



**CITY OF
MONASH**

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 29 JUNE 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 29 JUNE 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 25 MAY 2021

Moved Cr McCluskey

Seconded Cr Klisaris

That the minutes of the Meeting of Council held on 25 May 2021, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that 5 question had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr McCluskey

Seconded Cr Zographos

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 Implementation of the Mount Waverley Activity Centre Structure Plan – Proposed Monash Planning Scheme Amendment

Moved Cr James

Seconded Cr Little

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 that includes:*
 - (a) *Introduction of a new local policy that references the adopted Mount Waverley Activity Centre Structure Plan;*
 - (b) *Rezoning the southern car park areas from Public Use Zone and General Residential Zone Schedule 3 to a Commercial 1 Zone;*
 - (c) *Rezoning land in Stephenson’s Road, south of Amber Grove, to a Commercial 1 Zone;*
 - (d) *Rezoning properties at numbers 12, 14 – 34 and 37 Sherwood Road from General Residential Zone Schedule 3 to the Neighbourhood Residential Zone 5;*
 - (e) *Replacing the current Schedule 2 to the General Residential zone with a new Schedule 4 for residential land in the Activity Centre study area from the current General Residential Zone Schedule 2 to a new General Residential Zone Schedule 4;*
 - (f) *Application of a Design and Development Overlay over the commercially zoned parts of the activity centre to reflect the built form requirements of the Mount Waverley Activity Centre Structure Plan*
2. *Upon receiving authorisation from the Minister for Planning, prepare and exhibit the amendment in accordance with Section 10 of the Act and any other directions required by the Minister.*
3. *Authorise the Director City Development to prepare and finalise the documentation for the planning scheme amendment in accordance with this report.*

CARRIED

1.3 418-424 Haughton Road, Clayton Construction of A Four Storey Building With Basement Comprising 21 Apartments And Reduction of On Site Car Parking

Moved Cr Fergeus

Seconded Cr James

That Council resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit (TPA/51529/A) which seeks to reduce the on-site car parking provision within the basement associated with the construction of a four storey building with basement at 418-424 Haughton Road, Clayton on the following grounds:

- 1. The proposal fails to satisfy the requirements of Clause 52.06 in relation to onsite car parking provision.*
- 2. The proposal will have a detrimental impact on the amenity of the adjoining residential properties as a result of the inadequate on site car parking provision.*

CARRIED

1.4 299 High Street Rd Mount Waverley - Removal of Three (3) Trees In A VPO

Moved Cr Zographos

Seconded Cr Paterson

A. *That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/52359) for the removal of two (2) trees in a Vegetation Protection Overlay (VPO) at 299 High Street Road MOUNT WAVERLEY subject to the following ground:*

- 1. The trees make a significant contribution to the landscape character of the area and their removal does not accord with the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme.*

B. *That Council write to the owner advising that Tree 17 and Tree 18 are to be retained, and that:*

- 1. A tree protection zone (TPZ) should be installed around the Tree 17 with a radius of 4.7 metres and to Tree 18 with a radius of 6.8 metres during construction. The TPZ areas should be mulched and irrigated.*
- 2. The proposed site cut should be positioned at the dripline of the trees, no less than 4.5 metres from the trunk face of each tree and carried out with hand excavation. Any roots present in these sections are to be cut cleanly. No heavy machinery is to be used to carry out these works.*
- 3. A professional arborist should be engaged to remove deadwood and undertake routine crown maintenance pruning works of the trees. All pruning must be in accordance with the Australian Standard - AS4373 Pruning of Amenity Trees.*

CARRIED

1.5 4 Burton Avenue, Clayton Construction of A Three Storey Residential Apartment Building In A Special Building Overlay

Moved Cr James

Seconded Cr Samardzija

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/52042) for the construction of a three storey residential apartment building in a Special Building Overlay, at 4 Burton Avenue, Clayton subject to the following conditions:

Amended Plans Required

- 1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by John Demos Architects, dated 26 March 2021, Revision B TPA.01-TPS.A21 but modified to show:
 - a) The proposed fire hose and stop valve designed to be integrated into the site, using materials which help blend the services into the building's architecture. A low front fence on the northern side of the pedestrian access path is permitted to assist with this integration if required.*
 - b) The apartment at the ground floor within the north-east corner of the site to be correctly labelled as Apartment G.07.*
 - c) Apartment G.06 and 1.06 to be re-orientated to have the balcony and living spaces facing east. Any screening to these apartments on the eastern side should be limited, allowing for passive views into the area of communal open space.*
 - d) Detail of any balustrades / barriers from the ground floor terraces to common landscaped areas.*
 - e) A freestanding screen (within the boundaries of the site) along the southern boundary which reaches a minimum height of 1.7 metres above the proposed ground floor level of habitable rooms and terraces.*
 - f) Screening of the first floor, south facing habitable room windows in accordance with Standard B22 of Clause 55.04-6, or alternatively additional sectional diagrams provided to demonstrate that no unreasonable overlooking will occur to the habitable room windows and secluded private open space of 2 Burton Avenue.*
 - g) Elevation plans on TPA.09 to clearly identify any windows to be screened.*
 - h) The colouring of Material B (in-situ concrete) to be a discernibly darker shade than Material C (pre-cast concrete).*
 - i) The location and details of any security door to the basement level within the accessway.*
 - j) Car space 1 a minimum of 3.6 metres in width and the kerbing on the northern side of the base of the accessway to be modified to allow for improved vehicle movements. Car space 2 must not be reduced in width from 3.2 metres. Swept path diagrams must demonstrate that reversing manoeuvres are not required to occur at the base of the access ramp.*
 - k) Car space 2 to be clearly marked for service vehicles only.**

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- l) A Landscape Plan in accordance with Condition 3 of this Permit.*
 - m) A Sustainable Management Plan in accordance with Condition 5 of this Permit.*
 - n) A Waste Management Plan in accordance with Condition 6 of this Permit.*

Layout not to be Altered

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.***

Landscape Plan

- 3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by MEMLA, Revision D dated 24 March 2021, except that the plan must be modified to show:***
 - a) Deletion of the extended pathway into the grassed communal area of open space;*
 - b) Addition of creepers to the planter on the southern side of the vehicle access ramp which can cascade over and grow down the retaining wall;*
 - c) The addition of Boston Ivy (or similar) to the rear area of communal open space to grow up the façade of the building; and*
 - d) Any changes as required by Condition 1 of this Permit.*

Construction Management Plan

- 4. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:***
 - a) Hours for construction activity in accordance with any other condition of this permit;*
 - b) Appropriate measures to control noise, dust and water and sediment laden runoff;*
 - c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - d) Appropriate 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 so as to prevent material leaving the site and being deposited on Council's road network;*
 - f) A program for the 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) Measures to provide for 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*

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- 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) A 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) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
 - m) The provision of contact details of key construction site staff; and*
 - n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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 by all contractors to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 5. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by GIW Environmental Solutions Dated 8 October 2020 (Revision B), except that the plan must be modified to show:***
- a) Any changes required by Condition 1 of this planning permit.***

Upon approval the Sustainable Management Plan 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.

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 Waste Min dated 8 February 2021, but showing to the satisfaction of the Responsible Authority:***
- a) The swept path diagrams to be consistent with the vehicle accessway as shown in development plans; and***
 - b) Any other changes as required by Condition 1.***

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

Melbourne Water Conditions (REF:MWA-1189831)

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7. *Prior to the endorsement of plans, amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
a) The apex to the basement set no lower than 53.54 metres to AHD.*
 8. *The ground floor must be constructed with finished floor levels set no lower than 53.54 metres to AHD, which is 300mm above the applicable flood level of 53.24 metres to AHD.*
 9. *The driveway entrance to the basement must be constructed with a flood proof apex and associated walls/bunding set no lower than 53.54 metres to AHD, which is 300mm above the applicable flood level of 53.24.*
 10. *Any openings to the basement including windows, vents, doors etc. (excluding the driveway opening protected by the apex) must be set no lower than 53.54 metres to AHD.*
 11. *Imported fill must be kept to a minimum on the property and only be used for the sub floor area of the building.*
 12. *Any new fence must be of an open style of construction (minimum 50% open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of overland flows.*
 13. *Prior to the commencement of works, a Build Over application must be made directly to Melbourne Water for approval of any buildings and works within 5 metres of the Melbourne Water drain, including (but not limited to) footings and eaves, landscaping and fencing.*
 14. *Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.*

Landscaping Conditions

15. *Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.*
16. *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.*

Drainage and Stormwater

17. *The site must be drained to the satisfaction of the Responsible Authority.*
18. *No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.*

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19. *Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.*

Car Parking and Driveways

20. *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.

21. *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.*
22. *Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.*
23. *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.*

Privacy screens

24. *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 ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.*

Plant / Equipment or features on roof

25. *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.*

Service Location

26. *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.*

Time for Starting and Completion

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

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- a) *The development is not started before 2 years from the date of issue.*
b) *The development is not completed before 4 years from the date of issue.*
In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or
(i) within six (6) months afterwards if the development has not commenced; or
(ii) within twelve (12) months afterwards if the development has not been completed.
Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES:

- A. *Building Permit approval for the works must be obtained prior to the commencement of the approved works.*
- B. *Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*
- C. *Any residents of the approved development will not be entitled to car parking permits for on street car parking.*
- D. *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.*

CARRIED

1.6 1 Evelyn St Clayton – Extension of Time - Construction of A Two Level Building Plus Basement Car Parking Comprising of 8 Dwellings With Associated Landscaping

Moved Cr Luo

Seconded Cr McCluskey

That Council resolves to issue an Extension of time to Planning Permit No. TPA/38345/A to develop the land by constructing a two level building plus basement car parking comprising of eight dwellings with associated landscaping at 1 Evelyn Street, Clayton, pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987.

- 1. That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the commencement and completion of the development be extended for a further 3 months. Accordingly, the development must be commenced by 6 August 2022 and completed by 6 August 2024.*
- 2. That the applicant be advised it is unlikely a further extension of time will be granted given the time that has passed since the permit was granted and the non-compliance with Council Policy.*

CARRIED

1.7 Suburban Rail Loop Authority

Moved Cr James

Seconded Cr McCluskey

That Council:

1. *Notes the content of the letter to Council from the Suburban Rail Loop Authority (SRLA) dated March 2021, regarding the Suburban Rail Loop Stage One, Cheltenham to Box Hill project, provided in Attachment 1 to this report (the Letter) which advises:*
 - a. *that planning and design work undertaken by SRLA identifies that the following Council owned properties are likely to be required for stage one of the Suburban Rail Loop:*
 1. *264-268 Clayton Road, Clayton (part)*
 2. *31-39 Montclair Avenue, Glen Waverley*
 3. *41-47 Montclair Avenue, Glen Waverley*
 4. *155 Coleman Parade, Glen Waverley*
 5. *5 Myrtle Street, Glen Waverley*
 6. *1/29 & 2/29 Montclair Avenue, Glen Waverley*
 - (the Properties);*
 - b. *that the letter is not a formal notice of acquisition of the Properties. The potential formal acquisition process will not begin until the planning and environmental assessment process is completed, and the statutory approvals have been obtained which is currently anticipated to be 2022; and*
 - c. *that the above properties will not need to be vacated until at least late 2022.*
2. *Notes that the intentions of the SRLA have a significant impact on Council's plans and commitment to provide for additional and replacement car spaces within the Glen Waverley Activity Centre and that Council:*
 - a. *Resolves it is no longer feasible to continue with the detailed design of the proposed carpark at 31 -39 Montclair Avenue, Glen Waverley.*
 - b. *Resolves to terminate Contract 2019147 Principal Consultancy Services – Detailed design for a mixed-use multi-level car park, 31-39 Montclair Avenue, Glen Waverley (Contract 2019147) and directs that officers write to Warren & Mahoney Architects to inform them of this decision.*
 - c. *Notes that officers have commenced preliminary work to identify alternative site(s) for the provision of replacement and additional car spaces.*
 - d. *Directs officers to write to the SRLA and advise that:*
 - i. *Given the possible acquisition of Council land where a carpark was to be constructed, Council considers that there is a joint responsibility (between Council and the SRLA) to find alternative locations for the replacement and additional car spaces that were planned to be*

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- provided at 31-39 Montclair Avenue, Glen Waverley. This is consistent with SRLA previous undertakings.*
- II. That the Council properties numbered 2 and 3 referred to in item 1(a) above, which will ultimately be acquired by the SRLA, be available for continued use as car parking for as long as possible prior to the commencement of the Suburban Rail Loop works.*
 - III. With regard to Council's properties at 1 & 2/29 Montclair Avenue, Glen Waverley, that the SRLA as the acquiring authority deal directly with the Uniting Church of Australia and Director of Housing on all matters relating to the impact upon them as tenants resulting from the acquisition. The letter should clarify that this position is taken given the State Governments involvement in the use and development of these properties, and further clarify that this request does not fetter Council's rights and entitlements as the owner of the land as part of any compulsory acquisition process.*
 - IV. Council expects full compensation for all works already undertaken and disrupted as a result of SRLA activities.*
 - V. Council expects timely, transparent communication from SRLA in relation to its planning for delivery of the Suburban Rail Loop within the City of Monash.*
- 3. Direct officers to continue to investigate alternative site options as referred to in item 2(c) above, (both with and exclusive of the SRLA) including options at Council's existing multi-deck car park at 1-5 Bogong Avenue, Glen Waverley, and report back to Council on any outcomes including outcome of discussions with the SRLA.*
 - 4. Directs officers to meet with South East Volunteers Incorporated (SEV) located at 5 Myrtle Street, Glen Waverley to discuss the implications of the Letter to them and ascertain what their thoughts and intentions may be as a result.*
 - 5. Directs officers to undertake the Actions outlined in the table in the body of this report as it relates to each property that the SRLA has advised that they may acquire as part of the project.*
 - 6. That officers write to key stakeholders within the Activity Centre advising of points 1, 2 and 3 of this recommendation and prepare a media release regarding the same.*

Notes that officers will provide further reports to future Council meetings on the SRL project and the various matters the subject of this resolution at the appropriate time.

CARRIED

2. COMMUNITY SERVICES

2.1 2020/21 Monash Quick Response Grants Program Recipients

Moved Cr de Silva

Seconded Cr Paterson

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 12 – 26 May 2021 to a total of \$1,000.00.

CARRIED

3. CORPORATE SERVICES

3.1 Report on Submissions For Draft Budget 2021/22 & Revenue & Rating Plan 2021-2025

Moved Cr Samardzija

Seconded Cr Paterson

That Council:

- 1. receives the report from the Committee of Council (the Committee) on the submissions received for the proposed Budget 2021/22 & Revenue & Rating Plan 2021-2025 (the Committee Report); and*
- 2. having considered the Committee Report, endorses the recommendations of the Committee:*
 - a. to include in the Adopted 2021/22 Budget (the Budget) the following items:*
 - i. Traffic management treatments-Stockdale Av Clayton (\$40K)*
 - ii. Feasibility study on future use of Oakleigh Golf Course (\$100K); and*
 - b. no other changes be made to the Revenue & Rating Plan 2021-2025 (The Plan) resulting from the submissions; and*

each submitter, be thanked for their submission to the Budget & The Plan development process and be advised of the outcome of the reports to adopt the Budget & Plan, in writing.

CARRIED

3.2 Proposed Annual Budget 2021/2022

Moved Cr James

Seconded Cr Paterson

That Council having prepared and given public notice of the proposed 2021/22 Annual Budget in accordance with Section 94 of the Local Government Act 2020 (the Act), and having conducted a consultative process, including having received and considered submissions, resolves:

- 1. to adopt 2021/22 Annual Budget, in accordance with Section 94 of the Local Government Act 2020 in the same form as the proposed 2021/22 Annual Budget of which Council gave public notice (with additions as outlined in this report);*
- 2. to apply differential rating using Capital Improved Value (CIV) as the basis of valuation to all rateable land to raise rates by 1.5 per cent in 2021/22 and the estimated amount it intends to raise by way of General Rate income is \$133,291,889, comprising:*
 - a) an amount of \$131,898,189 which is intended to be raised by the General Rates:*
 - b) an estimated amount of \$1,122,000 of supplementary rate income growth*
 - c) an amount of \$271,700 in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963;*
- 3. to recognise that ratepayers receiving pensions should be given assistance to remain in their homes, maintains the Council funded \$50 rate rebate to assist eligible pensioners (“eligible pensioners” within the meaning of the State Concessions Act 2004) with their Council rates;*
- 4. to apply a service charge under Section 162 of the Act, Recycling & Waste Charge of \$42 per rateable property; and also provide a \$42 waiver under Section 171 of the Local Government Act 1989 for eligible pensioners towards the Recycling & Waste Charge;*
- 5. in recognition of the adverse impacts of COVID-19 across the whole municipality, and to promote short term economic viability extends the COVID-19 Rates & Charges Deferral scheme to all rateable properties on the 2021/22 declared rate as at 1 July 2021, from 30 June 2021 to 30 June 2022 (with Nil interest applied to the deferred amounts). Noting that this is in recognition of the impact of COVID-19 on the Monash community and is a gesture of support from us to our community who are hurting, including businesses and vulnerable ratepayers, many who now are without jobs;*
- 6. that rates will be raised by the application of Differential Rates:*
 - a) the General Residential Rate of 0.00150609 cents in the dollar applied to the Capital Improved Value (CIV) of all residential rateable land;*
 - b) the General Non-Residential Rate of 0.00174938 cents in the dollar applied to the Capital Improved Value (CIV) of all non-residential rateable land;*

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- 7. that the declaration of the General Residential Rate and General Non-Residential Rate will contribute to the equitable and efficient carrying out of its functions. The Rates will be applied to all rateable properties;**
 - 8. that the Rates will be separately levied in respect of each portion of rateable land for which Council has as separation valuation (unless Council has determined a charge in lieu of rate in accordance with the Cultural and Recreational Lands Act 1963);**
 - 9. that Council provides a concession of 60% of the relevant rate for qualifying properties in accordance with the Cultural and Recreational Lands Act 1963 (CRLA);**
 - 10. in accordance with Section 167 of the Local Government Act 1989, declares the rates and charges must be paid:**
 - a) in a lump sum on or before 15 February 2022; or**
 - b) by 4 instalments on or before:**
 - * 30 September 2021**
 - * 30 November 2021**
 - * 28 February 2022**
 - * 31 May 2022; or**
 - c) by 10 instalments on or before:**
 - * 01 September 2021**
 - * 01 October 2021**
 - * 01 November 2021**
 - * 01 December 2021**
 - * 03 January 2022**
 - * 01 February 2022**
 - * 01 March 2022**
 - * 01 April 2022**
 - * 02 May 2022**
 - * 01 June 2022**
 - 11. will apply interest to overdue rates and charges payments in accordance with 172 of the Local Government Act 1989, noting that the rate of the interest is payable on the rates and charges which have not been paid by the dates declared, is fixed in accordance with Section 2 of the Penalty Interest Rates Act 1983;**
 - 12. allows for overdue non-instalment payers, an additional 21 days from the 15 February to pay any overdue rates, before the application of the interest referred to in part 11 of this resolution; and**
 - 13. gives public notice of its decision to adopt the 2021/22 Annual Budget in accordance with the Act.**

CARRIED UNANIMOUSLY

3.3 Revenue & Rating Plan 2021-2025

Moved Cr James

Seconded Cr Little

That Council:

- 1. Adopts the Revenue and Rating Plan 2021-2025 (the Plan), and*
- 2. Having considered submissions received on the Plan at the hearing held by the appointed Committee, on 8 June 2021, determines to have no changes made to the Plan.*

CARRIED

4. INFRASTRUCTURE & ENVIRONMENT

4.1 Eastern Alliance for Greenhouse Action Impact Evaluation and Memorandum of Understanding 2021-2025

Moved Cr Fergeus

Seconded Cr Paterson

That Council:

- 1. Acknowledges the significant value provided by councils' involvement in the Eastern Alliance for Greenhouse Action (EAGA).*
- 2. Endorses renewal of Council membership of the Eastern Alliance for Greenhouse Action (EAGA) through executing a Memorandum of Understanding 2021-2025, and payment of associated membership fees.*
- 3. Delegates authority to the Chief Executive Officer to sign the Memorandum of Understanding to formalise the membership over its four year term.*

CARRIED

4.2 Oakleigh Recreation Centre Pool Works

Moved Cr McCluskey

Seconded Cr Zographos

That Council:

- 1. Awards the tender from On Time Developments Pty Ltd for Oakleigh Recreation Centre Pools Refurbishment Contract No. 2021108 for the fixed Lump Sum Price of \$529,925 with an extra \$52,800 for Contingencies.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement;*
- 3. Notes that the contract will commence on 1 July 2021 and the expected completion date is 30 September 2021; and*

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4. *Notes that the anticipated project expenditure including the fixed Lump Sum, Contingencies, Project Management & Delivery Fees and Provisional Items is \$602,525.*

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

CARRIED

4.3 2021 Draft Road Management Plan

Moved Cr Paterson

Seconded Cr Samardzija

That Council:

1. *Approves the draft 2021 Road Management Plan (RMP) as presented in accordance with the Road Management Act 2004 and Road Management (General) Regulations 2016;*
2. *Note that a notice of the decision will be published in the Victoria Gazette. The regulations allow for anyone aggrieved by the decision to lodge an objection within 28 days;*
3. *Note that the amended RMP shall take effect from 31 July 2021 subject to the resolution of any objections. Officers will report back if objections are received;*
4. *Note that the amended RMP applies to all roads and classes of road in Council's Register of Public Roads;*
5. *Note that the amended RMP, register of public roads and this report will be available for public inspection during normal business hours at the following locations:*
 - *Civic Centre, 293 Springvale Road, Glen Waverley;*
 - *Oakleigh Service Centre, 3 Atherton Road, Oakleigh; and**At any time on Council's website:- www.monash.vic.gov.au*

CARRIED

4.4 Clayton South Landfill Joint Venture Budget 2021/2022

Moved Cr Fergeus

Seconded Cr Samardzija

That Council, as a member of the Clayton South Regional User Group, endorses the Clayton South Regional Landfill User Groups Management Committee's recommended Management, Rehabilitation and Monitoring works Budget for 2021/22 year and notes the future projected cash flow.

CARRIED

4.5 Chester Street, Oakleigh Road Closure

Moved Cr Paterson

Seconded Cr Luo

That Council:

- 1. Notes the traffic engineering feasibility assessment report prepared by traffic and road safety consultant, Mr Robert Morgan and its findings that a road closure in Chester Street at Eaton Mall is not recommended because of safety issues, traffic and movement disruption in the Centre and is not seen to be an appropriate response in addressing anti-social driving behaviour.*
- 2. Does not proceed with any road closure*
- 3. Seeks to address the problem of anti-social driver behaviour in the precinct by delivering targeted interventions which do not require a road closure, informed by consultation with Oakleigh Village Traders Association and the community in general, and through a joint action plan involving Victoria Police and other stakeholders, as necessary.*
- 4. Directs Council officers to proceed with trader engagement and develop an alternative proposal with a series of road humps to modify driver behaviour and reduce vehicle speeds along Chester Street and report back to Oakleigh ward councillors.*

AMENDMENT

Moved Cr James

Seconded Cr Klisaris

That the text in the motion be replaced by the following:

That Council:

- 1. Notes the traffic engineering feasibility assessment report prepared by traffic and road safety consultant, Mr Robert Morgan, and its findings regarding appropriate responses to anti-social driving behaviour.*
- 2. Notes that the current adopted Council plan prioritises movement of pedestrians in its activity centres, and that this is the primary driver of Council's interest in this matter*
- 3. Affirms its desire to increase the pedestrian-only footprint of Eaton Mall to further enhance one of the premier dining precincts in Melbourne*
- 4. Directs officers to consider ways to increase the pedestrian-only footprint of Eaton Mall. In doing so, officers are to consider the safety concerns identified in the report and provide advice to Council, no later than September 2021, on ways this can be achieved, including consideration of:*
 - the potential to make an area of Chester Street, ~25m east and ~33m west of Eaton Mall, a pedestrian-only area, as outlined in Mr Morgan's report*
 - the viability of severely speed limited 'shared zones' or the removal of all non-essential car travel across other sections of the activity centre*
 - the need for potential land acquisition and/or capital works*

- the potential for partnering with the Victorian Government

SUBSTANTIVE MOTION

As the amendment was acceptable to the mover and seconder of the motion and to the Council, the amendment was incorporated into the motion, to form the substantive motion.

The motion, as amended was then put to the vote and declared

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Councillors Meeting Records

Moved Cr James

Seconded Cr Luo

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

CARRIED

5.2 Review of Mayoral and Councillor Allowances

Moved Cr Klisaris

Seconded Cr Little

That Council:

A Receives this report from the Committee appointed by Council pursuant to s.223 of the Local Government Act 1989 (the Committee) to consider submissions received in response to the public notice in respect of the proposed review and setting of the Mayoral and Councillor Allowances for 2021.

B. Notes that the Committee met on 11 May 2021 to consider submissions received in regard to the proposed review and setting of the Mayoral and Councillor Allowances for 2021.

C. Adopts the Committee's recommendation that the Mayoral and Councillor Allowances and consequently the superannuation contributions, for 2021 be set as follows:

1. The Mayoral and Councillor Allowances for 2021 are recommended to be set as follows:

- Councillor allowance: \$31,444 per annum***
- Mayoral allowance: \$100, 434 per annum***

2. The following equivalent of the Superannuation Guarantee Contribution for 2021 is proposed to be made:

- Councillor: \$2,987.18 per annum
- Mayor: \$9,541.23 per annum

That a fully-maintained Council vehicle be provided for the Mayor's use during their term of office as Mayor.

CARRIED

5.3 Participation in Virtual Meetings

Moved Cr de Silva

Seconded Cr Fergeus

That Council:

- 1. Responds to the "Virtual Meeting Participation" consultation paper.*
- 2. Determines its support for option 1, detailed in the consultation paper.*
- 3. Advises Local Government Victoria of its decision by 30 June 2021.*

CARRIED

5.4 Tender for Provision of a Workforce Management System

Moved Cr James

Seconded Cr McCluskey

That Council:

- 1. Awards the tender from PageUp People Ltd for Provision of a Workforce Management System, Contract No. 2021124 for an estimated contract value of \$562,666 (comprising of an estimated Lump Sum of \$487,666 for licensing, maintenance and support and an estimated \$75,000 for professional services, assuming 2% CPI indexation) for the initial three-year term.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement subject to acceptable negotiation of proposed contractual terms and conditions.*
- 3. Notes that the contract will commence on 1 July 2021, with an initial term of three years and that the contract has two extension options of three years each and authorises the Chief Executive Officer to approve these extension options subject to future strategic requirements and satisfactory performance.*
- 4. Notes that the estimates total contract value is \$1,790,228 inclusive of all available extension options (assuming 2% CPI indexation each year for licensing, maintenance, support and ongoing professional services).*

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

CARRIED

5.5 Working Together: Promoting Effective Interaction Between Councillors and Staff

Moved Cr Klisaris

Seconded Cr Paterson

That Council notes the Report.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications – Mayor

Moved Cr Klisaris

Seconded Cr James

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Lions Club of Wheelers Hill</i>	<i>Second hand book sale. Requesting hall hire funding.</i>	<i>\$567.30 GST excl.</i>

CARRIED

6.2 Home to Biloela

Moved Cr Fergeus

Seconded Cr de Silva

That Council:

- 1. Supports the return of Priya and Nades Murugappan and their daughters Kopika and Tharnicaa to their home in Biloela, in line with the wishes of their community;*
- 2. Writes to the Minister for Home Affairs, Karen Andrews MP, detailing Council's support for their return.*

Cr Fergeus, as the mover of the motion, exercised his Right of Reply, during discussion on this item.

LOST

DIVISION

A Division was called.

For: Crs Fergeus, de Silva

Against: Crs B Little, S McCluskey, S James, P Klisaris, G Lake, N Luo, R Paterson,
T Samardzija, T Zographos

6.3 Race and Sex/Gender Impact Assessments of CCTV Surveillance

Moved Cr de Silva

Seconded Cr Fergeus

That Council:

- 1. notes the motion titled 'Installation and Maintenance of CCTV Cameras in the Oakleigh Activity Centre for Victoria Police Surveillance' passed on 25 May 2021;***
- 2. requests that officers prepare race and sex/gender impact assessments in relation to the installation and use of CCTV cameras for the purposes of real-time police surveillance of the community in the Oakleigh Activity Centre, which impact assessments are to identify and discuss;***
 - a) evidence relating to benefits, if any, to women and/or minorities of the use of CCTV cameras for the purposes of police surveillance, including real-time surveillance, in activity centres such as the Oakleigh Activity Centre, if any;***
 - b) evidence relating to risks of discriminatory policing of women and/or minorities in the use of CCTV cameras for the purposes of police surveillance, including real-time surveillance, if any;***
 - c) evidence relating to risks to the safety and privacy of women and/or minorities of the use of CCTV cameras for the purposes of police surveillance, including real-time surveillance, if any;***
 - d) evidence relating to the perspectives of women and minorities on what are necessary and desirable uses of resources for the purposes of promoting their (women's and minorities') safety and perceptions of safety in public spaces;***

and that set out officers' views as to the likely overall impact on women and minorities in the municipality of the potential installation and use of CCTV cameras in the Oakleigh Activity Centre for the purposes of Victoria Police surveillance, including real-time feeds into the Oakleigh Police Station.

Cr de Silva, as the mover of the motion, exercised her Right of Reply, during discussion on this item.

LOST

A Division was called.

For: Crs Fergeus, de Silva

Against: Crs B Little, S McCluskey, S James, P Klisaris, G Lake, N Luo, R Paterson,
T Samardzija, T Zographos

7. COMMITTEE REPORTS

Nil

8. URGENT BUSINESS

8.1 Outdoor and Enhanced Areas Dining Fees

PROCEDURAL MOTION

Moved Cr James

Seconded Cr Klisaris

That the matter of Outdoor and Enhanced Areas Dining Fees, be accepted as an Item of Urgent Business.

CARRIED

8.1 Outdoor and Enhanced Areas Dining Fees

Moved Cr James

Seconded Cr Klisaris

That Council:

- 1. Notes that on 27 May, 2021 2 days after Council's resolution to apply fees for the enhanced outdoor dining areas, in addition to normal fees applying for outdoor dining areas, significant public health restrictions were introduced which required hospitality businesses to close their doors and limited trade to take-away service. These restrictions remained in place till 10 June 2021.*
- 2. Notes that since 11 June 2021, hospitality businesses have been able to offer in-house service, but the number of patrons that can be accommodated were the subject of restrictions and limitations, with a further easing of restrictions from 25 June 2021 where up to 300 patrons can be seated for service with a density quotient of 1 person per 4 square metres.*
- 3. Acknowledges the unexpected and unforeseen impact that the public health response to the Covid19 pandemic had on hospitality businesses in terms of disruption and cost and recognises that there is a possibility of future lockdowns and/or restrictions until a substantial proportion of the community have been vaccinated*
- 4. Resolves that in order to provide certainty to traders over the coming financial year, the annual permit fees associated with footpath dining are waived for the 2021/22 financial year Further, that with the exception of the fees listed below, being charges associated with concrete/plastic delineators (on a cost recovery basis) which are to be charged from 1 September 2021, all other fees associated with enhanced dining areas are waived for the 2021/22 financial year. The fees that remain are:*

-
- a) *Fee per plastic delineator \$15 per week*
 - b) *Fee per concrete delineator - \$3 per week*
 - c)
- 5.) *Directs that officers write to all traders with outdoor trading permits advising of the details of this resolution with regard to the waiving of outdoor dining fees for the 2021/22 financial year.*
6. *Directs officers to write to traders who currently utilise an enhanced outdoor trading area advising:*
- a) *Details of this resolution and offering traders the opportunity to apply for a permit to continue to utilise these areas subject to associated fees (outlined in point 4 above).*
 - b) *That permits to utilise these areas will only be approved where the conditions resolved upon by Council at the 25 May 2021 Council meeting namely points 9b), i. (with fees adjusted in line with this recommendation) and points 9b) ii – vii (inclusive), 10 and 11 are complied with.*
 - c) *Where a permit is not applied for, or a permit is not granted as the conditions referred to above in point 9b) cannot be met, the area must be decommissioned by 31 August 2021 and all trader improvements must be removed prior to this date.*

As mover of the motion, Cr James exercised his Right of Reply, during discussion on this item.

CARRIED

A Division was called.

For: Crs B Little, S James, P Klisaris, G Lake, N Luo, R Paterson, T Zographos

Against: S McCluskey, T Samardzija,

Abstain: Crs Fergeus, de Silva

9. **CONFIDENTIAL BUSINESS**

Moved Cr McCluskey

Seconded Cr Little

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

CARRIED

The meeting entered into Confidential Business at 8.37 pm.

RETURN TO OPEN COUNCIL

The Meeting returned to Open Council at 8.41 pm.

10. PERSONAL EXPLANATIONS

Nil

11. COUNCILLORS' REPORTS

Nil

The Mayor declared the meeting closed at 8.42 pm.



MAYOR:

DATED TUESDAY THE 27TH DAY OF JULY 2021