



CITY OF
MONASH

MINUTES

MEETING OF COUNCIL

HELD ON

TUESDAY 28 NOVEMBER 2023

at 7:00 PM

COUNCIL CHAMBER

CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 PRESENT AND APOLOGIES

PRESENT

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

Officers: A Diamond, J Doake, R Hopkins, P Panagakos, J Robertson, R Russell, A Sapolu, T Shoshan, S Wickes

APOLOGIES

Councillors: S James

3 DISCLOSURES OF INTEREST

NIL

4 CONFIRMATION OF MINUTES

4.1 Confirmation of Minutes of the Meeting of Council

Moved: Cr Little Seconded: Cr Klisaris

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

- **Meeting of Council held on 31 October 2023**

CARRIED

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Moved: Cr Lake

Seconded: Cr Zographos

Cr Lake tabled a petition from residents who live near the Napier Park Reserve who are concerned about the location of a public toilet near the entrance of Napier Park Reserve, asking Council to reconsider.

CARRIED

Cr Fergeus acknowledged the passing of fellow Councillor Dr David Zyngier from the neighbouring Glen Eira Council and spoke about Dr Zyngier's political and academic careers and on a personal level.

6 PUBLIC QUESTION TIME

The Mayor advised that 11 questions had been received.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE REPORT

Moved: Cr Little

Seconded: Cr Klisaris

RECOMMENDATION

That Council notes the report containing the Town Planning Schedules.

CARRIED

7.1.2 SCOTCHMANS CREEK TRAIL TO DJERRING TRAIL CYCLING CONNECTION

Moved: Cr Fergeus

Seconded: Cr de Silva

RECOMMENDATION

That Council:

1. Notes the feedback received on the Atkinson Street Cycleway Project (the Project) functional design during community engagement conducted in September and October 2023.
2. In response to the community feedback, directs that officers:
 - Review access arrangements to the Hanover Street car park as part of the detailed design.
 - Work with the Department of Transport and Planning regarding traffic signal changes required for the Project.
 - Undertake an independent Road Safety Audit at the detailed design stage of the Project.
 - Monitor parking conditions through delivery and post-construction of the Project and make adjustments to parking as appropriate, including investigating whether part or all of the upper level of the Atkinson Street multi deck carpark could be made available for use by traders, in lieu of other locations within the Activity Centre.
 - Proceed with detailed design of the Project, to be funded within the current 2023/24 Council budget allocation.
 - Undertake a Gender Impact Assessment as part of the detailed design stage.
 - Investigate external funding opportunities for the Project, including Department of Transport and Planning funding for the upgrade of the Dandenong Road and Atkinson Street signalised intersection.
3. Commits to the Project and its delivery as a three-stage, multi-year project noting that the Project will be considered for funding for commencement of construction as part of Councils 2024/25 annual budget process.

CARRIED

7.1.3 TENDER FOR SERVICE OF PUBLIC NOTIFICATION FOR PLANNING APPLICATIONS - CF2023238

Moved: Cr Zographos Seconded: Cr Little

RECOMMENDATION

That Council:

- 1. Awards the tender from Planning Notices R Us for the Installation of Public Notice Signs, Contract No. 2023238 for a schedule of rates-based contract with an estimated contract value of \$300,000 for the initial term and an estimated total contract value of \$500,000 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 December 2023, with an initial term of three years and the contract has two extension options of one year each and authorises the Chief Executive Officer to approve 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

7.2 Community Services

7.2.1 PUBLIC EXHIBITION OF DRAFT PLAYGROUND & PLAYSPACE STRATEGY 2025-2035

Moved: Cr de Silva Seconded: Cr Fergeus

RECOMMENDATION

That Council:

- 1. Approve the draft Playground and Playspace Strategy Refresh 2025-2035 as presented in Attachment A for public exhibition and invite community feedback on the draft.**
- 2. Note the following consideration of the consultation findings, a final Playground and Playspace Strategy 2025-2035 will be presented for Council endorsement in 2024.**

CARRIED

7.2.2 2023/24 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS - NOVEMBER

Moved: Cr Fergeus Seconded: Cr Little

RECOMMENDATION

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 15 September to 25 October 2023 to a total of \$11,493.18.

CARRIED

7.3 Corporate Services

7.3.1 2023/24 FINANCIAL MANAGEMENT AND CAPITAL WORKS PROGRESS REPORT – FIRST QUARTER 30 SEPT 2023

Moved: Cr Klisaris Seconded: Cr Samardzija

RECOMMENDATION

That Council:

1. Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 30 September 2023, presented in accordance with Section 97 of the Local Government Act 2020.
2. Approves the project variations contained therein.

CARRIED

7.4 City Services

7.4.1 TENDER FOR 2023-2024 DRAINAGE WORKS TO VARIOUS SITES PACKAGE NO.3 - CF2024069

Moved: Cr Little

Seconded: Cr McCluskey

RECOMMENDATION

That Council:

1. Awards the tender from Parkinson Group (Vic) Pty Ltd for 2023 - 2024 Drainage Works to Various Sites Package No 3, Contract No. 2024069 for the following projects:
Project A: 12 Muir Street, Glen Waverley for a fixed Lump Sum of \$391,867.50 with an extra \$59,400 for Contingencies;
Project B: Kalonga Court, Glen Waverley for a fixed Lump Sum of \$310,949.71 with an extra \$55,000 for Contingencies;
Project D: Parkinson Street, Churcher Court and Romney Court, Mount Waverley for a fixed Lump Sum of \$186,999.85 with an extra \$30,800 for Contingencies.
2. Awards the tender from Markon Infrastructure Pty Ltd for 2023 - 2024 Drainage Works to Various Sites Package No 3, Contract No. 2024069 for the following project:
Project C: 30 Cypress Avenue, Glen Waverley for a fixed Lump Sum of \$84,382.05 with an extra \$18,700 for Contingencies.
3. Notes that the contract with Parkinson Group (Vic) Pty Ltd is anticipated to commence on 8 January 2024 and the expected completion date is 15 May 2024;
4. Notes that the contract with Markon Infrastructure Pty Ltd is anticipated to commence on 29 January 2024 and the expected completion date is 29 March 2024;
5. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees and Service Relocations for all projects is \$1,031,949.11 with an extra \$163,900 for Contingencies.

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

CARRIED

7.4.2 TENDER FOR 2023-2024 PLAYGROUND UPGRADES AT CAMBRO ROAD, DIAMOND AVENUE, REMBRANDT DRIVE, MOUNT WAVERLEY RESERVE, PORTLAND STREET NORTH AND HIGHVIEW PARK AND ESCARPMENT - CF2023247

Moved: Cr Little

Seconded: Cr de Silva

RECOMMENDATION

That Council:

- 1. Awards the tender from Rainscapes Pty Ltd for Playground Upgrades at Cambro Road, Diamond Avenue, Rembrandt Drive, Mount Waverley Reserve, Portland Street North, and Highview Park and Escarpment, Contract No. 2023247 for a fixed Lump Sum of \$1,325,915.68 with an extra \$137,769.50 for Contingencies and \$5,779.40 for Provisional Items;**
- 2. Authorises the Chief Executive Officer to execute the contract agreement;**
- 3. Notes that the contract is anticipated to commence on 5 December 2023 and the expected completion date is 28 June 2024; and**
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/ Delivery Fees and Provisional Items is \$1,399,895.55 with a further allocation of \$137,769.50 For Contingencies.**

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

CARRIED

7.4.3 TENDER FOR ASHWOOD MEMORIAL KINDERGARTEN CONSTRUCTION - CF2024036

Moved: Cr de Silva

Seconded: Cr Samardzija

RECOMMENDATION

That Council:

- 1. Awards the tender from Simbuilt Pty Ltd for Ashwood Memorial Kindergarten Construction, Contract No. 2024036 for a fixed Lump Sum of \$3,622,773 with an extra \$385,000 for Contingencies;**
- 2. Authorises the Chief Executive Officer to execute the contract agreement;**
- 3. Notes that the contract is anticipated to commence on 29 November 2023 and the expected completion date is 24 September 2024;**

4. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/ Delivery Fees and Design Fees is \$3,894,561 with a further allocation of \$385,000 For Contingencies; and

5. Approves additional funding of \$461,461 required for this project.

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

CARRIED

7.4.4 TENDER FOR METERED AND UNMETERED DECORATIVE ENERGY EFFICIENT STREET LIGHTING INSTALLATION SERVICES

Moved: Cr Little

Seconded: Cr de Silva

RECOMMENDATION

That Council:

1. Awards the tender from Commlec Services Pty Ltd for Metered and Unmetered Decorative Energy Efficient Street Lighting Installation Services, Contract No. 2024051 for the following project:
Package A: Metered Lighting installation and replacement for a fixed Lump Sum of \$112,887.50 with an extra \$22,000 for Contingencies;
2. Awards the tender from, Electrix Pty Ltd (trading as Omexom Australia) for Metered and Unmetered Decorative Energy Efficient Street Lighting Installation Services, Contract No. 2024051 for the following projects:
Package B1: Unmetered Decorative Lighting Replacement for a fixed Lump Sum of \$154,313.58 with extra \$33,000 for Contingencies;
Package B2: Unmetered Decorative Lighting Replacement for a fixed Lump Sum of \$125,601.04 with extra \$27,500 for Contingencies;
3. Authorises the Chief Executive Officer to execute the contract agreements;
4. Notes that the contract with Commlec Services Pty Ltd is anticipated to commence on 11 December 2023 and the expected completion date is 31 May 2024;
5. Notes that the contract with Electrix Pty Ltd (Omexom Australia) is anticipated to commence on 15 January 2024 and the expected completion date is 31 May 2024; and

6. Notes that the anticipated project expenditure for all packages including the fixed Lump Sum, Project Management/ Delivery Fees is \$409,302.11 with an extra \$82,500 for Contingencies.

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

CARRIED

7.4.5 COUNCIL MEETING SCHEDULE 2024

Moved: Cr Little

Seconded: Cr Klisaris

RECOMMENDATION

That Council adopts the 2024 meeting schedule as in Attachment 1 in this report.

CARRIED

7.4.6 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLORS' MEETINGS 25 OCTOBER AND NOVEMBER 2023

Moved: Cr Little

Seconded: Cr McCluskey

RECOMMENDATION

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

CARRIED

7.4.7 APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO THE CEO EMPLOYMENT AND REMUNERATION COMMITTEE

Moved: Cr Little

Seconded: Cr Klisaris

RECOMMENDATION

That Council appoint the following Councillor representatives to the Chief Executive Officer Employment and Remuneration Committee.

- Councillor Nicky Luo (Mayor)
- Councillor Tina Samardzija
- Councillor Stuart James
- Councillor Josh Fergeus

CARRIED

7.5 Chief Executive Officer

NIL

8 NOTICES OF MOTION

8.1 NOM NO. 17 VICTRACK OWNED LAND TO THE NORTH OF 65A POWER AVENUE, CHADSTONE

Moved: Cr de Silva

Seconded: Cr Little

MOTION

That Council:

1. Commits to exploring and delivering a new shared path abutting the land at 65A Power Avenue, Chadstone.
2. Directs Council's CEO or her delegate to write to VicTrack regarding the (VicTrack) land located to the north of 65A Power Avenue, Chadstone, seeking their view and agreement for a new shared bicycle path to be placed on this land.
3. Notes that:

- a. a request for funding as part of Councils 2024/25 budget process will be made to allow for the design of a new shared path once the outcome of the discussions with VicTrack are known.
 - b. Council will seek State Government funding at the appropriate time for the construction of a new shared bicycle path be it on VicTrack land or in the current location of the existing path along Railway Parade South if VicTrack approval cannot be achieved.
4. Directs that officers report back to Council on the outcome of the discussions with VicTrack and their decision once it is known.
5. Notes that the Mayor will write to the Minister for Housing and Local MPs to seek their commitment to the refurbishment and improved ongoing maintenance of existing social housing owned and managed by the State Government within the City of Monash.

CARRIED

9 URGENT BUSINESS

Cr Paterson tabled an urgent business matter in relation to Westgate Street Christmas Party. It is an urgent business item because the event is on Saturday.

Councillors voted and the urgent business item was accepted.

Mover: Cr Paterson Seconder: Cr Klisaris

That Council:

1. Provide one-off funding of \$1555 to support the development of a traffic management plan plus traffic management for the Westgate Street Christmas Party, to ensure that it meets the revised requirements of the Road Management and Road Safety Acts
2. Write to the local member for Oakleigh, and the Minister for Roads, highlighting the effect that the changes have had on the Westgate St Christmas Party, and seek formal and written clarification as to whether these are intended to apply to localised events such as community organised street parties, particularly as it relates to the engagement of appropriately trained and qualified persons to manage the non-road activities, direct traffic and/or erect temporary road closure signage

CARRIED

PROCEDURAL MOTION

Moved: Cr Lake

Seconder: Cr McCluskey

That the Alternate Motion is not to be further considered.

CARRIED

AMENDED MOTION

Moved: Cr Lake

Seconded: Cr McCluskey

That Council:

- 1. directs council officers to continue to provide assistance to community members to hold street Christmas parties (and other events) including:
 - a) the development of an appropriate Traffic Management Plan; and**
 - b) the provision of appropriate signage for the road closure.****
- 2. in approving the Traffic Management Plan, Council officers should exercise discretion as to whether it is necessary to follow a strict application of the Code of Practice for Worksite Safety – Traffic Management (COP) or whether it may be reasonable for Council to depart from the COP with respect to the qualifications of traffic controllers in circumstances where the organisers can demonstrate a plan to ensure that the traffic management arrangements will be appropriately managed. This consideration is to ensure that in appropriate circumstances, undue regulatory and financial burdens are not imposed on those conducting a street party in circumstances where the Traffic Management Plan provides for appropriate and safe arrangements.**

LOST

DIVISION

Councillor McCluskey called a division.

For: Cr Luo, Cr de Silva, Cr Klisaris, Cr Lake, Cr Little, Cr McCluskey and Cr Zographos

Against: Cr Samardzija, Cr Fergeus and Cr Paterson

Abstained: Nil

PROCEDURAL MOTION

Moved: Cr Little

Second: Cr Zographos

That Cr Lake be allowed to move a second amendment to the original motion.

CARRIED

DIVISION

For: Cr Luo, Cr de Silva, Cr Klisaris, Cr Lake, Cr Little, Cr McCluskey (called for division), Cr Zographos

Against: Cr Samardzija, Cr Fergeus and Cr Paterson

Abstained: Nil

AMENDED MOTION

Moved: Cr Little

Seconded: Cr McCluskey

That Council:

- 1. Provide one-off funding of \$1555 to support the development of a traffic management plan plus traffic management for the Westgate Street Christmas Party, to ensure that it meets the revised requirements of the Road Management and Road Safety Acts**
- 2. Write to the local member for Oakleigh, and the Minister for Roads, highlighting the effect that the changes have had on the Westgate St Christmas Party, and seek formal and written clarification as to whether these are intended to apply to localised events such as community organised street parties, particularly as it relates to the engagement of appropriately trained and qualified persons to manage the non-road activities, direct traffic and/or erect temporary road closure signage**
- 3. Directs Council officers to consider any similar applications received under their delegation and to determine whether a similar level of support should be extended to those applications.**
- 4. To provide a report back to Council to the February 2024 meeting providing further advice and recommendations to Council in relation to this matter.**

LOST

DIVISION

Councillor de Silva called a division.

For: Cr Klisaris and Cr Lake

Against: Cr Samardzija, Cr Luo, Cr de Silva, Cr Fergeus, Cr Little, Cr McCluskey, Cr Paterson and Cr Zographos

Abstained: Nil

The motion was lost.

SUBSTANTIVE MOTION

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

DIVISION

Cr de Silva called a division.

For: Cr Samardzija, Cr Luo, Cr Klisaris, Cr Lake, Cr Little, Cr McCluskey, Cr Paterson and Cr Zographos

Against: Cr de Silva and Cr Fergeus

Abstained: Nil

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

10.1 PROPOSED SALE OF 14 BOGONG AVENUE, GLEN WAVERLEY

Moved: Cr Little

Seconded: Cr Luo

RECOMMENDATION

That Council:

1. **Receives this report from the Committee established by Council pursuant to Section 114 of the *Local Government Act 2020* and Council's Community Engagement Policy ("Committee") to hear and consider any submissions received to Council's public notice in respect of the proposal to sell Council's Land at 14 Bogong Avenue, Glen Waverley, being the Land described as Lot 14 on Plan of Subdivision PS26006 in Certificate of Title Volume 7933 Folio 192 ("Land") through a Public Auction or Private Treaty.
("Proposal")**
2. **Notes the Committee met on Tuesday 14 November 2023 at 6.30pm to hear and consider submissions received in respect of the Proposal.**
3. **Notes that there were no submissions received.**
4. **Accepts the Committee's recommendation to proceed with the sale of 14 Bogong Avenue, Glen Waverley, being the Land described as Lot 14 on Plan of Subdivision PS26006 in Certificate of Title Volume 7933 Folio 192 through a Public Auction or Private Treaty.**
5. **Having complied with its obligations under Section 114 of the *Local Government Act 2020* and Council's Community Engagement Policy, authorises the Chief Executive Officer or her delegate to sign all documentation required for the sale of the Land.**

CARRIED

DIVISION

For: Cr Samardzija, Cr Luo, Cr Klisaris, Cr Lake, Cr McCluskey, Cr Paterson and Cr Zographos

Against: Cr de Silva and Cr Fergeus

Abstained: Nil

11 PERSONAL EXPLANATIONS

NIL

12 COUNCILLORS' REPORTS

Cr Little

- Opened a new double exhibition at the Museum of Australian Photography (MAPh).
 - Salt Lake
 - Star Gazing

Cr Zographos

- Attended the MAV annual conference and dinner last month in the city where Cr Paterson, Cr Klisaris and Cr Little received Councillor Service Awards. Congratulations to them and many other Councillors in Victoria.
- Family Fun Day at the Batesford Reserve, Chadstone with the Mayor, Cr Little, Cr James and their families.
- Hughesdale Art Group Annual Art Show 2023 at the Hughesdale Community Centre.
- Remembrance Day Service at Clayton RSL.
- Oakleigh Glendi Festival at Warrawee Park, Oakleigh on 4-5 November 2023.
- Bendigo Bank Community Pitch night at Mulgrave Country Club where many Monash organisations were congratulated for their good work.
- Monash Business Awards breakfast with Cr Samardzija and Cr James at South Oakleigh Bowling Club.
- Mayor of Monash Charity Golf Day with Cr Samardzija at the Riversdale Golf Club, Glen Waverley.

Cr McCluskey

- Monash Connects event with the Mayor and Cr Samardzija.

- Great to see a good contingent of Monash Youth Committee in the Gallery.

Cr Luo (Mayor)

- Lighting of the Christmas Tree at Eaton Mall in Oakleigh last Friday.

13 CONFIDENTIAL BUSINESS

Moved: Cr Little

Seconded: Cr Fergeus

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

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

CARRIED

The Council moved into Confidential business at 9.05pm.

14 MEETING CLOSURE

The Mayor declared the meeting closed at 9:06 pm.



MAYOR:

DATED: 19 December 2023