



CITY OF  
**MONASH**

# **MINUTES**

**MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 19 DECEMBER 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, T Samardzija, T Zographos

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

### APOLOGIES

Councillor: S James

## 3 DISCLOSURES OF INTEREST

Nil.

## 4 CONFIRMATION OF MINUTES

### 4.1 Confirmation of Minutes of the Meeting of Council

Moved: Cr Zographos     Seconded: Cr Little

### RECOMMENDATION

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

- Meeting of Council held on 28 November 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 Fergeus

Seconded: Cr Samardzija

#### **RECOMMENDATION**

**That Council notes the report containing the Town Planning Schedules.**

**CARRIED**

#### **7.1.2 MODERNISING PLANNING INITIATIVES - DEPARTMENT OF TRANSPORT AND PLANNING**

Moved: Cr Little

Seconded: Cr Samardzija

#### **RECOMMENDATION**

**That Council notes the report and the written submissions made by Officers to the discussion papers from the Department of Transport and Planning relating to proposed changes to advertising signs, small lot residential development and car parking and bicycle parking requirements.**

**CARRIED**

### 7.1.3 SUBURBAN RAIL LOOP PROJECT UPDATE

Moved: Cr Little

Seconded: Cr Luo

#### RECOMMENDATION

That Council:

**1. Notes:**

- a) **The update on the proposed relocation of the Clayton Community Space from under the elevated rail on the western side of Clayton Road to the eastern side of Clayton Road near the station, with construction scheduled to begin in mid 2024 and an anticipated opening to the public in early to mid 2025;**
- b) **The update on the proposed Initial and Early Works program in the City of Monash for 2024 including:**
  - i. **Anticipated significant disruption to Clayton Hall operations, and traffic flow and parking in Glen Waverley through closures and part closures of Coleman Parade, Myrtle Street, Montclair Avenue and Railway Parade North; and**
  - ii. **That officers continue to work with SRLA and their Managing Contractor for Initial and Early Works, Laing O'Rourke, to minimise these and any other impacts as much as possible, particularly with other activities and works in and around these areas; and**
- c) **The update on the proposed multi-level car park in Glen Waverley by Suburban Rail Loop Authority:**
  - i. **The car park is proposed to be located on Council and VicTrack land at Euneva Avenue / Railway Parade North, to offset the permanent parking removal by the SRL East Project from Council's Glendale and Montclair car parks and the commuter car parks owned by VicTrack;**
  - ii. **The SRLA are currently undertaking targeted public consultation from 20 November to 19 December via Engage Victoria, with Council as a landowner making a formal submission on the application.**
  - iii. **Council is still working with SRLA on the commercial terms in relation to public access to the carpark.**
  - iv. **Once commercial terms have been agreed, a report to Council will seek endorsement to sell the relevant Council land to the SRLA for this project.**
  - v. **It is anticipated will have a likely start date of construction of Q1 2024, with a two-year construction period.**

**CARRIED**

## **7.1.4 409 CLAYTON ROAD, CLAYTON USE AND DEVELOPMENT OF A MULTI-STOREY MIXED USE BUILDING AND REDUCTION OF THE CAR PARKING REQUIREMENT (TPA/55255)**

Moved: Cr Zographos      Seconded: Cr Fergeus

### **RECOMMENDATION**

**That Council resolves to issue a Notice of Decision to Grant a Planning Permit TPA/55255 for the use of land for accommodation, buildings and works associated with the construction of a multi storey mixed use building, reduction of the car parking requirement and alteration of access to a road in a Transport Zone 2 at 409 Clayton Road, Clayton 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 Cera Stribley (Revision A dated 30 November 2023) but modified to show:**
  - a) The enclosure door of the substation redesigned to soften its presentation to Centre Road.**
  - b) The left-in/left-out turning restriction at the Centre Road access reinforced by use of physical devices, signs and line-marking within the site.**
  - c) Relocation of the security gate of the driveway to provide at least 6.0m clearance to the edge of the road, or to the satisfaction of Council.**
  - d) Ramp grades details in accordance with Clause 52.06-9 of the Monash Planning Scheme:**
    - i. Accessway gradient no steeper than 1 in 10 (10%) within 5 metres of the frontage.**
    - ii. Ramp grades (except within 5 metres of the frontage) with:**
      - Maximum grade of 1 in 4.**
      - Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).**
    - iii. A passing area at least 6.1m wide and 7m long at the entrance of the property.**
    - iv. Compliance of car parking spaces to clearances in Diagram 1 *Clearance to car parking spaces*.**

- e) The accessible parking spaces designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6 2022. The vehicle path to and from each accessible space have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.
- f) Removal of the bicycle hoops located within the Clayton Road nature strip.
- g) Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme and provide a minimum 20% of ground level (horizontal) parking spaces as per AS2890.3:2015.
- h) Notation to read “A traffic signal system, including holding lines, is to be installed as per the traffic report, to accommodate turning movements to and from the internal ramps”.
- i) Notation on the ground floor plan to read “existing redundant vehicle crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council”.
- j) Allocation of proposed car parking spaces for the retail, residential and office components.
- k) A Landscape Plan in accordance with Condition 3.
- l) An amended Waste Management Plan in accordance with Condition 7.
- m) A Sustainability Management Plan in accordance with Condition 9.
- n) Changes recommended in the Wind Impact Assessment under Condition 10.
- o) Changes required to satisfy the Department of Transport and Planning under Condition 27.
- p) Changes required to satisfy the SRLA under Condition 36 & 38.
- q) The provision of one loading van space (standard car space dimension) provided for loading and unloading for the retail uses.
- r) Confirmation to satisfy Condition 47.

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 Human Habitats, Revision A dated 15 August 2023 except that the plan must show:

- a) Detail of the proposed paving;
- b) Any changes required as a result of Condition 1 of this permit (if required);
- c) The location of external lighting (if any); and
- d) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas,

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.

#### **Waste Management Plan (WMP)**

7. 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 One Mile Grid dated 8 August 2023 but modified to show:
  - a) Details of the proposal including TPA number, number of level proposed and previous/ existing land use in the introductory section.
  - b) Separated glass recycling service.
  - c) Scaled plans incorporated in the WMP to indicate amenity (screening, odour and noise), cleaning/ washing, accessibility, bin manoeuvrability and all waste streams.
  - d) The actual designed ventilation solution for this development regarding storage of bins.
  - e) Options for bin washing other than to engage private bin washing services (not subject to third party scheduling).
  - f) Clearance height of waste vehicles including ramp gradient.
  - g) Scaled plans incorporated in the WMP to show details of the bin collection area, strategy for bin transfer from storage area to collection point/s including transfer routes and gradients, on-site storage and management of e-waste and clothing recycling bin and collection point, including a coloured legend indicating each bin type in the basement storage area.

- h) Additional hard waste storage and extra collection with private contractor could be organised by the body-corporate during the initial occupancy period in the event that surplus waste (from typical generation rates) is generated from large packaging.**
- i) 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**

- 8. 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.**
- 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)**

9. **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 Ark Resources dated 11 August 2023 but modified to show the development layout in accordance with the amended plans prepared by Cera Stribley (dated November 2023) but amended to include any changes required under Condition 1 of this permit.**

**The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

#### **Wind Impact Assessment**

10. **Concurrent with the endorsement of any plan requested pursuant to Condition 1, a Wind Impact Assessment prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority to ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site.**

**The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

## Green Travel Plan

11. Before the use and development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Miles Grid dated 8 August 2023, but modified to include or show:
  - a) Provision of a copy of the 5 year review to Council's City Planning department under Section 6.2, to the satisfaction of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Environmental Site Assessment Report

12. Prior to the commencement of the development, the owner/developer must submit to the Responsible Authority a phase 2 environmental site assessment report prepared by a suitably qualified environmental professional in accordance with the *Potentially Contaminated Land General Practice Note* (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that remediation works/management measures are required and whether an Environmental Audit should be conducted, taking into consideration the proposed use. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority including, if required, the preparation of an Environmental Audit.

In the event an Environmental Audit is required, prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:

- a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- b) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the Subdivision Act 1988, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be

submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Prior to any remediation works being undertaken in association with an Environmental Audit, a 'remediation works' plan must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the Environment Protection Act 1970.

#### **Environmental Audit Certificate**

13. A copy of the certificate or statement of Environmental Audit issued for the land must be provided to each owner, under a covering letter which draws attention to any conditions or directions on the Certificate or Statement of Environmental Audit.

The land owner and all its successors in title or transferees must upon release for private sale of each of the lots created (if any) by the subdivision include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962 annexed to the Contract of Sale for the sale of the land, a copy of the planning permit and relevant plans, Certificate or Statement of Environmental Audit for the land and any management plans or other documentation required to be prepared and adhered to in respect of the land.

#### **Ongoing Architect Involvement**

14. As part of the ongoing consultant team, Cera Stribley or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
  - a) oversee design and construction of the development; and

- b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Affordable/Social Housing Condition**

15. Prior to the commencement of the construction or carrying out of works authorised under the Permit, the owner(s) of the land and the Responsible Authority must enter into an agreement under section 173 of the *Planning and Environment Act 1987 (Agreement)* providing for the provision of affordable housing including the following:

- a) The owner covenants and agrees to:
  - i. provide an affordable housing contribution comprising of no less than 11 dwellings (Affordable/Social Housing) authorised under the Permit by way of the following options:
    - a. entering into an arrangement with a registered agency established under the *Housing Act 1983 (Registered Housing Agency)* to lease the Affordable/Social Housing in perpetuity (Option 1); OR
    - b. transferring ownership of the Affordable/Social Housing to a Registered Housing Agency (Option 2);
  - ii. construct the Affordable/Social Housing on the land in a continuous, proper and workmanlike manner, strictly in accordance with and to the satisfaction of the Responsible Authority:
    - a. the plans and specifications endorsed under the Permit;
    - b. all applicable laws;
    - c. the terms of applicable permits and approvals; and
    - d. using all due care and skill;
  - iii. unless with the prior written consent of the Responsible Authority, the owner must comply with conditions above within 3 months of the last to occur of:
    - a. registration of the plan of subdivision which creates the Affordable/Social Housing lots; and
    - b. completion of construction of the Affordable/Social Housing, as signified by the issuing of an occupancy permit or the like under the *Building Act 1993* for last completed construction of the Affordable Housing.
- b) If the owner(s) elected to proceed with Option 2 of Condition 15a) i b, the Registered Agency covenants that:

- a) *the Registered Agency will only use the land for a purpose which is consistent with the following:*
  - a. *the owner of the land being a Registered Agency; and*
  - b. *the provision of Affordable Housing in accordance with the obligations of a Registered Agency under Part 8 of the Housing Act 1983 (Vic); and*
  - c. *it must not transfer the title to the Affordable Housing dwellings to a third party other than a Registered Agency.*
- c) The obligations under condition a(i) and b have no end date and run with the land indefinitely.
- d) Upon registration of the Plan of Subdivision for the development, the Agreement required by this condition will end with respect to the Titles of dwellings in the development that are not proposed to be used to provide Affordable/Social Housing and will only remain on Title for the dwellings proposed to provide Affordable/Social housing.
- e) The Agreement must be registered on title at the owner(s) cost. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the Agreement on title.

#### **Car Parking and Accessways**

- 16. 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.
- 17. Parking areas and access lanes must be kept available for these purposes at all times.
- 18. Any modification to the existing vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.

#### **Bicycle Parking**

- 19. No less than 53 bicycle parking spaces to be provided for the development, including 36 resident/staff spaces and 17 visitor spaces.
- 20. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

### Services and Plant Equipment

21. 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.
22. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
23. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.
24. 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

25. The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.

### Satisfactory Continuation

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

### Department of Transport and Planning Conditions (Ref: PPR 44045/23)

27. Prior to the endorsement of plans, unless otherwise agreed in writing with the Head, Transport for Victoria, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the job number 22190 amendments highlighted with revisions, provided with updated revision number/ dates modified to show.
  - i. Splitter Island at Crossover on Centre Road
    - a. Splitter island at crossover

- b. **Appropriate signs and line marking confirming left-in-left-out access only and swept path diagrams showing vehicles can enter and exit the subject site simultaneously from Centre Road.**
    - c. **60-degree splays and 3 metre radial turnouts**
    - d. **The removal of redundant vehicle crossings and reinstatement of the existing kerb and channel**
  - ii. **Bus Stop Works on Centre Road, West of subject site**
    - e. **Replacement of concreting, construction of new pole and installation of tactile ground surface indicators for bus stop.**
    - f. **If current kerb height is not 150mm, replacement of kerb to a height of 150mm**
    - g. **The grade of the new concrete must be between 1: 40 and 1:100**
    - h. **Design compliant with the Disability Discrimination Act 1992 (Cth)**
- 28. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop, adjacent subject site on Centre Road and splitter island located at the crossover on Centre Road are to be constructed to the satisfaction the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 29. Prior to the occupation of buildings and/or works the crossover and driveway are to be constructed to the satisfaction the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 30. Prior to occupation of buildings and/or works the access lanes, driveways, crossovers and associated works must be provided and available for use and be:**
- a. **Formed to such levels and drained so that they can be used in accordance with the endorsed plans.**
  - b. **Treated with an all-weather seal or some other durable surface.**
- Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.**
- 31. Prior to occupation of buildings and works, the redundant crossovers must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority, at no cost to the Head, Transport for Victoria.**
- 32. All vehicles must always enter and exit the site in a forward direction.**
- 33. The demolition and construction of the development must not disrupt bus operations on Centre Road without the prior written consent of the Head, Transport for Victoria.**
- 34. Any request for written consent to disrupt bus operations on Centre Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption**

and must detail measures that will occur to mitigate the impact of the planned disruption.

35. Any security boom, barrier, gate, garage door, or similar device controlling vehicular access to the premises must be setback a minimum of 7m inside the property boundary to allow vehicles to store clear of Centre Road pavement and footpath.

Department of Suburban Railway Loop Authority (Ref: SCO15/2023/16)

#### SC1 Amended Plans

36. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition and excavation), detailed design drawings, must be submitted to the satisfaction of Suburban Rail Loop Authority. When approved, the plans will be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions, be generally in accordance with the plans submitted with the application but modified to show:
  - a) all excavation and footing details in accordance with the Engineering Report required by Condition SC3 (Engineering Report) below
  - b) excavation depths for all buildings, structures and retaining walls (including excavation required for services and utilities) to be shown at Australian Height Datum (AHD) on floor plans and elevations;
  - c) foundations and footing designs of all buildings, structures and retaining walls, (including pile designs and associated loadings if applicable).

#### SC2 Appointment of Engineer

37. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition and excavation) and before the submission of plans under Condition SC1 (Amended Plans), the permit holder must identify a suitably qualified engineer. The engineer will prepare an Engineering Report that will advise on design, management and construction techniques of the development to prevent any impact on Suburban Rail Loop East and associated infrastructure.

#### SC3 Engineering Report

38. Unless otherwise agreed in writing with the Suburban Rail Loop Authority, before the development starts (including demolition and excavation) and before the submission of plans under Condition SC1 (Amended Plans), an Engineering Report from a suitably qualified engineer must be submitted to and approved by Suburban Rail Loop Authority. The report must outline the design, management and construction techniques to be implemented prior, during and following construction to prevent any impact on Suburban Rail Loop East and associated infrastructure. Once approved, the Engineering Report will form part of the

planning permit. All relevant structural and geotechnical issues must be considered, and the report must demonstrate the following:

- a) that the building footings will not compromise the structural integrity of, or damage or displace Suburban Rail Loop East and associated infrastructure. In that case, the following would be considered to satisfy this requirement
  - i. Demonstrating the increase in unfactored loading from the footings and piles, if adopted, at RL 36.8 m AHD beneath the centre of the building does not exceed 50 kPa (unloading from basement excavations should not be included in this assessment). Loadings that would otherwise cause this pressure to be exceeded must be carried to below RL 28.5 m AHD;
  - ii. Providing two zones, 13.3 m wide, that are clear of piles across the site from north to south with boundaries to be provided by SRLA.
- b) the piles and building structure will accommodate the ground movement impacts from the SRL tunnelling, as provided by SRLA.
- c) the development and construction methods will appropriately manage and mitigate any impacts from construction vibration on the Suburban Rail Loop East and associated infrastructure.

#### **SC4 Compliance with Engineering Report**

39. All design, excavation and construction must be undertaken in accordance with the Engineering Report approved under Condition SC3 (Engineering Report) (above), unless alterations or modifications are approved in writing by Suburban Rail Loop Authority.

#### **SC5 Alterations not consistent with Engineering Report**

40. Where any alterations or modifications to the plans endorsed under Condition SC1 (Amended Plans) are not consistent with the Engineering Report prepared in accordance with Condition SC3 (Engineering Report) (above), the prior written consent of Suburban Rail Loop Authority must be obtained.

#### **SC6 Ground Anchors**

41. Ground anchors or rock bolts used for the development must not intrude below RL 38.8 m AHD or horizontally into land affected by Special Control Overlay SCO15 unless otherwise agreed in writing by Suburban Rail Loop Authority. Temporary soil anchors may be installed to the satisfaction of Suburban Rail Loop Authority.

### **SC7 Demolition and Construction Management Plan**

42. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to the satisfaction of the Suburban Rail Loop Authority. The Demolition and Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to Suburban Rail Loop East and associated infrastructure during demolition and construction, and must set out objectives and performance and monitoring requirements for:
- a) the demolition and construction program;
  - b) any demolition, excavation or construction mitigation measures identified in the Engineering Report approved in accordance with Condition SC3 (Engineering Report).
  - c) preferred arrangement for trucks delivering to the land, including delivery and unloading and expected duration and frequency;
  - d) protection of infrastructure to ensure Suburban Rail Loop East and associated infrastructure is not damaged during demolition or construction;
  - e) an outline of requests to occupy public footpaths or roads, Suburban Rail Loop Authority area land or anticipated disruptions to local services;
  - f) management of drainage, effluent, material stockpiles, fencing and hoardings to ensure Suburban Rail Loop Authority area land or Suburban Rail Loop East and associated infrastructure is not used for, or impacted by these activities;
  - g) measures to ensure that all works on the land will be carried out in accordance with the Demolition and Construction Management Plan.
  - h) Risk assessments and management plans to ensure that any piled foundations do not intrude into the zones around the tunnels that are defined by SRLA

### **SC8 Compliance with the Demolition and Construction Management Plan**

43. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to the Suburban Rail Loop Authority

### **SC9 No damage to infrastructure**

44. Unless otherwise agreed in writing with Suburban Rail Loop Authority, the permit holder must ensure that no Suburban Rail Loop East infrastructure, assets or services are damaged or altered as a result of the development. Any damage must be rectified to the satisfaction of the Suburban Rail Loop Authority, at the full cost of the permit holder.

### **SC10 Boreholes**

45. Any boreholes, geotechnical investigations or intrusive ground investigations must be first approved in writing by Suburban Rail Loop Authority. Any submission to Suburban Rail Loop Authority for approval must include, to the satisfaction of Suburban Rail Loop Authority, details of their location and depth, and the methods and management processes that will be adopted to avoid impacts to the Suburban Rail Loop structures.

All boreholes must be backfilled to the satisfaction of Suburban Rail Loop Authority using a grout bentonite mix (3% bentonite) or satisfactory equivalent and in accordance with Southern Rural Water (SRW) licence conditions.

### **SC11 Commencement of Development**

46. No development (including demolition and excavation) may commence until confirmed in writing by Suburban Rail Loop Authority (having regard to Suburban Rail Loop operations in proximity to the subject site). The permit holder must give Suburban Rail Loop Authority at least 10 business days' notice of the expected date of commencement.
47. Prior to the endorsement of plans under Condition 1, the applicant/owner must seek confirmation from the Civil Aviation Safety Authority, Air Services Australia and/or the Airport Lessee Company to ensure the proposal does not intrude into the Obstacle Limitation Surfaces or the Procedures for Air Navigation Services – Aircraft Operations for the Moorabbin Airport. A copy of this confirmation must be submitted to the Responsible Authority.

### **Time for Starting and Completion**

48. 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 time frame.

## NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. Engineering permits must be obtained for new or altered vehicle crossings 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](http://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](mailto:mail@monash.vic.gov.au)).
- 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 stormwater 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. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
- I. 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 trip 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.
- O. Any residents and traders of the approved development will not be entitled to car parking permits for on street car parking.

**Department of Transport and Planning Notes:**

- P. The proposed development requires works within the road reserve, separate approval under the Road Management Act 2004 for this activity will be required from the Head, Transport. Please contact the Department of Transport and Planning prior to commencing any works.

**Department of Suburban Railway Loop Authority Notes:**

- Q. All material to be submitted to SRLA must be sent to [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au).
- R. Please contact the Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au) when 'as- constructed' details of the building's footings (and if piled, the piling records) are available, to ensure they are considered as part of the detailed design of SRL East
- S. Should the development be constructed at the same time as SRL East (in this area), communication between the permit holder and the Suburban Rail Loop Authority is critical to coordinate the logistics of both projects. Please contact the Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au)

CARRIED

## 7.2 Community Services

### 7.2.1 COMBINED ADVISORY COMMITTEES ANNUAL REPORT - 2023

Moved: Cr Fergeus      Seconded: Cr McCluskey

#### RECOMMENDATION

That Council:

- 1 Notes the activities of the Advisory Committees identified in this report, during 2023, and thanks all members for their time and contributions.
- 2 Endorses a review of each Committee's Terms of Reference to ensure consistency with Council's current Advisory Committee Policy in relation to representation on multiple Advisory Committees.
- 3 Notes the resignation of the following representatives and thanks them for their valuable contribution:

- Tania Rose, Shamiso Murambi, Alex Mills, Prabha Arachige, Jade McNamara and Jasmine Howlett from the Gender Equity Advisory Committee.
- Thanura Tyler Ediri, Nicole Flynn, Mark Hao, Yohana Jury, Pierce Soulsby and Andrew Paolucci (who resigned in May 2023); and Yoshi Nakajima and Asher Cameron (who resigned in October 2023) from the LGBTIQ+ Advisory Committee.
- Annette Anakotta, Mark Learmonth, Phil Terry, Irene Trirouzis and Robert Taylor from the Positive Ageing Reference Group.
- Ramike Wickramasinghe, Jonathan Lee, Eva Mohan, Raghav Baheti, Kabisan Sutharsan, Serene Karunaratne, Shreeya Kalagotla, Neha Satishkumar and Miranpal Nagra as members from the Monash Youth Committee.

**4 Endorses the appointment of:**

- Al Eli Baxter, Chloe Codling, Christina Dilipkumar, Jesse Laughlin Jones, Jenni Wentworth, and Naiwen (Nevin) Xu to the LGBTIQ+ Advisory Committee.
- Annie Zhou, Tyson Hudson, Thomas Maguire-Nguyen, Arjun Kapoor, Sabrina Cheng, Fiona Zhang, Sasmi De Silva, Harindra Krishnamendu, Tarini Guddanti, Shishta Jain and Chandani Patel to the Monash Youth Committee.

**CARRIED**

## **7.2.2 GLADESWOOD RESERVE MASTERPLAN**

Moved: Cr McCluskey    Seconded: Cr Little

### **RECOMMENDATION**

**That Council:**

- 1. Notes that:**
  - 1.1. The draft masterplan for Gladeswood Reserve was publicly exhibited on Shape Monash from 6 September – 22 October 2023.**
  - 1.2. All community feedback received on the draft has been recorded in the Consultation Report presented in Attachment B.**
  - 1.3. Where considered reasonable and feasible to do so, this feedback has been incorporated into the final masterplan as presented in Attachment A.**
- 2. Notes that:**
  - 2.1. The Mulgrave Primary School Masterplan 2018 concept layout for stage 2 school works (car park, drop off/pick up zone and turning circle) impacts a portion of Gladeswood Reserve (area to be confirmed by survey) being part of Lot 8 on LP 119533 contained in Certificate of Title Volume 9333 Folio 331 (Council Land) as depicted in Attachment C – Mulgrave Primary School Masterplan 2018.**

- 2.2. The Council Land has been reflected in the final masterplan for the reserve to ensure a consistent interface vision between the two sites and their respective masterplans.**
- 3. Endorses the final Gladeswood Reserve Masterplan as presented in Attachment A, noting that the masterplan is an aspirational plan and the development priorities identified are subject to project prioritisation, budget approval and/or external funding, and are intended to remain relevant up to 10 years post adoption.**
  - 4. Subject to endorsement of the final masterplan, agrees to direct the CEO or her delegate to commence negotiations with the Department of Education & Early Childhood Development (DEECD) on the potential transfer of the Council Land referred to in item 2 above using Council's statutory powers provided by Section 116 of the Local Government Act 2020 and include the following requirements upon DEECD as part of any negotiation:**
    - a) Accept legal responsibility for the management, upgrade and maintenance of the transferred land.**
    - b) Deliver an integrated design solution for stage 2 schoolworks (school car park, drop off/pick up zone and turning circle) that includes the design of a new 2-way access road, with associated pedestrian connections, off Maygrove Way (Council land) at no cost to Council, noting that the access road's design and construction will need to meet Council requirements and approval.**
    - c) DEECD will deliver (project manage) and pay for the construction of the new access road off Maygrove Way (Council land) that will be utilised by the primary school and park users, which will be then Council's to maintain the new 2-way access road once complete.**
    - d) The proposed school car park will remain open and allow public access outside of school hours for ongoing community use.**
    - e) The land will be transferred back to Council in the event that the school closes.**
    - f) All costs (including Council costs) associated with the transfer of land are to be met by the DEECD.**
  - 5. Receives a further report in early 2024 on the outcome of the negotiations referred to in item 4 above.**

**CARRIED**

### 7.2.3 2023/24 MONASH SPORTS CLUB GRANTS RECIPIENTS

Moved: Cr McCluskey    Seconded: Cr Fergeus

#### RECOMMENDATION

That Council notes the successful applications that have been funded through the Monash Sports Club Grant program to a total of \$67,882.

CARRIED

## 7.3 Corporate Services

### 7.3.1 NOVEMBER AUDIT AND RISK COMMITTEE MEETING MINUTES

Moved: Cr Samardzija    Seconded: Cr Luo

#### RECOMMENDATION

That Council:

1. notes the unconfirmed minutes of the 24 November 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

## 7.4 City Services

### 7.4.1 PROJECT C09502 - HUGHESDALE LATM DELIVERY - PROJECT BUDGET VARIATION EXCEEDING CEO DELEGATION

Moved: Cr Fergeus    Seconded: Cr Little

#### RECOMMENDATION

That Council:

Approves an increase of \$110,000 to the budget for Project C09502 Hughesdale LATM Delivery, bringing the adopted budget from \$385,000 to \$495,000.

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

CARRIED

## 7.4.2 2024077 - RIVERSDALE GOLF CLUB, HIGH STREET ROAD DRAINAGE UPGRADE

Moved: Cr Little

Seconded: Cr Fergeus

### RECOMMENDATION

That Council:

1. Awards the tender from Jaydo Construction Pty Ltd for Riversdale Golf Club, High Street Road Drainage Upgrade, Contract No. 2024077 for a fixed Lump Sum of \$1,861,305.60 with an extra \$308,000 for Contingencies and \$220,000 for Provisional Items;
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract is anticipated to commence on 1 February 2024 and the expected completion date is 31 May 2024; and
4. Approves additional funding of \$679,325.90; and

Notes that the anticipated project expenditure including the fixed Lump Sum and Project Management/ Delivery Fees is \$1,888,805.60 with an extra \$308,000 for Contingencies and \$220,000 for Provisional Items.

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

CARRIED

## 7.4.3 2024099 - DORRINGTON CHILD & FAMILY HUB CONSTRUCTION

Moved: Cr Little

Seconded: Cr de Silva

### RECOMMENDATION

That Council:

1. Awards the tender from 2Construct Pty Ltd for Dorrington Child and Family Hub Construction, Contract No. 2024099 for a fixed Lump Sum of \$6,273,850 with an extra \$605,000 for Contingencies;
2. Authorises the Chief Executive Officer to execute the contract agreement;
3. Notes that the contract is anticipated to commence on 20 December 2023 and the expected completion date is 20 December 2024;
4. Approves additional funding of \$693,000 required for this project;
5. Notes Council Officers will approach the Victorian School Building Authority to the seek an additional contribution towards this project; and
6. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/ Delivery Fees, Demolition costs and Architectural & Design Fees is \$7,018,000 with a further allocation of \$605,000 for Contingencies.

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

CARRIED

#### **7.4.4 202465 - WARD AVE KINDERGARTEN PROJECT**

Moved: Cr Fergeus

Seconded: Cr Zographos

##### **RECOMMENDATION**

**That Council:**

- 1. Awards the tender from Intrec Management (Vic) Pty Ltd for Ward Avenue Kindergarten Project, Contract No. 2024065 for a fixed Lump Sum of \$4,341,669.20 with an extra \$429,000 for Contingencies, and \$132,000 for Provisional Items;**
- 2. Authorises the Chief Executive Officer to execute the contract agreement;**
- 3. Notes that the contract is anticipated to commence on 1 February 2024 and the expected completion date is 27 September 2024; and**
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum and Project Management/ Delivery Fees is \$4,660,669.20 with a further allocation of \$429,000 for Contingencies and \$132,000 for Provisional Items.**

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

**CARRIED**

#### **7.4.5 COUNCIL REPORT ON COUNCILLOR REPRESENTATION ON COMMITTEES**

Moved: Cr Luo

Seconded: Cr Little

##### **RECOMMENDATION**

**That Council appoints the Council representatives to the various organisations and committees for 2024.**

**CARRIED**

#### **7.4.6 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLORS' MEETINGS**

Moved: Cr Fergeus

Seconded: Cr Little

##### **RECOMMENDATION**

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

**CARRIED**

## 7.5 Chief Executive Officer

### 7.5.1 SIX MONTHLY AUDIT AND RISK COMMITTEE ACTIVITY REPORT

Moved: Cr Fergeus      Seconded: Cr Little

#### RECOMMENDATION

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

CARRIED

## 8 NOTICES OF MOTION

### 8.1 A CALL FOR PEACE

Moved: Cr Fergeus      Seconded: Cr de Silva

#### MOTION

That Council:

1. Acknowledges the immense pain and suffering in the Monash community caused by both the ongoing assault on Gaza and the attack on Israel perpetrated on the 7<sup>th</sup> of October, particularly among members of the Palestinian diaspora and members of the Jewish community;
2. Rejects all forms of violence against civilians, and joins in calling for an immediate ceasefire and for all parties to uphold international law;
3. Notes that the current conflict cannot be viewed in isolation from the State of Israel's illegal and ongoing occupation of the Palestinian territories;
4. Rejects Islamophobia, antisemitism, and racism in its many forms;
5. Advertises in the next edition of the Monash Bulletin the UNICEF Gaza appeal<sup>[1]</sup> which aims to provide immediate assistance to children in Gaza during this dire humanitarian crisis.

<sup>[1]</sup> <https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support>

LOST

#### PROCEDURAL MOTION

Moved: Cr Zographos      Seconded: Cr Little

Councillor Zographos called for the motion to be put to the vote.

CARRIED

## DIVISION

Councillor Zographos called for a division for the motion to be put to the vote.

**For:** Cr de Silva, Cr Zographos, Cr Little, Cr Klisaris, Cr Luo

**Against:** Cr Lake, Cr McCluskey, Cr Fergeus, Cr Samardzija

**Abstained:** Nil

**CARRIED**

The substantive motion was put to the vote and was lost.

## PROCEDURAL MOTION

Moved: Cr Fergeus      Seconded: Cr de Silva

Councillor Fergeus called for a procedural motion to exercise his personal explanation now.

**LOST**

## 8.2 CNCL21 - COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS

Moved: Cr Luo      Seconded: Cr Zographos

### MOTION

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Girish Social Club	Movember Badminton Charity Tournament	\$302.00

**CARRIED**

## 9 URGENT BUSINESS

Nil

## 10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

### 10.1 PROPOSED SALE OF CENTRAL CAR PARK, GLEN WAVERLEY

#### 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, being part of the land in certificate of title volume 11617 folio 563, and being part of the site known as Central Car Park located at 281 Springvale Road, Glen Waverley ("Land").  
("Proposal")
2. Notes the Committee met on Tuesday 12 December 2023 at 6.30pm to hear and consider submissions received in respect of the Proposal.
3. Notes that there were 7 submissions received.
4. Accepts the Committee's recommendation to proceed with the sale of the Land, being part of the land in certificate of title volume 11617 folio 563, and being part of the site known as Central Car Park located at 281 Springvale Road, Glen Waverley.
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.
6. Notes that officers will commence the procurement process for Real Estate Consultancy Services - Marketing and Selling Agent, in accordance with Council's procurement policy and that any contract will be awarded in accordance with Council's delegations.
7. Notes that in accordance with Item 8 of Council's 26 September 2023 resolution, Council's surveyor will proceed with the lodgment of a Plan of Subdivision to affect the excision of a lot of approximately 1,000m<sup>2</sup> for retention by Council for the development as a public plaza.

DEFERRED

#### PROCEDURAL MOTION

Moved: Cr Lake

Seconded: Cr Fergeus

Councillor Lake called for a procedural motion for this item to be moved to the next meeting.

CARRIED

## 11 PERSONAL EXPLANATIONS

Cr Fergeus:

*“Thank you, Mayor. Look I am rising because I was denied my right of reply before and I must say I do object to the debate being cut short. Particularly when there are so many people in the chamber with a keen interest in a particular manner. Democracy isn’t easy, and nor is it always pleasant. Councillor Little referred to me in his contribution on item 8.1, before, and I must say, Councillor you didn’t raise those concerns with me prior to the meeting in that way and you certainly didn’t suggest to me that I was being irresponsible, so thank you for saving that for a public meeting.*

*I will remind you however, that despite your fervent defense of sticking to local matters, that in the past, you have brought motions to donate money to humanitarian causes overseas. I don’t mind robust debate, but I would appreciate consistency, particularly when someone in this chamber is going to name me and claim that I’m being irresponsible in my duties as a Councillor.*

*I support any Councillor’s rights to put their view in this chamber, that is democracy. But, I also reject the notion that acknowledging pain in our community, condemning anti-semitic, and racism, and assisting our community to contribute to a dire humanitarian cause is somehow not the business of Council. You and others are entitled to this view, it is not my view, and I’m not calling you irresponsible for holding yours.*

*I believe it is the business of this Council. I believe that human rights is the business of this Council and human rights is the business of all of us.”*

Cr Little:

*“I’m only going to respond to one part of Cr Fergeus’ little speech and that is about my consistency. The previous event that he was talking about, I believe, was a major crisis in Napal which was caused by a massive earthquake. I did bring it to Council because there were local charities raising money for that event. But, I would remind Councillor Fergeus, that my attempt to bring it to Council failed. It was roundly defeated by persons around this table because I was told in no uncertain terms that it wasn’t relevant to Local Council.*

*So, what I actually did then, I created my own fund and I actually raised money for the Save the Children fund. I did that on my own bat, and I did that as a person of independence. If you can’t see the difference, I’m not going to try to explain it.”*

## 12 COUNCILLORS' REPORTS

Cr Zographos:

*“Thank you, Mayor. In recent days I have been endorsed by the Liberal Party to be its candidate here in the Federal division of Chisholm for the next Australian Election due by May 2025. Although I know as a non-incumbent, I will be the underdog in the campaign ahead will be long and challenging, I am looking forward to a spirited contest about*

*Australia's future, the cost of living and economic pressures under this Government and who has a record of delivering locally in our community.*

*With this in mind, I have decided not to seek re-election to the Monash City Council when this term ends in October 2024.*

*Serving on this Council for the last 11 years has been an enormous privilege and really a dream come true that I have enjoyed every minute of.*

*I am grateful to the people of Monash for electing me on three occasions and I will have more to say about them and my experience in coming months.*

*I hope my announcements some ten months before the Council Election will allow others in the community to consider standing for local government so that we have renewal on this Council and to plan for the post-Zographos era in Oakleigh and in Monash.*

*Thank you very much Mayor."*

## 13 CONFIDENTIAL BUSINESS

### RECOMMENDATION

Moved: Cr Little

Seconded: Cr Luo

**That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificates.**

**CARRIED**

### RETURN TO OPEN COUNCIL

The Council returned to Open Council at 8.03 pm.

## 14 MEETING CLOSURE

The Mayor declared the meeting closed at 8.04 pm.

**MAYOR:**  .....

**DATED: 30 January 2024**