



CITY OF  
**MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL**

**HELD ON 5 AUGUST 2008**

**at 7.30 pm**

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

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**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON TUESDAY 5 AUGUST 2008 AT 7.30 PM.**

**PRESENT:** Councillors P Klisaris (Mayor), , C Baines, J Banerji, R Brown, S Dimopoulos,  
G Kottek, G Lake, D McGill OAM, T Morrissey JP, C Shiel

**APOLOGIES:**

Cr D Manzie (Deputy Mayor)

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 15 JULY 2008**

Moved Cr ,

Seconded Cr

*That the minutes of the Ordinary Meeting of the Council held on 15 July  
2008, 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.

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**OFFICERS' REPORTS**

**1. CUSTOMER SERVICES**

Nil

**2. HUMAN RESOURCES & ADMINISTRATION**

Nil

**3. CORPORATE PLANNING & FINANCE**

Nil

**4. INFRASTRUCTURE SERVICES**

**4.1 'Live Green With Less' Program**

Moved Cr Banerji,

Seconded Cr Shiell

*That the "Live Green with LESS" program be supported by Council.*

Cr Banerji commended the proposal, noting that it had been success in other municipalities.

**CARRIED**

**5. CITY DEVELOPMENT**

**5.1 Amendment C84 To The Monash Planning Scheme Oakleigh Major Activity Centre – Modification To Parking Precinct Plan**

Moved Cr Dimopoulos,

Seconded Cr McGill

- a) *That the Minister for Planning be requested to authorise Council to prepare amendment C84 to the Monash Planning Scheme, to modify the Schedule to Clause 52.06 - Oakleigh Parking Precinct Plan (OPPP) - to exempt "Dwelling" from the requirements of the OPPP, pursuant to Sec.9(2) of the Planning and Environment Act.*
- b) *That the Minister for Planning be requested to authorise Council to approve amendment C84 under Sec.35B of the Planning and Environment Act.*
- c) *That the Minister for Planning be requested to exempt Council from the notification requirements of Sec.19 part (1)(b), of the Planning and Environment Act.*
- d) *That Amendment C84 be prepared as outlined in this report and, following authorisation by the Minister for Planning, be placed on public exhibition.*

**CARRIED**

**5.2 Amendment C70 - 2107 - 2125 Dandenong Road Clayton - Monash Homemaker Site**

Moved Cr McGill,

Seconded Cr Dimopoulos

*That the Panel Report for amendment C70, for the redevelopment of 2107 - 2125 Dandenong Road Clayton, (the Monash Homemaker Site) be noted.*

Cr McGill noted that the Minister for Planning, as the Planning Authority for this application, would make the final decision.

**CARRIED**

**5.3 331 – 345 Jells Road, Wheelers Hill – Alterations and Additions To The Existing Mulgrave Country Club**

Moved Cr Baines,

Seconded Cr Shiell

*The Council having caused notice of planning application No. 36051 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 331-345 Jells Road, Wheelers Hill, for alterations and additions to the existing club building and licensed premises under clause 52.27 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. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. 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.*
- 3. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.*
- 4. The Function Centre may operate only between the hours of 7.00am Monday to Saturday inclusive until 1.00am on the following day and 10.00am until 12 midnight on any Sunday.*
- 5. Functions are not permitted in any other part of the premises apart from business functions within the Committee area between the hours of 7.00am to 5.00pm Monday to Friday inclusive.*
- 6. Details of the extent of the Licensed Premises are to be submitted to Council to the satisfaction of the Responsible Authority.*
- 7. The location of any electricity supply meter box/kiosk/substation must not be located within the front landscape setback area to any road.*
- 8. No form of public address system may be installed as to be audible from*

*outside the building.*

9. *Noise from the mechanical service equipment including the basement exhaust system and any music associated with the premises must at all times conform with the State Environment Protection Policies SEPP N-1 and SEPP N-2 respectively.*
10. *The use of any internal public address system or amplified sound system must not exceed the background level ( $L_{90}$ ) by more than 5dB when measured within the grounds of any nearby residential property.*
11. *All external cladding and trim of the proposed buildings must be of a non-reflective nature. Cladding materials must be coloured or painted in shades to match the existing building. All paintwork must be maintained to the satisfaction of the Responsible Authority.*
12. *No goods must be stored or left outside the building so as to be visible from any public road or thoroughfare.*
13. *The storage and removal of refuse and recyclable materials including bottles shall be to the satisfaction of the Responsible Authority. No waste or materials are to be collected before 8.00am and after 6.00pm from the site. No bottles shall be removed from the property before 8.00am or after 6.00pm.*
14. *All deliveries and goods to the store or the place where goods are kept shall be carried out only between the hours of 8.00am-6.00pm, Monday to Saturday.*
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. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
  - *Monday to Friday (inclusive) – 7am to 6pm;*
  - *Saturday – 9am to 1pm;*
  - *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);**unless otherwise approved in writing by the Responsible Authority.*
17. *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.*

- 18. *Signage and pavement markings to clearly indicate the direction of vehicle movement within the car park areas must be provided to the satisfaction of the Responsible Authority.*
- 19. *In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.*
- 20. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
- 21. *A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.*
- 22. *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.*

23. *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.*
24. *All new external tennis court lighting must be designed by an appropriate lighting consultant to ensure compliance with Element 5 of the Code of Practice – Private Tennis Court Development under the Monash Planning Scheme to the satisfaction of the Responsible Authority and the lighting must not be used after 11.00pm.*
25. *The boom gate barrier located within the western accessway must prevent vehicle access to car parking spaces around the tennis courts and bowling green between 11.00pm and 8.00am daily.*
26. *Except with the further consent of the Responsible Authority the gate granting and denying vehicle access from the service road of Wellington Road is to be maintained and is to be locked to deny such access between the hours of 11:30pm on any day and 6:45am on the following day.*
27. *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 each driveway onto the footpath.*
28. *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. The nominated point of discharge is to the existing internal drainage system.*
29. *A copy of the plans for the drainage works must be submitted to the Engineering Division prior to the commencement of works for their records. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
30. *The minimum height between the floor and an overhead obstruction of the basement car park shall be a minimum of 2200mm.*
31. *The driveways and parking areas should be designed in accordance with the Australian Standard for Off-Street Parking, AS/ANS2890.1/2004, 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.*

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

*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**

**5.4 17 – 55 Duerdin Street, Notting Hill – Use and Development of A Portion of The Site As A Special Education Centre**

Moved Cr McGill,

Seconded Cr Kottek

*The Council having caused notice of planning application No. TPA/36279 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 and **issue a Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 17-55 Duerdin Street, Notting Hill for the use and development of a portion of the site as a special education centre with associated car parking generally in accordance with the plans submitted with the application dated 2 June 2008, 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. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
2. *No more than 50 students and 14 staff may be on site at any one time unless with the prior written permission of the Responsible Authority.*
3. *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.*
4. *No drop off or pick up of students who attend the centre is to occur in Erawan Avenue.*
5. *No form of public address system may be installed so as to be audible from outside the building/site.*
6. *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 use commencing on the site. 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,*
  - *the location of any proposed trees,*
  - *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.*
- When approved the plan will be endorsed and will then form part of the permit.*
7. *Prior to and during construction of the above approved works, all necessary measures to protect trees to be retained on the site against construction works damage should be carried out in accordance with the arborist report by Treelogic Pty Ltd dated 7 February 2008.*
8. *Prior to the use of the site, the occupier 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;*
  - b) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
  - c) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
  - d) *Litter management.*
- A copy of this plan must be submitted and approved by Council prior to the commencement of the use.*
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.*

**NOTES:**

1. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
2. *A waste storage area of sufficient size to contain all rubbish receptacles must be provided. Waste storage must be sealed, graded and drained to the sewer.*
3. *Deliveries and waste collection must only be carried out within prescribed EPA guidelines.*
4. *Construction and performance of any exhaust system must comply with AS 1668.2 (or as amended). Any flues must terminate at least 1 metre above the building line.*
5. *Motors for equipment and air-conditioning/heating units must be located where there is no noise nuisance created to neighbours or insulated/sound proofed.*

**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.*

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

**CARRIED**

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**5.5 Town Planning Schedule**

Moved Cr Klisaris,

Seconded Cr McGill

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

**CARRIED**

**5.6 Domestic Animal Management Plan**

Moved Cr Lake,

Seconded Cr Dimopoulos

1. *That Council adopts the Domestic Animal Management Plan (DAM) dated July 2008 (as amended).*
2. *That notice of the adoption of the Domestic Animal Management Plan be published in local Monash newspapers and the Monash Bulletin.*
3. *That Council expresses its appreciation to all persons involved in the preparation of the Domestic Animal Management Plan.*

Cr Shiell, on behalf of a local resident, asked that the matter of cat faeces be addressed in future Domestic Animal Management Plans

**CARRIED**

**5.7 Tender For Stormwater Drainage Construction– Phoenix Drive Area, Wheelers Hill - Stage 2**

Moved Cr Brown,

Seconded Cr Shiell

*That:*

1. *Council accepts the tender of Comar Constructions Pty Ltd to undertake strategic stormwater drainage works in the Phoenix Drive area, Wheelers Hill (Stage 2) for the lump sum of \$517,272.25 (GST inclusive).*
2. *The anticipated project expenditure of \$525,248.00 (GST exclusive) for the construction, design and supervision be noted.*
3. *The contract agreement be signed and sealed.*

**CARRIED**

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**5.8 Road Reconstruction – Abbeygate Street, Oakleigh**

Moved Cr McGill,

Seconded Cr Dimopoulos

*That*

1. *Council accepts the tender of J & C Constructions Pty Ltd to undertake reconstruction of Abbeygate Street, Oakleigh between North Road and Eastgate Street for the lump sum of \$648,536.57 (GST inclusive).*
2. *The anticipated project expenditure of \$658,578.70 (GST exclusive) for the construction, design and supervision be noted.*
3. *The contract agreement be signed and sealed.*

**CARRIED**

**6 CHIEF EXECUTIVE OFFICER'S REPORTS**

**6.1 Council Web Site Quarterly Report**

Moved Cr Banerji,

Seconded Cr Baines

*That Council notes the Quarterly Website Report and in particular the following features:*

1. *Visits to the site during the period have increased by 23% over the same period a year ago;*
2. *The number of pages accessed during the period has increased by 15 % over the same period a year ago; and*
3. *The Greek and Chinese translations of the Monash Bulletin have been added to the site.*

**CARRIED**

**7. COMMITTEE REPORTS**

**7.1 Older Persons Reference Group Membership**

Moved Cr Baines,

Seconded Cr McGill

1. *That Council accepts the resignation of the following persons from the Older Persons Reference Group:  
Mr Don Mahaffey;  
Mr Frank Bannon; and  
and that the Mayor writes to them to formally thank them for their contribution.*
2. *That Council accepts the appointment of the following persons to the Older Persons Reference group:  
Dr Kishor Dabke;  
Ms Lisbeth Calder; and  
Mr Marcus Bromley.*

Cr McGill commended the work of the Reference Group and the contribution of the outgoing members. She provided a background for the three new members.

**CARRIED**

**8. NOTICES OF MOTION**

**8.1 Accommodation Assistance – Waverley Woodworkers: Cr Morrissey**

Moved Cr Morrissey,

Seconded Cr Brown

*That Council:*

1. *Approves the allocation of \$10,000 per annum to Waverley Woodworkers to support rental accommodation for the period 2008/2009 – 2010/2011.*
2. *During this period explores potential avenues for continued support, in accordance with identified community benefit opportunities and consistent with the approach Council takes with other community organisations.*
3. *Requires the Waverley Woodworkers to provide a report on its final accommodation arrangements by the end of 2008.*
4. *Requires the Waverley Woodworkers to provide an annual report on its community activities, prior to its receipt of funding for the following year.*

Councillors Morrissey, Brown, Banerji, Lake, McGill and Dimopoulos each spoke in support of the motion.

Cr Dimopoulos emphasised that his support was based upon approval being for a limited time and that subsequent to the ending of that arrangement, the Wood Workers would be required to take part in the same process as other community organisations, in seeking funding from the Council.

The Mayor added his comments of support for the Wood Workers' activities.

**CARRIED**

### **URGENT BUSINESS**

#### **Revaluation of Properties in the City of Monash**

Moved Cr Lake,

Seconded Cr Banerji

*That the matter of the revaluation of properties in the City of Monash be admitted as an Item of Urgent Business.*

**CARRIED**

Moved Cr Lake,

Seconded Cr Banerji

*That Council:*

1. *notes with concern the significant financial impact on some ratepayers arising from the recent revaluations of properties in the municipality;*
2. *directs the Mayor to write on behalf of Council and Monash ratepayers to the Minister for Local Government and the Premier:*
  - (a) *expressing Council's concern that the current legislative council rating framework is inflexible, arbitrary, archaic, unfair and unjust because of the significant increases and decreases from one year to the next resulting for many ratepayers following a revaluation;*
  - (b) *requesting that the State Government reviews the Council rating framework and the current mandated approach to revaluations;*
  - (c) *requesting that the State Government gives consideration to capping the level of increase and decrease in individual rate assessments arising as a result of a revaluation; and*

(d) *requesting that the Premier raises local government rating policy at COAG for key emphasis and inclusion in the Rudd Government's review of taxation led by Ken Henry.*

Cr Lake emphasised that the revaluation, which was a legislative requirement, created a situation whereby many residents experienced significant increases in their rates. He noted that increases of this magnitude did not occur in other spheres, such as taxation, interest rates, etc.

Cr Lake added that it was imperative that the Council bring this matter to the attention of the State and Federal Governments.

**CARRIED**

### **COUNCILLORS' REPORTS**

#### **Municipal Association of Victoria's Councillor Development Weekend 2008**

Cr Dimopoulos tabled a report on behalf of Crs Banerji, Brown and Lake, and himself, regarding their attendance at the Municipal Association of Victoria's Councillor Development Weekend 2008, held between 18 and 20 July 2008.

#### **Eastern Transport Coalition**

Cr Kottek reported on the activities of the Eastern Transport Coalition and reported that the State Government was likely to abandon its plan for a third rail line on the Pakenham rail line. He said that this was a disappointing development as the proposal would have enhanced the viability of public transport.

### **PERSONAL EXPLANATIONS**

Nil

### **MATTERS OF COUNCIL IMPORTANCE**

Nil

### **CONFIDENTIAL BUSINESS**

Nil.

The Mayor declared the meeting closed at 8.30 pm

**MAYOR:** .....

**DATED THIS ..... DAY OF ..... 2008**