



CITY OF
MONASH

MINUTES OF THE
MEETING OF COUNCIL
HELD ON 23 FEBRUARY 2021

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 23 FEBRUARY 2021 AT 7.00 PM.**

PRESENT

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

APOLOGIES

Nil.

DISCLOSURES OF CONFLICT OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE MEETINGS OF COUNCIL HELD ON 27 JANUARY
2021**

Moved Cr Little

Seconded Cr James

*That the minutes of the Meeting of Council held on 27 January 2021, be taken
as read and confirmed.*

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that eight (8) questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedule

Moved Cr McCluskey

Seconded Cr James

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 270 Clayton Road, Clayton - Use of Land as a Residential Hotel (Serviced Apartments) and Construction of a Multi-Storey Mixed Use Building and Reduction of the Car Parking Requirement

Moved Cr James

Seconded Cr Fergeus

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/51795) for the use of land as a residential hotel (serviced apartment) and buildings and works associated with a multi-storey mixed use building and reduction of the car parking requirement at 270 Clayton Road, Clayton subject to the following grounds:

- 1. The proposal is inconsistent with the objectives and requirements of the adopted Clayton Activity Centre Precinct Plan having regard to building height, scale, setbacks, public realm, architectural excellence and impacts to adjoining properties.*
- 2. The proposal will cause adverse amenity impacts to the adjoining residential properties.*
- 3. The proposal will result in a poor urban design outcome.*
- 4. The proposed on site car parking provision is not adequate.*
- 5. The proposed serviced apartment would have a poor level of internal amenity.*
- 6. The land is subject to the Special Building Overlay and Melbourne Water (Determining Referral Authority) objects to the proposal.*

PROCEDURAL MOTION

Moved Cr Little

Seconded Cr Zographos

That the motion be deferred for up to 2 months.

DIVISION

A division was called.

For: Crs Lake, Samardzija, Klisaris, Luo, Little, Zographos

Against: Crs de Silva, Fergeus, James, McCluskey, Paterson

CARRIED

1.3 112-116 Lum Road, Wheelers Hill - Construction of Nine (9) Dwellings

Moved Cr James

Seconded Cr Paterson

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51712) for the construction of seven (7) double storey and two (2) single storey dwellings, at 112-116 Lum Road Wheelers Hill 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 Millar Merrigan (Version 03 dated 26 October 2020) but modified to show:*
 - a) A notation to read 'all existing trees to be retained (including trees on the naturestrip and adjoining properties) to be protected in accordance with the arborist report prepared by Ironbark Environmental Arboriculture dated 6 November 2020';*
 - b) The meter box enclosure relocated behind the front setback area.*
 - c) Detail of the proposed ramp grades with AHD levels for all ramp sections. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - i. Maximum grade of 1 in 4.*
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - iii. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.***
 - d) The access aisle width increased to 6.4 metres for the proposed visitor parking space between dwellings 3 and 4.*
 - e) Provision of an internal radius of 4 metres at the change in direction to the northwest of dwelling 9's garage and southwest of dwelling 4's garage.*
 - f) Gradient details of the visitor parking spaces in accordance with Australian Standard for Off - Street Car Parking AS/NZS 2890.*
 - g) A Landscape Plan prepared in accordance with Condition 4;*
 - h) A Tree Management Plan prepared in accordance with Condition 5;*

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- i) A Waste Management Plan prepared in accordance with Condition 6; and*
 - j) A Sustainable Management Plan prepared in accordance with Condition 7.*

All to the satisfaction of the Responsible Authority.

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.*

Satisfactory Continuation

- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*

Landscaping 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 prepared by Millar Merrigan (Version 3) dated October 2020.*

Tree Management Plan

- 5. 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. 5 & 6 (as identified in the Arborist Report prepared by Ironbark Environmental Arboriculture dated 6 November 2020) submitted with the application.*

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.

Waste Management Plan

6. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular Council waste collection service (including recyclables) 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 calculations and total waste generated per waste stream;

c) 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); and

d) Details of who will be responsible for taking out and returning bins to kerb (only use if collection is proposed from street).

Sustainable Management Plan

7. Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plan prepared by Frater Consulting Services dated 19 October 2020.

Construction Management Plan

8. 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; and*
- n) 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); and*
 - 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.

Landscaping and Tree Retention

- 9. 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 Tree*

Management Plan and are advised of any obligations in relation to the protection of those trees.

- 10. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of the trees to be retained (including trees on site, on nature strip and adjoining properties) during the demolition and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*
- 11. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.*
- 12. All works (including demolition works) within the dripline of any tree to be retained (including trees on site, 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.*
- 13. 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.*
- 14. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*

Drainage

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

Privacy screens

- 16. 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.*

Other

- 17. Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and be in good condition to the satisfaction of the Responsible Authority.*

Time for Starting and Completion

- 18. 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 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. 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.*
 - D. 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.*
 - E. 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.*
 - F. The nominated point of stormwater connection for the site is to the north-east 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 and to be constructed to Council standards.*
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*
- G. A drainage contribution of approximately \$32,217 will be accepted in lieu of a detention system. This amount is valid until 30 June 2021. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.*
 - H. Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
 - I. 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.*

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- J. 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.**
- K. The existing redundant crossing is to be removed and replaced with kerb and channel to the Council Standards.**
- L. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.**
- M. The proposed crossing is to be constructed in accordance with the City of Monash standards.**
- N. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.**
- O. Residents of the approved development will not be entitled to car parking permits for on street car parking.**

DIVISION

A division was called.

For: Crs Lake, Luo, Paterson, Fergeus, de Silva, James, Little

Against: Crs Samardzija, Zographos, Klisaris, McCluskey

CARRIED

1.4 615 Warrigal Road, Ashwood - Use and Development of the Land for Offices, Residential Hotel, Serviced Apartments, Dwellings, and Retail Premises up to 10 Storeys in Height

Moved Cr James

Seconded Cr McCluskey

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49377) for the construction of buildings (up to 10 storeys in height) and works providing for mixed use development (offices, residential hotel, serviced apartments, dwellings, and retail premises); use of the land for accommodation (residential hotel and serviced apartments), office and retail premises / shop; alteration of access to a Road Zone, Category 1, at 615 Warrigal Road, Ashwood, 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 Peddle Thorp Architects, Revision 3 dated September 2020, but modified to show:***

Building A

- a) *The correction of the ground and basement level plan (TP-023) to clarify the use of the ground floor Building A as a food and drinks premises / café (not retail).*
- b) *All café seating proposed is to be located within the title boundaries of the site, with the existing footpath and verge on Warrigal Road maintained for pedestrians and landscaping.*
- c) *The café seating area on the western side of Building A at the ground level to be screened on the western side with localised porous wind screens (minimum 1.5m in height) to shelter areas from high winds in accordance with the Wind Affect Assessment Report prepared by VIPAC, dated 6 October 2020.*
- d) *The two northernmost apartments on Level 07, Building A to be deleted to increase setbacks to the northern boundary of the site. Any balcony areas on the level above are to be reconfigured to be set back at least the setback provided on Level 07.*
- e) *Dimensions to be provided on all levels of Building A to the northern boundary of the site.*
- f) *The provision of windows to provide for natural light and ventilation to the northern and southern ends of the building at each of levels 2 to 9 inclusive.*
- g) *The northernmost suite on Level 9 of Building A with adjoining terrace to be converted into a common lounge space and communal terrace.*
- h) *The Loading dock area and Ground level retail to show access arrangements from loading to lift core within Building A.*
- i) *The provision of waste storage within Building A.*

Building B

- j) *The location of access doors for the office to the upper terraced areas and any associated weather protection.*
- k) *The provision of waste storage within Building B.*
- l) *Deletion of curtain wall glazing or set back to the south elevation of office building B at ground level to be replaced with a solid wall with no openings, to be constructed in accordance with the required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100.1;2017 – ‘Bridge Design, Scope and General Principles’. The internal layout of the development is to be adjusted accordingly.*
- m) *Screens, guards or design features to prevent items from being thrown or falling onto railway land from any part of the building development.*
- n) *Non-reflective external materials to the south elevation which must not impact on train driver visibility or recognition of signals through reflection, glare or of use of signal colours (red, green, yellow). This must be accompanied by a statement/report prepared by a suitably qualified engineering consultant in direct consultation with the Accredited Rail Operator (MTM) that verifies that the materials proposed to the south elevation of the podium adjacent rail will not interfere with train driver visibility or signal recognition.*

Building C, D and E

- o) *Deletion of Level 8 of the eastern wing of Building D, south of the lift and stair core.*
- p) *The internal layout of the proposed communal room in Building C, and detail of access to the adjoining communal outdoor terrace.*

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- q) The private open space of all apartments to comply with Standard D19 of Clause 58.05-3.*
 - r) Nomination of the balcony space at Level 03 (podium level) on the southern side of the lift and stairwell as either for communal or private use.*
 - s) Compliance with Standard D26 of Clause 58.07-3 (windows objective) for all apartments.*
 - t) The location of letterboxes for residential apartments.*
 - u) Storage to be provided for future residents in accordance with Standard D20 of Clause 58.05-4.*

All Buildings

- v) Any recommendations arising from the wind tunnel test in accordance with Condition 9 of this Permit.*
- w) Any recommendations arising from the preparation of the acoustic report in accordance with Condition 11 of this Permit.*
- x) A minimum of 70 x one-bedroom apartments and 50 x three-bedroom apartments proposed within the development. Car parking must continue to be provided in accordance with Clause 52.06 of the Monash Planning Scheme for each apartment.*
- y) All communal rooftop facilities to be supported with toilet and kitchenette facilities, with the uppermost lift lobby areas to be enclosed to prevent weather and water ingress potential into buildings. An enclosed space is to be provided on the rooftop of Building D, on the western side of the proposed lift and stair core, being no greater than 100sqm in area.*
- z) The extent of plant area and heights on plans, elevations and sections inclusive of lift overruns, mechanical car park exhaust etc.*
- aa) The toilet facilities for each of the retail / restaurant / food and drinks premises tenancies.*
- bb) The location and configuration of entry doors to retail and commercial premises at Ground and Level 1*
- cc) The RL levels of all ground floors of each building provided on floor plans.*

Public Areas

- dd) A lift to be provided from the ground level street network to the elevated podium, integrated with the public stair elements providing equitable access to the elevated communal open space area, or clear pedestrian access from Warrigal Road and the office building to the lifts located within the 'commercial' car park which provide access to the elevated podium.*
- ee) Pedestrian pathways within the elevated podium level to be consolidated where possible, or a suitable alternative response to increase landscaping opportunities to the satisfaction of the Responsible Authority. Pathways within the podium level facing common areas to be separated from habitable rooms of the development by planter zones.*
- ff) The provision of a children's playground area within the south-eastern corner of the site at the raised podium level.*
- gg) The gradients of the pavements linking Warrigal Road to areas within the site and ground level tenancies to adjoining footpaths to the satisfaction of the Responsible Authority.*

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- hh) The pedestrian crossings linking footpaths on Warrigal Road adjacent to vehicle entry and within the site at any intersection points where pedestrian pathways cross the vehicle access road.*
- ii) Convenient disability parking to be provided proximate to the offices, retail, and hotel to the west and Residential apartments to the satisfaction of the Responsible Authority.*
- jj) Short term scooter and visitor bicycle spaces to be provided near the entry to hotel and offices and residential building.*
- kk) The retention of Trees No. 2, 34 and 35 within the site, and all street trees adjoining the site. The extent of tree protection zones for each tree to be retained is to be detailed on plans.*

General

- ll) Any changes as required by the Wind Tunnel Modelling Study as required by Condition 9 of this Permit.*
- mm) Any changes as required by the Acoustic Report prepared in accordance with Condition 11 of this Permit.*

Layout not to be altered

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. Once the development and/or use 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 prepared by Tract Consultants, dated 4 September 2020, except that the plan must show:*
- a) A detailed landscaping plan showing the species of planting throughout the development.*
- b) Plan to clearly show the western title boundary of the site.*
- c) Plan to include details of planting associated with restaurant external terrace at level 1.*
- d) The retention of all street trees on Warrigal Road and Elliott Street.*
- e) The provision of a minimum of five (5) native canopy within the Warrigal Road front setback of the site (within the title boundary) which can reach a height of 10 metres at maturity.*
- f) The provision of a minimum of three (3) native canopy trees located within the central landscaped area of the site, which can reach a height of 10 metres at maturity.*
- g) The first floor outdoor dining area within Building A to include a planter feature along the frontage, allowing for cascading planting.*

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- h) Provision of additional planting within the front setback of Building B to Warrigal Road.*
 - i) The landscaping plan to be consistent with the development plans with respect to the rear (eastern) interface of Building A with the internal accessway and parking spaces.*
 - j) Detail of the 100sqm of raingardens within the development in accordance with the recommendations of the Sustainable Management Plan prepared by JBA dated 20 October 2020.*
 - k) Any changes as required by Condition 1 of this Permit.*

Tree Management Plan

- 5. 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, 34, 35 and 54-59 (as identified in the Arborist Report submitted with the application, prepared by TreeMap Arboriculture, dated March 2018). The report must also detail any tree protection measures required for trees located adjacent to the northern boundary of the site, within No. 4 – 8 Power Avenue.***

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.

Waste Management Plan

6. 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 be generally in accordance with the plan prepared by MGA dated 19 October 2020, but showing to the satisfaction of the Responsible Authority:

- a) Waste facilities to be provided within Building A for waste generated by the uses within this building.*
- b) Waste facilities to be provided within Building B for waste generated by the uses within this building.*
- c) The Swept path diagrams for waste collection to be revised to allow for access egress from the site via Warrigal Road only.*
- d) The purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for applicants.*
- e) Description of existing land use and Town Planning Application number to be included within development description.*
- f) The provision of food waste recycling services for each of the proposed uses on the land.*
- g) Description and detail of adaption to allow for separated glass recycling in accordance with the State Government's Recycling Victoria Policy.*
- h) Detail of in-dwelling waste and recycling receptacles.*
- i) Scaled plans to be revised to include details of amenity (screening, odour, noise), cleaning / washing, drainage, accessibility, bin maneuverability and provision of each waste stream.*
- j) The development is ineligible for the Annual Hard Rubbish Collection due to insufficient space for hard rubbish collection. Presentation of any hard waste from this development on public land is prohibited. The site operator is responsible for management of hard waste collections within the property.*
- k) Details of the responsibility of the Owners Corporation regarding the implementation of the Waste Management Plan, and detail of how information will be given to residents regarding the correct use of the waste management system (i.e. information package).*

Waste collection only to be carried out within hours prescribed by EPA guidelines.

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

Green Travel Plan

7. Before the use commences, 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 must 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 residents, staff and visitors to encourage more sustainable modes of travel to/from the site;*
- d) Management practices identifying sustainable transport alternatives;*
- e) Details of the proposed electric vehicle charging facilities;*
- f) Lobby areas of the building and / or raised podium area to include real time information of train, tram and bus services;*
- g) Details of bicycle spaces for staff;*
- h) Employee and resident packs (i.e. 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.*

Car Park Management Plan

8. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) The number and location of car parking spaces allocated to each tenancy;*
- b) The number and location of car spaces for shared use, including time of shared use;*
- d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;*
- e) The Car Parking Management Plan must detail any barrier mechanisms within parking areas;*
- f) Details of way-finding, cleaning and security of end of trip bicycle facilities;*
- g) The number and allocation of storage spaces;*
- h) Policing arrangements and formal agreements;*
- i) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and*
- k) Details regarding the management of loading and unloading of goods and materials.*

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

Wind Tunnel Modelling Study

9. Wind tunnel testing to be undertaken in accordance with the recommendations of the Wind Effect Assessment report prepared by VIPAC, dated 6 October 2020. The modelling should be conducted and reported in accordance with the Australasian Wind Engineering Society's (AWES) 'Wind Engineering Studies of Buildings Quality

Assurance Manual'. When approved, the Wind Modelling Study will be endorsed and will form part of this permit.

All works must be undertaken in accordance with the endorsed Wind Assessment Report to the satisfaction of the Responsible Authority. No alterations to the Wind Assessment Report may occur without the written consent of the Responsible Authority.

Environmental Audit

10. Prior to the commencement of construction of the building hereby approved the following must be submitted and approved:

- a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or***
- b) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.***

A copy of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

These works must be carried out in accordance with a Works Plan approved by the Environmental Auditor engaged by the owner. A copy of the approved Works Plan must be provided to the Responsible Authority before the commencement of the buildings and works for the purposes of this condition.

Before the construction of the building hereby approved commences (excluding buildings and works carried out in accordance with a Works Plan approved by the Environmental Auditor engaged by the owner), a copy of the Certificate of Environmental Audit and/or Statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.

The development and use allowed by this permit must comply with the directions and conditions of any Statement of Environmental Audit issued for the land.

Prior to the occupation of the dwellings, a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by an environmental audit or statement have been carried out.

Notwithstanding the provisions above, the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority:

- a) Demolition and buildings and works that necessarily form part of the Environmental Audit process; and***
- b) Buildings and works that the Environmental Auditor engaged by the owners advises must be carried out before a Statement or Certificate of Environmental Audit can be issued.***

Should the land be unable to be remediated or the Environmental Audit Certificate or Statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act 1987.

Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the Environment Protection Act 1970.

Amended Acoustic Report

11. Concurrent with the endorsement of any plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess noise impacts from adjoining roads and the railway line in accordance with Standard D16 of Clause 58.04-3, and make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

Amended Sustainable Management Plan (SMP)

12. Before the development commences, 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 JBA, dated 20 October 2020 but modified to include or show:

a) Any changes as required by Condition 1 of this Permit.

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

Construction Management Plan

13. 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. The plan must firstly be submitted and approved by the Head, Transport of Victoria, VicTrack and the Rail Operator in accordance with Condition 49 of this Planning Permit. 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. Trucks must enter and exit the site via Warrigal Road where practicable;*
- 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.

Section 173 Agreement – Serviced Apartments

14. Prior to the endorsement of plans referred to in Condition 1 the owner of the land 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) Serviced apartment premises within the development are restricted to short-stay serviced apartments defined as “Residential Hotel” by the Monash Planning Scheme;**
- b) Permanent occupation of serviced apartment premises as a primary residence is prohibited;**
- c) Serviced apartment premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises; and,**
- d) Car parking allocated to serviced apartments on Title, are to be managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.**

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Operational Management Plan

15. 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) The presence of a manager on site;**
- b) Services provided;**
- c) Operating hours; and**
- d) Management of the car park associated with the serviced apartments.**

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.

Power Avenue and Elliott Street Works

16. Prior to the commencement of works, a detailed functional layout plan for a proposed pedestrian crossing is required on Power Avenue. The design is to be undertaken in collaboration with the Department of Transport and using a safe systems approach and must be endorsed to the satisfaction of the Responsible Authority. Works associated with this condition must be completed prior to the commencement of the use.

17. Prior to the commencement of works, a detailed functional layout plan to construct a series of traffic islands in and around the Power Avenue, Elliott Street intersection to reduce approach speeds and improve safety for Elliott Street residents is required to be submitted and endorsed to the satisfaction of the Responsible

Authority. Works are to be completed prior to the use of the land. The cost of the works is borne on the applicant / owner of the land.

18. *The existing brick paved threshold treatment in Elliot Street at the intersection to Power Avenue must be upgraded prior to the use of the land as permitted by this Permit in accordance with the recommendations of the Transafe existing conditions stage road safety audit dated 19 May 2020.*

VicTrack Conditions (Ref: CSM 42330)

19. *Amended Plans submitted in response to Condition 1l) through 1n) to be prepared in consultation with VicTrack, the Department of Transport (DoT) and MTM.*
20. *Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:*
- *Be designed to prevent items from being thrown or falling onto railway land.*
 - *Not require people to access onto railway land for the purposes of cleaning, replacement, inspection or replacement.*
21. *Prior to the commencement of work on site, detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by VicTrack, DoT and the Accredited Rail Operator. The plans must detail all basement excavation design, retention works and control of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:*
- *The relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances and for minimum clearances to all electrical assets and procedures for works adjacent.*
 - *Energy Safe Victoria (ESV) requirements for minimum clearances to electrical assets and works adjacent.*
 - *Australian Standards AS2067, AS7000 and Electricity Safety (General) Regulations 2019 (Particularly Part 6 – 610 and 615) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.*
 - *The required rail collision loadings and collision protection measures for the building supports adjacent to the rail tracks in accordance with AS5100.1:2017- 'Bridge Design, Scope and General Principals'.*
 - *Earthquake design loadings for structure designated as a minimum importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.*
22. *Before the development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements (to indemnify the state transport infrastructure against damage that may be caused as a result of the construction of the development) must be prepared and entered into with The Department of Transport and VicTrack.*
23. *Unless otherwise agreed in writing with VicTrack, prior to demolition and construction commencing on site, the permit holder must demonstrate to the satisfaction of VicTrack that entry onto railway land or air space over railway land*

is not required for fire, light, ventilation and maintenance for all buildings and works on site.

24. *Prior to the commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.*
25. *Before development starts (including demolition and bulk excavation), separate demolition and/or Construction Management Plan must be submitted to and approved by the DoT, VicTrack and the rail operator. When approved, the Demolition and Construction Management Plan will form a part of this Permit. The Demolition and Construction Management Plan must include (but not be limited to) details of the buildings, works and other measures necessary to:*
 - *Protect railway land, track, overhead power and associated infrastructure;*
 - *Prevent disruption to the operation of the railway;*
 - *The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure;*
 - *Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;*

And arrangements for:

- *Any hoarding associated with the construction of the development at the railway boundary or encroachments onto or overhangs into railway land;*
 - *Piling excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;*
 - *The deposit or store of waste, fill or other materials associated with the development on the railway land;*
 - *Air and dust management;*
 - *Operating hours;*
 - *Noise and vibration controls; and*
 - *The security of the railway land and associated infrastructure.*
26. *All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Responsible authority in consultation with VicTrack and DOT. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to transport agencies.*
 27. *The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.*
 28. *The permit holder must, at all times, ensure that the common boundary with railway land is fenced to prohibit unauthorised access to the rail corridor. Any permanent walls or fences on the common boundary with railway land must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the DoT.*
 29. *No drainage, effluent, waste soil or other materials must enter or be directed to railway land or stored or deposited on railway land.*
 30. *Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement with the DoT and the relevant Accredited Rail Operator.*

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31. *Any future subdivision of the development must provide for car parking in accordance with the above-mentioned requirement on Title to the satisfaction of the Responsible Authority. Car parking associated with serviced apartments is to remain entirely within common property associated with the serviced apartments and managed by the operator of the serviced apartments to the satisfaction of the Responsible Authority.*

Gymnasium

32. *Use of the gymnasium is permitted for use by residents and staff of the development only, or direct visitors of the hotel / serviced apartments.*

Landscaping

33. *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.*
34. *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.*
35. *An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.*

Amenity of Area

36. *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.*
37. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.*
38. *Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level and must not include live music.*
39. *Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.*

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40. *Noise levels emanating from the premises must not exceed the relevant levels prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.*
 41. *All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.*
 42. *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.*

Service Location

43. *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.*
44. *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.*

Ongoing Architect Involvement

45. *As part of the ongoing consultant team, Peddle Thorp Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:*
 - a) *oversee design and construction of the development; and*
 - b) *ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*

Department of Transport Conditions (ref: 26329/18-A)

46. *Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of any works, a revised Functional Layout Plan (FLP) showing the proposed access arrangements must be submitted to the Head, Transport for Victoria for approval. The FLP must be generally in accordance with the preliminary FLP submitted (Drawing MGA17083-03P3-01 & MGA17083-03P3-02, dated 19 October 2020 prepared by MGA) but modified to show:*
 - a) *the signalised intersection on Warrigal Road/Power Avenue*
 - b) *the median strip dividing the north and south carriageways along Warrigal Road*
 - c) *kerb modifications along Warrigal Road*
 - d) *line marking alterations along Warrigal Road and Power Avenue*
 - e) *the left in/left out access at Warrigal Road to and from the development*

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47. *Subsequent to the approval of the Functional Layout Plan and prior to the commencement of any road works required by the Head, Transport for Victoria under this permit, the permit holder must submit the detailed engineering design plans, along with a detail design stage Road Safety Audit, to the Department of Transport for review and obtain written approval from the Head, Transport for Victoria. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road Safety Audit must be addressed in the detailed design plans to the satisfaction of and at no costs to the Head, Transport for Victoria.*
48. *Before the development starts, including demolition and bulk excavation, Demolition and Construction Management Plans must be submitted and prepared to the satisfaction of the Head, Transport for Victoria, VicTrack and the Rail Operator. The Construction Management Plan must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:*
- a) Access to the rail environment, including designation of any areas to be used under license during the construction process.*
 - b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.*
 - c) Rail safety requirements that must be adhered to by the permit holder.*
 - d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.*
 - e) Minimising disruption to train services and railway commuter access.*
 - f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.*
 - g) Public safety, amenity and site security.*
 - h) Operating hours, noise and vibration controls.*
 - i) Air and dust management.*
49. *All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to the Head, Transport for Victoria, VicTrack and/or the Rail Operator.*
50. *Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of the use, all roadworks as required by the Head, Transport for Victoria must be completed generally in accordance with the approved Functional Layout Plan and detailed design plans to the satisfaction of and at no cost to the Head, Transport for Victoria.*
51. *Prior to the commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel, to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.*
52. *Unless otherwise agreed in writing by the Head, Transport for Victoria, within 6 months of the commencement of the use, a post-development Traffic Impact Assessment Report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Traffic Impact Assessment must include a route review of the relevant segment of Warrigal Road to assess the network performance and identify any mitigation measures required to improve*

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- the safety and efficiency of the network as a result of any movement pattern changes due to the development.*
53. *Unless otherwise agreed in writing by the Head, Transport for Victoria, within 12 months of the commencement of the use, any mitigation measures outlined in the post development Traffic Impact Assessment must be carried out to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.*
 54. *Any damage to the Rail Operator's infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the permit holder.*
 55. *No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.*
 56. *The permit holder must pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.*
 57. *The permit holder must take all reasonable steps to ensure that there is no disruption to train services, or it is kept to a minimum during the construction of the development. Foreseen disruption to the rail operation during the construction period and mitigation measures must be communicated to the rail operators prior to such works being undertaken.*
 58. *The permit holder must ensure that all railway infrastructure (including overhead power and supporting infrastructure for trains) is not damaged during the construction period. Any damage to railway infrastructure as a consequence of the construction period must be rectified to the satisfaction of VicTrack and the Rail Operator, at the full cost of the permit holder.*
 59. *No drainage or effluent must enter VicTrack land. Stormwater from the development must be discharged to the legal point of discharge.*
 60. *No excavation, filling or construction other than shown on the permit plans must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Rail Operator.*
 61. *No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.*
 62. *All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.*

Traffic Movement, Car Parking and Accessways

63. *Unless otherwise agreed in writing by the City of Monash, within 6 months from the commencement of the use, a post-development Traffic Impact Assessment Report must be submitted to and approved by Council. The Traffic Impact Assessment must include a route review of Power Avenue and Elliott Street to assess the network performance and identify any mitigation measures required to improve the safety and efficiency of the network as a result of any movement pattern changes due to the development.*
64. *Unless otherwise agreed in writing by the City of Monash, within 12 months from the commencement of the use, any mitigation measures outlined in the post*

development Traffic Impact Assessment must be carried out to the satisfaction of and at no cost to Council.

65. *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.

66. *Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.*
67. *Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.*
68. *Visitor parking spaces within the development must be:*
- a) *Clearly identified by appropriate signage having an area no greater than 0.3m²;*
 - b) *Line marked to indicate each car space; and*
 - c) *Available for visitor usage at all times.*
69. *All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.*
70. *All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.*

Drainage and Stormwater

71. *The site must be drained to the satisfaction of the Responsible Authority. 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.*
72. *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. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.*
73. *The nominated point of stormwater connection for the site is to the west 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.

Time for Starting and Completion

74. 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 has not started before 3 years from the date of issue.***
- b) The development is not completed before 6 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 use or 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. Residents of the approved development will not be entitled to car parking permits for on street car parking.***
- C. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval***
- 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. Future residents are to be educated about wind conditions at high level balconies and terrace areas during high-wind events and tying down loose lightweight furniture.***
- F. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.***
- G. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council (telephone 9518 3690).***
- H. The owner must accept all reinstatement costs in carrying out repairs to any buildings, works or landscaping over the easements should such buildings, works or landscaping be disturbed by any works undertaken by Council in the future.***
- I. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:***

- *a trench grate (minimum internal width of 300 mm) located within the property boundary and not the back of footpath; and/or*
 - *shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
 - *another Council approved equivalent.*
- J. 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.*
- 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. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.*
- N. The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week. Therefore, the permit holder may wish to construct windows and built form that incorporate noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.*
- O. Entry onto railway land during construction of the fence is at the discretion of the Rail Operator and VicTrack and is subject to any conditions imposed.*

CARRIED

1.5 Monash Planning Scheme Corrections Amendment

Moved Cr Zographos

Seconded Cr Fergeus

That Council:

- 1. Request the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare an amendment to:*
 - a. Rezone land at the rear of 2-18 Miller Crescent, Mount Waverley to the Neighbourhood Residential Zone – Schedule 3 and apply the Vegetation Protection Overlay.*
 - b. Rezone 277 Huntingdale Road, Chadstone and 49 Westerfield Drive, Notting Hill to the Commercial 1 Zone.*
 - c. Rezone northern part of 27 Regent Street, Mount Waverley to the Neighbourhood Residential Zone – Schedule 2 and apply the Vegetation Protection Overlay.*
 - d. Rezone 12-16 Dixon Street, Clayton to the Public Use Zone 3.*

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2. *That Council requests the Minister for Planning prepare and approve a Prescribed Amendment, pursuant to Section 20A of the Planning and Environment Act 1987 to:*
 - a. *Rezone the northern side of Police Road generally between the Monash Freeway and Eastlink to the Road Zone Category 1 and remove the Vegetation Protection Overlay from the road.*
 - b. *Delete Specific Controls Overlay 3 and delete the Orica Office Use Plan, February 2003 incorporated document.*
 3. *Authorises the Director City Development to prepare and finalise the documentation for the planning scheme amendments in accordance with this report.*
 4. *Upon receiving authorisation from the Minister for Planning for Part 1 above, prepares and exhibits the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*

CARRIED

1.6 Animal Pound Services Contract

Moved Cr McCluskey

Seconded Cr Paterson

That Council calls for public tenders for its Animal Pound Services to have a new contract commencing on or around 1 July 2021.

CARRIED

1.7 Sale of 14-16 Atkinson Street, Chadstone

Moved Cr McCluskey

Seconded Cr James

That Council:

1. *Notes the history of the previous reports to Council and that Council completed the statutory procedures for community consultation on the proposal to sell 14-16 Atkinson Street, Chadstone, Victoria, 3148 (the Site) in March 2018 and that the auction of the Site proposed for March 2020 was postponed due to the restrictions imposed by the Victoria State Government in managing the COVID-19 pandemic.*
2. *Notes that it has been 3 years since Council originally completed the statutory procedures for community consultation on the proposal for the sale of the Site in March 2018.*
3. *Given item 2 above, agrees to re-commence the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 (the Act) regarding Council's proposal to sell the Site(s) being the land described in the table below:*

Lot on PS8883	Certificate of Title	
124	Volume 5465	Folio 880
125	Volume 4995	Folio 905
126	Volume 6331	Folio 163
127	Volume 7508	Folio 033

("the Proposal")

- 4. Agrees to give public notice of the Proposal in accordance with Sections 189 and 223 of the Act in a newspaper and on Council's website from 27 February 2021 and invite submissions on the Proposal by no later than 26 March 2021.*
- 5. 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 233 of the Act in respect of the Proposal.*
- 6. Appoint a Committee of Council comprising the Mount Waverley Ward Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act at a special meeting of the Committee of Council at a date, time and place to be fixed.*
- 7. Directs that following the hearing and consideration of submissions by the Committee of Council, or if no submissions are received, the Committee of Council prepare a report to Council on the outcome of its proceedings and seek a decision of Council on whether or not to proceed with the Proposal.*

PROCEDURAL MOTION

Moved Cr Fergeus

Seconded Cr Zographos

That Cr Fergeus be allowed to speak for a second time.

CARRIED

DIVISION

A division was called.

For: Crs Lake, Luo, James, Little, Klisaris, Zographos, McCluskey, Samardzija

Against: Crs de Silva, Fergeus, Paterson

CARRIED

2. COMMUNITY SERVICES

2.1 Community Sport Infrastructure Stimulus Grant – Round 2

Moved Cr McCluskey

Seconded Cr James

That Council approves:

- 1. A Round 2 funding application to the State Government’s Community Sport Infrastructure Stimulus Grant program for a multi-reserve Sportsground Lighting Package of Works; and*
- 2. A Council funding contribution (if successful) of 20% (or \$404,340 excluding GST).*

CARRIED

2.2 Monash Sports Floodlighting Policy

Moved Cr McCluskey

Seconded Cr James

That Council:

- 1. Notes the key consultation findings and submissions received in response to the public exhibition of the draft Monash Sports Floodlighting Policy in Attachment B.*
- 2. Adopts the Monash Sports Floodlighting Policy (Attachment A).*

CARRIED

2.3 Monash Football (Soccer) Plan

Moved Cr Klisaris

Seconded Cr Samardzija

That Council endorses the release of the draft Monash Football (Soccer) Plan for the purposes of community consultation.

PROCEDURAL MOTION

Moved Cr McCluskey

Seconded Cr James

That Cr McCluskey be allowed to speak for a further 30 seconds.

CARRIED

The item was put to the vote.

CARRIED

2.4 Monash Quick Response Grants Program Recipients

Moved Cr Paterson

Seconded Cr Fergeus

That Council notes the successful application that has been funded through the Quick Response Grant program during the period 13 – 27 January 2021 to a total of \$4,750.

CARRIED

3. CORPORATE SERVICES

3.1 Financial Management and Capital Works Progress Report

Moved Cr Zographos

Seconded Cr McCluskey

That Council:

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

CARRIED

3.2 Consultancy Register Report

Moved Cr Klisaris

Seconded Cr James

That Council notes the attached summary of completed and current Consultancy engagements for the period ending 31 December 2020.

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Eastern Region Pest Management Strategy

Moved Cr Paterson

Seconded Cr Luo

That Council notes the Eastern Region Pest Management Strategy.

CARRIED

4.2 Metropolitan Waste and Resource Recovery Group Landfill Service Tender

Moved Cr Paterson

Seconded Cr James

- 1. That Council enter into guaranteed contract arrangements with Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd Suez, using a common gate fee to be administered by MWRRG, for an estimated annual cost of \$2.263 million dollars, with an annual C.P.I. increase.*
- 2. That the CEO be delegated authority to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill and Transfer Services under a common gate fee arrangement on a 4-year guaranteed basis for a four-year term commencing on April 1, 2021.*
- 3. That the CEO be delegated authority to execute extension options under the contract in the event that migration to an Alternative Waste Treatment disposal contract is delayed beyond April 1, 2025.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors Meeting Records

Moved Cr James

Seconded Cr McCluskey

That Council notes the record of Committee Meetings and Informal Councillors' Meetings.

CARRIED

5.2 Councillor Code of Conduct

Moved Cr Fergeus

Seconded Cr Zographos

That the Councillor Code of Conduct, as attached to this Report, be adopted by Council.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr McCluskey

Seconded Cr Klisaris

That Council resolves to approve the following application for funding from the Council's Discretionary Expenditure Fund:

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
Waverley Garden Club	Camellia, Garden & Floral Art Show 21-22/08/2021. Requesting funding for hall hire.	\$2,013.80

CARRIED

6.2 Proposed Improvements to Tree Removal Controls – Crs James & Paterson

Moved Cr Paterson

Seconded Cr James

That Council:

- 1. Notes that officers have been in discussions with staff at the Department of Planning about improving tree removal controls in Monash since mid- 2019.*
- 2. Notes that in 2017 the neighbouring City of Whitehorse was granted interim tree protection controls across the entire municipality whilst it undertook strategic work for permanent tree controls.*
- 3. Notes that the neighbouring City of Whitehorse has since had permanent tree protection controls applied through the planning scheme.*
- 4. Notes that Council requested the application of interim tree removal controls in July 2019 whilst the formal permanent controls were being considered.*
- 5. Notes that the request for interim controls was refused in October 2019.*
- 6. Notes that after several months of discussion with officers at the Department of Planning, a formal amendment authorisation request was lodged with the Minister for Planning in April 2020.*
- 7. Notes that despite more than 18 months of discussion with the Department of Planning no clear direction has been provided by the Department on the request for authorisation to prepare and exhibit improved tree controls.*
- 8. Notes that canopy vegetation across Monash continues to decline in the absence of appropriate tree removal controls.*
- 9. Advises the Minister for Planning of Councils frustration with the delays in the consideration of these requests and the apparent inconsistency in the process and application of tree controls between Monash and Whitehorse.*
- 10. Requests that the Minister for Planning introduce interim tree removal controls and provide authorisation for the exhibition of permanent tree removal controls in Monash as a matter of urgency.*

11. *Writes to local members of parliament advising of the above and requesting their support in the introduction of improve tree removal controls.*

DIVISION

A division was called.

For: Crs James, McCluskey, de Silva, Fergeus, Paterson, Little, Luo

Against: Crs Samardzija, Klisaris, Zographos, Lake

CARRIED

6.3 Portman Station Street Public Realm and Haughton Road – Cr James

Moved Cr James

Seconded Cr Zographos

Part A

That Council:

- 1. Notes that on 28 August 2018, Council endorsed the Oakleigh Activity Centre Transport Interchange Design Review 2018 for public consultation, embracing the Urban Design Principles, Key Moves and Individual Site Proposals, including the redevelopment and pedestrian enhancements of the public realm at the intersection of Portman and Station Streets.***
- 2. Notes that on 28 August 2018, Council directed officers to continue discussions with key Government Departments, key landowners, Vic Track, VicRoads (now DoT), Vicinity and the Oakleigh traders Association.***
- 3. Notes that the results of the community feedback on the Oakleigh Activity Centre Transport Interchange Design Review were presented to Council on 30 October 2018, with Council resolving to note the key findings and continue to advocate for the upgrading of the Oakleigh Interchange public realm.***
- 4. Notes that one of the key themes from the community feedback was Traffic Congestion and in response Council officers advised that further technical work, including traffic analysis and scenario modelling to test the degrees of congestion, would be part of any future stage of the upgrading of the Oakleigh Interchange public realm.***
- 5. Directs officers to further develop the design for the public realm at the intersection of Portman and Station Streets and engage a traffic consultant to provide the required analysis and scenario modelling noted above and refers consideration of a further \$100,000 to the 21/22 budget process to enable this work to occur.***
- 6. Notes that there may be additional budget and work required following completion of the further work identified above, and this will be requested of Council once the initial work has been undertaken and any further work that may need to be undertaken is known.***

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- 7. Notes that discussions will occur with key stakeholders and adjacent landowners to identify the opportunities and implications of such road condition change.**

Part B

That Council:

- 1. Notes the opportunity for economic uplift and increased amenity and safe pedestrian movement by closing or creating a shared space along the section of Haughton Road, directly to the south of Oakleigh Station, between Johnson St and Mill Rd.**
- 2. Endorses a two-stage feasibility study to assess the technical and financial viability to alter the road condition of Haughton Road, between Johnson St and Mill Rd, Oakleigh.**
- 3. Allocates \$30,000 from the 20/21 budget to enable the preliminary schematic design work to be undertake and refers consideration of a further \$100,000 to enable the feasibility and consultation to be undertaken to the 21/22 budget process.**
- 4. Notes that discussions will occur with key stakeholders and adjacent landowners to identify the opportunities and implications of such road condition changes.**

CARRIED

7. COMMITTEE REPORTS

7.1 Environmental Advisory Committee Activities 2020

Moved Cr Little

Seconded Cr Paterson

That Council notes the range of activities and discussions that the Environmental Advisory Committee has contributed in 2020.

CARRIED

7.2 25 Downing Street Oakleigh – Proposed Lease To Monash Oakleigh Community Support & Information Service Incorporated

Moved Cr Fergeus

Seconded Cr James

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease 25 Downing Street Oakleigh (as shown in the lease premises plan in attachment 1**

to this report), to Monash Oakleigh Community Support & Information Service Incorporated.

- 2. Notes the S.223 Committee met on Tuesday 16 February 2021 to hear and consider submissions received in respect of the proposal and notes that there were no submissions received.*
- 3. Accepts the Committee's recommendation to grant a lease 25 Downing Street Oakleigh to Monash Oakleigh Community Support & Information Service Incorporated.*
- 4. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document.*
- 5. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for 25 Downing Street Oakleigh to Monash Oakleigh Community Support & Information Service Incorporated.*

CARRIED

7.3 Part of 33-37 Westerfield Drive Notting Hill - Proposed Lease To Notting Hill Community Association Incorporated

Moved Cr McCluskey

Seconded Cr Fergeus

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease part of 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*
- 2. Notes the S.223 Committee met on Tuesday 16 February 2021 to hear and consider submissions received in respect of the proposal and notes that there were no submissions received.*
- 3. Accepts the Committee's recommendation to grant a lease for part 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*
- 4. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document;*
- 5. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for part 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*

CARRIED

7.4 36-42 Mackie Road, Mulgrave - Wellington Reserve Community Centre – Proposed Lease To Kerrie Neighbourhood House Incorporated

Moved Cr Fergeus

Seconded Cr Samardzija

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease Wellington Reserve Community Centre, 36-42 Mackie Road Mulgrave (as shown in the lease premises plan in attachment 1 to this report), to Kerrie Neighbourhood House Incorporated.*
- 2. Notes the S.223 Committee met on Tuesday 16 February 2021 to hear and consider submissions received in respect of the proposal and notes that there were no submissions received.*
- 3. Accepts the Committee's recommendation to grant a lease for Wellington Reserve Community Centre, 36-42 Mackie Road Mulgrave to Kerrie Neighbourhood House Incorporated.*
- 4. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document.*
- 5. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease Wellington Reserve Community Centre, 36-42 Mackie Road Mulgrave to Kerrie Neighbourhood House Incorporated.*

CARRIED

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Moved Cr McCluskey

Seconded Cr James

That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter at a closed meeting, resolves to close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificate.

CARRIED

The Council moved to Confidential Business at 8:40pm.

The Council moved back to Open Council at 8:51pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Cr Paterson noted the 70th wedding anniversary of Norm Gibbs and his wife, Topsy Gibbs. Norm and Topsy have been tireless community workers and Norm a recipient of the Sir John Monash Award.

Cr Paterson noted the remodelled Central Reserve grand stand which is the new home of the Waverley Woodworkers and the Waverley Gym Club. Cr Paterson noted it is an inclusive space and an improvement for the clubs, and thanked them for their part in the process in moving to a new location as well as Council officers' work on this.

Cr Paterson noted a letter received from the Lions Club of Ashwood and Mount Waverley which outlines some of their achievements throughout 2020, including (but not limited to) sponsorship of 5 children from disadvantaged families to attend a 5 day camp in Gippsland, a donation to the Bushfire relief and many occasion cooking BBQs for Monash Council community events.

Cr James also acknowledged Norm and Topsy Gibbs' wedding anniversary and congratulated them.

Cr James encouraged the community to register for the Live at Warrawee event on the 27th of March, especially considering the 2020 event was cancelled due to COVID-19.

Cr Zographos also acknowledged Norm and Topsy Gibbs' wedding anniversary and congratulated them.

Cr Zographos noted that on 10 February 2021 he attended the reopening of the Oakleigh Recreation Centre which was a momentous day for the community.

Cr McCluskey noted that he attended the Coptic Festival with Cr James and acknowledged the effort that went in for the successful event. Cr McCluskey also noted the successful opening exhibition at the Monash Gallery of Art.

Cr Little acknowledged Cr Luo's Chinese New Year input along with the help of Council's communications staff.

Cr Little congratulated Cr Fergeus and Cr de Silva on their marriage.

The Mayor declared the meeting closed at 9.02pm.



MAYOR:

DATED THURSDAY THE 22ND DAY OF APRIL 2021