



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 26 FEBRUARY 2019**

at 7.00 pm

**Council Chambers
293 Springvale Road,
Glen Waverley**

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 26 FEBRUARY 2019 AT 7.00 PM.**

PRESENT: Councillors S McCluskey (Mayor), B Little (Deputy Mayor), R Davies, J Fergeus, S James, G Lake, P Klisaris, R Paterson, L Saloumi, MT Pang Pang Tsoi, T Zographos

APOLOGIES:

Nil.

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 29 JANUARY 2019**

Moved Cr Zographos

Seconded Cr Paterson

That the minutes of the Ordinary Meeting of the Council held on 29 January 2019, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Fergeus tabled a petition from residents from Mount Waverley, relating to the development TPA/49295 – 2 Curtis Avenue, Mount Waverley.

PUBLIC QUESTION TIME

The Mayor advised that two questions had been received.

Both submitters attended the meeting and received a copy of Council's response in writing

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Proposed Amendment C149 - Stage 1 Rezoning of Oakleigh North Industrial Precinct – Dandenong Road Oakleigh

Moved Cr Little

Seconded Cr Paterson

That Council:

- 1. Requests the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C149.*
- 2. Authorises the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report.*
- 3. Upon receiving authorisation from the Minister for Planning, prepares Amendment C149 and exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*
- 4. Directs the Director City Development to write to the owners and occupiers of land to the north of the site to inform them of the proposed amendment, and to consult with them about the future zoning of the balance of the precinct in accordance with the Monash Industrial Land Use Strategy 2014.*

AMENDMENT

Moved Cr Davies

Seconded Cr Zographos

- 1. Modifies proposed Amendment C149 by removing the Affordable Housing requirement from the proposed Amendment.*
- 2. Requests the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C149.*
- 3. Authorises the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report.*
- 4. Upon receiving authorisation from the Minister for Planning, prepares Amendment C149 and exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*
- 5. Directs the Director City Development to write to the owners and occupiers of land to the north of the site to inform them of the proposed amendment, and to consult with them about the future zoning of the balance of the precinct in accordance with the Monash Industrial Land Use Strategy 2014.*

Cr Davies supports the proposal, but doesn't support the heavy hand of Council enforcing the affordable housing component on the developer. Cr Davies said that there is no policy for this and it will not stand up in VCAT.

Cr Fergeus said that he has an opposing view on affordable housing. This is a perfect case to put forward affordable housing. Cr Fergeus said that several families experience financial stress due to housing and 24,000 Victorians will be homeless tonight. Cr Fergeus said that we have been supporting people sleeping rough in our municipality and that we are currently developing a strategy to address affordable housing.

Cr James said that he believes the only component worth keeping of the proposal is the affordable housing one. Cr James said that the development of the strategy is currently underway, which will address what is completely lacking throughout the municipality.

Cr Zographos said that he appreciated the comments already made. Cr Zographos said that he has concerns with the legal basis for leaving the affordable housing component in and spoke about an application rejected by Whitehorse last year.

Cr Saloumi said that she became aware that there are 3500 properties in Dandenong that are currently vacant due to foreign investment and suggested that this is the same case in Monash. Cr Saloumi said that if the state government imposes the vacant land tax on properties that would help increase the pool of money for affordable housing.

Cr Paterson stated that she has been a member of the Eastern Affordable Housing Alliance for 3 years. Cr Paterson said that the State Government made the decision to change the 173 Agreement for developers and define affordable housing in the act. Cr Paterson said that affordable housing is categorised in income ranges, and is not social housing. Cr Paterson added that affordable housing is designed for the for a moderate income family, to deal with the fact that the median house price is so high and simply not affordable.

The Mayor sought clarification on the definition of 'facilitate' on page 10 of the report. The Mayor said that Council has a responsibility to plan properly for the municipality and to facilitate opportunities, where appropriate – rezoning.

The amended was put to the vote.

LOST

DIVISION.

A division was called.

For: Crs Zographos, Davies, Pang Tsoi and Saloumi.

Against: Crs Lake, James, Little, McCluskey, Klisaris, Paterson and Fergeus.

SUBSTANTIVE MOTION.

Cr James said that he will be voting against the report as the development is far too big for the area. Cr James said that he can't support the 11 storey development as we rejected a similar development down the road. Cr James suggested that it would be better if the entire area was being considered for rezoning, not just one pocket.

Cr Zographos said that he finds it strange that you'd vote the report down for the sake of 1 storey.

POINT OF ORDER CALLED – Not speaking to the motion, upheld by the Mayor.

Cr Zographos continued to say that he agrees with Cr James' comment of rezoning the corridor, but this should have been done years ago. Cr Zographos said that a 10 or 11 storey development is reasonable, however, he would not support a 30 storey development. Cr Zographos stated that the developer has been working with Council and that he supports the report.

Cr Davies said that the development is proposed in the right place, as it is removed from the normal residential area. However, stated that we don't have authority to enforce.

CARRIED

DIVISION.

A Division was called.

For: Crs Zographos, Lake, Davies, Little, McCluskey, Klisaris, Pang Tsoi, Fergeus and Saloumi.

Against: Cr James.

1.2 Amendment C125 – Part 2 Proposed Excision of Accessible Areas & Boulevards From the Amendment

Moved Cr Zographos

Seconded Cr Little

That Council:

1. Notes that at its meeting of 27 March 2018 Council in considering a report on Amendment C125 resolved to:

- ***Note that the Minister for Planning has decided to split Amendment C125 into two parts.***
- ***Note that Part 2 of Amendment C125 relates to land that was proposed to remain in the General Residential zone but as a consequence of changes***

-
- made by the Minister in March 2017 through VC110 now has a 3 storey (11metre) height limit rather than a discretionary 9 metre height limit.*
- *Request the Minister to approve Part 2 of Amendment C125 as adopted by Council at its meeting of February 2017 as soon as possible, acknowledging that the maximum mandatory 3 storey (11 metre) height limit will continue to apply in the General Residential zone.*
 - *Note that officers are continuing discussions with representatives of the Department of Environment, Land, Water and Planning and that these discussions will include:*
 - o *the identification of accessible areas around activity centres;*
 - o *the appropriate zone and planning provisions for the Boulevards identified in the Monash Housing Strategy;*
 - *Authorise the Director City Development to continue discussions with representatives from the Department of Environment, Land, Water and Planning to facilitate the outcomes sought in Recommendation 6 & 7.*
2. *Notes that since March 2018 officers have continued discussions with representatives of the Department of Environment, Water, Land and Planning (DEWLP) in order to facilitate the approval of Amendment C125 Part 2.*
3. *Notes the further strategic work to identify the Accessible Areas and the Boulevards of the Monash Housing Strategy has been undertaken since the adoption of Amendment C125 by Council in 2017.*
4. *Notes that given the time that has now passed since the original request to approve Amendment C125 and the progress Council has made on identifying the Accessible Areas and Boulevards, officers of DEWLP have now indicated that they are unlikely to support to rezoning of these areas (Accessible Areas and Boulevards) as part of C125 - Part 2 and that these should be considered separately.*
5. *Notes that the officers are in the process of developing appropriate zone and planning provisions for the Boulevards and Accessible Areas identified in the Monash Housing Strategy and that these will form part of a separate planning scheme amendment proposal for consideration by Council at a later date.*
6. *Notes that the preparation of draft Precinct Plans for the Clayton and Huntingdale Activity Centres are nearing finalisation.*
7. *Notes that the preparation of a draft Structure Plan for the Mount Waverley Activity Centre is currently underway.*
8. *Acknowledges that given the passage of time since the adoption of Amendment C125 in March 2017 the position of the department and the further strategic work that identifies the Accessible Areas and Boulevards it is no longer appropriate to include these areas in the General Residential Zone – Schedule 3 of Amendment C125 – Part 2, as inclusion of these may further*

hinder the adoption of C125 – Part 2 which affects the majority of the municipality.

9. Directs the CEO to write and request that the Minister approve Amendment C125 - Part 2 as soon as possible, acknowledging that given the further strategic work that identifies the Accessible Areas and Boulevards Council is no longer seeking to include these areas in the General Residential Zone – Schedule 3 of Amendment C125 – Part 2 and these areas should be removed from Amendment C125 - Part 2.

10. Notes that the removal of the Accessible Areas and Boulevards from Amendment C125 - Part 2 will mean that the current General Residential Zone – Schedule 2 provisions continue to apply to these areas and there is no change in the planning framework from what currently exists until further work is completed.

11. Notes that any further changes to current planning provisions for the Accessible Areas and Boulevards will be the subject of a separate Council report and amendment process.

Cr Little said that we have been dealing with C125 for well over 2 years. It's sad that we are having to go through this again and unfortunate that we've had to go to these lengths.

Cr Davies said that he was against the original approval. State Government have had no further discussions. Cr Davies stated that he is reluctant to support as he doesn't like 3 storey developments in residential zones.

CARRIED

1.3 3-5 Murray Street, Clayton Development and Use of A Three Storey Medical Centre

Moved Cr Zographos

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49729) to construct a three storey building for use as a medical centre (for up to 41 medical practitioners) with two levels of basement car parking (with a total of 66 car parking spaces) and to display non-illuminated business identification signage, at 3-5 Murray Street, Clayton subject to the following conditions:

Endorsed Plans and Management plans

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) The layout of the development to follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- o Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - o Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - o Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - 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).*
 - o Minimum requirements for car park dimensions to be in accordance with Table 2. Car parking spaces 31, 32 and 33 are to be a minimum of 2.8m wide.*
 - o Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
 - o Car parking spaces 24, 31-33, 57 and 64-66 are allocated to staff.*
 - o The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*
- b) The provision of screening to a minimum height of 1.7m to the west facing first and second floor walkway windows of the northern wing. Screening to be to the satisfaction of the Responsible Authority*
- c) Details of all service equipment, including mechanical ventilation located outside the building or on the building and appropriate screening to be incorporated as part of the architectural design of the building*
- d) Location and design of any proposed electricity supply metre/box/kiosk/substation. This facility must not be located within the front setback area and should be integrated into the building*
- e) The location of waste bin areas sufficient in size to contain all rubbish receptacles, Waste storage areas must be sealed, graded and drained to sewer and any other modifications required by condition 5.*
- f) The location of any fire boost, gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback*
- g) The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m), which may include*

adjacent landscaping areas with a height less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

h) Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

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

3. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site, to be submitted and approved by the Responsible Authority.

The Waste Management Plan shall provide for:

a) The method of collection of garbage and recyclables for uses;

b) Designation of methods of collection including the need to provide for private services or utilisation of council services;

c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;

e) Litter management.

f) Collection of Waste must not cause disturbance to nearby residential properties and must occur between the hours of 7.00am and 8.00pm Monday – Friday.

4. 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 prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-

a) the location of all existing trees and other vegetation to be retained on site

b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development

c) planting to soften the appearance of hard surface areas such as driveways and other paved areas

d) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material

e) the location and details of all fencing

f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site

g) details of all proposed hard surface materials including pathways, patio or decked areas

When approved the plan will be endorsed and will then form part of the permit.

5. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be

implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;*
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- c) the location of where building materials are to be kept during construction;*
- d) site security;*
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;*
- f) on-site parking of vehicles associated with construction of the development;*
- g) wash down areas for trucks and vehicles associated with construction activities;*
- h) cleaning and maintaining surrounding road surfaces;*
- i) a requirement that 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. This does not include excavation or the use of heavy machinery.)*

Development

6. Prior to the commencement of construction, the applicant must pay all associated costs for the existing street tree (Tristanopsis laurina) to be removed and replaced by Council.

7. The existing street tree in front of 3 Murray Street must not be removed or damaged. This tree must be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works until completion.

8. The development must be drained to the satisfaction of the Responsible Authority.

9. A private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve. The internal drainage system may include either:

- a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or*
- shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
- another Council approved equivalent.*

10. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.

Signs

11. All signs must be located wholly within the boundary of the land.

12. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

13. Signs must not be illuminated by external lights without the written consent of the Responsible Authority.

14. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.

15. This permit for signage will expire 15 years from the date of issue of this permit

Use

16. Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

(a) constructed to the satisfaction of the Responsible Authority;

(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

(d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;

(e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

17. No less than 66 car spaces must be provided on the land for the development and use including 4 accessibility spaces clearly marked.

18. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare

19. The amenity of the area must not be detrimentally affected by the use or development, through the:

(a) transport of materials, goods or commodities to or from the land;

(b) appearance of any building, works or materials;

(c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

(d) presence of vermin;

(e) others as appropriate.

20. Air-conditioning and other plan equipment installed on or in the building must be positioned and baffled so that any noise emitted complies with the appropriate Australian Standard and EPA requirements.

21. The use may operate only between the hours of 7am to 9pm, Monday to Friday and 8am-5pm Saturday and Sunday unless the Responsible Authority gives consent in writing.

Completion

22. Before the occupation of the buildings allowed by this permit, the applicant is to advise of the completion of the landscaping works as shown on the endorsed plans to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

23. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

24. 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.

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

Expiry – Development and Use

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

- The development and use is not started before 2 years from the date of issue.**
- The development is not completed 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 within six months of the permit expiry date, where the use or development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the use or development has lawfully started before the permit expires.

NOTES-

A Building approval must be obtained prior to the commencement of the above approved works.

B The proposed crossings are to be constructed in accordance with City of Monash standards.

C Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.

- One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works.**

The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

D 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.

E All Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.

Please refer to the notes section of this permit for additional details

F The nominated point of discharge is the south west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip outside No. 210 Clayton Road via a 900 mm x 600 mm junction pit and 300mm drain to be constructed to Council Standards.

G Payment of \$967.60 is required prior to the commencement of the development for the removal of the Street Tree. Note- This amount is valid for 6 months from the date of issue of the permit.

H All stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

Development

CARRIED

1.4 855-869 Ferntree Gully Road, Wheelers Hill Development of Eighty (80) Dwellings (2-3 Storey In Height) Above Basement Car Parking and Removal of Vegetation

Moved Cr McCluskey

Seconded Cr Klisaris

That if Council were in a position to determine the matter, it resolves that had an application for review not been lodged at VCAT, Council would have resolved to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/49256) for the buildings and works to construct eighty (80) dwellings (2-3 storeys in height) with associated basement carparking and removal of vegetation on land affected by Vegetation Protection Overlay 1 (VPO1), and alteration of access to a Road Zone (Category 1) at 855-869 Ferntree Gully Road, Wheelers Hill subject to the following grounds:

- 1. The proposal does not meet the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy, Clause 22.05 Tree Conservation Policy, Clause 42.02 Vegetation Protection Overlay, Clause 43.02 Design and Development Overlay and Clause 55 Rescode in terms of built form, design detail, integration with the street, private open*

space, internal amenity, removal of vegetation, design of car parking and compliance with Design and Development Overlay - Schedule 5 (DDO5).

- 2. The proposed built form is out of character and results in an overdevelopment within the context of the neighbourhood.*
- 3. The proposal does not meet the mandatory requirements of the Design and Development Overlay - Schedule 5 (DDO5) with respect to the corner of Dwelling 79, upper and lower basements and the decks of the dwellings on the periphery of the subject site.*
- 4. The proposal presents poor architectural design detailing and does not satisfy the design requirements of the Design and Development Overlay - Schedule 5 (DDO5).*
- 5. Tree removal is excessive and not consistent with the objectives and policy statements of Clause 22.05 - Tree Conservation Policy and Vegetation Protection Overlay.*
- 6. The design and location of car parking does not meet the objectives of Clause 52.06.*
- 7. The townhouses along Ferntree Gully Road and Jells Road have not be designed to integrate with the street frontages.*
- 8. The proposal does not satisfy Standard B28 of clause 55.05-4 (Private Open Space objective).*
- 9. The proposal will result in poor internal amenity for future residents.*

AMENDMENT

Moved Cr Davies

Seconded Cr James

Add point 10. The single entry and exit point will cause traffic conflict on Jells Road givens its proximity to the intersection of Jells and Ferntree Gully Road and due to vehicle volume and proximity to other crossovers such as that which serves the Wheelers Hill Hotel

Cr Davies said that the addition of point 10 will only support Council's refusal. The proposal to have a single entry & exit point on Jells Road, directly opposite Wheelers Hill Hotel is problematic especially at high traffic times. Cr Davies said that VicRoads have assessed the application and originally refused but were then satisfied after discussions.

POINT OF ORDER

A point of order was called by Cr James to confirm if the amendment was acceptable to the original mover & seconder.

Cr Fergeus sought the Director City Developments' view on the amendment, as he is unclear if it is relevant to the report.

Director City Development advised that the matter of vehicle access has been looked at by Vic Roads, they raised some all of their concerns have been addressed and they are satisfied with the application. Our traffic engineers have also assessed the application

and raised their concerns with internal movements but not with the access point on Jells Road.

Cr Klisaris said he can't support the amendment as it does nothing to address some of the substantive concerns outlined in points, 1-9.

Cr Zographos said he won't be supporting the amendment as it is unclear what the issue is with the access point. Cr Zographos said that he hasn't seen the traffic management plans but considering VicRoads supports it, on the amendment itself he can't support it. Cr Zographos said that he understands this application is currently at VCAT due to Council not responding in time.

The Mayor said that he would support the amendment as it added to the reasons not to support the proposal. The Mayor said that in meetings with residents regarding proposal for this site, prior to this one, they expressed concerns with the area already being a high traffic area, especially through side streets.

LOST

SUBSTANTIVE MOTION.

Cr Saloumi said because it is a refusal she agrees with the report. Although she didn't support the amendment she understand the traffic concerns. Cr Saloumi finds it outstanding that VicRoads thinks it's appropriate to have a single entry/ exit point onto Jells Road. Cr Saloumi added that she hopes we have success at VCAT.

Cr Little said the application was going to VCAT because the Council wasn't quick enough in responding to the developer. This is an inappropriate development for this site, squeezing 80 onto the site is a real concern. Cr Little said that this is a very poor development and hopes that we have success in VCAT.

Cr Zographos sought clarification from the Director City Development regarding VCAT timeframe.

Director City Development advised that he does not know a specific date for VCAT, however advised that it could be up to 3 months.

The Mayor said not only is the area of traffic a concern for residents and some Councillors. But the removal of vegetation alone on this property is enough to cause concern. The original proposal we rejected at least retained trees and was objected to by the residents and Council. The Mayor said that he hopes we have success at VCAT and he knows Council will be defending its position as much as it can.

CARRIED

1.5 Town Planning Schedules

Moved Cr James

Seconded Cr Pang Tsoi

That the report containing the Town Planning Schedules be noted.

CARRIED

1.6 Montclair Mixed Use Multi-Deck Car Park, Outcome of Community Consultation and Affordable Housing Expression of Interest

Moved Cr Lake

Seconded Cr Klisaris

That Council:

- 1. Notes that the outcome of the community consultation on the proposed concept design for Glendale West car park identified considerable support for this construction of additional car parking spaces on this site and for the proposed open space but less support for the affordable housing option.*
- 2. Notes the results of the expression of interest process with affordable housing providers which sought to understand the interest in the construction and on-going management of affordable housing in this Site.*
- 3. Resolves not to proceed with an affordable housing option for this site and notes that officers will explore opportunities for the provision of affordable housing within the Municipality as part of the development of the Monash Affordable Housing Strategy that will be considered by Council later this year.*
- 4. Resolves that it will separately consider what occurs on the portion of land where the possibility for affordable housing was identified. Council accepts in principle that this consideration would also include a possible sale of the portion of the land which would further offset the cost of constructing the multi deck carpark. In addition to the land being required to be subdivided at some point in the future should a sale be the preferred outcome, any decision to sell the land would also be required to go through the statutory process under the Local Government Act which must include community consultation.*
- 5. Directs officers to write to the housing associations who responded to the affordable housing EOI advising them of Council's decision and thanking them for their EOI responses and further advising that Council will be undertaking work on an Affordable Housing Strategy which will include community consultation prior to any formal adoption by Council and that we would welcome their input to this strategy at that time.*
- 6. Resolves that the proposal for the new car park and commercial space proceed to detailed design stage and notes that officers will undertake a tender process for the detailed design of the multi-deck car park based on the MGS concept designs, and present a report to a future Council meeting on the outcome of the tender process.*

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- 7. Directs officers to commence the process for the relocation of the main sewer line that runs east-west through the subject land and the adjacent Glendale East car park.**
 - 8. Pursuant to Clause 3 of Schedule 10 and section 189(4) of the Local Government Act 1989 (“the Act”), resolves to commence the required statutory procedures to consider discontinuing the road shown in Attachment C, being part of the land contained in certificate of title volume [11933] folio [803] and shown as being part of Glendale Street on plan of subdivision no. LP13459 (“the Road”) and either:
 - a) Selling the discontinued Road for no less than market value; or**
 - b) Retaining the discontinued Road;****
 - 9. Pursuant to Sections 207A and 223 of the Act, directs that public notice of the proposed discontinuance of the Road, and sale or retention of the discontinued Road, be given in the Monash Leader newspaper and on Council’s website; and**
 - 10. Authorises the CEO or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter (Appointed Officer).**
 - 11. Appoints a Committee of Council (Committee) being the Glen Waverley Ward Councillors and the Mayor, to consider any submissions received under Section 223 of the Act at a hearing to be held at the Civic Centre at a future time and date to be fixed.**
 - 12. Directs that following any hearing of submissions, the Committee, or if no submissions are received, Council’s Appointed Officer, reports back to Council to consider on whether or not to proceed with the proposed Road discontinuance and sale or retention of the discontinued Road referred to above at Points (8) to (11) above.**

PROCEDURAL MOTION

Moved Cr Saloumi

Seconded Cr Davies

That Council adjourns debate on the matter until May 2019 to allow time to explore options and have more time to discuss the matter.

LOST

DIVISION

A Division was called.

For: Crs Zographos, Davies, Little, Fergeus and Saloumi.

Against: Crs Lake, McCluskey, Klisaris and Paterson.

Abstained: Crs Pang Tsoi and James.

POINT OF ORDER

A point of order was called to clarify that there was a Division noted.

DIVISION.

A Division was called.

For: Crs Zographos, Davies, Little, Fergeus and Saloumi.

Against: Crs Lake, McCluskey, Klisaris and Paterson.

Abstained: Crs Pang Tsoi and James.

AMENDMENT

Moved Cr Saloumi

Seconded Cr Zographos

Retain Clauses 1, 2, 3

Remove Clauses 4, 6, 7, 8, 9, 10, 11, 12

At Clause 4 insert the original Clause 5 "Directs Officers to write.....we would welcome their input to this strategy at that time."

(new) Clause 5. Directs Officers to recalibrate the requirements for parking in consideration of the Minister for Planning's Amendment VC148 (gazetted 31.7.2018); the Minister for Planning's refusal to approve Amendments C103 and C133 (Dec 2017); and having regard to the outcomes of Appeals to VCAT "against conditions" by the developers of properties at 50, 52 and 54 Montclair Ave (2018-19) Glen Waverley.

(new) Clause 6. Directs Officers to prepare a business case in support (or not) of a new Multi Deck Car Park reflecting and comparing scenarios with, or without, developers' financial contributions (in lieu of on-site parking).

(New) Clause 7. Delay any sale process for 41-47 Montclair Ave in order to consider another option for the location of a multi deck car park that could span existing car parking at 37-39 and 41-47 Montclair Ave thus creating an opportunity for a rectangular multi deck car park at the Southern end of the site, bordered by Myrtle Street in the West, and Montclair Ave in the South, and incorporating the southern end of Glendale Street within, and central, to the design. Glendale Street may then maintain vehicular connectivity between Montclair Ave and Coleman Parade, and be incorporated in situ as an underpass to upper levels of a such a multi-level car park.

(New) Clause 8. Request Officers to get a current valuation for approx. 2332sqm parcel of land at the northern end of the site , which includes 157 – 159 Coleman Parade and

borders Glendale St, Coleman Pde and Myrtle St, should it be decided to sell this site in the future.

Cr Saloumi distributed a map to accompany the proposed amendment. Cr Saloumi said traders and the RSL are not supportive of an 8 storey car park, apart from that we haven't explored any more than the one option provided by MGS architects. Most recently we were presented plan that includes affordable housing, which has now been removed after consultation with the community. Cr Saloumi said it would be more cost effective to build something smaller & flatter, a 4 storey car park which would also provide for retail activation on the ground floor.

Cr James said that he doesn't quite understand the amendment but does like the proposal on the map and expressed frustration that this hadn't be brought to the group earlier. Cr James said that officers have done a lot of work and we are now in the process of going to tender and the whole projects changed. Cr James said that he can't support the amendment because he feels that **this would mean officers had wasted the last 12-24 months.**

Cr Davies said that he feels that we are not too far into the process. Cr Davies said that we have spent minimal money on one option and are only now progressing to detailed design work, on a design that significant number of Councillors aren't happy with. Cr Davies said that he thinks the best way forward is to delay this and discuss further and that the process needs to be expanded.

Cr Klisaris said that he takes offence to the comments made by Cr Davies that no consultation has been undertaken on more than one option.

POINT OF ORDER

A point of order was called by Cr Davies. Under questioning by the mayor as to which category his point of order related to, Cr Davies said that Cr Klisaris was not following the local law because he was putting words into other people's mouths.

The Mayor responded by asking Cr Klisaris to confine his comments to the matter before Council.

Cr Lake interjected to say that Cr Davies had not raised a valid point of order and requested that the Mayor rule on the point of order and clarify his position on the point of order.

The Mayor responded by stating that Cr Davies had raised a point of order that Cr Klisaris was commenting more on other councillors' comments rather than the motion itself. The Mayor said that what he was asking Cr Klisaris to do was to confine his comments to the item.

At this point, Cr Lake interjected to say that the Mayor should not be restricting Cr Klisaris's comments as Cr Klisaris had not breached the local law. He said this is a basic principle of free speech.

POINT OF ORDER

A point of order was called by Cr Fergeus – Cr Lake speaking in contrary to the local law, not his call and arguing with your judgements.

The Mayor upheld the point of order.

The Mayor responded by clarifying that he is happy for Cr Klisaris to comment, and that he did not think Cr Klisaris had gone ‘over the line’, however, he would like to remind Cr Klisaris and all Councillors to exercise a bit of caution and respect when they speak. The Mayor then addressed Cr Lake individually and said that he didn’t go any further than that in respect of the point of order.

In response to the Mayor’s comment to him, Cr Lake interjected and said that given the Mayor’s position that there was no valid point of order, the Mayor should not be seeking to confine Cr Klisaris’s comments or otherwise reflect on the comments because there was nothing disrespectful or disorderly about Cr Klisaris’s comments and the Mayor’s approach unfairly suggested otherwise.

POINT OF ORDER

A point of order was called by Cr Fergeus – Cr Lake speaking in contrary to the local law, not his call.

The Mayor upheld the point of order and noted that he thought the matter had now been dealt with.

Cr Klisaris continued to say that people can have their own views, however, it is unfair that it looks like we have not done any consultation in this space.

Cr Lake said project council working on for more than 3 years. Consulted with the community twice, 2006 & 2018. Both consultations showed that there is strong & consistent support from the community of Glen Waverley. Cr Lake said that there is also strong support from traders. Cr Lake added that Council has been collecting money for many years now, and it is a fully funded scheme for at last 2 years. Cr Lake said that traders have been waiting far too long to see this car park built. Cr Lake said that Council officers presented Council with 5 options in 2017. Cr Lake said that Councillors are reluctant to approve developments in Glen Waverley.

Cr Zographos said we have seen so many different views on this issue but not different options. If the RSL have concerns that is enough for Cr Zographos not to support this report. Cr Zographos stated that he is supportive of Cr Saloumi’s work. Cr Zographos said that we need to make sure we get these projects right, for the future.

Cr Fergeus said that he is supportive of the amendment. Cr Fergeus said that the amendment addressed the feedback from a number of Councillors about the matter. Cr Fergeus encouraged all Councillors to consider their position carefully.

Cr Little sought clarity that if we go ahead in its unamended are we 100% committed to the design or can it be amended.

Director City Development advised that this is a concept design, for what the outcome could be, not a detailed design. There are still opportunities to have further discussions with Councillors as the detailed design progresses.

Cr Little said that he is not happy with the deletion of a number of clauses, he is unable to support the amendment.

Cr Paterson asked Cr Saloumi if she has any idea of the costs associated with the proposed amendment as opposed to current plan.

Cr Saloumi said that she had researched a car park **that had won an award in Norwich**, in England **in 2015**. Cr Saloumi said that the car park **had 1,084 spaces and** was built for **9.3 million British Pounds (\$16M Australian dollars)**. Cr Saloumi suggested that the cost of a 4 storey car park, on a larger footprint **with the same number of car parking spaces** would cost approximately half of the original MGS proposal, as there wouldn't be as many lifts, stairs and ramps required.

Cr Paterson sought advice from Director City Development, regarding cost of Cr Saloumi's amendment.

Director City Development advised that costing of the car park is not based on the cost of design but on the cost of the construction of a car park space.

LOST

DIVISION.

A Division was called.

For: Crs Zographos, Davies, Fergeus and Saloumi.

Against: Crs Lake, James, Little, McCluskey, Klisaris, Paterson and Pang Tsoi.

SUBSTANTIVE MOTION.

Cr Klisaris said that he recalled a number of options going out to the community for consultation and sought clarification from Director City Development on how many options were consulted on

Director City Development advised that 5 options were developed but only one option was consulted on as it was the only option that ticked all of the boxes and is most suitable for the site.

Cr Lake said he is ambivalent when it comes to the design. Cr Lake said that we need to build a long overdue car park in Glen Waverley, which should have been built a few years

ago. Cr Lake said that he doesn't mind if the car park is built in the way suggested by Cr Saloumi or the way suggested by the Director City Development, he would just like to see the car park built in a professional and efficient way. Cr Lake acknowledged the work undertaken by officer on this project so far.

Cr Saloumi said her amendment was to build a car park, just in a different way. Cr Saloumi said that she is not taking a car park away from traders, simply asking Council to explore other options.

Cr Davies said that he has been advocating that the design needs to change. Cr Davies said that we should not be progressing based on one design, when we haven't really considered others. Cr Davies said that the plan included affordable housing and now that component has been removed. Cr Davies added that Council does have the ability to change based on the advocacy of a few Councillors. Cr Davies said that he doesn't think we should proceed based on one design and would like to see the process delayed.

Cr Zographos said is that concerned about the process by Councillors. Cr Zographos said that in 10 years' time were still going to be responsible for the decision we make tonight. Cr Zographos reminded all Councillors that we must show leadership.

Cr Fergeus said officer are doing a good jobs with the project, as they do with most other projects but they are following Council policy which requires this work to take place. Cr Fergeus said that he feels a number of assumptions are being made around this project relating to on/ off street parking. Cr Fergeus encouraged Councillors to look at other ways to spend the money collected from Traders.

The Mayor said that he is pleased to hear the support for officers and the work that they do. The Mayor said that this is the first stage of the design, and is comfortable with.

RIGHT OF REPLY.

Cr Lake said that he understands that Cr Fergeus was never going to support the project, based on his party views. Cr Lake encouraged all other Councillor to take their role more seriously. Cr Lake acknowledged that Cr Little has in recent times taken an interest in the design.

CARRIED

DIVISION.

A Division was called.

For: Crs Lake, James, McCluskey, Klisaris, Paterson and Pang Tsoi.

Against: Crs Zographos, Davies, Fergeus and Saloumi.

Abstained: Cr Little.

2. COMMUNITY DEVELOPMENT AND SERVICES

Nil.

3. CORPORATE SERVICES

3.1 2018/2019 Financial Management and Capital Works Progress Report – Second Quarter 31 December 2018

Moved Cr Zographos

Seconded Cr Paterson

That Council:

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 December 2018, presented in accordance with Section 138 of the Local Government Act 1989.*
- 2. Approves the variations contained therein.*

CARRIED

4. INFRASTRUCTURE

4.1 Melbourne Eastern Regional Trails Strategy

Moved Cr Little

Seconded Cr Davies

That Council notes the overall findings detailed in the Melbourne Eastern Regional Trails Strategy and specifically the implications relevant to Monash, which include:

- a) A listing of actions detailed in the Strategy relevant to Monash that generally support existing Council strategies and direction; and*
- b) An increased opportunity to attract external funding for trail projects of regional significance in Monash.*

Cr Davies said that he would like to see more connectivity with 2 sections of the track from Jells Park, through Wheelers Hill up to MARC.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Little

Seconded Cr Klisaris

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.

CARRIED

6. NOTICES OF MOTION

6.1 Discretionary Fund Applications - Mayor

Moved Cr Paterson

Seconded Cr Klisaris

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Hindi Niketan</i>	<i>Language Award function for students at Oakleigh Hall</i>	<i>\$478 excl. GST</i>
<i>Power Neighbourhood House Inc</i>	<i>Donation towards 'Party on Power 2019' community event at Holmesglen Reserve</i>	<i>\$1,000</i>

CARRIED

6.2 National Local Roads & Transport Congress Report

Moved Cr James

Seconded Cr Paterson

That Council receives the report from Cr James on his attendance at the National Local Roads & Transport Congress, held in November 2018

Cr James said that previous forums have been targeted at rural areas. Many Council's provided feedback regarding this and as such the 2018 agenda was better aligned.

CARRIED

6.3 Appointment To Metropolitan Transport Forum

Moved Cr James

Seconded Cr Paterson

That Cr Stuart James be appointed as Council's second representative to the Metropolitan Transport Forum.

Cr Davies stated that he understood it was the Mayor's decision who represented Council at committees and doesn't understand why we are doing this now. Cr Davies said that he won't be supporting the motion.

Cr Saloumi said that she is now the delegate for Metropolitan Transport Forum and that she is supportive of Cr James being appointed as a second representative to the Metropolitan Transport Forum.

Cr James explained that he took up the EIBC position, so stood down from the Metropolitan Transport Forum, however was approached to be part of the executive. Cr James said that discussed this with Cr Saloumi and sought her input into this report. Cr James said that Cr Saloumi is the representative at the forums.

The Mayor said that initially the Mayor suggests which Councillors represent Council on Committees before these are endorsed by Council. The Mayor also said that it is also great to have Cr James as a back-up representative for this forum.

CARRIED

6.4 National Road Safety Week 2019

Moved Cr James

Seconded Cr Paterson

That Council demonstrates its support for improving road safety and lowering the national road toll through participation in National Road Safety Week (6 to 12 May 2019).

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Moved Cr Little

Seconded Cr McCluskey

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 89(2) of the Local Government Act 1989 for the reasons specified in the certificates.

The Council moved into Confidential Business at 8.50pm and returned to Open Council at 10.52pm.

CARRIED

10. PERSONAL EXPLANATIONS

Cr Zographos made a personal explanation, saying that if the changes to the Meeting Procedure Local Law regarding the process for the extension of a meeting were not correct, that the meeting was being held contrary to that Local Law and any decision made by Council was consequently void.

PROCEDURAL MOTION

Moved Cr James

Seconded Cr Little

That the meeting be closed.

CARRIED

DIVISION

A division was called

For: Crs Lake, James, Little, Klisaris, Fergeus, Saloumi

Against: Crs Zographos, Davies, McCluskey, Paterson

The Mayor declared the meeting closed at 10.57pm

MAYOR:

DATED THIS DAY OF 2018