



**CITY OF
MONASH**

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 31 MARCH 2020

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 31 MARCH 2020 AT 7.00 PM.**

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

APOLOGIES:

Crs J Fergeus, R Paterson, T Zographos

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY MEETING HELD ON 25 FEBRUARY
2020 AND 24 MARCH 2020 SPECIAL MEETING AND 27 MARCH 2020 SPECIAL MEETING**

Moved Cr Pang Tsoi,

Seconded Cr Little

That the minutes of the Ordinary Meeting of the Council held on 25 February 2020 and 24 March 2020 Special Meeting, and 27 March 2020 Special Meeting be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr McCluskey noted the recent passing of Monash resident Ms Pearl Morgan, who was 105 years old.

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 410 & 412 Haughton Road, Clayton - Use and Construction of a 4 Storey Student Accommodation Building and Reduction of Car Parking

Moved Cr Little,

Seconded Cr Saloumi

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/50600) for the use and development (buildings and works) of a student accommodation building and reduction to car parking requirements of Clause 52.06 at 410 & 412 Haughton Road, Clayton subject to the following grounds:

- 1. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 of the Monash Planning Scheme.*
- 2. The proposal does not satisfy the objectives of the Student Accommodation Policy at Clause 22.10 of the Monash Planning Scheme as it provides inadequate car parking, open space, landscaping provision and results in poor internal amenity for future occupants.*
- 3. The proposal is inconsistent with the Student Accommodation Policy at Clause 22.10 of the Monash Planning Scheme as it fails to ensure that the development respects sensitive residential interfaces and minimises the appearance of visual bulk.*
- 4. The proposal fails to adequately address the car parking requirements contained in Clause 52.06 of the Monash Planning Scheme.*
- 5. The proposal is considered to be an overdevelopment and represents a poor design outcome for the site and the area.*

CARRIED

1.2 428 & 430 Haughton Road, Clayton Construction of A 4 Storey Residential Building

Moved Cr McCluskey,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/50934) for the construction of a 4 storey residential building at 428-430 Haughton Road, Clayton subject to the following grounds:

- 1. The proposal fails to be in keeping with the surrounding neighbourhood character and will result in a poor quality outcome.*

2. *The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 of the Monash Planning Scheme.*
3. *The proposal will result in unreasonable bulk impacts to adjoining properties to the north-west and south-east.*
4. *The proposal fails to ensure equitable development opportunities for adjoining properties to the north-west and south-east.*
5. *The proposal will result in a poor level of internal amenity for future residents.*
6. *The proposal fails to provide an appropriate level of natural surveillance, activation and sense of address to Haughton Road.*
7. *The proposal results in unreasonable overlooking to adjoining habitable room windows and secluded private open space.*
8. *The proposal will result in unreasonable overshadowing to the secluded private open space of 1/2 Pullyn Street.*
9. *The proposal does not provide for an efficient car parking layout.*

CARRIED

1.3 445-467 Blackburn Road, Mount Waverley Construction of A Multi-Level Building For Use of A Retirement Village and Child Care Centre

Moved Cr Little,

Seconded Cr Davies

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51012) for the construction of a multi-level building for the use of a retirement village and child care centre, at 445-467 Blackburn Road, Mount Waverley subject to the following conditions:

Amended Plans Required

1. *Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. 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 to Council prepared by Metaxas Architects (Revision A) dated 24 February 2020 but modified to show:*
 - a) *The proposed vehicle crossing setback a minimum of 1 metre to the nearest power pole, minimum 6 metres in width and notated 'to be constructed in accordance with Council standards'.*
 - b) *Location of all street trees on the naturestrip in front of the subject site, and clearly marked 'to be removed' or 'to be retained'. The structural root zone and*

tree protection zone of each street tree to be retained to be clearly indicated on the lower ground level plan.

- c) Existing redundant crossing notated 'removed and replaced with kerb and channel'.*
- d) Fencing details on the lower ground level plan.*
- e) All east and south facing habitable room windows/ sliding doors provided with acoustic treatment.*
- f) Site levels on the lower ground floor plan in accordance with the Survey Plan; and finished ground level of the courtyard and the rain garden.*
- g) Details of any retaining walls.*
- h) The vehicle path to and from each accessible space to have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area must be a minimum of 2500mm.*
- i) 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 the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- j) The accessible parking spaces designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*
- k) The layout of the development follows the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - i. Maximum grade of 1 in 4.*
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - iii. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.**
 - The maximum grade within a parking module measured parallel to the angle of parking is 1 in 20. Measured in any other direction is 1 in 16.*
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.**
- l) Bicycle parking facilities generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*

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- m) Any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*
 - n) Any Tree Protection Measures required in the Tree Management Plan in accordance with Condition 8.*
 - o) A Landscape Plan prepared in accordance with Condition 5.*
 - p) A Waste Management Plan prepared in accordance with Condition 6.*
 - q) A Sustainable Management Plan prepared in accordance with Condition 7.*

All to the satisfaction of the Responsible Authority.

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 4. As part of the ongoing consultant team, Metaxas Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and*
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.**

Landscaping and Management Plans

Landscape Plan

- 5. Concurrent with the endorsement of any plans pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 21 February 2020, Prepared by Land Design Partnership except that the plan must show:
 - (a) Detail of the proposed concrete pavements and proposed concrete driveway.*
 - (b) Location of external lighting;*
 - (c) 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 the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road; and*
 - (d) Location of retaining walls and site services.**

Waste Management Plan

6. *Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Leigh Design, dated 31 October 2019 but revised to the satisfaction of the Responsible Authority:*
- a) To state the purpose of the Waste Management Plan as per the Monash Guidelines.*
 - b) To correct the development description to include the number of levels proposed in the development, and breakdown of uses of each level.*
 - c) To correct the waste volume calculation and total waste generated per waste stream.*
 - d) To provide for food organics collection.*
 - e) To provide bin storage and waste disposal process for occupiers.*
 - f) To provide waste collection process.*

Sustainable Management Plan

7. *Concurrent with the endorsement of plans pursuant to Condition 1, 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 plan must be generally in accordance with the plan prepared by Sustainable Development Consultants dated November 2019, but revised to the satisfaction of the Responsible Authority:*
- a) To reflect the amended building layout in accordance with the amended plan (Revision A) dated 24 February 2020.*

Tree Management Plan

8. *Concurrent with the endorsement of plans pursuant to Condition 1, a Tree Management Plan by a suitably qualified arborist must be submitted to and approved by the Responsible Authority, to ensure trees on the nature strip and neighbouring trees to be retained are protected.*

Once approved the Tree Management Plan will be endorsed to form part of the permit.

Construction Management Plan

9. *Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*

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- a) *Hours for construction activity in accordance with any other condition of this permit;*
 - b) *Measures to control noise, dust and water and sediment laden runoff;*
 - c) *Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - d) *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
 - e) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
 - f) *Cleaning and maintaining surrounding road surfaces;*
 - g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
 - h) *Public Safety and site security;*
 - i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
 - j) *A Traffic Management Plan showing truck routes to and from the site;*
 - k) *Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
 - l) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - m) *Contact details of key construction site staff;*
 - n) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
 - o) *Except with the prior written consent of the Responsible Authority, 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;*
 - *No works are permitted on Sundays or Public Holidays;*

Note: Hours for demolition and construction condition to be used in conjunction with this condition. Check EPA website for standard construction hours.

10. *The provisions, recommendations and requirements of the endorsed Management Plans related to in Conditions 5-9 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.*

General Conditions

Use Conditions

11. *The Childcare Centre may operate only between the hours of 7am and 7pm Monday to Friday inclusive unless the Responsible Authority gives consent in writing.*
12. *A maximum of 80 children may be accommodated on site at any one time.*
13. *Prior to the use or development commencing, the owner of the land at 445-467 Blackburn Road, Mount Waverley, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the building for Retirement Village must only be used for the purpose of a retirement village in accordance with the Retirement Villages Act 1986 (Vic) or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.*
14. *The Retirement Village must be operated and managed in accordance with the Retirement Villages Act 1986 (Vic) or future legislation which may supersede this Act.*
15. *The amenities and other communal facilities must only be used by residents and their guests or by members of staff, to the satisfaction of the Responsible Authority.*

Car Parking Conditions

16. *Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - (a) *constructed to the satisfaction of the Responsible Authority;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

17. *Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
18. *The proposed crossing is to be constructed in accordance with the City of Monash standards.*
19. *Any works within the road reserve must ensure the footpath and naturestrip are reinstated to Council standards.*

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20. *The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
 21. *All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.*

Landscaping and Tree Retention

22. *Prior to the commencement of any works on the site (including demolition works) that are permitted by this permit, all trees (including trees on the nature strip and on adjoining properties) that are to be retained, or are located within or adjacent to any works area, shall be protected in accordance with the Tree Management Plan and verified by a qualified landscape architect or horticulturist. The Tree Management Plan must provide for:*
 - *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.*
 - *All works (including demolition works) 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.*
 - *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.*
 - *An in-ground, automatic watering system linked to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.*
 - *All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*

Drainage Engineering Conditions

23. *All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*
24. *The development is to be connected to a legal point of discharge to the satisfaction of the Responsible Authority.*
25. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.*

Other

26. *Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and be in good condition to the satisfaction of the Responsible Authority.*
27. *In the event of excavation causing damage to an existing boundary fence, the owner of the development site must (at their own) cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.*
28. *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.*
29. *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.*
30. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*

Time for Starting and Completion

31. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*

- (a) *The development is not started before two (2) years from the date of issue.*
- (b) *The development is not completed before four (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:

- (i) *within six (6) months afterwards if the development has not commenced; or*
- (ii) *within twelve (12) months afterwards if the development has not been completed.*

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. *Building Permit approval must be obtained prior to the commencement of the above approved works*
- B. *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.*

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- C. *One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- D. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.*
- E. *The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the rear easement of the property via a 900mm x 600mm junction pit to be constructed to Council Standards.*
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- F. *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.*
- G. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.*
- H. *Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
- I. *All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- J. *Payment for the removal of the street tree on Lemont Avenue is required prior to the commencement of the development.*
- K. *Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- L. *Residents of the approved development will not be entitled to car parking permits for on street car parking.*

CARRIED

1.4 Town Planning Schedules

Moved Cr McCluskey,

Seconded Cr Little

That the report containing the Town Planning Schedules be noted.

CARRIED

1.5 Mixed Use Multi-Level Car Park, Montclair Avenue, Glen Waverley

Moved Cr Saloumi,

Seconded Cr Little

That Council:

1. *Notes that there is currently investigative work underway by the Suburban Rail Loop Authority (SRLA) to identify the preferred locations for all its stations in Monash including the Glen Waverley Activity Centre (GWAC).*
 2. *Notes that Council officers have commenced preliminary discussions with the SRLA regarding possible location options for the Suburban Rail Loop (SRL) station in the GWAC including identifying potential issues and opportunities for any location.*
 3. *Notes that Council currently has three projects within the GWAC that are potentially affected by any eventual preferred station location and associated works. These projects are:*
 - (a) *2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley.*
 - (b) *The Kingsway streetscape renewal works (the design for which is planned to commence following completion of (a) above); and*
 - (c) *The marketing and sale of Council properties at 14 Bogong Avenue, Glen Waverley and 155 Coleman Parade, Glen Waverley to fund the Euneva Avenue carpark Level 1 office fit-out and provision of required/displaced car parking proposed to be provided in the proposed mixed use multi-level car park referred to in (a) above.*
- ("the Projects")*
4. *Resolves that in relation to Project 2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley, Council will:*
 - (a) *Suspend works on this project for a period of time of either up to six months or upon any announcement on the preferred location of the SRL station in the GWAC (including the opportunities and any possible impacts on the project and the broader GWAC), whichever is the sooner.*

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- (b) Note the work completed to date under contract 2019147 and directs officers to write to the principal consultant informing of Council's above decision to suspend work on this project in accordance with clause 10.3 of contract 2019147.*
 - (c) Note that Council officers will continue to meet with representatives of the SRLA regarding exploration of issues and opportunities for the SRL stations in Monash including the GWAC and notes that officers will report back to Council as appropriate.*
 - (d) Direct officers to write to key stakeholders regarding the outcome of this report and prepare a media release regarding the same.*
 - 5. Directs officers to consider the re-prioritisation of the Projects including the possibility of bringing forward the Kingsway streetscape renewal works, at the appropriate time, noting the opportunities for this project are also associated with the SRLA investigations and that Council will consider a report on the outcome of any re-prioritisation at a future Council meeting.*
 - 6. Carry forward any remaining budget in relation to Project 2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley, to next financial year 2020-2021, until the status of the project is reconsidered by Council in accordance with point 5.*
 - 7. With regards to the sale of 14 Bogong Avenue and 155 Coleman Parade, Glen Waverley (the Properties):*
 - (a) Note Council's previous resolutions at its meeting on 24 April 2018 (item 2.3, resolutions 2, 4, 5 and 8) regarding:*
 - Endorsing the relocation of Monash Youth Services (Glen Waverley site) and Wavecare Counselling Service to the refurbished Level One Euneva Avenue Car Park;*
 - Agreeing to the sale of the Properties with the funds from the sale of the properties financing the redevelopment of the Euneva Car Park building Level One at Euneva Avenue Glen Waverley;*
 - Noting that the sale of the Properties is required to fully fund the project including the replacement car parking and agrees that any surplus funds are put toward future community infrastructure projects as may be endorsed by Council at future Council meetings; and*
 - Commencing the statutory procedures pursuant to section 189 and 223 of the Local Government Act, 1989 for the sale of the Properties.*
 - (b) Notes that the Monash Youth Services and Wavecare Counselling Service have relocated to Level One Euneva Avenue Car Park from the Properties and the Properties are now vacant.*
 - (c) Notes that the requirement for the replacement/required car parking proposed to be located within the proposed mixed use multi-level car park remains outstanding and will need to be provided in the future.*

- (d) *Notes that the statutory procedures pursuant to sections 189 and 223 of the Local Government Act, 1989 for the sale of the Properties was satisfied by Council on 7 June 2019, that no submissions were received and Council resolved at its Ordinary Council meeting held on 26 November 2019 (item 7.1 - a copy of which is provided in Attachment 1 to this report) to progress the sale of the Properties.*
- (e) *Resolves that given the need to suspend works on project 2019147 – detailed design for a mixed use multi-level car park at 31-39 Montclair Avenue, Glen Waverley that there is no immediate need for the income from the sale of the Properties to fund the replacement car spaces.*
- (f) *Resolves that:*
1. *The resolution made in respect of item 7.1 at the Ordinary Council meeting held on 26 November 2019 is amended by deleting paragraphs 1(b) to (e) (inclusive); and*
 2. *Council not pursue the sale of the Properties at this time.*
- (g) *Notes that officers will present a future report to Council for consideration of the sale of the Properties (including undertaking all the required statutory processes again) once matters associated with the SRL station location within the GWAC are known and further consideration of the mixed use multi-deck car park can occur. The basis of funding the office fit-out works at Level One Euneva Avenue carpark and the associated provision/replacement of car parking through the sale of the Properties as originally intended and resolved upon by Council is still the recommended course of action.*
8. *Resolves that in the above circumstances and until such time as Council resolves to sell the Properties or otherwise, that both Properties be made available for short-term use in accordance with the guiding principles as outlined in Council's Leasing & Licensing Policy, with a preference for supporting community groups or services such as Headspace.*

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

Nil.

3. CORPORATE SERVICES

Nil

4. INFRASTRUCTURE

4.1 Tender For Locksmith & Door Furniture

Moved Cr Little,

Seconded Cr McCluskey

That Council:

- 1. Awards the tender from Oakleigh Locksmiths Pty Ltd for Locksmith & Door Furniture for a schedule of rates based contract with an estimated annual contract value of \$99,000 and an estimated total contract value of \$515,200 inclusive of all available extension options;*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract will commence on 1 April 2020 with an initial term of one year and the contract has two extension options of two 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

4.2 Tender For Supply of Three Horticulture Tractors

Moved Cr Little,

Seconded Cr Pang Tsoi

That Council:

- 1. Awards the tender from John Deere Pty Ltd for supply of three horticulture tractors, Contract No. 2016052 for a fixed Lump Sum of \$468,600 with an additional \$7,500 for registration costs and \$30,000 for contingencies;*
- 2. Notes that the total budget including the fixed Lump Sum, Contingencies and Provisional Items is \$506,100.*

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

CARRIED

4.3 Tender For Kerbside Bin Inspections & Detailed Bin Audits

Moved Cr Pang Tsoi,

Seconded Cr Little

That Council:

- 1. Awards the tender from All Environmental Concepts for Kerbside Bin Inspections (Part A), Contract No. CF2020119 for a fixed annual Lump Sum of \$42,240 with an*

estimated \$10,000 for Schedule of rate items (executable at Council's option) and with an extra \$4,224 for Contingencies. The estimated total contract value for Part A of \$282,320 inclusive of all available extension options;

- 2. Awards the tender from Solo Resource Recovery for Detailed Bin Audits (Part B), Contract CF2020119 for a fixed annual Lump Sum of \$35,860 with an extra \$3,586 for Contingencies. The estimated total contract value for Part B of \$197,230 inclusive of all available extension options;*
- 3. Authorises the Chief Executive Officer to execute the contract agreement;*
- 4. Notes that the contract will commence on 30 March 2020 and the expected completion date is 29 March 2023 and that the contract has two (2) extension options of one (1) year each and authorises the Chief Executive Office or their delegate to approve extension options subject to satisfactory performance.*
- 5. Notes that the total anticipated budget for Part A and Part B including the fixed Lump Sums, Contingencies and Schedule of rate items is \$479,550.*

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

CARRIED

4.4 Level Crossing Removal Project – Open Spaces Defects & Maintenance

Moved Cr Little,

Seconded Cr Pang Tsoi

That Council:

- 1. Accepts the Maintenance Funds offer from the Level Crossing Removal Project of \$3,865,000 to deliver the maintenance of the Open Space areas along the Level Crossing Removal Project from Poath Road, Hughesdale to Centre Road, Clayton.*
- 2. Notes that the offer falls short of the anticipated cost of a ten year maintenance program by approximately three years and that Council will have to fund ongoing maintenance after this period.*
- 3. Requires that the Level Crossing Removal Project offer also includes \$312,250 for reinstatement of concrete areas, trees, garden areas and damaged roads within and adjoining the agreed area.*
- 4. Note that the Level Crossing Removal Project has previously agreed to contribute 50% or \$75,000 towards an additional future PlaySpace west of Centre Road.*
- 5. Subject to agreement of the additional funding outlined in Item 3, Council authorises the Chief Executive Officer or her delegate, on behalf of Council to do all things required to effect the Licence for the areas along the Level Crossing Removal Project from Poath Road Hughesdale to Centre Road Clayton, inclusive of an obligation upon the Level Crossing Removal Project for Maintenance Funding.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr McCluskey,

Seconded Cr Pang Tsoi

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

CARRIED

5.2 Contract Variation Project - Management System

Moved Cr Little,

Seconded Cr Pang Tsoi

That Council:

1. Increases the contract with CA Technology Pty Ltd (CAMMS) to an estimated contract value of \$358,050 (comprising of a tender fixed lump sum of \$232,650 and an estimated \$125,400 for professional services) for the initial three-year term with an estimated total contract value of \$480,920 inclusive of all available extension options (two one year contract extensions are available at the discretion of CEO).

2. Authorises the Chief Executive Officer to execute the contract agreement subject to any required negotiations.

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

CARRIED

6. NOTICES OF MOTION

STATEMENT BY THE CHAIRPERSON

The Mayor advised that the next item on the agenda for the meeting would normally be consideration of applications for funding from Council's Discretionary Fund. However, given the current situation, consideration of all applications had been deferred for the time being.

6.1 Grants from Community Support Fund and Monash Council's Gambling Policy

Moved Cr Saloumi,

Seconded Cr Davies

That Council:

In line with Council's resolution on 31 May 2016 to adhere to City of Monash Public Health Approach to Gambling Policy Statement 2016 – 2020, Council must return all monies sought and provided through the State Government's Community Support Fund since 31 May 2016 in order to commit to its resolution to maintain independence from the gambling industry.

Crs Saloumi and Davies spoke on this item.

RIGHT OF REPLY

Cr Saloumi exercised her right of reply as the mover of the motion.

POINT OF ORDER

Cr Lake called a point of order, stating that under the Meeting Procedures Local Law a Councillor exercising a right of reply could not introduce new material.

The Chairperson upheld the point of order, asking Cr Saloumi to confine her comments to the contribution that she and Cr Davies had made.

Cr Saloumi continued her right of reply.

POINT OF ORDER

Cr Lake called a second point of order, stating that Cr Saloumi was required to confine her right of reply to the statements made by Cr Davies and herself.

The Chairperson upheld the Point of Order.

POINT OF ORDER

Cr Davies called a point of order stating that it was contrary to the meeting procedures local law for a Councillor to criticise another Councillor.

The Chairperson did not uphold the point of order.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That the speaker no longer be heard.

LOST

POINT OF ORDER

Cr Davies called a point of order asking the Mayor if Cr Lake had submitted a reason for leaving the Chamber.

The Mayor did not uphold the point of order, advising that there was no such requirement in the meeting procedures local law.

Cr Saloumi concluded her right of reply.

The motion was put to the vote and declared lost.

LOST

DIVISION

A division was called.

For: Crs Saloumi and Davies

Against: Crs McCluskey, Klisaris, James, Pang Tsoi, Little

Cr Lake was not present in the Chamber for the Division.

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil

10. PERSONAL EXPLANATIONS

Nil

11. COUNCILLORS' REPORTS

Nil.

The Mayor declared the meeting closed at 7.38 pm

MAYOR: 

DATED THIS 25 DAY OF FEB 22 2020