



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 28 JULY 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 28 JULY 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 R Davies, J Fergeus, L Saloumi, T Zographos – Item 9.1

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 30 JUNE 2020**

Moved Cr Pang Tsoi,

Seconded Cr McCluskey

That the minutes of the Ordinary Meeting of the Council held on 30 June 2020, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

The Mayor

1. Acknowledged the passing this week of Charlie Mizzi. Charlie who was an outstanding community leader, who over many years worked tirelessly for the Ronald McDonald House at Monash Health in Clayton.
2. Acknowledged the recent passing of Gaetano Telera. Gaetano was a well-known, valued and long standing respected leader within the local Monash Italian community. He will particularly be remembered for his volunteer work, and this was recently recognised by a Service Award Certificate being given to Gaetano from the City of Monash proudly acknowledging his commitment and dedication to the Circolo Pensionati Italiani Di Waverley for 33 years of voluntary service and 22 years as Club President.

Cr Zographos added his strong condolences and sympathies to Charlie Mizzi's family, noting Charlie's commitment to the Clayton community.

PUBLIC QUESTION TIME

The Mayor advised that 6 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Amendment C159 – 1 Jacksons Road and 636 Wellington Road Mulgrave

Moved Cr Fergeus,

Seconded Cr McCluskey

That Council:

- 1. Receives and notes the Panel Report on Amendment C159 to the Monash Planning Scheme.*
- 2. Adopts Amendment C159, generally as exhibited, with the following changes as recommended by the Panel and set out in this report, including:*
 - a) The refinement of the proposed second objective and the deletion of all decision guidelines of the Mixed Use Zone Schedule 2;*
 - b) Reinstatement of application requirements in Mixed Use Zone 2 relating to a staged site plan and indicative land uses and yields, and*
 - c) Modifications to Design and Development Overlay Schedule 16 to:*
 - i) split Sub-Precinct D into two sub-precincts: D1 and D2*
 - ii) include key Australian Height Datum points for existing site levels in Map 1*
 - iii) Make the Panels recommended consequential and minor wording changes.*
- 3. Authorises the Director City Development to finalise the Amendment documentation in accordance with the recommendations of this report and submit the Amendment to the Minister for Planning for approval.*
- 4. Notifies all submitters of Council's decision on this Amendment.*

CARRIED

DIVISION

A division was called.

For: Crs Fergeus, James, Lake, Little, Klisaris, Pang Tsoi, Paterson

Against: Crs Davies, Zographos, McCluskey, Saloumi

1.2 15-17 Marriott Parade, Glen Waverley Construction of A Four Storey Apartment Building Containing 11 Dwellings And Five (5) Townhouses Over A Basement Car Park

Moved Cr Pang Tsoi,

Seconded Cr Zographos

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51317) for the construction of a four storey apartment building containing 11 dwellings and 5 townhouses over a basement, at 15-17 Marriott Parade, Glen Waverley subject to the following conditions:

Amended Plans Required

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. 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 Architeria Architects (Revision P2) dated 6 April 2020 but modified to show:*
 - a) *Construction materials to comply with the restrictive covenant in Instrument of Transfer No. B924316 affecting 15 Marriott Parade.*
 - b) *The secluded private open space of TH1 to TH5 increased to be a minimum of 40 square metres with minimum dimension of 5 metres; and the garden bed along the western boundary increased to minimum 2 metres wide to allow for meaningful planting.*
 - c) *Location of windows on the north elevation amended to correlate with the floor plans, and to include screening details to prevent overlooking the north adjoining properties in accordance with Standard B22 of ResCode.*
 - d) *Screening details to the top level terrace above TH1 on the west elevation, and top level balcony of Apartment 3.02 on the north elevation to prevent overlooking the adjoining properties in accordance with Standard B22 of ResCode.*
 - e) *Details of any retaining walls.*
 - f) *A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
 - g) *The layout of the development follows the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
 - *Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - *Ramp 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.*

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- h) Bicycle parking facilities generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
 - i) Detail of the fire hydrant cupboard, electricity supply, gas and water meter boxes and letter boxes. They should be discreetly located and/or screened/ designed to complement the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*
 - j) A Landscape Plan prepared in accordance with Condition 4.*
 - k) A Waste Management Plan prepared in accordance with Condition 5.*
 - l) A Sustainable Management Plan prepared in accordance with Condition 6.*

Layout not to be Altered

- 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.*

Landscape Plan

- 4. 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 27 April 2020 (Revision A), Prepared by John Patrick Landscape Architects Pty Ltd except that the plan must show:
 - (a) Amended setbacks/layout of the townhouses as a result of Condition 1.*
 - (b) Detail of the proposed concrete paving.*
 - (c) Location of external lighting;*
 - (d) Location of retaining walls and site services; and*
 - (e) An in-ground, automatic watering system connected to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.**

Waste Management Plan

- 5. 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 Frater Consulting Services, dated 30 January 2020 (Version 1) 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 revise waste generation calculation to include food waste recycling;*
 - c) To include bin storage equipment details within apartments;*
 - d) To include gradients of ramp to the basement level;**

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- e) *To provide for food organics storage and collection;*
 - f) *To provide bin storage and waste disposal process for occupiers;*
 - g) *To provide waste collection process and outline responsibilities of the building manager including implementation and induction of waste management to building occupants, and providing signage for the waste room.*

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

Sustainable Management Plan

6. *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 Frater Consulting Services dated 30 January 2020.*

The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

7. *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;*
 - *Saturday – 1:00pm to 5:00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines);*
 - *No works are permitted on Sundays or Public Holidays.*

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

Car Parking

8. *Car spaces, access lanes and driveways must be kept available for these purposes at all times.*
9. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*

Landscaping and Tree Retention

10. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained (including trees on the nature strip) during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
11. *All works (including demolition works) within the dripline of any tree to be retained (including trees on nature strip and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*

12. *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.*

Removal of Street Tree

Works associated with the removal of the existing street tree Prunus sp. must not be undertaken without the further consent of the Responsible Authority.

Drainage

13. *The site must be drained to the satisfaction of the Responsible Authority.*
14. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.*

Other

15. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*

Time for Starting and Completion

16. *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. *This is not a Building Permit. Building 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. *Council's Horticulture Department must be contacted regarding the removal of the street trees proposed. The trees will be removed by Council at a cost to the Permit holder.*
- D. *The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- E. *A public open space contribution may be requested when the development is subdivided.*
- F. *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.*
- G. *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.*
- H. *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.
The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve.*
- I. *The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the rear easement of the property via a 900mm x 600mm junction pit to be constructed to Council Standards.
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*
- J. *Detention system requirements for above property as follows:*
- *Minimum storage = 13.86 m³*
 - *Maximum discharge rate = 20.76 l/s*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
- K. *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.*
- L. *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.*
- M. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to the drainage works commencing.*
- N. *Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.*

- O. *All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- P. *Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
- Q. *The proposed crossing is to be constructed in accordance with the City of Monash standards.*
- R. *The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- S. *Residents of the approved development will not be entitled to car parking permits for on street car parking.*

CARRIED

1.3 45-49 McNaughton Road, Clayton Development of the Land For 8 Warehouses and Associated Office, and A Reduction of the Standard Car Parking Requirements

Moved Cr Fergeus,

Seconded Cr Pang Tsoi

That Council resolves to Grant a Planning Permit (TPA/51462) for the buildings and works associated with a warehouse and ancillary office space and a reduction of the standard car parking requirements, at 45-49 McNaughton Road, Clayton subject to the following conditions:

Amended Plans Required

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. 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 Nicholas & Alexander Architects, Revision C dated 7 May 2020 but modified to show:*
 - a) *The building (including any raised parking areas and front fencing) to be generally set back a minimum of 13.7 metres from McNaughton Road to the satisfaction of the Responsible Authority.*
 - b) *A total of 411 car spaces to be provided on the land. In the event that the proposed floor space is reduced, the development will provide for the required car spaces under the planning scheme minus any applicable parking credits that exist for the land.*
 - c) *The relocation of the proposed substation to allow for the retention of Trees No. 1, 3 and 5 as identified within the Arborist Report prepared by Arbkey, dated 19 May 2020, whilst ensuring trees No. 10, 18 and 20 continue to be retained.*

- d) *Existing trees to be retained to be numbered in accordance with the Arborist Report prepared by Arbkey dated 19 May 2020.*
- e) *Dimensions of car spaces and accessways to meet the requirements of Clause 52.06.*
- f) *All car spaces to be numbered on plans.*
- g) *Clarification of all directional signage and line markings within the accessways within the south-east and north east corners of the site.*
- h) *Concave mirrors or other traffic management measures to assist with potential conflict of vehicles travelling from the accessway adjacent to the northern boundary of the site and from the first floor car parking area adjacent to Warehouse 1.*
- i) *Details of any car park control equipment in accordance with Condition 17.*
- j) *Landscaping features (i.e. Islands) within the parking area located over the easement adjacent to the western boundary of the site every 5 bays to mitigate heavy vehicle loads.*
- k) *The location of existing crossovers to be removed and reinstated with kerb and channel to be clearly identified on the site plan.*
- l) *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development.*
- m) *A Landscape Plan in accordance with Condition 3 of this Permit.*
- n) *A Waste Management Plan in accordance with Condition 4 of this Permit.*
- o) *A Sustainable Management Plan in accordance with Condition 5 of this Permit.*
- p) *A Tree Management Plan in accordance with Condition 6 of this Permit.*

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.*

Landscape Plan

- 3. *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 prepared by Urbis Pty Ltd, Revision C dated 19 May 2020, except that the plan must show:*
 - a) *Retained trees to be numbered in accordance with the Arborist Report prepared by Arbkey, dated 19 May 2020;*
 - b) *Details and dimensions of required TPZ during construction for trees to be retained*
 - c) *Further details of the proposed first floor planting;*
 - d) *All changes in accordance with Condition 1 of this Permit.*

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.

Waste Management Plan

4. *Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular private collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:*
- a) The method of collection of all waste from the land;*
 - b) Waste volume calculation and total waste generated per waste stream;*
 - c) Frequency of Waste collection and permitted collection times;*
 - d) Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);*
 - e) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area; and*
 - f) Type / Size of private waste vehicles.*

Amended Sustainable Management Plan (SMP) Required

5. *Concurrent with the endorsement of any plans required by Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by D2 dated April 2020 but modified to include or show changes as required by Condition 1 of this Permit.*

The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Tree Management Plan

6. *Concurrent with the endorsement of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 3, 5, 10, 18 and 20 (as identified in the Arborist Report submitted with the application, prepared by Arbkey dated 29 May 2020).*

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make

specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) *A Tree Protection Plan drawn to scale that shows:
 - i. *Tree protection zones and structural root zones of all trees to be retained,*
 - ii. *All tree protection fenced off areas and areas where ground protection systems will be used;*
 - iii. *The type of footings within any tree protection zones;*
 - iv. *Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
 - v. *A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.**
- b) *Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.*
- c) *Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
- d) *Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.*

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan

7. *Prior to the commencement of any site works (including 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) Hours of construction to be in accordance with EPA requirements.*

Use of the land

- 8. This Permit does not include permission for the use of the land. The land must be used for a purpose other than that listed within Section 1 of Clause 33.01-1 unless authorised by the Responsible Authority.*
- 9. The floor area of the warehouse tenancies must not be increased without the written permission of the Responsible Authority (including the provision of mezzanine floor spaces).*
- 10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*

Landscaping and Tree Protection

- 11. Before occupation of any of the buildings, 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.*
- 12. Works associated with the removal of the existing street tree No. 28 (Willow Bottlebrush) must not be undertaken without the further consent of the Responsible Authority.*
- 13. All existing vegetation shown on the endorsed plans to be retained must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
- 14. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.*

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15. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

Car Parking and Accessways

16. *Details of any car park control equipment must be submitted to and approved in writing by the Responsible Authority. These details must include a car park control device which can be accessed by visitors to the development including clear instructions on how to operate any security system.*
17. *All loading and unloading of vehicles must be carried out within the boundaries of the land/ designated loading bay and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.*
18. *Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building 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.

19. *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.*

Stormwater

20. *The site must be drained to the satisfaction of the Responsible Authority.*

Time for Starting and Completion

21. *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 2 years from the date of issue.*
- b) 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,

- (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. Council's Horticulture Department must be contacted regarding the removal of the street trees proposed. The trees will be removed by Council at a cost to the Permit holder.*
- C. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- D. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- E. All new vehicle crossings and access roads are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- F. 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's Engineering Department. A refundable security deposit of \$1000 is to be paid prior to the drainage works commencing.*
- G. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
- H. The minimum Finished Floor Level is to be at least 63.8 metres Australian Height Datum (AHD).*
- I. No buildings are permitted within 6.8 metres of the northern and western boundaries of the property to allow for overland flow to pass through.*
- J. 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.*
- K. 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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*

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 Council pit in the rear easement to be constructed 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). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately

CARRIED

1.4 124-126 Huntingdale Road, Mount Waverley Construction of Nine (9) Dwellings and Removal of Vegetation In A Vegetation Protection Overlay

Moved Cr Little,

Seconded Cr Klisaris

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/50428) for the construction of nine (9) dwellings, removal of vegetation within a Vegetation Protection Overlay and alteration of access to a Road Zone Category 1, at 124-126 Huntingdale Road, Mount Waverley subject to the following conditions:

Amended Plans Required

1. *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. 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 TrueSource, dated 20 March 2020 (Revision G) but modified to show:*
 - a) *Front fencing to Huntingdale Road (including fencing between ground floor open space areas) to not exceed 1.5 metres above natural ground level at any point (including the height of any retaining wall below) with the fencing itself being no greater than 1.2 metres in height.*
 - b) *The dominance of the party walls reduced between Townhouse 2 and 3, and 4 and 5 facing Huntingdale Road by reducing its height, extent (length), material variation or any other method to the satisfaction of the Responsible Authority.*
 - c) *Townhouses 6 and 7 to be set back a minimum of 5 metres from the eastern boundary of the site, ensuring a minimum of 500mm cantilever is maintained between the ground and first floors for weather protection.*
 - d) *The materials schedule to be revised to include the material of the proposed front fencing, material supporting the climber planting within the common pedestrian accessway and further clarification of the proposed 'render' finishes to ensure a high quality finish.*
 - e) *The planters / retaining walls located adjacent to the balconies of Townhouses 2-5 to be finished with face brick to match the ground floor of the dwelling.*
 - f) *The garage of Townhouse 8 to be shifted eastwards to improve vehicle turning movements for Townhouse 3 with no reduced setbacks at the levels above.*
 - g) *The visitor space to be increased in width to a minimum of 3 metres, and to shift the space 1.0m eastwards while maintaining compliance with the garden area requirement at Clause 32.08-4.*
 - h) *A sectional diagram of the proposed external louvres used to prevent overlooking, to show compliance with Standard B22 of Clause 55.04-6.*
 - i) *The southern facing windows associated with Townhouses 5 and 6 to appropriately reflect the floor plans, whilst also ensuring that any windows comply with Standard B22 of Clause 55.04-6.*
 - j) *All window openings and screening to be consistent between the floor plans and elevation plans facing the internal accessway.*

- k) *Direct access to be provided from the garage of Townhouse 5 into the habitable 'basement' level.*
- l) *Deletion of the secondary entry to Townhouse 5 via the vehicle accessway and provision of a full study space in this location with a window facing into this common area and additional landscaping provided where possible.*
- m) *Access to the proposed store for Townhouses 6 and 9.*
- n) *The clothesline within the garage of Townhouse 1 to be deleted.*
- o) *Additional details regarding the construction of the sleeper retaining wall, decked areas, steps, planter and feature vertical fence located within the Tree Protection Zone of Tree 1. Any footings required for proposed fence lines must be dug by hand and lined with impervious membrane in accordance with the recommendations of the Arborist Report prepared by Landscapes by Design dated 16 May 2019.*
- p) *Proposed paving within the Tree Protection Zone of Tree 1 to be of permeable paving in accordance with the recommendations of the Arborist Report prepared by Landscapes by Design dated 16 May 2019.*
- q) *The location of all services to be shown, and to be set back behind the line of the Dwelling or integrated into front fencing.*
- r) *The relocation of mail boxes outside of pedestrian sight lines of the proposed vehicle accessway.*
- s) *Location of directional signage for the proposed visitor car space.*
- t) *The provision of any water tanks or other services in accordance with the recommendations of the Sustainable Design Assessment prepared in accordance with Condition 6.*
- u) *A Tree Management Plan in accordance with Condition 4 of this Permit.*
- v) *An Amended Landscape Plan in accordance with Condition 5 of this Permit.*
- w) *An Amended Sustainable Design Assessment in accordance with Condition 6 of this Permit.*

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.*

Tree Management Plan

4. *Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 2 and 3*

(as identified in the Arborist Report prepared by Landscapes By Design dated 16 May 2019).

The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- e) A Tree Protection Plan drawn to scale that shows:
 - i Tree protection zones and structural root zones of all trees to be retained,*
 - ii All tree protection fenced off areas and areas where ground protection systems will be used;*
 - iii The type of footings within any tree protection zones;*
 - iv Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
 - v A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.**
- f) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.*
- g) Supervision and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
- h) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.*

All trees specified in the endorsed arborist report / Tree Management Plan are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the Responsible Authority.

Landscape Plan

- 5. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Habitat, dated April 2020, except that the plan must show:
 - a) An in-ground, automatic watering system connected to rainwater tanks on the land must be installed and maintained within the common garden areas to the satisfaction of the Responsible Authority.*
 - b) Detail of planter soil depth and volume.*
 - c) Planting within pedestrian sight triangles measuring 2 metres long and 2.5 metres deep on both sides of the vehicle crossing to be no greater than 0.9 metres in height.**

d) *Further detail of proposed paving within the site, ensuring that this provides a varied tone to the concrete driveway proposed.*

e) *Any further changes as required by Condition 1 of this Permit.*

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.

Amended Sustainable Design Assessment (SDA) Required

6. *Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Melbourne Energy Rating Pty Ltd and dated 6 September 2019, but modified to reflect amended plans and any changes identified in Condition 1 of this Permit.*

The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

7. *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:*

- p) *Hours for construction activity in accordance with any other condition of this permit;*
- q) *Measures to control noise, dust and water and sediment laden runoff;*
- r) *Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- s) *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
- t) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
- u) *Cleaning and maintaining surrounding road surfaces;*
- v) *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;*
- w) *Public Safety and site security;*
- x) *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;*
- y) *A Traffic Management Plan showing truck routes to and from the site;*

-
- z) *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;*
- aa) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
- bb) *Contact details of key construction site staff;*
- cc) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
- dd) *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 that does not exceed the EPA guidelines).*
 - *No works are permitted on Sundays or Public Holidays.*

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

Department of Transport Condition (VicRoads) (ref: 29558/19)

8. *Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.*

Car Parking, Driveways & Vehicle Crossovers

9. *Car spaces, access lanes and driveways must be kept available for these purposes at all times.*
10. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*

Stormwater / Drainage

11. *The site must be drained to the satisfaction of the Responsible Authority.*
12. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.*

Privacy screens

13. *Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.*

Boundary Walls

14. *The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*

Time for Starting and Completion

15. *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 2 years from the date of issue.*
- b) *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.*
- (iii) *within six (6) months afterwards if the development has not commenced; or*
- (iv) *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 lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- C. *A public open space contribution may be requested when the development is subdivided.*
- D. *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.*
- E. *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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- F. *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.*
- G. *The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve.*
- H. *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 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). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*
- I. *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's Engineering Department. A refundable security deposit is to be paid prior to the drainage works commencing.*
- J. *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

DIVISION

A division was called.

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

Against: Crs Davies, Paterson, Saloumi, Zographos

1.5 Town Planning Schedules

Moved Cr Fergeus,

Seconded Cr McCluskey

That the report containing the Town Planning Schedules be noted.

CARRIED

1.6 Tender For Statutory Planning VCAT Advocacy Services

Moved Cr Little,

Seconded Cr Paterson

That Council:

1. *Awards the tender to the following companies for the provision of Statutory Planning VCAT Advocacy Services, Contract No. 2020151 for a schedule of rates based contract with an estimated annual contract value of \$125,000 excluding GST and an estimated total contract value of \$670,000 over 5 years excluding GST, inclusive of all available extension options:*
 - *Kellock Town Planning Pty Ltd;*
 - *David De Giovanni Town Planning;*
 - *Gareth Gale Consulting Pty Ltd;*
 - *Currie & Brown (Australia) Pty Ltd; and*
 - *Peter English & Associates.*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
3. *Notes that the contract will commence on 1 August 2020, with an initial term of three (3) years, with two (2) extension options of one (1) year each, and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

CARRIED

1.7 36-42 Mackie Road, Mulgrave - Wellington Reserve Community Centre – Proposed Lease To Kerrie Neighbourhood House Incorporated

Moved Cr Klisaris,

Seconded Cr Davies

That Council:

1. *Negotiate a lease with Kerrie Neighbourhood House Incorporated (KNH) for the Neighbourhood House located at the Wellington Reserve Community Centre, 36-42 Mackie Road, Mulgrave incorporating the following terms and conditions:*
 - a. *Premises Wellington Reserve Community Centre, 36-42 Mackie Road, Mulgrave*
 - b. *Lessee: Kerrie Neighbourhood House Incorporated*
 - c. *Term: 5 Years*
 - d. *Rent: \$1.00 per annum including GST*
 - e. *Use: Activities associated with Neighbourhood Houses based on local community needs*

("the Proposal")

2. *Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 2020 and invite submissions on the proposal.*
3. *Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in respect of the proposal ('Appointed Officer').*
4. *Appoint a Committee of Council comprising the Mulgrave Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act at a date and time to be fixed.*
5. *Consider and determine the outcome of the Section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.*

CARRIED

1.8 5 Myrtle Street Glen Waverley – Proposed Lease To South East Volunteers Incorporated

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

1. *Negotiates a lease with South East Volunteers Incorporated (SEV) for the building located at the 5 Myrtle Street Glen Waverley incorporating the following terms and conditions:*
 - a. *Premises 5 Myrtle Street, Glen Waverley*
 - b. *Lessee: South East Volunteers Incorporated*
 - c. *Term: 5 years*
 - d. *Rent: \$1.00 per annum (plus GST)*

e. Use: For activities associated with linking Community service organisations with prospective volunteers including provision of training and social support.

("the Proposal")

- 2. Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 2020 and invite submissions on the proposal.*
- 3. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal ('Appointed Officer').*
- 4. Appoint a Committee of Council comprising the Glen Waverley Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.*
- 5. Consider and determine the outcome of the section 223 process on the proposal lease at the Ordinary Meeting of Council on a date and time to be fixed.*

CARRIED

1.9 25 Downing Street Oakleigh – Proposed Lease To Monash Oakleigh Community Support & Information Service Incorporated

Moved Cr Fergeus,

Seconded Cr McCluskey

That Council:

- 1. Negotiate a lease with Monash Oakleigh Community Support & Information Service Incorporated (MOCSIS) for the building located at 25 Downing Street, Oakleigh incorporating the following terms and conditions:*
 - a. Premises: 25 Downing Street, Oakleigh*
 - b. Lessee: Monash Oakleigh Community Support & Information Service Incorporated*
 - c. Term: 5 years*
 - d. Rent: \$1.00 per annum (plus GST)*
 - e. Use: For purposes connected with provision of Community support, emergency relief, advocacy, Information and referral services to the local Community.*

("the Proposal")

2. Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 2020 and invite submissions on the proposal.
3. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal ('Appointed Officer').
4. Appoint a Committee of Council comprising the Oakleigh Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.
5. Consider and determine the outcome of the section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.

CARRIED

1.10 33-37 Westerfield Drive Notting Hill - Proposed Lease To Notting Hill Community Association Incorporated

Moved Cr Fergeus,

Seconded Cr McCluskey

That Council:

1. Negotiate a lease with Notting Hill Community Association Incorporated (NHCA) for the building located at part 33-37 Westerfield Drive, Notting Hill incorporating the following terms and conditions:
 - a. Premises Part 33-37 Westerfield Drive, Notting Hill
 - b. Lessee: Notting Hill Community Association Incorporated
 - c. Term: 5 years
 - d. Rent: \$1.00 per annum including GST
 - e. Use: Activities associated with Neighbourhood Houses based on local community needs

("the Proposal")

2. Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 2020 and invite submissions on the proposal.
3. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal ('Appointed Officer').
4. Appoint a Committee of Council comprising the Oakleigh Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any

submissions received under Section 223 of the Act on a date and time to be fixed.

5. Consider and determine the outcome of the section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Monash Social Housing Framework 2020 – 2025 [Draft]

Moved Cr Paterson,

Seconded Cr Fergeus

That Council endorses the draft Monash Social Housing Framework 2020 – 2025 for the purposes of public consultation.

CARRIED

2.2 Sports Floodlighting Policy

Moved Cr McCluskey,

Seconded Cr Paterson

That Council endorses the release of the draft Sports Floodlighting Policy for the purposes of community consultation.

CARRIED

2.3 Tender For Monash Recreation Centres Cardio Equipment

Moved Cr Paterson,

Seconded Cr Little

That Council:

1. Awards Contract No 2020143 to Johnson Health Tech Pty Ltd, trading as Matrix Australia, for the supply and maintenance of cardio equipment at Oakleigh Recreation Centre, Monash Aquatic and Recreation Centre and Clayton Aquatics and Health Club, for a 48 month operating lease price of \$587,960.00 (inclusive of GST);

2. Authorises the Chief Executive Officer or her delegate to execute the contract and lease documents; and,

3. Notes that the contract will commence on 1 August 2020, with an initial term of four years on a leasing agreement.

CARRIED

2.4 Operation and Management of Cafés at Monash Aquatic and Recreation Centre, Oakleigh Recreation Centre and Clayton Community Centre

Moved Cr Paterson,

Seconded Cr Pang Tsoi

That Council resolves to amend the commencement date of the proposed licence for the operation and management of the Cafés at the Monash Aquatic and Leisure Centre, the Oakleigh Recreation Centre and the Clayton Community Centre with M & BT Investments Pty Ltd trading as Healthlink Café from 30 September 2018 to 1 August 2020.

CARRIED

3. CORPORATE SERVICES

Nil

4. **INFRASTRUCTURE**

4.1 **Tender For Small Plant, Machinery and Related Products**

Moved Cr Paterson,

Seconded Cr Little

That Council:

1. *Appoints the following suppliers to a panel for the provision of Small Plant, Machinery and Related Products for a three (3) year term with options for extension of two (2) x one (1) year periods for the schedule of rates submitted (Estimated annual expenditure of \$300,000 GST inclusive and a total estimated contract value of \$1,500,000:*

*AGCO Australia
Australian Mower Supply
CASE Construction Equipment & CASE IH Agriculture
CEG Distributions
Compressed Air Light & Power
Conplant
Construction Equipment Australia
ELB Equipment
GCM Agencies
GCM Enviro
GWS Machinery
John Deere
JT Turf
Kubota Tractor Australia
Leibherr Australia
Mt Waverley Mowerpower
New Holland Agriculture and New Holland Construction
Onetrak
Rapid Spray
Total Tools Commercial
Wacker Neuson
William Adams
Wirtgen Australia*

2. *Authorises the Chief Executive Officer to execute the contract agreement if required,*
3. *Notes that initial contract term ends 31 August 2021 and the contract has two extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extending the contract and satisfactory performance.*

CARRIED

4.2 Advanced Waste Processing Update

Moved Cr Little,

Seconded Cr Paterson

That Council:

- 1. Notes the progress of the Advanced Waste Processing collective procurement process.*
- 2. Supports the participation in Stage 2 of the collective procurement process, detailed solution development*
- 3. Notes that a further report detailing formal arrangements for participation in the Special Purpose Vehicle and contract will be brought back to Council for approval.*

AMENDMENT

Moved Cr Fergeus,

Seconded Cr James

"Add 4 'that this report includes a comprehensive assessment of:

- the financial impacts to Council;*
- greenhouse gas emissions generated by the proposal(s) compared to business as usual; and*
- any waste to energy and/or combustion technology to be utilised as part of the proposal(s)."*

The amendment was agreed to by the mover and seconder of the motion and by the Council. It was incorporated into the motion, to become part 4 of the substantive motion.

SUBSTANTIVE MOTION

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

CARRIED

4.3 Tender For Retail Fuel – Fuel Card Solutions

Moved Cr Paterson,

Seconded Cr Zographos

That Council:

- 1. Awards the tender from Business Fuel Cards Pty Ltd P/L (FleetCor) for Provision of Fuel Card Services, Contract No. 2020156 for a schedule of rates based contract with an estimated annual contract value of \$250,000 and an estimated total contract value of \$1,250,000 inclusive of all available extension options.;*

2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
3. *Notes that initial contract term ends 30 March 2023 and the contract has two extension options of one year each and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extending the contract and satisfactory performance.*

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Advisory Committees' Meetings Records and Councillors' Meetings Records

Moved Cr McCluskey,

Seconded Cr Pang Tsoi

That Council notes the Advisory Committees meetings records and records of meetings of Councillors.

CARRIED

5.2 Regional Local Government Charter Homelessness & Social Housing [Draft]

Moved Cr Fergeus,

Seconded Cr Paterson

That Council endorses the Regional Local Government Charter Homelessness & Social Housing [draft].

CARRIED

5.3 Policy For Reimbursement of Expenses to Councillors and Members of Delegated Committees & Resources & Facilities For Councillors

Moved Cr Fergeus,

Seconded Cr McCluskey

That the policy for the reimbursement of expenses, for Councillor and delegated committee members and resources and facilities for Councillors, be adopted.

AMENDMENT

Moved Cr Davies,

Seconded Cr Zographos

1. *That Section 5 of the Policy be renumbered 5.1 through 5.5*

2. That an additional point 5.6 be added to the Policy stating the following:

5.6 Legal Expenses

If the Council or CEO receives legal advice that affects an individual Councillor's performance in their role as a Councillor, the Councillor who is affected may seek independent legal advice on the matter. The cost of legal advice to the Councillor on the matter will be reimbursed to the Councillor up to an amount of \$5,000.

Any reimbursement of legal expenses to a Councillor should be disclosed by the CEO in a Motion in the month following reimbursement of the expense.

LOST

DIVISION

A division was called.

For: Crs Davies, Saloumi, Fergeus

Against: Crs James, Klisaris, Lake, Little, McCluskey, Paterson

Cr Zographos was not present at the time of the Division

AMENDMENT

Moved Cr Davies,

Seconded Cr Saloumi

That part 6.1 of the Policy be amended by deletion of dot point 2, relating to the use of a Council maintained vehicle for the Mayor.

LOST

A division was called.

For: Crs Davies, Saloumi, Zographos

Against: Crs James, Klisaris, Lake, Little, McCluskey, Paterson

Cr Fergeus was not present at the meeting at the time of the Division.

AMENDMENT

Moved Cr Zographos,

Seconded Cr Davies

That the policy be amended by the inclusion of the words 'or ride share services vouchers' after the words 'cab charge vouchers' under dot point 5 under section 6.1.

This amendment was agreed to by the mover and seconder of the motion and the Council and incorporated into the substantive motion.

SUBSTANTIVE MOTION

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

CARRIED

5.4 Public Transparency Policy

Moved Cr Little,

Seconded Cr Pang Tsoi

That the draft Public Transparency Policy be adopted.

CARRIED

5.5 Tender for Supply of Microsoft Licences

Moved Cr Paterson,

Seconded Cr Pang Tsoi

That Council:

- 1. Awards the tender from Data#3 Limited for MAVP Microsoft Arrangement (NPN 2.17-3), Monash Contract No. 2020178 for a schedule of rates-based contract with an estimated annual contract value of \$645,664.37 and an estimated total contract value of \$2,130,692.43 inclusive of all extension options;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement if applicable; and*
- 3. Notes that the contract will commence on 1 August 2020 with an initial period of two years, and 11 months with no extensions available.*

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

CARRIED

5.6 Community Satisfaction Survey

Moved Cr James,

Seconded Cr Fergeus

That Council notes the findings of the 2020 Monash Community Satisfaction Survey, including excellent results for Council's governance, leadership and service areas and that specific areas have been identified for further attention or improvement.

CARRIED

6. NOTICES OF MOTION

6.1 Mount Waverley Car Parking

Moved Cr Davies,

Seconded Cr Zographos

That Council

- 1. Provides In-Principle support to allocate the portion of Council owned land at Alexander Street, Mount Waverley (see map outline in blue below) towards a Multi-story Commuter and Activity Centre Customer Car Parking Project.*
- 2. Engages with Local State and Federal Members of Parliament to establish and secure funding support for a Multi-storey Commuter Car Parking Project.*
- 3. At this stage, does not offer any financial commitment towards a project.*

PROCEDURAL MOTION

Moved Cr Davies,

Seconded Cr Zographos

That Cr Davies be granted an additional 2 minutes of speaking time on this item.

LOST

DIVISION

A division was called.

For: Crs Davies, Zographos, Saloumi, Pang Tsoi

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

Abstain: Cr Fergeus

NOTE: Cr Paterson was absent from the meeting for the vote and Division

MOTION

The motion was put to the vote and declared lost.

LOST

DIVISION

A division was called.

For: Crs Davies, Zographos, Pang Tsoi, Saloumi

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

NOTE: Cr Paterson was absent from the meeting for the vote and Division

6.2 Proposed Policy and Guidelines for Serviced Apartments and Short Term Accommodation

Moved Cr Little,

Seconded Cr James

That Council:

- 1. Notes the absence of any standards, guidelines or design criteria on the provision of short term accommodation in Victoria.*
- 2. Notes that the absence of standards results in some sectors of the market providing sub-standard accommodation that lacks amenity, adequate car parking and appropriate facilities.*
- 3. Refers an allocation of \$100,000 for the development of a policy and design standards for Serviced Apartments and Short Term Accommodation to the 2021/22 budget.*

CARRIED

7. COMMITTEE REPORTS

7.1 **Audit & Risk Committee Minutes**

Moved Cr Pang Tsoi,

Seconded Cr James

That Council:

1. *Notes the unconfirmed minutes of the 23 June 2020 Audit & Risk Committee (the Committee); and*
2. *Notes 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

7.2 **Appointment of New Members To the Environmental Advisory Committee**

Moved Cr Fergeus,

Seconded Cr James

That Council:

- 1 *Endorses the appointment of the following 15 community representatives to the 2020-22 Environmental Advisory Committee (EAC) for a period of two years according to the current Terms of Reference.*
 - Ayush Gupta
 - Kallista Sears
 - Lee Tan
 - Phei (Faye) Lok
 - Ian Johnson
 - Peter Mathieson
 - Graham Bryant
 - Lara Yachou-Wos
 - Gary Codner
 - John (Jack) Krohn
 - Meredith Ralph
 - Steven Owens
 - Ravi Teja Pericherla
 - Joanna Prendergast
 - Sunny Bhatia
- 2 *Endorses the update of the Terms of Reference to increase membership to 15 community members to enhance the diversity of the group.*

CARRIED

8. URGENT BUSINESS

8.1 “Sign Your Smile” Campaign

Moved Cr Paterson,

Seconded Cr James

That the matter of Council’s support for the campaign “Sign Your Smile” be admitted as an item of Urgent Business.

CARRIED

Moved Cr Paterson,

Seconded Cr James

That Council:

- 1. Creates a campaign, ‘Sign Your Smile’; including a graphic, to promote the use of the AUSLAN sign for smile throughout our community, primarily using social media and the Monash Bulletin to distribute the campaign.*
- 2. Encourages our community to like and share the campaign and take a photo of themselves wearing a mask and using the smile sign.*
- 3. Engages with our advisory committees and community groups to let them know about the campaign and encourage them to get involved.*
- 4. Shares the campaign with MAV, VLGA, ALGWA, SEM and ERG and encourages other councils to get involved.*

8.2 National Federation Reform Council

Moved Cr James,

Seconded Cr Fergeus

That the item concerning the inclusion of Local Government representation, through the Australian Local Government Association, on the National Federation Reform Council, as it currently exists with the Council of Australian Governments be admitted as an item of Urgent Business.

CARRIED

Moved Cr James,

Seconded Cr Fergeus

That Council:

- 1. Requests the Federal Government to include Local Government representation, through the Australian Local Government Association, on the National Federation Reform Council, as it currently exists with the Council of Australian Governments; and*
- 2. Seeks both the Australian Local Government Association and the Municipal Association of Victoria to advocate on the Local Government sector’s behalf to the Federal Government.*

CARRIED

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 9.12 pm and returned to Open Council at 9.14 pm.

10. PERSONAL EXPLANATIONS

Cr Paterson made a personal explanation regarding comments made by Cr Davies on the manner in which her Item of Urgent Business was submitted.

Cr Davies made a personal explanation in relation to the comments made by Cr Little on his Notice of Motion concerning a multi-story Commuter and Activity Centre customer car parking project.

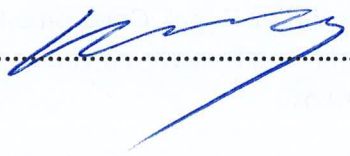
Cr Pang Tsoi informed Council that due to a technical difficulty with his computer, he was unable to vote on the Urgent Business Item submitted by Cr Paterson and wished to express his support for the motion related to that item

11. COUNCILLORS' REPORTS

Nil

The Mayor declared the meeting closed at 9.18 pm

MAYOR:



DATED THIS 25 DAY OF FEB 2020