



CITY OF
M O N A S H

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 12 MAY 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 12 MAY 2009 AT 7.30 PM.**

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

APOLOGIES:

Cr Lake.

DISCLOSURES OF INTEREST

Cr Banerji – Item 1.1

Cr Baines – Item 8.2

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 21 APRIL 2009**

Moved Cr Morrissey,

Seconded Cr Drieberg

That the minutes of the Ordinary Meeting of the Council held on 21 April 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

NOTE:Cr Banerji disclosed a direct conflict of interest, informing the Council that she is on the committee of management of a community organisation that receives recurrent funding under the Community Grants Program. Cr Banerji left the Chamber at 7.35 pm, before deliberation on the matter commenced and returned at 7.40 pm, after the vote had been taken.

1.1 2010 Monash Community Grants Program

Moved Cr Baines,

Seconded Cr Dimopoulos

That Council:

1. *Adopts the Policy Guidelines and endorses the priorities set for its 2010 Monash Community Grants Program.*
2. *Nominate Crs Baines, Banerji, Dimopoulos, Drieberg, Klisaris, Lo and Perri to the 2010 Monash Community Grants Program Evaluation Panel.*
3. *Adopts the terms of reference for the 2010 Monash Community Grants Program Evaluation Panel.*
4. *Endorses the streamlining of the processes, including policy guidelines and assessment procedures of both the Community Support Program and the Community Arts Project into one Monash Community Grants program.*
5. *Advertises the Monash Community Grants Program in local newspapers in the City of Monash, and ethnic and indigenous press, during June 2009, inviting Applications from eligible community groups serving the City's residents for the period, 1 January 2010 - 31 December 2010.*
6. *Assesses applications received in the context of its service priorities and budget allocations.*
7. *Encourages Arts Partnership recipients to apply for a community grant as this funding will be absorbed into the 09/10 Community Grants budget.*

Cr Baines stated that this was one of the Council's best processes and enables the Council to provide to a significant number of community groups in the municipality.

Cr Dimopoulos supported the program, noting its considerable contribution to strengthening the links within the community.

Cr McGill also supported the program and added that she would have preferred that the increase in funding had not followed CPI.

Cr Perri spoke in support of the program, noting that the grants process for arts-related groups and activities was now amalgamated into this process and that application forms

would be available in languages other than English and applications made in languages other than English would be accepted.

Cr Male spoke in support of the program.

CARRIED

1.2 2010 Chinese New Year And Lantern Festival

Moved Cr Lo,

Seconded Cr Banerji

That Council:

1. *Acknowledges the work of the Monash Chinese Events Organising Committee (EOC) in the successful delivery of the inaugural Glen Waverley Chinese New Year and Lantern Festival (The Lantern Festival) as a significant community cultural celebration.*
2. *Approves and supports the EOC to deliver the Lantern Festival in partnership with Council for a second year to be held in February 2010 in the Glen Waverley Activity Centre.*
3. *Approves the management model remain the same in 2010 until Council has an opportunity to review delivery methods of all its festivals.*
4. *Acknowledges the partnership arrangement between Council and the EOC and approves \$80,000 in funding comprising of \$50,000 in direct funding to the EOC and \$30,000 for Council support services subject to final 09/10 Budget approval.*
5. *Funding to the EOC for the Lantern Festival is subject to the following conditions:*
 - *Both parties sign off on a funding agreement*
 - *The EOC provides evidence of appropriate public liability insurance for the festival*
 - *A festival proposal is submitted to Council*
 - *A suitably qualified and experienced Event Manager and Risk Manager is engaged by the EOC*
 - *A Risk Management and Safety Management Plan is submitted to Council*
 - *Council approves all sub-contractors*
 - *All other sponsors and stallholders engaged by the EOC are consistent with Council Policies*
 - *Council is acknowledged in all promotional material as the major sponsor and Council approves such promotional material*
 - *The EOC seek other funding for the event to the value of at least \$20,000.*

Cr Lo commended the proposal and said that he looked forward to increasing his involvement in future festivals.

CARRIED

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

Moved Cr Dimopoulos,

Seconded Cr Klisaris

That Council:

1. Endorses the Progress Report and notes the following:

a) The development of an art competition involving local schools and the delivery of an Indigenous art and culture workshop as part of the process.

b) The involvement of Artists who will reflect an Indigenous theme to produce the public art installation at the J.W. Hurst Reserve in collaboration with local schools.

2. A report to be presented in July 2009 recommending the winning design(s) resulting from the art competition.

Cr Dimopoulos said that he was pleased that 3 schools had expressed an interest in becoming involved in the project and encouraged others to do so as well. He added that timeframes had been adjusted to provide adequate consultation and noted that Council officers had highlighted the indigenous connection of the land. As a result, discussions with indigenous elders had taken place regarding the project.

Cr McGill supported the project, noting that a local resident had originally proposed that improvements to the site be made. She expressed concern at the site's indigenous connection being emphasised, given that it had been used as a tip site in the past.

Cr Perri supported the proposal, stating that it was a great opportunity for local students to become involved in local community art.

RIGHT OF REPLY

Cr Dimopoulos said that the site's immediate past use was not a relevant concern or consideration as the public art proposed will tell a number of stories and that the proposal had received the support of the indigenous elders whose advice had been sought.

CARRIED

1.4 Monash Safe Venues and Liquor Accord Progress Report

Moved Cr Drieberg,

Seconded Cr Dimopoulos

That Council notes the progress report on the Monash Safe Venues and Liquor Accord.

Cr Drieberg said that she was pleased to see the Council taking a leadership role on such an important social issue.

CARRIED

1.5 Neighbourhood Renewal – Ashwood, Ashburton And Chadstone Areas

Moved Cr Banerji,

Seconded Cr Lo

That Council notes the progress for the past 12 months of the Ashwood, Ashburton and Chadstone Neighbourhood Renewal Program.

Cr Banerji stated that the Council had been an active partner with the State Government and had driven this project. She also noted the recent \$4million grant from the Federal Government for the community hub project.

Cr Male noted the Neighbourhood Renewal project's objectives and commended Cr Banerji and the previous Council for their efforts in supporting the project.

Cr McGill welcomed the Federal Government funding for the community hub project.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil.

3. CORPORATE PLANNING & FINANCE

3.1 The 2009 – 2013 Draft Council Plan Incorporating The Strategic Resource Plan

Moved Cr Klisaris,

Seconded Cr Baines

That:

- 1. The '2009 – 2013 Draft Council Plan' incorporating the Strategic Resource Plan be adopted for community consultation.*
- 2. The Council appoints a Committee of all Councillors to consider any submissions received up to 4.00 p.m., 11 June 2009 in accordance with section 223 of the Local Government Act 1989, at a meeting to be convened at 8.00pm, Tuesday 16 June 2009, in the Council Chambers at the Civic Centre, 293 Springvale Road, Glen Waverley.*

Cr Dimopoulos noted the significant number of people who had participated in the community consultation phase and commended the work of the responsible officers.

The Mayor stated that the Council had engaged in an extensive community consultation process that elicited participation from over 900 people. The Council had also consulted with various Council advisory groups and external organisations in preparing the Council Plan.

The Mayor noted the key areas of importance identified by the consultation process.

CARRIED

3.2 Four Year Base New & Special Capital Works Program

Moved Cr Klisaris,

Seconded Cr Male

That Council adopts, the 2009/2010 to 2012/2013 Base, New and Special Capital Works Programs as shown in the attachments to this Report.

CARRIED

3.3 2009/2010 Budget - Schedule of Fees and Charges

Moved Cr Klisaris,

Seconded Cr Morrissey

That Council adopts the Schedule of Fees & Charges, as detailed in the attachments accompanying this report, to be effective from 1 July 2009 (except as otherwise indicated).

CARRIED

3.4 Proposed Budget For 2009/2010

Moved Cr Klisaris,

Seconded Cr Baines

That

1. *Council approves the proposed budget for 2009/10 as presented for the purpose of giving public notice in accordance with Section 129 of the Local Government Act 1989.*
2. *In accordance with Section 129 of the Local Government Act 1989, public notice of the preparation of the proposed budget will be published in The Age, Waverley Leader, and Oakleigh Monash Leader newspapers as soon as practicable and the proposed budget documents will be available for viewing at the following locations as prescribed by the Council:*
 - *Civic Centre 293 Springvale Road, Glen Waverley*
 - *Oakleigh Service Centre, Atherton Road, Oakleigh*
 - *Oakleigh Library, Drummond Street, Oakleigh*
 - *Clayton Branch Library, Cooke Street, Clayton*
 - *Mount Waverley Library, 41 Miller Crescent, Mt Waverley*
 - *Wheelers Hill Library, 860 Ferntree Gully Road, Wheelers Hill,*
 - *Glen Waverley Library, Kingsway, Glen Waverley; and*
 - *Council's web site: www.monash.vic.gov.au.*
3. *At the time of publication of the public notice the information contained in the public notice and the requirements for statutory information set out in Regulation 9 of the Local Government (Finance & Reporting) Regulations 2004 will be available for public inspection between 14th May and 11 June 2009, at 4pm (both dates inclusive) during normal business hours at the following locations:*
 - *Civic Centre 293 Springvale Road, Glen Waverley between the hours of 8.15 am and 5.00 pm weekdays*
 - *Oakleigh Service Centre, Atherton Road Oakleigh, between the hours of 8.45 am and 5.00 pm weekdays*

and

 - *Oakleigh Library, Drummond Street Oakleigh*
 - *Clayton Branch Library, Cooke Street Clayton*
 - *Mount Waverley Library, 41 Miller Crescent Mt Waverley*
 - *Wheelers Hill Library, 860 Ferntree Gully Road Wheelers Hill*
 - *Glen Waverley Library, Kingsway Glen Waverley*

during the normal advertised business hours; and on Council's web site: www.monash.vic.gov.au.

4. *Council appoints a Committee of Council, comprising all Councillors to consider submissions received on the proposed 2009/10 Budget.*
5. *Any written submissions on any proposal contained in the proposed budget received by the Council by 4 pm, 11 June 2009, in accordance with Section 129 of the Local Government Act 1989, be considered by the Committee of Council at 8.00 p.m. on Tuesday 16 June 2009.*
6. *Any requests for verbal submissions received in accordance with Section 223 of the Local Government Act 1989 be heard by the Committee of Council at 8.00 p.m. on Tuesday 16 June 2009 in the Council Chambers at the Civic Centre, 293 Springvale Road Glen Waverley.*
7. *Subject to the consideration of any written or verbal submissions received in accordance with Sections 129 and 223 of the Local Government Act 1989 and any decisions made, Council adopts its budget on 30 June 2009.*
8. *In accordance with the requirements of Section 74 of the Local Government Act 1989, the Councillor and Mayoral allowances be determined at the following levels*
 -
 - a) *the Councillor allowance be set at \$24,200 per annum; and*
 - b) *the Mayoral allowance be set at \$77,300 per annum, plus a fully maintained vehicle; and*
 - c) *in addition, the equivalent of the superannuation guarantee contribution (currently 9%) will be included in the Mayoral and Councillor Allowances.*

Under the provisions of Section 223 of the Local Government Act 1989, submissions be invited on the proposed Councillor and Mayoral allowances and that the Committee of Council comprising all Councillors be appointed to consider submissions at 8.00 pm on Tuesday 16 June 2009, in the Council Chambers at the Civic Centre, 293 Springvale Road, Glen Waverley.

The Mayor stated that unlike other levels of government, Local Government has only one opportunity to raise revenue to deliver its services to the community and this is through levying rates. He added that the proposed Budget aimed for the continuity and enhance of existing services and the delivery of major capital works on the back of a 6 percent rate increase. The Mayor stated that the proposed increase represented an increase of less than \$1 per week per rateable property.

The Mayor said that he rejected the public comments made by critics of the Council and said that the Council would not seek to operate at a deficit, which would result in a legacy for future generations to contend with.

Cr McGill stated that the increase represented more than a \$1 increase per week for some rateable properties and stated that the Council could have achieved a lower rate increase by reducing spending on non-essential projects.

Cr Dimopoulos supported the Budget, saying that it was a good budget prepared in difficult circumstances. He added that the Council needed to ensure the continuity of the delivery of existing services as well as plan for the future development of the municipality.

RIGHT OF REPLY

The Mayor stated that the Council needed to be responsible to the community and deliver the services and the capital works that were needed.

CARRIED

3.5 2008/09 Management Accounts Report – Third Quarter

Moved Cr Morrissey,

Seconded Cr Male

That Council notes the Financial Reports for the period ending 31 March 2009.

CARRIED

4. INFRASTRUCTURE SERVICES

Nil.

5. CITY DEVELOPMENT

5.1 1816-1832 Dandenong Road, Clayton – An Energy Centre

Moved Cr Baines,

Seconded Cr Dimopoulos

*The Council having considered planning application No.37141 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 1816-1832 Dandenong Road, Clayton, for buildings and works for the purpose of an energy centre in accordance with the plans submitted with the application and subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 3. 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.

- 4. All external cladding and trim of the proposed building must be of a non-reflective nature. Cladding materials must be coloured or painted in colours satisfactory to the Responsible Authority. All paintwork must be maintained to the satisfaction of the Responsible Authority.*
- 5. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties (including the road reserve and footpaths).*
- 6. Stormwater must be connected to the existing drainage system. A copy of the drainage plans must be submitted to the Engineering Division for Council records.*

Notes:

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

Expiry of permit:

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

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

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.

CARRIED

5.2 211 & 1-2/227-243 Wellington Road, Mulgrave – Offices, Ancillary Café & Alteration to Access to a Road Zone – Category 1

Moved Cr Klisaris,

Seconded Cr Morrissey

*The Council having caused notice of planning application No. 37002 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 211 & 1-2/227-243 Wellington Road Mulgrave, for the purpose of development and use of the land for offices, ancillary café and alteration to access to a Road Zone – Category 1 generally in accordance with the plans submitted with the application dated 12 February 2009 No. 37002 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. *G4C Amended Plans Required – Development and Use*
 - a) *Fully dimensioned layout details and elevations of the proposed development;*
 - b) *Details of the design of the access roadway that demonstrates consideration of appropriate connection and access to all properties with legal rights to the carriageway easement. The design of the roadway and associated access points is to consider the road width, existing and future pedestrian, car and heavy vehicle movements and the loading requirements of both the subject land and adjoining landowners/occupiers. The design is to be undertaken in consultation with adjacent landowners/occupiers with carriageway rights to the access roadway to the satisfaction of the Responsible Authority.*
 - c) *Provision of disabled parking equalling 2% of the total number of car parking spaces to be located in close proximity to a lift core wherever possible;*
 - d) *Re-establishment of the avenue of trees within Wellington Road including along the nature strip and central median to the satisfaction of the Responsible Authority;*
 - e) *Layout plan clearly showing retention of the Eucalyptus saligna within the front setback of the site;*
 - f) *Location of bicycle parking and shower and change room facilities in accordance with Clause 52.34;*
 - g) *Provision of loading facilities in accordance with Clause 52.07;*
 - h) *Location of waste storage areas;*
 - i) *Location and design of any electricity supply meter box/kiosk/substation, which may be required. This facility must not be located within the front landscape setback of any road;*
 - j) *Location of any fire hydrants, booster assemblies or sprinkler control valves which may be required and details to minimise their visual prominence;*
 - k) *Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area;*
 - l) *Deletion of proposed front fencing;*
 - m) *Details of external materials and colours including paving. Reflectivity of materials must be no greater than 15%.*
2. *G1C Layout Not Altered – Development and Use*
3. *A Road Safety Audit must be prepared by an independent Road Safety Auditor, which is to be submitted to and approved by the Responsible Authority prior to finalisation of the access roadway design. The audit is to encompass the preliminary and detailed design stages of the proposed access roadway together with existing and proposed vehicle access points. The safety audit must also address the adequacy of pedestrian pathways within and along the boundary of the development site. Any recommendations of the auditor shall be*

reflected in amended plans to demonstrate acceptable risk to existing vehicular and pedestrian movements.

4. *An updated traffic impact assessment as part of the design of the access roadway must be prepared to the satisfaction of the Responsible Authority and showing the expected delays and queue lengths at the proposed traffic signals based on traffic counts of existing daily car and heavy vehicle movements and predicted post-development vehicle movements. The traffic counts must be no more than 3 months old at the time of lodgement with the Council.*
5. *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.*
6. *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.*
7. *Prior to the commencement of any works on the site a detailed circulation and access strategy plan is required to be submitted to and approved by the Responsible Authority. The strategy plan must include the following:*
 - *Consideration of the traffic capacity of the proposed entrance/exit points;*
 - *Additional detail on ramp locations and car park circulation including provision of circulation roadways to access ramp/s and the number, location and arrangement of the car park access ramps;*
 - *Provision of a pedestrian pathway through the site to provide for safe access to the property north of the subject land;*
 - *Installation of road humps along the parking bay aisles that exceed 100m in length;*
 - *Provision of disabled bays;*
 - *Access location to Level 00;*
 - *Provision of loading areas in accordance with the Monash Planning Scheme.*
8. *Bicycle facilities for the development, hereby permitted, must be provided in accordance with Clause 52.34 of the Monash Planning Scheme.*
9. *Once the development 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 are completed to enable the site to be inspected.*
10. **G19** *Exposed Storage*
11. **G20** *No Waste Bin in View*

12. **G21 Adequate Waste Storage**
13. **G10 Amenity**
14. **G29 No Structures Above Roof Level**
15. *Advanced species of replacement trees are required to be planted in the nature strip and median strip of Wellington Road at the cost of the owner/developer to the satisfaction of the Responsible Authority, the City of Monash.*
16. *All trees to be retained on the subject site and adjoining sites located 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 comes beneath a tree canopy. The fences are to remain in place until the construction is complete. No vehicular or pedestrian access or soil excavation is to occur within this area other than that shown on the endorsed plans. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones. 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 must be verified by an authorized officer of the City of Monash to the satisfaction of the City of Monash.*
17. *All excavations potentially affecting trees to be retained must be supervised by an Arborist who must ensure the works are done in a manner that minimizes any damage to those trees.*
18. *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 the completion of the excavation works.*
19. *Any pruning that is required to be done to the canopy of any trees affected by the development is to be done by a qualified Arborist to Australian Standard – Pruning Amenity Trees AS 4373 1996, Standards.*
20. **L1 Landscape Plan Details Required**

*Additional dot point to read:
Details of the large pots and planter beds to be located at the podium level including composition of planting matter to be used and details of the type and frequency of irrigation proposed*
21. ***Before occupation, landscaping works as shown of the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.***
22. **CP1A Car Park - Development**

23. *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. In particular the design must have regard to the following:*
- *At blind aisles, the aisle shall be extended a minimum of 1 metre beyond the last parking space;*
 - *If a side boundary of a space is a wall or fence, or if there are no obstructions such as columns placed so as to restrict door opening, 300mm shall be added to the width of the space;*
 - *The location of columns should satisfy the requirements of the design envelope around a parked vehicle as indicated in Figure 5.2 of the Standard;*
 - *To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2.2 metres;*
 - *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 metre.*
24. *The gradient on and near the access driveways must be a maximum of 1 in 20 (5%) between the edge of the access road and the property line, building alignment or pedestrian path and for at least the first 6 metres in to the car park.*
25. *Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
26. *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 (175mm 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.*
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 Council prior to works commencing.*
28. *E1 Nominated Point of Discharge*
The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip of Wellington Road to be constructed to Council Standards. (A new pit is to be constructed if a pit does not exist or is not a standard Council pit).

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

29. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
30. *The existing redundant crossing is 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.*
31. *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.*
32. *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.*

VicRoads Condition Nos 33 -43 (Ref: 0357885)

33. *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 and associated roadworks on Wellington Road, to the satisfaction of VicRoads, with the plans taking into account but not limited to, the following:*
 - *New shared right and u-turn facility at the Compark Circuit intersection with Wellington Road approximately 250 metres east of the proposed site shown with reasoning for the location; and*
 - *All mitigating works must be based on SIDRA analysis (i.e. all lane lengths must be able to cater for 95 percentile queues based on the peds being called up the majority of time) and in accordance with AusRoads Part 5 – intersections at Grade; and*
 - *As part of the plan, bus jump queue lane lengths are to be designed in consultation with the Department of Transport and must include optimum bus priority (i.e. cater for 95% queue lengths).*
 - b) *Prepare detailed engineering plans based on the approved functional layout plans, to the satisfaction of VicRoads; and*
 - c) *Prepare a traffic signal layout plan for the intersection/access on Wellington Road including public lighting and proposed signal phasing, to the satisfaction of VicRoads.*
34. *Prior to the commencement of any use or any roadworks authorised by this permit the applicant must prepare an Integrated Transport Plan to encourage the use of public transport and bicycle facilities to the satisfaction of VicRoads.*
35. *A Road Safety Audit report must be prepared by an independent VicRoads prequalified Road Safety Auditor in accordance with Austroads-Road Safety Audit (Second Edition, 2002) for the following stages;*
- *Review of the functional layout plans.*
 - *Review of the detailed engineering plans.*
 - *Review of the signal layout plans.*
36. *Where the Road Safety Audit identifies any matters that have not been addressed in the detailed engineering plans or signal layout plans, they must be addressed and plans amended to the satisfaction of VicRoads.*
37. *Where the roadworks, including footpath and nature strip, lie within private property along Wellington Road, a widening of the road reserve will be required, at no cost to VicRoads. The applicant must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled “ROAD”, which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the applicant must ensure that the original Certificates of Title that issue in the name of the Roads Corporation, are forwarded via registered post to : VicRoads – Property Services Department, 60 Denmark*

Street KEW, 3101.

38. *Prior to gaining approval from VicRoads to undertake any roadworks along Wellington Road the applicant must arrange a payment to VicRoads for the predetermined cost of 10 years traffic signal maintenance.*
39. *Before the commencement of any roadworks along Wellington Road authorised by this permit, the developer must;*
 - a) *Provide a bank guarantee (in the name of the developer/owner) without a termination date, to VicRoads for the estimated cost of works.*
 - b) *Provide evidence that the Contractor has a public liability insurance policy for at least \$10 million, effective for the duration of the works.*
 - c) *Provide VicRoads with the name, address, business and out-of-hours telephone numbers of the principal roadworks contractor.*
 - d) *Provide a payment to VicRoads of the certification audit fee.*
 - e) *Have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.*
40. *The applicant must engage an approved VicRoads contractor (pre-qualified at the appropriate level or as otherwise approved) to undertake all works along Wellington Road.*
41. *The applicant must arrange for and pay the full costs of all public works including traffic signals installation, drainage, service relocations, public lighting and modifications associated with the access arrangements to the property pursuant to this permit.*
42. *The design, depth and composition of pavement within the road reservation must be to the satisfaction of VicRoads.*
43. *Prior to the commencement of any use authorised by this permit the applicant must complete all roadworks in accordance with approved plans and to the satisfaction of VicRoads.*

Director of Public Transport Condition Nos 44 - 47 (Ref: DOPT2009/0058)

44. *Before the development starts, the Transport Impact Assessment prepared by GTA Consultants dated 2nd February 2009 must be amended to the satisfaction of the Director of Public Transport. The Transport Impact Assessment must be modified to show:*
 - a) *the inclusion of Smart Bus route number 900,*
 - b) *the potential delay to bus operations in both directions,*
 - c) *queue lengths at the proposed intersection in both directions,*
 - d) *mitigation measures including bus jump lanes to offset the delays created,*
 - e) *identify the potential delays to bus services with the bus lanes provided.*

45. *Before the development starts, amended plans to the satisfaction of the Director of Public Transport must be submitted to and approved by the Director of Public Transport. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
- a) *Bus queue jump lanes provided on both approaches to the intersection that allow the bus to enter the bus lane at the 95th percentile traffic queue length or to the nearest signalised intersection.*
 - b) *Intersection departure side bus treatment provided to allow the bus to merge back into traffic.*
46. *Prior to the traffic signals becoming functional all works identified on the approved plans for bus priority must be completed and operational to the satisfaction of the Director of Public Transport at the full cost to the permit holder.*
47. *The permit holder must take all reasonable steps to ensure that disruption to bus operations along Wellington Road is kept to a minimum during reconstruction. Foreseen disruptions to bus operations must be communicated with mitigation measures to the Director of Public Transport and bus operators one (1) week prior.*

NOTES:

1. N3 Building Approval
2. N5 No Signs
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), must be provided to the satisfaction of the City of Monash.*
Approval to be given subject to:
 - *Council and Yarra Valley Water approval being obtained;*
 - *The use of easement agreement being signed by Council.*
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.*

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 each objector be given a notice of the Council's decision to grant the permit.

CARRIED

5.3 173-175 Kangaroo Road, Hughesdale – A Four Storey Building Comprising 36 Dwellings With Basement Car Park & Reduction In Car Parking Requirements

Moved Cr Drieberg,

Seconded Cr Klisaris

*The Council having caused notice of planning application No. 37070 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 173-175 Kangaroo Road, Hughesdale, for the purpose of the development of a four storey building comprising 36 dwellings with a basement car park and reduction in the car parking requirement of the Monash Planning Scheme generally in accordance with the plans submitted with the application and subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

1. G4C - Amended plans required

- a) The maximum gradient of the associated access driveway across a property line or building alignment shall be 1 in 20 (5%) and where the driveway crosses a footpath, the driveway grade shall be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0 metre.*
- b) At blind aisles, the aisle shall be extended a minimum of 1 metre beyond the last parking space. The northern end of the Upper and Lower Basement car park and the southern end of the Lower Basement car park are affected.*
- c) To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2200mm.*
- d) The provision of a disabled car parking space*
- e) Location and design of any proposed electricity supply meter box/kiosk/substation. This facility must not be located within the front setback area and should be integrated into the building structure.*

- f) *Details of all service equipment, including mechanical ventilation located outside the building or on the building and appropriate screening to be incorporated as part of the architectural design of the building. Air-conditioning and heating units must not be located on balconies or the facades of the building.*
 - g) *The location and design of letterbox facilities.*
 - h) *Location of gas, water and fire hydrant meters. These facilities should be designed to minimise their visual prominence if located within the front setback.*
 - i) *Details of any external illumination located throughout the site.*
 - j) *The provision of a 1.7 metre high louvered privacy screen on the north facing balconies of Apartments 10 and 20;*
2. *G32 – Schedule of Materials and Colours*
 3. *G1C - Layout not altered*
 4. *G8C - Satisfactory continuation*
 5. *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 a Private Collector will be responsible for the collection of waste from the site;*
 - (b) *that the bin storage areas are sufficient to cater for the amount of waste that will be produced;*
 - (c) *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;*
 - (d) *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;*
 - (e) *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;*
 - (f) *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;*
 - (g) *who will be responsible for collecting the refuse and recycling materials and the method of collection; and,*
 - (h) *access and egress for collection vehicles.*
 6. *G14 - Inspection of Buildings*
 7. *G19 - Exposed storage*
 8. *G20 - No waste bin in view*

9. *G21 - Adequate waste storage*
10. *Air-conditioner and other plant and equipment installed on or in the buildings must be so positioned and baffled so that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*
11. *G28 - Construction works – hours*
12. *G29 - No structures above roof level*
13. *CP1C - Car park*
14. *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 access ways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*
15. *CP4 – Lighting*
16. *E1 - Nominated point of discharge
(the south-west corner of the property where it must be collected and free drained via a pipe to the 150mm Council drain outside No 173 Kangaroo Road Hughesdale via a 900mm x 600mm junction pit, or an approved saddle adaptor to be constructed to Council Standards.)*
Note: If the point of discharge cannot be located then notify Council's Engineering Division immediately.
17. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
18. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage work must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
19. *E3 - Design to engineering standards*
20. *E4 - On-site retention of stormwater*
21. *L1 - Landscape plan details required
Insert: a) additional landscaping including the incorporation of canopy vegetation along the eastern property boundary.*
22. *L3 - Landscaping before commencement of use*
23. *SP14 - Reinstatement of redundant vehicle crossing*
24. *Before the development or use of the land commences, any works commence, the issue of a Statement of Compliance under the Subdivision Act 1988, or the*

issue of a Certificate of Occupancy under the Building Act 1993:

- a) *A preliminary site assessment of the land must be conducted by a suitably qualified professional in accordance with the National Environmental Protection Measure (assessment of site contamination) 1999, as amended.*
- b) *A report setting out the findings of the preliminary site assessment, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.*

25. *If the Responsible Authority, having regard to the preliminary site assessment, considers that further assessment of potential contamination is required, the permit holder must:*

- a) *engage an appointed auditor pursuant to section 53U of the Environment Protection Act 1970 (Act) to perform an environmental audit of land as a segment of the environment; and*
- b) *provide an environmental audit report produced in accordance with section 53X of the Act to the Responsible Authority in triplicate; and*

either:

- a) *A certificate of environment audit produced in accordance with section 53Y of the Act must be provided to the Responsible Authority in triplicate; or*
- b) *A statement of environmental audit produced in accordance with section 53Z of the Act must be provided to the Responsible Authority in triplicate.*

26. *If a statement of environment audit is provided:*

- a) *Development and/or use allowed by this permit must comply with any condition attached to a statement of environmental audit unless a certificate of environmental audit is subsequently issued for the land; and*
- b) *At the direction of the Responsible Authority, an agreement must be entered pursuant to section 173 of the Planning and Environment Act 1987 to facilitate notification of future owners and occupiers of the land of any conditions attached to a statement of environmental audit as mandated by section 53ZE of the Act; and*

Prior to any use provided for by this permit a letter prepared by an appointed auditor must be submitted to Council verifying that all conditions attached to the statement of environmental audit have been complied with.

NOTES:

1. *The plan indicates a widened east crossing which may affect an existing power pole. The relevant service authority approval may be required.*
2. *Provision should be made for rainwater collection and wastewater recycling for irrigation and/or toilet flushing.*
3. *A drainage contribution will not be accepted in lieu of a detention system.*
4. *EN4 - Permit for crossings etc*

5. *N1 - Crossover permit. The appropriate treatment for the crossing is to be determined in conjunction with Council's Engineering Division.*
6. *Adjustments to the on-street parking spaces along the site's frontage may be required and to be carried out by the developer in consultation with Council's Engineering Division.*
7. *The new crossing is to have a minimum of 1 metre clearance from any services in the nature strip.*
8. *N3 - Building approval*
9. *N15 – Building Permit Fire Separation*
10. *Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
11. *An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.*
12. *A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifiers registration number must be included on the certificate.*
13. *It is to be noted that parking on street should not be considered as a right and that Council reserves the right to install parking restrictions in the future if required.*
14. *Bicycle parking shall follow the Australian Standard for Parking Facilities Part 3 – Bicycle Parking Facilities.*

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 each objector be given a notice of the Council's decision to grant the permit.

Cr Dimopoulos stated that he initially had concerns about the design of the proposed development, specifically in relation to overlooking for those residences located in Earlestown Road. He said that the proposed conditions on the planning

permit sought to protect the amenity of the residence in that street through the requirement for the installation of screenings.

Cr Dimopoulos also noted the proximity of the site to the Oakleigh railway station.

CARRIED

5.4 800 Waverley Road, Glen Waverley – Extension of Time

Moved Cr Klisaris,

Seconded Cr Male

*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 TPA/30654 under the provisions of the Monash Planning Scheme in respect of the land known and described as 800 Waverley Road Glen Waverley, for buildings and works to the existing church and extend the permit date until 22 December 2010 and 22 December 2012 for completion.*

CARRIED

5.5 Town Planning Schedule

Moved Cr Lo,

Seconded Cr Baines

That the report containing the Town Planning Schedules be noted.

CARRIED

5.6 Proposal To Vest In Council The Drainage And Sewerage Reserve Known As 23a & 30 Fiander Avenue, Glen Waverley

Moved Cr Banerji,

Seconded Cr Lo

That Council resolves to:

- 1. Commence the procedures to vest in Council the drainage and sewerage reserve known as 23A and 30 Fiander Avenue, Glen Waverley shown on the plan in Attachment 1.*
- 2. Apply to the Registrar of Titles to have the drainage and sewerage reserve vested in Council under section 24A of the Subdivision Act 1988 whilst retaining the current status of the land as a drainage and sewerage reserve. and*
- 3. Authorises the Chief Executive Officer or his delegate, on behalf of Council, to sign and seal all relevant documentation required to vest the drainage and sewerage reserve in Council.*

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

6.1 Review of Council Delegations

Moved Cr Male,

Seconded Cr Perri

That Council makes the delegations as detailed in the attachments to this report.

CARRIED

7. COMMITTEE REPORTS

Nil

8. NOTICES OF MOTION

8.1 2009 National General Assembly of Local Government Conference – Cr Klisaris

Moved Cr Klisaris,

Seconded Cr Baines

That Council:

- 1. Approves the attendance of Councillors Banerji, Dimopoulos, Drieberg, Klisaris and Perri, at the Australian Local Government Association's 2009 National General Assembly of Local Government, in Canberra, from 21 to 24 June 2009.*
- 2. Approves the attendance of the Mayor at the meeting of the Australian Council of Local Government, on 25 June 2009.*
- 2. Reschedules the 23 June 2009 Ordinary Meeting of the Council to 30 June 2009.*

CARRIED

8.2 Membership To The Partner Cities Network of The Council For A Parliament of The World's Religions – Cr Klisaris

NOTE:Cr Baines disclosed a direct conflict of interest, informing the Council that the motion concerns work undertaken by her University Supervisor who is also Chairperson of the Board of Directors of the Parliament of The World's Religions. Cr Baines left the Chamber at 8.20 pm, before deliberation on the matter commenced and returned at 8.25 pm, after the vote had been taken.

Moved Cr Klisaris

Seconded Cr Banerji

<p><i>That Council note that the Monash Interfaith Gathering will pursue the processes involved in becoming a member of the Partner Cities Network of the Council for a Parliament of the World's Religions.</i></p>
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Cr Banerji noted that this was a significant interfaith initiative and the Council could benefit greatly from membership of the Parliament through being able to access and share information and knowledge and develop significant networks.

Cr Banerji added that this initiative promoted dialogue and understanding between representatives of different religions.

CARRIED

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

10.1 Cr Male:

- a) provided a verbal report to the Council of the recent technical tour of NSW and Canberra by Victorian Council representatives, to examine waste management and recycling methods.
- b) reported on his attendance at the Annual General Meeting of Wavecare and a meeting of a local Neighbourhood Watch group.
- c) advised the Council that he had represented the Mayor at the formal launch of the National Volunteers Week and acknowledged the contribution made to the community by Gloria Mahoney, who managed the Monash Volunteer Resource Centre.

10.2 Cr Dimopoulos informed the Council of the resignation of the Victorian Local Governance Association Chief Executive Officer, Ms Rae Perry. On behalf of the Council, Cr Dimopoulos expressed his appreciation to Ms Perry for significant contribution to the Local Government sector and wished her well for the future.

10.2 The Mayor advised the Council that he :

- a) had recently met with a film crew from Greek television channel ERT, which is making a documentary of Greek communities located outside of Greece.
- b) would be participating in a football match at the recently renamed 'Jack Meade Oval, at Clayton Reserve, to commemorate Mr Jack Meade.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Cr Morrissey highlighted the dollar value of the capital works projects and infrastructure works proposed under the draft budget and the value of development applications approved by the Council. He added that this level of investment in the municipality's future needed to be acknowledged.

Cr Dimopoulos, referred to Item 6.1 on the agenda, noting that an important detail in the delegations had been omitted. The Chief Executive Officer undertook to submit a revised delegation to the next Ordinary Meeting of the Council.

13. CONFIDENTIAL BUSINESS

Nil.

The Mayor declared the meeting closed at 8.35 pm

MAYOR:

DATED THIS DAY OF 2009