



CITY OF  
**MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL  
HELD ON 27 FEBRUARY 2018**

**at 7.00 pm**

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

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**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 27 FEBRUARY 2018 AT 7.00 PM.**

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

**APOLOGIES:**

Cr R Paterson

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 30 JANUARY 2018**

Moved Cr Zographos,

Seconded Cr James

*That the minutes of the Ordinary Meeting of the Council held on 30 January 2018, be taken as read and confirmed.*

**CARRIED**

**RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS**

The Mayor tabled a petition from members of the community, seeking the Council's rescission of parts 4 & 5 of its decision Item 6.2 of its August 2016 meeting, regarding the proposed sale of 14 The Highway Mount Waverley, occupied by The Highway Gallery.

**PUBLIC QUESTION TIME**

The Mayor advised that 2 questions had been received.

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**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 Draft Monash Open Space Strategy Consultation Summary**

Moved Cr James,

Seconded Cr Fergeus

*That Council:*

- 1 Notes that the submissions received to the Open Space Strategy were generally supportive of the strategic directions of the Open Space Strategy and that the majority of submissions related specific issues or suggested specific improvements to Public Open Space Network.*
- 2. Modifies the draft Monash Open Space Strategy in accordance with officer recommendations set out in this report.*
- 3. Notes that officers will finalise the development of Monash Open Space Strategy including:*
  - relevant planning scheme amendment documentation,*
  - reviewing the funding mechanisms for new public open space and improvements to existing public open space;*
  - an investigation of the options for Developer Contributions; and*
  - the development of an assessment program to assist in the implementing the open space strategy and prioritising improvements to the open space network.*
- 4. Notes that a further report to finalise the open space strategy and the implementation initiatives set out under point 4 will be presented to Council in June 2018.*

Cr James said that together with Council officer, he had met with residents last year to clear up some issues and explain the process and understood that there was still a campaign to obtain more open space. He congratulated those residents on their efforts. Cr James commended the report to Council, saying that there was a need to concentrate on open space. He added that officers had advised that it would cost \$500k to \$1 billion to meet the ideal requirements for open space. He said that the Council needed to plan for the future, that open space contributions were collected, to increase open space around the municipality. Cr James noted that the report was recommending the creation of an acquisition fund, sourced from an extra contribution, from the open space contribution scheme. Community feedback on the document had been positive.

Cr Davies said that he supported less development and more open space, but did not support the proposal. He said that on the first page, there is reference to equitable access to open space, ie for residents to access open space near where they live. He said that access to open space was important but did not have to be near where a person lived. He said that when people purchased property they knew what they were getting and knew what the open space was around that property. Cr Davies said that there were a couple of suburbs with reasonable open space and others with very little open space and the proposal was to purchase land in those latter suburbs, which for him was a transfer of wealth from one part of the community to another, which was not fair

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Cr Fergeus commended the strategy, noting that it was an excellent and much needed strategy. He added that implementation of the strategy would take enormous will power and discipline in other areas of spending and prioritising. Cr Fergeus said that it was a costly and necessary set of proposals. He said that it concerned not only organised sport, but also passive recreation, trees, remnant bushland and bio-diversity. Cr Fergeus noted that in Oakleigh Ward residents relied on old school sites for passive open space, but such space could be lost in the future. Cr Fergeus said that Oakleigh Ward was impacted beyond all other areas of Monash and would be pushing strongly on over the coming months. He noted the critical importance of open space for public health and wellbeing, which the Council had a responsibility for and referred to the work done on this through the Council's Health and Resilient Monash: Integrated Plan.

Cr Saloumi noted that officers' responses to submissions highlighted the proposed provision of open space under the Glen Waverley Activity Centre Structure Plan. Cr Saloumi referred to 3 areas in the Structure Plan, proposed for green open space, one of which was a 'village green' between the library and Civic Centre; an area on the Montclair car park site, opposite the roundabout; a third site opposite the Glen Waverley Secondary College. Cr Saloumi said that the Structure Plan stated that the catchment analysis noted there were major gaps in the provision of open space in the activity centre and that more open space was required.

In response to a question from Cr Zographos, the Director City Development advised that there was significant work to be done on the possible options for increasing developer contributions to public open space, including a review of the contributions made under the requirements of the Subdivision Act.

Cr Zographos said that development proposals needed to be assessed in relation to the impact that they would have on neighbouring facilities such as parks, reserves, playgrounds and car parking, which also affected the overall amenity of an area. He added that he would like to see an emphasis on the equipment that was currently in Council reserves ie playgrounds and also facilities that provided for all-ages exercise and recreation and would be pushing on that issue, in this or future Council budgets. Cr Zographos said that he would not support the motion, as he needed to do more work to get a better understanding of some of the concerns raised in the consultation feedback from residents.

#### RIGHT OF REPLY

Cr James, addressing the comments made by Cr Davies, said that people bought into an area, but that area could change over time, and those living in an area for a long time could experience drastic changes that they could not have expected or anticipated.

**CARRIED**

#### **1.2 Update on Parking Precinct Plans For Glen Waverley and Oakleigh Activity Centres**

Moved Cr James,

Seconded Cr Little

#### ***That Council:***

- 1. Notes the decision of the Minister for Planning to refuse to approve Amendment C103 and refuse to authorise the exhibition of Amendment C133 which proposed the***

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*introduction of new parking overlays for the Glen Waverley and Oakleigh Activity Centres.*

- 2. Resolve to cease accepting cash in lieu financial contributions under the existing parking overlays contained in the Monash Planning Scheme as the overlays are considered fully subscribed.*
- 3. Notes that as the overlays are fully subscribed future permit applications will be required to provide car parking in accordance with the parking rates set out in the parking overlays of the Monash Planning Scheme.*
- 4. Notes that the Minister for Planning has indicated that the existing Parking Overlays in Glen Waverley and Oakleigh will be removed at some time in the future.*
- 5. Notes when the parking overlays are removed parking provision will be assessed individually and may be reduced or waived without a financial contribution until a new parking overlay is introduced.*
- 6. Notes that officers are currently in discussion with representatives from the Department of Environment Land Water & Planning for the preparation of revised parking contribution for the Glen Waverley and Oakleigh Activity Centres.*
- 7. Writes to owners and occupiers in the Glen Waverley and Oakleigh Parking Overlay areas to advise them of the Ministers decision and the cessation of the cash in lieu option under the current parking overlays.*
- 8. Notes that a further report will be presented to Council upon completion of the review of revised planning parking contribution schemes.*

Cr James said that he was concerned about where this was headed, and noted that most of his councillor colleagues were, also. He added that it was disappointing that the Minister had refused to approve the amendment. He noted that the cash contribution schemes helped to fund car parking in Atkinson Street and Bogong Avenue. The Minister's decision meant that the Council could no longer administer such a scheme. Cr James said that once the parking overlay was removed there was a concern about parking provision becoming ad hoc. He said that the central location of the Council car parks allowed them to be accessed by traders. Cr James said that he supported Council officers in seeking a better outcome on this issue.

Cr Saloumi said that she was concerned about the proliferation of restaurants in the Glen Waverley Activity Centre as it lead to increased parking demands and that developers needed to be encouraged to create developments other than restaurants and apartments. Cr Saloumi noted that the contribution in an overlay scheme was not required to be paid until the use of the property commenced and that the Minister was unlikely to alter his decision to refuse Amendment C133. Cr Saloumi asked if the Council intended to write to the property owners and traders in the parking overlay areas about the decision and what their reaction would be.

The Director City Development advised that the Council would be writing to traders and property owners, but could not speculate on how they would respond. He added that the money collected was via a voluntary agreement with the Council.

In response to a question from Cr Davies, the Director City Development advised that each planning permit had conditions regarding parking and that had to be met, or a cash contribution, in lieu, had to be made. He added that a planning permit, including the

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one for the proposed development in Montclair Avenue Glen Waverley had the same requirements. These requirements would not commence until the use of that site commenced.

In response to a question from Cr Zographos, the Director City Development advised that although the letter from the Minister was dated 3 December 2017, it was received by the Council just prior to the Christmas holiday period. He added that officers needed to hold discussion with the Department to gain an understanding of the basis for the Minister's decision. He said that he expected that a letter to traders and property owners would be sent later in the week.

Cr Fergeus said that he supported the report, noting that there was finite space around activity centres and there was a need to take a more creative approach towards people movement, beyond the provision of car parks.

**CARRIED**

**1.3 Amendment C140 To The Monash Planning Scheme – Land At Rear of 52 Golf Road, Oakleigh South**

Moved Cr Klisaris,

Seconded Cr James

*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 C140 to the Monash Planning Scheme to rezone land to the rear 52 Golf Road, Oakleigh South from Public Use Zone (PUZ2) to Special Use Zone 3 (SUZ3).*
- 2. Pursuant to Section 20(1) of the Act, applies for an exemption from the notification requirements of Section 19.*
- 3. Authorises the Director City Development to prepare and exhibit the planning scheme amendment in accordance with this report.*

**CARRIED**

**1.4 4-6 Windmill Court And 101-127 Whalley Drive, Wheelers Hill Construction of A Three Storey Residential Aged Care Facility**

Moved Cr James,

Seconded Cr Little

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/47534) for the construction of a three storey residential aged care facility (attached to the existing Windmill Court premises), associated buildings and works, reduction in the applicable car parking requirement and removal of vegetation, at 4-6 Windmill Court and 101-127 Whalley Drive, Wheelers Hill subject to the following conditions:*

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1. *Before the development 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) *Provision of bicycle parking spaces including associated amenities in accordance with the nursing home rate as required by Clause 52.34.*
    - b) *Car parking spaces (4) along Jury Street relocated elsewhere within the site and landscaping reinstated along the Jury Street frontage.*
    - c) *Detailed plans of car parking spaces within the Windmill Court porte cochere including swept path analysis.*
    - d) *A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of Windmill Court and Jury Street access points.*
    - e) *Existing car spaces along the western side of Batty Street utilised for shipping container storage re-instated as staff car parking associated with the approved development.*

*All to the satisfaction of the Responsible Authority.*
  2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
  3. *Once the development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.*
  4. *No more than 80 residents are to be accommodated within the premises unless otherwise approved in writing by the Responsible Authority.*
  5. *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.*
  6. *All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
  7. *Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.*
  8. *All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*

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9. *No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.*
  10. *No form of public address or alarm system may be installed so as to be audible from outside the site.*
  11. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
  12. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
  13. *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 by private contractor. 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;*
    - 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.*

*A copy of this plan must be submitted to and approved by Council. Once approved the plan will be endorsed to form part of this permit.*
  14. *Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.*
  15. *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.*
  16. *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;*

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- 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).*

*17. No less than 23 car spaces are to be provided on the land for the development including any required accessible car spaces.*

*18. Prior to occupation of any new premises hereby permitted, a Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority.*

*The amended Parking Management Plan must be generally in accordance with the approved Parking Management Plan, but modified to detail:*

- Provision of no less than 23 car spaces allocated to the Windmill Court Residential Aged Care premises.*
- Provision and adequacy of car parking to service other uses undertaken on the land;*
- Equitable allocation and management of car parking of car parking throughout the development including allocation of staff and visitor car parking.*

*The Parking Management Plan may be amended with the written consent of the Responsible Authority. When approved the Parking Management Plan will be endorsed to form part of this permit.*

*19. Before the development permitted is completed, 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.*

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

*21. The car parking layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*

*22. On-site visitor parking spaces are required to be clearly marked.*

*23. Mechanical parking used to meet the car parking requirement provided must be:*

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.*

- *Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*
- *The design and operation is to the satisfaction of the responsible authority.*

*24. Bicycle facilities to the development hereby permitted must be provided in accordance with the provisions detailed in Clause 52.34 of the Monash Planning Scheme.*

*25. 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 courtyard spaces within 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.*

*26. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*

*27. The owner and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and must on request provide evidence to Council of Compliance with the policies.*

*28. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*

*29. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

*The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.*

*The nominated point of discharge is site is to the existing internal drainage network where the entire sites stormwater must be collected must be collected and free drained via pipe to the pit in the rear easement to Council Standards. If the point of discharge cannot be located then notify Council's Engineering Division immediately.*

*The drainage plans must also provide for:*

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- a) *Construction of a 300mm drain along the southern & western boundaries of the property, including from the existing pit in the adjacent southern property easement to a new pit in the new southern easement.*
  - b) *Construction of a 300mm drain under the footpath/nature-strip (to connect to a new nature-strip pit) and the road pavement to connect to the drainage pit in front of 9 Windmill Court. All drains are to be constructed to Council Standards.*
  - c) *Construction of junction pits (minimum 900 x 600mm) within the new southern easement, south-west corner and in the nature-strip to Council standards.*
  - d) *The existing 225mm outlet from the pit in the adjacent southern property easement capped.*
30. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:*
- a) *a trench grate (150 mm minimum internal width) located within the property; and/or*
  - b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
  - c) *another Council approved equivalent.*
31. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*
32. *A new 2.0m wide drainage easement is to be created along the southern & western boundaries of 4-6 Windmill Court, Wheelers Hill. The easement must be lodged on Title prior to occupation of the approved development.*
33. *Prior to occupation of the approved development a new 300mm drain is to be constructed along the southern & western boundaries of the property, including from the existing pit in the adjacent southern property easement to a new pit in the new southern easement. A new 300mm drain is to be constructed under the footpath/nature-strip (to connect to a new nature-strip pit) and the road pavement to connect to the drainage pit in front of 9 Windmill Court. All drains are to be constructed to Council Standards.*
34. *Junction pits (minimum 900 x 600mm) are to be constructed in the new southern easement, south-west corner and in the nature-strip to Council standards.*
35. *The existing 225mm outlet from the pit in the adjacent southern property easement is to be capped.*
36. *The drainage works will be required to be inspected by Council at key stages. Upon completion of the above, CCTV footage of the new 300mm drain is to be submitted to Council for approval. The existing 225mm Council drain in the western easement of 101-121 Whalley Drive will be assigned as a private asset and will become the responsibility of the owner of the land. It is not a requirement for it to be removed.*
37. *The loading and unloading of goods from vehicles must only be carried out on the land.*
38. *Deliveries to and from the site including the collection of waste must only take place between the hours of 7:00am-6:00pm Monday to Saturday.*

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39. *Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:*
- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.*
  - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
  - c) Document the means by which the appropriate target or performance is to be achieved.*
  - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
  - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
  - f) Any relevant requirements of endorsed plans forming part of this permit.*

*All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.*

40. *Prior to the occupation any of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.*
41. *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 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 development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

**NOTES-**

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*

3. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*
4. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
5. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
6. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council's drains and these works are to be inspected by Council (tel. 9518 3555).*
7. *An onsite detention system for storm events up to the 1% AEP event to be retained on site for any new basement car park being constructed. 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.*
8. *Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
9. *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
10. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
11. *The accessible parking spaces should generally be designed (other than length of space which may encroach into the adjacent access way width by 500mm) 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.*
12. *In the event that any parking restrictions are introduced in the surrounding area, this development will not be granted parking permits.*
13. *Approval of each new or modified vehicle crossing is required from Council's Engineering Department.*

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

**CARRIED**

## **1.5 Town Planning Schedules**

Moved Cr Fergeus,

Seconded Cr James

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*That the report containing the Town Planning Schedules be noted.*

**CARRIED**

**1.6 Telstra Corporation Limited Lease Renewal – Part of 75-77 Haverbrack Drive, Mulgrave**

Moved Cr Klisaris,

Seconded Cr Little

*That Council resolves to:*

1. *Commence the statutory procedure under section 190 of the Local Government Act 1989 (“the Act”) by advertising Council’s Notice of Intention to renew the Lease for a low impact telecommunications facility located on Council’s land 75-77 Haverbrack Drive Mulgrave to Telstra Corporation Limited (“Telstra”) on the following terms and conditions:  
Rent: \$12,500 per annum + GST  
Rent Reviews: Increased by 3.5% annually  
Term: 10 years  
Further Term: Two (2) further terms of five (5) years*
2. *Appoints a Committee of Council, comprising of the Mulgrave Ward Councillors to consider submissions received under Section 223 of the Act on Tuesday 10 April 2018.*
3. *In the event of there being no submission received, to enter into a new lease with Telstra and Council authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign and seal all documentation required to effect the lease.*

**CARRIED**

**2. COMMUNITY DEVELOPMENT AND SERVICES**

**2.1 Council’s Role In Home And Community Care – Program For Younger People**

Moved Cr James,

Seconded Cr Little

*That Council notes the outcome of the negotiations agreed to at the November 2017 Council meeting, resulting in Council ceasing to be a provider of the State Government’s Home and Community Care – Program for Younger People, as of 30 June 2018.*

Cr James said that this was a disappointing result for Monash residents, as the decision affected the most vulnerable people in the community. He added that government existed to look after such people and he was very saddened by the situation. Cr James said that he appreciate that the Council was not able to do anything about the situation and urged the Government to ensure that there was a continuity of services for those who needed them.

**CARRIED**

**2.2 Active Reserves Facility Hierarchy and Capital Works Prioritisation Model**

Moved Cr Little,

Seconded Cr James

*That Council endorses the Active Reserves Facility Hierarchy and the Active Monash Capital Works Priorities Framework.*

**CARRIED**

### **2.3 Sports Ground Fees and Charges**

Moved Cr James,

Seconded Cr Fergeus

*That Council:*

- 1. Adopts and implements the new turf sports ground fees and charges policy from the 2018/19 summer season, and in doing so, notes that the proposed sports ground fees and charges policy is based on recouping a percentage of sports ground maintenance costs as follows:*
  - a. a 15% recovery of annual maintenance costs for natural turf playing fields;*
  - b. junior fees (13-17 years) to be set at 50% of senior fees and under 13 year old team fees to be set at 25% of senior fees; and*
  - c. turf wicket users to incur an additional 15% turf wicket maintenance levy.*
- 2. Phases in fee increases over a two year period for clubs that experience fee increases of 15% or more as a result of this policy;*
- 3. Adopts and implements the new tiered schedule of fees and charges for synthetic sports surfaces from March 2018;*
- 4. Applies the new fees and charges for synthetic surfaces retrospectively for use of Jack Edwards Reserve by the resident tenant clubs and their 2015/16 and 2016/17 invoices for synthetic surface usage be amended to reflect the revised fees accordingly; and*
- 5. Requires any outstanding club fees and charges be paid in full (except when a Council-approved repayment scheme has been negotiated) before new season ground allocations are granted to clubs.*

Cr McCluskey foreshadowed an alternative motion, should the motion before Council not be supported.

Cr James noted the level of work that had been invested in this proposal. He said that said that the motion was appropriate and that there were flaws in the current fees and charges model, where there was no objective basis for the current charges. The proposal introduced a standardised approach to fees and charges, which would result in some sporting clubs paying a little more and others paying a little less than currently. Cr James said that with the exception of the A grade clubs, there would be an impact of \$8 per person, per year, and A grade clubs \$18-24 per person per year. Cr James noted that some councillors were concerned about the yearly impost on clubs, but the cost

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was on each participant in the sports club. Cr James said that the \$9 increase was not that much to pay; even the \$24 increase for A grade clubs represented a 50 cents per week increase. Cr James commended the proposal, saying that it was appropriate to have a fair and equitable process.

Cr Little commended the report, noting that it was difficult to have suitable criteria to charge clubs. He noted the Council paid for 85 percent of the cost of maintaining the sports grounds and asking clubs to pay the other 15 percent. Cr Little said historically, some clubs had been paying a little bit more and others a little less. He said that the new charges would bring all clubs into line and represented a fairer and logical methodology than was currently used. Cr Little said that the Council would need to work with the clubs on the introduction of the increases.

Cr McCluskey said that he agreed that the current methodology was not adequate and noted the proposed methodology, including clubs paying 15 percent of maintenance costs which was used by other Councils. He said that while there were no hundreds of clubs that would not be adversely affected by the proposal, he knew the plight of those clubs and did not see the increases as being apportioned to each member of a club. Cr McCluskey said that the Council needed to assist those clubs that would experience increases and was in a better position to forego the increases than the clubs were to meet them. He added that some of these clubs would struggle to meet the costs and could possibly cease to exist. Cr McCluskey said that he supported the methodology but wanted the Council to support those clubs that would be negatively impacted.

In response to a question from Cr Zographos, the Director Community Development and Services advised that, in relation to part 5 of the motion, clubs that were struggling financially currently were able to make repayments over a season and the new arrangement would provide for repayment over a 2 year period.

Cr Zographos said that he was comfortable with that arrangement and would support the motion.

The Mayor said that he supported Cr McCluskey's position and noted that the community was doing it hard, in a number of areas. He added that he wanted to see the Council do more for struggling clubs and introduce any changes to the fees and charges over a longer period than proposed.

#### RIGHT OF REPLY

Cr James said that with the exception of the A grade clubs, there would be an impact of \$8 per person, per year, and the new methodology was proposed to be introduced in September next year, ie a six month lead in and the worst case scenario would see the increase be \$4 per person, per year, next year and another \$4 per person, per year, the following year.

**CARRIED**

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DIVISION

A division was called.

For: Crs James, Fergeus, Little, Zographos, Tsoi, Lake, Davies

Against: Crs Saloumi, McCluskey, Klisaris

**2.4 Linkage Grant Scheme Application**

Moved Cr Fergeus,

Seconded Cr James

*That Council formally participates in the joint application with the Centre for Population Health Research (Deakin University) for a three year Australian Research Council Linkage Grant focussed on 'Developing innovative local level responses to reduce and prevent poker machine harm'.*

**CARRIED**

**3. CORPORATE SERVICES**

**3.1 2017/18 Financial Management and Capital Works Progress Report – Second Quarter December 2017**

Moved Cr James,

Seconded Cr Tsoi

*That Council:*

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 December 2017, presented in accordance with Section 138 of the Local Government Act 1989.*
- 2. Approves the variations contained therein.*

In response to a request from Cr James, it was agreed that the explanatory memorandum from the Chief Financial Officer, to Councillors, would be included in the Council papers for this meeting.

**CARRIED**

**4. INFRASTRUCTURE**

Nil

**5. CHIEF EXECUTIVE OFFICER'S REPORTS**

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**5.1 Assembly of Councillors Record**

Moved Cr Klisaris,

Seconded Cr Fergeus

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

**CARRIED**

**5.2 Sir John Monash Awards**

Moved Cr Klisaris,

Seconded Cr Fergeus

*That Council endorses the Sir John Monash Awards ceremony to be rescheduled to an evening held no later than September, each year, commencing in 2018.*

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications**

Moved Cr Klisaris,

Seconded Cr Fergeus

*That Council resolves to approve the following application for funding from the Councillors Discretionary Expenditure Fund:*

<b>APPLICANT</b>	<b>PURPOSE</b>	<b>AMOUNT RECOMMENDED</b>
<i>Monash Oakleigh Community Support &amp; Information Service Inc</i>	<i>Hire charge of Council facility and donation towards costs for volunteer activity on 21.5.18</i>	<i>\$650</i>

Cr Fergeus commended the Monash Oakleigh Community Support & Information Service Inc. on its work in the community.

**CARRIED**

**6.2 LGBTIQ Community Needs Assessment**

Moved Cr Fergeus,

Seconded Cr James

*That Council consults with the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer/Questioning (LGBTIQ) community to determine the priorities, programs and/or activities that Council could progress, with findings to be presented in a report of the consultation for consideration at the June 2018 Council meeting.*

Cr Fergeus said that members of the LGBTIQ community in Monash had raised issues with him. He said that these residents had raised matters where the Council was not certain how to address them. He added that the Council did not have a cohesive approach as to how it worked with or interacted with its LGBTIQ community. Cr Fergeus said that the motion sought for work to be done with the LGBTIQ community to understand what was or was not appropriate. He said that the consultation could find that there was no problem with how the Council was doing things, but Council owed it to those members of the community to do some investigation. He commended the report to Council.

Cr Davies said that the Council spent a lot of its extra resources on community groups, supporting migrant communities as they sought to assimilate and that support was important. He said that he did not see the same need for the LGBTIQ community, and was concerned that if Council singled out specific groups for assistance, where would that stop? Cr Davies said that a rational basis for providing support, as was done with multi-cultural groups, was needed. He said that members of the LGBTIQ were born in Australia, assimilated and not discriminated against by any laws. Cr Davies said that he struggled to support the motion on that basis.

Cr McCluskey said that he supported the initiative and only good could come out of the Council consulting with a section of the community that has already indicated that it was seeking support. He noted that the Council had programs for many groups within the community, as well as designated and focussed programs for specific groups. Cr McCluskey said that he didn't imagine that the LGBTIQ community wanted to stand out in the community in any particular way. He said that there was an identified need. Cr McCluskey said that he was happy to support the motion.

Cr Zographos said that he would not support the motion and considered that any proposal coming out of this should come to Council and be determined on a case by case basis, as to whether it should proceed. He added that the Council already had a number of reference groups that did similar work to what was proposed in the motion, and in addition to the community engagement that councillors were already involved in with the Monash community, including members of the LGBTIQ community.

Cr James said that the Council had established a number of advisory committees to advise it in relation to various groups within the Monash community. He added it was a completely appropriate proposal. Cr James said that it was incumbent upon the Council to go to the community to ask what they needed. He noted that a recent Council meeting Cr Zographos had moved an amendment to have community consultation on whether politicians could have stalls at Council festivals. He said that if Council could consult on that it could consult with a marginalised community on whether it needed assistance to better their lives. Cr James said that he supported the motion and was astounded that anyone would vote against it.

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RIGHT OF REPLY

Cr Fergeus said that there may not be a need to provide assistance; it may be about changing Council's practices to be inclusive; the findings could show that the Council needed to make some adjustments which could make life a little easier for members of the LGBTIQ community. It could also be that there was no need to change anything. Cr Fergeus said that the important thing was that there was currently no data on LGBTIQ community in Monash.

**CARRIED**

DIVISION

A Division was called.

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

Against: Crs Davies, Zographos

**6.3 National Local Road & Transport Congress Report**

Moved Cr James,

Seconded Cr Klisaris

*That Council receives the report from Cr James on his attendance at the National Local Roads & Transport Congress, held in November 2017.*

Cr Little commended Cr James' report to Council, noting that transport issues were an on-going concern and challenge.

Cr Zographos said that it was timely to discuss transport, noting that cars would continue to be used in Monash for a wide range of reasons and there was a need to consider the provision of parking spaces. He noted that legislation was recently passed in the Victorian Parliament to allow driverless vehicles to be trialed across the State, with individuals or organisations being permitted to conduct on road trials of automated vehicles.

**CARRIED**

**7. COMMITTEE REPORTS**

Nil

**8. URGENT BUSINESS**

Moved Cr Klisaris,

Seconded Cr James

*That Council considers the acceptance of a contractual matter as an Item of Urgent Business, as part of the Confidential Business section of the agenda for the 27 February 2018 Council meeting.*

**CARRIED**

Moved Cr Klisaris,

Seconded Cr Zographos

*That Council considers the acceptance of the matter of the contribution of \$20,000 towards a community and cultural celebration in Eaton Mall, Oakleigh on 25 March 2018, as an item of Urgent Business.*

**CARRIED**

Moved Cr Klisaris,

Seconded Cr James

*That Council approves an allocation of \$20,000, to support the Oakleigh Traders Association contribution of \$15,000 to host and deliver a community and cultural celebration in Eaton Mall Oakleigh, for the visit to the City of Monash by the Evzones Presidential Guard on Greek National Day, 25 March 2018.*

Cr Tsoi said that he was proud that Monash was supporting a multicultural event and expressed his support for the motion.

Cr Zographos said that he welcomed the visit of the Evzones Greek Presidential Guard to Australia and to Oakleigh and it presented a unique opportunity for Oakleigh and Monash. Cr Zographos said that he would welcome the whole Monash community to attend this event.

Cr McCluskey noted that the Oakleigh Traders Association would contribute to the costs involved with staging the event and that it would benefit the community and the Council.

Cr James said that he supported the motion and congratulated the Mayor for organising the event.

The Mayor thanked councillors for their support, and noted that the Oakleigh Traders' Association had worked hard to get the visit to take place and make the necessary arrangements. He added that the visit by the Evzones was a unique and wonderful opportunity.

**CARRIED**

**9. CONFIDENTIAL BUSINESS**

Moved Cr McCluskey,

Seconded Cr Davies

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*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.*

**CARRIED**

RETURN TO OPEN COUNCIL

On returning to open Council, the Mayor confirmed that the Council had carried the following resolution:

*That Council:*

- 1. Following the recent collapse of international markets for roadside collectable recycling materials authorises the Chief Executive Officer to negotiate a two-year extension to the recycling contract (no. 2010122) with Visy Paper Pty Ltd (trading as Visy Recycling) at a revised contract rate and payment terms, ensuring collection and receipt of Council's roadside recyclables.*
- 2. Writes to the ESC advising Council intends to seek a rate cap variation for the 2018/19 rating year for an amount equivalent to the additional associated costs.*
- 3. In the event that the request for a variation is not successful, proceeds to consider implementing a limited waste charge in the 2018/19 draft budget to recover the shortfall (with due consideration of this impact on eligible pensioners), further.*
- 4. Makes application to the State Government to access its entitlement of the \$13 million package for councils and industry to support the ongoing kerbside collection of household recyclable waste for any shortfall in recycling receipts between 1 April 2018 and 30 June 2018.*

**10. PERSONAL EXPLANATIONS**

Nil

**11. COUNCILLORS' REPORTS**

- 11.1** Cr Saloumi advised the Council that she had attended the Chinese New Year Festival and had also attended the open of the Melbourne Tae Kwon Do Centre in Aristoc Road, Glen Waverley, run by Mr Jack Rozinsky.

- 11.2** Cr James advised the Council of his attendance at the Clayton Festival, which had been very successful and with its relocation to the car park behind the Clayton Community Centre, had a welcoming village atmosphere; his attendance at the soccer game between Oakleigh Cannons and the Guanzhou Evergrande Taobao Football Club, which played in the Chinese Super League; his attendance, with his family, at the Chinese New Year Festival, which had been very successful; had been elected as Chair of the Eastern Transport Coalition.
- 11.3** Cr McCluskey advised the Council that he had attended the Community Conversations session on building resilience in youth, which was very well attended; together with Cr Paterson, had attended and presented at a session on leadership, with Monash District Scouts group; attended the Chinese New Year Festival, which was a great success.
- 11.4** Cr Tsoi advised the Council of his attendance at the Clayton Festival and the Chinese New Year Festival. Both festivals had been very successful and he thanked Vincent Chow and the organising committee of the Chinese New Year Festival for all their efforts. He also thanked the Mayor for formally opening the event; attended the opening of the Icon Cancer Centre, The Valley Private Hospital, with the Mayor.
- 11.5** Cr Little informed the Council that he and Cr Saloumi had recently had the opportunity to ride a fully automated bus, which would be operating at the shipping docks in Darwin, in the near future.

The Mayor declared the meeting closed at 9.15 pm

**MAYOR:** .....

**DATED THIS ..... DAY OF ..... 2018**