



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 27 AUGUST 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 27 AUGUST 2019 AT 7.00 PM.**

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

APOLOGIES:

Crs B Little (Deputy Mayor), R Paterson

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 30 JULY 2019**

Moved Cr Zographos,

Seconded Cr Tsoi

*That the minutes of the Ordinary Meeting of the Council held on 30 July
2019, be taken as read and confirmed.*

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Fergeus tabled a petition containing 506 signatures, calling on the Council to take action regarding climate change and the climate emergency.

PUBLIC QUESTION TIME

The Mayor advised that 7 questions had been received.

PROCEDURAL MOTION

Moved Cr McCluskey,

Seconded Cr Fergeus

That Item 7.1 be considered as the first item of business on the agenda.

CARRIED

DIVISION

A division was called.

For: Crs Lake, James, McCluskey, Klisaris, Fergeus, Tsoi, Saloumi

Against: Crs Zographos and Davies

7.1 Prioritising Council's Response To Climate Change

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council:

- 1. Notes that the latest available emissions data shows Australia has increasing, not reducing, carbon emissions;*
 - 2. Notes that the Municipal Association of Victoria State Council (May 2019) and the Australian Local Government Association National General Assembly (June 2019) have both declared a climate emergency.*
 - 3. Notes that the Intergovernmental Panel on Climate Change (IPCC) reports that at current levels of emissions we are on a path to warming 4°C by 2100, which if reached would trigger a chain of cataclysmic changes that include extreme heatwaves, declining global food stocks, substantial species extinctions and sea-level rising that would affect hundreds of millions of people.*
 - 4. Notes that South-Eastern suburbs, including Clayton, are among the most at-risk from heatwaves caused by the current trajectory of global warming.*
 - 5. Notes that the average annual number of days above 35 degrees in Melbourne is likely to increase from the current 9 days per annum up to 26 days by 2070 if immediate action is not taken to reduce emissions¹;*
 - 6. Notes that weather related disasters have increased worldwide and in 2019 cost approximately US \$215 billion.*
 - 7. Notes that Council has already identified tackling climate change as the top priority for governments in Australia (July 2019);*
-

8. Responds to these matters and the concerns noted by Council in November 2018, raised by the publication of the October 2018 Special Report of the IPCC, by:

- *Joining more than 915 jurisdictions around the world at the time of writing - including the United Kingdom, Portugal, Canada, Ireland, the ACT, Auckland, Canterbury, Catalonia, Geneva, Warsaw, San Francisco, Sydney, Los Angeles, New York, Melbourne, Hobart, Wales, Scotland, Argentina, Ballarat, Newcastle, Paris, Naples, Darwin - in acknowledging that we are facing a climate emergency and that urgent action is required by all levels of government;*
- *Acknowledging that it is still possible to restore a safe climate and prevent most of the anticipated long-term climate impacts – but only if societies across the world adopt an emergency mode of action that can enable the restructuring of the physical economy at the necessary scale and speed;*
- *Giving priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change;*
- *Acknowledging Council's work on climate change to date, in particular the work of Sustainable Monash and the Environmental Advisory Committee;*
- *Incorporating Council's response to the Climate Emergency as a key feature of the 2021-2025 Council Plan;*

Developing a whole of council Climate Emergency Action Plan to complement Council's Environmental Sustainability Strategy and enhance local resilience and reduce climate impacts in a timeframe that is as fast as practicably possible, in line with scientific evidence and advice. This should incorporate community consultation and take into account the extensive work being done by other sub-national governments in this space.

LOST

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs Zographos, Lake, James, Davies, McCluskey, Klisaris, Tsoi

ALTERNATIVE MOTION

Cr Fergeus advised that he was circulating a copy of an alternative motion.

POINT OF ORDER

Cr Lake called a Point of Order, advising that under clause 23 of the Meeting Procedures Local Law an alternative motion had to be foreshadowed.

The Mayor did not uphold the Point of Order, stating that Cr Fergeus had foreshadowed an alternative motion, at the beginning of his contribution on this item.

MOTION

Moved Cr Fergeus,

Seconded Cr Saloumi

That Council:

- 1 Resolves to strengthen and accelerate its response to global warming and climate change;***
- 2 Directs the Chief Executive Officer to develop a whole of Council Global Warming Action Plan to complement Council's Environmental Sustainability Strategy, to be presented to Council no later than February 2020. This plan should:***
 - Detail actions which aim to enhance local resilience to accelerating global warming;***
 - Detail actions which aim to reduce corporate and community greenhouse gas emissions in line with 1.5 degrees (Celcius) of warming from pre-industrial levels, as per the best available scientific evidence and advice;***
 - Provide ambitious timelines for achieving key milestones in emissions reduction and decarbonisation, including zero net emissions;***
- 3 Allocates up to \$90,000 from the 2019-20 Council Budget for this purpose;***
- 4. Directs the Chief Executive Officer to incorporate Council's response to global warming and a changing climate as a key feature of the draft 2020-2021 Council Budget, Long Term Financial Plan and the 2021-2025 Council Plan;***
- 5. Lists the reduction of corporate and community greenhouse gas emissions as a key performance indicator for the Chief Executive Officer.***

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That the matter lay on the table.

CARRIED

DIVISION

A division was called.

For: Crs Lake, James, McCluskey, Klisaris, Tsoi

Against: Crs Zographos, Fergeus, Saloumi

Abstain: Cr Davies

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 170-174 Highbury Road, Mount Waverley - Amendment To Planning Permit For One Additional Dwelling, Rooftop Play Area Associated With The Childcare Centre and Internal Alterations

Moved Cr Tsoi,

Seconded Cr James

That Council resolves that it supports the application for an amendment of a Planning Permit (TPA/40955/C) at 170-174 Highbury Road, Mount Waverley subject to the following:

- *Condition 1 be amended to include the following additional elements:*
 - d) *TP02 amended to reflect the maximum number of medical practitioners / technicians being 17 in accordance with condition 5 of this Permit.*
 - e) *Apartment 10 correctly showing the apartment entry from the foyer area and a wall between bedroom 1 and the adjoining Apartment 1.*
 - f) *Further detail (pattern) of the proposed rooftop screens including colour swatches;*
 - g) *Material details of the proposed shade sails; and*
 - h) *Reallocation of the two medical visitor spaces (car spaces 47 and 48 within Basement Level 1) with two medical staff spaces. The total number of medical visitor and medical staff spaces must not be altered.*
 - i) *Setback of the plant screen adjacent to the eastern façade of the building to be a minimum of 2 metres from the edge of the roof form.*
- *The amended plans reference to be updated in Condition 1 and Condition 28.*

CARRIED

1.2 Town Planning Schedules

Moved Cr James,

Seconded Cr Tsoi

That the report containing the Town Planning Schedules be noted.

CARRIED

1.3 Proposed Building Amendment (Swimming Pool & Spa) Regulations

Moved Cr James,

Seconded Cr McCluskey

That Council:

1. Notes that officers will make a submission generally supporting the introduction of the Proposed Building Amendment (Swimming Pool and Spa) Regulations but also making the comments and identifying the some concerns as generally detailed below:

(a) It is a lost opportunity that the register is not a state based, centrally managed IT solution supported through the VBA and in which Councils can input;

(b) It is considered that the RIS's assumptions about the reasonable costs of the development and implementation of registers by Council is approximately half (or less) of the true cost of doing so, and it may have been more effective, efficient and cheaper for Council(s) if a centrally managed IT system and register were created which could significantly ease the financial burden of implementation;

(c) There could be a significant (and as yet unknown) administrative and financial burden on Council in the establishment of the register without any funding path for this;

(d) The process whereby the non-compliance fee is not lodged with the non-compliance certificate is unworkable and places the onus on Council to seek fee recovery in addition to the costs associated with following up non-compliances through the issues of notices or orders;

(e) No fees or levies are applicable in respect of Council having to re-notify and update registers upon the sale of land;

(f) Practitioner shortages to manage and undertake the significant number of inspections required particularly if many of these fall to Council by request of a land owner, or if the private building surveying industry does or is not adequately able to service this need;

(g) The short period of time for registration affecting participation rates whereas other states have allowed 12 months, and a submission that allows more time for residents to register their pools and have them inspected as required under the process;

(h) The State Government should take the opportunity to make it law that all pool and spa barriers comply with the most current standards in the interests of safety, with a suggestion that this be required to be implemented before the next swimming pool barrier inspection which is 3 years after the date of the initial compliance certificate;

(i) That there is concern with the proposed new category of Swimming Pool inspector with only a requirement of a minimum 6 months practical experience for such an important safety compliance matter, and that this function and responsibility would more appropriately rest with a more qualified professional who is registered as a building inspector as a minimum requirement.

2. Notes that officers will report back to Council following the decision by Government to implement the new regulations and provide updated information regarding the potential community, financial and resourcing impacts.

CARRIED

1.4 Tender For Detailed Design of A Mixed Use Multi-Level Car Park, Montclair Avenue, Glen Waverley

Moved Cr Lake,

Seconded Cr Klisaris

That Council:

- 1) Awards the tender from Warren and Mahoney Architects Australia Pty Limited (ACN 607 221 198) for Contract No. 2019147 – Principal Consultancy for the detailed design of a mixed use multi-level carpark, 31-39 Montclair Avenue, Glen Waverley for the fixed lump sum amount of \$1,338,421 (incl. GST) with an additional allowance of \$133,841 (incl. GST) for contingencies.*
- 2) Authorises the Chief Executive Officer or her delegate to execute the Consultancy Agreement.*
- 3) Notes that the total budget for the Project for financial year 2019/2020 is \$2,120,000.00 (excl. GST) which includes the fixed lump sum and contingencies.*
- 4) Notes that there are two remaining development approvals that contain a planning permit condition to provide a cash in lieu car parking contribution prior to starting building works that are yet to commence construction, and as such there remains some uncertainty on the final car space numbers to be provided should these developments change or not proceed.*
- 5) Notes that the car park is being designed to its maximum allowable building envelope under the Glen Waverley Structure Plan and the proposed design will have flexibility to allow for modification based on the final car parking numbers by deleting levels and constructing only those that are required.*
- 6) Notes that due to changes that have resulted from the VCAT process for the proposed development at 50 Montclair Avenue, Glen Waverley, Council's obligation to provide car spaces under Parking Overlays 3 and 4 has reduced from approximately 539 (total 1,044) car spaces to approximately 499 (total 1,004) car spaces.*

Notes that Council has recently refused to grant an extension of time to a planning permit originally granted in 2011 for 65-67 Railway Parade, Glen Waverley. This permit included a requirement for a cash in lieu contribution of 130 car spaces. Should there be no VCAT appeal, or in the event of an appeal where VCAT does not approve an extension of time, the obligation to provide these 130 spaces would cease meaning that Council's obligation to provide car spaces would be further reduced to provide approximately 369 (total 874) car spaces under the parking overlays .

CARRIED

DIVISION

A division was called.

For: Crs Lake, James, Davies, McCluskey, Klisaris, Tsoi

Against: Crs Zographos, Fergeus, Saloumi

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Tenders for Delivered Meal Service

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council:

- 1. Awards the tender from Lite N Easy (Victoria) Pty Ltd for the Delivered Meal Service, Contract No. 2019151 for a schedule of rates based contract with an estimated annual contract value of \$537,000 and an estimated total contract value of \$1,611,000 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 October 2019, with an initial term of three (3) years and the contract has three (3) extension options of one (1) years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

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

CARRIED

2.2 Monash Tennis Discussion Paper

Moved Cr McCluskey,

Seconded Cr James

That Council:

- 1. Endorses the draft Monash Tennis Discussion Paper to assist in the future planning of tennis within Monash.*
- 2. Endorses the release of this discussion paper for community consultation.*
- 3. Receives a further report detailing the outcomes from the consultation process and draft Tennis Plan to ensure the sustainability and viability of tennis in the City of Monash.*

CARRIED

3. **CORPORATE SERVICES**

3.1 **2018/2019 Financial & Performance Statements**

Moved Cr McCluskey,

Seconded Cr James

That Council:

1. *Notes the draft City of Monash 2018/2019 Annual Financial Statements and Performance Statement (the Statements) prepared in Accordance with the Local Government Act 1989;*
2. *Notes the 13 August 2019 recommendation of Council's Audit & Risk Committee in relation to the Statements;*
3. *Adopts the Statements "in principle" prior to them being provided to the Victorian Auditor-General's Office for audit sign off;*
4. *Nominates Audit & Risk Committee members Councillors McCluskey and Paterson to certify the Statements in their final form; and*
5. *Authorises the nominated Councillors to accept any further recommended changes to the Statements by the Victorian Auditor-General's Office.*

CARRIED

3.2 **Procurement Policy 2019 Update**

Moved Cr Fergus,

Seconded Cr James

That Council adopts the updated Procurement Policy 2019, in accordance with s. 186A of the Local Government Act 1989 and places a copy on Council's web site, www.monash.vic.gov.au.

CARRIED

4. **INFRASTRUCTURE**

4.1 **Tender For Kerbside Collection Services**

Moved Cr James,

Seconded Cr Tsoi

That Council:

1. *Awards the tender from Rico Enterprises Pty Ltd ATF Rico Family Trust (T/A Solo Resource Recovery) for Kerbside Collection Services (inclusive of Bin Maintenance), Contract No. 2019113 for a schedule of rates based contract with*

an estimated average annual contract value of \$10,358,330 and an estimated total contract value of \$93,224,965 inclusive of all available extension options.

2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreements subject to satisfactory negotiation of the final Contractual Terms and Conditions.*
3. *Notes that the contract will commence on 1 April 2020, with an initial term of seven years and the contract have two (2) extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr McCluskey,

Seconded Cr James

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

CARRIED

5.2 Results of 2019 Local Government Community Satisfaction Survey

Moved Cr James,

Seconded Cr Tsoi

That Council notes the findings of the 2019 Monash Community Satisfaction Survey, including strong results for Council's governance, leadership and service areas and that specific areas have been identified for further attention or improvement.

CARRIED

5.3 Tender For Information Technology Products and Services

Moved Cr Fergeus,

Seconded Cr Tsoi

That Council:

1. *Adopts the recommendation to appoint the following Panel of Suppliers utilising the Procurement Australia (PA) contract No. 2106/0712 for the provision of Information Technology (IT) Products & Services in line with PA expiry of 30/06/2021 with 1-year extension*

available subject to PA's execution of the extension and satisfactory performance for Monash Council. The estimated total expenditure of the contract is \$3,500,000 GST inclusive over the life of the contract (including available extensions).

- a) Australian Centre for Advanced Computing and Communication P/L*
 - b) BOQ Finance (Aust) Ltd*
 - c) Merchant Preservation Services, LLC D/B/A CampusGuard*
 - d) CellOPark Australia P/L T/A CellOPark*
 - e) Contracts Online P/L*
 - f) Data Migration Consultants P/L - Data MC*
 - g) Enosys Solutions P/L*
 - h) Trustee for FORWARD IT UNIT TRUST t/a Forward IT*
 - i) G1 Asset Management P/L*
 - j) Galapagos Pty Limited t/a iPLATINUM*
 - k) Information Professionals P/L*
 - l) Infront Consulting Group P/L*
 - m) Invotec Solutions P/L*
 - n) Janison Solutions P/L*
 - o) LG Software Solutions P/L (t/a Pulse Software)*
 - p) Learning with Technologies P/L*
 - q) MRI PSO AUST P/L*
 - r) Onel Consulting P/L*
 - s) Hardware nationally – Services VIC only*
 - t) Progility P/L*
 - u) Ricoh Australia P/L*
 - v) Sims E-Recycling t/a Sims Recycling Solutions*
 - w) ISUP P/L t/as The Computer Market*
 - x) Computers Now P/L ("CompNow") The Trustee for COMPUTERS NOW UNIT TRUST*
 - y) Cyber Risk P/L atf Cyber Risk Partners Unit Trust (t/a CyberRisk)*
 - z) Thomas Duryea Logicalis*
 - aa) Verser Technology Lifecycles P/L*
 - bb) Video Dynamics Australia P/L*
 - cc) VoIP P/L*
 - dd) Winc Australia P/L.*
- 2. Authorises the Chief Executive Officer to execute the contract agreements as required.*
 - 3. Authorises the Chief Executive Officer to approve the extension option in the contract (if executed by PA) subject to satisfactory performance.*
 - 4. Notes that the PA contract commenced on 01/07/2019, with an initial term of 2 years and a one year extension option.*

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

CARRIED

6. NOTICES OF MOTION

6.1 Discretionary Fund Applications

Moved Cr McCluskey,

Seconded Cr Klisaris

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT REQUESTED</i>
<i>Telugu Association of Australia</i>	<i>Information Session and Exhibition 14/09/2019. Requesting donation.</i>	<i>\$1,000</i>

CARRIED

6.2 Container Deposit Scheme

Moved Cr James,

Seconded Cr Fergus

That Council:

- 1. Reiterates its support for the introduction of Container Deposit Scheme (CDS) legislation in Victoria.*
- 2. Writes to all members of the Victorian Parliament whose electorates encompass the City of Monash, advising them of Council's resolutions of support for a CDS in April 2018, August 2018 and August 2019, urging them to work together towards introducing one as a matter of urgency.*

CARRIED

7. COMMITTEE REPORTS

Refer to first item on the agenda.

8. URGENT BUSINESS

Moved Cr McCluskey,

Seconded Cr James

That the matter of the review of the Council's "Election Period Policy for the 2020 General Elections", be admitted as an Item of Urgent Business.

CARRIED

Moved Cr McCluskey,

Seconded Cr Fergeus

That the Council's "Election Period Policy for the 2020 General Elections" be adopted, as amended.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr Davies,

Seconded Cr McCluskey

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

CARRIED

The Council moved into Confidential Business at 8.35 pm pm and returned to Open Council at 8.43 pm.

10. PERSONAL EXPLANATIONS

Nil

11. COUNCILLORS' REPORTS

Nil

The Mayor declared the meeting closed at 8.44 pm

MAYOR:

DATED THIS DAY OF 2019