



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 11 MARCH 2008

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 11 MARCH 2008 AT 7.30 PM.**

PRESENT: Councillors P Klisaris (Mayor), D Manzie (Deputy Mayor), C Baines, J Banerji,
R Brown, D McGill, T Morrissey JP, C Shiehl

APOLOGIES:

Crs S Dimopoulos, G Lake and G Kottek.

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 19 FEBRUARY 2008**

Moved Cr Morrissey,

Seconded Cr Manzie

*That the minutes of the Ordinary Meeting of the Council held on 19 February
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.

OFFICERS' REPORTS

1. CUSTOMER SERVICES

1.1 Clayton Community Centre - Public Facility Hire Charges

Moved Cr McGill,

Seconded Cr Banerji

That Council adopt the fees proposed in this report for the Clayton Theatre and Meeting Rooms at the new Clayton Community Centre.

Cr McGill stated that she considered that the proposed charges were reasonable and that the community centre was an excellent facility that would prove to be very popular.

CARRIED

1.2 Clayton Community Centre Theatre - Plaque to Irene Meeuwissen and Brenda Miller

Moved Cr McGill,

Seconded Cr Banerji

That Council approves the installation of a plaque in the new Clayton Theatre to commemorate the contribution of Irene Meeuwissen OAM and Brenda Miller to the cultural life of the Clayton community.

Both Crs McGill and Morrissey spoke in support of the proposal.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil

3. CORPORATE PLANNING & FINANCE

Nil

4. INFRASTRUCTURE SERVICES

Nil

5. **CITY DEVELOPMENT**

5.1 **Amendment C66 to the Monash Planning Scheme - 24 Samada Street, Notting Hill**

Withdrawn with the consent of the Council.

5.2 **161-169 Jells Road Wheelers Hill - Extension of Time For Development of Retirement Village**

Moved Cr Banerji,

Seconded Cr Brown

*That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to **grant the extension of time** for Planning Permit No 33330 under the provisions of the Monash Planning Scheme in respect of the land known and described as 161-169 Jells Road, Wheelers Hill for the development and use of the land for a retirement village, with associated car parking, landscaping and access alterations to a road zone Category 1 and extend the permit until 2 May 2009 and the 2 May 2013 for completion.*

Crs Shiell, Baines and the Mayor each spoke against the proposed extension of time, noting the history of the proposal over the last four years and highlighting the detrimental impact it would have on the surrounding area and its residents.

CARRIED

5.3 296-308 & 310-324 Ferntree Gully Road, Notting Hill - Staged Development

Moved Cr Manzie,

Seconded Cr Brown

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. 35875.

*The Council having considered planning application No. 35875 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 396-308 & 310-324 Ferntree Gully Road, Notting Hill, for the staged development and use of the land for the purpose of offices and food and drink premises, access to a road zone (category 1), roadworks and landscaping 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:*

Conditions:

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) *The new crossing to have a minimum of 1 metre clearance from any services in the naturestrip;*
- b) *At blind aisles, the aisle shall be extended a minimum of 1 metre beyond the last parking space;*
- c) *If a side boundary of a space is a wall or a 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;*
- d) *The location of columns should 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;*
- e) *To permit access for both cars and light vans within car park areas, the height between the floor and an overhead obstruction shall be a minimum of 2200mm;*
- f) *Location and design of any additional electricity supply meter box/kiosk/substation, which may be required. This facility must not be located within the front landscape setback of any road;*
- g) *Location of any fire hydrants, booster assemblies or sprinkler control*

valves which may be required and details to minimise their visual prominence.

- h) Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area;*
 - i) Deletion of proposed front fencing;*
 - j) Details of external materials and colours including paving. Reflectivity of materials must be no greater than 15%.*
- 2. Prior to the commencement of any buildings or works for Buildings B and D, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. Full details of the buildings including details of materials and colours of each building and location of bicycle and waste facilities must be submitted for approval. The gross floor area for Buildings B and D must be no greater than 7,495 square metres and 5,125 square metres respectively.*
- When approved the plans will be endorsed and will then form part of the permit.*
- 3. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 4. Floor area in excess of 1800 square metres must only be used for offices as specified in Clause 22.02-3 dot point No 5 of the Monash Planning Scheme.*
- 5. The provision of car parking for office use on the site must be provided at a rate no less than of 3.5 car parking spaces to each 100 square metres of net floor area.*
- 6. Bicycle facilities for each building, hereby permitted, must be provided in accordance with the provisions detailed in Clause 52.34 of the Monash Planning Scheme.*
- 7. The maximum number of seats permitted within the café is 100 unless the Responsible Authority gives consent in writing.*
- 8. Once the development of each building has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works for each building are completed to enable the site to be inspected.*
- 9. No goods must be stored or left exposed outside any building so as to be visible from any public road or thoroughfare.*
- 10. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
- 11. Adequate provision shall be made for the storage and collection of garbage*

and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

12. *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.*
13. *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 any building unless otherwise agreed to in writing by the Responsible Authority.*
14. *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*
 - *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. The landscaping may be staged as per staging of buildings.
15. *Before occupation of any of the buildings, landscaping works as shown of the endorsed plans for each stage must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
16. *Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building 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.

- 17. The driveway and parking area 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 Clause 52.06-3 of the Monash Planning Scheme.*
- 18. Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
- 19. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
- 20. 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 of the property where it must be collected and free drained via a pipe to the Council pits along the southern boundary easement to be constructed to Council Standards.

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

- 21. Any new drainage work within 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 for stages 1, 2 & 3 must be submitted to and approved by the Engineering Division prior to the commencement of works.*
- 22. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
- 23. Prior to commencement of any buildings and works on the site, a Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The Parking*

Management Plan must provide for (but not be limited to) the following:

- a) Adequate on site parking for employees for each building at a rate no less than 3.5 car parking spaces to each 100 square metres of net floor area; and*
- b) Allocation of staff parking, visitor parking and drop off & pick up areas for each building including for the proposed cafe.*

The Parking Management Plan may be amended with the written consent of the Responsible Authority.

24. *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.

25. *Prior to commencement of any buildings and works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*

- 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.*

26. *Prior to endorsement of the plans and works authorised by this permit, the applicant must arrange for an updated Traffic Impact Assessment Report (TIAR) to be prepared to the satisfaction of VicRoads. The report must:*
 - a) *Include the extension of the U-turn lane (west approach) of the signalised intersection of Ferntree Gully Road and Gilby Road (length extension to be determined by deceleration and SIDRA analysis requirements).*
 - b) *Include the extension of the right/U-turn lane (east approach) at the median opening along the Ferntree Gully Road located approximately 150 metres from the western property boundary; and*
 - c) *Be developed generally in accordance with VicRoads' Draft Guidelines for preparation of a Traffic Impact Assessment Report.*
27. *Prior to commencement of any use or any roadworks authorised by this permit the applicant must:*
 - a) *Prepare functional layout plans for the access arrangements for the development to the satisfaction of VicRoads.*
 - b) *Subsequent to the approval of the functional layout plans, prepare detailed engineering plans for the roadworks along Ferntree Gully Road, to the satisfaction of VicRoads. Detailed design matters such as bus stop locations, median widths, DDA compliance, lane widths, drainage etc will be approved at this stage.*
28. *The applicant must engage VicRoads pre-qualified contractors to undertake all roadworks along Ferntree Gully Road.*
29. *Before the commencement of any roadworks authorised by this permit, the developer must*
 - i. *Provide a bank guarantee (in the name of the developer/owner) without a termination date, to VicRoads for the estimated cost of works.*
 - ii. *Provide evidence that the Contractor has a public liability insurance policy for at least \$10 million, effective for the duration of the works.*
 - iii. *Provide VicRoads with the name, address, business and out-of-hours telephone numbers of the principal roadworks contractor.*
30. *Prior to the commencement of any roadworks, in, on, under or over the Ferntree Gully Road reservation the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.*
31. *Prior to the commencement of any roadworks along Ferntree Gully Road authorised by this permit the applicant must provide a payment to VicRoads of the pre-estimate certification audit fee.*
32. *Where the roadworks associated with the access arrangement to Ferntree Gully Road (including footpath and nature strip) lie within the property, the*

applicant must arrange for the plan of subdivision to show the land abutting the road, which is affected by the roadworks, labelled "ROAD" which vests in the Roads Corporation upon certification of the plan of subdivision.

33. *The applicant must pay the full cost of all roadworks, drainage, service relocations, public lighting and modifications, and any other costs associated with the development.*
34. *Prior to the commencement of any use authorised by this permit the applicant must complete all roadworks along Ferntree Gully Road in accordance with approved plans and to the satisfaction of VicRoads.*

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 for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).*
4. *Prior to the commencement of the development permitted a statement of liability indemnity, (Use of Easement Approval), related to the road and car parks over the western, eastern and southern boundary easements on the site shall be provided to the satisfaction of the City of Monash.*

Approval to be given subject to:

- *Council and Yarra Valley Water approval being given*
 - *The Registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.*
 - *The use of easement agreement being signed by Council.*
 - *A construction joint being made along the easement line.*
5. *Tree planting should be kept clear of the drainage easement.*
 6. *Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.*
 7. *VicRoads approval and inspections are required for roadworks along Ferntree Gully Road and a copy of the approved plans and details of inspections are to be submitted for Council records.*
 8. *Buildings and structures are not to be constructed within the easement containing the existing 300mm & 225mm stormwater drains (as shown on Council drawing no 20223) within 296-308 Ferntree Gully Road property if the pipes are to be used. These drains will become private drains as part of*

the private internal stormwater system for the development. However if the stormwater pipes are not to be utilised and proven to Council's satisfaction that no other property connects into this drainage system then they can be made redundant.

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 2 Albert Avenue Oakleigh - Construction of A 3 - Storey Apartment Building

Moved Cr McGill,

Seconded Cr Baines

*Council having caused notice of planning application No. 35757 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 2 Albert Avenue Oakleigh for the purpose of the construction of a 3 storey apartment building plus basement parking consisting of 26 apartments and 44 car parks on the following grounds:*

- 1. The proposed development is not consistent with the Residential Development and Character Policy (Clause 22.01) and Tree Conservation Policy (Clause 22.05) of the Monash Planning Scheme.*
- 2. The proposed development is not consistent with the objectives and standards of Clause 55 of the Monash Planning Scheme.*
- 3. The proposed vehicular access via the right-of-way is not appropriate to avoid traffic and parking difficulties within the development and the neighbourhood.*
- 4. The proposed development does not provide sufficient on-site car parking.*
- 5. The proposed development does not provide sufficient arrangements for garbage collection.*
- 6. The proposed development would have a detrimental impact on the amenity of the adjoining land and surrounding area.*
- 7. The proposed development will result in poor internal amenity for future residents.*
- 8. The proposed development will impact negatively on the existing street tree.*

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

Cr McGill said that the local residents would support the refusal, noting that there were concerns about the proposal's impact on the neighbourhood character, amenity and parking. Concerns had also been expressed about the height and bulk of the proposed development.

CARRIED

5.5 16-18 Atherton Road, Oakleigh - Construction of a Four Level Building

Moved Cr Manzie,

Seconded Cr Banerji

Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to refuse planning application No. 35836 for a planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 16 - 18 Atherton Road Oakleigh for the development of a four level building containing a shop, six offices, and an automated parking system and a reduction in the car parking provision on the following grounds:

- 1. The proposal would have a detrimental impact on other road users by seriously compromising the road's availability, accessibility and amenity as a public right-of-way and car park. The proposal would require a separate process of closing the Road by Council prior to any development proceeding*
- 2. The proposal would not provide sufficient or appropriate on-site car parking*
- 3. The proposal would have a detrimental impact on the amenity and safety of the abutting land*
- 4. The proposal does not provide adequate bicycle parking or facilities.*

CARRIED

5.6 Town Planning Schedule

Moved Cr Baines,

Seconded Cr McGill

That the report containing the Town Planning Schedules be noted.

CARRIED

5.7 Jordanville Community Centre Tender

Moved Cr Morrissey,

Seconded Cr Banerji

That Council accepts the amended lump sum price of \$357,500, inclusive of GST, submitted by Shultz Building to undertake the renovation to the existing Jordanville Community Centre and seal the contract.

Crs Morrissey and Brown spoke in support of the proposal. Cr Morrissey noted that it was a popular facility; Cr Brown highlighted the improvements proposed for access to the building by people with disabilities.

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil

7. COMMITTEE REPORTS

7.1 Disability Consultative Committee - Conference Sponsorship

Moved Cr Manzie,

Seconded Cr Brown

That Council sponsor two members of the Disability Consultative Committee to attend the Disability Professionals Victoria Conference annually.

Crs Manzie and Brown spoke in support of the proposal, highlighting the benefit it would bring to the Disability Consultative Committee and ultimately, through that committee, to the Council and the community as a whole.

CARRIED

7.2 Young Persons Reference Group Membership

Moved Cr Baines,

Seconded Cr Banerji

That Council:

- 1. Accepts the resignation of Mr Sankaran Kasynathan from the Young Persons Reference Group and acknowledges his contribution.*
- 2. Accepts the appointment of Mr Tito Tut Pal and Mr Sophocles Kithardis to the Young Persons Reference Group.*

Cr Baines said that she was pleased to welcome the two new members to the Reference Group and thanked Mr Kasynathan for his contribution. Cr Baines noted that a number of the Reference Group members would be involved in activities being conducted to celebrate Youth Week (5 to 13 April).

CARRIED

8. NOTICES OF MOTION

Nil.

9. **URGENT BUSINESS**

Nil.

10. **COUNCILLORS' REPORTS**

Cr Manzie informed the Council of the excellent response by the emergency Services to a recent fire in the municipality. Cr Manzie paid tribute to the important role played by the services in ensuring the safety of the community.

11. **PERSONAL EXPLANATIONS**

Nil

12. **MATTERS OF COUNCIL IMPORTANCE**

Nil

13. **CONFIDENTIAL BUSINESS**

Moved Cr Manzie

Seconded Cr Banerji

That as the Confidential Business item concerns a contractual 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 8.02 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.05 pm.

CONFIRMATION OF DECISION TAKEN IN CONFIDENTIAL BUSINESS

The Mayor confirmed that the following resolution had been carried in Confidential Business –

- | |
|---|
| <ol style="list-style-type: none"><i>1. That Council's property at 370-372 Ferntree Gully Road, Notting Hill not be sold to Waverley Industries Ltd.</i><i>2. That Waverley Industries Ltd be advised of Council's decision not to sell the property and that Council will continue to support the subsidised leasing arrangements currently in place.</i> |
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The Mayor declared the meeting closed at 8.08 pm

MAYOR:

DATED THIS DAY OF 2008