



CITY OF
MONASH

MINUTES OF THE MEETING OF

COUNCIL

HELD ON 25 JULY 2023

at 7.03 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 25 JULY 2023 AT 7.00 PM.**

MAYOR'S STATEMENT

The Mayor acknowledged the attendance of Norm and Topsy Gibbs who have been very involved in the Monash City community.

PRESENT:

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

APOLOGIES

Councillor: S James

DISCLOSURES OF INTEREST

Cr T Zographos declared a general interest in Item 1.1 Town Planning Schedules and will leave the Chamber before voting and discussion on the item.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETINGS HELD ON 30 MAY 2023

Moved: Cr Zographos

Seconded: Cr Little

That the minutes of the Meetings of the Council held on 27 June 2023 and the Additional Meeting on 4 July 2023, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that thirty (30) public questions had been received. Two questions were rejected in accordance with the Governance Rules.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 TOWN PLANNING SCHEDULES

Cr Zographos declared an interest in this item and left the Chamber at 7.34pm before discussion and voting.

Moved Cr Little

Seconded Cr Fergeus

That the report containing the Town Planning Schedules be noted.

CARRIED

Cr Zographos returned to the Chamber at 7.35pm.

1.2 501-521 POLICE ROAD, MULGRAVE - CONSTRUCTION OF 27 DWELLINGS WITH ASSOCIATED SUBDIVISION AND ALTERATION OF ACCESS TO A ROAD IN TRANSPORT ZONE 2 (TPA/54219)

Moved Cr McCluskey

Seconded Cr Luo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/54219) for the construction of 27 dwellings with associated subdivision and alteration of access to a road in Transport Zone, at 501-521 Police Road, Mulgrave subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Millar Merrigan (Revision 4 dated 31.01 2023) but modified to show:

a) Dwelling 16 revised as follows:

- Deletion of the first-floor bedroom 2 and ensuite and walk in robe footprint with no other changes to setbacks;***
- Provision for a pitched roof and deletion of the parapet wall at ground floor to the entry, study and laundry;***

b) Shadowing cast by Dwellings 16 and 17 to comply with Standard B21 of Clause 55.04-5.

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- c) A minimum 5m rear setback to Dwelling 17 from the northern boundary of the site, with no other reduction of setbacks.*
 - d) Relocation of the two (2) visitor parking spaces between Lots 16 and 17 and provided adjacent to the communal open space area and remaining visitor spaces.*
 - e) The vehicle turning area at the eastern end of the accessway redesigned to allow for the SWEPT path of the garbage truck to not impact footpaths or crossovers.*
 - f) Provision of indented car parking spaces on the eastern side of Katoomba Drive adjoining the side boundary of 15 Katoomba Drive in accordance with Condition 13.*
 - g) A detailed plan showing the connection of the vehicle accessway and pedestrian pathways to Katoomba Drive including the location of all cut and fill and retaining walls.*
 - h) All existing vehicle crossings to Police Road to be removed and footpath and nature strip reinstated to Council standards.*
 - i) A notation to read 'all trellis is to be freestanding'.*
 - j) Inclusion of a notation to read 'a tree protection fence must be erected around all trees that are to be retained, including street trees and trees on neighbouring properties. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority'.*
 - k) Notation to read 'all trees to be retained (street trees and trees on neighbouring properties) shall be protected in accordance with the protection measures in the arborist report prepared by ArborReport Victoria dated 05.11.2022.*
 - l) Location of the easements and any infrastructure required by United Energy.*
 - m) An amended Landscape Plan in accordance with Condition 3.*
 - n) A Tree Management Plan in accordance with 7.*
 - o) An amended Waste Management Plan in accordance with Condition 8.*
 - p) An amended Sustainability Management Plan in accordance with Condition 10.*

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscaping Plan

- 3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Millar Merrigan, date January 2023 except that the plan must show:***
 - a) All changes and notations required by Condition 1;***
 - b) The location of external lighting (if any);***
 - c) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas; and***
 - d) Details of the location of rain gardens.******all to the satisfaction of the Responsible Authority.***
- 4. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.***
- 5. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.***
- 6. 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.***

Tree Management Plan

- 7. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of trees on the site and adjoining properties and the Council Street tree in Police Road.***

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

- a) A Tree Protection Plan drawn to scale that shows:***

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

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

Waste Management Plan

8. *Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Urban Leaf Revision 2 dated 27.06.2022 but modified to show:*
 - a) *Private collection to be undertaken from within the boundaries of the site;*
 - b) *The purpose of the Waste Management Plan in accordance with the Monash Guidelines;*
 - c) *Description of the development to include street access and existing land use;*
 - d) *Correct waste volume calculation to include food organics;*
 - e) *Correct calculation of glass waste;*
 - f) *Correct calculations of bins requirement, including for food organics and glass waste;*
 - g) *Bin collection areas to be shown;*
 - h) *Accessibility for the collection truck, supported with swept path within the site in the Waste Management Plan;*
 - i) *Hard waste, e-waste and clothing textile waste storage and collection point, including a coloured legend indicating each bin type in the basement storage area; and*
 - j) *A communication strategy for occupiers.*

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

9. *Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:*
- a) *Appropriate measures to control noise, dust and water and sediment laden runoff;*
 - b) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
 - d) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;*
 - e) *A program for the cleaning and maintaining surrounding road surfaces;*
 - f) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
 - g) *Measures to provide for public safety and site security;*
 - h) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
 - i) *A Traffic Management Plan showing truck routes to and from the site;*
 - j) *A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
 - k) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
 - l) *The provision of contact details of key construction site staff; and*
 - m) *Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:*
 - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*

- *Saturday – 9.00am to 1.00pm;*
- *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)*

No works are permitted on Sundays or Public Holidays except with the prior written consent of the Responsible Authority.

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)

10. *Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Urban Leaf dated 21 November 2022 but modified to show the development layout in accordance with the requirements of Condition 1.*

Car Parking and Accessways

11. *Before the use starts or any part of the building is occupied, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *Fully constructed.*
 - b) *Properly formed to such levels that they can be used in accordance with the plans.*
 - c) *Surfaced with an all-weather sealcoat.*
 - d) *Drained, maintained and not used for any other purpose.*
 - e) *Line-marked to indicate each car space and all access lanes.**all to the satisfaction of the Responsible Authority.*

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

2. *Any modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*
3. *All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.*

Construction of Public Parking Spaces

12. *Prior to the commencement of the development, detailed engineering plans for civil works along Katoomba Drive are required to be submitted to Monash City Council Engineering Department for approval. These plans must include the provision of indented car parking on the eastern side of Katoomba Drive*

adjacent to No. 15 Katoomba Drive, and any modification to the footpath and nature strip along Katoomba Drive.

- 13. Prior to the development commencing the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:**
- a) The owner and management of the development accept all ongoing costs associated with the construction of new indented car parking spaces and associated pedestrian pathway on Katoomba Drive.**
 - b) The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.**
- 14. Prior to the occupation of any dwellings, or by such later date as approved in writing by the Responsible Authority, the approved public parking spaces must be completed at no cost to Council and to the satisfaction of the Responsible Authority.**

Privacy screens

- 15. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.**

Services and Plant Equipment

- 16. 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.**
- 17. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the buildings unless otherwise agreed to in writing by the Responsible Authority.**
- 18. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.**

Drainage & Stormwater

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

Subdivision

- 20. *The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Public Open Space Levy

- 21. *Prior to Statement of Compliance the applicant or owner shall pay the Council an amount equal to 5 per cent of the site value of all the land in the subdivision, pursuant to the Schedule to Clause 53.01 of the Monash Planning Scheme. The amount shall be paid in accordance with Section 18 of the Subdivision Act and is valued and may be varied in accordance with Section 19 of the Subdivision Act.***

Telecommunications

- 22. *The owner of the land must enter into an agreement with:***
- *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
- 23. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
 - *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Statement of Compliance

- 24. *Prior to the issue of a Statement of Compliance for this subdivision:***
- *the development, including landscaping and storm water drainage works, must be completed in accordance with Planning Permit No. TPA/54219 to the satisfaction of the Responsible Authority; or***

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- *the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual provisions, the agreement must provide for the following matters:*
 - a) *Except with the consent of the Responsible Authority, the land and any lot created by the subdivision of the land may only be developed in accordance with the development authorised in Planning Permit No. TPA/54219 and depicted in the plans endorsed under that permit;*
 - b) *Each dwelling shall not be occupied or used until all works, including landscaping and drainage for the respective dwelling has been completed;*
 - c) *Lodge with the Responsible Authority, a bond, bank guarantee or similar security equivalent to either;*
 - *150% of the cost of landscaping each unfinished lot and/or the common property of the proposed development, or*
 - *\$5,000 per unfinished dwelling*

whichever is the greater, for the satisfactory completion of the development of the land and the landscaping works.

 - d) *In the event that the landscaping works are not provided to the satisfaction of the Responsible Authority, the Responsible Authority may provide the landscaping works and deduct the cost thereof (including supervision) from any bond, bank Guarantee or similar security lodged pursuant to agreement; and*
 - e) *The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.*

25. *Prior to the issue of a Statement of Compliance, consent/advice from a registered Building Surveyor must be provided to Council to indicate that the location of the proposed subdivision boundaries comply with the Fire Separation Provisions of the Building Code of Australia, including separating walls and openings near boundaries, together with the requirements of the Building Regulations.*

Yarra Valley Water Requirements

26. *Water:*
The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

27. *Sewerage:*
The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

United Energy requirements

28. *The United Energy referral comments dated 6 October 2022 reference 350008903 shall be supplied to the applicant in its entirety.*
29. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*
30. *The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor’s requirements and standards.
(Notes: Extension, augmentation or rearrangement of the Distributor’s electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.)*
31. *The applicant shall ensure that existing and proposed installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
(Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.)*
32. *The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
(Notes: Areas set aside for substations will be formalised to the Distributor’s requirements under one of the following arrangements.*
- *RESERVES established by the applicant in favour of the Distributor.*
 - *SUBSTATION LEASE for a period of 30 years with rights to extend the lease for a further 30 years.*
- The Distributor may register such leases on title by way of a caveat prior to the registration of the plan of subdivision.)*
33. *The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new power lines to service the lots or adjust the positioning existing easements.*
- Notes:*
- *Existing easements may need to be amended to meet the Distributor’s requirements.*
 - *Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:*

<i>Easement Reference</i>	<i>Purpose</i>	<i>Width (metre)</i>	<i>Origin</i>	<i>Land Benefited/In favour of</i>
	<i>Power Line</i>		<i>Section 88 - Electricity Industry Act 2000</i>	<i>United Energy Distribution Pty Ltd</i>

Satisfactory Continuation

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

Time for Starting and Completion - Development

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

- (a) The development is not started before two (2) years from the date of issue.**
- (b) The development is not completed before four (4) years from the date of issue.**
- (c) The use is not started before 4 years from the date of issue.**

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

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

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

Permit Expiry - Subdivision

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

- The plan of subdivision is not certified with two (2) years of the date of this permit; or**
- The plan of subdivision is not registered within five (5) years of the date of certification.**

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

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 works within the Road Reserve and for stormwater connections and these works are to be inspected by Council.**
- C. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the**

drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au

- D. Stormwater is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to any stormwater drainage works commencing.*
- E. The design parameters for the internal detention system are to be obtained from Council's Engineering Department (mail@monash.vic.gov.au). In some circumstances a drainage contribution may be accepted in lieu of a detention system. This drainage contribution is based on the proposed hard surfaced areas and is calculated at the time of the drainage plan approval.*
- F. Stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled onto adjoining properties or the road reserve.*
- G. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.*
- H. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*
- I. All disused or redundant vehicle crossovers must be removed; and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.*
- J. Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.*
- K. 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.*
- L. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit or other services. Approval from the affected service authorities is required as part of the vehicle crossing application process.*
- M. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- N. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.*

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- O. The starting of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.*
- P. Condition 21 – Public Open Space Contribution has been derived from the Schedule to Clause 53.01 of the Monash Planning Scheme and payment of the contribution is required by Section 18 of the Subdivision Act. Valuations are made and may be varied in accordance with Section 19 of the Subdivision Act. Valuations are valid for 12 months. After this time a re-valuation will be applicable.*
- Q. A fee applies for the Responsible Authority to prepare the Section 173 Agreement.*

CARRIED

1.3 PROPOSED AMENDMENT C157 - FIXUP OF PUBLIC LAND ZONING ANOMALIES

Moved Cr Little

Seconded Cr de Silva

That Council:

- 1. Notes the parcels of land proposed to be rezoned to a public land zone to more accurately reflect their function.*
- 2. Request the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C157.*
- 3. Authorise the Director City Development to prepare and finalise Amendment C157 documentation in accordance with this report.*
- 4. Upon receiving authorisation from the Minister for Planning, exhibit Amendment C157 in accordance with Section 19 of the Planning and Environment Act 1987.*

CARRIED

1.4 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) MEMBERSHIPS

Moved Cr Fergeus

Seconded Cr Little

That Council:

- 1. Resolves to continue membership of the Council Alliance for a Sustainable Built Environment (CASBE) through signing a three-year Memorandum of Understanding with the Municipal Association of Victoria (MAV).*
- 2. Delegates authority to the Chief Executive Officer to sign the Memorandum of Understanding to formalise the membership over its three-year term.*
- 3. Notes that remaining a member of CASBE will enable Council's continued access to the Built Environment Sustainability Scorecard (BESS) tool to enable Environmentally Sustainable Design assessments of planning applications, in compliance with the Environmentally Sustainable Development Policy (Clause 22.13) of the Monash Planning Scheme.*
- 4. That officers update Council of the progress of the project through the Environmental Advisory Committee.*

CARRIED

1.5 HOUSING PROPOSAL – 65A POWER AVENUE CHADSTONE – COMMUNITY ENGAGEMENT OUTCOME

Moved Cr Little

Seconded Cr Paterson

That Council:

- 1. Notes that Officers wrote to HousingFirst Ltd to advise that they are the preferred submitter for the design, construction, and ongoing management of 65A Power Avenue Chadstone for the provision of Social Housing, and that HousingFirst responded that subject to funding and planning consent, that they will be able to deliver the Proposal as outlined in their Expression of Interest submission.*
- 2. Note that given the response to Item 1 above, that the Expression of Interest process for the design, construction, and ongoing management of 65A Power Avenue Chadstone, for the provision of Social Housing is now complete and HousingFirst Limited is the successful submitter.*
- 3. Notes that the community engagement on the Housing Proposal - 65A Power Avenue Chadstone commenced on 19 April 2023 and closed on 14 June 2023 and included two community information sessions.*

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4. *Receives and notes the local resident feedback in response to the community engagement process on the Housing Proposal – 65A Power Avenue Chadstone as outlined in this report and in Attachment 1 (Community Engagement Report).*

 5. *Resolves that further to the Community Engagement, Council will seek the following changes from HousingFirst as part of a proposal to lease:*
 - *A reduction in the Council land available for use at the eastern end of the site which is to remain as land (in addition to the adjacent Vic Track land) for use by local residents.*
 - *That the proposed development (excluding balconies) is setback a minimum 7.6 metres to Power Avenue property boundary, a 2 minimum metre setback to Railway Parade South property boundary, with a minimum 1 metre to the shared path at any closest point, a maximum site coverage (50%) and minimum permeability (30%).*
 - *That the third storey element should be closer to Power Avenue rather than at the eastern end, the upper storey should be set back from the lower two levels to create a more recessed upper level as presented to the streets. A part fourth storey may be acceptable but only at the Power Avenue end of the development and only if needed to accommodate the vehicle access relocation.*
 - *That the building has finished floor levels as required by Melbourne Water, as the western part of the land is affected by a Special Building Overlay, which indicates the potential for flooding and to ensure that the finished floor levels sit greater than the flooding level.*
 - *That vehicle access to the building occurs from Power Avenue, rather than Railway Parade South, to reduce the length of the ramp access required. The location of the vehicle access is subject to Councils approval.*
 - *That hard paving adjacent to Railway Parade South including the lobby and bike workshop area should be reduced/redesigned to allow for landscaping to soften the building form.*
 - *The proposed apartments should comply with the Better Apartment Design Guidelines with respect to internal amenity (Clause 55.07 – communal open space, solar access to communal open space, noise impacts, accessibility, private open space, storage, functional layout, room depth, windows, natural ventilation).*
 - *The staggering of balconies on the south side of the building to allow for all balconies on the southern side to achieve morning eastern sunlight and improved articulation.*
 - *Compliance with energy efficiency and stormwater requirements (Clause 53.18, Clause 55.07-1, Clause 55.07-5, Clause 22.04, Clause 22.13).*
 - *That the development applies acoustic treatment to any apartments facing the railway line including those with oblique views. Apartments should be designed and constructed to achieve the following noise levels:*

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- *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
 - *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
 - *External walls and materials should be of a high quality, robust, weather well over time and not easily stain or deteriorate (such as brick, stone, metal).*
 - *Any services (electrical meters, fire pumps) should be integrated within the development and located away from street setbacks where possible.*
 - *Waste collection should be via a private contractor, with collection occurring from within the basement. Waste vehicles will need to be able to enter and exit the basement in a forward direction.*
 - *Standard car parking rate for dwellings with a minimum of one car space for each 1 or 2 bedroom dwelling and two car spaces for each 3 + bedroom dwelling.*
 - *The shared bicycle path must be retained along the Railway Parade frontage, unless other arrangements are made to relocate it onto the Vic Track owned land to the north of the land.*
 - *Installation at the developers cost of one (1) road hump to the north of the new vehicle crossing into the site to ensure lower vehicle speeds to Council's satisfaction.*
 - *Any unused carspace should be made available for use as a visitors car space. This is to be managed by the site manager.*
6. *That given Item 5 above, and subject to appropriate schematic plans being presented to Council that satisfy the above requirements, with the above requirements also forming part of any proposed lease, agree to direct Council's Chief Executive Officer or her delegate to negotiate an Agreement to Lease and a Lease with HousingFirst Limited for the purpose of design, construction, and ongoing management of 65A Power Avenue Chadstone, for the provision of Social Housing, incorporating the following terms and conditions:*
- *Rent: \$1.00 per annum + GST*
 - *Rent Reviews: not applicable*
 - *Term: 50 years ('the Proposal to Lease')*
 - *Council (as landowner) to approve design documents which are consistent with the conditions in Item 5 above prior to the submission of a planning application.*
 - *The tenant is to provide to Council no later than 30 days after the endorsement of any plans under a planning permit, a copy of the planning permit and endorsed plans to ensure that they comply with the requirements of Item 5 above before the commencement of any development on the land.*
 - *If Funding cannot be achieved within 24 months of the signing of the Agreement to Lease, Council may terminate the agreement or extend the deadline.*

-
- *If the tenant has not applied for a planning permit within 12 months of confirming Funding, then Council may terminate the agreement or extend the deadline.*
 - *If the tenant cannot obtain planning approval, the tenant may only request one extension of up to 6 months from 12 months from the date of lodgement of the planning permit. If the tenant has thereafter been unsuccessful in obtaining planning approval, either party may terminate the agreement.*
 - *Unless otherwise agreed, the lease is able to be terminated at Council's sole discretion, and the land is returned to Council if a development has not commenced within 2 years from the grant of the grant of a planning permit and a development is not completed within 2 years from the date of commencement of construction (or any extension of time provided to the planning permit provided it remains valid), or if 5 or more years from the granting of the lease have passed and no development has commenced on the land, whether there is a valid permit on the land or not.*
 - *That the land must remain unfenced and available for public use, until such time as construction is due to commence on the land.*
 - *That Council and surrounding residents are notified at least 3 months prior to the commencement of the development of the land.*
 - *That the tenant must execute a Service Agreement between the Director of Housing and the Tenant for the provision of services to be provided to the resident.*
7. *Give public notice of the Proposal to Lease in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act), on Council's website from 7 August 2023 and invite submissions on the Proposal.*
8. *Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions in accordance with the Community Engagement Policy in respect of the Proposal to Lease. ('Appointed Officer').*
9. *Appoint a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in Item 7 above, and to hear and consider any submitters requesting to be heard in accordance with the Community Engagement Policy at 6.30pm on 10 October 2023 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
10. *Notes that following the meeting referred to in Item 9 above, and consideration of any submissions, that the Committee of Council provide a report to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal to Lease.*

- 11. *Advocates on both a local and regional level for the refurbishment and upgrade of existing public housing owned and managed by the state government. This includes providing submissions to Victorian and Australian Government consultations and Parliamentary inquiries in this space as well as direct and proactive advocacy through direct correspondence with local Members of Parliament, State and Federal Ministers and other policymakers.***

- 12. *Commit to retaining the use of land for social housing where social housing is currently provided on Council-owned land. In the event of re-development on Council land currently used for social housing, Council commits to no net loss of social housing dwellings.***

CARRIED

2.1 RAINBOW TICK PROGRESS

Moved Cr Fergeus

Seconded Cr Klisaris

That Council notes the progress of the organisation's journey towards Rainbow Tick accreditation.

CARRIED

2.2 MUSEUM OF AUSTRALIAN PHOTOGRAPHY (MAPh): RECOMMENDATIONS FOR MAPh COMMUNITY ASSET COMMITTEE CALLED THE COMMITTEE OF MANAGEMENT MEMBER

Moved Cr Samardzija (Mayor)

Seconded Cr McCluskey

That Council approves the reappointment of David Rosetzky to the Museum of Australian Photography Committee of Management for a term of three years from 17 July 2023 – 16 July 2026

CARRIED

2.3 TENDER FOR HOME MAINTENANCE AND MODIFICATION SERVICES

Moved Cr Zographos

Seconded Cr Klisaris

That Council:

1. *Awards the tender from In A Minnit Property Maintenance Pty Ltd (IAM) for Home Maintenance & Modification Services, Contract No.2023229 for a schedule of rates-based contract with an estimated contract value of \$402,381 for the initial term and an estimated total contract value of \$822,257 inclusive of all available extension options.*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement.*
3. *Notes that the contract will commence on 1 August 2023, with an initial term of 1 year and 11 months and the contract has 2 separate extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*
4. *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

2.4 TENDER FOR MONASH CAROLS BY CANDLELIGHT EVENT

Moved Cr Samardzija (Mayor)

Seconded Cr McCluskey

That Council:

1. *Awards the tender from Fruitbowl Productions Pty Ltd for the Carols by Candlelight Event, Contract No. 2023204 for a fixed Lump Sum of \$429,086.80.*
2. *Approves the additional funding of \$129,086.80 required to deliver this event;*
3. *Authorises the Chief Executive Officer or their delegate to execute the contract agreement; and*
4. *Notes that the contract will commence on 1 August 2023 for a period of one year, and the expected event delivery date is 3 December 2023.*

CARRIED

3.1 AUDIT and RISK COMMITTEE MINUTES – JUNE 2023

Moved Cr Fergeus

Seconded Cr McCluskey

That Council:

- 1. notes the unconfirmed Minutes of the 13 June 2023 Audit and Risk Committee (the Committee); and***
- 2. notes that the Minutes will be confirmed by the Chair of the Committee at the next Committee meeting; and any substantive changes to the unconfirmed Minutes will be reported to the next Council meeting.***

CARRIED

3.2 ANNUAL INTERNAL AUDIT PLAN 2023 TO 2024

Moved Cr Little

Seconded Cr Luo

That Council approves the Internal Audit Plan for 2023/24.

CARRIED

4.1 TENDER FOR DRAINAGE PIT & PIPE WORKS TO VARIOUS SITES 2023-2024. (2023203: MB)

Moved Cr McCluskey

Seconded Cr Klisaris

That Council:

- 1. Awards the tender from Comar Constructions Pty Ltd for 2023-2024 Drainage Pit & Pipe Works to Various Sites, Contract No. 2023203 for the following three (3) projects:***
 - Project B: Inverell Avenue, Mount Waverley for a fixed lump sum of \$625,113.16 with an additional \$88,000 for Contingencies;***
 - Project E: 8-12 Simpson Drive, Mount Waverley for a fixed lump sum of \$766,026.80 with an additional \$110,000 for Contingencies;***
 - Project F: 3 Yarrinup Avenue, Chadstone for a fixed lump sum of \$319,486.20 with an additional \$44,000 for Contingencies;***
- 2. Awards the tender from Blue Peak Constructions for 2023-2024 Drainage Pit & Pipe Works to Various Sites, Contract No. 2023203 for the following project:***
 - Project A: 2 Lawson Street, Oakleigh East for a fixed lump sum of \$83,494.40 with an additional \$12,100 for Contingencies;***
- 3. Awards the tender from TDM Pipeline Solutions Pty Ltd for 2023-2024 Drainage Pit & Pipe Works to Various Sites, Contract No. 2023203 for the following two (2) projects:***

*Project C: 21 Lennox Avenue, Glen Waverley for a fixed lump sum of \$22,824.89 with an additional \$5,500 for Contingencies;
Project D: 4-7 Darvell Close, Wheelers Hill for a fixed lump sum of \$38,287.76 with an additional \$5,500 for Contingencies;*

- 4. Authorises the Chief Executive Officer to execute the contract agreement;*
- 5. Notes that all contracts are anticipated to be completed by February 2024; and*
- 6. Notes that the anticipated project expenditure for all 6 projects including the fixed Lump Sum and Project Management/ Delivery Fees is \$1,999,333.20 with a further allocation of \$265,100 for Contingencies.*

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

CARRIED

4.2 TENDER FOR ESSEX HEIGHTS RESERVE MULTIPURPOSE NET REDEVELOPMENT - CONSTRUCTION
(2023184: AH)

Moved Cr de Silva

Seconded Cr Little

That Council:

- 1. Awards the tender to Grassports Australia Pty Ltd for Essex Heights Reserve Multi- Purpose Net Redevelopment - Construction, Contract No. 2023184 for a fixed Lump Sum of \$856,290.13 with an extra \$85,800 for Contingency;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 21 August 2023 and the expected completion date is 22 December 2023;*
- 4. Approves the additional funding of \$222,740.73 required to deliver this project; and*
- 5. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees is \$877,132.93 with a further allocation of \$85,800 for Contingencies.*

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

CARRIED

**4.3 TENDER FOR JOSEPHINE AVENUE, MOUNT WAVERLEY – ROAD REHABILITATION
(2023201: MF)**

Moved Cr de Silva

Seconded Cr Fergeus

That Council:

- 1. Awards the tender from CDN Constructors Pty Ltd for Josephine Avenue, Mount Waverley – Road Rehabilitation Contract No. 2023201 for the fixed Lump Sum Price of \$1,732,238.94 with an extra \$264,000 for Contingencies;***
- 2. Authorises the Chief Executive Officer to execute the contract agreement;***
- 3. Notes that the contract is anticipated to commence on 14 August 2023 and the expected completion date is 14 June 2024; and***
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees and Utility Service Alteration Works is \$1,826,838.94 with a further \$264,000 for Contingencies.***

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

CARRIED

**4.4 TENDER FOR CATERING SERVICES
(CF2023190: SB)**

Moved Cr Zographos

Seconded Cr Little

That Council:

- 1. Awards the tender from:***
 - Bunji Catering a division of Jarrah Integrated Services;***
 - Mobile Catering Pty Ltd;***
 - The Trustee for 246Ate Unit Trust T/AS Urban Foodies; and***
 - Waverley Industries Ltd,******for Catering Services, Contract No. 2023190 for a schedule of rates-based contract with an estimated contract value of \$723,076.00 for the initial term and an estimated total contract value of \$1,205,126.66 inclusive of all available extension options;***
- 2. Authorises the Chief Executive Officer or their delegate to execute the contract agreement;***
- 3. Notes that the contract will commence on 1 August 2023, for an initial term of three (3) years and the contract has two (2) separate extension options of one (1) year each and authorises the Chief Executive Officer to approve the extension options subject to satisfactory performance; and***

-
4. *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

4.5 TENDER FOR PROVISION OF LEGAL SERVICES PANEL¹
(2023199: TK)

Moved Cr de Silva

Seconded Cr Luo

That Council:

1. *Awards the tenders from the following tenderers to form a panel for the Provision of Legal Services, Contract No. 2023199 for a schedule of rates-based contract with an estimated contract value of \$2,101,500 for the initial term and an estimated total contract value of \$3,502,500 inclusive of all available extension options;*
 - *FOI Solutions*
 - *Francis Abourizk Lightowlers*
 - *Hall and Wilcox*
 - *Hunt and Hunt Lawyers Victoria*
 - *HWL Ebsworth Lawyers*
 - *Maddocks*
 - *Planology Pty Ltd*
 - *Rigby Cooke Lawyers*
 - *Russell Kennedy Lawyers*
 - *SLF Lawyers*
 - *Moray Agnew*
 - *Wisewould Mahoney Lawyers*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreements;*
3. *Notes that the contract will commence on 1 August 2023, with an initial term of three (3) years and the contract has two (2) extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; and*

¹ Updated 31/08/2022

4. *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

**4.6 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLORS' MEETINGS:
JULY 2023**

Moved Cr Fergeus Seconded Cr Klisaris

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

CARRIED

5.1 AUDIT AND RISK COMMITTEE SIX MONTHLY ACTIVITIES REPORT

Moved Cr Samardzija (Mayor) Seconded Cr Fergeus

That Council notes the six-monthly briefing report forwarded by Council's Audit and Risk Committee to the Chief Executive Officer (CEO) that outlines the Committee's activities in relation to the functions of the Committee.

CARRIED

5.2 ACTING CHIEF EXECUTIVE OFFICER

Moved Cr Fergeus Seconded Cr Klisaris

That Council appoints Peter Panagakos, Director City Development as Acting Chief Executive Officer during the absence of the Chief Executive Officer from Saturday 9 September 2023 to Sunday 8 October 2023 inclusive.

CARRIED

**6.1 NOTICE OF MOTION NO.10-2023 - SUPPORT FOR THE VOICE TO PARLIAMENT –
MOTION**

Moved Cr Fergeus Seconded Cr Paterson

That Council:

1. *Re-affirms our commitment to Makarrata, truth-telling, justice and reconciliation; and support for the 2017 Uluru Statement from the Heart;*

2. *Re-affirms our commitment to talking with our community and improving their understanding of First Nations issues, as well as strengthening our understanding of community views on these issues;*
3. *Recognises that Australia has formally endorsed the UN Declaration on the Rights of Indigenous Peoples, which includes the collective right to self-determination;*
4. *Notes the Commonwealth Government's commitment to the Uluru Statement from the Heart in full, including Voice, Treaty and Truth, and to a referendum on enshrining a Voice for Aboriginal and Torres Strait Islander peoples in the Australian Constitution;*
5. *Acknowledges that there is a diversity of opinions inside and outside Aboriginal and Torres Strait Islander communities on the significance and timing of the Voice to Parliament;*
6. *Notes that in line with commitments made as outlined in recommendation 1 & 2, as well as Council's existing positions in support of First Peoples and Council's Reconciliation Action Plan, that Council supports the 'yes' campaign for the Constitutional Recognition of an Aboriginal and Torres Strait Islander Voice to Parliament, noting the continued importance of Treaty. Council will communicate this is our position to the Monash community via the Monash Bulletin, website, social media platforms and other communication channels;*
7. *Provides advice to the community on where to find reliable information regarding the referendum question, the constitutional amendment and the reasons for the proposed change, including information in languages other than English; and*
8. *Commits to consulting on these matters as part of Council's existing regular discussions with local Traditional Owner and Aboriginal community organisations.*

CARRIED

PROCEDURAL MOTION

Moved Cr Zographos

Seconded Cr McCluskey

That Cr Zographos be granted an extension of time of one (1) minute to speak about the motion.

CARRIED

6.2 COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS
(CNCL21)

Moved Cr Samardzija (Mayor) Seconded Cr McCluskey

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Mount Waverley Girl Guides</i>	<i>The Club is seeking financial assistance for one Girl Guide leader to attend the Essex Jamboree Guides/Scouts worldwide camp in UK. Costs include personal development and youth leadership sessions.</i>	<i>\$500.00</i>

CARRIED

7. URGENT BUSINESS

Nil.

8. COMMITTEE REPORTS

Nil.

9. PERSONAL EXPLANATIONS

Nil.

10. COUNCILLORS' REPORTS

Nil.

11. CONFIDENTIAL BUSINESS

Moved Cr Luo 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

The Council meeting was closed to the public at 8.29pm.

The Mayor declared the meeting closed at 8.36pm.

MAYOR: 
DATED 29 AUGUST 2023