



CITY OF  
**MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL  
HELD ON 24 SEPTEMBER 2019**

**at 7.00 pm**

**Council Chambers  
293 Springvale Road,  
Glen Waverley**

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**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 24 SEPTEMBER 2019 AT 7.00 PM.**

**PRESENT:** Councillors B Little (Deputy Mayor and Acting Chairperson), J Fergeus,  
S James, G Lake, P Klisaris, R Paterson, L Saloumi, MT Pang Tsoi

**ACTING CHAIRPERSON**

In the absence of the Mayor, the Deputy Mayor assumed the chair for the meeting as the Acting Chairperson.

**APOLOGIES:**

Crs S McCluskey (Mayor), T Zographos, R Davies

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 27 AUGUST 2019**

Moved Cr Klisaris, Seconded Cr James

*That the minutes of the Ordinary Meeting of the Council held on 27 August 2019, be taken as read and confirmed.*

**CARRIED**

PROCEDURAL MOTION

Moved Cr James, Seconded Cr Klisaris

*That Items 1.6 and 6.3 be considered as the first 2 items of business on the Council agenda.*

**CARRIED**

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Klisaris

*That Item 9.2 on the Confidential Business section of the agenda be dealt with in open Council.*

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The Acting Chairperson advised that such a decision could only be made once the Council moved into that section of the meeting agenda and did not call a vote on the motion.

Cr Lake did not accept this.

#### **POINT OF ORDER**

Cr Fergeus called a Point of Order, saying that Cr Lake was acting contrary to the meeting procedures local law by arguing with the Acting Chairperson.

#### **PERSONAL EXPLANATION**

Cr Lake sought to make a personal explanation.

The Acting Chairperson advised that the explanation could be made at the point that the Council came to that part of the agenda, which was section 10.

#### **PROCEDURAL MOTION**

Moved Cr Lake,

Seconded Cr Klisaris

*That the Chief Executive Officer request Crs Davies and Zographos to provide a reason for their absence from the September 2019 meeting of Council and that those reasons be submitted to the next meeting of Council.*

**CARRIED**

#### **POINT OF ORDER**

Cr James called a Point of Order, stating that it was contrary to the meeting procedures local law to require a vote on apologies.

The Acting Chairperson did not uphold the Point of Order, noting that there was no set practice on this and past Mayors had allowed a vote on apologies, which set a precedent.

#### **DIVISION**

A division was called.

For: Crs James, Lake, Klisaris, Little, Paterson

Against: Pang Tsoi, Fergeus, Saloumi

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**RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS**

Cr Paterson tabled a petition from local residents concerned at the proposals being approved or considered, for the disproportionate number of multi-dwellings in Armstrong Street and 2 The Close, Mount Waverley

Cr Fergeus tabled 2 petitions:

1. From residents of Greta Street Oakleigh East, seeking an end to inappropriate developments in their community.
2. Seeking a declaration of a climate emergency.

**PUBLIC QUESTION TIME**

The Acting Chairperson advised that 11 questions had been received.

**PROCEDURAL MOTION**

Moved Cr Fergeus,

Seconded Cr Saloumi

*That Item 6.5 be dealt with immediately after Item 1.6, on the Council agenda.*

**LOST**

**DIVISION**

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs Lake, James, Little, Klisaris, Paterson, Pang Tsoi

**OFFICERS' REPORTS**

**1.6 1 Beryl Avenue Oakleigh South – Application for Development Approval Proposal**

Moved Cr James,

Seconded Cr Fergeus

*That Council resolves to not approve the submitted Development Plan (Track Consultants May 2019 Revision 2) for 1 Beryl Avenue, Oakleigh South based on the following grounds:*

1. *The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 to the Development Plan Overlay.*
2. *The development plan poorly integrates with the neighbourhood character of the surrounding area.*

3. *The development plan does not provide for appropriate inclusion and retention of existing vegetation.*
4. *The development plan is inconsistent with Council's Residential Development and Character Policy in particular regard to neighbourhood character, integration with the streets and car parking arrangement.*
5. *The scale and density of the submitted development plan is excessive.*

**CARRIED**

### **6.3 Council's Response To Climate Change**

Moved Cr James,

Seconded Cr Lake

*That Council:*

1. *Resolves to strengthen and further prioritise its response to dealing with environmental and climate concerns.*
2. *Directs the Chief Executive Officer (CEO) to provide a report and recommendations to Council by no later than February 2020 outlining how Council can become carbon neutral and achieve zero-net emission by 2025, 2030, 2040 and any other target the CEO wishes to include as an option (the Report). For each target date, the report should make it clear what the environmental benefits will be for adopting that target and the financial costs to Council to reach each target as compared to the status quo.*
3. *Further, the Report should also provide commentary, advice and recommendations on the following:*
  - *What are the examples of leading response to climate change by other local councils and government entities which might be relevant to Monash;*
  - *Actions which Council could take to reduce greenhouse gas emissions within Council's operation;*
  - *Measures Council can take to enhance local community resilience to the effects and impacts of global warming and to assist the community with their efforts to reduce greenhouse gas emissions*
  - *Ways in which Council can prioritise the use of recycled materials in its operations:*
    - *Outline a number of budget initiatives to achieve the desired outcomes and refer those to the 2020/2021 Budget, for funding*
    - *Outline potential additions to the Council Plan and LTFP to help prioritise and achieve the desired outcomes.*
4. *Prioritises the delivery of a whole of Council strategy for tackling climate change, as referred to in the Environmental Sustainability Strategy 2016-2026, with an aim to have it presented to Council by September 2020.*
5. *Directs officers to allocate the required funds from the 2019/2020 budget.*

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AMENDMENT

Moved Cr Fergeus,

Seconded Cr Saloumi

*That the motion be amended to read as follows:*

*That Council:*

- 1. Resolves to strengthen and further prioritise its response to global warming and climate change;*
- 2. Notes that Council's Emissions Reduction Strategic Approach will soon be presented to Council and affirms Council's commitment to become carbon neutral and achieve zero-net emissions;*
- 3. Directs the CEO to present a report to Council no later than February 2020 which should provide commentary, advice and recommendations on the following:*
  - What are the examples of leading response to climate change by other local councils and government entities which might be relevant to Monash;*
  - Actions which Council could take to reduce greenhouse gas emissions within Council's operation;*
  - Measures Council can take to enhance local community resilience to the effects and impacts of global warming and to assist the community with their efforts to reduce greenhouse gas emissions*

*Ways in which Council can prioritise the use of recycled materials in its operations:*

  - Outline a number of budget initiatives to achieve the desired outcomes and refer those to the 2020/2021 Budget, for funding*
  - Outline potential additions to the Council Plan and LTFP to help prioritise and achieve the desired outcomes*
- 4. Prioritises the delivery of a whole of Council strategy for tackling climate change, as referred to in the Environmental Sustainability Strategy 2016-2026, with an aim to have it presented to Council by February 2020*

**LOST**

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs Lake, James, Klisaris, Paterson, Pang Tsoi

Abstain: Cr Little

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AMENDMENT

Moved Cr Saloumi,

Seconded Cr Fergeus

*That Council:*

- 1. Resolves to strengthen and further prioritise its response to dealing with environmental and climate concerns.*
- 2. Directs the Chief Executive Officer (CEO) to provide a report and recommendations to Council by no later than February 2020 outlining how Council can become carbon neutral and achieve zero-net emissions as soon as practicable;*
- 3. Further, the Report should also provide commentary, advice and recommendations on the following:*
  - What are the examples of leading response to climate change by other local councils and government entities which might be relevant to Monash;*
  - Actions which Council could take to reduce greenhouse gas emissions within Council's operation;*
  - Measures Council can take to enhance local community resilience to the effects and impacts of global warming and to assist the community with their efforts to reduce greenhouse gas emissions*
  - Ways in which Council can prioritise the use of recycled materials in its operations:*
  - Outline a number of budget initiatives to achieve the desired outcomes and refer those to the 2020/2021 Budget, for funding*
  - Outline potential additions to the Council Plan and LTFP to help prioritise and achieve the desired outcomes*
- 4. Prioritises the delivery of a whole of Council strategy for tackling climate change, as referred to in the Environmental Sustainability Strategy 2016-2026, with an aim to have it presented to Council by February 2020*

**LOST**

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs Lake, James, Little, Klisaris, Paterson, Pang Tosi

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MOTION

POINT OF ORDER

Cr Fergeus called a Point of Order, saying that Cr Lake's comments, during his contribution, had been defamatory and against the Meeting Procedure local law.

The Acting Chairperson did not uphold the Point of Order.

The motion was put to the vote and declared carried.

**CARRIED**

DIVISION

A division was called.

For: Crs Lake, James, Little, Klisaris, Paterson, Pang Tosi

Against: Nil

Abstain: Cr Fergeus

NOTE: Cr Saloumi was absent from the Council Chamber when the vote was taken and the division called.

PROCEDURAL MOTION

Moved Cr Fergeus,

Seconded Cr Paterson

*That Item 6.5 be brought forward as the next item on the agenda for this meeting.*

**CARRIED**

**6.5 Retrieval of Motion Regarding Climate Change**

Moved Cr Fergeus,

Seconded Cr Saloumi

*That the Council retrieves and considers the following motion which it resolved to lay on the table at its 27th August 2019 meeting as the next item of business on the agenda at its 24 September 2019 meeting:*

*That Council:*

- 1. Resolves to strengthen and accelerate its response to global warming and climate change;*
- 2. Directs the Chief Executive Officer to develop a whole of Council Global Warming Action Plan to complement Council's Environmental Sustainability*

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***Strategy, to be presented to Council no later than February 2020. This plan should:***

- ***Detail actions which aim to enhance local resilience to accelerating global warming;***
  - ***Detail actions which aim to reduce corporate and community greenhouse gas emissions in line with 1.5 degrees (Celsius) of warming from pre-industrial levels, as per the best available scientific evidence and advice;***
  - ***Provide ambitious timelines for achieving key milestones in emissions reduction and decarbonisation, including zero net emissions;***
- 3. Allocates up to \$90,000 from the 2019-20 Council Budget for this purpose;***
  - 4. Directs the Chief Executive Officer to incorporate Council's response to global warming and a changing climate as a key feature of the draft 2020-2021 Council Budget, Long Term Financial Plan and the 2021-2025 Council Plan;***
  - 5. Lists the reduction of corporate and community greenhouse gas emissions as a key performance indicator for the Chief Executive Officer.***

A procedural question was raised regarding the mechanism for how this matter should be dealt with by Council.

#### ADJOURNMENT OF MEETING

Moved Cr Paterson,

Seconded Cr James

***That the meeting be adjourned for 5 minutes.***

**CARRIED**

#### RESUMPTION OF MEETING

The meeting resumed at 8.40 pm.

#### POINT OF ORDER

Cr Lake called a Point of Order, saying that at the last meeting of Council, it was resolved by a procedural motion that this matter lay on the table and that it could only be retrieved by a procedural motion.

The Chairperson did not uphold the Point of Order.

#### DISSENT FROM THE ACTING CHAIRPERSON'S RULING

Moved Cr Lake,

Seconded Cr Klisaris

***That the Chairperson's ruling be dissented from.***

**CARRIED**

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Accordingly, the Notice of Motion under Item 6.5 was not dealt with.

PROCEDURAL MOTION

Moved Cr Fergeus,

Seconded Cr Little

*That the Council retrieves the following motion which it resolved to lay on the table at its 27th August 2019 meeting as the next item of business on the agenda at its 24 September 2019 meeting:*

***That Council:***

- 1. Resolves to strengthen and accelerate its response to global warming and climate change;***
- 2. Directs the Chief Executive Officer to develop a whole of Council Global Warming Action Plan to complement Council's Environmental Sustainability Strategy, to be presented to Council no later than February 2020. This plan should:***
  - Detail actions which aim to enhance local resilience to accelerating global warming;***
  - Detail actions which aim to reduce corporate and community greenhouse gas emissions in line with 1.5 degrees (Celsius) of warming from pre-industrial levels, as per the best available scientific evidence and advice;***
  - Provide ambitious timelines for achieving key milestones in emissions reduction and decarbonisation, including zero net emissions;***
- 3. Allocates up to \$90,000 from the 2019-20 Council Budget for this purpose;***
- 4. Directs the Chief Executive Officer to incorporate Council's response to global warming and a changing climate as a key feature of the draft 2020-2021 Council Budget, Long Term Financial Plan and the 2021-2025 Council Plan;***
- 5. Lists the reduction of corporate and community greenhouse gas emissions as a key performance indicator for the Chief Executive Officer.***

**LOST**

DIVISION

A division was called.

For: Crs Fergeus, Saloumi, Little

Against: Crs Lake, James, Klisaris, Paterson, Pang Tsoi

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**1. CITY DEVELOPMENT**

**1.1 Monash Open Space Strategy**

Moved Cr Paterson,

Seconded Cr Fergeus

*That Council:*

- 1. Reviews and considers the issues raised in submissions to Amendment C148.*
- 2. Requests the Minister for Planning appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C148 to the Monash Planning Scheme.*
- 3. Refers all submissions on Amendment C148 to the Panel appointed by the Minister for Planning.*
- 4. Notifies all submitters of Council's resolution.*

**CARRIED**

**1.2 Waverley Park Estate Open Space and Community Benefits Package**

Moved Cr James,

Seconded Cr Pang Tsoi

*That Council:*

- 1. Notes the minor changes proposed to the park upgrade package by Mirvac to bring the upgrades within the \$612,000 budget allowance.*
- 2. Resolves to approve the amended park upgrade plans submitted by Mirvac in response to condition 53(c & d) as per the permit issued by the Minister for Planning STA/2001/00714B.*
- 3. Notes that Mirvac is to deliver the existing park improvements (allowance \$612,000) as required by condition 53(c & d) and that these improvements generally accord with plans approved at the 29 August 2017 Council meeting.*
- 4. Writes to the Minister for Planning expressing disappointment that the amended permit made no allowance for inflation or increased construction costs.*

AMENDMENT

Moved Cr Klisaris

Seconded Cr Paterson

*Replaces parts 2,3,4,5 & 6 with the following:*

- 2. Notes that Council approved the original park upgrades in August 2017 and these upgrades were within the scope of the budget allocation contained in*

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*the permit.*

- 3. Notes that the current market capitalisation of Mirvac is approximately 11.6 billion dollars.*
- 4. Notes that the tendered cost of the park upgrades obtained by Mirvac for the park upgrades approved by Council in August 2017 is \$696,000, an increase of only \$84,000, approximately 14% over the \$612,000 budget allocation.*
- 5. Refuses to approve the modifications to the park upgrades previously endorsed by Council in August 2017.*
- 6. Request Mirvac to absorb the cost increase of delivering the park upgrades in accordance with approved August 2017 Park Upgrades plans.*

As the amendment was acceptable to the mover and seconder of the motion and to the Council, it was incorporated into the substantive motion, which then became:

Substantive Motion

***That Council:***

- 1. Notes the minor changes proposed to the park upgrade package by Mirvac to bring the upgrades within the \$612,000 budget allowance.*
- 2. Notes that Council approved the original park upgrades in August 2017 and these upgrades were within the scope of the budget allocation contained in the permit.*
- 3. Notes that the current market capitalisation of Mirvac is approximately 11.6 billion dollars.*
- 4. Notes that the tendered cost of the park upgrades obtained by Mirvac for the park upgrades approved by Council in August 2017 is \$696,000, an increase of only \$84,000, approximately 14% over the \$612,000 budget allocation.*
- 5. Refuses to approve the modifications to the park upgrades previously endorsed by Council in August 2017.*
- 6. Request Mirvac to absorb the cost increase of delivering the park upgrades in accordance with approved August 2017 Park Upgrades plans.*
- 7. Writes to the Minister for Planning expressing disappointment that the amended permit made no allowance for inflation or increased construction costs.*

**CARRIED**

Cr Lake sought to make a contribution on the item.

The Acting Chairperson advised that the Council had already voted on the matter.

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DIVISION

A division was called.

For: Crs James, Little, Klisaris, Paterson, Pang Tsoi, Saloumi

Against: Cr Lake

NOTE: Cr Fergeus was absent from the Chamber for the vote and the division.

**1.3 1 Railway Parade North & 16 O'Sullivan Road Glen Waverley - Construction of A Four (4) Storey Apartment Building Above A Basement Car Park**

Moved Cr James,

Seconded Cr Little

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/50355) for the construction of a four (4) storey apartment building above a basement car park, at 1 Railway Parade North & 16 O'Sullivan Road, Glen Waverley subject to the following conditions:*

***Amended Plans Required***

- 1. Before the development starts, an amended plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Alta Architecture Pty Ltd , dated 27 June 2019 but modified to show:***
  - (a) Timber look material (which is easily maintained) within the soffits of the first floor balconies and entry framing element to Railway Parade North (to both the southern and western elevations of the building).***
  - (b) Apartments G.07, G.08, 2.01, 2.02, 2.03 and 2.04 to be provided with a minimum of 6 cubic metres of externally accessible storage within the basement car park.***
  - (c) The external shed associated with Apartment G.06 to be deleted and 6 cubic metres of externally accessible storage is to be provided within the basement car park.***
  - (d) Details of existing and/or proposed boundary fencing at the rear (southern boundary) of 18 O'Sullivan Road. Fencing must be a minimum of 2 metres in height to prevent unreasonable overlooking from ground floor windows.***
  - (e) Section details at a scale of at least 1:20 illustrating the building's external walls, including materials and construction details.***
  - (f) The location of any tree protection fencing in accordance with the report prepared by Tree Logic dated 22 March 2019.***
  - (g) A notation that a tap and floor waste will be provided to each balcony / terrace area in accordance with the SMP prepared by Ark Resources.***
  - (h) Location of waste collection vehicle designated standing area during collection (aiming to minimise impact on resident car spaces).***

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- (i) Location of retaining walls clearly identified on the ground floor plan, corresponding with sectional and elevation plans.*
  - (j) The landscaping areas adjacent to the ground floor lobby area to be consistent with the Landscape Plan prepared by Urbis.*
  - (k) The area of secluded private open space associated with Apartment G.07 reduced by 3sqm by moving the boundary fence on the southern side of the open space, northward by 1 metre therefore increasing landscaping areas adjacent to the secondary entry point of the building. Front fencing adjacent to this space is to be adjusted accordingly.*
  - (l) The area of secluded private open space associated with Apartment G.08 reduced by 3sqm by moving the boundary fence on the northern side of the open space southward by 1 metre to increase communal planting space adjacent to the secondary entrance of the building. Front fencing and the pedestrian gate are to be adjusted accordingly.*
  - (m) A planter box located on the western side of the staircase at the ground floor adjacent to the secondary building access point to reduce hard paving in this area and increase opportunities for landscaping.*
  - (n) All fire services, electricity supply, gas and water meter boxes to be shown and to be discreetly located and / or screened to compliment the development. Materials of the proposed service cabinet are to be provided on elevation plans and is to be appropriately integrated into the front fencing proposed.*
  - (o) Provision of new canopy street tree on Railway Parade North in place of the two crossovers to be reinstated adjacent to Apartment 8 / Secondary Pedestrian Access point. The tree must be planted to the satisfaction of the Responsible Authority in accordance with Condition 6 of this Permit.*
  - (p) A Landscape Plan in accordance with Condition 7 of this Permit.*
  - (q) A Waste Management Plan in accordance with Condition 15 of this Permit.*
  - (r) Provision of acoustic treatments recommended within the Acoustic Report prepared in accordance with Condition 20.*

#### ***Layout Not to be Altered***

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

#### ***Landscaping***

- 3. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 3 July 2019, Prepared by Urbis, except that the plan must show:***
  - (a) Detail of the proposed 'feature paving' and proposed concrete driveway.*
  - (b) Location of external lighting;*

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- (c) The location of Tree Protection Zones of Trees 1, 2, and 4 and Tree Protection Fencing required as outlined within the Arborist Report prepared by Tree Logic dated 22 March 2019;*
  - (d) Planter box provided to the edge of the balcony associated with Apartment G.01 facing Railway Parade North in accordance with the development plan;*
  - (e) The visitor bicycle spaces proposed to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;*
  - (f) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road;*
  - (g) Location of retaining walls; and*
  - (h) Any changes as required by Condition 1 of this Permit.*
- 4. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
  - 5. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*
  - 6. Prior to the occupation of the site, a contribution payment will be required for the provision of an additional street tree located on Railway Parade North (including 2 year establishment). Please contact Council's Horticulture Department to arrange payment. Council will be responsible for the planting, supply and establishment of the street tree.*
  - 7. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.*

*Trees to be protected*

- 8. All trees specified in the endorsed arborist report prepared by Tree Logic dated 22 March 2019 are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the Responsible Authority.*
- 9. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.*

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10. *All buildings and works within the Tree Protection Zone and Critical Root Zone as specified in the endorsed arborist report must be supervised by a suitably qualified and experienced arborist, to the satisfaction of the Responsible Authority.*
  11. *No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.*

#### **Waste Management**

12. *Concurrent with the endorsement of plans, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Leigh Design, dated 26 June 2019 however revised to reflect any changes required by Condition 1 of this Planning Permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
13. *Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:*
  - *Monday to Saturday: 7:00am to 6:00pm*
  - *Public Holidays: 9:00am to 6:00pm*
  - *Sunday: No collection allowed*

*to the satisfaction of the Responsible Authority.*

#### **Construction Management**

14. *Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
  - (a) *Hours for construction activity in accordance with any other condition of this permit;*
  - (b) *Measures to control noise, dust and water and sediment laden runoff;*
  - (c) *Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - (d) *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
  - (e) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
  - (f) *Cleaning and maintaining surrounding road surfaces;*

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- (g) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;*
  - (h) *Public Safety and site security;*
  - (i) *A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;*
  - (j) *A Traffic Management Plan showing truck routes to and from the site;*
  - (k) *Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
  - (l) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
  - (m) *Contact details of key construction site staff;*
  - (n) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
  - (o) *A requirement that construction works must only be carried out during the following hours:*
    - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
    - *Saturday – 9.00am to 1.00pm;*
    - *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines).*

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

#### *Acoustic Measures*

16. *An Acoustic Report prepared by a suitably qualified professional which demonstrates that the development meets the following noise levels:*
- *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
  - *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*

#### *Sustainable Design Assessment (SDA)*

17. *The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment prepared by Ark Resources, dated 2 July 2019 must be implemented and complied with to the satisfaction of the Responsible Authority.*

#### *Car Parking and Driveways*

18. *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;*

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- (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.*

- 19. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.*
- 20. The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.*
- 21. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*

#### *Drainage & Stormwater*

- 22. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*

*All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.*

- 23. The nominated point of stormwater connection for the site is to the east of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the easement to be constructed to Council Standards.*
- 24. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$1,000 is to be paid prior to the drainage works commencing.*

#### *Boundary Fencing*

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

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26. *In the event of excavation causing damage to an existing boundary fence, the owner of the development site must (at their own) cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.*

*Plant / Equipment or features on roof & balconies*

27. *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.*
28. *No air conditioning units are to be located on the balconies unless with the written consent of the Responsible Authority.*

*Service Location*

29. *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.*

*Time for Starting and Completion*

30. *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 2 years from the date of issue.*
  - (b) The development is not completed before 4 years from the date of issue.*
- In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

*Notes:*

- A. This is not a building Permit. Building approval must be obtained prior to the commencement of the above approved works.*
- B. Residents of the approved development will not be entitled to car parking permits for on street parking.*
- C. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.*
- D. A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.*
- E. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*

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- F.** *The proposed crossing is to be constructed in accordance with the City of Monash standards.*
- G.** *All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.*
- H.** *Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.*
- I.** *A new Council Pit is to be constructed to Council's Standards for the nominated point of stormwater connection if a pit does not exist, is in poor condition or is not a standard pit. If the point of connection cannot be located then Council's Engineering Department must be notified.*
- J.** *Detention system requirements for above property are as follows:-*
- *Minimum storage = 10.17 m<sup>3</sup>*
  - *Maximum discharge rate = 12.97 l/s*
  - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
- K.** *Plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- L.** *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.*
- M.** *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*

**CARRIED**

**1.4 501-515 Police Road Mulgrave - Construction of 26 Dwellings and Removal of Native Vegetation; and Reduction In the Visitor Car Parking Requirement**

It was noted that the applicant had formally withdrawn the application.

**1.5 184 Huntingdale Road Oakleigh East - Construction of A Three Storey Building and Reduction In the Car Parking Requirement**

Moved Cr James,

Seconded Cr Pang Tosi

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49781) for the construction of a three storey building comprising 8 residential dwellings, reduction in car parking requirement and alteration of vehicle access to a road in a Road Zone Category 1, at 184 Huntingdale Road, Oakleigh East subject to the following conditions:*

***Amended Plans Required***

1. *Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council dated 10 July 2019 (Revision P2) but modified to show:*
  - a) *The first floor wall setback a minimum of 1 metre further from the eastern property boundary, and provision of planter/s outside the east facing windows of Apartment 103.*
  - b) *Bedroom 3 of Apartment 203 deleted; Bedrooms 2 and 3 of Apartment 202 moved southwards to be setback approximately 8 metres from the northern boundary, and 9 metres from the southern boundary.*
  - c) *Allocation of at least one car space for each apartment.*
  - d) *External screening to the north facing first and second floor balconies. The screening should be designed to integrate with the design of the building.*
  - e) *At least the west and south facing habitable room windows provided with acoustic treatment in accordance with the Acoustic Report.*
  - f) *The aisle extension north of the parking spaces extended further north from 800mm to 1 metre.*
  - g) *A 300mm clearance provided on the side of the wall for car space 1.*
  - h) *The opening width of the garage door increased towards east to 6.4 metres to provide a useable access aisle width of 6.4 metres for car spaces 1, 2 and 14.*
  - i) *Notation to the existing vehicle crossover on Huntingdale Road to be removed and reinstated with nature strip.*
  - j) *Driveways to provide at least 2.1m headroom beneath overhead obstructions.*
  - k) *A schedule of construction materials, external finishes and colours.*
  - l) *Required requirements in the acoustic report, sustainable management plan and waste management plan.*
  - m) *Indication of a 2 metre wide easement is to be created along the southern boundary at the time of subdivision; and a notation to read 'No portion of the building including basement is to be located within this proposed easement'.*

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- n) All fire services, electricity supply, gas and water meter boxes to be shown and to be discreetly located and / or screened to compliment the development. Materials of the proposed service cabinet are to be provided on elevation plans and is to be appropriately integrated into the front fencing proposed.*

*All to the satisfaction of the Responsible Authority.*

**No Alteration or Changes**

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

**Landscaping**

- 3. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 31 August 2017, Prepared by Memla Pty Ltd except that the plan must show:*
- (i) Detail of the proposed 'feature paving' and proposed concrete driveway.*
  - (j) Location of external lighting;*
  - (k) The location of Tree Protection Zones of Trees 1, 2, and 4 and Tree Protection Fencing required as outlined within the Arborist Report prepared by Tree Logic dated 22 March 2019;*
  - (l) Planter box provided to the edge of the balcony associated with Apartment G.01 facing Railway Parade North in accordance with the development plan;*
  - (m) The visitor bicycle spaces proposed to be positioned within a landscaped setting. Hard paving associated with the bicycle spaces to be amended to be a grass or grasscrete finish;*
  - (n) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road; and*
  - (o) Location of retaining walls.*
- 4. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 5. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.*

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6. *An in-ground, automatic watering system linked to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.*

**Waste Management**

7. *Concurrent with the endorsement of plans, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by One Mile Grid, dated 18 October 2019 however revised to reflect any changes to satisfy requirements from the Responsible Authority. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
8. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public (except on collection day/s) and no odor shall be emitted from any receptacle so as to cause offence to persons outside the land.*
9. *Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:*
- *Monday to Saturday: 7:00am to 6:00pm*
  - *Public Holidays: 9:00am to 6:00pm*
  - *Sunday: No collection allowed*
- To the satisfaction of the Responsible Authority.*

**Construction Management**

10. *Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
- (p) *Hours for construction activity in accordance with any other condition of this permit;*
  - (q) *Measures to control noise, dust and water and sediment laden runoff;*
  - (r) *Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - (s) *Measures relating to removal of hazardous or dangerous material from the site, where applicable;*
  - (t) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
  - (u) *Cleaning and maintaining surrounding road surfaces;*
  - (v) *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;*
  - (w) *Public Safety and site security;*

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- (x) *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;*
  - (y) *A Traffic Management Plan showing truck routes to and from the site;*
  - (z) *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;*
  - (aa) *Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
  - (bb) *Contact details of key construction site staff;*
  - (cc) *Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.*
  - (dd) *A requirement that construction works must only be carried out during the following hours:*
    - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
    - *Saturday – 9.00am to 1.00pm;*
    - *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines).*

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

#### **Acoustic Measures**

**12.** *Prior to the endorsement of plans pursuant to condition 1 of the permit, a Preliminary Acoustic Noise and Amenity Assessment must be undertaken by suitably qualified persons to establish what (if any) particular noise attenuation or additional amenity treatments are required to protect the amenity of dwellings. All recommendations or required modifications to the development must be shown on the plans for endorsement and then implemented to the satisfaction of responsible authority.*

#### **Sustainable Design Assessment (SDA)**

**13.** *Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:*

- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.*
- b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
- c) Document the means by which the appropriate target or performance is to be achieved.*

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- d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
  - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*

*All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.*

- 14. Prior to the occupation of any of the dwellings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.*

#### *Car Parking and Driveways*

- 15. The existing redundant crossing on Huntingdale Road is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*

#### *Drainage and Stormwater*

- 16. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*
- 17. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the laneway to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).  
*Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.**
- 18. The southern right of way is to be fully reconstructed to Council's standards for the entire frontage of the development.*

#### *Boundary Fencing*

- 19. Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and in a good condition to the satisfaction of the Responsible Authority.*
- 20. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must (at their own) cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.*

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***Plant / Equipment or features on roof and balconies***

21. ***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.***
22. ***No air conditioning units are to be located on the balconies unless with the written consent of the Responsible Authority.***

***Service Location***

23. ***Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.***

***Completion of Buildings and Works***

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

***Department of Transport Condition (Ref: HTFV2019/0287)***

25. ***The permit holder must take all reasonable steps to ensure that disruption to bus operation along Huntingdale Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing [customerservice@ptv.vie.gov.au](mailto:customerservice@ptv.vie.gov.au).***

- ***Department of Transport Condition End -***

***VicRoads Condition (Ref: 27638/18)***

26. ***Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to match adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation (VicRoads).***

- ***VicRoads Condition end -***

***Time for Starting and Completion***

27. ***In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:***
  - (a) ***The development is not started before two (2) years from the date of issue.***
  - (b) ***The development is not completed before four (4) years from the date of issue.******In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:***

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- (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 Notes**

##### **Building Approval**

- A.** *Building Permit approval must be obtained prior to the commencement of the above approved works*
  
- B.** *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*

##### **Drainage**

- C.** *One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
  
- D.** *Approval from Monash City Council must be obtained for connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.*
  
- E.** *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.*
  
- F.** *A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*

##### **Variation to Planning Permit**

- G.** *Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.*

##### **Residential Car Parking Permits**

- H.** *Residents of the approved development will not be entitled to car parking permits for on street car parking.*

##### **VicRoads**

- I.** *The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be*

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*required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.*

**CARRIED**

**1.6 1 Beryl Avenue Oakleigh South – Application for Development Approval Proposal**

This item was dealt with earlier on the agenda.

**1.7 Town Planning Schedules**

Moved Cr James,

Seconded Cr Paterson

*That the report containing the Town Planning Schedules be noted.*

**CARRIED**

**2. COMMUNITY DEVELOPMENT AND SERVICES**

**2.1 Legend Park Supported Playgroup Update**

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

*That Part A and Part B of the recommendation be dealt with separately.*

**CARRIED**

Moved Cr James,

Seconded Cr Klisaris

*That Council*

**PART A:**

- 1. Notes that officers have investigated alternative locations for the supported playgroup as per Council's resolution made at the June 2019 Council meeting, and have identified that the Mulgrave Community Centre is the only readily available location that could in the short to medium term accommodate a five day a week playgroup.*
- 2. Notes that if Council is to provide a five day a week play group at the Mulgrave Community Centre, Council would require a budget expenditure of approximately \$210,000 to achieve this outcome;*
- 3. Accepts in principle that this is an appropriate location and directs officers to commence consultation with the 350 playgroup families currently accessing*

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*the service at Legend Park to seek their comments and feedback on the possible Mulgrave Community Centre location;*

- 4. Notes that officers will report back to a future Council meeting on the outcome of the consultation with the playgroup families;*
- 5. Notes that this project, should it proceed will be referred to the 2020/21 budget process for consideration; and*
- 6. Notes that it is an option for Council to not consider an expansion of the family support group at this time and maintain a status quo position at Legend Park, with both the current playgroup and the Kindergarten operating from the premises.*

**CARRIED**

Moved Cr Saloumi,

Seconded Cr Little

*That Council:*

**PART B:**

- 7. Notes the enrolment numbers of children at Legend Park Kindergarten for 2020 has not achieved the sustainable numbers required by the Early Years Manager bestchance as of 2 September 2019;*
- 8. Notes the request from bestchance for Council to underwrite the shortfall in funding to ensure they are able to continue to operate a kindergarten program without sustaining any further financial loss from 2020 onwards, currently estimated at \$52,950 based on current 2020 enrolments as at 2 September 2019. The final amount which will not be greater than \$52,950 and be based on actual attendance as at 27 March 2020;*
- 9. Resolves to fund any shortfall in the operating cost as identified in recommendation 8 above so as to ensure the continuation of the kindergarten program for the forthcoming year; and*
- 10. Receive a further update report at the June 2020 Council meeting detailing the enrolment numbers at Legend Park Kindergarten for 2021.*

**LOST**

DIVISION

A division was called.

For: Crs Little, Saloumi

Against: Crs Lake, James, Paterson, Pang Tsoi

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Abstain: Cr Fergeus

NOTE: Cr Klisaris was absent from the Council Chamber for the division.

**3. CORPORATE SERVICES**

Nil.

**4. INFRASTRUCTURE**

Nil.

**5. CHIEF EXECUTIVE OFFICER'S REPORTS**

**5.1 Assembly of Councillors Record**

Moved Cr Fergeus,

Seconded Cr Pang Tsoi

*That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.*

**CARRIED**

**5.2 Tender for Courier Services**

Moved Cr Fergeus,

Seconded Cr Pang Tsoi

*That Council:*

- 1. Awards the tender from QET Pty Ltd (trading as Quebec Couriers) for Provision of Courier Services, Contract No. 2020016 for a schedule of rates based contract with an estimated annual contract value of \$83,109 and an estimated total contract value of \$498,654 inclusive of all available extension options.*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement.*
- 3. Authorises the Chief Executive Officer to approve options for an extension of the contract subject to the satisfactory performance by QET Pty Ltd, after the initial contract term commencing on 1 October 2019, for three years, with three extension options of one year each.*

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

**CARRIED**

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**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications**

Moved Cr Paterson,

Seconded Cr Lake

*That Council resolves to decline to approve the applications received for funding from the Council's Discretionary Expenditure Fund.*

**CARRIED**

**6.2 Engaging Our Community - Participatory Budgeting**

Moved Cr Fergeus,

Seconded Cr Saloumi

*That Council:*

1. *Notes that participatory budgeting has been shown to significantly contribute to broader public participation in local governance, and has been associated with improvements in public health, reduced corruption, greater trust in government, higher tax compliance and stronger economic growth<sup>1</sup>.*
  2. *Notes that 43% of respondents in the Monash 2021 and Beyond community survey wanted 'more openness and transparency', and particularly more detail on Council expenditure.*
  3. *Notes the following Council policy positions which align with the principles of participatory budgeting:*
    - *"People can have a say in, and are at the centre of, our decisions" (Council Plan, 2017-21);*
    - *"Enhancing community consultation and involvement in our decision-making", (Council Plan, 2017-21);*
    - *"We commit to actively engaging our community in decision-making to shape our services", (Council Plan, 2017-21);*
    - *"A city which actively listens, engages and values community wisdom in shaping its own future", (A Healthy & Resilient Monash, 2017-2021);*
    - *"What we will do: support community to have an active role through participation in civic and community life", (A Healthy & Resilient Monash, 2017-2021).*
  4. *Requests that Officers provide a report to Council no later than April 2020 detailing options for a limited trial of participatory budgeting to contribute to the development of the 2021-2022 Council Budget.*
  5. *Refers the Participatory Budget Project to the 2020-2021 Budget process, to allow for the appropriate allocation of resources should Council choose to proceed with the Project upon receipt of the Officer report.*
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POINT OF ORDER

Cr Fergeus raised a Point of Order in respect of the comments made by Cr Klisaris during his contribution. He said that Cr Klisaris' comments were defamatory.

Cr Klisaris advised Council that he withdrew his comments.

POINT OF ORDER

Cr Lake raised a Point of Order, saying that the grounds for Cr Fergeus' Point of Order were not contained in the current Meeting Procedure local law. They had been in the previous local law, but had been removed.

**LOST**

DIVISION

A division was called.

For: Crs Fergeus, Saloumi

Against: Crs Lake, James, Little, Klisaris, Paterson

NOTE: Cr Pang Tsoi was absent from the Council Chamber for the division.

**6.3 Council's Response To Climate Change**

This item was dealt with earlier in the agenda.

**6.4 Council's Advisory Committees**

Moved Cr James,

Seconded Cr Lake

***That:***

***1. The Terms of Reference of all of Council's Advisory Committees, with the exception of the following:***

- Monash War Memorials Advisory Committee***
- Chief Executive Officer's Performance Review Committee***
- Monash Awards Committee***
- Community Grants Program Evaluation Panel***

***be amended to provide that they each submit a report to Council, annually, on their activities.***

***2. This requirement be introduced to take effect from January 1, 2020.***

**CARRIED**

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**6.5 Retrieval of Motion Regarding Climate Change**

This item was dealt with earlier in the agenda.

**7. COMMITTEE REPORTS**

**7.1 Audit & Risk Committee Minutes for 13 August 2019**

Moved Cr James,

Seconded Cr Little

*That Council:*

- 1. Notes the unconfirmed minutes of the 13 August 2019 Audit & Risk Committee (the Committee) meeting.*
- 2. Notes that the minutes will be signed 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**

**7.2 Monash Gallery of Art Committee of Management Annual Report 2018 - 2019**

Moved Cr Saloumi,

Seconded Cr Little

*That Council:*

- 1. Receives the 2018 – 2019 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**

**8. URGENT BUSINESS**

Nil.

**9. CONFIDENTIAL BUSINESS**

Moved Cr James,

Seconded Cr Little

*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 matter at a closed meeting, resolves to close the meeting*

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*to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificates.*

**CARRIED**

**10. PERSONAL EXPLANATIONS**

Cr Klisaris made a personal explanation.

Cr Saloumi made a personal explanation.

**11. COUNCILLORS' REPORTS**

Cr Saloumi advised Council of:

- a) Attended Chinese Professional Club of Australia’s Moon Festival celebrations;
- b) Attended the planting of indigenous plants in the road reserve at Glentower Drive Glen Waverley, on Sunday, as part of Gardens for Wildlife; and
- c) Attended the 2019 Governor of Victoria’s Environmental Science Public Lecture at Government House

The Mayor declared the meeting closed at 10.28 pm

**MAYOR:** .....

**DATED THIS ..... DAY OF ..... 2019**