



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 26 MAY 2020**

at 7.00 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 26 MAY 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, R Paterson, L Saloumi, T Zographos

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Crs Davies, Saloumi, Fergeus, Zographos – Item 9.1.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 28 APRIL 2020**

Moved Cr McCluskey,

Seconded Cr Tsoi

That the minutes of the Ordinary Meeting of the Council held on 28 April 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PUBLIC QUESTION TIME

The Mayor advised that 2 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 45-49 Portman Street, Oakleigh - Partial Demolition and Alteration To the Existing Heritage Building, and Construction of a Multi-Storey Building for Use As Serviced Apartments and Shops

Moved Cr Little,

Seconded Cr Saloumi

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51068) for the partial demolition and alteration to the existing Heritage building, construction of a multi-storey building, use of the land for serviced apartments and reduction of the bicycle requirement under Clause 52.34 of the Monash Planning Scheme, at 45-49 Portman Street, Oakleigh 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 C&K Architecture (Revision O) dated 2 October 2019 but modified to show:*
 - a) *The development setback a minimum of 1.5 metres from the northern property boundary and indication of a 1.5 metre wide accessway easement to be created along the northern property boundary.*
 - b) *Revised car parking layout as a result of condition 1(a) to allow deletion of car parking spaces 8, 9, 10 and provision of an adequate accessway width to satisfy the design standards in Clause 52.06-9 of the Monash Planning Scheme.*
 - c) *Provision of a deep sloped roof to the southern side of the top level facing Portman Street.*
 - d) *Deletion of the south facing balconies and the service terrace. Services relocated and appropriately screened from public view.*
 - e) *Shade devices amended to terra cotta colours.*
 - f) *Façade materials to the eastern and western side walls amended to minimise long term paint maintenance.*
 - g) *Provision of a minimum of 12 bicycle parking spaces on site. The bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
 - h) *Plans and specifications for the car stacker systems.*

- i) A warning light system or convex mirror to improve visibility at the site access in accordance with the Traffic Report prepared by Onemilegrid dated 20 March 2020.*
- j) The stairs adjacent to the chemical store replaced with a ramp in accordance with the Traffic Report prepared by Onemilegrid dated 20 March 2020.*
- k) A Waste Management Plan prepared in accordance with Condition 8.*
- l) A Sustainable Management Plan prepared in accordance with Condition 9.*

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. Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.*
- 5. The conference room within the development must not exceed 30 patrons/seats at any single time and be operated ancillary to the primary use as serviced apartments, unless with the prior written consent of the Responsible Authority.*
- 6. As part of the ongoing consultant team, C&K Architecture 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.*
 - (c) Ensure an appropriate repair, reconstruction, paint removal and painting scheme is developed for the existing heritage building. This scheme is to carry out repairs to the awning, timber and render, tiles and other materials and authorised by a qualified heritage architect.**

Management Plans

Operational Management Plan

- 7. Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the serviced apartments prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:
 - a) Serviced apartment premises are to managed and remain under the**

control of a single operator responsible for the operation and maintenance of the entire premises.

- b) The presence of a manager on site at such times to operate the reception area.*
- c) The contact details of the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person.*
- d) Services provided.*
- e) Operating hours.*
- f) After hours contact details for management of the facility.*
- g) Car parking allocated to serviced apartments. No less than 1 car space must be allocated to each serviced apartment approved by this permit.*
- h) Management of the car park associated with the serviced apartments including access arrangements.*
- i) Maintenance of buildings and grounds, including all landscaped areas.*

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

- 8.** *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 Onemilegrid, dated 13 February 2020 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 for food organics collection.*
 - c) To provide waste room cleaning equipment and ventilation details on the plans.*

Sustainable Management Plan

- 9.** *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 September 2019 but amended to reflect changes to the development required under Condition 1.*

Construction Management Plan

10. 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:

- 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.

- 11.** *The provisions, recommendations and requirements of the endorsed Management Plans related to in Conditions 7-10 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.*

General Conditions

Car Parking Conditions

- 12.** *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.

- 13.** *In accordance with the Planning Scheme, at least 25% of the mechanical car parking spaces to accommodate a vehicle clearance height of at least 1.8 metres*
- 14.** *Car stacker modules are required to cater for the following:*
- a) *Independent operation for each parking space.*
 - b) *A minimum entry level headroom clearance of 1.8 metres.*
 - c) *A vehicle at least 175cm height on other levels.*
 - d) *A clear/usable platform width of at least 2.3 metres.*
 - e) *Accommodates vehicle length of at least 5.0 metres*
 - f) *Loading weight per platform of at least 2000kg.*

Plans and specifications for the mechanical parking systems are required to the satisfaction of the Responsible Authority.

- 15.** *The mechanical parking systems to meet Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of*

motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD).

16. *The mechanical parking systems to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.*
17. *Any works within the road reserve must ensure the footpath and kerb and channel are reinstated to Council standards.*

Drainage Conditions

18. *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.*

Other

19. *o 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.*
20. *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.*

Section 173 Agreement

21. *Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
 - a) *Vehicle access to the land via the existing Council car park is at the discretion of the City of Monash.*
 - b) *Vehicle access entitlement to the land may be modified at the discretion of the City of Monash.*
 - c) *The costs of the City of Monash in relation to the drafting, reviewing, executing and registering the agreement must be borne by the owner.*
 - d) *Apartment premises within the development are restricted to short-stay serviced apartments defined as "Residential Hotel" by the Monash Planning Scheme.*
 - e) *Permanent occupation of apartment premises as a primary residence is prohibited.*
 - f) *Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.*

- g) *Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.*
- h) *The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.*

A memorandum of the Section 173 Agreement is to be entered into on Title. The cost of the preparation and execution of the Agreement and entry of the memorandum on Title is to be paid by the owner.

Time for Starting and Completion

22. *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.*
- 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.** *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 road reserve 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.

- E. Engineering permits must be obtained for 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.*
- F. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*

CARRIED

1.2 2-4 Kingsway Glen Waverley - Construct A Six (6) Storey Building and Reduction In Car Parking Requirements

Moved Cr Little,

Seconded Cr McCluskey

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51150) for the construct a building and carry out works associated with a six (6) storey building and a reduction in the standard car parking requirement, at 2-4 Kingsway, Glen Waverley subject to the following conditions:

Amended Plans Required

- 1. Before the development commences, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Rothelowman Architects, Rev A dated 10 February 2019 but modified to show:*
 - a) The building to be set back from Kingsway a minimum of 5 metres at Levels 3 to 5. Balconies and architectural features may protrude into this space.*
 - b) As a consequence of Condition 1a), the architectural expression of the building fronting O'Sullivan Road must be adjusted to respond to this additional setback.*
 - c) The access to the stacker entry and exit to include an apex to ensure stormwater does not enter the underground basement system.*
 - d) The proposed bike store and bin storage switched to enable the bin store area to be accessible internally to the building. The finish to the external wall of the new bike store area is to be finished with a semi-transparent material which still allows for planting to grow up the wall from the landscaping bed.*
 - e) A detailed plan of the access arrangements to the rear laneway off O'Sullivan Road.*
 - f) The brand and name of the mechanical stacker system notated, including confirmation that at least 25 per cent of the mechanical parking spaces can accommodate a vehicle height of at least 1.8 metres;*

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- g) An updated detailed survey plan provided for the site, adjoining public space areas (including the rear laneway, O'Sullivan Road and associated footpaths, and Kingsway and footpath) and the raised pedestrian walkway associated with Galleria along the laneway.*
 - h) The ground floor level of the building must match the existing footpath level or be raised to satisfy cross-fall and drainage requirements.*
 - i) Removal of the two proposed visitor bicycle spaces.*
 - j) A dynamic, scaleless wall pattern to the southern elevation.*
 - k) Any changes to plans as a result of the amended Waste Management Plan prepared in accordance with Condition 6.*
 - l) An amended Landscaping plan in accordance with Condition 23.*

Layout not to be Altered

- 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 it must be continued and completed to the satisfaction of the Responsible Authority.*

Management Plans

Green Travel Plan

- 4. Prior to the commencement of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this Permit. The Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to occupants and visitors. The Green Travel Plan should include, but not be limited to the following:*
 - (a) A description of the location in the context of alternative modes of transport;*
 - (b) Details of end of trip facilities provided;*
 - (c) Education and awareness initiatives and incentives for occupants and visitors to encourage more sustainable modes of travel to/from the site;*
 - (d) Management practices identifying sustainable transport alternatives;*
 - (e) Consider the provision of electric vehicle charging facilities;*
 - (f) Lobby areas of building to include real time information of train, tram and bus services;*
 - (g) Details of bicycle spaces for staff;*
 - (h) Employee packs (ie myki cards for new workers); and*
 - (i) An obligation to update the plan not less than every 5 years;*
 - (j) Details of when and how this travel plan will be available for new staff;*
 - (k) Any other relevant matters.*

Public Realm Works Plan

5. ***Prior to the commencement of the development, a plan detailing the urban design streetscape treatment of the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment of public areas within the subject land site and surrounding public realm area to ensure the integration of the site with these areas and consistency in the urban design treatment. The plan must be developed in consultation and to the satisfaction of City of Monash Planning, Urban Design and Engineering Divisions. The plans must show: -***
- a) ***Detail of all proposed hard surface materials/paving. The O'Sullivan Road frontage must be provided with a dimension stone pavement design in accordance with Councils performance specification for segmental pavers.***
 - b) ***The inclusion of water sensitive urban design features.***
 - c) ***Street furniture, including public signage, bins, seats, bicycle facilities, gates, fences and the like.***
 - d) ***Proposed vegetation including provision of street trees.***
 - e) ***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.***
 - f) ***Disabled access features.***
 - g) ***The extent of any cut, fill, embankments or retaining walls.***
 - h) ***Streetscape pedestrian areas to maintain a maximum cross-fall of 1 in 40 and minimum of 1 in 100.***
 - i) ***Any other feature deemed appropriate, to the satisfaction of the Responsible Authority.***

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

Waste Management Plan

6. ***Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 18 December 2019, but showing to the satisfaction of the Responsible Authority:***
- a) ***The waste generation table calculation to be modified to include the specific use of the retail premises' at the ground floor (ie café) and reflect this in the waste generation calculation;***
 - b) ***A plan showing the details of waste storage within the development including location of wash down facilities;***
 - c) ***Provision of food waste methods for any café or food and drinks premises located at the ground floor;***
 - d) ***Access to the bin store via internal spaces detailed; and***

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- e) *Specific location of waste collection to occur ensuring minimal disruption to vehicles utilising the laneway.*

Construction Management Plan

7. *Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted to 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:*
- 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;*

- *Saturday 1:00pm to 5:00pm (only activities associated with the erection of buildings in accordance with EPA regulations);*
 - *No works are permitted on Sundays or Public Holidays.*
8. *The provisions, recommendations and requirements of the endorsed Waste Management Plan, Green Travel Plan, Construction Management Plan, Public Realm Works Plan and Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Amenity of Area

9. *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) *others as appropriate*

to the satisfaction of the Responsible Authority.

10. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
11. *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.*

Car Parking and Accessways

12. *Before the use starts or the 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.*
13. *Parking areas and access lanes must be kept available for these purposes at all times.*
14. *Car parking within the development must be allocated as follows:*
- a) *Provision of no less than 1 car space per retail premises.*
 - b) *Provision of no less than 28 car spaces associated with the office use.*
15. *The mechanical parking system to meet Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages).*

16. *All access points to the mechanical parking system require the provision of a gate/door which is to be fully automated and linked to the operating system to ensure that there is no inadvertent access when the system is in motion.*
17. *Before the use starts or any building is occupied, car stackers must be installed in accordance with the endorsed plans.*
18. *The car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.*

Ongoing Architect Involvement

19. *As part of the ongoing consultant team, Rothelowman 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.*

Plant / Equipment / services or features

20. *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.*
21. *Any required fire services, electricity supply, gas and water meter boxes must be 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.*

Landscaping

22. *Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or 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 Plan prepared by Site Image Landscape Architects, dated 7 February 2020 except that the plan must reflect any changes as required by Condition 1 of this Permit.*
23. *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.*
24. *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.*

- 25. An automatic watering system linked to the rainwater tank on the land must be installed and maintained to the common garden areas (including the green wall planters and rooftop planters) to the satisfaction of the Responsible Authority.**

Drainage

- 26. All stormwater collected on site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.**
- 27. The private on site drainage system must prevent stormwater discharge from the driveway over the footpath into the road reserve.**

Public Realm Works

- 28. Public realm works as required as a result of this development are required to be completed within 12 months of the completion of the development, or as agreed in writing, to the satisfaction of the Responsible Authority.**

Time for Starting and Completion

- 29. 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 3 years from the date of issue.**
- b) The development is not completed before 5 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. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.**
- B. The owner must accept all costs in associated with the public Realm works (with the exception of lighting) as required by this Permit to the southern side of O'Sullivan Road adjacent to the Subject Site are required to be undertaken in conjunction with the development at the cost of the developer. Works are required to be completed to the satisfaction of the Responsible Authority following the completion of the development.**
- C. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip to be constructed to Council standard. 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.**
- D. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. These plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the Permit.**

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- E. Engineering permits must be obtained for Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$10,000 is to be paid prior to the drainage works commencing.**

CARRIED

1.3 1071 North Road, Hughesdale -Extension of Time - Development of Two Double Storey Dwellings to the Rear of the Existing Dwelling

Moved Cr Little,

Seconded Cr McCluskey

That Council resolves to issue an Extension of time to Planning Permit No. TPA/38170 for development of two (2) new double storey dwellings to the rear of the existing single storey dwelling (which is to be modified) with associated car parking and landscaping, and buildings and works within land affected by a Special Building Overlay at 1071 North Road, Hughesdale, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987:

- *That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the completion of the development be extended for a further 2 years. Accordingly, the development must be completed by 10 November 2021.*
- *That the applicant be advised it is unlikely a further extension of time will be granted given the time that has passed since the permit was granted.*

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 Cat Curfew

Moved Cr Little,

Seconded Cr Fergeus

That Council:

- 1) *Notes that at its meeting of 31 October 2017 resolved to adopt the Domestic Animal Management Plan 2017 – 2021, which included the introduction of a night time cat curfew in addition to the delivery of an education program that highlights the benefits of keeping cats contained at night.*
- 2) *Resolves to make the Order requiring that cats be confined to the premises at which they are kept between sunset and sunrise, under the provisions of s.25 (2) of the Domestic Animals Act 1994, and as set out in Attachment One.*

- 3) *Notes that the Order requiring that cats be confined to the premises at which they are kept between sunset and sunrise, takes effect on 10 April 2021 being the date that cat registrations are due to be renewed.*
- 4) *Notes that a community education and information campaign will be delivered to inform the community on the introduction of the cat curfew and what is required.*

AMENDMENT

Moved Cr James,

Seconded Cr Saloumi

That part 5 of the motion be added: 5. That parts a and b of Order 1/20 of the Monash City Council, in Attachment 1 to the Officer Report, be amended to include the following words after the word 'sunset'.

" or 7.00 pm, whichever is the later."

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, was then before the Council for consideration.

AMENDMENT

Moved Cr Lake,

Seconded Cr Zographos

That the motion be amended to read as follows:

That Council:

1. Notes that at its meeting of 31 October 2017 it resolved to adopt the Domestic Animal Management Plan 2017 – 2021, which included the introduction of a night time cat curfew in addition to the delivery of an education program that highlights the benefits of keeping cats contained at night.

2. Further notes the following:

- a) Council experienced a 90% reduction in cat nuisance complaints between 2012 to 2016 (from 240 to 24);*
- b) because of this significant reduction of complaints, Council officers in June 2017 did not recommend that a cat curfew should be introduced. On that basis, a cat curfew was not included the draft Domestic Animal Management Plan which was put out to community consultation between July and September 2017;*
- c) the inclusion of a cat curfew in the final version of the plan that was considered by Council on 31 October 2017 was based on the responses of just 46 respondents out of 218 respondents to the draft plan who indicated support for a cat curfew;*
- d) at the 31 October 2017 Council meeting a cat curfew was considered by Council and there was a split vote of councillors on the question of a curfew with five councillors supporting a curfew, four councillors not supporting a curfew and two councillors not participating in this vote;*

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- e) *because the draft plan had not contemplated or proposed a cat curfew, affected cat owners had no reason or cause to provide feedback to Council about their view on a cat curfew or how a cat curfew would impact them;*
- f) *on no other occasion (either prior to or after the 31 October 2017 decision) has Council asked registered cat owners whether or not they support a cat curfew or how they would be affected by one; and*
- g) *best practice community consultation standards generally provide that those stakeholders who are most affected by a new regulation should have the ability to have their say and provide feedback upon how they will be impacted prior to that regulation being made.*
3. *Resolves, in light of the matters contained in point 2, to consult further with the community, including affected registered cat owners (drawing attention to these matters) and inviting feedback on the introduction of a cat curfew, and for this consultation to be further considered by Council prior to Council considering further the making of an Order requiring that cats be confined to the premises at which they are kept between sunset and sunrise, under the provisions of s.25 (2) of the Domestic Animals Act 1994, and as set out in Attachment One.*
4. *Further, and in parallel with the consultation to be conducted, Council directs officers to consider an alternative approach to introducing a cat curfew which focuses on introducing a curfew in specified areas of the municipality where threatened native fauna may be at risk such as around designated conservation reserves.*
5. *Notes an intention that any change to the regulation of cats should take effect on 10 April 2021 being the date that cat registrations are due to be renewed.*
6. *Notes that a community education and information campaign will be delivered to inform the community on the introduction of any cat curfew and what is required.*

CARRIED

SUBSTANTIVE MOTION (AS AMENDED)

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

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 2020/2021 Monash Community Grants Program

Moved Cr Little,

Seconded Cr Saloumi

That Council approves the in-principle allocation of the 2020/21 Monash Community Grants Program budget (\$2,563,767.07), subject to the adoption of Council's 2020/21 budget, in the following way:

-
- a) *allocates a total of \$1,770,927.65 in financial and in-kind grant allocations to local community groups and organisations in line with the Monash Community Grants Program Policy & Guidelines; and*
 - b) *Notes that the majority of projects will commence on 1 January 2021, with the exception of Neighbourhood Houses and Specialist Services being given an earlier commencement date to ensure ongoing service delivery; and*
 - c) *Quarantines \$100,000 for the establishment of a Quick Response Grant program that will assist groups to reconnect with their members and encourage community strengthening. A report will be provided at a later stage outlining the policy and procedures for this new grant program.*

AMENDMENT

Moved Cr Paterson,

Seconded Cr Zographos

That part (d) be added to the motion: d) increases Wavecare's funding from \$115,000 to \$130,000 for the 2020/21 financial year to offset the impacts of COVID-19 on its revenue sources.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Zographos

That this item be deferred to the June 2020 meeting of Council.

CARRIED

2.2 Draft Playground and Playspace Strategy

Moved Cr Fergeus,

Seconded Cr Paterson

That Council approves the draft Playground and Playspace Strategy (Attachment 1) for public exhibition and invite community submissions for review before finalising the Strategy for Council consideration and endorsement.

AMENDMENT

Moved Cr James,

Seconded Cr Little

That a part 2 be added to the motion: (2) That Council alters Appendix 2 to the Officer Report by moving Progress Park to Year 2021/2022.

CARRIED

SUBSTANTIVE MOTION

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

CARRIED

2.3 Draft Active Monash Sports Club Framework

Moved Cr James,

Seconded Cr Little

That Council:

- 1. Endorses the release of the draft Active Monash Sports Club Framework for community consultation.*
- 2. Receives a further report after the community consultation period including recommendations for a final Active Monash Sports Club Framework.*

AMENDMENT

Moved Cr McCluskey,

Seconded Cr Tsoi

That the motion reads as follows:

That Council:

- 1. Endorses the release of the draft Active Monash Sports Club Framework for extensive community consultation, including club forums and information sessions.*
- 2. Uses the consultative process to develop a section of the Framework that ensures the provision of an enhanced range of benefits and incentives in addition to those that exist currently within the proposed Framework, for clubs that achieve the proposed standards within the Framework.*
- 3. Receive a further report after the extensive community consultation period including recommendations for a final Active Monash Sports Club Framework.*

During discussion on this item, Cr Davies sought Council approval to speak for 1 additional minute.

PROCEDURAL MOTION

Moved Cr Davies,

Seconded Cr James

That Cr Davies be given another 1 minute to speak on this item.

CARRIED

SUBSTANTIVE MOTION

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

CARRIED

3. CORPORATE SERVICES

3.1 2019/2020 Financial Management and Capital Works Progress Report – Third Quarter 31 March 2020

Moved Cr Tsoi,

Seconded Cr Little

That Council:

- 1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 March 2020, presented in accordance with Section 138 of the Local Government Act 1989.*
- 2. Approves the project variations contained therein.*

CARRIED

4. INFRASTRUCTURE

Nil

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors' Meetings Record

Moved Cr Tsoi,

Seconded Cr McCluskey

That Council notes the records of meetings of Councillors.

CARRIED

6. NOTICES OF MOTION

6.1 Councillor and Mayoral Allowances

Moved Cr Davies,

Seconded Cr McCluskey

As a result of the significant coronavirus financial impacts on our community, Council resolves that there will be no increase applied to councillor and mayoral allowances during the financial year 2020/2021 and until such time as Council resolves otherwise.

AMENDMENT

Moved Cr James,

Seconded Cr Tsoi

That the motion be amended to read as follows:

As a result of the significant coronavirus financial impacts on our community, and in recognition of the measures adopted by Council's Executive Leadership Team and Managers, Council resolves that, unless otherwise required or permitted by law, there will be no increase applied to Councillor and Mayoral allowances during the financial year 2020/2021 and until such time as Council resolves otherwise.

As part of the discussion, Cr Fergeus spoke on the matter.

On the motion of Cr Paterson he was granted an additional 1 minute to speak on the matter.

PROCEDURAL MOTION

Moved Cr Paterson,

Seconded Cr James

That Cr Fergeus be given another 1 minute to speak on this item.

CARRIED

RIGHT OF REPLY

Cr Davies made a right of reply, as the mover of the motion.

SUBSTANTIVE MOTION

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

CARRIED

7. COMMITTEE REPORTS

7.1 Audit & Risk Committee Minutes

Moved Cr McCluskey,

Seconded Cr Tsoi

That Council notes:

- 1. The unconfirmed minutes of the 3 March 2020 Audit & Risk Committee (the Committee).*

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2. *That the minutes will be signed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

CARRIED

8. **URGENT BUSINESS**

Nil.

9. **CONFIDENTIAL BUSINESS**

Moved Cr Tsoi,

Seconded Cr McCluskey

That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter at a closed meeting, resolves to:

Close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificate.

CARRIED

The meeting moved into Confidential Business at 9.00 pm and returned to Open Council at 9.02 pm.

10. **PERSONAL EXPLANATIONS**

Cr Zographos made a personal explanation in relation to his contribution on Item 1.5 on the meeting agenda, advising the Council that he made reference to the public consultation and the 100 responses received, whereas his reference should have been to the 1,000 responses received.

11. **COUNCILLORS' REPORTS**

Nil

The Mayor declared the meeting closed at 9.05 pm

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MAYOR: 

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