

MINUTES MEETING OF COUNCIL

HELD ON

TUESDAY 27 FEBRUARY 2024

at 7:00 PM

COUNCIL CHAMBER
CIVIC CENTRE, 293 SPRINGVALE ROAD, GLEN WAVERLEY

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1 ACKNOWLEDGEMENT OF COUNTRY

Monash Council acknowledges the Traditional Owners of the lands on which we meet, the Wurundjeri Woi Wurrung and Bunurong People, and recognises their continuing connection to the land and waterways.

We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2 PRESENT AND APOLOGIES

PRESENT

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

Officers: A Diamond, J Doake, R Hopkins, P Panagakos, J Robertson, R Russell, A Sapolu, T Shoshan, S Wickes, G Budhiraja

APOLOGIES

Councillor: A de Silva.

3 DISCLOSURES OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES

Moved: Cr Zographos Seconded: Cr Little

RECOMMENDATION

That the minutes of the following meetings be taken as read and confirmed:

Meeting of Council held on 30 January 2024

5 RECEPTION AND READING OF PETITIONS, JOINT LETTERS AND MEMORIALS

Moved: Cr Luo Seconded:

Mayor tabled a petition received from the Victorian Pride Lobby regarding Drag Storytime.

LAPSED

6 PUBLIC QUESTION TIME

The Mayor advised that Fourteen (14) public questions had been received.

At 7.33pm Public Question Time concluded.

7 OFFICERS' REPORTS

7.1 City Development

7.1.1 TOWN PLANNING SCHEDULE

Moved: Cr Little Seconded: Cr Klisaris

RECOMMENDATION

That Council notes the report containing the Town Planning Schedules.

7.1.2 59 BRANDON PARK DRIVE WHEELERS HILL

Moved: Cr Little Seconded: Cr Zographos

RECOMMENDATION

That Council resolves to issue an Extension of time to Planning Permit No. TPA/42948 for construction of two (2) double storey dwellings at 59 Brandon Park Drive Wheelers Hill, 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 two (2) years. Accordingly, the development must be commenced by 18 February 2025 and Completed by 18 February 2027.
- 2. That the applicant be advised that a further request for extension of time may not be granted given the time that has elapsed since the original permit was granted.

CARRIED

7.1.3 1799 DANDENONG ROAD, OAKLEIGH EAST CONSTRUCTION OF A THREE STOREY BUILDING CONTAINING TWELVE (12) DWELLINGS, ALTERATION AND CREATION OF ACCESS TO A ROAD IN TRANSPORT ZONE (TPA/54825)

Moved: Cr Little Seconded: Cr Paterson

RECOMMENDATION

That Council:

- Notes on 26 September 2023 a Notice of Decision to Refuse to Grant a Permit at 1799
 Dandenong Road, Oakleigh East for the construction of a three storey apartment building
 was issued under delegation further noting that the report should have been presented
 to a Council meeting for consideration under Council's instrument of delegation.
- 2. Notes the officers report, plans and notice of refusal attached to this report.

Notes that the decision as it stands is a decision of Council, and as the matter will be considered and determined by VCAT, there are no other ramifications or considerations from this oversight in regard to the decision that was made.

- 3. Notes the permit applicant has lodged an appeal against the notice of refusal and the matter proceeded to a Compulsory Conference at VCAT on Friday 2 February 2024, a second Compulsory Conference on 14 February 2024 and a merits hearing is scheduled for the 22 and 23 April 2024.
- 4. Notes that subsequent to the two Compulsory Conferences, amended plans are to be submitted by the permit applicant and a report will be presented to March Council for consideration.

7.1.4 AMENDMENT C167 MOUNT WAVERLEY STRUCTURE PLAN - ADOPTION

Moved: Cr Little Seconded: Cr Fergeus

RECOMMENDATION

That Council:

- 1. Notes and receives the Panel report for Monash Planning Scheme Amendment C167 at Attachment 1.
- 2. Having considered the Panel report under s 27 of the Planning and Environment Act 1987 (Act), adopts Amendment C167 to the Monash Planning Scheme in accordance with s 29 (1) of the Act with the changes set out in Attachments 2 and 3 to this report.
- 3. Authorises officers to submit the adopted Amendment C167 in accordance with this report to the Minister for Planning for approval in accordance with s 31(1) of the Act.
- 4. Writes to all submitters advising of this decision.

CARRIED

7.1.5 IMPLEMENTATION OF THE MONASH AFFORDABLE HOUSING STRATEGY-PROPOSED PLANNING SCHEME AMENDMENT

Moved: Cr Fergeus Seconded: Cr Little

RECOMMENDATION

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 implements the adopted Monash Affordable Housing Strategy. The amendment proposes to change the planning scheme including policy statements:

- a. about the need for affordable housing in Monash,
- b. in support for affordable housing contributions; and
- c. requiring the provision of a 6 per cent affordable housing contribution for development of 20 or more dwellings or when land is rezoned.
- 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.

7.1.6 SRL EAST UPDATE - PRECINCT PLANNING DRAFT VISIONS, CLAYTON LANEWAY DISCONTINUANCE AND CLAYTON HALL ACCESS RAMP

Moved: Cr Paterson Seconded: Cr Little

RECOMMENDATION

That Council:

- 1. Notes the contents of the Suburban Rail Loop East Draft Precincts Visions documents released by the Suburban Rail Loop Authority (SRLA) for: Clayton, Monash, Glen Waverley and Burwood SRL Precincts.
- 2. Endorses the submission to the SRL East Draft Precincts Visions in accordance with this report.
- 3. Request that the SRLA clarify the Precinct Planning process and develop a Terms of Reference that commits to including Monash City Council as a key stakeholder of the Precinct Planning process.
- 4. Notes that to facilitate the construction of the Clayton SRL Station, the SRLA intend to remove the road status and assume ownership of part of the laneway located between Madeleine Rd and Clayton Rd, Clayton.
- 5. Notes that SRLA has agreed to fund, and that Council will construct, an additional permanent accessible ramp to the Clayton Hall western entrance to maintain the access and operations of Clayton Hall during SRL utility works in adjacent Remembrance Gardens.

07.1.7AWARD OF TENDER FOR CONSULTANCY SERVICES (ARCHITECTURAL AND OTHER DESIGN SERVICES) FOR THE GLEN WAVERLEY CIVIC PRECINCT PROJECT

Moved: Cr Lake Seconded: Cr Luo

RECOMMENDATION

That Council

1) Awards the tender from Newpolis Pty Ltd (trading as Lyons) for Contract No. 2024084 – Consultancy Services (Architectural & Design Services) for the Glen Waverley Civic Precinct Project (Project) for a fixed lump sum of \$5,633,464.05 (without Novation to a Building Contractor) or \$5,594,942.87 (with Novation to a Building Contractor) at Council's option, with an extra \$825,000 for Contingencies.

2) Notes that:

- a) The total current budget and the amount allocated in the Long-Term Financial Plan for this Project inclusive of the fixed Lump Sum, Quantity Surveyor services, Project Management Fees and Contingency is \$8,000,000.
- b) The anticipated Project Expenditure for this Project (Professional Services) including the Fixed Lump Sum, Quantity Surveyor services and Project Management Fees, is \$6,128,464.05 with a further allocation of \$825,000 for Contingencies.
- 3) Authorises the Chief Executive Officer or their delegate to execute the Contract.

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

7.1.8 PROPOSED SALE OF COUNCIL LAND TO SUBURBAN RAIL LOOP AUTHORITY – PART OF 22-32 O'SULLIVAN ROAD AND PART OF RAILWAY PARADE NORTH, GLEN WAVERLEY

Moved: Cr Little Seconded: Cr Klisaris

RECOMMENDATION

That Council

- 1) Notes that the Suburban Rail Loop Authority (SRLA) has progressed planning (including community consultation) for its multi-level car park to be constructed on part of the Euneva West Car Park which comprises land owned by Victorian Rail Track land being Reserve 1 on PS440062W and two parcels of Council land being a 671m2 area of Railway Parade North (Road Reserve Land) and a 661m2 area of Lot 3 on PS440062W (Freehold Land). (Development Site).
- 2) Notes that the SRLA proposes to construct a multi-level car park to comply with its commitment pursuant to an environmental performance requirement (EPR. B5) of its Environmental Effect Statement to provide effective replacement car spaces in the Glen Waverley Activity Centre due to its acquisition of the Glendale Street East and West car parks and the car spaces on Glendale Street.
- 3) Notes that the SRLA has advised that it is not their intention to divest the Glendale Street East and West car parks and Glendale Street prior to 1 October 2025, save for divesting a portion of the south-west corner of the Glendale Street West car park prior to 1 October 2025, which the SRLA require for inclusion in the re-alignment and re-construction of Myrtle Street. SRLA is required to consult with Council regarding the Myrtle Street re-alignment works and will be responsible for ensuring the remaining part of the Glendale Street West car park remains available for public use by addressing any line marking, alternative access and/or physical works required to ensure such continued use until the eventual divestment.
- 4) Notes that as a result of ongoing negotiation between Council and the SRLA for the purchase of the Road Reserve Land and Freehold Land (Council Land) referred to in item 1 above, in addition to SRLA paying an agreed purchase price for the Council Land, the SRLA has agreed to provide Council with 390 spaces in the new multi-level car park for a term of approximately 10 years, for public use and free of charge (including no cost to Council for outgoings, electricity etc), commencing from the date the new multi-level car park becomes operational (estimated to be early 2026). An agreement pursuant to Section 173 of the Planning & Environment Act 1987 will be entered into to be registered on the title to the Development Site.
- 5) Notes that in addition to point 4 above, SRLA has provided an option to Council to consider (in lieu of receiving the purchase price for the Council Land in cash) having the 390 car spaces

- publicly available for up to a further 6 years and 6 months, being a total of 16 years and 6 months noting however that this option includes the requirement of Council to pay its proportion of outgoings (electricity etc) for the full duration.
- 6) Resolves in respect to points 4 and 5 above to write to the SRLA and advise that Council does not intend to take up any such option for a further period of 6 years and 6 months on the basis that the SRLA's new multi-level car park is operational prior to Council's car parking spaces in the Glendale Street East and West car parks and on Glendale Street not being available due to being required to facilitate the SRLA station box construction. Further noting that the additional car spaces at the Bogong Avenue car park will be operational and there will be a net increase of car parking in the Glen Waverley Activity Centre when the two car parks are completed.
- 7) Resolves that the funds received from the sale of the Council Land to the SRLA be directed to further offset Councils expenditure on the Bogong multi-level car park extension currently under construction.
- 8) Notes that with regards to the Road Reserve Land referred to in item 1 above, that Council at its meeting on 26 April 2023, agreed to progress the sale of the land from the Road to the SRLA including (inter alia):
 - authorising the CEO (or her delegate) to negotiate the land value and terms with the SRLA prior to publishing a notice of road discontinuance in the Victoria Government Gazette; and
 - ii) subject to finalising terms, prepare and execute all documents required in connection with, and to give effect to, the discontinuance of the Road and transfer of the land to the SRLA.
- 9) Pursuant to Section 116(1)(c) of the Local Government Act 2020, authorises the CEO (or her delegate) to finalise the terms of a Contract of Sale with the SRLA (or its nominee who must be a public entity) for the sale of the Freehold Land referred to in item 1 above subject to the following terms and conditions (which terms and conditions also apply to the sale of the Road Reserve Land which Council has previously resolved at its 26 April 2023 meeting (with certain conditions) to transfer to the SRLA):
 - a) SRLA providing evidence that it has a binding agreement/ownership or control of the land owned by Victorian Rail Track (VicTrack) adjoining the Council Land so as to ensure that the VicTrack parcel of land does not become land-locked.
 - b) Having satisfied a) above, entering into a contract for the sale of the Council Land for the agreed market value.

- c) The SRLA, entering into a Section 173 Agreement pursuant to the Planning & Environment Act 1987, with Council, to be registered on the title to the Development Site which will provide that, SRLA as Owner will do the following:
 - the Owner (SRLA) will procure the construction of a replacement car park in compliance with EPR B5 and consistent with its planning approval, including footpaths along Railway Parade North and Euneva Avenue;
 - ii) the Owner agrees that it will not divest the Glendale Street East and West carparks and Glendale Street under section 134(1)(b) of the Major Transport Projects Facilitation Act 2009 prior to 1 October 2025, save for the divestment of land in the south-western corner of 31-39 Montclair Avenue, generally consistent with the plan shown in Image 2 of this report, for the purpose of works associated with the realignment of Myrtle Street which may be undertaken prior to 1 October 2025. The Owner will consult with Council in relation to the Myrtle Street works (including the provision of a second access point to the Glendale Street West Car Park as necessary at its cost and to the satisfaction of Council);
 - iii) the Owner agrees not to occupy the Glendale East and West carparks and Glendale Street for station box construction purposes until it has reached practical completion of the replacement car park or has provided commensurate offset car parks in accordance with EPR B5, unless otherwise agreed in writing with Council;
 - iv) the Owner of the Land must at all times during the operation of the section 173 agreement, make publicly available, at no charge, at least 390 car parking spaces in the new multi-deck car park.
 - v) car parking spaces are to be allocated in accordance with an agreed plan with the principle that the 390 publicly available car parking spaces will be located lower than any other form of car parking, such as commuter car parking;
 - vi) Council will not be obligated to contribute to outgoings or other charges in respect of the management and maintenance of the 390 car parking spaces or the car park building;
 - vii) Council will be entitled to exercise its enforcement powers in relation to car parking restrictions in the public car parking spaces, including erection of signs limiting parking to a specified time period and levying fines or other charges in respect of breach of such restrictions;
 - viii) prior to the public opening of the footpaths along Railway Parade North and Euneva Avenue the Owner agrees to formalise the footpaths as public thoroughfares for the life of the replacement car park by entering into a legal instrument (with Council's cooperation where necessary, acting reasonably).
 - ix) prior to commencing works that require hoardings at the northern boundary of the Consolidated Land (which includes the VicTrack owned land), the Owner will, at its own cost, design and carry out appropriate line-marking works to the existing surface car park immediately to the north of the replacement car park (Lot 3 on Plan of Subdivision 440062W) for safe vehicular circulation purposes to MCC's satisfaction acting reasonably.
- 10) Notes that in order to facilitate delivery of the new multi-level car park, for the purposes of carrying out site mobilization and early works, that the SRLA will seek an Early Works Licence from Council for access to the Council Land comprised in the Development Site and that the

terms of this Early Works Licence will be finalised as part of the Contract of Sale for the sale of the Council Land.

11) Authorise the CEO (or her delegate) to sign and affix the common seal of Council (as required) to all documentation required to effect the sale of the Council Land to the SRLA.

CARRIED

7.2 Community Services

7.2.1 OAKLEIGH GOLF COURSE FUTURE PLANNING - CONSULTATION FINDINGS

Moved: Cr McCluskey Seconded: Cr Zographos

RECOMMENDATION

That Council:

- 1. Note that the two potential future development options for the Oakleigh Golf Course were publicly exhibited on Shape Monash from 27 September 2023 to 30 November 2023.
- 2. Note there is strong community support to retain the Oakleigh Golf Course as a nine-hole public golf course.
- 3. Retain the Oakleigh Golf Course as a nine-hole public golf course for the foreseeable future and not consider any alternative options for the site until after the new management contract term and option extension is anticipated to end in 2034.

CARRIED

DIVISION

For: Cr Samardzija, Cr Luo, Cr James, Cr Klisaris, Cr Lake, Cr Little, Cr McCluskey, Cr Paterson and

Cr Zographos

Against: Cr Fergeus Abstained: Nil

7.2.2 AWARD UNIFORM TENDER FOR ACTIVE MONASH - CF2024004

Moved: Cr Paterson Seconded: Cr McCluskey

RECOMMENDATION

That Council:

- 1. Awards the tender from S-Trend for the Design, Supply & Delivery of Active Monash Staff Uniforms, Contract No. 2024004 for a schedule of rates-based contract with an estimated contract value of \$293,344.20 for the initial term and an estimated total contract value of \$586,688.40 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 will commence on 1 April 2024, with an initial term of five years and the contract has one extension option of five years and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; 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.

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

CARRIED

7.2.3 2023/24 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS - FEBRUARY

Moved: Cr Little Seconded: Cr Paterson

RECOMMENDATION

That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 13 December 2023 to 30 January 2024 to a total of \$13,270.41.

7.2.4 COMMONWEALTH AGED CARE REFORM - SINGLE ASSESSMENT SYSTEM TENDER

Moved: Cr Paterson Seconded: Cr Little

RECOMMENDATION

That Council:

- Not submit a tender for the Commonwealth Single Assessment System for aged care given the significant increase in the size and complexity of the new system in comparison to Council's current role in assessment.
- 2. Accept the extension of the current contract for the Regional Assessment Service to 31 December 2024, dependent upon the terms being no less favourable than the current contract.

CARRIED

7.3 Corporate Services

7.3.1 CONSULTANCY ENGAGEMENT REPORT

Moved: Cr Little Seconded: Cr James

RECOMMENDATION

That Council notes the attached summary of completed and current Consultancy Engagements for the 6 months to 31 December 2023.

CARRIED

7.3.2 2023/24 FINANCIAL MANAGEMENT AND CAPITAL WORKS PROGRESS REPORT - SECOND QUARTER 31 DECEMBER 2023

Moved: Cr Klisaris Seconded: Cr Luo

RECOMMENDATION

That Council:

 Notes the Quarterly Financial Management and Capital Works Progress Report for the period ending 31 December 2023, presented in accordance with Section 97 of the Local Government Act 2020.

- 2. Approves the project variations contained therein.
- 3. Accepts the opinion of the Chief Executive Officer, as required under section 97(3) of the Local Government Act 2020, that a revised budget is not required.

7.3.3 2020065 PROVISION OF FINANCE AND CONTRACT MANAGEMENT SYSTEM VARIATION

Moved: Cr Little Seconded: Cr McCluskey

RECOMMENDATION

That Council

- 1. Approves a \$429,183 variation to the contract funds available for the Oracle Cloud Services Agreement that forms part of the established Contract No. 2020065A;
- 2. Notes that the originally approved \$200,000 Contingency is still available to cater for future requirements, including licences growth.
- 3. Notes that the variation relates specifically to the Oracle Cloud Services Agreement that was entered into as part of the original award for the provision of a Finance System through aaX as an authorised Oracle Partner.

CARRIED

7.4 City Services

7.4.1 EAC REPORT OF ACTIVITIES

Moved: Cr Little Seconded: Cr Paterson

RECOMMENDATION

That Council notes the activities of the Environmental Advisory Committee (EAC) during 2023, and thanks all members of the Committee for their time and contributions while being representatives of the Monash community.

7.4.2 TENDER FOR PINEWOOD RESERVE CRICKET NET REDEVELOPMENT-COUNCIL RECOMMENDATION REPORT

Moved: Cr Klisaris Seconded: Cr McCluskey

RECOMMENDATION

That Council:

- 1. Awards the tender from Turf One Pty Ltd for Pinewood Reserve Cricket Net Redevelopment Contract No. 2024067 for the fixed Lump Sum Price of \$515,418.75 with an extra \$50,600 for Contingencies;
- 2. Authorises the Chief Executive Officer to execute the contract agreement;
- 3. Notes that the contract is anticipated to commence on 18 March 2024 and the expected completion date is 21 June 2024;
- 4. Approves the additional funding of \$33,618.75 required to deliver this project; and
- 5. Notes that the anticipated project expenditure including the fixed Lump Sum, Project Management/Delivery Fees is \$ 527,518.75 with a further allocation of \$50,600 for contingencies.

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

CARRIED

7.4.3 RECORD OF COMMITTEE MEETINGS

Moved: Cr McCluskey Seconded: Cr Zographos

RECOMMENDATION

That Council notes the record of Committee Meetings.

7.4.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2024

Moved: Cr Zographos Seconded: Cr McCluskey

RECOMMENDATION

That Council:

- Approves the attendance of the following Councillors at the Australian Local Government Association's National General Assembly 2024 in Canberra from 2 July 2024 to 5 July 2024 both dates inclusive and include travel time.
 - o Cr Nicky Luo
 - o Cr Josh Fergeus
 - o Cr Theo Zographos
 - o Cr Tina Samardzija
 - o Cr Shane McCluskey
 - o Cr Rebecca Paterson
 - o Cr Stuart James
 - o Cr Anjalee de Silva

CARRIED

7.5 Chief Executive Officer

Nil

8 NOTICES OF MOTION

8.1 MONASH FRIENDS OF VEMASSE

Moved: Cr Fergeus Seconded: Cr Paterson

NOTICE OF MOTION

That Council:

1. Notes and affirms Council's previous commitments to supporting the work of the Monash Friends of Vemasse;

- 2. Notes and affirms Council's Friendship Agreement with the Sub-District of Vemasse, Timor-Leste;
- 3. Notes the proposal of students and teachers supported by Council's partnership with the Monash Friends of Vemasse to hold a 'Monash Cup' soccer tournament in 2024 between youth of the 7 major villages (sucos) of the subdistrict of Vemasse;
- 4. Provides \$500 from Council's Discretionary Fund for the purpose of supporting the tournament, to be paid directly to the Monash Friends of Vemasse;
- 5. Writes to soccer clubs in Monash on behalf of the Monash Friends of Vemasse highlighting the Friends' call for donations of good quality surplus and secondhand jerseys, boots, balls and other equipment for use by children in Vemasse.

9 URGENT BUSINESS

Nil.

10 CONSIDERATION OF WRITTEN REPORTS OF COMMITTEES

Nil.

11 PERSONAL EXPLANATIONS

Cr Zographos

"Thank you Mayor, There were some discussions in the previous item regarding the sale of land to Suburban Rail of Authority and there was a comment made about my comment that I was referring to land sales from this council to Suburban Rail of Authority. It was my intention to talk about the total parcels that this council will sell to the Suburban Rail of Authority not just the ones that relate to the reimbursement of Bogong Car Park Project there, so I know Councillor Lake tried to correct me if I was not clear then I apologise and I just wanted to clarify what I was trying to say in my comments on that Item. Thank you"

12 COUNCILLORS' REPORTS

Cr Little provided comment on:

- Chinese Association of Monash
- United Sri Lankan Muslim Association
- Dahlia society of Victoria
- Applications for the Community Grants Program

Cr James provided comment on:

Clayton Festival

Cr Zographos provided comment on:

- Recent extreme weather event
- Clayton Festival
- Glen Waverley Festival
- Chinese New Year Festival
- Nanyubak- Mural at the Atkinson Street

13 CONFIDENTIAL BUSINESS

Moved: Cr Little Seconded: Cr Luo

RECOMMENDATION

That Council, having reviewed and considered the certificates in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters in confidential business, resolve 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 certificates.

CARRIED

The Council moved into Confidential business at 9:02 pm.

RETURN TO OPEN COUNCIL

The council return to Open Council at 9.06pm.

14 MEETING CLOSURE

The Mayor declared the meeting closed at 9:06 pm.

MAYOR:

DATED: 26/03/2024