



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 10 MARCH 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 10 MARCH 2009 AT 7.30 PM.**

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

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Cr Lo: Item 5.3; Cr Dimopoulos: Item 8.4

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 17 FEBRUARY 2009**

Moved Cr Morrissey,

Seconded Cr Perri

That the minutes of the Ordinary Meeting of the Council held on 17 February 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 Trip By Monash Gallery of Art Director To Washington DC

Moved Cr Klisaris,

Seconded Cr Baines

That Council approves the application for Dr Shaune Lakin to travel to the United States for the period and purposes outlined below.

CARRIED

1.2 Batesford Reserve Youth and Community Hub Application For Commonwealth Funding Regional and Local Community Infrastructure Program – Strategic Projects

Moved Cr Banerji,

Seconded Cr Morrissey

That Council notes that an application has been submitted to the Commonwealth Funding – Regional and Local Community Infrastructure Program – Strategic Projects for Batesford Youth and Community Hub.

Cr Banerji noted that the Hub was strongly supported by the Mount Waverley Ward Councillors. The area has significant disadvantage and a lack of adequate services.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

2.1 Contract For Fixed and Mobile Call Charges

Moved Cr Lake,

Seconded Cr Perri

That Council:

- 1. Accepts the tender from Telstra Corporation Limited, for Contract No. 2009020, for the provision of fixed and mobile call charges, for a period of three (3) years, in accordance with the schedule of rates submitted in the tender. (Estimated annual cost of \$175,000 GST inclusive); and*
- 2. Authorises the Chief Executive Officer to execute the contract agreement.*

CARRIED

3. CORPORATE PLANNING & FINANCE

3.1 Contract for Debt Recovery Services

Moved Cr Male,

Seconded Cr Drieberg

That Council:

- 1. Accepts the tender from Australian Receivables Limited for Contract No. 2008029, for the provision of Legal Services - Debt Recovery Management, for a period of four (4) years, in accordance with the schedule of fees & charges submitted in the tender. (Estimated annual cost of \$150,000 GST exempt);*
- 2. Authorises the Chief Executive Officer to execute the contract agreement; and*
- 3. Authorises the Chief Executive Officer at his discretion to approve each of the extension options for 2x2 years in the contract agreement subject to satisfactory performance.*

CARRIED

4. INFRASTRUCTURE SERVICES

4.1 Contract For Supply And Delivery Of One 4WD Backhoe Loader

Moved Cr Morrissey,

Seconded Cr Lo

That Council:

- 1 Awards CFC Holdings Pty Ltd, trading as Construction Equipment Australia, the contract for the supply and delivery of one 4WD Backhoe Loader for the sum of \$173,969.69 (inclusive of GST)*
- 2 Authorises the Chief Executive Officer to execute the contract agreement.*

CARRIED

5. **CITY DEVELOPMENT**

5.1 **Amendment C79 – Former Brandon Park Secondary College Site**

Moved Cr Baines,

Seconded Cr Drieberg

That:-

- a) *Council adopts Amendment C79 pursuant to Sec.29 of the Planning and Environment Act 1987 and refers the amendment to the Secretary to the Department of Planning for certification pursuant to Sec.35A of the Planning and Environment Act.*
- b) *Amendment C79 be approved and gazetted following certification by the Secretary to the Department of Planning, pursuant to Sec.35B of the Planning and Environment Act.*
- c) *The Tree Management Plan concept should now be expanded to include the trees located on the northern section of the former school site.*
- d) *Inclusion of the Tree Management Plans as Incorporated Documents of the Monash Planning Scheme be considered following preparation of the relevant documentation for the northern section of the former school site and be included as part of the Planning Scheme amendment associated with the Brandon Park Major Activity Centre Structure Plan.*

Cr Baines stated that the Amendment was a good result for Wheelers Hill and the outcome was worth the wait.

CARRIED

5.2 **872 Waverley Road Wheelers Hill – Two Dwellings, Removal of Covenant**

Moved Cr Klisaris,

Seconded Cr Lo

*Council having caused notice of planning application No. 36698 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 872 Waverley Road Wheelers Hill, for the purpose of the development of two dwellings, removal of vegetation and variation of restrictive covenant (to allow for materials other than brick, brick veneer or stone and more than one storey in height) in accordance with the approved plans on the following grounds:*

1. *The proposal must be refused in accordance with Section 60(5) of the Planning and Environment Act 1987.*

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

CARRIED

5.3 1 Rusden Place & 2-4 Samada Street Notting Hill – Offices and Dwellings

NOTE:Cr Lo disclosed an interest in this item as his residence is close to the subject site. He left the Council Chamber at 7.40 pm, prior to the Council's consideration of the item and returned at 7.45 pm, after the Council had completed its vote.

Moved Cr Lake,

Seconded Cr Klisaris

A

*The Council having caused notice of planning application No. 36682 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 1 Rusden Place, Notting Hill for the development of a three storey office building with associated car parking and alteration to the access on Blackburn Road, 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 and use 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 seating and stairs off Council land located on the southern side of the office building onto the subject land;*
 - b) *Location and details of existing trees; power poles, street furniture etc, on the naturestrip and new crossings to have a minimum clearance of 1 metre from any services in the nature strip;*
 - c) *Deletion of the tandem spaces in the ground floor car park located adjacent to the kitchen to improve manoeuvrability of surrounding spaces;*
 - d) *Setback of the tandem spaces adjacent to the access ramp (west side ground level) from the ramp roadway by at least 0.8 metre;*
 - e) *The access roadway and ramp for commercial vehicles to be designed in accordance with the Australian Standard for Off-Street Commercial Vehicle Facilities, AS/NZS 2890.2-2002 including compliance with the specifications of Table 3.2 and the vertical clearance for a small rigid vehicle (6.4) to be 3.5 metres;*
 - f) *At blind aisles, the aisle to be extended a minimum of 1 metre beyond the last parking space;*
 - g) *If a side boundary of a space is a wall or a fence, or there are obstructions such as columns placed so as to restrict door opening, 300mm shall be added to the width of the space. The northernmost ground floor space*

- adjacent to the southern fire escape wall is affected;*
- h) 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. A number of spaces in the ground floor car park are affected;*
 - i) To permit access into the car parks for both cars and light vans, the height between the floor and an overhead obstruction must be a minimum of 2.2 metres and any vehicular path of travel to or from a parking space for people with disabilities is required to have a headroom clearance of 2.3 metres;*
 - j) Identification of all trees to be removed and those to be retained;*
 - k) Detailed schedule of the external building materials, colours and finishes including paving. Reflectivity of glass used in the building to be no greater than 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. Access to the basement car park must be available 24 hours a day, seven days a week for residents of the dwellings approved under Planning Permit No 36682.*
 - 4. Prior to the commencement of works on the site, the owner shall prepare a Car Parking Management Plan detailing the management of the joint use of car parking on site. The Car Parking Management Plan shall provide for but not be limited to:
 - a) Management of the use of the car park between the office and dwelling uses;*
 - b) Provision of unrestricted car parking access to the car parking spaces designated for the residents of the dwellings approved under Planning Permit No 36682;*
 - c) Method of identifying car parking spaces for each use;*
 - d) Details of security to be provided within the car park particularly outside of normal business hours.**A copy of this plan must be submitted to and approved by the City of Monash, the Responsible Authority.**
 - 5. In the case where a deceleration lane is required by VicRoads, the setback of the office building from the title boundary of Blackburn Road must be maintained at 20 metres.*
 - 6. All construction traffic for the proposed development is to enter and leave the site via either Rusden Place or Blackburn Road.*
 - 7. 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.

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:*
 - 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 activities;*
 - 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 - 9am to 1pm;*
 - *Saturday - 1pm to 5pm (only activities associated with the erection of the building. This does not include excavation or the use of heavy machinery).*
 - j) All construction traffic for the proposed development is to enter and leave the site via either Rusden Place or Blackburn Road. No access is permitted from Samada Street.*
 - k) Appropriate signs are to be placed on the boundaries of the site on Rusden Place, Blackburn Road and Samada Street, that, among other things, will provide an appropriate 24 hour contact telephone number(s) for members of the public to contact the management/construction company responsible for the activities on the site.*
9. *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; and*
 - g) *how littering will be managed.*
10. *Collection of waste must not cause disturbance to nearby residential properties and must only occur between the hours of 7.00am and 8.00pm Monday to Friday.*
 11. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
 12. *Any proposed electricity supply meter boxes/kiosks/substation must not be located within the front landscape setback to Blackburn Road or Rusden Place.*
 13. *Any gas or water meters must not be located within the landscape setback areas to Blackburn Road or Rusden Place without the prior written consent of the Responsible Authority.*
 14. *The location of any fire booster services within the landscape setback areas to Blackburn Road or Rusden Place must be located and screened to the satisfaction of the Responsible Authority.*
 15. *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.*
 16. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 17. *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.*
 18. *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.*
 19. *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;*

- 20. No flues, 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 any building unless otherwise agreed to in writing by the Responsible Authority.*
- 21. Air-conditioning and other plant and equipment installed on or in the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian standards and EPA requirements.*
- 22. All trees that are to be retained, or are located within or adjacent to any works area must be marked, and a temporary chain mesh and star picket tree protection fence is to be erected prior to the commencement of buildings and works (including demolition) to define a Tree Protection Zone. The fence is to be sited in line with the canopy drip line and in line with the building envelope where any part of the building envelope comes beneath the tree canopy. The fence is to remain in place until the construction is complete. No vehicular or pedestrian access, or soil excavation for driveways, retaining walls and paving other than as shown on the endorsed plans, is to occur within this area, nor is any storage or dumping of tools, equipment or waste to occur within this Tree Protection Zone. The ground surface within the Tree Protection Zone is to be covered by a protective 75mm layer of mulch and extra watering applied. The location of such Tree Protection Zones is to be verified by an authorised officer of the City of Monash to the satisfaction of the City of Monash.*
- 23. 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.*
- 24. 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.*
- 25. 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 detail the landscaping of the subject site and the public open space reserve located to the south of the office building. The plan must show the proposed landscape treatment including the following:*
 - 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 front landscape setbacks*

- *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*

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

26. *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.*
27. *The landscaping of the public open space area to the south of the subject site must be constructed at the cost of the owner/developer to the satisfaction of the Responsible Authority, The City of Monash.*
28. *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.*
29. *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.*
30. *Before the use permitted is commenced, 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.

31. *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 and accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.

32. *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. Such a system must include either:
 - a) *a trench grate (175 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.**
33. *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 works commencing.*
34. *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 south-east corner of the property where it must be collected and free drained via a pipe to the Council drain in the nature strip via a 900x600mm junction pit to be constructed to Council Standards.*
35. *The private drains and pits located at the south-east corner of the property (within the proposed basement car park) must be diverted around the basement car park prior to construction of any buildings and works hereby permitted.*
36. *The drainage works require the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works.*

Any other conditions as required by VicRoads

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *This permit does not include approval for any signage.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *A drainage contribution will not be accepted in lieu of a detention system.*
5. *Stormwater detention requirements may be obtained from the City of Monash*

prior to the design of any stormwater detention system.

6. *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.*
7. *If the point of discharge cannot be located then notify Council's Engineering Division immediately.*
8. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3410).*
9. *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 via the Chief Environmental Health Officer before occupation.*

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 permit expires or within three months afterwards.

And directs that the Applicant, VicRoads and each objector be given notice of the Council's decision to grant a permit.

B

*The Council having caused notice of planning application No. 36682 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 2-4 Samada Street & 1 Rusden Place, Notting Hill, for the development of the land for the purpose of a four storey building containing residential dwellings including dispensation from the car parking requirements of Clause 52.06 and alteration of access to a Category 1 road, 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 and use 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) *Deletion of the central portion of the building in the location of dwellings B.03, B.04, G10, G11, 1.09 and 1.10 to improve the articulation of the building and provide for a satisfactory area of communal open space;*
 - b) *Redesign of dwellings G.03, G.04, 1.03 and 1.04 as a result of the above and to improve the aspect of these dwellings;*
 - c) *Deletion of dwellings 2.06, 2.07, and 2.08 and redesign of dwellings 2.03, 2.04 and 2.05 to improve the aspect of these dwellings;*
 - d) *Location and details of existing trees, power poles, street furniture etc. on the naturestrip;*
 - e) *Location of any proposed substation electricity supply meter boxes/kiosks/substation, which must not be located within the front landscape setback to Blackburn Road or Samada Street;*
 - f) *Detail of the location of air conditioning units and screening of the units, which must be integrated as part of the design of the building. Air conditioning units must not be located on balconies or the facades of the building;*
 - g) *Detailed schedule of the external building materials, colours and finishes including paving. Reflectivity of glass used in the building to be no greater than 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. *Access to the basement car park must be available 24 hours a day, seven days a week for residents of the dwellings hereby permitted.*
 4. *Prior to the commencement of works on the site, the owner shall prepare a Car Parking Management Plan detailing the management of the joint use of car parking on site. The Car Parking Management Plan shall provide for but not be limited to:*
 - a) *Management of the use of the car park between the office and dwelling uses;*
 - b) *Provision of unrestricted car parking access to the car parking spaces designated for the residents of the dwellings approved under Planning Permit No 36682;*
 - c) *Method of identifying car parking spaces for each use;*
 - d) *Details of security to be provided within the car park particularly outside of normal business hours.*

A copy of this plan must be submitted to and approved by the City of Monash, the Responsible Authority.
 5. *All construction traffic for the proposed development is to enter and leave the site via either Rusden Place or Blackburn Road.*

6. *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.*
7. *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 activities;*
 - 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 - 9am to 1pm;*
 - *Saturday - 1pm to 5pm (only activities associated with the erection of the building. This does not include excavation or the use of heavy machinery).*
 - j) *All construction traffic for the proposed development is to enter and leave the site via Rusden Place or Blackburn Road. No access is permitted from Samada Street.*
 - k) *Appropriate signs are to be placed on the boundaries of the site on Rusden Place, Blackburn Road and Samada Street, that, among other things, will provide an appropriate 24 hour contact telephone number(s) for members of the public to contact the management/construction company responsible for the activities on the site.*
8. *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; and*
 - g) *how littering will be managed.*
9. *Collection of waste must not cause disturbance to nearby residential properties and must only occur between the hours of 7.00am and 8.00pm Monday to Friday.*
10. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
11. *Any proposed electricity supply meter boxes/kiosks/substation must not be located within the front landscape setback to Blackburn Road or Samada Street.*
12. *Any gas or water meters must not be located within the landscape setback areas to Blackburn Road or Samada Street without the prior written consent of the Responsible Authority.*
13. *The location of any fire booster services within the landscape setback areas to Blackburn Road or Samada Street Place must be located and screened to the satisfaction of the Responsible Authority.*
14. *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.*
15. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
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. 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;
19. No flues, 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 any building unless otherwise agreed to in writing by the Responsible Authority.
20. Air-conditioning and other plant and equipment installed on or in the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian standards and EPA requirements.
21. 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.
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. *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.*
25. *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.*
26. *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 and accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*
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 works commencing.*
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 south-east corner of the property where it must be collected and free drained via a pipe to the 150mm Council drain in the rear easement of 4 Samada Street via a 900x600mm junction pit to be constructed to Council Standards.*
29. *The existing 150mm drain within the easement must be replaced with a 225mm drain from the pit to be installed in the south-east corner of No 4 Samada Street to a pit in the north-west corner of Eucalyptus Mews.*
30. *The existing drainage and sewerage easements are to be expunged at the time of subdivision and the 150mm existing Council drains in these easements are to be*

removed.

31. The drainage works require the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works.

32. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of the City of Monash.

Any other conditions as required by VicRoads

NOTES:

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. A drainage contribution will not be accepted in lieu of a detention system. Detention system requirements are as follows:*
 - Minimum storage = 120 cubic metres*
 - Maximum discharge rate = 131 litres per second*
- 3. Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*
- 4. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.*
- 5. 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.*
- 6. 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 new connections to Council pits and these works are to be inspected by Council (telephone 9518 3410).*
- 8. Any new connections into a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. A refundable security deposit of \$3,000 is to be paid prior to the drainage works commencing.*

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 permit expires or within three months afterwards.

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

Cr Dimopoulos noted that local residents had expressed concern with several aspects of the proposal, including vehicular access and the height of the proposed development. However, he considered that the proposed conditions to be applied to the planning permit would address these concerns.

CARRIED

5.4 Town Planning Schedules

Moved Cr Klisaris,

Seconded Cr Male

That the report containing the Town Planning Schedules be noted.

CARRIED

5.5 Regional Economic Strategy For Melbourne's South East (2009- 2030)

Moved Cr Lake,

Seconded Cr Banerji

That Council endorses the 'Regional Economic Strategy for Melbourne's South East 2009 – 2030'.

CARRIED

5.6 Road Discontinuance: 2-3 McLeod Place, Mount Waverley

Moved Cr Lo,

Seconded Cr Banerji

1. That Council, acting under Clause 3 of Schedule 10 to the Local Government Act 1989 (“the Act”), and being of the opinion that part of the Road reservation abutting 2 & 3 McLeod Place, Mount Waverley (“the Road reservation”) (as shown on the plan at Attachment 1 and 2) is not reasonably required as a Road:

a) Commences the statutory procedures to discontinue the Road status of the road reservation abutting 2 & 3 McLeod Place, Mount Waverley;

b) Gives, under Sections 207A and 223 of the Act, public notice of the proposed discontinuance in the Waverley Leader with such notices stating that, if discontinued, Council proposes to either retain or sell the land to the abutting owners;

c) Appoints a Committee of Council, comprising the Ward Councillors to consider submissions received under S. 223 of the Act on 26 May, 2009 at 7.30 p.m. at the Civic Centre.

2. That, should no submissions be received in accordance with S. 223 of the Act, Council authorises the Chief Executive Officer or his delegate:

a) to publish a Notice of Discontinuance in the Victoria Government Gazette vesting the land in Council;

b. upon the vesting of the land in Council, to enter into negotiations for the sale of the land from the road reservation (including the signing and sealing of all relevant documentation required to effect the sale) to the abutting landowners and

c) to sell the land from the Road to the abutting owners at Council’s valuation (taking into consideration any easements located within part of Road reservation).

CARRIED

6 CHIEF EXECUTIVE OFFICER’S REPORTS

Nil

7. COMMITTEE REPORTS

7.1 Multicultural Advisory Committee Membership

Moved Cr Banerji,

Seconded Cr Perri

That Council –

- 1. Approves the appointment of Mr Frank Yaman, Ms Aliki Kyrkou, Mr Mohamed Mohideen, Ms Linda Fiddes, Ms Tina Douvos-Stathopoulos, Dr Chan Cheah, Mr Peter Kalathas, Ms Alexandra Pelevaniuc, Ms Vittoria Grossi, Mr Vijay Susarla, Mr Ary Lyimo, Ms Claudia Boghdadi, Mr Peter Spyker, Mr Ross Buscemi and Ms Sue Herbst to the Multicultural Advisory Committee for a (2) year period.*
- 2. Approves the launch of the Monash Multicultural Advisory Committee*

Cr Banerji stated that the applicants for the Advisory Committee vacancies had been of a high calibre and came from diverse backgrounds. She added that the Councillors on the Advisory Committee looked forward to the positive contribution the new Committee members would make.

CARRIED

8. NOTICES OF MOTION

8.1 Friendship Agreement With Vemasse, Timor-Leste – Cr Banerji

Moved Cr Banerji,

Seconded Cr Lo

That the Council enters into a Friendship Relationship Agreement with the Sub-District of Vemasse and the Mayor signs the agreement on behalf of the Council.

Cr Banerji advised the Council that this decision was the final step in formalising the friendship agreement with Vemasse.

Cr Dimopoulos commented that this was the first time that this Council had become involved in such a project and that it should receive a high profile.

CARRIED

8.2 Cultural Event At the 2010 Ashwood Festival – Cr Klisaris

Moved Cr Klisaris,

Seconded Cr Drieberg

That:

1. *Council discusses with representatives of the South Asian community their interest in coordinating and participating in a cultural event as part of the Ashwood Festival in October 2010 to coincide with the Commonwealth Games.*
2. *An amount of \$30,000 be referred for Council's consideration in the preparation of the 2010/2011 budget.*
3. *A report be provided to Council in February 2010 concerning the interest by representatives of the South Asian community in holding a cultural event at the Ashwood Festival to coincide with the 2010 Commonwealth Games.*

The Mayor commented that festivals in this municipality have proven to be successful in bringing people of diverse backgrounds together and he hoped to receive the support of community leaders in seeking to bring together the people and celebrate the cultures of South Asia. He added that it was proposed that the celebration would coincide with the 2010 Commonwealth Games.

CARRIED

8.3 Meals Subsidy For Multicultural Senior Citizens Groups – Cr Klisaris

Moved Cr Klisaris,

Seconded Cr Banerji

That Council approves the trial of a subsidy program for multicultural senior citizens groups that provide meals at their regular meetings for a three year period, commencing in 2009/10.

The Mayor stated that the proposal sought to support those senior citizens from a multicultural background who were now finding it increasingly difficult to continue cooking, as part of their social gatherings. He emphasised that this was not an ethnocentric-based proposal as those senior citizens who do not come from a multicultural background tended to interact and socialise somewhat differently. He added that the Federal Government would meet the cost of the proposal.

CARRIED

8.4 Nomination For Membership of Standing Committee on Local Government and Multicultural Diversity – Cr Klisaris

NOTE: Cr Dimopoulos disclosed an interest in this item, as he is employed by the Victorian Multicultural Commission. He left the Council Chamber at 7.55 pm, prior to the Council's consideration of the item and returned at 7.58 pm, after the Council had completed its vote.

Moved Cr Klisaris,

Seconded Cr Banerji

That Council nominates Councillor Stefanie Perri for the Victorian Multicultural Commission's Standing Committee on Local Government and Cultural Diversity, for 2009-2011.

Cr Perri thanked the Council for her nomination to the Committee and stated that she had a strong commitment to multiculturalism. She also thanked Cr Banerji who had been the Council's representative on the Standing Committee for the past four years.

Cr Banerji said that she supported Cr Perri's nomination and noted the value to the Council that involvement in the Standing Committee's activities would bring to the municipality.

CARRIED

URGENT BUSINESS

Nil.

COUNCILLORS' REPORTS

Cr Male advised the Council of the following activities that he had involvement in –

- Co chaired a meeting of the Disability Consultative Committee with Cr Drieberg.
- Attended a meeting with the Director City Development and his team.
- Met with the Director of Wavecare Counselling Services
- Met with the Manager of the Monash Enterprise Centre
- Met with the Coordinator of Monash Youth and Family Services
- Attended an Economic Development Forum meeting, with Crs McGill and Morrissey
- Joined the Mayor and Cr Banerji at the funding announcement for Activation Youth Group at Jordanville Community Centre

PERSONAL EXPLANATIONS

Nil

MATTERS OF COUNCIL IMPORTANCE

Nil

CONFIDENTIAL BUSINESS

Moved Cr Baines

Seconded Cr Klisaris

That as the Confidential Business item concerns contractual matters and a personnel matter, 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 8.00 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.05 pm.

The Mayor declared the meeting closed at 8.06 pm

MAYOR:

DATED THIS DAY OF 2009