

MINUTES MEETING OF COUNCIL HELD ON

TUESDAY 25 MARCH 2025

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: P Klisaris (Mayor), B Little (Deputy Mayor), A de Silva, J Fergeus, G Lake (from 7.03pm, E Lee, C Little, N Luo, S McCluskey, R Paterson (from 7.03pm).

Officers: A Diamond, J Doake, R Hopkins, P Panagakos, J Robertson, A Sapolu, R Berhang, S Wickes, G Budhiraja.

APOLOGIES

Councillors: S James

3 DISCLOSURES OF INTEREST

Cr C Little declared a General Conflict of Interest for:

• Item 13.1 Commonwealth Age Care

4 CONFIRMATION OF MINUTES

Moved: Cr Lee Seconded: Cr Klisaris

MOTION

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

Meeting of Council held on 25 February 2025.

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Nil.

6 PUBLIC QUESTION TIME

The Mayor advised that seven (7) questions had been received and one (1) of the questions has been disallowed.

Question 1: Marcus Fernandez from Clayton

Oakleigh Recreation Centre recently erected signs asking people to use the bathroom of "their own choice". Is this a move Monash is looking to implement Council wide? Are there any safeguards for vulnerable people who may be affected by this (i.e. unaccompanied girls)? Was the community consulted with?

Council provided the following response:

Access to bathrooms in Monash Council facilities is in line with federal and state legislation. This includes the Victorian Gender Equality Act 2020 and Australian Sex Discrimination Act 1984.

This legislation applies to all workplaces and public facilities and is not specific to the City of Monash. The signage you refer to was for a specific event.

Question 2: Anthony Manaras from Mount Waverley

Can you please explain to me why 11pm on a Tuesday night, and I'm having to listen to cars honking and banging of the basketball stadium? Is it not enough I have to listen to it Saturday and Sunday, I have to listen to it everyday?

Council provided the following response:

The Waverley Basketball Stadium provides numerous programs and competitions. During the week, training commences at 4.00pm and competition commences at 6.30pm until the venue closes at 11.00pm. The stadium employs a shift supervisor who is responsible for patrons leaving the venue. A Council contractor is responsible for locking and opening the car park gate daily. Residents are encouraged to reach out to the Waverley Basketball Association if they have any specific concerns regarding the behaviour of stadium patrons. We will also raise your concerns with the Association and remind them to be conscious of the impact on residents.

Question 3: Walter Vice from Oakleigh South

The Owners Corporation of Amara Estate (Plan No. PS827468L) at 10 Alvina Street, Oakleigh South, is being charged rates by Monash City Council, which we understand include waste management services. However, despite paying for these services, our estate does not receive them, forcing us to spend an additional \$50,000 annually on private waste collection.

Given that:

- 1. The Minister's Good Practice Guidelines (December 2023) require transparency in service rates and charges,
- 2. The Local Government Act 1989 (Vic) requires service rates to reflect the actual service provided,
- 3. Australian Consumer Law prohibits charging for services not provided,

How does Monash City Council justify this practice, and what immediate steps will it take to either:

- a) Provide full waste management services to our estate, or
- b) Amend our rates to exclude waste service charges and compensate residents for the undue financial burden imposed over the years?

Both options are supported in other LGAs, a) being the most desirable.

The Mayor read the following response:

Council currently does not have a fee for service full cost recovery waste charge. We introduced a waste and recycling charge flat fee across all ratepayers in 2018 to cover the additional costs of recycling. Private waste management is also a condition of the permit for the development of Amara Estate.

Council met with the residents of Amara Estate in May 2024 to discuss the current "Waste and Recycling Levy" and absence of a separate waste charge. During the meeting, we provided a full overview of council practices and shared the information with the owner's corporation, which we believe was then communicated to all the residents.

A review of the Waste Management Plan will not be undertaken at this time and there will be no reimbursement of the cost of your private bin collection. I appreciate that this is not the outcome you are seeking. The Recycling & Waste Levy will be reviewed in the future, which will allow residents to participate and provide feedback as a part of that process.

Question 4: Walter Vice from Oakleigh South

Security and Public Access to Westringia Walk.

Westringia Walk, which connects Amara Circuit to Scotsburn Avenue, is private property owned and maintained by the Amara Estate Owners Corporation. Council has informally advised that restricting access is not permitted due to historical public use before the estate was built.

Given that:

- 1. Westringia Walk is not a public asset, road, or reserve,
- 2. The Owners Corporation has a legal duty to protect common property,
- 3. The ongoing security risks (vandalism, break-ins, theft) significantly impact residents,

Can Council provide a clear legal basis for why security measures, such as gating access, are not permitted? Additionally, what formal process can the Owners Corporation undertake to restrict access and improve security while remaining compliant with Council regulations?

The Mayor read the following response:

Westringia Walk is Common Property on the plan of subdivision. It is a private road not managed by Council, but is still considered a public highway at common law due to the passage of time and it's use for many decades as a walkway between Alvina Street and Scotsburn Ave. This link was also identified in the approved development plan as a connection . between the two streets. You may want to seek your own advice on this matter and what options are available to you.

Question 5: Xuan Wang from Glen Waverley

Why I was asked to demolish the timber decking in my backyard after 15 months of the house aution? I made no changes to it. The whole house including the decking should have been inspected & approved by the council & a qualified building surveyor before it was selling to people. why the approval can be overturned so easily? I understood my neighbour was not happy for the privacy reason and we have already shared half cost & rebuilt a higher fence last month. As for the other point raised in the Building Order that the decking was too close to the easement, I promise that I will be 100% cooperative if there are any constructive works need to be done in my backyard by Yarra Valley Water in future. I really want to keep my decking as my three young children all have serious allergic reaction to insect & mosquito bites. My next door neighbour 41B now faces the same difficult situation as their house has exactly the same design as my house. Please help us!

Council provided the following response:

Council has identified that there are works on your property that do not have a building permit. Councillors do not have a role in enforcement and compliance and this falls to our Municipal Building Surveyor. I understand that the Building unit has written to you explaining what is needed to resolve the issue, and I encourage you to work with them. A more detailed response is also being sent to you on matters you have raised more recently.

Question 6: Nickolas Piperidis from Chadstone

Council continues to justify its decisions regarding facility grading and ground allocation through the Active Monash Sports Club Framework and Fair Access Policy. However, these frameworks cannot excuse flawed decision-making or the repeated dismissal of serious community concerns.

On 4 March, a formal complaint was submitted regarding water quality concerns at Mayfield Park. A response was received on 7 March, dismissing the matter without investigation. In response, a water sample was taken by members of the community on 8 March and independently tested, confirming poor water quality and discoloration.

Concerns have also been raised about the external steps leading to the player races, which Council claimed were addressed. In reality, a minimal and inadequate fix was applied to one side, while the other remains unresolved. These issues—along with ongoing sewer backflow—have been raised repeatedly by residents and community clubs since at least September last year.

Despite this, Council continues to maintain that Mayfield Park meets its grading criteria and remains suitable for community use.

Why has Council repeatedly dismissed these concerns, and how is it ensuring that the processes behind ground grading and allocation are independently reviewed and accountable to the public?

Council provided the following response:

Officers have confirmed the problems with the water quality at Mayfield Reserve in response to your correspondence of 4 March. Works including the replacement of existing galvanised piping as well as a drinking fountain between the car park and the building will be completed as a priority.

The sewer issue reported several months ago was attended to by plumbers at the time who cut through tree roots in the sewer system and cleared the line. Those same plumbers were on site yesterday and confirmed that there is no current sewer issue. Step warning markers will also be arranged for the steps at the northern end of the pavilion.

The ground allocation process considers the relative standard and availability of Council's reserves and pavilions plus the number and grading of teams that each club has, and distributes these limited resources accordingly. Council is confident that this is an appropriate process.

At 7.13pm Public Question Time concluded.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE

Moved: Cr Luo Seconded: Cr B Little

MOTION

That Council notes the report containing the Town Planning Schedules.

CARRIED

7.1.2 TPA/42334/B - 18A THOMAS STREET CLAYTON VIC 3168 - EXTENSION OF TIME

Moved: Cr Luo Seconded: Cr B Little

MOTION

That Council resolves to issue an Extension of time to Planning Permit No. TPA/42334/B for the construction of three (3) double storey dwellings on a lot at 18 Thomas Street, Clayton VIC 3168, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.

1. That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the completion of the development be extended for a further two (2) years. The development must be completed by 16 June 2026.

CARRIED

7.1.3 HUNTINGDALE PRECINCT PLAN - AMENDMENT C173 - ADOPTION

Moved: Cr B Little Seconded: Cr Luo

MOTION

That Council

- 1. Notes and receives the Panel Report for Amendment C173 to the Monash Planning Scheme included as Attachment 1 to this report.
- 2. Notes that the Panel did not support rezoning of industrial land in precincts 4, 5 and 7 to facilitate residential development.
- 3. Having considered the Panel Report under s27 of the *Planning and Environment Act 1987*, adopts Amendment C173 in accordance with s29(1) of the Act with the changes set out in Attachment 2, and as shown in Attachment 3.
- 4. Notes that all recommendations of the Panel have been accommodated.

- 5. Notes the recent approval of the State Government's changes to ResCode (Amendment VC267) which will impact on the final form of Amendment C173. (. These changes will affect the proposed schedule proposed in the General Residential Zone in relation to street setback, landscaping, private open space provision and front fences as detailed in this report. These changes will likely be made by the Department of Transport and Planning if the Amendment is approved by the State Government.
- 6. Authorises officers to finalise and submit the adopted Amendment C173 in accordance with this report to the Minister for Planning for approval in accordance with s31(1) of the Act.
- 7. Adopts the revised *Huntingdale Precinct Plan, 2023* (Attachment 4) with the following changes:
 - a) Describe Activity Area 2 as an industrial area on Page 35,
 - b) Remove reference to residential uses in Activity Area 4 on Page 43.
- 8. Writes to all submitters advising of this decision.

CARRIED

7.1.4 PLANNING CONTROLS FOR WATERWAYS

Moved: Cr Paterson Seconded: Cr de Silva

MOTION

That Council

- 1. Notes the State Government's consultation on the proposed planning controls for waterways, including Gardiners Creek.
- 2. Notes that the proposed application of the Significant Landscape Overlay to the creek environs in Monash is consistent with previous resolutions of Council to implement the *Urban Landscape and Canopy Vegetation Strategy 2018*.
- 3. Endorses the Officer Submission to the Department of Transport and Planning on the Planning Controls for Waterways at Attachment 1.

7.2 Community Services

7.2.1 ADVISORY COMMITTEES - APPOINTMENT OF NEW MEMBERS

Moved: Cr Klisaris Seconded: Cr Lee

MOTION

That Council

- 1. Endorses the appointment of the following seven (7) people to the Disability Advisory Committee for a two-year term:
 - a) Rebecca Farrell
 - b) Fairley Wijesinghe
 - c) Malcolm Ian Fraser
 - d) Philip Ryan
 - e) Samantha Snowden-Finch
 - f) Carly grace
 - g) Emily Raymond
- 2. Endorses a two-year extension for the following six (6) existing Disability Advisory Committee members:
 - a) Revathy Sembuganathan
 - b) Christine Wilson
 - c) Catherine Maguire
 - d) Wanda Egerton
 - e) Iain Cunningham
 - f) Miriana Gazivoda (OC CONNECTIONS)
- 3. Endorses the appointment of the following ten (10) people to the Environmental Advisory Committee for a two-year term:
 - a) Lee Whitfield
 - b) Genevieve Fryer
 - c) Joanne Yu
 - d) Jungang Fu
 - e) Scott Musgrave-Takeda
 - f) Venkata Kalva
 - g) Dr. Rajmohan Ramanathapillai
 - h) Edna Louzado
 - i) Ann Maria Baby

- j) Ryan Beurle
- 4. Endorses a two-year extension for the following five (5) existing Environmental Advisory Committee members:
 - a) Yen Phei Lok
 - b) Natasha Abrahams
 - c) John Gerard (Jack) Krohn
 - d) Mark Nan Tie
 - e) Peter Mathieson
- 5. Endorses the appointment of the following seven (7) people to the Gender Equity Advisory Committee for a two-year term:
 - a) Naarah Haime
 - b) Michelle Lazarus
 - c) Angela Nguyen
 - d) Tamra Keating
 - e) Avantiika Singh
 - f) Anita Stocky
 - g) Joanne Yu
- 6. Endorses a two-year extension for the following five (5) existing Gender Equity Advisory Committee members:
 - a) Florine Baerlocher
 - b) Jayde de Bondt (Monash University)
 - c) Hui Jun (HJ) Heng
 - d) Katie McKee (Women's Health East)
 - e) Revathy Sembuganathan
- 7. Endorses the appointment of the following six (6) people to the LGBTIQA+ Advisory Committee for a two-year term:
 - a) Wayne Oliver Wright
 - b) Mark Bowness
 - c) Jamie Belle Heal
 - d) Eliana McGann
 - e) Ayan Dasvarma
 - f) Leigh Yang
- 8. Endorses a two-year extension for the following four (4) existing LGBTIQA+ Advisory Committee members:
 - a) Naiwen (Nevin) Xu

- b) Persephone Wentworth
- c) Jesse Laughlin Jones
- d) Christina Dilipkumar
- 9. Endorses the appointment of the following six (6) people to the Multicultural Advisory Committee for a two-year term:
 - a) Hussen Mahamed
 - b) Samar Geid
 - c) Victor Wang
 - d) Quynh Nguyen
 - e) Professor Mohit Sidana
 - f) Shamilla Thiruganaselvam
- 10. Acknowledges the following outgoing members for their time and valuable contributions:
 - a) Heather Miller, Peter Hocking, Tess Marotta, Linda Teng and Helen Houghton from the Disability Advisory Committee.
 - b) CC Hua, Jo Prendergast, Amit Agrawal, Euan Rowland, Philip Liberatore, Ratnakar Vallabhaneni and Lee Tan from the Environmental Advisory Committee.
 - c) Poornima Balasubramanian, Rebecca Hately, Emily Pham and Erica Zhou from the Gender Equity Advisory Committee.
 - d) Brett Hayhoe, John Tzimas, Gregory Storer, Tess Marotta and Christine Minto from the LGBTIQA+ Advisory Committee.
 - e) Oksana King and Mohamed Mohideen from the Multicultural Advisory Committee.
- 11. Endorses the updated Terms of Reference attached for the Disability Advisory Committee, Environmental Advisory Committee, Gender Equity Advisory Committee, LGBTIQA+ Advisory Committee and Multicultural Advisory Committee.

CARRIED

7.2.2 2024/25 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS - JANUARY/FEBRUARY

Moved: Cr Lee Seconded: Cr B Little

MOTION

That Council notes the successful applications that have been funded through the Quick Response Grant Program during the period from January 2025 to February 2025 to a total of \$14,585.45.

7.2.3 MAPH FOUNDATION TRAVEL GRANT

Moved: Cr McCluskey Seconded: Cr Lee

MOTION

That Council approve MAPh's Gallery Director's international travel to Japan and Europe noting that costs are fully covered by an external grant.

CARRIED

7.3 Corporate Services

7.3.1 DRAFT INTEGRATED COUNCIL PLANS

Moved: Cr Paterson Seconded: Cr Luo

MOTION

That Council endorses the draft Community Vision, Council Plan, Health and Wellbeing Plan, Asset Plan and the Rating and Revenue Plan to be made publicly available for community feedback between 26 March and 4 May 2025.

CARRIED

7.3.2 INFORMAL MEETING OF COUNCILLORS RECORDS

Moved: Cr B Little Seconded: Cr Lee

MOTION

That Council notes the records of Informal Meetings of Councillors as attached to this report.

CARRIED

7.3.3 MONASH INTERNAL RESOLUTION PROCEDURE

Moved: Cr McCluskey Seconded: Cr B Little

MOTION

That Council

- 1. Notes the Model Code of Conduct as prescribed in Schedule 1 to the *Local Government* (Governance and Integrity) Regulations 2020
- 2. Adopts the Internal Dispute Resolution Procedure as required by Schedule 1A(1) of the Local Government (Governance and Integrity) Regulations 2020, and
- 3. Makes both documents available on Council's public website.

7.4 City Services

7.4.1 2021090 POOL PLANT MAINTENANCE SERVICES COUNCIL VARIATION REPORT

Moved: Cr Paterson Seconded: Cr Luo

MOTION

That Council

- 1. Approve a variation to contract 2021090B/C/D Provision of Pool Plant Maintenance Services, by Roejen Services in the amount of \$219,500 being greater than 10% of the original contract sum awarded, for the current year plus final two-year extension option.
- 2. Notes that the revised total 2021090A/B/C/D contract value will be increased to an estimated \$2,052,475 inclusive of all possible extension options, all approved variations to date and includes this proposed variation (excluding CPI indexation).
- 3. Notes that variation to contract 2021090, category B regular programmed inspection and maintenance of plant and equipment (Routine), by Roejen Services is for the amount of \$60,500.
- 4. Notes that variation to contract 2021090, category C regular programmed inspection and maintenance of plant and equipment (Reactive), by Roejen Services is for the amount of \$44,000.
- 5. Notes that variation to contract 2021090, category D Quoted works, by Roejen Services for the amount of \$115,000.
- Notes that the increased contract value resulting from this approved variation remains
 within the existing approved and adopted facilities maintenance reactive building and
 programmed works budgets.

Please Note: All values in this report are GST inclusive unless stated otherwise.

CARRIED

7.4.2 2025023 SEGMENTAL PAVING AND MINOR WORKS

Moved: Cr Klisaris Seconded: Cr Luo

MOTION

That Council

1. Awards the tender from Prestige Paving Pty Ltd and Van Hooydonk Pty Ltd for Segmental Paving and Minor Works, Contract No. 2025023 for a schedule of rates based contract with an estimated contract value of \$805,000 for the initial term and an estimated total contract value of \$4,725,000 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 April 2025, with an initial term of Two (2) years and the contract has Two (2) extension options of Two (2) years 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 based on anticipated spend, inflation and growth (please refer to Financial section for more information).

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

CARRIED

7.4.3 2025054: CYCLING CONNECTION BETWEEN SCOTCHMANS CREEK TRAIL TO DJERRING TRAIL

Moved: Cr Fergeus Seconded: Cr de Silva

MOTION

That Council

- Awards the tender from Blue Peak Constructions Pty Ltd for the Cycling Connection Between Scotchmans Creek Trail and Djerring Trail, Contract No. 2025054 for a fixed Lump Sum of \$3,239,560.09 with an extra \$330,000 for Contingencies
- 2. Authorises the Chief Executive Officer to execute the contract agreement.
- 3. Notes that the contract will commence on 1 April 2025 and the expected completion date is 31 October 2025 and
- 4. Notes that the total anticipated project expenditure including the contract fixed Lump Sum, Service Authority Fees and Charges, Traffic Signal Upgrade Works & Project Management/Design Fees is \$4,184,735.09 with a further allocation of \$330,000 for Contingencies.

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

CARRIED

7.4.4 2024118 PAVEMENT AND LINEMARKING SERVICES

Moved: Cr Luo Seconded: Cr B Little

MOTION

That Council

1. Awards the tenders from Image Linemarking Pty Ltd, Mainliner Pty Ltd and Rapid Linemarking Pty Ltd for Pavement and Line Marking Services, Contract No. 2024118 for a schedule of rates based contract with an estimated contract value of \$1,200,000 for the

- initial term and an estimated total contract value of \$6,600,000 inclusive of all available extension options.
- 2. Authorises the Chief Executive Officer or their delegate to execute the contract agreement.
- 3. Notes that the contract will commence on 1 April 2025, with an initial term of one (1) year and the contract has Two (2) extension options of Two (2) years 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 based on anticipated spend, inflation and volume growth (please refer to Financial section for more information).

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

CARRIED

7.5 Chief Executive Officer

7.5.1 PLANNING AUTHORISATIONS AND BUILDING INFRINGEMENTS

Moved: Cr Klisaris Seconded: Cr Luo

MOTION

That Council

- 1. Note that there was an administrative error with Planning Authorisations that affects infringements issued between December 2008 and June 2018, as well a different administrative error affecting Building Infringements relating to swimming pool compliance issued between February 2022 until November 2024.
- 2. Note that the administrative error in both instances does not negate the fact that the original offences occurred and that a fine was warranted.
- 3. Note that the issues with both matters has been rectified with appropriate Authorisations having been made under the Planning and Environment Act and the process with the Building Infringements having been amended.
- 4. Note that all affected people have been directly notified so that the money paid toward their infringement can be refunded to them.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION- APPOINTMENT AS MONASH REPRESENTATIVE TO VICTORIAN LOCAL GOVERNANCE ASSOCIATION AND GAMBLING COMMITTEE

Moved: Cr Klisaris Seconded: Cr B Little

MOTION

That Council resolves to

- 1. Appoint Cr Josh Fergeus as the Monash representative to the Victorian Local Governance Association for 2025.
- 2. Appoint Cr Rebecca Paterson as the Monash representative to the Victorian Local Governance Association's Local Government Working Group on Gambling for 2025.

CARRIED

8.2 NOTICE OF MOTION- COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATION- MARCH 2025

Moved: Cr B Little Seconded: Cr Luo

MOTION

That Council resolves to approve the following two (2) applications for funding from the Council's Discretionary Expenditure Fund in accordance with the guidelines.

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Elise Haggerty	Partial Financial assistance to participate in Victorian Under 15 in the Australian Softball Team in Milan, Italy.	\$500
Monash Interfaith Gathering Inc	Partial financial assistance to serve lunch and refreshments at Raising Peaceful Next Generations event to be held on 7 June 2025.	\$500

CARRIED

9 URGENT BUSINESS

Nil.

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

Nil.

11 PERSONAL EXPLANATIONS

Nil.

12 COUNCILLORS' REPORTS

Nil.

13 CONFIDENTIAL BUSINESS

Moved: Cr Klisaris Seconded: Cr Luo

PROCEDURAL MOTION

That Council, having reviewed and considered the certificates 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)(a) of the Local Government Act 2020 for the reasons specified in the certificate.

CARRIED

Meeting Note:

Cr C Little declared a general Conflict of Interest in item 13.1 as a result of him being a
director at a company which has some sub-contracting arrangements in the Home Care
Packages program space. Cr C Little left the meeting at 7.30pm prior to the discussion of
the item.

The Council moved into Confidential business at 7.30pm.

RETURN TO OPEN COUNCIL

The Council returned to open Council at 7.55pm.

14 MEETING CLOSURE

The Mayor declared the meeting closed at 7.55pm.

MAYOR:

DATE: 29 April 2025