



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 27 MARCH 2018**

at 7.00 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 27 MARCH 2018 AT 7.00 PM.**

PRESENT: Councillors P Klisaris (Mayor), S McCluskey (Deputy Mayor), R Davies, J Fergeus, S James, G Lake, B Little, R Paterson, L Saloumi, MT Pang Tsoi, T Zographos

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Cr Lake: Item 1.1; the Mayor: Item 1.9.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 27 FEBRUARY 2018 & SPECIAL MEETING HELD ON 20 FEBRUARY
2018**

Moved Cr Klisaris,

Seconded Cr McCluskey

That the minutes of the Ordinary Meeting of the Council held on 27 February 2018, and Special Meeting Held on 20 February be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Lake tabled a petition against the proposed development at 374-384 Blackburn Road, Glen Waverley.

PUBLIC QUESTION TIME

The Mayor advised that 6 submitters submitted questions to the Council.

OFFICERS' REPORTS

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Little

That Item 2.1, be dealt with as the first item of business.

CARRIED

2.1 Oakleigh Recreation Centre Indoor Stadium and Waverley Gymnastics Facility Redevelopment Project

Moved Cr Klisaris,

Seconded Cr Paterson

That Council

1. *Notes the status of the Oakleigh Recreation Centre Indoor Stadium and Waverley Gymnastics Facility Development and Council's previous allocation of up to \$20M for the project (inclusive of grants and contributions).*
2. *Approves the additional budget expenditure of \$3.3M (total project cost of \$23.3M) to ensure that the redevelopment fits the requirements of Council and the Waverley Gymnastics Centre and enables the facility to offer expanded programs and participation into the future.*
3. *Provides Waverley Gymnastics Club exclusive use of the proposed facility including but not limited to the following terms which will be reflected in any lease offered:*
 - a) *A lease period of up to twenty (20) years with two further options for five years at Councils sole discretion (20 + 5 + 5). Within 12 months and no less than 6 months from expiry of the initial twenty (20) year term, Waverley Gymnastics Club must write to Council with their intent to exercise this option which will trigger a decision by Council as to a further extension and if this is granted, a rental review in accordance with point b) below.*
 - b) *A rental review as identified in point a) above will have regard to advice from an authorised independent valuer, the tenants audited financial statements and Councils Leasing and Licencing Policy. The reviewed rental will be based on these parameters and will be at Councils sole discretion.*
 - c) *An initial rental of \$50,000 per annum and increased by \$4,000 plus CPI annually for up to five (5) years or until the rental reaches \$70,000; then CPI increases apply annually for the remainder of the initial twenty (20) year lease period.*
 - d) *Repair, maintenance, replacement and any additions/improvements of any air conditioning systems, sound acoustic treatment, tenant fixtures and fittings and the like are the responsibility of the tenant. The tenant will be responsible for repair or replacement of any damage beyond general wear and tear to any building and/or fixture owned by Council.*

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- e) *All cleaning associated with the facility is the responsibility of the tenant.*
 - f) *All outgoings, utilities, rates and taxes and insurance provisions are to be paid for by the tenant. The tenant must provide to Council annually evidence that the appropriate insurances including but not limited to, public liability are current.*
 - g) *Any further works or retrofitting to the building, must only be undertaken with the express permission of Council and will be fully paid for by the tenant.*
 - h) *All works and tenant improvements and extensions to the building and any fixtures that are not removable will remain in the ownership of Council at the end of any rental period.*
4. *Directs officers to present to Waverley Gymnastics Club, a heads of agreement including all the proposed terms and conditions that the proposed lease will be subject to, including annual rental arrangements as per point 3 above.*
 5. *With regard to point 4 above, requests that Waverley Gymnastics Club return to Council within 21 days (or as otherwise agreed to by Council subject to any further clarification) a signed copy of the heads of agreement issued to them.*
 6. *Approves the \$3.3M additional budget expenditure to be funded from the proceeds of the sale of the land at 14-16 Atkinson Street, Chadstone should Council resolve to sell the land;*
 7. *Approves CEO sign off on the tender for detailed design once final agreement with the Waverley Gymnastics Club has been achieved; and*
 8. *Gives in-principle agreement to act as guarantor for the Waverley Gymnastics Club's intended bank loan of \$400,000, subject to the loan being over a reasonable timeframe (not to exceed ten (10) years).*

Cr James said that this was an excellent project which he had supported from the beginning and that it would have a great benefit for the community. However, he hoped that further funding for it would not be needed.

Cr McCluskey said that this was a good, valid and essential project and noted that the Oakleigh Recreation Centre was in need of redevelopment. He noted the collaboration of the 3 levels of government on this project. Cr McCluskey also noted that this was a decision that the Council would not take lightly, as it represented a big financial commitment.

In response to a question from Cr McCluskey, the Director Infrastructure advised that the costs for the project had increased, because essentially it was a different project to the one that was scoped, as a result of the need to reorientate the tennis courts, provide additional space for the gymnastics club and replace the roof. He added this was a better outcome.

Cr Little said that the origins of the project were in the unsuitable facility that the gymnastics club was in and the opportunities that had arisen regarding the availability of government funding. He noted that some issues had been encountered with the

project design and it was fortuitous as the additional funding was hard to come by and could have funded other projects. Cr Little said that the result would set a benchmark, but the investment should not be taken lightly. He expressed his support for the motion.

Cr Zographos said that he had concerns about the process of Council approving \$3.3 million in additional expenditure for the project. He said that he had been made aware of this request in the last month, probably closer to 3 weeks, and to make a decision within 3 weeks without having spoken to stakeholders, he didn't feel he was in a position to do that. Cr Zographos said that he preferred to have the matter deferred to the next Council meeting, to allow him to speak with sporting organisations, community representatives, local residents and other stakeholders. He added he wouldn't support a decision being made at this meeting as he believed that residents and ratepayers wanted the Council to make decisions controls on the expenditure of money. He said that he was concerned about the process and that may have been with the Mayor who had the authority to meet with organisations on the Council's behalf. Cr Zographos said that he would not be forced to make decisions. He said that the Council had applied to the State Government to increase its rate cap, because of unforeseen recycling costs. Cr Zographos said that he could support the extra funding for the project, at least until the Council found out if its request for the rate cap variation had been approved. He noted that the Council was going through a Budget process and the funding would be tight. Cr Zographos expressed his concern about the possible failure to sell the 2 parcels of land in Chadstone.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Fergeus

That Cr Zographos be granted 1 minute extra speaking time.

CARRIED

Cr Zographos said that if the land wasn't sold, the Council would face a serious situation. He said that he preferred to have the matter deferred and would move a procedural motion to that effect. He said that the Council needed to think of the city as a whole.

Cr Davies said that he had supported the project from its inception, noting that it was a unique project that had attracted funding from all levels of government. He said that he was reluctant to support the extra funding. He said that ratepayers' interests had to be considered and the Council needed to reduce costs on the project and seek additional funding from the other levels of government. He said that he would not support the allocation of extra funding. The project needed to be re-evaluated.

Cr Paterson said that she had been across the project for a long time, since late 2016 and noted that it had changed along the way and would end up costing a little more than originally anticipated. Cr Paterson said that the CEO had advised councillors 6 weeks ago of the additional costs and had provided weekly updates to them on the work done by Council officers on the project and with all stakeholders, to try to contain costs without affecting the end result, which was the most important consideration. Cr

Paterson said that the outcome had to be right. She noted that the Council needed to sell some land to ensure that it did not need to go into debt. Cr Paterson commended everyone involved in this fantastic project.

The Mayor said that it was a mistake to think that there had not been a process. There had been a very lengthy process. He added that all councillors had had the opportunity to speak with stakeholders and noted the presentation from Waverley Gymnastics to councillors, the previous week and none of the councillors speaking against the motion had said anything at that presentation. The Mayor said that councillors were elected to deliver for their community.

PERSONAL EXPLANATION

Cr Zographos requested to make a Personal Explanation.

The Mayor declined the request.

DISSENT FROM CHAIRPERSON'S RULING

Moved Cr Zographos, Seconded Cr Davies

That the Chairperson's ruling be dissented from.

Cr Zographos said that he should be afforded the opportunity of a personal explanation, following the Mayor's comments.

Cr Lake noted that the Mayor's ruling was made on the basis that personal explanations could be made late in the agenda and his ruling accorded with the meeting procedures local law.

The Mayor confirmed that that Cr Zographos would be given the opportunity to make his explanation at the appropriate time on the agenda.

LOST

PROCEDURAL MOTION

Moved Cr Zographos, Seconded Cr Saloumi

That Cr Zographos be permitted to make a personal explanation, immediately.

LOST

AMENDMENT

Moved Cr Zographos, Seconded Cr Davies

That part 6 of the motion be deleted.

Cr Zographos said that it was unfair that the Mayor had put words in his mouth. He said that he had not said that he was against the project and had was one of the most strident supporters of it.

The Mayor requested Cr Zographos to speak on his amendment.

Cr Zographos said that he was instrumental in securing Federal funding for the project. He said that he wanted to see the project completed and was one of the reasons he was on Council. Cr Zographos said that comments from the Mayor were irrelevant to his position on the matter. He added that if the Council didn't sell the land, it would have a big problem and it was legally uncommon for the sale of land to be tied to particular projects. Cr Zographos said that be removing part 6 of the motion it could fund the project in any way it wanted. He said that the amendment was responsible.

Cr James said that he did not support the amendment as it would create a financial hole for the Council.

Cr Little said that he had not seen too many difficulties in selling land in this part of the world.

Cr Davies said that he supported the amendment. He said that the sale of land needed to be passed by resolution of Council. If the Council decided not to sell the land, it would affect this motion.

Cr Fergeus said that he found the conversation unedifying and the Council was now arguing over an amendment that would make no difference one way or another. He said that the Council needed to make a decision

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Klisaris

That the amendment be put.

CARRIED

The amendment was put to the vote and declared lost.

LOST

DIVISION

A Division was called.

For Crs Davies and Zographos

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

Abstained: Crs Saloumi and Fergeus

PROCEDURAL MOTION

Moved Cr Zographos,

Seconded Cr Saloumi

That this item be deferred to the April 2018 Ordinary Meeting of Council.

LOST

DIVISION

A Division was called.

For: Crs Davies, Saloumi, Zographos

Against: Crs Little, Paterson, McCluskey, Klisaris, Tsoi, James, Lake, Fergeus

MOTION

The motion was put to the vote and declared carried.

CARRIED

A Division was called.

For: Crs Little, Paterson, McCluskey, Klisaris, Tsoi, James, Lake, Fergeus

Against: Crs Davies and Zographos

Abstained: Cr Saloumi

1. CITY DEVELOPMENT

1.1 Update on Building Cladding Audits

NOTE: Cr Lake disclosed a direct interest as he is joint owner of a unit in a building that is potentially affected by Council's cladding audit. He vacated the Chamber prior to the Council commencing its consideration of this item and returned at 7.55 pm, after the Council had concluded its vote on the item.

Moved Cr Little,

Seconded Cr Paterson

That Council:

- 1. Notes the work being undertaken by Council as part of its role on the Victorian Cladding Taskforce's pilot program.*

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- 2. Notes the work of the Victorian Building Authority on this issue.*
 - 3. Notes that a further report will be brought to a future Council meeting to update Councillors of progress on this matter.*
 - 4. Writes to the Minister for Planning Richard Wynne and the Victorian Building Authority (VBA) seeking clarification about the steps that will be taken on non-complying buildings to make them compliant, after the buildings are made safe, and the financial support that will be offered to Councils in doing so.*

Cr Little said that of 107 buildings in Monash at least 67 will have significant issues in that they would not have cladding that complies with the forthcoming building regulations. He added that the Council had taken on the job of assessing the buildings and determining if there were any issues. Cr Little noted that first and second level assessments had been done; the VBA would then undertake the final assessment to determine if the cladding was compliant.

CARRIED

1.2 Amendment C125 – Part Approval of Changes to Residential Zones

Moved Cr Paterson,

Seconded Cr Fergeus

That Council:

- 1. Notes the Minister for Planning has decided to split Amendment C125 into two parts.*
- 2. Notes that the Minister has approved Part 1 of Amendment C125 which rezones land to Residential Growth Zone (RGZ) and Neighbourhood Residential Zone (NRZ), as adopted by Council at its meeting of 28 February 2017.*
- 3. Notes that in approving Part 1 the Minister deleted the proposed Design and Development Overlay and Development Contribution Overlay from the growth areas around the Clayton Activity Centre.*
- 4. Notes that Council resolved at its 26 April 2017 meeting to explore the potential for the introduction of a 9 metre (2 storey) height limit in the General Residential zone to align with the exhibited intent of Amendment C125.*
- 5. Notes that Part 2 of Amendment C125 relates to land that was proposed to remain in the General Residential zone but as a consequence of changes made by the Minister in March 2017 through VC110 now has a 3 storey (11metre) height limit rather than a discretionary 9 metre height limit.*
- 6. Notes the Ministers advice that any further changes to the exhibited C125 General Residential zone such as the introduction of a 9 metre height limit or further application of the NRZ would require further notification in accordance with the Planning & Environment Act 1987.*
- 7. Requests the Minister to approve Part 2 of Amendment C125 as adopted by Council at its meeting of February 2017 as soon as possible, acknowledging that the maximum mandatory 3 storey (11 metre) height limit will continue to apply in the General Residential zone.*

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8. *Notes that officers are continuing discussions with representatives of the Department of Environment, Land, Water and Planning and that these discussions will include:*
 - a. *the identification of accessible areas around activity centres;*
 - b. *the appropriate zone and planning provisions for the Boulevards identified in the Monash Housing Strategy;*
 - c. *clarification as to why the Design and Development Overlay and Development Contributions Plan were not approved; and*
 - d. *others issues to ensure that Amendment C125 is able to achieve its objectives.*
 9. *Authorises the Director City Development to continue discussions with representatives from the Department of Environment, Land, Water and Planning to facilitate the outcomes sought in Recommendation 6 & 7.*
 10. *Notes that further changes to accessible areas and boulevards arising from Recommendation 7 will be the subject of a separate Council report and amendment process.*

In response to a question from Cr Little, the Director City Development advised that C125 allowed for a 9 metre height limit as a discretion. So there was a possibility of that limit being exceeded, although uncommon. He added that Council understood that VC110 introduced a mandatory height limit of 11 metres. The Council asked the Minister to introduce interim heights, at 9 metres, to allow further strategic work. The Minister did not grant the interim heights but split Amendment C125 to allow Council to explore lower heights in neighbourhood residential zones.

Cr Little commended the motion, saying that it was a good way forward.

CARRIED

1.3 1 Jacksons Road, Mulgrave – Use and Development of a Childcare Centre and Reduction in the Car Parking Rate for the Unoccupied Warehouse on the Site

Moved Cr James,

Seconded Cr Paterson

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/48276) for the use and development of a childcare centre and a reduction in the Statutory car parking rate for the unoccupied warehouse on the site, at 1 Jacksons Road, Mulgrave subject to the following conditions:

1. *Before the development starts, three copies of 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 with the application, but modified to show:

- a) *A minimum front setback to the building of not less than 7.6 metres.*
- b) *All on site car parking spaces allocated for childcare centre use to be increased in width to not less than 2.6 metres. Any resulting changes to the layout of the carpark,*

and/or reduction in the number of car parking spaces must be to the satisfaction of the Responsible Authority.

- c) *Landscape Plan required by condition 7 of this permit.*
 - d) *Details, including plans if applicable of proposed acoustic screening to roof top plant.*
 - e) *Detailed plans of proposed front fencing along Jacksons Road. Elevation plans must include height of fence and construction material.*
2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 3. *Once the development and use has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 4. *Prior to the commencement of the childcare centre use hereby permitted, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 in which the owner agrees that the warehouse use approved by planning permit 61/04/2985(b) will not operate in any manner unless sufficient on site car parking is first provided in accordance with clause 52.06 of the Monash Planning Scheme and to the satisfaction of the Responsible Authority.*

The agreement must also provide that the building must not be used for any other use unless written confirmation has been obtained from the Responsible Authority.

The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, deregistering the agreement.

5. *Prior to the commencement of development for the usage of the land to be changed for a sensitive use permitted by this permit for the land, you are required to provide to Council either:*
 - a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

Three copies of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

The development/use allowed by this permit must strictly comply with the directions and conditions of the Environment Protection Act 1970 and also with the conditions on the Certificate or Statement of Environmental Audit.

A section 173 Agreement under the Planning and Environment Act 1987 may need to be entered into with the Responsible Authority depending on the conditions of the Statement of Environmental Audit issued for the land. Any amendment must be approved by the Responsible Authority prior to the commencement of any works, use and development and may require further assessment of the land.

Prior to the use of the land permitted by this permit a letter must be submitted to Council prepared by an Environmental Auditor appointed by the Environment Protection Authority under the Environment Protection Act 1970 to verify that the conditions of the Statement of Environmental Audit issued for the land have been satisfied.

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- *A copy of the certificate or statement of Environmental Audit issued for the land must be provided to each owner, under a covering letter which draws attention to any conditions or directions on the Certificate or Statement of Environmental Audit.*
 - *The land owner and all its successors in title or transferees must upon release for private sale of each of the lots created (if any) by the subdivision include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962 annexed to the Contract of Sale for the sale of the land, a copy of the planning permit and relevant plans, Certificate or Statement of Environmental Audit for the land and any management plans or other documentation required to be prepared and adhered to in respect of the land.*

Note:

Should the land be unable to be remediated or the Environmental Audit Certificate or Statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act, 1987.

6. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
7. *The use may only operate between the hours of 7.00 and 6.30 pm Monday to Friday, without the further written consent of the Responsible Authority.*
8. *Not more than 200 children may be cared for on site at any one time.*
9. *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 prior to the commencement of any works. The plan must show the proposed landscape treatment of the site and be generally in accordance with the landscape masterplan prepared by Tract Ref: Drawing number 0316-0868-D004 Rev 03 dated 26.09.2017 including:-*
 - a) *the location of all existing trees and other vegetation to be retained on site*
 - b) *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - c) *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - d) *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - e) *the location and details of all fencing*
 - f) *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - g) *details of all proposed hard surface materials including pathways, patio or decked areas*

When approved the plan will be endorsed and will then form part of the permit

10. *Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area shall be*

marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.

11. *No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted*
12. *All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
13. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin;*
14. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

Waste Management Plan

15. *The use must not commence until a Waste Management Plan is prepared for the collection and disposal of garbage and recyclables for all uses on the site has been endorsed. The Waste Management Plan shall provide for:*
 - a) *The method of collection of garbage and recyclables for uses;*
 - b) *Designation of methods of collection utilizing private services;*
 - c) *Appropriate areas of bin storage on-site and areas for bin storage on collection days;*
 - d) *Measures to minimize the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) *Litter management.*

The plan must be prepared and implemented to the satisfaction of the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of this permit.

16. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
17. *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
18. *Any waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewer connection located within the waste storage room.*

Traffic

19. *Before the use hereby permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*

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- a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.

20. *The loading and unloading of goods from vehicles must only be carried out on the land.*
21. *The development must be drained to the satisfaction of the Responsible Authority.*
22. *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.*
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 cleared detailed on endorsed plans forming part of this permit.*

Construction Management Plan

24. *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
 - a) *measures to control noise, dust and water runoff;*
 - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *the location of where building materials are to be kept during construction;*
 - d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - f) *on-site parking of vehicles associated with construction of the development;*
 - g) *wash down areas for trucks and vehicles associated with construction activities;*
 - h) *cleaning and maintaining surrounding road surfaces;*
 - i) *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. This does not include excavation or the use of heavy machinery).*
25. *The owner and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of*

the State Environment Protection Policies No. N1 and N-2 must on request provide evidence to Council of Compliance with the policies.

- 26. Mechanical plant noise must at all times comply with State Environment Protection Policy No. N-1 (SEPP N-1)*
- 27. No external loudspeakers shall be used in the general operation of the childcare centre (excluding emergencies).*
- 28. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*

At the immediate request of the Responsible Authority noise testing must be taken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to the Responsible Authority.

- 29. Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed*
- 30. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
 - The development is not started before 2 years from the date of issue.*
 - 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 six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES:

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval before occupation.*
- 3. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- 4. Any new drainage connections onto a Council easement drain and work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. One printed copy of the plan (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- 5. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*

6. *Accessible parking spaces on site must be designed in accordance with the Australian Standards for off-Street Parking for people with disabilities, AS/NZS 2890.6.*
7. *Any future subdivision of the approved development must provide the requisite number of car spaces required by Clause 52.06-5 of the Monash Planning Scheme for the childcare centre hereby approved, or by any future amendments.*
8. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath.*
9. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*
10. *Direct the entire site's stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to the Council pit within the property. (A new pit is to be constructed if a pit does not exist or is not a standard Council pit).*
11. *Engineering permits must be obtained for new or altered vehicle crossings and civil works within the road reserve and these works are to be inspected by Council (tel. 9518 3690).*

'Building over easement' approval is required.

AMENDMENT

Moved Cr Davies,

Seconded Cr Klisaris

Add the following conditions:

Condition 1:

- f) *A notation clarifying that the access ramp at the south west of the building must be limited to pedestrian access and may only be used between the hours of 7am to 6pm, Mondays to Fridays.*
- g) *The bin enclosure located to the south west of the building must be setback a minimum of 4 metres from the southern residential common boundary.*
- h) *The whole of the ground floor of the building to be setback at minimum of 4.16 metres from the southern boundary. The setback of the first floor of the building from the southern boundary at 4.228 metres should not be reduced.*

Condition 4: No window openings to the kitchen or amenities area are permitted along or within 4 metres of the southern boundary of the site.

Cr Davies said that the amendment addresses issues around car parking, setback and window openings on the kitchen. Discussions had taken place with residents by the 3 Ward councillors. He said that the amendment would hopefully reduce some of the impacts., particularly for residents adjoining the rear fence of the site.

Cr James said that he was happy to back the judgement of the Ward councillors, but was concerned at the late receipt of the amendment that concerned a \$4 million development.

Cr Lake said that he was not as accepting of the view of the Ward councillors as Cr James and wanted to know if officers agreed with them and if they did, why they weren't included in the recommendation.

The Director City Development advised that in relation to the amendments – Condition 1f): that area was only ever treated as pedestrian access and tied to the use of the building. He said that he didn't think that it was necessary, but there was no harm in its inclusion; Condition 1g): officers did not see an issue with a bin enclosure as this was controlled by a number of environmental conditions; Condition 1h): that part of the building is considered appropriate in relation to its location and setback; Condition 4: there are no existing windows, but with an increased setback, the developer may seek to introduce windows.

Cr Lake asked the Director City Development if the amendments should be supported.

He then asked if they were unnecessary and Council was better advised not to support them, or were they superfluous.

The Director City Development advised that officers had seen fit not to include those proposed conditions. Officers did not necessarily see those impacts that residents had raised concerns about with the Ward councillors. The amendment would address those real or perceived issues.

Cr McCluskey said that the plan had the commercial kitchen wall forming part of the boundary, providing a distance of only 2 metres from the wall to the neighbour's residence, which was too close. He said that officers saw merit in requiring a setback. Cr McCluskey added that Condition 13 provided that the amenity of the area must not be detrimentally affected by the use or development, and Condition 4, as well as the other parts of the amendment, supported that. Cr McCluskey said that residents generally supported the proposal but had particular concerns.

The Mayor noted that this had only come to him a few days ago and there was no attempt to delay the circulation of the amendments. He added that residents were happy having a childcare centre next to them, but were concerned about the positioning of the kitchen and other elements of the proposal that could impact their amenity.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the substantive motion.

Cr Davies informed the Council that residents had contacted the Ward councillors individually, therefore the councillors were not initially aware that they were working on the same matter, separately. He said that he apologised to the Council for the lateness of the amendments.

CARRIED

1.4 10-12 Earlstown Road, Hughesdale – Construction of Twelve 3 Storey Townhouses Above a Basement Carpark

Moved Cr Paterson,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/48282) for the construction of twelve (12), 3 storey dwellings above a basement carpark on land affected by a Design and Development Overlay – Schedule 11 (DD011), at 10-12 Earlstown Road, Hughesdale, subject to the following conditions:

1. *Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. 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 with the application, but modified to show:

- i) *The second floor level of dwelling 1 setback an additional 500mm from the front boundary and reduced in height to the satisfaction of the responsible authority.*
- j) *Softening of the second floor built form (mansard style), especially across the front façade to present as a more typical apartment style façade to the satisfaction of the responsible authority.*
- k) *Detailed information about permeable areas of site, including plan indicating areas included as 'permeable surfaces' and details of permeable surfaces proposed.*
- l) *The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*
- m) *Provision of 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 driveway to basement ramp.*
- n) *A signal system along the basement ramp to manage traffic conflict on ramp. A vehicle waiting bay/line is to be clearly line marked at the basement level to ensure ramp access ways remain clear at all times to the satisfaction of the Responsible Authority.*
- o) *The proposed crossover to be 3.6 metres in width. A 3 metre tree protection zone must be maintained.*
- p) *Finished floor levels for all dwellings.*
- q) *Screening of second floor northern facing balconies of dwellings 3 – 10, and south facing upper floor windows and balconies of dwellings 9,10 and 11 (where applicable) in accordance with standard 22 of Clause 55.04-6 of the Monash Planning Scheme.*

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

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

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3. *Before the commencement of buildings and works, 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 prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
- *the location of all existing trees and other vegetation to be retained on site*
 - *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - *the location and details of all fencing*
 - *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - *details of all proposed hard surface materials including pathways, patio or decked areas*

When approved the plan will be endorsed and will then form part of the 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. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
- a) *The method of collection of garbage and recyclables for uses;*
 - b) *Designation of methods of collection by private services;*
 - c) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - d) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) *Litter management.*

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

6. *Prior to the commencement of any works that are permitted by this permit all trees that are to be retained, or are located within or adjacent to any works area shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.*
7. *No vehicle shall park under the canopy line of the street tree.*

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8. *Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
- j) *measures to control noise, dust and water runoff;*
 - k) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - l) *the location of where building materials are to be kept during construction;*
 - m) *site security;*
 - n) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - o) *on-site parking of vehicles associated with construction of the development;*
 - p) *wash down areas for trucks and vehicles associated with construction activities;*
 - q) *cleaning and maintaining surrounding road surfaces;*
 - r) *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. This does not include excavation or the use of heavy machinery.)*
9. *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.*
10. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- (a) *constructed to the satisfaction of the Responsible Authority;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- Parking areas and access lanes must be kept available for these purposes at all times.*
11. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
12. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
13. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
- *The development is not started before 2 years from the date of issue.*
 - *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 six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES-

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *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.*
3. *A Drainage Contribution will not be accepted in lieu of a detention system.*
4. *Detention system requirements for the above property are as follows:*
 - *Minimum storage = 12.8 cubic metres*
 - *Minimum discharge rate = 7.36 litres per second*
 - *Minimum orifice diameter is using orifice pit = 65mm, otherwise install a Phillips multi-cell or similar to control outflow*
5. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$1,000.00 is to be paid prior to the drainage works commencing.*
6. *Direct the entire site's stormwater drainage to the north west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip of the property to Council standards. Note:- if the point of discharge cannot be located then notify Council's Engineering Division immediately.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council drains/Council pits/kerb & channel and these works are to be inspected by Council (telephone 9518 3555).*
8. *One printed copy of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that drainage works will meet all drainage requirements of this permit.*
9. *An onsite 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.*
10. *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.

In the event of parking restrictions in this area, owner/occupiers of this development will not be granted parking permits.

Cr Fergeus said that he had spoken to residents who had some concerns about the proposal. He added that if this proposal was not approved, a similar one was bound to be submitted in the future. He said that he would support the motion, noting the comprehensive amount of conditions that were proposed to be placed on the permit.

Cr James said that he was comfortable with the proposed permit conditions. HE noted the site was one street back from Warrigal Road and part of the Oakleigh Activity Centre. It was an appropriate development for the site and he was satisfied with the conditions proposed by officers.

CARRIED

1.5 12 Nexus Court, Mulgrave – Construction of a Multi Level Building for a Residential Hotel, Office, Car Park, Car Wash and Indoor Recreation Facility (Gymnasium)

Moved Cr Davies,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/48496) for the construction of a multi level building, use of land for a residential hotel, car park, car wash and indoor recreation facility (gymnasium) and variation to the requirements of Clause 52.13 (car wash), at 12 Nexus Court, Mulgrave (currently forming part of 10 Nexus Court, Mulgrave) subject to the following conditions:

1. *Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. 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 with the application, but modified to show:*
 - a) *The laneway intersection with Nexus Court is to be redesigned to provide a 90 degree standard T-intersection.*
 - b) *Additional bicycle facilities in accordance with the requirements of Clause 52.34.*
 - c) *A full schedule of materials and finishes.*
 - d) *The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*
 - e) *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) both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
 - f) *Any required acoustic attenuation measures as a consequence of the required Acoustic Assessment.*

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- g) Car parking allocation in accordance with the required Car Parking Management Plan.*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 4. Prior to endorsement of plans pursuant to condition 1 of the permit an Acoustic Assessment must be submitted to and approved by the responsible authority. The Acoustic Assessment must be undertaken by a suitably qualified person to:*
- a) Assess the noise impact of permissible surrounding land use on the approved residential hotel.*
- b) Specify any required noise attenuation measures to be incorporated into the design of the residential hotel. The residential hotel building must be designed to limit noise levels in bedrooms to a maximum of 45dB LAeq,8h for the night period from 10:00pm to 6:00am the following day in accordance with relevant Australian Standards for acoustic control.*
- Any recommendations or required modifications to the development must be specified on the endorsed plans and implemented to the satisfaction of Responsible Authority prior to occupation of the premises.*
- When approved the Acoustic Assessment will be endorsed to form part of this permit.*
- 5. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
- a) Residential hotel premises within the development are restricted to short-stay accommodation defined as "Residential Hotel" by the Monash Planning Scheme.*
- b) Permanent occupation of apartment premises as a primary residence is prohibited.*
- c) Residential hotel premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.*
- d) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.*
- e) Subdivision of the residential hotel units (into individual Titles) is prohibited.*
- f) The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.*
- A memorandum of the Agreement is to be entered into on Title. The cost of the preparation and execution of the Agreement and entry of the memorandum on Title is to be paid by the owner.*
- 6. The amenity of the area must not be detrimentally affected by the use or development, through the:*
- a) transport of materials, goods or commodities to or from the land;*
- b) appearance of any building, works or materials;*
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
- d) presence of vermin.*

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7. *Waste from the commercial car wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.*
 8. *The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
 9. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 10. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
 11. *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
 12. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
 13. *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 prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
 - a) *the location of all existing trees and other vegetation to be retained on site*
 - b) *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - c) *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - d) *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - e) *the location and details of all fencing*
 - f) *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - g) *details of all proposed hard surface materials including pathways, patio or decked areas*

When approved the plan will be endorsed and will then form part of the permit.
 14. *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.*
 15. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the south corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the pit in the nature strip of Nexus Court to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

If the point of discharge cannot be located then notify Council's Engineering Division immediately.

16. *Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.*
17. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
 - a) *trench grates (150mm minimum internal width) located within the property; and/or*
 - b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *another Council approved equivalent.*
18. *Driveways are to be designed and constructed using appropriate engineering standards.*
19. *Any works within the road reserve must ensure the footpath and naturestrip are reinstated to Council standards.*
20. *Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.

21. *No less than 3.5 car spaces per 100m² of net leasable office floor area must be provided on the land for the office component of the development and use. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement.*
22. *Car parking provision for the gymnasium must be made publically accessible at all times during operational hours of the gymnasium.*
23. *The loading and unloading of goods from vehicles must only be carried out on the land.*
24. *Prior to occupation of any new premises hereby permitted, a Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority.*

The amended Parking Management Plan must be generally in accordance with the approved Parking Management Plan, but modified to detail:

- *Provision of car parking at a minimum rate of 3.5 spaces per 100sqm of office floor area across the development;*
- *0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).*
- *Provision and adequacy of car parking to service other uses undertaken on the land;*
- *Equitable allocation and management of car parking throughout the development.*

The Parking Management Plan may be amended with the written consent of the Responsible Authority. When approved the Parking Management Plan will be endorsed to form part of this permit.

25. *The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*
- a) *Accessway to provide at least 2.1m headroom beneath overhead obstructions.*
 - b) *Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - c) *Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - i. *Maximum grade of 1 in 4.*
 - ii. *Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - d) *Minimum requirements for parking space dimensions to be in accordance with Table 2.*
 - e) *Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
26. *The accessible parking spaces should generally be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*
27. *The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.*
28. *Prior to commencement of any buildings and works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
- s) *measures to control noise, dust and water runoff;*
 - t) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - u) *the location of where building materials are to be kept during construction;*
 - v) *site security;*
 - w) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - x) *on-site parking of vehicles associated with construction of the development;*

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- y) *wash down areas for trucks and vehicles associated with construction activities;*
z) *cleaning and maintaining surrounding road surfaces;*
aa) *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. This does not include excavation or the use of heavy machinery.)*
29. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
- *The development and use are not started before 2 years from the date of issue.*
 - *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:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *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.*
3. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act with Council before occupation.*
4. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
5. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).*
6. *Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.*
7. *In the event that Nexus Court is to become a Council asset, all required drainage and road infrastructure must be designed and constructed to the satisfaction of the Responsible Authority. Prior to works commencing plans detailing the design of infrastructure must be submitted to the Responsible Authority for approval.*

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.

Cr Davies said that he supported the motion and that it was good to see commercial areas still being developed. He added that he had some concerns about car parking, but, overall, supported the proposal.

Cr Little spoke in support of the motion, adding that concerns about noise, given the site's proximity to the Monash Freeway, would be addressed by permit conditions requiring noise attenuation measures.

CARRIED

1.6 Proposed Amendment C131 – Rezoning of 256-262 Huntingdale Road, Huntingdale

Moved Cr James,

Seconded Cr Little

That Council resolves to:

- 1. Note the officer report in relation to the proposed rezoning and development of land at 252-262 Huntingdale Road, Huntingdale;*
- 2. Request the Minister for Planning to authorise Council, pursuant to Section 8A and Section 96A of the Planning and Environment Act 1987, to prepare Amendment C131 and the draft Planning Permit TPA/46581;*
- 3. Authorise the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report; and*
- 4. Upon receiving authorisation from the Minister for Planning, prepare Amendment C131 and the draft Planning Permit TPA/46581 and exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987.*

Cr James noted that the site was diagonally opposite Lockwoods and was surrounded by residential areas. He added that if the Huntingdale Activity Centre had a structure plan, a development like this would likely be supported.

Cr Little spoke in support of the motion, noting the characteristics of the proposed development, but highlighting that the application and the motion before Council was, at this point in time, for the rezoning of the site only.

CARRIED

1.7 14 Penington Street, Glen Waverley – Removal of One (1) Tree in the Vegetation Protection Overlay

Moved Cr Saloumi,

Seconded Cr Tsoi

- A. That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/48664) for the removal of one (1) tree in the Vegetation Protection Overlay at 14 Penington Street, Glen Waverley on the following grounds:*
 - a) The tree makes a significant contribution to the landscape character of the area and its removal does not accord with the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme.*

B. That the Director City Development or his delegate write to the Permit Applicant to advise that:

a) The independent arborist assessed the tree as follows:

- **The tree is healthy and appears structurally sound**
- **The tree's canopy is quite low and contains some deadwood. Ivy was growing up its trunk**
- **The tree is growing hard up against the southern (common) boundary fence and consequently damaging it.**
- **Tree is growing over an easement and the owner was concerned that roots may be damaging the pipes.**

Routine maintenance such as pruning, as well as removal of the ivy, will reduce the likelihood of limbs dropping from this tree. Routine maintenance such as this should be undertaken throughout the remaining life of the tree.

Cr Saloumi said that she had visited the site and was concerned about the danger that the tree posed to the residence it was located in and the residence behind, given that the trunk was in two parts and could potentially split. She noted that the tree had already dropped limbs and this continued to pose a concern.

Cr James agreed with Cr Saloumi, saying that the tree posed safety concerns and he would vote against the motion.

Cr Tsoi said that people's safety always came first and he considered that the tree posed a danger and would support an alternative motion for the tree's removal.

Cr McCluskey said that he supported the removal of the tree as there were safety concerns about it. He added that the Council needed to err on the side of the safety and noted that the applicant had undertaken to plant a replacement tree.

Cr Lake said that he supported removal of the tree. He said that he accepted the Arborist's view, as provided, and the condition of the garden should also not be a determining factor. He said it was about putting people before a blunt and very regimented to an out of date control via the VPO. He added that where a person becomes anxious about a tree that overhangs their property, the Council should be able to get a decent outcome, quickly. He said that a more flexible and fair approach was needed, putting people before trees, whilst still supporting the greening of Monash.

Cr Zographos said that he would vote against the motion. He said it was a complex situation because there were many streets in Monash that were made special because of the trees in those streets and supported the current process, and took Cr Lake's comments that the current policy was not perfect. Cr Zographos noted that Councillors had more flexibility in deciding on the policy than officers who needed to apply it. He said that every application had to be judged on its merits. Cr Zographos said that he did not have a set view on the removal of trees and that trees were an incredibly important part of the city.

Cr Fergeus said that he had contact with the residents and seen photos of the tree and did not see how this tree was any different to others that were seen on a regular basis. He said that it was a large tree but an Arborist's report stated that it was not dangerous. Cr Fergeus said that the original contact from the owner was based upon concern about damage to the fence and retaining wall. He said that he understood that there was anxiety about the tree but the Council needed to make a strategic decision on the value it placed on trees; in particular old growth trees.

LOST

DIVISION

A Division was called.

For: Crs Fergeus, Paterson

Against: Crs Saloumi, McCluskey, Klisaris, Zographos, James, Tsoi, Lake, Davies

Abstained: Cr Little

MOTION

Moved Cr Saloumi,

Seconded Cr McCluskey

That Council resolves to Grant a Planning Permit (TPA/48664) for the removal of one (1) tree within the Vegetation Protection Overlay, at 14 Penington Street Glen Waverley subject to the following conditions:

- 1. Prior to the removal of the subject tree, an amended plan must be submitted to the Responsible Authority. The plan must show:***
 - a) The location of one (1) replacement canopy tree, which must be an advanced specimen, to be planted in a suitable location on the site, growing to at least 8 metres at maturity and having a wide spread canopy and;***
 - b) A planting schedule specifying the species of the replacement tree (common and botanical name) and its height at planting and maturity***
- 2. Other significant tree/s (if any) within the subject site must not be removed or destroyed without the written consent of the Responsible Authority. A temporary protection zone (TPZ) must be maintained around the remaining trees to ensure that the trees are not damaged during construction where applicable.***
- 3. The Responsible Authority must be notified in writing within 14 days of the subject tree having been removed.***

Within six months of the removal of the trees, the replacement tree must be planted.

-
- 4. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the subject tree is not removed within two years of the date of this permit.**

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 six months afterwards.

Cr Saloumi noted that the applicant had undertaken to replace the tree with an advanced tree that would grow to 8 metres in height

CARRIED

1.8 Town Planning Schedules

Moved Cr Little,

Seconded Cr Fergeus

That the report containing the Town Planning Schedules be noted.

CARRIED

1.9 Footpath Trading and Access Policy

NOTE: The Mayor disclosed an indirect interest, by close association, in this item and vacated the Chamber prior to discussion commencing on this item. He returned at 9.00 pm, after the Council had concluded its deliberations and vote on this matter.

The Deputy Mayor assumed the chair as Acting Chairperson, for the duration of the Mayor's absence.

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

- 1. Notes that a review of the Footpath Trading and Access Policy 2016 has been conducted in accordance with Council's resolution of 12 December 2017 and that the feasibility of altering the Policy to reflect that outdoor trading areas on Council-controlled land be used for the service of food has been investigated.***
- 2. Notes that a Revised Footpath Trading and Access Policy 2018 has been drafted which responds to Council's resolution of 12 December 2017 that enables footpath trading permits to be issued with a condition requiring food to be made available for consumption at all times that a permit area is in use should Council ultimately wish to make this change to the policy and permits.***
- 3. Notes that the resolution of 12 December 2017 stated that any changes proposed to the policy would be the subject of public consultation.***

AMENDMENT

Moved Cr Lake,

Seconded Cr Little

That the following parts be added:

- 4. Releases the Revised Footpath Trading and Access Policy 2018 (attached to this report) for public consultation and directs officers to subsequently prepare a report to Council on the outcome of the consultation process, with a proposed way forward*
- 5. Directs Council officers to allocate funds for the procurement of the short term resources required to prepare, coordinate and deliver the consultation process*
- 6. Directs Council Officers to delay the Footpath Trading Permit renewal process by extending the expiry date of existing permits to a time that coincides with either the implementation of any policy change, or such time as Council decides not to proceed with changes*
- 7. Writes to traders with existing permits advising them of the proposed changes and notes that while the issuing of permits will be delayed, the full year's fee associated with their footpath trading permits will still be payable when renewals are issued in coming months. There will be no pro-rata discount applied as traders will still benefit from the ability to trade on Council land during this period.*

Cr Lake said that the amendment provides for the officers' report to be actioned. He said that officers had prepared a draft policy and the Council needed to do something with it. He added that the amendment proposed a consultation process and didn't lock the Council into an outcome. Cr Lake said that no smoking in outdoor areas was contentious and more than 75 percent of the community has told the Council that it wanted passive smoking taken out of outdoor eating areas, like Eaton Mall. Cr Lake said that despite the State Government bans that had not worked in Kingsway or Eaton Mall or other outdoor dining areas in the municipality. He said that the Council had a mechanism available to it to make those areas smoke free, via this policy and it was appropriate to consult with the community before doing so.

Cr Davies said that he didn't support the amendment or the motion. He said that it was a work around to work around the State Government laws and outlawing the use of drinking areas. Cr Davies said that the law the State Government introduced was not perfect but it had bipartisan support, with the local MP's all supporting it. He said that the Council should not act in detriment to local traders versus other municipalities. Cr Davies said that the Council's policy would likely be challenged. He said that the Council would be challenging the State MP's on an area that they were elected to address.

POINT OF ORDER

Cr Little called a Point of Order, saying that Cr Davies' comments were not relevant to the matter before Council.

The Acting Chairperson upheld the Point of Order and asked Cr Davies to confine his comments to the amendment.

Cr Davies said that he would speak further, on the motion.

POINT OF ORDER

Cr Davies called a Point of Order, saying that Cr James' comments were not relevant to the matter before Council.

Cr James said that this had personally caused him angst since he had been elected because as an Oakleigh Ward councillor he was stuck between a rock and a hard place. He said that Eaton Mall was the cultural centre of the Greek community.

POINT ORDER

Dr Davies called a Point of Order, saying that Cr James comments needed to be relevant to the amendment, not just Eaton Mall.

The Acting Chairperson did not uphold the Point of Order, but asked Cr James to speak to the amendment.

Cr James said that he had heard from traders about Council's attempt to ban smoking in Eaton Mall and said that he could not vote for or against the amendment and get it right; he would be criticised no matter how he voted. Cr James said that he had to vote based on what he thought was the best outcome for residents and Oakleigh. He said that he considered that there needed to be changes made to the proposed policy to better accommodate the traders. He said that he would support the amendment as it proposed a consultation process with traders and the community and not implementation.

Cr Zographos said that he didn't believe that the Council had a position on footpath trading permits being restricted in relation to smoking. He said that the amendment was not necessary at this point. He said that he supported the officers' recommendations. Cr Zographos said that certain councillors wanted to move down a path but didn't see how the amendment would get the Council to the point of making a decision. Cr Zographos said that consultation was good, but there was nothing in the amendment about smoking and if that was the intention, it needed to be clearer

Cr Little said that he supported the amendment, as it proposed a set of actions, whereas the motion did not.

The Acting Chairperson said that the amendment was about consultation with traders and the broader community and that the policy was about footpath trading access policy. He added that he supported the amendment, as it gave the Council the ability to consult widely, broadly, across the whole city.

CARRIED

SUBSTANTIVE MOTION

The motion as amended, became the substantive motion.

Cr Davies said that he didn't support the motion as it was a backdoor way of banning smoking and changing the effect of the State Government's law, which had gained bipartisan support. He added that this was not an area of responsibility for the Council, it was a matter for the State Government.

Zographos said that this motion would create stress for traders and impact on their businesses. He added that Council's interference in this matter would not end well. Cr Zographos said that he gave credit to the State Government for introducing legislation to ban smoking. He said that the motion would be detrimental to those traders in Monash who had footpath trading permits.

Cr Saloumi said that she was concerned about the impact the motion would have on traders and it would increase their costs, as to have chefs or cooks on standby would be expensive. She added that this was a matter for the State Government and was concerned about the potential legal challenge that the Council could face. Cr Saloumi noted that people were smoking in Eaton Mall on 25 March 2018. She said that she would not support the motion.

Cr James said that bipartisan support of laws was not necessarily right, noting a number of historical examples. He said that the decision that he made would be for the community. He noted that the motion related to footpath trading for the serving and consumption of food and drink and that the motion provided for consultation with traders and the community, before any other decision was made.

Cr Lake said the motion was not about challenging State Government laws which were clear and supported by the Council. He said that the Council was responding to a change in practice in certain areas of the municipality, which allowed patrons to smoke and this had an impact on everyone and also gave those traders concerned an unfair advantage over other traders.

The Acting Chairperson said that the intention was for the Council to consult broadly, across the entire municipality on a base position and he supported the motion.

CARRIED

DIVISION

A Division was called.

For: Crs Fergeus, Paterson, McCluskey, ~~Klisaris~~, James, Tsoi, Lake

Against: Crs Davies, Saloumi, Zographos

The Mayor returned to the Chamber and resumed the Chair.

2. **COMMUNITY DEVELOPMENT AND SERVICES**

2.2 **Mulgrave Reserve Masterplan**

Moved Cr Davies,

Seconded Cr McCluskey

That Council:

- 1. Approve the draft Mulgrave Reserve Masterplan (Attachment A) for public exhibition on Council's website and invite community feedback via written submissions; and*
- 2. Note that following the public exhibition period of the Draft Mulgrave Reserve Masterplan, the masterplan will be revised where necessary, and a final masterplan presented to Council for adoption in May 2018.*

Cr Davies said that Mulgrave Reserve was a great reserve, one of the largest in the city, incorporating the Tirhatuan Wetlands and had not seen any development for some years. He added that the master plan had long been waited for and the community was highly engaged in its development. Cr Davies noted the wide consultation that had taken place with the community and the sports clubs involved.

CARRIED

2.3 **Headspace**

Moved Cr Klisaris,

Seconded Cr Paterson

That the Council notes and retrospectively endorses the travel to Canberra by the Mayor and the Director Community and Development Services, on Wednesday 14 February, 2018.

The Mayor noted that the Council's advocacy on the issue of a Headspace service for Monash started during Cr Paterson's mayoral term. He said that he had committed to the issue being the cornerstone of his mayoral year. He added that 9,000 young people in Monash needed such a support service, with the nearest service located in Knox. The Mayor said that he wrote to the Minister for Health the Hon. Greg Hunt MP on 22 January 2018 and to the Member for Chisholm, on this issue. He advised that the Minister invited him to Canberra to speak to him. Unfortunately the Minister could not make the meeting, but his chief advisor Dr Michael Gardner met him, the Director Community Development and Services and the former chair of the Monash Young Person's Reference Group. The Mayor said that Dr Gardner advised that the Member of Chisholm's support for and advocacy on this issue was crucial.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Little

That the Mayor be granted an additional 2 minutes to speak.

CARRIED

The Mayor continued, saying that on his return to Melbourne, he met with the Member for Chisholm Julia Banks, and her chief of staff, on 26 February 2018. He said that Ms Banks' response was that the Knox service could be accessed by Monash residents. The Mayor said that it was understood that Julia Banks was not Anna Burke.

POINT OF ORDER

Cr Zographos called a Point of Order, saying that the Mayor's comments were completely irrelevant.

The Mayor did not uphold the Point of Order, saying that he was reporting the facts to Council.

POINT OF ORDER

Cr Davies called a Point of Order, saying that the Mayor needed to set politics aside.

The Mayor did not uphold the Point of Order, saying that he was reporting on the facts.

Cr Zographos said that he backed the Member for Chisholm, Julia Banks, to get the results for the community and that the Mayor underestimated her. He added that he would not support the reimbursement of expenses and was concerned about there not being a cap on councillor expenses. He added that this matter should have come to Council before the expenses were incurred and that the community deserved better.

~~Cr James noted the Mayor's positive comments about the Minister and his chief advisor and thanked the Mayor and Cr Paterson for their work on this issue. He noted that this was a big municipality and it was ridiculous to have young people in need of support services having to travel to Knox to get access to those services.~~

Cr James said he was disappointed with partisan politics in the chamber. He noted the Mayor's positive comments about the Minister and his chief advisor and thanked the Mayor and Cr Paterson for their work on this issue. He noted that this was a big municipality and it was ridiculous to have young people in need of support services having to travel to Knox to get access to those services

Cr Paterson said that it was fantastic that the Minister for Health had made his office and staff available to Monash representatives and congratulated the Mayor on his initiative. She added that young people in Monash were struggling to access the support services that they needed and these services were needed locally. Cr Paterson added that the Mayor continued to advocate on this issue and the Council needed to concentrate its efforts on getting the outcome needed for these young people.

Cr Davies said that he would not support the motion. He added that the former Member for Chisholm Anna Burke had 20 years to get a Headspace into Monash and had not. He added that depoliticising this issue was the better approach to take.

Cr Tsoi said that the Council needed to consider the motion before it and nothing else.

Cr McCluskey said that he supported Cr Tsoi's comments and supported the motion. He added that it would have been disappointing if the opportunity to go to Canberra to present the Council's position on Headspace had not been taken up and it was \$1,500 in costs well spent.

Cr Fergus said that he agreed with Cr McCluskey that the Council needed to take every opportunity to advance this issue, but was concerned that the political stance taken by some councillors could impact on the Council's ability to get the outcome needed.

RIGHT OF REPLY

The Mayor said that he was passionate about this issue and the Council had been seeking a resolution for a long time. He said that he had reported on the facts and that there were 9,000 young people in Monash screaming for the Headspace service.

CARRIED

3. CORPORATE SERVICES

Nil

4. INFRASTRUCTURE

4.1 Asset Management Policy

Moved Cr Paterson,

Seconded Cr Little

That Council adopts the revised Asset Management Policy.

CARRIED

4.2 Supply and Delivery of One Hook Lift Truck

Moved Cr Paterson,

Seconded Cr Little

That Council:

- 1. Accepts the quotation from CMV Truck and Bus Pty Ltd for the supply of one Volvo Hook Lift Truck (FM 410 8x4 complete with Vaclift BoB Hooklift) for the sum of \$355,688 (inclusive of GST).*
- 2. Authorise the Chief Executive Officer to execute the contract agreement.*

CARRIED

4.3 Drainage Improvement Works – Salisbury Road Area, Ashwood

Moved Cr Paterson,

Seconded Cr Little

That:

- 1. Council accepts the tender of GP Bluestone Pty Ltd to undertake the drainage improvement works in the Salisbury Road area, Ashwood, for the lump sum of \$364,819.40 (GST inclusive).*
- 2. The anticipated project expenditure of \$394,000.00 (GST exclusive) for the drainage improvement works (including the contingency, design and works management fees) be noted.*
- 3. The Chief Executive Officer be authorised to execute the contract documents and approve any contract variations that are contained within the anticipated project expenditure.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Fergeus,

Seconded Cr James

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

CARRIED

5.2 2018 National General Assembly

Moved Cr James,

Seconded Cr Little

That Council approves the attendance of Crs Fergeus, James, Klisaris, Little, Saloumi and Zographos at the 2018 National General Assembly of the Australian Local Government Association to be held in Canberra from 17 to 20 June 2018, inclusive.

Cr Zographos said that this was the correct process, transparent and according to convention. He added that it was a long-standing practice to seek approval for travel expenses before they were incurred. He asked the Chief Executive Officer what the policy was on the reimbursement of expenses incurred by councillors.

POINT OF ORDER

Cr Lake called a Point of Order, saying that the question was irrelevant to the matter before Council, as it went back to a previous item.

The Mayor upheld the Point of Order.

DISSENT FROM CHAIRPERSON'S RULING

Moved Cr Zographos,

Seconded Cr Davies

That the Chairperson's ruling be dissented from.

Cr Zographos said that his motion was based upon the Chairperson's ruling being contrary to the local law as his question to the Chief Executive Officer was valid.

The Mayor responded that he considered Points of Order and his ruling on them was final.

Cr Zographos said he considered that the question was relevant to the report.

The motion was put to the vote and declared lost.

LOST

Cr Zographos asked when was the last time that the NGA was paid for in retrospect, ie after the fact.

POINT OF ORDER

Cr Lake called a Point of Order, saying that the question was irrelevant to the matter before Council.

The Mayor upheld the Point of Order.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Klisaris

That the motion be put.

CARRIED

DIVISION

A Division was called.

For: Crs Saloumi, Little, Fergeus, Paterson, McCluskey, Klisaris, James Tsoi, Lake
Against: Cr Zographos

Abstained: Cr Davies

The motion was put to the vote and declared carried.

CARRIED

6. NOTICES OF MOTION

6.1 Discretionary Fund Applications

Moved Cr Klisaris,

Seconded Cr Paterson

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

APPLICANT	PURPOSE	AMOUNT RECOMMENDED
<i>Sangam Kala Group Australia Inc.</i>	<i>Donation towards costs (meeting expenses, office stationery, design/printing of banners/flyers, supplies/snacks, promotion/publicity, photography, event & program, coordination, artists fees, stage decorations and miscellaneous charges) for Spirit & Harmony Multicultural Festival at Clayton Hall on 24/3.</i>	\$500
<i>Indian Seniors Citizens Association of Victoria Inc.</i>	<i>Hire charge of Wadham House for musical choir training, craft training and table tennis on Thursday mornings and evenings.</i>	\$455

CARRIED

6.2 Tackling Poverty

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

- i) Notes that the low rate of the Newstart Allowance - \$177 per week below the poverty line - is exacerbating poverty and homelessness;*
- ii) Notes that the rate of the Newstart Allowance has not been raised in real terms for 23 years;*
- iii) Notes that the Newstart Allowance is currently less than 41% of the minimum wage and less than 18% of the average wage;*
- iv) supports an immediate increase in the Newstart Allowance;*
- v) Writes to Dan Teehan MP, Minister for Social Services, expressing this position, and sends copies to Federal Members of Parliament representing parts of Monash;*
- vi) Lodges points 1 to 4 as a motion for consideration at the ALGA National General Assembly 2018, alongside the relevant background information;*
- vii) Communicates this position as part of its ongoing advocacy activities.*

Cr Fergeus said that this motion was proposed to be put to the MAV State Conference. He said that it was an important issue, generally, and that it was, in his

view, a matter for a council to deal with. Cr Fergeus said that the Council had been working with rough sleepers and advocating on the homelessness issue for some time. He said that a key reason for homelessness was poverty and increasing the allowance would benefit the local economy and increase the spending power of those on low incomes. An increase in the allowance would also ease the strain on Council community services. Cr Fergeus noted that the Business Council of Australia was advocating to the Federal Government for an increase to the allowance. He added that in real terms, New Start had not been raised in 23 years. Cr Fergeus said that this issue affected Council's services and costs and the livelihood of the community.

Cr James said that although he agreed with the content and intent of the motion, this was a matter for the Federal Government. He added that he supported parts i) to iv) of the motion.

Cr Zographos noted the correct spelling of the Minister for Social Services' surname and that it had been incorrectly spelt in the motion.

Cr Davies he recognised Cr Fergeus' commitment on this issue, but that it was best handled at the Federal Government level.

AMENDMENT

With the approval of the mover and seconder of the motion, and the Council, an amendment, moved by Cr McCluskey and seconded by Cr Davies, was included to delete part v) of the motion.

The Deputy Mayor said that he commended Cr Fergeus' work and passion in these areas. He said that he had a concern about Federal issues coming through local government and local government taking on the work of another level of government. He added that with the removal of part v) of the motion, he would be happy to support it.

AMENDMENT

Moved Cr James,

Seconded Cr Davies

That parts iv) and vii) be deleted from the motion.

Cr James said that this amendment would make the actions proposed in the motion within the realms of Local Government responsibilities, and advocated to ALGA on that issue.

Cr Fergeus said that democracy requires participation from all parts of society, including local government. He asked how is advocacy on Headspace different to the Council advocating on anything else, noting that Headspace was Federally funded. He said he was asking the Council to form a view on Federal policy and advocate on that. Cr Fergeus added that it was inconsistent advocate on some

issues, but not others. He said that as important as Headspace was, raising New Start would have a bigger impact on the community and their health and welfare and that some of those young people seeking Headspace services would be on New Start. Cr Fergeus said that it was inconsistent not to address the underlying causes of disadvantage. He said that he was proposing a view on what policy could be.

Cr Lake said that there was little difference between this item and youth mental health services. He said that the motion was asking Council to make the increase in the New Start allowance a core advocacy issue. He said that his view was that the Council needed to limit its advocacy activities. Cr Lake noted that there were many issues that the Council could advocate on, that would have an impact on the community, eg real wage increases, national environmental issues. Cr Lake said that he wasn't sure that the New Start allowance increase was a burning issue of the Council, noting Cr Fergeus' comments.

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Davies

That Cr James be permitted to speak for a second time on this amendment, for 30 seconds.

CARRIED

Cr James said that whereas the Headspace issue directly concerned young people living in Monash, this matter was a wider issue, across many municipalities, throughout Australia.

The amendment was put to the vote and declared lost.

LOST

The substantive motion was put to the vote and declared lost.

LOST

DIVISION

A Division was called.

For: Crs Saloumi, Fergeus, McCluskey, Paterson

Against: Crs Paterson, Klisaris, Zographos, Little, Lake, Tsoi, Davies, James

6.3 Street Tree Removal – 10 Burley Court, Mulgrave

Moved Cr Klisaris,

Seconded Cr Davies

That Council approves the removal of two street trees at 10 Burley Court, Mulgrave.

The Mayor said that he had been approached by the elderly residents of the property, who were concerned and stressed by the property damage and mess caused by the street trees. He added that such a tree would not be planted today.

Cr Davies said that he supported the trees' removal, noting that there was currently no process to consider the removal of street trees.

Cr James ~~said that he had visited the property and~~ noted that the trees were overhanging the fence. But the only danger appeared to be potentially to the fence. He said that he was concerned that approval of the removal of the tree would lead to further applications for removal of street trees.

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Cr Saloumi said that the trees were healthy. She said that she was more concerned about ensuring that the residents received the necessary assistance, in remaining in their home, not the removal of the trees.

Cr Lake said that was sympathetic to the issues older residents faced regarding tree litter and debris, but that the issue didn't meet the threshold for the removal of trees. He added that there were services available for such residents and any future footpath repairs should be treated as a matter of priority, outside the existing footpath maintenance process. Cr Lake added that these were significant trees in the court.

Cr Fergeus said that he would not support the motion and considered that there were other ways to address the issues related to this matter.

Cr McCluskey said that he would not support the motion as the trees did not appear to be dead, dying or dangerous and wanted the Council to explore any possible assistance that it could offer to these elderly residents, regarding their property.

RIGHT OF REPLY

The Mayor said that this was not an easy issue to deal with and his starting point had been representing members of the community. He thanked councillors for their contribution to the debate.

LOST

6.4 Middle Years Funding

Moved Cr Fergeus,

Seconded Cr Paterson

That Council:

- 1. Supports the motion to the Municipal Association of Victoria May 2018 State Council requesting that the MAV advocate to the State Government for additional funding to support the primary school age group, particularly the 5-10 year group.***
- 2. Endorses officers to work in partnership with the Eastern Melbourne Councils to commence a joint advocacy campaign.***

Cr Fergeus said that the motion came out of a conversation he had had with Council's Manager Youth and Family Services regarding services for youth and children, and staff had identified a funding gap for children in middle years – 5-10 years old. He said that the motion sought to advocate for additional services for that group.

Cr Lake said that h may have misread the intent of the motion and sought confirmation from the mover that it related to services that the Council provides.

Cr Fergeus, as the mover, confirmed that.

AMENDMENT

An amendment was moved by Cr Lake, seconded by Cr Zographos that part 1 of the motion be amended to read "1. Requests the MAV to advocate to the State Government for additional funding to support the primary school age group, particularly the 5-10 year group." With the approval of the mover and seconder of the motion, and the Council, the amendment was incorporated into the motion.

Cr James said that he would support the motion, as amended, as it sought advocacy on Council's behalf for funding for this level of government.

CARRIED

PROCEDURAL MOTION

Moved Cr Klisaris,

Seconded Cr Zographos

That the meeting be extended for a further 60 minutes.

CARRIED

6.5 Pharmacotherapy

Moved Cr Fergeus,

Seconded Cr Klisaris

That Council supports the following motion to the Municipal Association of Victoria May 2018 State Council. The motion to be submitted is:

'That the MAV support an advocacy campaign calling for better access and affordability of pharmacotherapy across Victoria, including increasing prescribing physicians and participating pharmacies. The campaign will also seek to decrease stigma towards drug dependence treatment and support improved outcomes for community members seeking therapy to overcome pharmaceutical opioid/mixed drug use dependence.'

The Mayor said that it was one of the best committees that he had sat on and commended Cr Fergeus on the motion and looked forward to the results.

CARRIED

7. COMMITTEE REPORTS

7.1 Proposed Land Sale at 14-16 Atkinson Street, Chadstone

Moved Cr James,

Seconded Cr Paterson

That Council:

- 1. Having considered the submission received under Section 223 of the Local Government Act resolves to sell the Council land at 14-16 Atkinson Street, Chadstone.*
- 2. Request that the Minister for Planning authorise Council to prepare an amendment to the Monash Planning Scheme under Section 20(2) of the Planning and Environment Act 1987 to rezone the land to General Residential – Schedule 2 and apply the Vegetation Protection Overlay – Schedule 1.*
- 3. Subject to the land being rezoned from Public Use Zone - Local Government (PUZ6) to General Residential – Schedule 2 and the Vegetation Protection Overlay – Schedule 1, authorise the Chief Executive Officer or her delegate on behalf of Council to sign and seal all documentation required to effect the sale of the land.*

CARRIED

7.2 Appointment of New Councillor to Monash Community Safety Special Advisory Committee

Moved Cr Klisaris,

Seconded Cr James

That Council

- 1. Accepts the resignation of Cr Lake from the Monash Community Safety Special Advisory Committee.*
- 2. Approves the appointment of Cr Josh Fergeus to the Monash Community Safety Special Advisory Committee effective immediately.*

Cr Little congratulated Cr Fergeus on his appointment to the Committee. He said that the committee was about trying to disseminate correct and useful information in the community, as there was a lot of scaremongering about the crime rates in Monash. He said that he recently had a 'DL' card dropped in his letterbox which was gory and factually incorrect and authorised by the Ho. David Davis MP. He said that it was Liberal Party propaganda. He said that the claims made were not true. Cr Little said that Victorian crime statistics had been released on 8 March 2018 and showed a 9 percent drop in offences.

POINT OF ORDER

Cr Davies called a Point of Order, saying that Cr Little's comments were irrelevant to the matter before Council. He said that the matter concerned only the membership of a Council advisory committee.

The Mayor upheld the Point of Order and asked Cr Little to confine himself to the matter before Council.

Cr Little advised that he had concluded his comments.

CARRIED

8. URGENT BUSINESS

Moved Cr Klisaris,

Seconded Cr Lake

That Council considers the acceptance of a legal matter as an Item of Urgent Business, as part of the Confidential Business section of the agenda for the 27 March 2018 Council meeting.

CARRIED

9. CONFIDENTIAL BUSINESS

Moved Cr McCluskey,

Seconded Cr Klisaris

That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificates.

CARRIED

The Council entered Confidential Business at 10.06 pm and returned to Open Council at 10.55 pm.

10. PERSONAL EXPLANATIONS

Cr Zographos said that in reference to item 2.1 on the Council meeting agenda, the Mayor's comments had been inaccurate and misleading in that he had never been nor had he said that he was against the project or the extra funding for it, and that those comments should not have been made.

11. COUNCILLORS' REPORTS

Nil

The Mayor declared the meeting closed at 11.00 pm

MAYOR:

DATED THIS DAY OF 2018