with the Monash Community Grants Program Policy and Guidelines".

CARRIED

SUBSTANTIVE MOTION

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

2.3 2021/22 Monash Quick Response Grants Program Recipients

Moved Cr McCluskey Seconded Cr Luo

That Council notes the successful applications that have been funded through the two streams of the Quick Response Grant program during the period 10 March to 27 April 2022 to a total of \$14,550.00.

CARRIED

3. **CORPORATE SERVICES**

3.1 2021/22 Financial Management and Capital Works Progress Report – Third Quarter 31 March 2022

Moved Cr Samardzija Seconded Cr Luo

- 1. Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 31 March 2022, presented in accordance with Section 97 of the Local Government Act 2020.
- 2. Approves the project variations contained therein.

CARRIED

4. <u>INFRASTRUCTURE & ENVIRONMENT</u>

4.1 Tender for Residual Waste Processing

Moved Cr Little Seconded Cr James

- 1. Awards the tender from Solo Energy (Victoria) Pty Ltd for Residual Waste Processing Services, Contract No. 2022117 for a schedule of rates based contract with an estimated initial annual contract value of \$9,796,552 for the first year and an estimated contract value of \$51,752,584 for the initial five year term and an estimated total contract value of \$118,134,726 inclusive of all available extension options;
- 2. Authorises the Chief Executive Officer or their delegate to execute the contract agreements subject to satisfactory negotiation of the final Contractual Terms and Conditions; and
- 3. Notes that the contracted services will commence on 1 April 2025 (or earlier if mutually agreed), with an initial term of five years and the contract has one (1) extension option of five (5) years, and authorises the Chief Executive Officer to approve extension option at the sole discretion of Council.

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

Councillor Josh Fergeus abstained from the vote.

CARRIED

4.2 Propose Special Charge Scheme for Solar Savers Program

Moved Cr Fergeus Seconded Cr McCluskey

Gives notice of its intention to declare a special charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:

- I. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special charge and concluding on the eighth anniversary of that day.
- i. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the solar savers scheme, which project:
- a) Council considers there will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and
- b) arises out of Council's functions of promoting economic and environmental sustainability, advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- ii. The total:
- a) cost of performing the function described in paragraph 1(ii) of this resolution be recorded as \$52,993.52; and
- b) amount for the special charge to be levied be recorded as \$52,993.52, or such other amount as is lawfully levied as a consequence of this resolution.
- iv. The special charge be declared in relation to all rateable land described in the table included as Attachment 1 to this report, in the amount specified in the table as applying to each piece of rateable land.
- v. The following be specified as the criteria which form the basis of the special charge so declared:
 - ownership of any land described in paragraph 1(iv) of this resolution.
- vi. The following be specified as the manner in which the special charge so declared will be assessed and levied:
- a) a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the solar savers scheme, in respect of which a householder agreement has been executed, totalling \$52,993.52, being the total cost of the scheme to Council; and
 - b) to be levied each year for a period of 8 years.
- vii. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(iv) of this resolution will, subject to a further resolution of Council, pay

the special charge in the amount set out in paragraph 1(vi) of this resolution in the following manner:

- a) payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
- b) payment annually by ten instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.

 Notes that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
- 2. For the purposes of having determined the total amount of the special charge to be levied:
- i. Notes that only those rateable properties included in the solar saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by council; and
- ii. Determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.
- 3. Gives public notice in The Age newspaper of Council's intention to declare, at its ordinary meeting to be held on 26 July 2022, the special charge in the form set out above.
- 4. Determines that separate letters, enclosing a copy of this resolution, Attachment 2 to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- 5. Convenes a committee for the purposes of hearing of submissions, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- 6. Authorises the Chief Executive Officer or their delegate to carry out any and all other administrative procedures necessary to enable council to give effect to this resolution and to carry out its functions under sections 163, 163A, 163B and 223 of the Act.

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meeting Records

Moved Cr McCluskey Seconded Cr Luo

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

CARRIED

5.2 Tender for Infor Pathway Professional Services Panel

Moved Cr McCluskey Seconded Cr Little

- 1. Awards the tenders from allaboutXpert Australia Pty Ltd, Infor Global Solutions Pty Ltd, Atturra Business Applications & Rohan Lopes for a schedule of rates based contract (2022144) with an estimated annual contract value of \$275,000 and a total estimated contract value of \$1,375,000 inclusive of all available extension options (CPI to be calculated annually) for the delivery of Infor Pathway Professional Services;
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and
- 3. Notes that the contract will commence on 01st June 2022 or shortly thereafter with an initial term of three years with one separate extension option of two years and authorises the Chief Executive Officer to approve the extension option subject to satisfactory performance.

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

5.3 CEO Employment and Remuneration – Appointment of Independent Advisor

Moved Cr James Seconded Cr Little

- 1. Adopts the recommendation of the CEO Employment & Remuneration Committee that Mr Rob Spence be appointed as Independent Advisor to Council for a period of up to four (4) years, with the possibility of a one (1) year extension.
- 2. Approves payment to Mr Spence of \$5,000 per annum for his services as Independent Advisor to Council.
- 3. Notes that the possibility of exercising the one (1) year extension will be the subject of a report from the Committee to Council.
- 4. Notes that all other applicants will be advised of Council's decision and thanked for their interest in the position.

CARRIED

6. <u>NOTICES OF MOTION</u>

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr James Seconded Cr McCluskey

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

| APPLICANT | PURPOSE | AMOUNT RECOMMENDED |
|------------------------------|--|---------------------------|
| Rotary Club of Glen Waverley | Semi Annual Rotary Book Sale. Hall Hire Funding. | \$1,134.50 (GST excl.) |

CARRIED

6.2 Updating Council's Walking & Cycling Strategy - Cr de Silva

Moved Cr de Silva Seconded Cr James

- 1. Directs officers to update the Monash Walking and Cycling Strategy, with consideration given to matters including but not limited to:
- the prioritisation of walking and cycling identified in the Council Plan;
- improvements to safety and perceived safety in public spaces for women, girls, and gender diverse people, reflecting responses received from women and gender diverse people through the recent YourGround consultation;
- closing key gaps in the cycling network; and
- identifying and signposting primary and secondary pedestrian routes.

6.3 MAV State Council Motion - Mayor

Moved Cr James Seconded Cr Little

1. Supports the motion to the Municipal Association of Victoria June 2022 State Council requesting State Government support changes to the current funding model for school crossing supervision.

The motion to be submitted is:

That the MAV seek a commitment from the State Government for a new funding model for school crossing supervision which does not impose costs on ratepayers and residents for a service that is unrelated to core Local Government functions.

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

<u>Moved</u> Cr Zographos <u>Seconded</u> Cr Klisaris

That the matter of Continuing Temporary Enhanced Outdoor Dining on Roads be admitted as an item of Urgent Business.

CARRIED

8.1 Continuing Temporary Enhanced Outdoor Dining on Roads

Moved Cr Zographos Seconded Cr Klisaris

That Council

- Directs the Chief Executive Officer to prepare options for the adoption of a permanent model for Enhanced Outdoor Dining in the City of Monash, and that these options be presented to Council no later than May 2023.
- 2. Resolves to allow temporary Enhanced Outdoor Dining on roads to continue until 30 June 2023 to allow time for the consideration of potential permanent models and that in addition to the standard conditions (such as the need for public liability insurance) that were included on previous permits, any approval includes and is subject to the following conditions/requirements:
 - a. The permit is valid upon the issuing of the relevant permit and receipt of the fees set out in point two of this recommendation

- b. That any temporary enhanced trading area, where that trading area encroaches upon the frontage of an adjacent building or business, will only be approved where the consent of neighbouring business has been obtained. Where consent is not able to be obtained, trading will only be allowed directly in front of the premises the subject of the application.
- c. The permit holder signs an acknowledgement that no further permits will be issued or entertained beyond the expiry date, and that the granting of this permit does not enable any claim to continuation of this area, or the further consideration of the area as a trading area, unless as otherwise may be agreed upon by Council.
- d. The permit will require that all available footpath trading areas are utilised to their maximum extent with tables and chairs (including payment of the requisite trading fees) before any additional enhanced area is considered and approved.
- e. Any enhanced trading area approved must be available for trade and be available for use at all times that the business is open for trade.
- 3. Resolves that the following fees will apply:
 - a. Fee per parking bay (2.4m x 5.4m) that forms any part of the trading area \$3380 per annum or \$260 per m2, whichever is greater
 - b. Fee per chair \$418.60 per annum
 - c. Fee per plastic delineator \$15 per week
 - d. Fee per concrete delineator \$3 per week
 - e. Plastic delineator removal fee \$1000 per site OR Concrete delineator removal fee \$2550 per site (dependent on which is installed)
 - f. Concrete delineator cleaning fee \$500 per delineator
- 4. Notes that Council makes no commitment to establish a permanent model of Enhanced Outdoor Dining, notwithstanding the intent of this motion.

DIVISION

For: Councillors de Silva, Fergeus, Klisaris, Zographos

Against: Councillors James, Samardzija, Lake, Little, Luo, McCluskey, Paterson

LOST

URGENT BUSINESS

<u>Moved</u> Cr James <u>Seconded</u> Cr Samardzija

That the matter of Permanent Enhanced Outdoor Dining be admitted as an item of Urgent Business.

8.2 Permanent Enhanced Outdoor Dining

<u>Moved</u> Cr James <u>Seconded</u> Cr Samardzija

That Council resolves to consider a motion from the Mayor on permanent outdoor dining at the June Council meeting.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr Samardzija Seconded Cr Little

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

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.03 pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Cr Zographos acknowledged the outgoing Federal MPs from the recent election and congratulated Federal MPs who have been appointed as a Minister.

Cr Little reported that he and Councillor Luo have been part of planning sessions for a seniors month.

Cr James acknowledged the incoming Federal MPs that sit within the Monash area.

The Mayor declared the meeting closed at 8.06 pm

MAYOR:

DATED THE 28th OF JUNE 2022