



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 4 AUGUST 2009

at 7.30 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 TUESDAY 4 AUGUST 2009 AT 7.30 PM.**

PRESENT: Councillors P Klisaris (Mayor), C Baines (Deputy Mayor), J Banerji, M Drieberg, G Lake, J Lo, G Male, D McGill OAM, T Morrissey JP, S Perri

APOLOGIES:

Cr S Dimopoulos.

DISCLOSURES OF INTEREST

Cr Lo: Item 5.2.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 14 JULY 2009**

Moved Cr Baines,

Seconded Cr Morrissey

That the minutes of the Ordinary Meeting of the Council held on 14 July 2009, be taken as read and confirmed.

CARRIED

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

Nil

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CUSTOMER SERVICES

1.1 Action Plan For Young People 2009-2012

Moved Cr Baines,

Seconded Cr Drieberg

That Council endorses the Action Plan for Young People 2009-2012.

Cr Baines said that the Plan addressed issues that are important to young people and reinforces the Council's existing commitment to working with this section of the community. Cr Baines also commended the work of the Young Persons Reference Group.

Cr Male stated that the Plan was well prepared and integrated with other Council Action Plans to provide for a coordinated approach within the organisation. He added that the Plan contains clear, measurable outcomes and emphasises the Council's advocacy role on behalf of young people.

Cr Lo commended the Plan and said that he was pleased to see the focus on young people from a CALD background and in particular those who had been refugees. He also acknowledged the work of the Young Persons Reference Group.

Cr Perri endorsed the Plan, noting that young people, as defined in the Plan, comprise 22 percent of the Monash community. Cr Perri commended the Plan for adopting a 'whole of Council' approach and anticipated that its structure provided for it to be flexible enough to address the changing needs of young people.

CARRIED

1.2 Litter Prevention Strategy 2009 - 2013

Moved Cr Klisaris,

Seconded Cr Male

That Council endorses the Litter Prevention Strategy 2009-2013 and approves implementation of the actions outlined in the Strategy, subject to budget considerations.

CARRIED

1.3 Enhancement of J.W. Hurst Reserve, Oakleigh: Public Art Project Progress Report

Moved Cr Lo,

Seconded Cr Perri

That Council:

- a) endorses the progress report recommending the artwork entitled "River Tree" from Mazenod Secondary College as the winner of the J.W. Hurst Reserve Art Competition.*
- b) endorses that Mazenod Secondary College be rewarded with \$1,000 first prize and commends South Oakleigh College and Ashwood College by awarding them \$250 each.*
- c) formally thanks the schools involved for their participation.*

Crs Perri and Mc Gill and the Mayor each congratulated the participating schools and said that they looked forward to the end result of the project, which would lead to the enhancement of the site. They each noted that one of the strengths of the projects was the involvement of the local community, through the participation of the schools and that all schools in the municipality had been invited to participate.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil

3. CORPORATE PLANNING & FINANCE

Nil

4. INFRASTRUCTURE SERVICES

Nil

5. **CITY DEVELOPMENT**

5.1 **205-211 Forster Road, Mount Waverley –Use & Development of A 5-Storey Office Building With Car Parking Provided At Basement & Ground Floor & Alteration of An Access To A Road In A ‘Road Zone Category 1’**

Moved Cr Morrissey,

Seconded Cr Lo

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No.37148.

*The Council having considered planning application No. 37148 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **grant a planning permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 205-211 Forster Road, Mount Waverley, for the purpose of the use and development of a five (5) storey office building with car parking provided at basement and ground floor and alteration of an access to a road in a Road Zone (Category 1) generally in accordance with the plans submitted with the application dated and subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003.*

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) *The location of all existing trees on site, as well as those trees located adjacent to the site boundaries.*
- b) *The existing trees located along the western property boundary identified as being retained in accordance with the recommendations of the Tree Logic Arborist report dated 21 June 2009.*
- c) *The retention of the existing brush box tree located towards the south-east corner of the site.*
- d) *The design for the basement car park modified to provide a minimum 5.4 metre radius clearance from the centre of the trunk of those trees to be retained and located along the western property boundary.*
- e) *The at-grade car parking area located along the western property boundary to be retained and adopt the existing setback, alignment and soil grades in accordance with the recommendations of the Tree Logic Arborist report dated 21 June 2009.*
- f) *The retention of the current crossover and entrance to the car park as it*

- exists in the south west corner of the site to ensure that site alterations are minimised around trees 9, 12, 14 and 22.*
- g) The installation of a “Left Turn Only” sign on the Forster Road exit to the satisfaction of the Responsible Authority.*
 - h) Elevation details of the proposed rubbish enclosure.*
 - i) Location and design of any proposed electricity supply meter boxes/kiosks/substation. This facility must not be located within the front setback area of Ferntree Gully Road and Forster Road.*
 - j) Location and design of gas and water meters. These facilities should be designed to minimise their visual prominence and must not be located within the front setback areas of any street unless appropriately screened.*
 - k) The design of the proposed fire hydrants and booster assemblies, sprinkler control valves which may be required and details of screening/treatment to minimise their visual prominence.*
 - l) Details of all service equipment, including mechanical ventilation located outside the building and not extending above or beyond the building without appropriate screening which is integrated as part of the architectural design of the building.*
 - m) If a side boundary of a car space is a wall or fence, or if there are obstructions such as columns placed so as to restrict door opening, 300mm shall be added to the width of the space.*
 - n) The location of columns must satisfy the requirements of the design envelope around a parked vehicle as indicated in Figure 5.2 of the Australian Standard for off-Street Car Parking, AS/NZS 2890.1-2004.*
 - o) The height clearance within the car park a minimum of 2200mm and 2300mm for any vehicular path of travel to or from a parking space for people with disabilities.*
 - p) The gradient on and near access driveways shall be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car park.*
 - q) The provision of a loading bay in accordance with Clause 52.07 of the Monash Planning Scheme.*
 - r) The provision of bicycle parking and shower/change room facilities in accordance with Clause 52.34-3 of the Monash Planning Scheme.*
 - s) The reflectivity of exterior surfaces not exceeding 15%.*
- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. Tree Protection measures in accordance with the recommendations outlined in the Arboricultural report dated 21 June 2009 and prepared by Tree Logic must be strictly adhered to. Specifically in regards to those trees to be retained along the western property boundary.*
 - 4. 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.
5. 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.
 6. 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.
 7. No vehicle shall park under the canopy line of any tree to be retained.
 8. Any pruning that is required to be done to the canopy of any trees affected by the development is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 1996, Australian Standards.
 9. All excavations potentially affecting trees to be retained must be supervised by an Arborist who must ensure that the works are done in a manner that minimises any damage to those trees.
 10. Written confirmation by the supervising Arborist that the works have been carried out in a satisfactory manner must be provided to the Responsible Authority within one month of project completion.
 11. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
 12. Floor Area in excess of 1800 square metres must only be used for offices as specified in Clause 22.02-3 (dot point 5) of the Monash Planning Scheme.
 13. A minimum number of 101 car parking spaces for the office development must be available at all times for this use.
 14. Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must detail:
 - (a) that the bin storage areas are sufficient to cater for the amount of waste that will be produced;
 - (b) the type of refuse and recycling bins to be used on the site and where they will be stored including details of screening and ventilation;
 - (c) how it is intended to control the emission of odour caused by such refuse and recycling materials and measures to minimise the impact of waste collection on the operation, management and maintenance of car parking areas;
 - (d) who will be responsible for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;
 - (e) the hours of bin collection, the frequency of the removal of such refuse and recycling materials and how recycling materials will be dealt with and collected;
 - (f) who will be responsible for collecting the refuse and recycling materials and the method of collection.
 15. 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.

16. *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.

17. *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.*

18. *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.

19. *The driveway and parking area must be designed in accordance with the Australian/New Zealand Standard for Off-street car parking, AS/NZS 2890.1:2004.*

20. *The basement ramp grade is to be designed in accordance with Section 2.5.3*

of the Australian/New Zealand Standard for Off-street car parking, AS/NZS 2890.1:2004, particularly in relation to the maximum grade and the provision of grade transitions where required.

21. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
22. *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.*
23. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
24. *No form of public address system may be installed so as to be audible from outside the building/site.*
25. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties (including the road reserve and footpaths). The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
 - a) *a trench grate (175mm minimum internal width) located within the property; and/or*
 - b) *shaping of the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *another Council approved equivalent.**
26. *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 conveying of the stormwater to the nominated point of discharge. Direct the entire site's stormwater drainage to the south-east corner of the property where it must be collected and free drained to the Council pit in the nature strip via a pipe to be constructed to Council Standards. Note: If the point of discharge cannot be located then notify Council's Engineering Division immediately.*
27. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from the City of Monash, the Responsible Authority, prior to the works commencing.*

Conditions 28 and 29 required by VicRoads (Ref: SY 003 MSH 005)

28. *All traffic generated by the site shall gain access to/from Forster Road and Ferntree Gully Road via left turns only to the satisfaction of the Responsible Authority.*
29. *The applicant shall install a "Left Turn Only" sign on the Forster Road exit to the satisfaction of the Responsible Authority.*

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*

3. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council's drains and pits and these works including the retention system are to be inspected by Council. (telephone: 9518 3410)*
4. *Any new drainage work within the road reserve requires the approval of the Council'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.*
5. *A drainage contribution will not be accepted in lieu of a detention system. Detention system requirements for the above property are as follows:-*
 - *Minimum storage = 22.3 cubic metres*
 - *Maximum discharge rate = 38.5 litres per second*
 - *Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*
6. *Stormwater detention requirements may be obtained from the city of Monash prior to the design of any stormwater detention system.*
7. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.*
8. *Bicycle parking shall follow the Australian Standard for Parking Facilities Part 3- Bicycle parking facilities.*
9. *Approval from VicRoads is required for the installation or modification of the vehicular crossing.*
10. *The proposed crossing is to be constructed in accordance with the City of Monash Standards.*
11. *A permit is required from Council for the installation, modification or repair of any vehicular crossings*
12. *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 certifiers registration number must be included on the certificate.*
13. *Parking on street should not be considered as a right and Council reserves the right to install parking restrictions in the future if required.*

Expiry of permit:

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

- *The development and use are not started within two years of the date of this permit.*

- *The development is not completed within four 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 permits expires, or within three months afterwards.

CARRIED

5.2 662-678 Blackburn Road, Notting Hill – Construction of A New Car Park & Reduction In Car Parking Requirements For Dwellings

NOTE: Cr Lo disclosed a direct conflict of interest in this item as his residence is located directly opposite the site of the proposed development. Cr Lo left the Chamber at 7.50 pm, prior to Council's consideration this item and returned at 7.51 pm, after the conclusion of the vote.

Moved Cr McGill,

Seconded Cr Perri

*The Council having caused notice of planning application No. 37183 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **grant a planning permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 662-678 Blackburn Road, Notting Hill for the construction of a new car park and reduction in the car parking requirements of Clause 52.06 of the Monash Planning Scheme for Dwellings generally in accordance with the plans submitted with the application subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003.*

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) *Relocation of the proposed visitor car space 11 to the satisfaction of the Responsible Authority;*
- b) *Designation of one car parking space as a disabled space for the residential component of the development and one disabled space for visitors to be located in a central location;*
- c) *Any vehicular path of travel to or from a parking space for people with disabilities is required to have headroom clearance of 2.3 metres;*
- d) *Car spaces 1, 5, 6 and 10 to be linemarked for small vehicles;*
- e) *The gradient on and near access driveways to be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car*

- park;*
- f) The location of columns in the Building A extension car park to comply with the Australian Standard for Off-Street Car Parking, AS/NZS 2890.1, Figure 5.2;*
 - g) The height between the floor and an overhead obstruction must be a minimum of 2.2 metres within the Building A extension car park.*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. At all times a minimum of 160 car parking spaces must be provided for the 133 dwellings including 27 designated visitor spaces, and a minimum of 43 car parking spaces must be provided for the 108 student accommodation beds.*
 - 4. Bicycle parking is to be provided on site in accordance with Clause 52.34 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
 - 5. 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;*
 - 6. Prior to the commencement of buildings and works on the site, the owner shall prepare a Car Parking Management Plan detailing the management and use of car parking on the site. The Car Parking Management Plan shall provide for but not be limited to:*
 - a) A minimum of 133 car parking spaces must be provided for the 133 dwellings on site;*
 - b) A minimum of 27 visitor car parking spaces for the dwellings must be provided on site;*
 - c) A minimum of 43 car parking spaces must be provided for the 108 student accommodation beds;*
 - d) A minimum of 33 car parking spaces must be provided for the convenience restaurants on site;*
 - e) Three (3) car parking spaces must be provided for maintenance staff on site;*
 - f) Details of the management of access to the dwellings from car parking areas through the student accommodation facility;*
 - g) Provision that unrestricted access is available 24 hours a day, 7 days a week to the car parking spaces for residents of dwellings and student accommodation;*

- h) Detail of the designation of the tandem spaces;*
- i) Car parking spaces 1, 5, 6 and 10 to be designated for small vehicles only;*
- j) Location and method of identifying car parking spaces for the various users and visitors to provide for the most convenient allocation of spaces for users.*

A copy of this plan must be submitted to and approved by the City of Monash, the Responsible Authority.

- 7. 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. The Waste Management Plan shall provide for:*

- a) The method of collection of garbage and recyclables for uses;*
- b) Designation of methods of collection including the need to provide for private services or utilisation of council 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 Council.

- 8. 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.

- 9. The driveways and parking areas should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1/2004, apart from the dimensions of car parking spaces and associated accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*

10. *Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*

11. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*

12. *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-east corner of the property where it must be collected and free drained to the Council pit in the naturestrip of Normanby Road via the existing stormwater system.

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

13. *One copy of the plans (A3-A1 size) for the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine the drainage works will meet all drainage conditions of the permit.*

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*

Expiry of permit:

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

- *The development is not started within two years of the date of this permit.*
- *The development is not completed within four 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 permits expires, or within three months afterwards.

CARRIED

5.3 15A Golf Links Avenue, Oakleigh –Development of A Multi-Dwelling Apartment Building Comprising 9 Double Storey Dwellings With Associated Basement Car Parking For 13 Vehicles & Landscaping

Moved Cr Perri,

Seconded Cr McGill

*Council having caused notice of planning application No. 37163 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse the application** for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 15A Golf Links Avenue, Oakleigh for the development of a multi-dwelling apartment building comprising 9 double storey dwellings with associated basement car parking for 13 vehicles and landscaping on the following grounds:*

- 1. The proposal is inconsistent with State and Local Policies and the Objectives and Standards of Clause 55 of the Monash Planning Scheme.*
- 2. The proposed development is out of character with the existing residential development in the area, in particular with regard to architectural style, excessive mass, bulk, built form and scale.*
- 3. The provision of private open space is poorly designed, does not provide for the reasonable recreational needs of residents and does not enhance internal residential amenity.*
- 4. The proposal has been designed to minimum standards and as such presents as an overdevelopment of the site.*
- 5. Insufficient area has been provided for the planting of canopy trees to maintain and promote the garden city image and soften the impact of the built form on the streetscape as well as adjacent properties.*
- 6. The proposed development will have an adverse impact on the amenity of nearby properties with regard to inappropriate visual impact and overlooking.*
- 7. The proposed development does not provide for an adequate number of on site car parking spaces for the expected generation of car parking on the site.*
- 8. Inadequate provision is made for vehicles to exit the site in a forward direction.*

and directs that the Applicant and each objector be given a notice of the Council's decision to refuse the permit.

Both Crs McGill and Perri spoke in favour of the motion, with Cr McGill noting the strong opposition to the proposal by local residence and the Applicant's intention to have the matter decided before VCAT.

CARRIED

5.4 Town Planning Schedules

Moved Cr Male,

Seconded Cr Baines

That the report containing the Town Planning Schedules be noted.

CARRIED

5.5 Proposed Sale of Council-Owned Land Abutting 39 Golf Links Avenue, Oakleigh

Moved Cr McGill,

Seconded Cr Klisaris

That Council, acting under Sections 189 and 223 of the Local Government Act 1989 ("the Act"):

1 Commences the statutory procedures to advertise Council's intention to subdivide and sell part of the Council owned land located in School Hall Street, Oakleigh and abutting 39 Golf Links Avenue, Oakleigh by way of private treaty, to the owners of 39 Golf Links Avenue, Oakleigh (being the land shown hatched on the Plan of Survey at Attachment 2 of this report);

2 Gives public notice in accordance with Sections 189 and 223 of the Act, of Council's Notice of Intention to sell to the abutting property owners in the 'Oakleigh Monash Leader';

3 Appoints a Committee of Council, comprising the ward Councillors to consider submissions received under Section 223 of the Act at 7.30 p.m. on 20 October 2009 at the Civic Centre;

4 In the event of there being no submissions received, authorises the Chief Executive Officer or his delegate, on behalf of Council to:

a) Commence negotiations to sell the land to the abutting owners at 39 Golf Links Avenue, Oakleigh at a sale price determined by Council with such sale being subject to a planning permit being issued for the subdivision of the portion of land from the balance of the title (as indicated on the Plans attached) in accordance with section 35(8) of the Subdivision Act, 1988 and subsequent registration of the Plan by the Land Registry; and

b) Sign and seal all documentation required to effect sale of the land including a condition to consolidate the land with the main title to 39 Golf Links Avenue within 12 months of sale.

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil

7. COMMITTEE REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

- 10.1 Cr Male informed Council of the meeting of the Eastern Transport Coalition 2 weeks ago at Monash University to launch a petition seeking the review of the State Government's transport plan. The launch was attended by Cr Male and Councillor Baines, who was Acting Mayor at the time.
- 10.2 Cr Lo advised the Council of his attendance, representing the Mayor, at the welcoming ceremony for the Tianjin Polytechnic Volleyball Team, held at Monash University. The team is in Melbourne on a Friendship Tour and to participate in a volleyball competition.
- 10.3 Cr Perri informed the Council that she and Councillor Baines had recently met with one of the owners of a local engineering firm that was well established in the municipality, as part of the process of establishing a Women's Business Network in Monash.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Nil

13. CONFIDENTIAL BUSINESS

Moved Cr Baines, Seconded Cr Male

That as the Confidential Business items concern matters that may prejudice a person, the meeting be closed to the public for consideration of this item, in accordance with Section 89 (2) of the Local Government Act 1989.

CARRIED

Accordingly, at 8.03 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.20 pm.

The Mayor declared the meeting closed at 8.21 pm

MAYOR:

DATED THIS DAY OF 2009