



CITY OF
MONASH

MINUTES

MEETING OF COUNCIL

HELD ON

TUESDAY 31 OCTOBER 2023

at 7:00 PM

COUNCIL CHAMBER

CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY

TABLE OF CONTENTS

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	PRESENT AND APOLOGIES.....	4
3	DISCLOSURES OF INTEREST.....	4
4	CONFIRMATION OF MINUTES.....	4
	4.1 Confirmation of Minutes of the Meeting of Council	4
5	RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS	5
6	PUBLIC QUESTION TIME	5
7	OFFICERS' REPORTS.....	5
	7.1 City Development.....	5
	7.1.1 Town Planning Schedule Report.....	5
	7.2 Community Services	5
	7.2.1 2024/25 Monash Community Grants Program	5
	7.2.2 2023/24 Monash Quick Response Grants Program Recipients - October	6
	7.2.3 Museum of Australian Photography - Recommendations for MAPH Community Asset Committee Called the Committee of Management Member	6
	7.3 Corporate Services	7
	7.3.1 Audit and Risk Committee meeting minutes - 14 September 2023	7
	7.3.2 Review of Audit and Risk Committee Charter	7
	7.4 City Services	10
	7.4.1 S5 Instrument - Delegation from Council to the CEO and related instruments	10
	7.4.2 Request to Establish a Committee to Hear Budget Submissions - 2024/25 Budget.....	11
	7.4.3 Project C09505 - Oakleigh Heritage Precinct Conservation - Project Budget Variation Exceeding CEO Delegation.....	11
	7.4.4 Project C01786 - Homesglen Reserve Public Toilet Design & Installation - Project Budget Variation Exceeding CEO Delegation	12

7.4.5 Project C01602 - Site Remediation and EOI for Social Housing 329-331 & 333 Waverley Road, Mount Waverley - Project Budget Variation Exceeding CEO Delegation	12
7.4.6 Municipal Association of Victoria (MAV) Large Gas Tariff Site Contract - Monash Aquatic and Recreation Centre (MARC)	13
7.4.7 Tender for 2023-2024 Drainage Works to Various Sites Package No.2 CT2024036.....	13
7.4.8 Record of Committee Meetings and Informal Councillors Meetings	14
7.5 Chief Executive Officer	15
7.5.1 2023/24 Annual Report	15
8 NOTICES OF MOTION	18
8.1 NOM No. 11 - Councillor Discretionary Fund	18
8.2 CNCL21 - Council's Discretionary Expenditure Fund Applications.....	18
9 URGENT BUSINESS	19
10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES.....	19
10.1 Notice of Intention to Lease - 65A Power Avenue, Chadstone - Outcome of Public Notification Process.....	19
11 PERSONAL EXPLANATIONS	20
12 COUNCILLORS' REPORTS.....	20
13 CONFIDENTIAL BUSINESS	20
14 MEETING CLOSURE.....	21

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

Officers: A Diamond, J Doake, T Oulton, P Panagakos, D Wain, S Ross, T Shoshan, A Sapolu, R Russell

APOLOGIES

Councillors: P Klisaris, T Zographos

3 DISCLOSURES OF INTEREST

NIL

4 CONFIRMATION OF MINUTES

4.1 Confirmation of Minutes of the Meeting of Council

Moved: Cr McCluskey Seconded: Cr Luo

RECOMMENDATION

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

- **Meeting of Council held on 26 September 2023.**

CARRIED

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Nil.

6 PUBLIC QUESTION TIME

The Mayor advised that five (5) questions had been received.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE REPORT

Moved: Cr McCluskey Seconded: Cr Little

RECOMMENDATION

That Council notes the report containing the Town Planning Schedules.

CARRIED

7.2 Community Services

7.2.1 2024/25 MONASH COMMUNITY GRANTS PROGRAM

Moved: Cr Luo Seconded: Cr Little

RECOMMENDATION

That Council:

1. Adopts the 2024/25 Monash Community Grants Program Policy, noting the service improvements; and
2. Adopts the Terms of Reference for the 2024/25 Monash Community Grants Assessment Panel.

CARRIED

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

Moved: Cr McCluskey Seconded: Cr Fergeus

RECOMMENDATION

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 23 August to 14 September 2023 to a total of \$3,794.91.

CARRIED

7.2.3 MUSEUM OF AUSTRALIAN PHOTOGRAPHY - RECOMMENDATIONS FOR MAPH COMMUNITY ASSET COMMITTEE CALLED THE COMMITTEE OF MANAGEMENT MEMBER

Moved: Cr Samardzija Seconded: Cr McCluskey

RECOMMENDATION

That Council:

1. Approves the appointment of Clive Scott to the Museum of Australian Photography Committee of Management for a term of three years from 1 November 2023 – 31 October 2026.
2. Approves the appointment of Nick Heynsbergh to the Museum of Australian Photography Committee of Management for a term of three years from 1 November 2023 – 31 October 2026.
3. Acknowledges retiring COM members Nick Fletcher and Kathy Hendy-Ekers for their contributions to MAPH.

CARRIED

7.3 Corporate Services

7.3.1 AUDIT AND RISK COMMITTEE MEETING MINUTES - 14 SEPTEMBER 2023

Moved: Cr Little

Seconded: Cr Luo

RECOMMENDATION

That Council:

1. notes the unconfirmed minutes of the 14 September 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

7.3.2 REVIEW OF AUDIT AND RISK COMMITTEE CHARTER

Moved: Cr Little

Seconded: Cr Lake

RECOMMENDATION

That Council endorses the amended Audit and Risk Committee Charter.

CARRIED

7.4 City Services

7.4.1 S5 INSTRUMENT - DELEGATION FROM COUNCIL TO THE CEO AND RELATED INSTRUMENTS

Moved: Cr James

Seconded: Cr Luo

RECOMMENDATION

In relation to the *S5 Instrument of Delegation to the Chief Executive Officer:*

In the exercise of the power conferred by s11(1)(b) of the *Local Government Act 2020* (the Act) Monash City Council (Council) resolves that:

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the *Instrument of Delegation to the Chief Executive Officer* (Attachment 3), subject to the conditions and limitations specified in that Instrument.**
- 2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument.**
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer (excluding the delegations referred to in recommendation 6 below) relating to the powers, duties and functions set out in the instrument are revoked.**
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

In relation to changes to the *Procurement Policy:*

- 5. Council approves the proposed amendment to the *Procurement Policy* (Attachment 4).**

In relation to property acquisition and disposal related delegations:

- 6. Council notes that the delegations to the Chief Executive Officer and Director City Development which it resolved to adopt on 28 September 2021, which give these two officers "The power to execute any document relating to the acquisition of land or the disposal of Council-owned land", remain in force.**

CARRIED

7.4.2 REQUEST TO ESTABLISH A COMMITTEE TO HEAR BUDGET SUBMISSIONS - 2024/25 BUDGET

Moved: Cr Samardzija Seconded: Cr Fergeus

RECOMMENDATION

That Council resolves:

1. To establish a Committee pursuant to the *Local Government Act 2020* for the purpose of hearing submissions from the public relating to the development of the 2024/25 Budget, at 6pm on 5 December 2023 at the Monash Civic Centre, 293 Springvale Road, Glen Waverley.
2. That the Committee only be authorised to hear the submissions and make a recommendation to Council having regard to the submissions received.
3. That the Committee be chaired by the Mayor and be constituted by all Councillors of the Council.

CARRIED

7.4.3 PROJECT C09505 - OAKLEIGH HERITAGE PRECINCT CONSERVATION - PROJECT BUDGET VARIATION EXCEEDING CEO DELEGATION

Moved: Cr Little Seconded: Cr James

RECOMMENDATION

That Council:

1. Approves an increase to the Project Budget for Project C09505 – Oakleigh Heritage Precinct Conservation an additional \$6,900.
2. Notes that the original project budget was \$41,500.
3. Notes the total revised project budget of \$48,400 to enable successful delivery, inclusive of all project delivery fees.

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

CARRIED

7.4.4 PROJECT C01786 - HOMESGLEN RESERVE PUBLIC TOILET DESIGN & INSTALLATION - PROJECT BUDGET VARIATION EXCEEDING CEO DELEGATION

Moved: Cr de Silva

Seconded: Cr Little

RECOMMENDATION

That Council:

- 1. Approves an increase to the Project Budget for Project C01786 Holmesglen Reserve Public Toilet Design & Installation in the amount of \$99,000;**
- 2. Notes that the additional funding required for this project will be managed within delivery of the overall 2023/24 Capital Works Program; and**
- 3. Notes that the revised project budget for Project C01786 Holmesglen Reserve Public Toilet Design & Installation is \$317,350.**

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

CARRIED

7.4.5 PROJECT C01602 - SITE REMEDIATION AND EOI FOR SOCIAL HOUSING 329-331 & 333 WAVERLEY ROAD, MOUNT WAVERLEY - PROJECT BUDGET VARIATION EXCEEDING CEO DELEGATION

Moved: Cr Fergeus

Seconded: Cr Little

RECOMMENDATION

That Council:

- 1. Approves an increase to the Project Budget for Project C01602 - Site remediation and EOI for Social Housing at 329-331 & 333 Waverley Road, Mount Waverley in the amount of \$440,000;**
- 2. Notes that the additional funding required for this project will be managed within delivery of the overall 2023/24 Capital Works Program; and**
- 3. Notes that the revised project budget for Project C01602 - Site remediation and EOI for Social Housing at 329-331 & 333 Waverley Road, Mount Waverley is \$1,019,150.**

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

CARRIED

7.4.6 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) LARGE GAS TARIFF SITE CONTRACT - MONASH AQUATIC AND RECREATION CENTRE (MARC)

Moved: Cr Little

Seconded: Cr McCluskey

RECOMMENDATION

That Council:

1. Approves access to the Municipal Association of Victoria Contract No. EC8310-2023 NG – Supply of Natural Gas for Large Buildings and Facilities, for provision of Natural Gas to the Monash Aquatic and Recreation Centre (MARC) large tariff site, under Council Contract No. 2024015 for a schedule of rates based contract (fixed \$/GJ rate plus tariffs) with Shell Energy for an estimated contract value of no more than \$2,500,000 inclusive of GST for three years;
2. Authorises the Chief Executive Officer to execute the contract agreement; and
3. Notes that the contract will expire on 31 December 2026 with no extension options.

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

CARRIED

7.4.7 TENDER FOR 2023-2024 DRAINAGE WORKS TO VARIOUS SITES PACKAGE NO.2 CT2024036

Moved: Cr James

Seconded: Cr McCluskey

RECOMMENDATION

That Council:

1. Awards the tender from Markon Infrastructure Pty Ltd for 2023-2024 Drainage Works to Various Sites Package No. 2, Contract No. 2024036 for the following project:
Project A: 8 Gilda Court, Mulgrave for a fixed Lump Sum of \$48,411 with an extra \$5,489 for Contingencies, and \$3,300 for Project Management/Delivery Fees;
2. Awards the tender from Accomplished Plumbing Services Pty Ltd for 2023-2024 Drainage Works to Various Sites Package No. 2, Contract No. 2024036 for the following projects:
Project B: 161 Police Road, Mulgrave for a fixed Lump Sum of \$302,907 with an extra \$55,000 for Contingencies, \$27,500 for Service Authority Alterations & Fees and \$8,250 for Project Management/Delivery Fees;

Project C: 16 Kelly Street, Chadstone for a fixed Lump Sum of \$58,124 with an extra \$6,600 for Contingencies and \$ 3,300 for Project Management/Delivery Fees.

3. Awards the tender from Comar Constructions Pty Ltd for 2023-2024 Drainage Works to Various Sites Package No. 2, Contract No. 2024036 for the following project:

Project D: Ashbrook Court, Oakleigh South for a fixed Lump Sum of \$1,956,508.40 with an extra \$192,500 for Contingencies, \$96,800 for Service Authority Alterations & Fees and \$19,800 for Project Management/Delivery Fees.

4. Authorises the Chief Executive Officer to execute the contract agreements.
5. Notes that the contracts are anticipated to commence in November 2023 and the expected completion by May 2024;
6. Approves additional funding of \$499,558.40 and \$71,661.70 for Project D - Ashbrook Court Drainage and Project B -Police Road Drainage respectively; and
7. Notes that the anticipated project expenditure for all projects, including the fixed Lump Sum, Project Management/Delivery Fees and Service Authority Alterations & Fees is \$2,524,900.40 with a further allocation of \$259,589 for Contingencies.

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

CARRIED

7.4.8 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLORS MEETINGS

Moved: Cr McCluskey Seconded: Cr Fergeus

RECOMMENDATION

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

CARRIED

7.5 Chief Executive Officer

7.5.1 2023/24 ANNUAL REPORT

Moved: Cr Samardzija Seconded: Cr McCluskey

RECOMMENDATION

That Council adopts the Annual Report for 2022/23, in accordance with the *Local Government Act 2020*.

CARRIED

8 NOTICES OF MOTION

8.1 NOM NO. 11 - COUNCILLOR DISCRETIONARY FUND

Moved: Cr James Seconded: Cr Luo

MOTION

That Council:

1. Notes that Council's Public Health Approach to Gambling Harm Policy was passed in November 2022, with at least 85% of respondents to the extensive consultation supportive of the various positions in the policy.
2. Notes that the policy states that Council will not provide support, funding, publicity or promotion for community groups, organisation or sports clubs that promote or advertise gambling and that the policy states that "all relevant Council policies and guidelines will align with this policy position".
3. Notes that applications to Council's Discretionary Fund are governed by a policy.
4. Notes that Council has a long-held policy of not providing funding through its Community Grants Program to Community Groups that meet regularly in gaming venues.
5. For the avoidance of doubt, resolves that applications to the Council's Discretionary Fund will not be accepted if the applicant meets regularly in, or promotes or advertises gaming venues.

CARRIED

DIVISION

For: Cr Luo, Cr de Silva, Cr Fergeus, Cr James, Cr Little and Cr Paterson

Against: Cr Samardzija, Cr Lake and Cr McCluskey

Abstained: Nil

8.2 CNCL21 - COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

Moved: Cr Samardzija Seconded: Cr McCluskey

MOTION

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Lum Reserve Tennis Club	The group is seeking financial support to cover costs associated with their 50 th Anniversary Celebrations at the Lum Reserve Tennis Club Venue.	\$500.00

CARRIED

9 URGENT BUSINESS

Nil

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

10.1 NOTICE OF INTENTION TO LEASE - 65A POWER AVENUE, CHADSTONE - OUTCOME OF PUBLIC NOTIFICATION PROCESS.

Moved: Cr Little

Seconded: Cr Lake

RECOMMENDATION

That Council:

1. **Receives this report from the Committee established by Council pursuant to Section 115 of the Local Government Act 2020 and Council's Community Engagement Policy ("Committee") to hear and consider any submissions received in response to Council's community engagement process in respect of Council's intention to enter into an agreement for lease and lease with HousingFirst Limited ACN 116 093 004 ("Tenant") for the land known as 65A Power Avenue, Chadstone 3148, being the land in certificate of title volume 8355 folio 142 ("Land").**
("Proposal")
2. **Notes the Committee met on Tuesday 10 October 2023 at 6.30pm to hear and consider submissions received in respect of the Proposal, further noting that there were 30 submissions received and that 4 submitters requested to be heard in support of their submission.**
3. **Accepts the Committee's recommendation to direct Council's Chief Executive Officer or her delegate to proceed to negotiate an agreement to lease and lease with HousingFirst Limited for the provision of Social Housing for part of Council land known as 65A Power Avenue, Chadstone.**
4. **Notes that the negotiations referred to in Item 3 above will include:**
 - a. **Seeking the changes to the proposal to lease from HousingFirst Limited as resolved by Council at Item 5 of its 25 July 2023 report on this matter; and**
 - b. **The terms and conditions as resolved by Council at Item 6 of the same 25 July 2023 report.**
5. **Having complied with its obligations under Section 115 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 to effect the agreement to lease and lease with HousingFirst Limited for the provision of Social Housing for the Land.**

CARRIED

11 PERSONAL EXPLANATIONS

NIL

12 COUNCILLORS' REPORTS

Cr James:

- Spoke to attending the Sir John Monash Awards and congratulated the winners.
- Acknowledged the work of Danny Wain at Council.

Cr Little:

- Acknowledged the work of Danny Wain at Council.

Cr McCluskey:

- Spoke to attending the Sir John Monash Awards, congratulated the winners and thanked officers for their work.
- Acknowledged the work of Danny Wain at Council.
- Attended last night's Citizenship.
- Acknowledged the work of the Mayor over the past 12 months and thanked her for her work.

13 CONFIDENTIAL BUSINESS

NIL

14 MEETING CLOSURE

The Mayor declared the meeting closed at 7.36pm.

MAYOR:



DATED: 28 November 2023