



CITY OF
MONASH

MINUTES OF THE MEETING OF

COUNCIL

HELD ON 28 FEBRUARY 2023

at 7.04 pm

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

**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 28 February 2023 AT 7.04 PM.**

PRESENT:

Councillors: T Samardzija (Mayor), N Luo (Deputy Mayor), A de Silva, J Fergeus, G Lake, B Little, R Paterson, S James, S McCluskey

APOLOGIES

Councillors: P Klisaris, T Zographos,

DISCLOSURES OF INTEREST

Nil.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 31 January 2023

Moved: Cr Brian Little

Seconded: Cr McCluskey

That the minutes of the Meeting of the Council held on 31 January 2023, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that fifteen (15) questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 **ATKINSON STREET OPTIONS – CYCLING CONNECTION – SCOTCHMANS CREEK TRAIL TO DJERRING TRAIL, OAKLEIGH**

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Notes the findings regarding Atkinson Street options to facilitate the cycling connection between Scotchmans Creek Trail and Djerring Trail in Oakleigh.*
2. *Endorses Atkinson Street Option 2 as the preferred option, acknowledges that this option is proposed to be undertaken as a permanent option, and directs officers to undertake:
preliminary design of the option.
a detailed parking analysis to help identify changes to parking to accommodate parking loss and balance parking demand.
undertake community and stakeholder engagement on the option, in the context of the complete cycling connection between Djerring trail and Scotchmans Creek.
engage with Vic Track for the provision of a more direct connection to Djerring trail which would provide a superior and more direct connection.*
3. *Directs officers to report back to Council with the results of community feedback, stakeholder engagement and recommendation on final design for Atkinson Street before the end of November 2023 for consideration and endorsement.*
4. *Notes the construction of the cycling track in Atkinson Street will be able to be considered by Council for multiyear funding in it 23/24 and 24/25 budgets. The project would need to be staged and the stages for delivery would need to be evaluated and resolved upon.*

CARRIED

1.2 PARKLETS ON ROADS POLICY CONSULTATION

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Notes that consultation has been conducted with traders regarding the interim Parklets on Roads Policy to support implementation of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets occurred between 27 October – 31 December 2022.*
2. *Adopts the Parklets on Roads Policy.*

CARRIED

1.3 TOWN PLANNING SCHEDULE

Moved Cr Luo

Seconded Cr McCluskey

That the report containing the Town Planning Schedules be noted.

CARRIED

1.4 PROPOSAL FOR ROAD DISCONTINUANCE – JACK EDWARDS RESERVE, OAKLEIGH

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Notes that a parcel of Council-owned land which forms part of Jack Edwards Reserve, 22-38 Edward Street, Oakleigh is encumbered by a carriageway easement in favour of VicTrack as registered by Dealing 1191646 ('Easement'), being the land known to title as Lot 1 on TP699239 as described in certificate of title volume 2131 folio 152 ('Land'), further noting that the Easement is defined as a Road under the Local Government Act 1989 ('Act').*
2. *Notes that the proposed Jack Edwards Reserve Pavilion and Grandstand Development includes significant works on the Land described in item 1 above and requires the Land to be free from the Easement to allow for these future works.*
3. *Notes that VicTrack have advised they are unable to surrender the Easement and the only options they made available to Council are as follows:*
 - a) *Council to purchase the Easement at market value.*

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- b) For VicTrack to lodge a formal exemption application with the Valuer General's Office to sell the Easement to Council for a reduced or nil market value understanding:*
- i. Council must pay a fee of \$2,000.00 for the exemption application with no guarantee of a successful outcome and that due to resourcing Council can expect significant delays in progressing the above and that there is no guarantee of the outcome.*
- 4. Given items 1 to 3 above, and in particular the uncertainty with the proposed VicTrack process, it is open to Council to resolve to commence the statutory procedures pursuant to Clause 3 of Schedule 10 and Sections 207A and 223 of the Act to remove the Road status, and thus remove the Easement encumbrance from the Land, on the basis that this is the most efficient and cost-effective method to remove the Easement ('Proposal').*
- 5. Given item 4 above, resolves to commence the statutory procedures pursuant to Sections 207A and 223 of the Act to consider discontinuing the Easement (as a Road) ('the Proposal').*
- 6. Gives public notice of the Proposal in accordance with Sections 207A and 223 of the Act in a daily newspaper and on Council's website from 3 March 2023 and invite submissions on the Proposal.*
- 7. Authorises Council's Chief Executive Officer 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').*
- 8. Appoints a Committee of Council, comprising of the Mayor and Oakleigh Ward Councillors, to consider any submissions received to the Proposal under section 223 of the Act at 6:40pm on 11th April 2023 at the Monash Civic Centre, 293 Springvale Road, Glen Waverley.*
- 9. Notes that following the meeting referred to in item 8 above and in consideration of any submissions, that the Committee of Council will provide a report back to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

CARRIED

1.5 OUTCOME OF EOI – 65A POWER AVE, CHADSTONE - PUBLIC REPORT

Moved Cr Fergeus

Seconded Cr James

That Council:

1. *Notes that the Expression of Interest process for the design, construction, and ongoing management of 65A Power Avenue Chadstone, for the provision of Social Housing concluded in November 2022.*
2. *Notes that one submission was received from HousingFirst Ltd.*
3. *Agrees to advise HousingFirst Ltd that they are the preferred submitter for the design, construction, and ongoing management of 65a Power Avenue Chadstone for the provision of Social Housing.*
4. *Writes to and seek confirmation from HousingFirst Ltd that the development proposed in the submission can be delivered and confirmation of the proposed funding model.*
5. *Notes that should Council finalise the EOI and enter into formal agreement to provide the land to HousingFirst for the proposed development, that HousingFirst will use the specific planning pathway intended for funded social housing projects (Clause 52.20 (Victoria's Big Housing Build) of the Planning Scheme) to fast track an application whilst meeting all the necessary requirements of community consultation, but has specific exemptions for rights of formal objection and appeal to VCAT for residents in the surrounding area.*
6. *Noting point 5 above, directs officers to undertake Community Engagement to inform the community about the preferred submitter, the form of building, timeframes and the beneficial cohort.*
7. *Receives a further report that discusses:*
 - a. *the outcomes of the Community Engagement referred to in item 6 above;*
and
 - b. *the response from HousingFirst with the confirmation requested in item 4 above;*
to allow Council to finalise the EOI process and consider the next stage of the project.

CARRIED

2. COMMUNITY SERVICES

2.1 PROPOSED SPECIAL RATE AND CHARGE FOR CLAYTON ACTIVITY CENTRE

Moved Cr Luo

Seconded Cr Little

That:

- 1. Council receives and notes the:**
 - a) submissions received; and**
 - b) recommendation of the Committee established by Council to hear submitters, in respect of the proposal to declare a Special Rate and Charge Scheme for the Clayton Activity Centre, in accordance with section 223 of the Local Government Act 1989 which resolved to recommend that Council proceeds with the Declaration of the Special Rate and Charge Scheme for the Clayton Activity Centre.**

- 2. Council declares the Clayton Activity Centre Special Rate and Charge (Clayton Activity Special Levy) in accordance with section 163 of the Local Government Act 1989 as follows:**
 - a) the Clayton Activity Centre Special Levy be declared for a period of 5 years commencing on 1 March 2023 and concluding on 29 February 2028;**
 - b) the Clayton Activity Centre Special Levy be declared for the purpose of defraying marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the Clayton Activity Centre, which:**
 - i. Council considers is or will be of special benefit to those persons required to pay the Clayton Activity Centre Special Levy; and**
 - ii. arises out of Council's functions of:**
 - A. encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Clayton Activity Centre; and**
 - B. providing good governance in its municipal district for the benefit and wellbeing of the municipal community;**
 - c) the Clayton Activity Centre Special Levy applies to all rateable land primarily used or adapted or designed to be used for retail, commercial or entertainment purposes, being the following land at ground level and above ground level:**
 - i. 276 to 366 Clayton Road, Clayton;**
 - ii. 317 to 409 Clayton Road, Clayton;**
 - iii. 125-151 Carinish Road, Clayton;**
 - iv. 348 to 390 Haughton Road, Clayton;**
 - v. 35 to 45 and 18 Dunstan Street, Clayton;**
 - vi. 1389 to 1395 Centre Road, Clayton; and**
 - vii. 2 Cooke Street, Clayton;**

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- d) *the total cost of performing the function and the maximum amount of the Clayton Activity Centre Special Levy to be levied is approximately \$101,221.40 per annum, equating to a maximum of approximately \$506,107 over a period of 5 years, exclusive of any CPI and CIV adjustments as outline in points h), i) and j) below, or such other amount as is lawfully levied as a consequence of this Resolution;*
- e) *there will be a special benefit to persons required to pay the Clayton Activity Centre Special Levy because the viability of the Clayton Activity Centre will be enhanced through increased commerce and business activity;*
- f) *the benefit ratio, being the estimated proportion of the total benefits of the Clayton Activity Centre Special Levy (including all special benefits and community benefits), that will accrue as special benefits to all the persons who are liable to pay the Clayton Activity Centre Special Levy is in a ratio of 1:1 (or 100%), on the basis that the community benefit is nil;*
- g) *the criteria which forms the basis of the Clayton Activity Centre Special Levy is the ownership of the land described in paragraph (2)(c) of this Resolution;*
- h) *the Clayton Activity Centre Special Levy be assessed and levied at 0.00034 of the Capital Improved Value (CIV) of the subject property as at the date of declaration, or as a fixed minimum Special Charge of \$200 per annum, whichever is greater, and with a fixed maximum Special Charge of \$2,000, with the first period being a part year pro rata from 1 March 2023 to 30 June 2023, and the final year pro rata from 1 July 2027 to 29 February 2028;*
- i) *the CIV of each property to which the Clayton Activity Special Levy will apply is the CIV applicable to it at the time of levying the Clayton Activity Centre Special Levy for the first year, and then as at 1 July in each subsequent year of the Scheme, noting that the CIV may change in the period during which the Clayton Activity Centre Special Levy is in force, reflecting any revaluations and supplementary valuations which take place.*
- j) *The Clayton Activity Centre Special Levy will be adjusted each year by an amount equal to the March Quarter Consumer Price Index (CPI) as published prior to the annual Clayton Activity Centre Special Levy renewal at 1 July for each year of the Scheme, with the first adjustment to be made on 1 July 2024.*
- k) *the Clayton Activity Centre Special Levy be levied by sending notices to the persons liable to pay it, with payments to be made either in four instalments or a lump sum, in accordance with Council's general rate collection process.*

3. *Council's Chief Executive Officer be authorised to:*
- a) *notify each person who made a submission or objection of Council's decision and reasons for the decision;*
 - b) *write to the owners and occupiers of properties within the Clayton Activity Centre Special Levy advising them of the decision embodied in this Resolution and associated appeal rights; and*
 - c) *enter into an agreement with the Clayton Traders Association in relation to expenditure of the Clayton Activity Centre Special Levy proceeds.*

CARRIED

3. CORPORATE SERVICES

3.1 FINANCIAL MANAGEMENT AND CAPITAL WORKS PROGRESS REPORT SECOND QUARTER (DEC)

Moved Cr Samardzija

Seconded Cr Little

That Council:

1. *Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 31 December 2022, presented in accordance with Section 97 of the Local Government Act 2020.*
2. *Approves the project variations contained therein.*
3. *Accepts the opinion of the Chief Executive Officer, as required under section 97(3) of the Local Government Act 2020, that a revised budget is not required.*

CARRIED

3.2 TENDER FOR IT SERVICE MANAGEMENT SOFTWARE

Moved Cr Little

Seconded Cr Luo

That Council:

1. *Awards the tender from Synergy Enterprise Solutions for IT Service Management (ITSM) Software, Contract No. 2023047, for a schedule of rates-based contract with an estimated contract value of \$230,522 for the initial term of three years and an estimated total contract value of \$991,872 inclusive of all available extension options;*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*

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3. *Notes that the contract will commence on 03 April 2023, with an initial term of three (3) years and the contract has two (2) separate extension options of three (3) years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; and*
 4. *Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.*

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

CARRIED

3.3 CONSULTANCY REGISTER REPORT

Moved Cr McCluskey

Seconded Cr Luo

That Council notes the attached summary of completed and current Consultancy engagements for the 6 months to 31 December 2022.

CARRIED

4. CITY SERVICES

4.1 ALGA MOTION - RECYCLING

Moved Cr Little

Seconded Cr Samardzija

That Council:

Supports the motion to the Australian Local Government Association's (ALGA) National General Assembly 2023 as follows:

This National General Assembly calls on the Australian Government to implement the actions below in order to achieve a massive improvement in Australia's plastics recycling rates (from 16% / 4% towards the 80% goal set in the National Waste Policy Action Plan) and achieve this in a timely manner. To that effect, ALGA requests that the Federal Government:

1. *Creates a permanent body consisting of Federal and State Ministers (or their representatives) responsible for plastic waste management and committing to it meeting at least quarterly and once a year holding a Summit along the lines of the 2020 Summit involving all levels of Government (Fed-State-Local) and key representatives of the plastic recycling and packaging industries. Its aim will be*

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- to ensure a uniform approach (including legislation) around Australia governing all aspects of plastic waste management, including (but not limited to):*
- a. A tax on plastic packaging (see point 2 below)*
 - b. Financial incentives for industry to build and run plastics recycling plant (see point 2 below)*
 - c. Investment in plastic recycling infrastructure (i.e. capital available to the recycling industry) and by taking a national view attracting companies capable of delivering very large scale processing plant*
 - d. Processes for collecting plastic waste including soft plastics*
 - e. Commitment to buy products made from recycled plastics (and other recycled materials), such as those made by Replas, whenever possible.*
 - f. Commitment to use recycled materials as part of larger constructions – in particular roads where a significant proportion can be sourced from recycled materials.*
 - g. Container Deposit schemes.*
- 2. In collaboration with the States, introduce a tax on plastic packaging. This could take the form of a bulk tax similar to the UK levied at the manufacturing / import stage (per tonne) or a per item tax levied at the retail level (say 10c per plastic package by the supermarkets). The funds raised would be used exclusively to fund plastic recycling (possibly similar to the UK model guaranteeing a price for materials generated by the recycling process and ready to be used in the production of new packaging).*
- 3. In collaboration with the States and research bodies such as the CSIRO develop guidelines on the efficacy of different alternate (to plastic) packaging materials, for food in particular. By establishing what alternate materials may be available, their properties (in particular their ability to be composted or recycled and how effective they are in prolonging the shelf life of foods) the packaging and food industries may be encouraged to move to a non-plastic alternative. At present the use and availability of alternatives lies with a number of very small companies offering innovative solutions, some of which look promising if they could be scales up.*

CARRIED

Moved Cr Little

Seconded Cr Samardzija

That Cr Little be granted an extension of time of two (2) minutes to speak on the motion.

CARRIED

4.2 ALGA NATIONAL GENERAL ASSEMBLY - COUNCILLOR ATTENDANCE

Moved Cr Luo

Seconded Cr McCluskey

That Council approves the attendance of the following Councillors at the Australian Local Government Association's National General Assembly in Canberra from 13 to 15 June 2023 both dates inclusive:

Councillors: Tina Samardzija, Nicky Luo, Rebecca Paterson, Shane McCluskey and Stuart James

CARRIED

4.3 SOUTH OAKLEIGH FAMILY AND CHILDREN'S HUB

Moved Cr McCluskey

Seconded Cr James

That Council:

- 1. Awards the tender from Simbuilt Pty Ltd for Oakleigh South Child & Family Hub, Contract No. 2023126 for a fixed Lump Sum of \$4,728,812 with an extra \$473,000 for Contingencies.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract is anticipated to commence on 15 March 2023 and the expected completion date is 15 December 2023; and*
- 4. Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management/ Delivery Fees, Provisional Items and early works (demolition) is \$5,760,029 and that the anticipated surplus (\$839,971) will be returned to the budget at the completion of the project.*

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

CARRIED

4.4 TENDER FOR ELECTRONIC DOCUMENT RECORDS MANAGEMENT SYSTEM

Moved Cr Luo

Seconded Cr Samardzija

That Council:

- 1. Awards the tender from Kapish Services Pty Ltd for Electronic Document Management System (EDMS), Contract No. 2023054 for a schedule of rates-based contract with an estimated contract value of \$1,450,966 for the initial*

three-year & two months term and an estimated total contract value of \$6,997,356 inclusive of all available extension options, implementation, cloud hosting services, maintenance & support, product licencing, and professional services.

- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*
- 3. Notes that the contract will commence on 01 April 2023, with an initial term of three (3) years & two (2) months and the contract has three (3) separate extension options of three years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; and*
- 4. Notes that the estimated contract costs for each of the extension terms stated above are also subject to an annual increase as per the contract.*

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

CARRIED

4.5 NAPPY RECYCLING TRIAL

Moved Cr McCluskey

Seconded Cr Luo

That Council:

- 1. Notes the information provided on conducting a trial into disposable nappy recycling.*
- 2. Resolves not to proceed with a proposed Nappy Recycling Trial in 2022-23 due to the reasons outlined in this report.*
- 3. Authorises the CEO to re-allocate available funding from the 2022-23 budget for the proposed Nappy Recycling Trial to other priorities as appropriate.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

6. NOTICES OF MOTION

Nil.

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

Cr Fergeus spoke in relation to Public Question 15 and confirmed that he had no previous knowledge of the event and had not been approached to speak at the event. He wanted to be noted on record that he has requested that council officers clarify the misunderstanding with the organisers as soon as possible.

11. COUNCILLORS' REPORTS

Cr McCluskey congratulated the officers, volunteers and the community members who were involved with the two festivals that he attended recently which are the Chinese Lantern New Year's festival in Glen Waverley and the Clayton Festivals. The festivals really reflected how important these two events are to the community.

Cr McCluskey highlighted the Glen Waverley Angels Softball club achievements as follows:

- Australian Team selections, Open Womens' category: Kasey Smith and Kylie Steemers.
- School Sports Australian U17s squad: Rachel Miller who was named in the All-Australian squad
- Under 14s girls attending the New Zealand Easter Tournament: Lexie Nuroo and Elise Haggerty.
- Over 35s: Suzanne Chameleon and Shenay Searle
- Open womens' and selected for the Victorian Squad: Kasey Smith, Kylie Steemers and Teraize Bonner.
- Under 23s: Kasey Smith, Bec Campbell, Ina Carillo, Jessica Carter and Therese Bonner
- Under 18s: Antigone Thornton, Ina Carillo and Jenna Haggerty
- Under 17s School Sports Vic Squad: Rachel Miller, Talia Neru and Antigone Thornton

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- Under 16s: Julia Tay
 - Under 14s: Elise Haggerty
 - School Sports Victoria U12s: Lexi Nuroo - selected and made captain, Elise Haggerty and Bayden Van Der Burg

Moved Cr James

Seconded Cr Little

That Cr McCluskey be granted an extension of time of one (1) minute to continue with his report.

CARRIED

Cr James acknowledged the work completed in the sector after marching under the Monash banner in the Midsumma Pride March in St Kilda for the first time and expressed his thanks to Council for their support.

Cr James conveyed the LGBTIQ+ Advisory Committee expressed their gratitude for Councillors' contribution over the past two years.

The Mayor declared the meeting closed at 8.01pm.



MAYOR:

DATED 28 March 2023