



CITY OF
MONASH

**MINUTES OF THE MEETING OF
COUNCIL
HELD ON 25 OCTOBER 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 25 OCTOBER 2022 AT 7.00 PM.**

PRESENT

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

APOLOGIES

Councillor A de Silva

DISCLOSURES OF INTEREST

Cr Fergeus declared a material conflict of interest for Item 1.1 of the agenda.

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 27 SEPTEMBER 2022

Moved Cr Zographos

Seconded Cr Luo

That the minutes of the Meeting of the Council held on 27 September 2022, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PETITION

Moved Cr S James

Seconded Cr T Samardzija

The Mayor, Cr James tabled a petition of 500 signatures from Matt Fregon MP which is in response to Off Leash Dog Parks consultation.

CARRIED

PUBLIC QUESTION TIME

The Mayor advised that two questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Town Planning Schedules

Cr Fergeus left the chamber at 7.15pm.

Moved Cr T Samardzija

Seconded Cr T Zographos

That the report containing the Town Planning Schedules be noted.

CARRIED

Cr Fergeus returned to the chamber at 7.16pm.

1.2 1-5 Bogong Avenue, Glen Waverley

Part Demolition And Construction Of Buildings And Works To An Existing Car Parking Facility (Additional Four Levels) And Display Of Electronic Signage (Tpa/54087)

Moved Cr N Lou

Seconded Cr T Samardzija

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/54087) for part demolition and construction of buildings and works to an existing car parking facility (additional four levels) and display of electronic signage, at 1-5 Bogong Avenue, Glen Waverley 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 Katz Architecture , dated 9 August 2022 (Revision A) but modified to show:*
 - a) *The location of any substation or electricity meter boxes required by the power company for this development. Any substation must be incorporated within the building to ensure minimal impact on the visual amenity of the public realm;*
 - b) *Clarification that the canopy structure will be set back at least 0.75m from the edge of the kerb line to avoid vehicle damage;*
 - c) *The porosity of the cladding to be a minimum of 20 to 40% to ensure no adverse wind impacts;*

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- d) *Details of the Bogong Moth Imagery proposed within the perforated metal façade;*
 - e) *All identified existing and proposed small car spaces to include clear signage for patrons;*
 - f) *Detail of all electronic parking signage to the Bogong Avenue façade including above the western entry point Provision for "Give Way" signage (line-marking) at all vehicle access points as vehicles leave the site.*
 - g) *Relocation of fire hose and reels and associated structures at Levels 4 to 7 to avoid reduction of the access aisle widths to the satisfaction of the Responsible Authority.*
 - h) *Line marking to be provided to spaces north of the stairwell (ST02) on Level 6.*
 - i) *The roof area is to be connected to the rain water tank and used for irrigation associated with landscaping;*
 - j) *The size of the water tank and capacity/size of the solar PV system;*
 - k) *All excavation and footing details in accordance with the Engineering Report required by SRLA Condition 19;*
 - l) *Excavation depths to be shown at Australian Height Datum (AHD) on floor plans and elevations;*
 - m) *Foundations and footing designs of all buildings, structures and retaining walls;*
 - n) *A Landscape Plan in accordance with Condition 3;*
 - o) *A Tree Management Plan in accordance with Condition 4.*
 - p) *A Sustainable Management Plan in accordance with Condition 5.*
- All to the satisfaction of the Responsible Authority.*

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 Concept Plan prepared by Michael Smith and Associates, dated 1 July 2022 (Revision A) except that the plan must be modified to show:*
 - a) *The location and size of the proposed water tank;*
 - b) *Planting along the northern boundary to be a non-invasive root system species;*
 - c) *A notation that the water tank is to be used for irrigation associated with*

maintenance of landscaping; and

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

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.

Tree Management Plan

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

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

a) A Tree Protection Plan drawn to scale that shows:

- I. Tree protection zones and structural root zones of all trees to be retained,**
- II. All tree protection fenced off areas and areas where ground protection systems will be used;**
- III. The type of footings within any tree protection zones;**
- IV. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and**
- V. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.**

b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.

c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and

d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

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

Sustainable Management Plan

5. *Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the SMP prepared by Compass Dated 25 July 2022, except that the plan must be modified to show:*

- a) The roof area is to be connected to the water tank;*
- b) Details of the water demands that will be met from the rainwater tank;*
- c) Details of any water sensitive design initiatives within the landscaping and surrounding paved areas;*
- d) Performance of Water Sensitive Urban Design initiatives to be modelled using STORM Assessment;*
- e) 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.

Wind Impact Assessment

6. *The provisions, recommendations and requirements of the endorsed Wind Assessment Report prepared by Vipac dated 11 October 2022 must be implemented and complied with to the satisfaction of the Responsible Authority.*

Construction Management Plan

7. *Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. The Plan must also be submitted to the satisfaction of the Suburban Rail Loop 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:*

Component of the plan relevant to Suburban Rail Loop Authority:

- a) the demolition and construction program;*
- b) any demolition, excavation or construction mitigation measures identified in the Engineering Report (or approved in accordance with Condition SC3 (Engineering Report));*
- c) preferred arrangement for trucks delivering to the land, including delivery and unloading and expected duration and frequency;*
- d) protection of infrastructure to ensure Suburban Rail Loop East and associated infrastructure is not damaged during demolition or construction;*
- e) an outline of requests to occupy public footpaths or roads, Suburban Rail Loop Authority area land or anticipated disruptions to local services;*

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- f) *management of drainage, effluent, material stockpiles, fencing and hoardings to ensure Suburban Rail Loop Authority area land or Suburban Rail Loop East and associated infrastructure is not used for, or impacted by these activities;*
 - g) *measures to ensure that all works on the land will be carried out in accordance with the Demolition and Construction Management Plan;*

Other requirements of the Construction Management Plan:

- h) *Appropriate measures to control noise, dust and water and sediment laden runoff;*
- i) *Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- j) *Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;*
- k) *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;*
- l) *A program for the cleaning and maintaining surrounding road surfaces;*
- m) *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;*
- n) *Measures to provide for public safety and site security;*
- o) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
- p) *A Traffic Management Plan showing truck routes to and from the site;*
- q) *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;*
- r) *Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;*
- s) *The provision of contact details of key construction site staff; and*
- t) *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.

Car Parking and Driveways to be Constructed

8. *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.

Lighting of carpark and accessways

9. *Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.*

Amenity of Area

10. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and*
 - d) *presence of vermin.*

To the satisfaction of the Responsible Authority.

Ongoing Architect Involvement

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

Plant / Equipment or features on roof

- 12. 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.***

Lopping of Vegetation

- 13. The lopping of vegetation permitted shall be done in such a way that the health, appearance or significance of the vegetation which is required to be retained is not affected.***

Drainage and Stormwater

- 14. The site must be drained to the satisfaction of the Responsible Authority.***
- 15. 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.***
- 16. 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.***
- 17. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.***
- 18. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.***

Suburban Rail Loop Conditions (SCO15/2022/11)

- 19. Unless otherwise agreed in writing with the Suburban Rail Loop Authority, before the development starts (including demolition and excavation) and before the submission of plans under Condition 1 (Amended Plans), an Engineering Report from a suitably qualified engineer must be submitted to and approved by the Suburban Rail Loop Authority. The report must outline the design, management and construction techniques to be implemented prior, during and following construction to prevent any impact on Suburban Rail Loop East and associated infrastructure. Once approved, the Engineering Report will form part of the planning permit. All relevant structural and geotechnical issues must be considered and the report must demonstrate the following:***
- a) That the building footings will not compromise the structural integrity of, or damage or displace Suburban Rail Loop East and associated infrastructure. In this case, demonstrating that the increase in unfactored loading from the footings at RL 104.2 m AHD beneath the western area of the building does not exceed 50 kPa would be considered to satisfy this requirement (unloading from basement excavations should not be included in this assessment);***

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- b) That the development and construction methods will appropriately manage and mitigate any impacts from construction vibration on the Suburban Rail Loop East and associated infrastructure.*
- 20. All design, excavation and construction must be undertaken in accordance with the Engineering Report approved under Condition 19 (Engineering Report), unless alterations or modifications are approved in writing by the Suburban Rail Loop Authority.*
- 21. Where any alterations or modifications to the plans endorsed under Condition 1 (Amended Plans) are not consistent with the Engineering Report prepared in accordance with Condition 19 (Engineering Report), the prior written consent of the Suburban Rail Loop Authority must be obtained.*
- 22. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to the Suburban Rail Loop Authority.*
- 23. Unless otherwise agreed in writing with the Suburban Rail Loop Authority, the permit holder must ensure that no Suburban Rail Loop East infrastructure, assets or services are damaged or altered as a result of the development. Any damage must be rectified to the satisfaction of the Suburban Rail Loop Authority, at the full cost of the permit holder.*
- 24. Unless otherwise agreed in writing, the permit holder must give Suburban Rail Loop Authority at least 10 business days' notice of the expected date of commencement.*

Signs

- 25. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
- 26. All signs must be located wholly within the boundary of the land.*
- 27. The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.*
- 28. The sign must not:*
- a) Dazzle or distract drivers due to its colouring;*
 - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;*
 - c) Be able to be mistaken as an instruction to drivers.*
- To the satisfaction of the Responsible Authority.*
- 29. The sign must not obstruct the view of motorists, obscure traffic signals or constitute a road safety hazard in any way.*

Satisfactory Continuation and Completion

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

Time for Starting and Completion

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

- a) The development is not started before 4 years from the date of issue.***
- b) The development is not completed before 6 years from the date of issue.***

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- (i) within six (6) months afterwards if the 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.

Permit to Expire (Signage)

32. The approved sign(s) of this Permit will expire 15 years from the date of issue of this permit.

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. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.***

SRLA Permit Notes

- A. Any boreholes, geotechnical investigations or intrusive ground investigations must be first approved in writing by Suburban Rail Loop Authority. Any submission to Suburban Rail Loop Authority for approval must include, to the satisfaction of Suburban Rail Loop Authority, details of their location and depth, and the methods and management processes that will be adopted to avoid impacts to the Suburban Rail Loop structures.***

All boreholes must be backfilled to the satisfaction of Suburban Rail Loop Authority using a grout bentonite mix (3% bentonite) or satisfactory equivalent and in accordance with Southern Rural Water (SRW) licence conditions.

- B. Please contact the Suburban Rail Loop Authority on 1800 105 105 or infrastructure.protection@srla.vic.gov.au when 'as-constructed' details of the building's footings (and if piled, the piling records) are available, to ensure they are considered as part of the detailed design of SRL East.***
- C. Should the development be constructed at the same time as SRL East (in this area), communication between the permit holder and the Suburban Rail Loop***

Authority is critical to coordinate the logistics of both projects. Please contact the Suburban Rail Loop Authority on 1800 105 105 or infrastructure.protection@srla.vic.gov.au

CARRIED

1.3 Chester Street, Oakleigh – Pedestrian Safety Improvements

Moved Cr S James

Seconded Cr N Luo

That Council:

- 1. Notes the findings regarding options to enhance the amenity and safety of pedestrians on Chester Street at Eaton Mall, as detailed in this report.*
- 2. Notes that the proposal for a shared zone in Chester Street does not satisfy Department of Transport (DoT) guidelines for traffic volume assessment.*
- 3. Notes that the installation of road humps on Chester Street between Hanover Street and Station Street this quarter will contribute to enhanced safety and amenity, which will be monitored post installation.*
- 4. Directs officers to make a grant application to the DoT for a 30km/h area trial study on Chester Street and the surrounding streets.*

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 B Little

Seconded Cr N Luo

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.***

LOST

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr James

That Cr Lake be granted 2 minutes extension.

CARRIED

ALTERNATIVE MOTION

Moved Cr Zographos

That Council commence a public engagement process.

There was no seconder and therefore the amendment was declared lapsed.

LAPSED

ALTERNATIVE MOTION

Moved Cr Zographos

Seconded Cr Klisaris

That Council defer this item until the December 2022 Council Meeting.

CARRIED

2. COMMUNITY SERVICES

2.1 2022/23 Monash Quick Response Grants Program Recipients

Moved Cr Little

Seconded Cr Luo

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 26 August – 14 September 2022 to a total of \$9,270.18.

CARRIED

2.2 Monash Arts And Culture Strategy 2025

Moved Cr Luo

Seconded Cr Samardzija

That Council adopt the Monash Arts and Culture Strategy 2025.

CARRIED

2.3 Draft Monash Reconciliation Action Plan 2023

Moved Cr James

Seconded Cr Fergeus

That Council endorse the draft Monash Innovate Reconciliation Action Plan 2023 for public consultation during November 2022.

CARRIED

2.4 Monash Community Grants Program Policy & Terms Of Reference

Moved Cr Luo

Seconded Cr Little

That Council:

- 1. Adopts the 2023/24 Monash Community Grants Program Policy, noting the service improvements; and*
- 2. Adopts the Terms of Reference for the 2023/24 Monash Community Grants Assessment Panel*

CARRIED

2.5 Clayton Activity Centre Special Rate And Charge

Moved Cr Zographos

Seconded Cr Luo

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 since March 2022.*
- b) Trading conditions, Covid 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 Special Rate and Charge.*
- e) The CTA consultant's interpretation of the "no response" and "awaiting response" as "support" potentially overstates the actual level of trader support for the proposed Special Rate and Charge and introduces a further element of risk of failure of the proposal should Council proceed to formal notice of the proposed Special Rate and Charge.*
- 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.*

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- g) Given the relatively low level of response indicating an objection to the proposed Special Rate and Charge 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 January 2023.*
- 3. The following matters constitute the proposed declaration:*
- a) The Clayton Activity Centre Special Rate and Charge 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 Rate and Charge, 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.*
- 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 maximum amount of the Clayton Activity Centre Special Rate and Charge to be levied is \$125,370 per annum, subject to any CPI or property valuation adjustment. This equates to a maximum of \$626,850 over a period of five years, exclusive of any CPI or other adjustments.*
- d) The Clayton Activity Centre Special Rate and Charge is to commence on 1 January 2023 and conclude on 31 December 2027.*
- e) The Clayton Activity Centre Special Rate and Charge 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*
- Please note that properties on the north-western side of the railway line on Clayton Road (299-315 Clayton Road) have been excluded from the plan as they are to be acquired by the Suburban Rail Loop Authority as part of the ongoing works there.*
- f) The criteria which forms the basis of the Clayton Activity Centre Special Rate and Charge is the ownership of the land described in the area set out above.*
- g) The Clayton Activity Centre Special Rate and Charge is to be assessed and levied on a 0.0004 percentage of the Capital Improved Value of the*

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- property, subject to a minimum charge of \$200, which may be increased by an amount equal to the Consumer Price Index each year.*
- h) Council considers that there will be a special benefit to persons required to pay the Clayton Activity Centre Special Rate and Charge because the viability of the Clayton Activity Centre will be enhanced through increased commerce and business activity.*
 - i) Council determines that the estimated proportion of the total benefits of the Clayton Activity Centre Special Rate and Charge Scheme (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 Rate and Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, the community benefit is nil because expenditure of the Clayton Activity Centre Special Rate and Charge 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 Rate and Charge Scheme.*
 - j) The Clayton Activity Centre Special Rate and Charge will be levied by sending notices to the persons liable to pay it. Payments are to be made either in four instalments or a lump sum, in accordance with Council's general rate collection process.*
- 4. Council's Chief Executive Officer be authorised to give public notice of the proposed declaration of the Clayton Activity Centre Special Rate and Charge, in accordance with section 163 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 6.00pm on 6 December 2022 at the Monash City Council Civic Centre, 293 Springvale Road, Glen Waverley.*
 - 6. The Notice of Intention to declare the Clayton Activity Centre Special Rate and Charge indicates that Council will consider the recommendation of the Committee of Council and determine whether to declare the Clayton Activity Centre Special Rate and Charge at its Ordinary Meeting on 13 December 2022.*
 - 7. The proceeds of the Clayton Activity Centre Special Rate and Charge 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

2.6 Special Charge Scheme For The Glen Waverley Activity Centre

Moved Cr J Fergeus

Seconded Cr N Luo

That:

1. *Council receives and notes the:*
 - a) *submissions received; and*
 - b) *Report from the Committee established by Council to hear submitters, in respect of the proposal to declare a Special Charge Scheme for the Glen Waverley Activity Centre, in accordance with section 223 of the Local Government Act 1989.*
2. *Declares the Glen Waverley Activity Centre Special Charge in accordance with section 163 of the Local Government Act 1989 as follows:*
 - a) *a Glen Waverley Activity Centre Special Charge be declared for a period of 5 years commencing on 1 July 2022 and concluding on 30 June 2027;*
 - b) *the Glen Waverley Activity Centre Special Charge 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 Glen Waverley Activity Centre, which:*
 - i. *Council considers is or will be of special benefit to those persons required to pay the Glen Waverley Activity Centre Special Charge;*
 - ii. *arises out of Council's functions of:*
 - A. *encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Glen Waverley Activity Centre; and*
 - B. *providing good governance in its municipal district for the benefit and wellbeing of the municipal community;*
 - c) *the Glen Waverley Activity Centre Special Charge 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. *5-113 Kingsway, Glen Waverley;*
 - ii. *2 – 110 Kingsway, Glen Waverley;*
 - iii. *295 Springvale Road, Glen Waverley;*
 - iv. *245-289 Springvale Road, Glen Waverley;*
 - v. *40-54 Montclair Avenue, Glen Waverley;*
 - vi. *161-193 Coleman Parade, Glen Waverley;*
 - vii. *15-77 Railway Parade North, Glen Waverley; and*
 - viii. *52-60 O'Sullivan Road, Glen Waverley;*
 - d) *the total cost of performing the function and the maximum amount of the Glen Waverley Activity Centre Special Charge to be levied is approximately \$107,750 per annum, equating to a maximum of approximately \$538,750 over a period of 5 years, exclusive of any CPI adjustments, or such other amount as is lawfully levied as a consequence of this Resolution;*
 - e) *there will be a special benefit to persons required to pay the Glen Waverley Activity Centre Special Charge because the viability of the Glen*

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- Waverley Activity Centre will be enhanced through increased commerce and business activity;*
- f) the benefit ratio, being the estimated proportion of the total benefits of the Glen Waverley Activity Centre Special Charge Scheme (including all special benefits and community benefits), that will accrue as special benefits to all the persons who are liable to pay the Glen Waverley Activity Centre Special Charge is in a ratio of 1:1 (or 100%), on the basis that the community benefit is nil;*
 - g) the criteria which forms the basis of the Glen Waverley Activity Centre Special Charge is the ownership of the land described in paragraph (2)(c) of this Resolution;*
 - h) the Glen Waverley Activity Centre Special Charge be assessed and levied on the following basis:
 - i. \$500.00 per annum for each rateable property comprising a single storey or ground floor premise; and*
 - ii. \$250 per annum for each rateable property comprising a 1st floor or higher premise,*to be increased by an amount equal to CPI each year; and*
 - i) the Glen Waverley Activity Centre Special Charge be levied by sending notices to the persons liable to pay it, with payments to be made either in four instalments or a lump sum, in accordance with Council's general rate collection process.*
- 3. Council's Chief Executive Officer be authorised to:**
- a) notify each person who made a submission or objection of Council's decision and reasons for the decision;*
 - b) write to the owners and occupiers of properties within the Glen Waverley Activity Centre Special Charge Scheme advising them of the decision embodied in this Resolution and associated appeal rights; and*
 - c) enter into an agreement with the Glen Waverley Traders Association in relation to expenditure of the Glen Waverley Activity Centre Special Charge Scheme proceeds.*

CARRIED

3. CORPORATE SERVICES

3.1 Audit And Risk Committee Minutes

Moved Cr T Samardzija

Seconded Cr B Little

That Council:

- 1. notes the unconfirmed minutes of the 8 September 2022 Audit and Risk Committee (the Committee); and*
- 2. notes that the minutes will be confirmed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

CARRIED

3.2 Audit And Risk Committee Membership – Reappointment Of Chair And Independent Member And Recruitment Of Second Independent Member

Moved Cr T Samardzija

Seconded Cr S McCluskey

That the Council:

- 1. Having noted that the first terms of independent Audit and Risk Committee chair, Mr Andrew Dix, and independent member, Mr John Watson, will expire in June 2023, and given their interest to continue in their respective positions, resolves to reappoint Mr Andrew Dix as Chair and Mr John Watson as an independent member of Council's Audit and Risk Committee for a 3 year period ending 30 June 2026;*
- 2. Having noted that the second and final term of independent member Council's Audit and Risk Committee, Ms Katie Baldwin, will conclude in June 2023 resolves to commence the recruitment and selection process for appointment of an independent member;*
- 3. Resolves that a public expression of interest process be undertaken to appoint the new independent member with the selection panel to comprise the current Chairperson, Mr Andrew Dix, and the two Councillor members (representatives of the Audit and Risk Committee as nominated during the annual process to decide on Council representatives on organisations and committees); and*
- 4. Receives a further report in 2023 from the selection panel regarding a recommendation for appointment of an independent member to the Committee.*

CARRIED

3.3 LGPRF Reporting For 2021/22 Financial Year

Moved Cr J Fergeus

Seconded Cr B Little

That Council endorses the results of the Local Government Performance Reporting Framework (LGPRF) for the 2021/2022 financial year.

CARRIED

4. CITY SERVICES

4.1 Record Of Committee Meetings And Informal Councillors' Meetings

Moved Cr B Little

Seconded Cr T Samardzija

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

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Monash Gallery Of Art Committee Of Management Annual Report 2021/22

Moved Cr S McCluskey

Seconded Cr N Luo

That Council:

- 1. Notes the 2021 – 2022 Annual Report presented by the Monash Gallery of Art Committee of Management.*
- 2. Acknowledges the leadership of the Committee of Management in the achievement of Monash Gallery of Art's strategic vision.*

CARRIED

5.2 Monash Council's 2021/22 Annual Report

Moved Cr S James

Seconded Cr T Zographos

That Council adopts the Annual Report for the 2021/22 year, in accordance with the Local Government Act 2020.

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Expenditure Fund Applications

Moved Cr S McCluskey

Seconded Cr N Luo

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
<i>Individual Applicant</i>	<i>The Individual Applicant has been chosen as an official player to represent Australia in Under-12 category division in "2022 Asian Youth Chess Championship" to be held at "Grand Inna Kuta Bali, Indonesia".</i>	<i>\$500.00</i>
<i>Individual Applicant</i>	<i>The individual applicant has been chosen to represent Victoria at the School Sports Australia Diving Championships.</i>	<i>\$500.00</i>
<i>Individual Applicant</i>	<i>The 'Thevar Magan Movember Badminton Charity Tournament' held at the Southern Community Centre.</i>	<i>\$170.20 (hall hire only)</i>
<i>Australian Society of Graduate Tamils Inc</i>	<i>The Tamil Competition and Forum held at the Mulgrave Community Centre.</i>	<i>\$521.65 (hall hire only)</i>

CARRIED

6.2 Chester Street, Oakleigh Two-Way Traffic Trial

Moved Cr S James

Seconded Cr B Little

That Council:

- 1. Notes that following the previous Council resolution at its meeting of September 2021, officers have provided advice that the Department of Transport would not support a shared zone at the intersection of Chester Street and Eaton Mall.*
- 2. Notes that traffic counts indicate that the weekday volume of traffic in Chester Street is 3,498 vehicles.*
- 3. Directs officers to commence a feasibility study for a trial of two-way traffic in Chester Street, Oakleigh between Chester Street Carpark and Hanover Street and that Council allocates \$10k for this work.*

CARRIED

7. COMMITTEE REPORTS

Nil.

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Nil.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

Cr Luo thanked the Council Officers involved in the Monash Seniors Festival.

Cr Little acknowledged the work of Council officers for and promoted the Monash Seniors Festival.

The Mayor declared the meeting closed at 7.57pm.



MAYOR:

DATED 13 DECEMBER 2022