



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 28 APRIL 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 28 APRIL 2020 AT 7.00 PM.**

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

APOLOGIES:

Cr Paterson

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON
31 MARCH 2020**

Moved Cr McCluskey,

Seconded Cr Tsoi

That the minutes of the Ordinary Meeting of the Council held on 31 March 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

The Mayor conveyed his sincere condolences, on behalf of the Council, to the families of the four members of the Victoria Police who had lost their lives in the tragic accident on the Eastern Freeway.

PUBLIC QUESTION TIME

The Mayor advised that four questions had been received. He advised that a response to each question received would be forwarded to the submitters.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Monash Affordable Housing Strategy

Moved Cr Fergeus,

Seconded Cr Little

That Council:

- 1. Notes the content and recommendations of the Draft Monash Affordable Housing Strategy.*
- 2. Notes the content of the Affordable Housing Strategy Discussion Paper.*
- 3. Releases the Draft Monash Affordable Housing Strategy for community consultation in accordance with the consultation program set out in this Report.*
- 4. Notes that a further report will be presented to Council upon the completion of the community consultation program reporting on the outcomes of the consultation and to consider any proposed way forward.*

AMENDMENT

Moved Cr James,

Seconded Cr Little

Add Part 5: Extends the consultation period until at least the end of July and as part of the consultation process hosts a number of online/in person forums as appropriate for the community and engages with the development industry, housing associations and peak bodies.

CARRIED

DIVISION

A division was called.

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

Against: Crs Davies, Zographos, Saloumi

The amendment formed part of the substantive motion.

SUBSTANTIVE MOTION

The substantive motion was then debated.

AMENDMENT

Moved Cr Lake,

Seconded Cr Davies

1. That items 2, 3, 4 and 5 be deleted.

2. That a new item 2 be added as follows: "Resolves to send the proposed strategy to relevant development industry and public housing association stakeholders seeking their feedback on the proposed strategy and with a view to assisting Council to further evaluate the recommendations contained in the report."

CARRIED

DIVISION

A division was called.

For: Crs Klisaris, McCluskey, Tsoi, Lake, Davies, Saloumi, Zographos

Against: Crs Fergeus, James, Little

The amendment formed part of the substantive motion.

SUBSTANTIVE MOTION

The substantive motion was then debated. It was voted on and declared carried.

CARRIED

1.2 Proposed Amendment C156 – Rezoning of the PMP Printing Site, 209-211 Carinish Road, 31-49 Browns Road, and Bendix Drive, Clayton

Moved Cr Little,

Seconded Cr Saloumi

That Council:

- 1. Prior to proceeding further with proposed Amendment C156, that the amendment documentation be modified to:**
 - a. Retain third party notice and appeal rights;**
 - b. Include the Environmental Audit Overlay requirements in the Comprehensive Development Zone to require a that prior to the commencement of use or development either:**
 - i. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or**
 - ii. An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.**

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- c. Include a requirement in the planning provisions that the land owners must meet any subsequent costs Council may incur that are associated with peer and legal review of environmental contamination issues, including those related to compliance with the Environmental Audit Overlay on the site at permit stage incurred by Council.*
- 2. Clarifies that any land proposed to be transferred to Council as the Public Open Space contribution pursuant to Clause 53.01 is to be unencumbered by contamination or appropriately remediated and must be unencumbered from any ongoing contamination management obligations, all to Council's satisfaction, or, if that cannot be satisfied, that a 10% cash contribution for Public Open Space would be required.*
 - 3. Requires written support from the 2 main land owners of the PMP Printing site to the provisions of the amendment package.*
 - 4. Requires the written agreement of the 2 main land owners to meet all costs associated with the Amendment and any subsequent costs for peer review of contamination issues as part of any planning permit process.*
 - 5. Once the documentation has been modified and agreements made in respect of the resolutions 1, 2 and 3, requests the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C156.*
 - 6. Authorises the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report.*
 - 7. Upon receiving authorisation from the Minister for Planning, prepares Amendment C156 and exhibits the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*

CARRIED

1.3 161-171 Jells Road, Wheelers Hill - Amendment of An Existing Planning Permit Which Allows For The Development of A Residential Aged Care Facility And Refurbishment of The Existing Aged Care Facility

Moved Cr Tsoi,

Seconded Cr McCluskey

That Council resolves to Grant Amended Planning Permit (TPA/47296/B) for the development of a residential aged care facility on land affected by the Design and Development Overlay-Schedule 5, including refurbishment of the existing Aged Care Facility (Lifeview the Willows) and alteration of access to a road in a road zone category 1, at 161-171 Jells Road, Wheelers Hill subject to the following conditions:

- 1. Before the development starts, one copy of 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 prepared by CHT Architects, Revision F dated 24 March 2020 with the application, but modified to show:

- a) ~~*On land at 161-169 Jells Road, between 3 and 12 metres from the southern boundary to 171 Jells Road, development must not exceed a height of 7 metres above natural surface level (excluding parapets and roof forms that enhances the articulation of the built form and improves the appearance of the building). This must be clearly dimensioned on elevation / section plans. (Deleted)*~~
- b) ~~*On land at 161-169 Jells Road, between 12 and 18 metres from the southern boundary to 171 Jells Road, development must not exceed a height of 10.5 metres above natural ground level (excluding parapets and roof forms that enhances the articulation of the built form and improves the appearance of the building). This must be clearly dimensioned on elevation / section plans. (Deleted)*~~
- c) ~~*On land at 161-169 Jells Road development must not exceed 14 metres above natural surface level. This must be clearly dimensioned on the elevation/section plans. (Deleted)*~~
- d) *The proposed retaining wall along the Jells Road frontage (Ground floor level – TP11) and fencing (First floor – TP12) setback 3 metres from the Jells Road frontage.*
- e) *Screening to prevent overlooking to all habitable room windows located within 9.0 metres of the boundary adjacent to the western boundary and the southern boundary adjacent to the secluded open space of 9/11-15 The Deviation.*
- f) *The retention of the existing bus shelter at the Ferntree Gully Road frontage of the site.*
- g) *Access to the site is to be redesigned to the satisfaction of Council and VicRoads as follows*
 - *All vehicles are to enter the site via the western driveway located on the Ferntree Gully Road frontage.*
 - *The vehicle direction along the porte cochere access way is to be reversed so that vehicles head east and the proposed eastern entry point must be converted to 'exit only'. The exit point is to be reconfigured to enable vehicles to exit generally perpendicular to the left turn deceleration lane. The exit point is to be designed as a vehicle crossing and is to be reduced in width to 3.5 metres, or as agreed by Council.*
- h) *Deletion of proposed signage.*
- i) *The western façade and the southern façade of the new building (at the south west corner of the site) amended to provide a softer interface to adjoining residential properties to the south west. Vertical and horizontal*

fragmentation by use of varied materiality and architectural features is encouraged.

- j) Details of all mechanical ventilation (including heating and cooling units) located outside the building or on the rooftop with appropriate screening incorporated into the architectural design of the building. Heating and cooling units must not be located on the balconies, facade of the building or visible from outside the property.*
- k) The location of all services and any required electricity substations, fire services, gas and water meters. The required services must be suitably painted, screened and landscaped to the satisfaction of the Responsible Authority to minimise their visual prominence.*
- l) A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) from the edge of the exit lane of the western vehicle crossing and both sides of the eastern vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- m) Compliance with VicRoads conditions (refer to Vic Roads conditions of this permit)*
- n) Compliance with Public Transport Victoria (PTV) Conditions (refer to PTV conditions of this permit)*
- o) Modification of the fenestration of the central building module presenting to Ferntree Gully Road to provide a stronger horizontal presentation.*

All to the satisfaction of 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 started the approved development must be continued and completed to the satisfaction of the Responsible Authority.*
- 4. The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) transport of materials, goods or commodities to or from the land;*
 - b) appearance of any building, works or materials;*
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) presence of vermin;*
 - e) movement of commercial vehicles within the site.*
- 5. The occupier 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 or any other applicable noise regulations.*

If requested by the Responsible Authority noise testing must be undertaken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to the Responsible Authority.

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6. *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.*
 7. *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 both the aged care and retirement living 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) *Ongoing onsite 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.

8. *Waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewer connection located within the waste storage room.*
9. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
10. *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.*
11. *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
12. *Parking areas shall be specifically signed for their intended use, to the satisfaction of the Responsible Authority.*
13. *Before the development permitted is completed and the premises 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.

14. *The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*
15. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
16. *On site visitor parking spaces are required to be clearly marked.*
17. *The 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 as detailed below:*
 - a) *Access ways to provide at least 2.1m headroom beneath overhead obstructions;*
 - b) *Ramp grades to be designed with a minimum of 2.0 metre grade transitions between different sections of ramp or floor changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change);*
 - c) *Minimum requirements for parking space dimensions to be in accordance with Table 2;*
 - d) *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.*

VICROADS CONDITIONS

18. *Prior to the commencement of the permitted development, a functional layout drawing and functional stage Road Safety Audit must be submitted to and approved by VicRoads. The functional layout plans are to include the following:
The provision of the left turn deceleration lane on Ferntree Gully Road.*
19. *Before the use of the permitted development, all works required by VicRoads under this permit must be completed to the satisfaction of and at no cost to VicRoads.*
20. *No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*

PUBLIC TRANSPORT VICTORIA

21. *The existing bus stop and associated infrastructure on Ferntree Gully Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during works must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*

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22. *The permit holder must take all reasonable steps to ensure that disruption to bus operations along Ferntree Gully Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigations measures must be communicated to Public Transport Victoria fourteen days (14) prior.*
 23. *If a temporary stop in an alternative location is required during construction, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. Once the new stop is deemed suitable for operation, the temporary stop must be removed in consultation with Public Transport Victoria.*
 24. *The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.*
 25. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
 26. *The loading and unloading of goods from vehicles must only be carried out on the land.*
 27. *Before the development starts, a site drainage and stormwater 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 the south-west corner of the property where the entire sites stormwater must be collected and free drained via a pipe to the private pit in the rear easement via a 150 mm pipe to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). If the point of connection cannot be located then notify Council's Engineering Department immediately.
 28. *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.*
 29. *The private drainage line located along the southern easement of 820-830 Ferntree Gully Road is to be CCTV and confirmed to be in good working condition prior to connection.*
 30. *Any connection into a Council easement pit requires the approval of Council's Engineering Division prior to the works commencing. Please refer to the notes*

section of this permit for additional details. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.

31. *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 all driveways 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.*

32. *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 from the site;*
 - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *the location of where building materials are to be kept during construction;*
 - d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - f) *on-site parking of vehicles associated with construction of the development;*
 - g) *wash down areas for trucks and vehicles associated with construction activities;*
 - h) *cleaning and maintaining of surrounding road surfaces;*
 - i) *A Traffic Management Plan prepared by a qualified person is required to be submitted as part of the Construction Management Plan. This should detail the route to and from the site for large vehicles, proposed warning signs and traffic control;*
 - j) *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.)*

33. *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.*

34. *A landscape plan prepared by a Landscape Architect, 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:-

- *the location of all existing trees and other vegetation to be retained on site;*
- *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;*
- *planting to soften the appearance of hard surface areas such as driveways and other paved areas;*
- *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;*
- *the location and details of all fencing;*
- *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;*
- *details of all proposed hard surface materials including pathways, patio or decked areas;*

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

35. *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.*
36. *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. *The permit holder must notify PTV a minimum of 8 weeks prior to any bus stop relocation/or temporary relocation works approved under this permit. The permit holder must notify PTV by either call 1800 800 007 or email customerservice@ptv.vic.gov.au*
2. *Building approval must be obtained prior to the commencement of the above approved works.*
3. *Engineering permits must be obtained altered vehicle crossings and these works are to be inspected by Council (telephone 9518 3555).*

4. *A drainage contribution will not be accepted in lieu of a detention system. Detention system requirements for this property can be obtained by contacting Council's Engineering Department.*
5. *Three printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division 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.*
6. *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.*
7. *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.*
8. *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.*
9. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
10. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. A refundable security deposit is required to be paid prior to the drainage works commencing and the amount is to be determined once drainage plans have been submitted.*
11. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).*
12. *An on-site detention system for storm events up to the 1% AEP event is to be retained on site for the basement car park. The detention system for the basement is to be separate from the detention system for the site, which is to be at ground level and discharge by gravity.*
13. *Three printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works and after Town Planning plans have been endorsed. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.*
14. *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.*

CARRIED

1.4 740 High Street Road, Glen Waverley - Construction of A Four (4) Storey Building Comprising Apartments With Basement Car Parking

Moved Cr Klisaris,

Seconded Cr Tsoi

That Council resolves to issue a Notice of Decision to Amend a Planning Permit (TPA/47480/A) for the construction of a four (4) storey building comprising apartments with basement car park, at 740 High Street Road, Glen Waverley subject to the following conditions:

- *Condition 1 be amended to include the following additional conditions:*
 - p) *Deletion of the 1.5 metres high fence along the boundary on Blair Road.*
 - q) *Provision of a disabled ramp/ lift from the Blair Road pedestrian entry to improve accessibility of the building.*
 - r) *The proposed ramp grade of 1 in 5 for a length of 750mm to the basement increased to a minimum of 2 metres in length.*
 - s) *The driveway ramp to the basement increased to a width of 5.5 metres with a 300mm clearance on each side of the wall (i.e. a total of 6.1 metres) to accommodate a two-way traffic and accommodate vehicle turning movements.*
 - t) *Notation to read 'Approval from affected service authorities for the relocation of the existing Power Pole and Telstra Pit to be provided to Council as part of the vehicle crossing application process'.*
 - u) *Notation to read 'the existing retaining walls are to be removed from the road reserve'.*
 - v) *Details of bin storage cleaning and ventilation, and access to bin storage areas for occupants and contractors, in accordance with the Waste Management Plan.*

- *Condition 6 be amended to read:*

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 16 December 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 provide details of the development to include the number of levels proposed in the development, and existing land use.*
 - c) *To correct the waste volume calculation, include food waste recycling and provision for collection of food organics.*
 - d) *To include food waste recycling in waste collection and bin number calculation.*

- e) *To include in-dwelling waste storage.*
- f) *To site access arrangements for waste collection.*
- g) *To include information of management of hard waste and e-waste.*

The provisions, recommendations and requirements of the endorsed Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- *Condition 10 be amended to read:*

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 December 2019, Prepared by John Patrick except that the plan must show:

- (a) *Detail of the proposed paving, concrete pavements and proposed concrete driveway.*
- (b) *Location of retaining walls and site services.*

- *Conditions 16, 20, 21 and 22 deleted.*

- *Condition 19 be amended to read:*

The layout of the development shall follow 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 2.1 metres 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:*
 - *Maximum grade of 1 in 4.*
 - *Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - *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.*

- *Amended plans updated to satisfy Conditions 6, 7, 10, 12.*

CARRIED

**1.5 55-59 Portman Street, Oakleigh - Construction of A Five Storey Building
Comprising Two Shops and 15 Apartments**

Moved Cr Fergeus,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/50927) for the construction of a five storey building and associated works comprising 2 shops and 15 apartments and reduction to the car parking requirements of Clause 52.06 of the Monash Planning Scheme at 55-59 Portman Street, Oakleigh on the following grounds:

- 1. The proposal does not meet the objectives of Clause 15 Built Environment and Heritage, Clause 21.04 Residential Development, Clause 21.06 Major Activity and Neighbourhood Centres, Clause 21.15 Oakleigh Major Activity Centre Structure Plan, Clause 22.01 Residential Development and Character Policy, Clause 43.02 Design and Development Overlay 11 in relation to building height and scale.*
- 2. The proposal does not provide a satisfactory design response and façade presentation to the public realm.*
- 3. The proposal does not meet the objectives of Clause 58 Apartment Developments of the Monash Planning Scheme with regard to solar access to many of the apartments and balconies.*
- 4. The proposal does not meet the requirements and objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to the provision of on-site car parking spaces and an overreliance on corrective manoeuvres and inappropriate basement ramp width and location.*
- 5. The location of the basement ramp at the east end of the site would unreasonably encumbered Council owned land.*

PROCEDURAL MOTION

Moved Cr Zographos,

Seconded Cr Klisaris

That this item lay on the table.

LOST

The substantive motion was debated and then put to the vote and declared carried.

CARRIED

DIVISION

A division was called.

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

Against: Crs Zographos, Davies

Cr Saloumi was absent from the Chamber at the time of the Division.

1.6 Town Planning Schedules

Moved Cr McCluskey,

Seconded Cr Fergeus

That the report containing the Town Planning Schedules be noted.

CARRIED

1.7 Victorian Small Business Friendly Charter

Moved Cr James,

Seconded Cr Tsoi

That Council:

- 1. Accepts the terms of the Victorian Small Business Friendly Charter, including endorsing the procedural changes outlined in this report*
- 2. Signs the Small Business Friendly Charter, and*
- 3. Promotes Monash City Council as a Small Business Friendly Council.*

CARRIED

1.8 South East Melbourne Group – City Deal Update

Moved Cr McCluskey,

Seconded Cr James

That Council:

- 1. Receives and notes the update on the progress and proposed collaborative approach for the South East Melbourne City Deal.*
- 2. Directs officers to continue to work collaboratively with the South East Melbourne group of Councils on the preparation of a SEM City Deal, including the development of projects to be included within the proposed City Deal.*
- 3. Notes that the COVID-19 pandemic will delay the progress of the development of the City Deal.*
- 4. Notes that a further update report will be presented to future Council meetings as the development of the SEM City Deal progress.*

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Review - Community Requests For Naming of Council Facilities Policy

Moved Cr Tsoi,

Seconded Cr Klisaris

That Council:

- 1. Notes that an officer review of the Guidelines for Community Requests for the Naming of Council Facilities has been completed; and*
- 2. Endorses the updated policy titled 'Community Requests for the Naming of Council Sport Facilities' (Attachment A) which will supersede the Guidelines for Community Request for the Naming of Council Facilities.*

CARRIED

2.2 Monash Community Grants Evaluation Panel

Moved Cr Fergeus,

Seconded Cr Saloumi

That the Monash Community Grants Program Evaluation Panel be dissolved recommended by Council's Internal Auditors with the full Council to consider the recommendations of the evaluation process.

CARRIED

DIVISION

A division was called.

For: Crs McCluskey, Fergeus, Saloumi, Davies, Tsoi, Lake, Zographos, Little

Against: Crs James, Klisaris

3. CORPORATE SERVICES

Nil.

4. INFRASTRUCTURE

4.1 Tender For Brentwood Reserve Pavilion Redevelopment

Moved Cr McCluskey,

Seconded Cr James

That Council:

1. *Awards the tender from Simbuilt Pty Ltd for Brentwood Reserve Pavilion Redevelopment, Contract No. CF2020116 for a Fixed Lump Sum of \$2,016,498 with an extra \$121,254 Contingency sum.*
2. *Authorises the Chief Executive Officer to execute the contract agreement;*
3. *Notes that the total anticipated project expenditure including the fixed Lump Sum, Contingencies, Design Fees, Project Management Fees and Provisional Items is \$2,276,843.*
4. *Notes that Council has applied for a \$500,000 Sports and Recreation Victoria (SRV) grant and if successful with this grant councils funding commitment to this project would be reduced and could be used to complete other projects*
5. *Nominates to use unexpended funds to the construction of new cricket nets at Columbia Park Reserve which would then see the completion of this project .*

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

CARRIED

4.2 Clayton South Regional Landfill User Group Budget 2020/2021

Moved Cr Little,

Seconded Cr Tsoi

That Council, as a member of the Clayton South Regional User Group, endorses the Clayton South Regional Landfill User Groups Management Committee's recommended Management, Rehabilitation and Monitoring works Budget for 2020/21 year and note the future projected cash flow.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Records and Councillors' Meetings Records

Moved Cr Tsoi,

Seconded Cr Little

That Council notes:

1. *The Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.*
2. *The records of meetings of Councillors undertaken during March and April 2020.*

AMENDMENT

Moved Cr James,

Seconded Cr Klisaris

That the 24 March 2020 Councillors' briefing meeting record be amended to remove Cr Paterson as an attendee of that meeting.

CARRIED

The motion, as amended became the substantive motion and was put to the vote and declared carried.

CARRIED

5.2 Establishment of Community Asset Committee

Moved Cr McCluskey,

Seconded Cr Fergeus

That the Council:

- 1. Establishes the Monash Gallery of Art Community Asset Committee, under section 65 of the Local Government Act 2020*
- 2. Appoints the following individuals to the Monash Gallery of Art Community Asset Committee:*
 - Natasha Bowness as Chairperson*
 - Val Brown*
 - Nick Fletcher*
 - Kirsty Grant*
 - Dr Milton Harris as Deputy Chairperson*
 - Kathryn Hendy Ekers*
 - David Rosetsky*
 - Matt Soulsby*
 - Cr Shane McCluskey*
 - Cr Josh Fergeus*
- 3. Approves the Terms of Reference for the Monash Gallery of Art Community Asset Committee, as contained in Attachment 1 to this report.*
- 4. Notes that the delegation to the Monash Gallery of Art Community Asset Committee by the Chief Executive Officer, will be made and take effect on 1 May 2020.*
- 5. Approves Council's Meeting Procedures Local Law No.1 applying to the community asset committee until such time as Council adopts its Governance Rules.*

PERSONAL EXPLANATION

Cr Davies sought to make a personal explanation.

The Mayor advised that Cr Davies would have that opportunity under the appropriate part of the meeting agenda.

CARRIED

6. NOTICES OF MOTION

6.1 Royal Commission Into the Gambling Industry

Moved Cr James,

Seconded Cr Fergeus

That Council:

- 1. Notes that a motion supporting a Royal Commission into the gambling industry was supported by an overwhelming majority of Councils at the 2019 Australian Local Government Association (ALGA) National General Assembly (NGA), including Monash, and that point 2 of this resolution mirrors that adopted motion*
- 2. Calls on the Federal Government to:*
 - a. Establish a Royal Commission into the gambling industry and the \$24 billion in annual gambling losses nationally, the highest in the world in per capita terms.*
 - b. Embrace national harm minimisation policies to reduce gambling harm in Australia, such as:*
 - i) Supporting a ban on credit card usage with Australian licensed online gambling companies;*
 - ii) Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry;*
 - iii) Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies;*
 - iv) Introducing a ban on federally registered political parties from owning gambling licenses issued by Australian governments, including for the operation of poker machine venues.*
- 3. Calls on the Federal Government, with the support of ALGA, to investigate the gambling industry's influence on the democratic process, including political donations and third-party campaigning.*
- 4. Resolves not to accept any corporate sponsorship for Council based activities from gambling/gaming entities, without exception*

AMENDMENT

Moved Cr Saloumi,

Seconded Cr Davies

That part 5 be added, namely 5. Without exception, Council resolves not to accept or act as auspitor for any grants or funding for activities of Council or those relating to committees of Council that is sourced or derived from gambling taxes or gambling revenue.

A number of Councillors spoke on the item.

POINT OF ORDER

Cr Saloumi raised a point of order, saying that Cr Lake had made more than one derogatory comment and many assertions in relation to her.

The Mayor did not uphold the point of order.

Cr Davies interjected.

LOST

DIVISION

A division was called.

For: Crs Saloumi, Davies

Against: Crs McCluskey, Fergeus, Little, Lake, James, Klisaris, Zographos

Cr Tsoi was absent from the Chamber at the time of the Division

The motion was debated, put to the vote and declared carried.

CARRIED

DIVISION

A division was called.

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

Against: Crs Davies, Zographos

Cr Tsoi was absent from the Chamber at the time of the Division

7. COMMITTEE REPORTS

7.1 Audit & Risk Committee Membership and Revised Charter

Moved Cr Lake,

Seconded Cr Fergeus

That Council:

- 1. Adopts the recommendation of the recruitment panel overseeing the selection of an independent Chair of Council's Audit & Risk Committee (A&RC) and appoints existing independent Committee member Mr Andrew Dix as an independent Chairperson member of the A&RC for a period of three years ending 30 June 2023;*
- 2. Adopts the recommendation of the recruitment panel overseeing the selection of an independent Chair of Council's Audit & Risk Committee (A&RC) and appoints Mr John Watson as a replacement independent member of the A&RC for a period of three years ending 30 June 2023;*
- 3. Following the enactment of the Local Government Act 2020, adopt the revised Audit & Risk Committee Charter,*
- 4. Reappoints Ms Katie Baldwin as an independent member of Council's Audit & Risk Committee for her second term of appointment ending 30 June 2023 and*
- 5. Notes that all other applicants will be advised of Council's decision and thanked for their interest in the position.*

AMENDMENT

Moved Cr Davies,

Seconded Cr Saloumi

That part 6 be added, namely 6. That Council will not appoint a Councillor to the Audit and Risk Committee for more than 2 years.

LOST

DIVISION

A division was called.

For: Crs Saloumi, Davies, Zographos

Against: Crs James, Little, Fergeus, Lake, Klisaris, McCluskey, Tsoi

The motion was put to the vote and declared carried.

CARRIED

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Davies

That the meeting be extended until 10.15 pm.

CARRIED

**7.2 Proposed Road Discontinuance and Sale of Land To Abutting Landowners –
May Park Avenue, Shaw Street, High Street Road and Warrigal Road Ashwood**

Moved Cr Little,

Seconded Cr Tsoi

That Council:

1) *Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice proposing the discontinuance of the road shown hatched on the plan in Attachment 1 to this report, being referred to as road on plan of subdivision 2648 ('Road') on the basis that it is no longer reasonably required for general public use.*

2) *Notes the S.223 Committee met on Tuesday 24 March 2020 to hear and consider submissions received in respect of the proposed discontinuance of the Road.*

3) *Accepts the S.223 Committee's recommendation as follows:*

The Committee resolved, having considered the six written submissions received and one verbal submission, to recommend to Council that:

1. *Council proceed with the discontinuance of the road.*
2. *Divide the land from the road into individual parcels (lots) for sale to abutting land owners in accordance with the requirements of the easement to Yarra Valley Water Authority and the need for ongoing access for maintenance.*

4) *Notes that the land from the Road will be sold to adjoining property owners at not less than market value.*

5) *Directs that subject to the completion of item 3) 2. above, a Notice of Road Discontinuance be published in the Victoria Government Gazette pursuant to the provisions of clause 3(a) of Schedule 10 of the Local Government Act 1989 noting Council's decision to discontinue the Road and sell the land from the Road to adjoining landowners.*

-
- 6) *Authorises the Chief Executive Officer to arrange for the preparation and execution of all documents required in connection with, and to give effect to, the discontinuance of the Road and the apportionment and sale of the land from the Road to adjoining landowners.*

CARRIED

8. **URGENT BUSINESS**

8.1 **Leave of Absence – Cr Paterson**

Moved Cr James,

Seconded Cr Tsoi

That the matter of Cr Paterson's request for leave of absence be accepted as an Item of Urgent Business.

CARRIED

Moved Cr James,

Seconded Cr McCluskey

That Cr Paterson be granted leave of absence up to and including 26 May 2020.

CARRIED

9. **CONFIDENTIAL BUSINESS**

Moved Cr Tsoi,

Seconded Cr James

That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter at a closed meeting, resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificate.

CARRIED

The Council moved into Confidential Business at 10.07 pm.

OPEN COUNCIL

The Council returned to open Council at 10.10 pm.

10. PERSONAL EXPLANATIONS

- 10.1 Cr Saloumi made a personal explanation in regard to comments made by Cr Lake during his contribution to the debate under Item 8.1.
- 10.2 Cr Fergeus commenced making a statement.

POINT OF ORDER

Cr Lake raised a point of order, saying that Cr Fergeus' comments did not meet the criteria for personal explanation under the Meeting Procedures Local Law No.1.

The Mayor upheld the Point of Order and requested that Cr Fergeus make his personal explanation.

Cr Fergeus resumed speaking.

POINT OF ORDER

Cr Lake raised a Point of Order saying that Cr Fergeus's comments did not meet the criterial of a personal explanation.

The Mayor upheld the Point of Order and read out the clause relating to personal explanations in the local law.

The Mayor requested Cr Fergeus to continue.

Cr Fergeus made his personal explanation in regard to the language used and the comments made in the Chamber and their effect on him and other Councillors.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Davies

That the meeting be extended until 10.25 pm.

CARRIED

- 10.3 Cr Lake made a personal explanation in regard to Cr Saloumi's contribution to the debate under Item 8.1 and his response to that contribution.

11. COUNCILLORS' REPORTS

Nil

The Mayor declared the meeting closed at 10.20 pm

MAYOR: 

DATED THIS 25 DAY OF FEB 22 ~~2020~~