



CITY OF
MONASH

MINUTES OF THE
MEETING OF COUNCIL
HELD ON 13 DECEMBER 2022

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 13 DECEMBER 2022 AT 7.00 PM.**

PRESENT

Councillors T Samardzija (Mayor), N Luo (Deputy Mayor), A de Silva, J Fergeus, S James (arrived at 7:15pm), P Klisaris, G Lake, B Little (arrived at 7:15pm), S McCluskey, R Paterson, T Zographos

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

Cr G Lake declared a general conflict of interest for item 1.2 of the agenda.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 25 OCTOBER 2022

Moved Cr S McCluskey

Seconded Cr N Luo

That the minutes of the Meeting of the Council held on 25 October 2022, be taken as read and confirmed.

CARRIED

CONFIRMATION OF MINUTES OF THE ADDITIONAL COUNCIL MEETING HELD ON 14 NOVEMBER 2022

Moved Cr N Luo

Seconded Cr S McCluskey

That the minutes of the Additional Meeting of the Council held on 14 November 2022, be taken as read and confirmed.

CARRIED

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 29 NOVEMBER 2022

Moved Cr S McCluskey

Seconded Cr N Luo

That the minutes of the Meeting of the Council held on 29 November 2022, be taken as read and confirmed.

CARRIED

CONFIRMATION OF MINUTES OF THE ADDITIONAL COUNCIL MEETING HELD ON 6 DECEMBER 2022

Moved Cr P Klisaris

Seconded Cr N Luo

That the minutes of the Additional Meeting of the Council held on 6 December 2022, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil.

PUBLIC QUESTION TIME

The Mayor advised that five questions had been received.

Cr B Little and Cr S James joined the meeting at 7:15pm.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Moved Cr S McCluskey

Seconded Cr N Luo

That the report containing the Town Planning Schedules be noted.

CARRIED

1.2 1221-1249 Centre Road, Oakleigh South – Use and development of the land for preloading of earth and construction of buildings and works (temporary landfill gas venting trench) and alteration of access to a transport zone

Cr G Lake left the meeting at 7.21pm.

Moved Cr N Luo

Seconded Cr S McCluskey

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53179) for the use and development of the land for the preloading of earth and construction of buildings and works (temporary landfill gas venting trench) and alteration of access to a Transport Zone 2, at 1221-1249 Centre Road, Oakleigh South 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 are to be generally in accordance with the plans prepared by Tetra Tech Coffey dated 11 October 2021, contained within the Domain 1 Preload Design Report prepared by Tetra Tech Coffey, dated November 2021 and the Site Environmental Management Plan prepared by Verve dated 28 September 2021 but modified to show:
 - a) The location and height of the proposed silt fencing to be shown on sectional diagrams prepared by Tetra Tech Coffey.*
 - b) The location and minimum setbacks of the proposed swale drain to adjoining properties and identified on sectional diagrams on the plans prepared by Tetra Tech Coffey.*
 - c) The location of the crest of the sand quarry pits in relation to the property boundaries to be shown on the Site Environmental Management Plan prepared by Verve, dated 28 September 2021;*
 - d) Clarification of the level of compaction and target densities of the preload stockpiles to be documented to ensure the stability of the stockpile slopes around the perimeter of the site to be provided in the Preload Design Report prepared by Tetra Tech Coffey.*
 - e) Confirmation of the level of compaction of any existing fill underlying the perimeter slopes of the pre load stockpiles to be provided in the Preload Design Report prepared by Tetra Tech Coffey.*
 - f) A Storm Water Management Plan in accordance with Condition 4 of this Permit.**

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, except for minor alterations to the design and alignment of the trench (maximum of 1 metre deviation). Any alteration must be approved by the Environmental Auditor.*

Endorsed documents forming part of this permit include:

- **Plans prepared by Tetra Tech Coffey;**
- **Preload layout and trench detail plans prepared by Tetra Tech Coffey;**
- **Workplan For Zone 1 Temporary Boundary Venting Measures prepared by Tetra Tech Coffey dated 11 November 2021;**
- **Domain 1 Preload Design Report prepared by Tetra Tech Coffey;**
- **Site Environmental Management Plan prepared by Verve;**
- **Construction and Environmental Management Plan;**
- **Traffic Management Plan prepared by Cardno dated 29 September 2021.**
- **Tree Removal Plan prepared by Tetra Tech Coffey dated November 2021.**
- **Storm Water Management Plan per Condition 1.**
- **Construction Management Plan per Condition 34.**

Including any amendments which would supersede any earlier plan or document.

Construction Environmental Management Plan

3. **Prior to the commencement of works, an amended Construction Environmental Management Plan must be submitted and approved by the Responsible Authority. The Plan must include the recommendations as identified within the Construction Environmental Management Plan prepared by Coffey Environments Australia dated May 2020, but also include the following:**

Dust management:

- **Requirement that pre-load stockpiles must be vegetated, or other appropriate method (such as soil binder) for the top surface of the stockpile as soon as reasonably practicable following placement to assist in dust management.**
- **Include definitive requirements for when dust monitoring must be conducted.**
- **Include definitive weather conditions and observations that require works to cease, e.g. wind speeds >40 kmph / visible movement of dust off-site.**

Noise and Vibration Management:

- **Detail the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard1 (ERS), the requirements of EPA Publication 1834 Civil construction, building and demolition guide (November 2020).**
- **Include methods for controlling noise and vibration at the source.**
- **Develop a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken when.**
- **Develop a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.**

The updated Construction Environmental Management Plan is to be verified by the appointed environmental auditor and this verification provided in writing to the Responsible Authority

Stormwater Management Plan

4. **Prior to the commencement of works, a Stormwater Management Plan must be prepared by the principal contractor to manage stormwater quality, site drainage**

and including any water and silt run off during construction and during the presence of stockpiles. The plan must demonstrate that all stormwater discharge and water and/or silt run off is to be controlled within the site and this plan is to be submitted and approved by the Responsible Authority.

- 5. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into adjoining properties, Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.*
- 6. The stormwater drainage system is to be inspected every month or after any rain event greater than 10 mm.*
- 7. Sediment collected by the sediment fence is to be removed and fences maintained and/or replaced to prevent the transportation of sediment to the stormwater system and adjoining properties.*
- 8. The silt fences should be inspected at the same time and cleaned if required in line with the manufacture's specification. Should there be any signs of a loss of integrity in sections of the silt fence, these should be replaced.*
- 9. Inspection and maintenance will be the ongoing responsibility of the Principal or delegated to the Principal Contractor.*

Vibration Management Plan

- 10. A Vibration Management Plan prepared to document specific vibration controls to be implemented during the works.*

Gas Venting Trench

- 11. The boundary venting system must be installed in accordance with the Coffey Workplan verified by the appointed environmental auditor or a revised workplan subsequently verified by the appointed environmental auditor.*
- 12. An appointed environmental auditor must be engaged to verify the installation and completion of the temporary boundary venting system.*
- 13. Designated hold points are to be enforced where construction of the trench as per the agreed design is not practicable to enable discussion and endorsement of the proposed design change from the auditor.*
- 14. During any pre-loading activities in Domain 1 (following construction of the trench), on-going landfill gas monitoring must be implemented in accordance with the auditor approved workplan or a revised plan verified by an appointed environmental auditor.*
- 15. Works conducted onsite during construction must comply with Victorian Occupational Health and Safety (OH&S) Regulations (2017). The Site Manager shall ensure appropriate OH&S measures are implemented and that all site personnel (including those employed / engaged by sub-contractors) are aware of all potential OH&S issues at the site.*
- 16. Monitoring for the presence of hazardous ground gases or a potentially explosive or oxygen deficient atmosphere using an LEL meter must be undertaken as part of any ground opening works. Existing gas monitoring infrastructure should be maintained during construction*

Stockpiling

- 17. The importation of any fill soils to the site must be in accordance with EPA Victoria legislative requirements, the CEMP (Coffey 2020) (as attached to the Statements*

to Environmental Audit) and associated Site Backfilling Protocol (Coffey 2015). Importation is subject to specific site criteria and must be approved prior to importation

- 18. The batter surfaces of the proposed pre-load surcharge stockpile must be vegetated (e.g. with grass seed) as soon as reasonably practicable to reduce further the potential for surface soils erosion. The top surface of the preload must be either vegetated or utilise another other appropriate method (such as a soil binder) to reduce potential for soil erosion.*
- 19. The height of the stockpiles shall be limited so that no part is higher than the RL heights shown on the Proposed Works Plan or the Preload Design report.*

Site Management

- 20. Contact details of the key site personnel on-site and the principal contacts for registration and resolution of complaints must be clearly displayed in a highly visible location external to the site at all times during the stockpiling works.*
- 21. All complaints received in relation to the works must be managed, addressed and resolved by the operator within 24 hours (or 48 hours in the case of the weekend) of receipt. Details of all complaints and the action taken by the operator in respect thereof shall be given forthwith to the Responsible Authority.*
- 22. Construction may operate only between the hours of:*
 - Monday to Friday, 7:00am-6:00pm.*
 - Saturday, 8:00am-12:00pm.*
 - No work permitted on Sunday or public holidays.**Unless the Responsible Authority gives consent in writing.*

- 23. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
- 24. At the immediate request of the Responsible Authority, the applicant must limit the scale of, or cease operations, which emit dust during windy days when dust levels are unacceptable.*
- 25. At the immediate request of the Responsible Authority, the applicant must arrange for the external cleaning of any adjacent properties unduly affected by dust from the works being undertaken. The cleaning works as requested by the Responsible Authority, are to be undertaken at full cost of the developer/operator.*
- 26. The applicant must ensure that vehicles leaving the site have clay and soil removed from their wheels before entering public roads. Street sweeping of roads surrounding the development is to be undertaken as requested by the Responsible Authority at full cost of the developer/operator.*
- 27. Sediment traps or similar, must be installed to prevent the transportation of sediment, litter and wastes oil, grease and detergents from vehicles to the stormwater system and adjoining properties. Sediment control measures are to be designed in consultation with and implemented to the satisfaction of City of Monash Engineering Division.*
- 28. The land must not be used as a waste transfer station or for refuse disposal.*
- 29. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

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30. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
 31. *Parking areas and access lanes must be kept available for these purposes at all times*
 32. *A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres*
 33. *The loading and unloading of goods from vehicles must only be carried out on the land.*
 34. *Vehicles under the control of the operator of the use or the operator's staff must not be parked on Centre Road, Huntingdale Road, Talbot Avenue, Sinclair Street, Alvina Street, Clarinda Road, Crawford Road, Eulinga Road, Elder Street, Scotsburn Avenue, Coonil Street, Hardy Court, Redpath Close, Kaybrook Court and Ashbrook Court.*

Construction Management Plan

35. *Prior to the commencement of any site works (including 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) *Construction program to be generally in accordance with the submitted "Construction Program Estimate & Sequence of Preload Earthworks and Venting Barrier Works"*
 - b) *Hours for construction activity in accordance with any other condition of this permit;*
 - c) *Appropriate measures to control noise, dust and water and sediment laden runoff;*
 - d) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - e) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
 - f) *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;*
 - g) *A program for the cleaning and maintaining surrounding road surfaces;*
 - h) *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;*
 - i) *Measures to provide for public Safety and site security;*
 - j) *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.*
 - k) *A Traffic Management Plan showing truck routes to and from the site;*

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- l) 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;*
 - m) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
 - n) The provision of contact details of key construction site staff;*
 - o) Noise and Vibration Management:*
 - Detail the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard1 (ERS), the requirements of EPA Publication 1834 Civil construction, building and demolition guide (November 2020).*
 - Include methods for controlling noise and vibration at the source.*
 - Develop a timetable of designated working hours highlighting what noise and vibration sensitive tasks can be undertaken when.*
 - Develop a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.*

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.

Acoustic Testing

- 36. At the request of the Responsible Authority, the owner or occupier must, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority. The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority. The frequency of this request will be at the discretion of the Responsible Authority.*
- 37. 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, from and within the land.*
 - b) through vehicle movements (including parking of trucks and reversing beepers etc) in any other way.*
 - c) appearance of any building, works or materials.*
 - d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
 - e) presence of vermin.*

At the immediate request of the Responsible Authority the owner must take action to respond to amenity and nuisance issues raises by the Responsible Authority including suspending operations upon request.

Stormwater Drainage

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- 38. The site must be drained to the satisfaction of the Responsible Authority. All stormwater and water run off from the site must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.**

Department of Transport Conditions (ref PPR:37852/21)

- 39. Prior to the commencement of works, the crossover and driveway on Huntingdale Road are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 40. No right-turn movements into or out of the site by heavy vehicles are permitted between the hours of 6.00am-9.30am and 3.30pm-7.00pm on weekdays.**
- 41. No heavy vehicles associated with the works are permitted to be stopped/parked on Huntingdale Road.**
- 42. Prior to the commencement of works, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.**
- 43. Vehicles must enter and exit the site in a forward direction at all times.**

Completion of Buildings and Works

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

Removal of works

- 45. At the end of the settlement/surcharge or within 5 years from the date of this permit, whichever occurs earlier all the preload fill material is to be removed from Domain 1 to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.**

Permit Expiry

- 46. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:**
- (i) The development and us is not started before 2 years from the date of issue.**
 - (ii) The development is not completed before 4 years from the date of issue.**
- In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or**
- (iii) within six (6) months afterwards if the development has not commenced; or**
 - (iv) within twelve (12) months afterwards if the development has not been completed.**

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

Permit Notes

- A. Building approval may be required to be obtained prior to the commencement of the above 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 request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.**

Department of Transport Note:

- D. The proposed development requires works within the arterial road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works: mse_workswithinroadreserve@roads.vic.gov.au.**

CARRIED

Cr G Lake returned to the meeting at 7.22pm.

1.3 Monash Boulevards – Feedback from Stage 2 Consultation and Adoption of UDF

Moved Cr P Klisaris

Seconded Cr B Little

That Council:

- 1. Receives and notes the community feedback made in response to the community consultation that occurred in July / August 2022 on the Draft Monash Boulevard Urban Design Framework.**
- 2. Notes the Officer's response and recommendations to submissions as outlined in this report and in Attachment 1 (Consultation Report).**
- 3. Endorses the changes proposed to the Draft Boulevard Urban Design Framework as set out in this report.**
- 4. Adopts the amended Monash Boulevard Urban Design Framework in accordance with the proposed changes set out in this report and appended as Attachment 2 (Finalised BUDF)**
- 5. Notes that if adopted, a report will be presented to a future Council meeting to consider the changes required to the Monash Planning Scheme to implement the BUDF.**

CARRIED

1.4 Carpark Adjoining 12 to 22 Atherton Road, 13 Chester Street, 6 Station Street and 2 to 4 Station Street, Oakleigh

Moved Cr R Paterson

Seconded Cr J Fergeus

That Council:

- 1. Acting under section 204(1) of the Local Government Act 1989 (Vic) ("the Act") resolves to commence the statutory procedures to declare the whole of the land identified as Road R1 on plan of subdivision LP55139 in certificate of title volume 8389 folio 645 ("Road"), shown shaded in Attachment 1 to this report, to be a public highway for the purposes of the Act ("the Proposal").***
- 2. In accordance with section 207A of the Act, pursuant to section 223 of the Act directs that public notice of the Proposal is given by:***
 - a. publishing the notice in a daily newspaper and on Council's website; and***
 - b. providing a copy of the public notice to all adjoining property owners, from 14 November 2022, inviting submissions on the Proposal.***
- 3. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Proposal.***
- 4. Appoints a Committee of Council, comprising of the Mayor and Oakleigh Ward Councillors, to meet to consider the submissions received by the closing date for submissions specified in the public notice referred to in item 2 above, and to hear and consider any submitters requesting to be heard in accordance with section 223 of the Act at 6:00pm on 14 February 2023 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley, or such other date and time determined by the Chief Executive Officer or her delegate.***
- 5. Notes that, following the meeting referred to in point 4 above and consideration of any submissions, the Committee of Council will provide a report to Council on its proceedings, including a summary of the submissions and the hearing of any submitters, to inform Council's decision on whether or not to proceed with the Proposal.***

A division was called.

DIVISION

For: Councillors A de Silva, B Little, P Klisaris

Against: Councillors J Fergeus, T Samardzija, R Paterson, S James, G Lake, N Luo, S McCluskey, T Zographos

LOST

ALTERNATIVE RECOMMENDATION

Moved Cr S James

Seconded Cr R Paterson

That Council:

- 1. Notes that since the matter was deferred at the October 2022 Council meeting, discussions have occurred between Council officers and Landjimea to reach an equitable arrangement for access to the carpark which is mutually beneficial to all parties.***
- 2. Notes that agreement between Council and Landjimea has been reached on a parking management agreement , which, amongst other matters includes:***
 - a. Allocation of seven spaces for use by Landjimea and the remaining four spaces to be provided for the use of other businesses abutting the carpark (1 carspace each)***
 - b. Spaces individually marked, numbered, and allocated with open access to the car park being maintained at all times***
 - c. Council to patrol and maintain the car park (signage and linemarking)***
 - d. The agreement to remain in place for a period of 10 years, with an option to extend for a further five years, and the ability for it to be ended by mutual agreement or by giving of 12 months' notice***
- 3. Endorse officers entering into a parking management agreement with Landjimea including informing adjoining businesses and landowners of the new arrangements for the car park, with the new arrangements to be implemented as soon as possible.***

The alternative recommendation was put to the vote and declared carried.

CARRIED

2. COMMUNITY SERVICES

2.1 Melbourne East Regional Sport and Recreation Strategy

Moved Cr S McCluskey

Seconded Cr T Samardzija

That Council endorse the Melbourne East Regional Sport and Recreation Strategy 2022-2023.

CARRIED

2.2 Clayton Activity Centre Special Rate and Charge

Moved Cr T Zographos

Seconded Cr J Fergeus

That:

1. Council notes that:

- a) *The Clayton Traders Association (CTA) has been canvassing traders in the Clayton Activity Centre on the proposal for a Special Rate and Charge Scheme (Clayton Activity Centre Special Levy) since March 2022.*
- b) *Trading conditions, COVID-19 impacts and initial SRLA works have made consultation and contacting business owners difficult which may have contributed to the low level of trader engagement.*
- c) *The CTA has had some difficulty in contacting business and landowners and has not obtained written support from a majority of traders for the proposal.*
- d) *The information submitted by the CTA does not show either majority support or majority opposition to the introduction of the Clayton Activity Centre Special Levy.*
- e) *The CTA consultants' interpretation of the "no response" and "awaiting response" as "support" potentially overstates the actual level of trader support for the proposed Special Levy and introduces a further element of risk of failure of the proposal should Council proceed to formal notice of the proposed Clayton Activity Centre Special Levy.*
- f) *The officer assessment of the responses to the CTA consultation process shows approximately 33% confirmed support, 7% not supporting and 61% either no response or vacant.*
- g) *Given the relatively low level of response indicating an objection to the proposed Clayton Activity Centre Special Levy and the difficulties experienced by the CTA in undertaking consultation and obtaining feedback, although not without risk, there is some merit in undertaking a formal consultation process under the Local Government Act 1989.*

2. Council resolves to give Notice of its Intention to Declare a Special Rate and Charge for the Clayton Activity Centre, commencing 1 March 2023.

3. The following matters constitute the proposed declaration:

- a) *The Clayton Activity Centre Special Rate and Charge (Clayton Activity Centre Special Levy) will be declared for the purpose of defraying marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the Clayton Activity Centre.*
- b) *In declaring the Clayton Activity Centre Special Levy, Council will be performing functions of:*
 - i. *encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Clayton Activity Centre; and*
 - ii. *providing good governance in its municipal district for the benefit and well-being of the municipal community.*
- c) *The total cost of performing the function and amount of the Clayton Activity Centre Special Levy to be levied is approximately \$125,370 per annum, equating*

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- to a total amount of approximately \$626,850 over a period of 5 years, exclusive of any CPI and CIV adjustments as outlined in points g), h) & i) below, and such other amount as is lawfully levied as a consequence of the declaration.*
- d) The Clayton Activity Centre Special Levy is to commence on 1 March 2023 and continue for a period of 5 years to 29 February 2028.*
- e) The Clayton Activity Centre Special Levy will apply to all rateable land primarily used or adapted or designed to be used for retail, commercial or entertainment purposes, being the following land at ground level and above ground level:*
- i. 276 to 366 Clayton Road, Clayton*
 - ii. 317 to 409 Clayton Road, Clayton*
 - iii. 125 to 151 Carinish Road, Clayton*
 - iv. 384 to 390 Haughton Road, Clayton*
 - v. 35 to 45 and 18 Dunstan Street, Clayton*
 - vi. 1389 to 1395 Centre Road, Clayton*
 - vii. 2 Cooke Street, Clayton.*
- f) The criteria which forms the basis of the Clayton Activity Centre Special Levy is the ownership of the land described in the area set out above.*
- g) The Clayton Activity Centre Special Levy is to be assessed and levied at 0.0004 of the Capital Improved Value (CIV) of the subject property as at the date of declaration, or as a fixed Special Charge of \$200, per annum, whichever is greater, with the first period being a part year pro rata from 1 March 2023 to 30 June 2023, and the final year pro rata from 1 July 2027 to 29 February 2028.*
- h) The CIV of each property to which the Clayton Activity Centre Special Levy will apply is the CIV applicable to it at the time of levying the Clayton Activity Centre Special Levy for the first year, and then as at 1 July in each subsequent year of the Scheme, noting that the CIV may change in the period during which the Clayton Activity Centre Special Levy is in force, reflecting any revaluations and supplementary valuations which take place.*
- i) The Clayton Activity Centre Special Levy will be adjusted each year by an amount equal to the March Quarter Consumer Price Index (CPI) as published prior to the annual Clayton Activity Centre Special Levy renewal at 1 July for each year of the Scheme, with the first adjustment to be made on 1 July 2024.*
- j) Council considers that there will be a special benefit to persons required to pay the Clayton Activity Centre Special Levy because the viability of the Clayton Activity Centre will be enhanced through increased commerce and business activity.*
- k) Council determines that the estimated proportion of the total benefits of the Clayton Activity Centre Special Levy (including all special benefits and community benefits) that will accrue as special benefits to all the persons who are liable to pay the Clayton Activity Centre Special Levy is in a ratio of 1:1 (or 100%) on the basis that, in the opinion of Council, the community benefit is nil because expenditure of the Clayton Activity Centre Special Levy is marketing, management and business development related and will accordingly only benefit the owners and occupiers of those properties included in the Clayton Activity Centre Special Levy Scheme.*
- l) The Clayton Activity Centre Special Levy will be levied by sending notices to the persons liable to pay it and payments are to be made either in four instalments*

or a lump sum, in accordance with Council's general rate collection process and the Local Government Act 1989.

- 4. Council's Chief Executive Officer be authorised to give public notice of the proposed declaration of the Clayton Activity Centre Special Levy, in accordance with sections 163 and 223 of the Local Government Act 1989.*
- 5. Council appoints a Committee of Council comprising of the Mayor and Oakleigh Ward Councillors to meet to consider the outcome of the public notice referred to in point 4 above, and to consider any submissions and hear any submitters requesting to be heard in accordance with Section 223 of the Local Government Act 1989, at 6.30pm on 14 February 2023 at the Monash City Council Civic Centre, 293 Springvale Road, Glen Waverley, or at such later time and date as the Chief Executive Officer may determine.*
- 6. Council will consider the Committee of Council's report on its proceedings and a summary of hearings and determine whether to Declare the Clayton Activity Centre Special Levy at its Ordinary Meeting on 28 February 2023, or at such later date and time as the Chief Executive Officer may determine.*
- 7. The proceeds of the Clayton Activity Centre Special Levy be expended on activities and programs which -
 - a) provide incentives to shop and do business within the Clayton Activity Centre;*
 - b) strategically plan the fostering of business growth within the Clayton Activity Centre;*
 - c) enhance customer service, pride and excellence in business within the Clayton Activity Centre; and*
 - d) improve the commercial viability of the Clayton Activity Centre.**

CARRIED

2.3 Advisory Committees Annual Reports

Moved Cr S McCluskey

Seconded Cr N Luo

That Council:

- 1. Notes the activities of the Advisory Committees identified in this report, during 2022, and thanks all members for their time and contributions.*
- 2. Notes the resignation of the following representatives and thanks them for their valuable contribution:
 - Mr Jacob Biviano, Ms Jazzy Howlett, Ms Stacey Rindel, Mr Justin Leung, Ms Misha Kasinathan, Ms Evonne Lu, Mr Siddhant Tandon and Ms Maria Saribalas as members from the Monash Youth Committee.*
 - Harini Guddanti, Susan Rees, Marian Jacobs from the Disability Advisory Committee.*
 - Andrea Whitty from the Positive Ageing Reference Group and the sad passing of Betty Wilderman from the Positive Ageing Reference Group.*
 - Caitlin Frost as member of the LGBTIQA+ advisory committee**
- 3. Endorses the appointment of:
 - Selliah Nalliah, Pam Brown, Udesch Kumar, Robert Taylor and Ian Bjorkman to the Positive Ageing Reference Group.**

-
- *Ms Bella Young, Ms Eva Mohan, Ms Khai Chan, Ms Lavanya Sharma, Mr Kasiban Sutharsan, Mr Ari Stidistsoulakos, Ms Serene Karunaratne and Mr Heerag Khan to the Monash Youth Committee.*

CARRIED

Cr S McCluskey left the meeting at 7:29pm.

2.4 Draft Monash Reconciliation Action Plan 2023

Moved Cr J Fergeus

Seconded Cr R Paterson

That Council:

- 1. Notes the community feedback received on the draft Monash Innovate Reconciliation Action Plan 2023 in the attachment.*
- 2. Endorses the Innovate Reconciliation Action Plan 2023 and its submission to Reconciliation Australia for final approval.*

CARRIED

2.5 Monash Gallery of Art Membership Program Fee Structure

Moved Cr T Samardzija

Seconded Cr N Luo

That:

Council approves the recommend membership fee structure for the Monash Gallery of Art Membership program as outlined in this report, to take effect as of March 2023.

CARRIED

3. CORPORATE SERVICES

3.1 Appeal under the Cultural and Recreational Lands Act 1963 – Riversdale Golf Club Annual Charge 2020/21

Moved Cr P Klisaris

Seconded Cr B Little

That Council

Write to the Riversdale Golf Club advising that Council will comply with the Minister’s determination regarding the refund of part of the 2020/21 CRL charge, however also advise that Council will stand by the provisions of the current CRLA policy, which takes into consideration:

- *The amount of the charge “having regard to the services provided” and,*
- *The amount of the “Community Benefit provided by the land”.*

CARRIED

4. CITY SERVICES

4.1 Councillors' Meeting Records

Moved Cr T Zographos

Seconded Cr N Luo

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

CARRIED

Cr S McCluskey returned to the meeting at 7:31pm.

4.2 Complaints Policy Update

Moved Cr B Little

Seconded Cr S James

That Council adopt the updated Complaints Policy provided as an attachment to this report.

CARRIED

4.3 Tender for Supply of Energy Efficient Street Lighting Hardware and Installation Services

Moved Cr S McCluskey

Seconded Cr A de Silva

That Council:

- 1. Approves access to the Municipal Association of Victoria, Contract SL3911-2022 - Energy Efficient Street Lighting Hardware and Installation Services under Council Contract No. 2023108 for a schedule of rates-based contract with an estimated contract value of \$2,860,000 for the initial term and an estimated total contract value of \$3,960,000 inclusive of all available extension options;*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*
- 3. Notes that the contract initial term ends on 31 October 2025 and the contract also has two (2) extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to the Municipal Association of Victoria extension approval and satisfactory performance for the City of Monash; and*
- 4. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.*

**All dollar figures are GST Inclusive unless stated otherwise.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Tender for Translating and Interpreting Services

Moved Cr P Klisaris

Seconded Cr S McCluskey

That Council:

- 1. Awards the tender from Translationz Pty Ltd and Etranslate to form a panel of providers for a schedule of rates based contract for Part A: Translating Services with an estimated contract value of \$365,000 for the initial term and an estimated total contract value of \$511,000 inclusive of all available extension options;*
- 2. Awards the tender from Translationz Pty Ltd for a schedule of rates based contract for Part B: Interpreting Services with an estimated contract value of \$94,095 for the initial term and an estimated total contract value of \$131,733 inclusive of all available extension options;*
- 3. Authorises the Chief Executive Officer or her delegate to execute the contract agreement;*
- 4. Notes that the contract will commence on 14 December 2022, with an initial term of five years and the contract has two extension options of one years each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance;*
- 5. Notes that while the new contract will commence 14 December 2022, the current multilingual phone line provided by LanguageLoop will continue to operate, allowing for the new multilingual phone line to be set up. Following the transitional period, a commencement date for the new phone system will go live in February; and*
- 6. Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.*

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

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications

Moved Cr T Samardzija

Seconded Cr S McCluskey

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

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>4Ever Friends Association Inc.</i>	<i>Seniors Club Christmas Party held at the Southern Community Centre.</i>	<i>\$250.00</i>

CARRIED

6.2 Banning Fossil Fuel Advertising on Council Land

Moved Cr J Fergeus

Seconded Cr A de Silva

That Council:

- 1. Not support the advertising relating to the production, mining or sale of coal, oil or gas on Council property, consistent with the overarching goal of the Zero Net Carbon Action Plan;*
- 2. Request that Officers formally integrate this position into Council's policy suite noting that the energy distribution sector is not in scope; and*
- 3. Report back to Council on progress made by the May 2023 meeting of Council.*

A division was called.

DIVISION

For: Councillors A de Silva, J Fergeus, R Paterson

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

LOST

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

Cr S James sought to clarify his comments made about item 6.2 'Banning Fossil Fuel Advertising on Council Land'. He sought to clarify that his comments on this motion were for this motion only and not related to any other previous motions on climate change action.

11. COUNCILLORS' REPORTS

Cr S James wished colleagues and the community a Merry Christmas and a Happy New Year. He acknowledged it has been a big year, particularly in relation to the change to the waste collection service.

Cr S McCluskey shared with Council and the community an event that occurred where a truck driver had a health issue. Monash resident, Alex Vivic, assisted by stopping the moving truck and performing CPR. Cr S McCluskey highlighted the Royal Humane Society of Australasia provided Alex with a letter of commendation for his bravery and courage. Cr S McCluskey commended Alex for his actions.

The Mayor declared the meeting closed at 7.54pm.



MAYOR:

DATED 31 January 2023