



CITY OF
M O N A S H

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 17 NOVEMBER 2009

at 7.30 pm

**Wellington Reserve Community Centre
Mackie Road, Mulgrave**

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD AT THE WELLINGTON RESERVE COMMUNITY CENTRE
ON TUESDAY 17 NOVEMBER 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

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 27 OCTOBER 2009**

Moved Cr Morrissey,

Seconded Cr McGill

That the minutes of the Ordinary Meeting of the Council held on 27 October 2009, be taken as read and confirmed.

CARRIED

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

PETITION

Cr Mc Gill tabled a petition containing 28 signatures, opposing the proposed sale of Council owned land adjacent to 39 Golf Links Avenue, Oakleigh.

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.

OFFICERS' REPORTS

1. CUSTOMER SERVICES

1.1 Council Festival Stallholders Application Criteria

Moved Cr Dimopoulos,

Seconded Cr Male

That Council:

- a) endorses the festival stallholder application introductory notice containing Council's desired outcomes for its community events and festivals and terms and conditions as attached to this report.*
- b) may invite appropriate government representatives when funding has been obtained from State or Federal government programs for that specific event or local Members of Parliament to officially speak at Council presented or supported events.*

A number of Councillors made comment on this matter. These are summarised below.

Cr Dimopoulos said that community festivals are for the community and should not involve other activities.

In response to a question from Cr Lake, the Chief Executive Officer advised that if political activities were carried out at a Council-run festival, the persons engaging in the activity would be requested to stop and to leave the festival.

Cr McGill said that the proposal represented a possible breach of Human Rights. Other Councils had sought legal advice on the matter and as a result had decided not to place a restriction on such activities at their festivals. She added that political parties could be considered to be community groups.

Cr Klisaris supported the proposal, saying that community-based events should not include political activities.

Cr Perri noted that the community did not want to see political paraphernalia at community-based events.

Cr Lake said that neither political parties nor political representatives were being denied their rights. The proposed policy was about community events run by the Council not being turned into political events. He noted that the community objected to political activity at community events and the Council has the right to determine the standards for stallholders at Council-run community events.

RIGHT OF REPLY

Cr Dimopoulos, in exercising his right of reply, stated there were no human rights issues involved in this matter; the Charter of Human Rights seeks to protect the rights of individuals, not groups or political parties.

CARRIED

1.2 Soccer Facilities – Change of Location For Ashwood College Women’s Soccer Project & Funding Submissions

Moved Cr Banerji,

Seconded Cr Lo

That Council:

- 1. Supports the change of location for the Women’s Soccer Project at Ashwood College to Batesford Reserve and enters into a new Funding Agreement with Sport & Recreation Victoria.*
- 2. That Council considers as part of the development of the capital works budget of 2010/11, a contribution of \$50,000 to the Batesford Reserve Women’s Soccer Project, should the application to the “Strengthening the World Game’ funding program be successful.*
- 3. That Council supports the submissions from Ashburton Women’s Soccer Club and Eastern Lions Soccer Club for Sport & Recreation Victoria’s ‘Strengthening the World Game’ Grants program.*

Crs Banerji and Lo spoke in support of the proposal, noting the funding arrangement with Sport and Recreation Victoria and highlighting the popularity of soccer and its ability to promote social inclusion.

CARRIED

1.3 Monash Responsible Gambling Taskforce

Moved Cr Banerji,

Seconded Cr Lo

That Council endorses that the 'Monash Responsible Gaming Taskforce' now be known as the 'Monash Responsible Gambling Taskforce'

Cr Banerji stated that the change in the name more accurately reflected the focus of the Council's taskforce.

Cr Baines expressed her support for the proposal, noting Council's continuing strong advocacy in relation to the social effects of gambling in the community.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil.

3. CORPORATE PLANNING & FINANCE

3.1 A Review of The 'Monash 2012' – Long -Term Strategy

Moved Cr Klisaris,

Seconded Cr McGill

That Council appoints a Steering Committee consisting of Councillors Dimopoulos, McGill, Lo, Drieberg and Male, and staff representatives, to commence a review of the 'Monash 2012 – A strategy for the future' to ensure it remains current and relevant as a guide for the city's future strategic direction and to promote Monash as a City of Choice' for residents, business and visitors.

Cr McGill commented that this process would enable the Council to address the changing needs of the Monash community.

CARRIED

3.2 Regional And Local Community Infrastructure Program 2009-2010

Moved Cr Male,

Seconded Cr Morrissey

That Council approves the proposal to make applications to the Regional and Local Community Infrastructure Program 2009/10 for the following projects:

- a) Princes Highway Reserve Pavilion redevelopment; and*
- b) Euneva Street Car park development*

Cr Male commented that the two proposed projects were needed and the funding application would give the Council an opportunity to undertake them.

CARRIED

4. INFRASTRUCTURE SERVICES

Nil.

5. CITY DEVELOPMENT

5.1 Amendment C89 to the Monash Planning Scheme – 1 Gardiner Road, Clayton

Moved Cr Klisaris,

Seconded Cr Baines

That: -

- a) The Minister for Planning be requested to appoint a Panel to consider Amendment C89 to the Monash Planning Scheme and all submissions received pursuant to Sec.23(1)(b) of the Planning and Environment Act.*
- b) A further report be made to Council following receipt of the Panel report.*

Cr Dimopoulos said that he was concerned that Council officers supported residential development on the site, rather than industrial, but was satisfied with the process proposed and would take an interest in the outcome of the independent Panel's considerations.

CARRIED

5.2 24 McDonalds Lane, Mulgrave: 2, two-storey office/warehouse buildings in 2 stages

Moved Cr Klisaris,

Seconded Cr McGill

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. 37620.

*The Council having considered planning application No. 37620 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 24 McDonalds Lane, Mulgrave, for the purpose of the construction of two, two storey office/warehouse buildings in two stages, together with associated car parking and landscaping generally in accordance with the plans submitted with the application dated 5 October 2009 and subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003.*

1. *Before the development 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) *Location of shower and change room facilities in accordance with Clause 52.34;*
- b) *Relocation of the proposed loading bay areas for both tenancies, in order to improve turning movements, to the satisfaction of the Responsible Authority;*
- c) *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;*
- d) *Details to minimise the visual prominence of the proposed booster cabinet;*
- e) *Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area;*
- f) *Elevation details of the proposed sign located within the front landscape setback;*
- g) *The precise location of any tree canopy, power pole, Council pit, Telstra pit or other services and features within the road reserve as the new crossing is to provide a minimum 1.0 metre clearance from the turning point of the vehicle crossing at the kerb to these features.*

2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *The access ramp for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
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 the development, hereby permitted, must be provided in accordance with Clause 52.34 of the Monash Planning Scheme.***
7. ***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.***
8. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
9. *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.*
10. *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.*
11. ***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;*
12. *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.*
13. *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.

14. *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.*

15. *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.

16. *The driveway and parking area should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004*

17. *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.*

18. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is 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 to Council Standards.

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

19. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
20. *The existing redundant crossing is to be removed and reinstated with kerb and channel to the satisfaction of Council.*

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. *The plan indicates that a telecommunications pit is affected by the proposed crossing. The approval of the relevant service authority is required before Council approval for the proposed crossing can be given.*
5. *All new crossings are to provide a minimum 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, Council pit, Telstra pit or other services.*
6. *Parking on street should not be considered as a right and Council reserves the right to install parking restrictions in the future if required.*

Expiry of permit:

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

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

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

Cr McGill stated that she was pleased to support the application as it was the right proposal for the site.

CARRIED

5.3 14-18 Irwin Street, Clayton – 3-storey residential buildings containing 101 bedrooms for student accommodation

Moved Cr Lo,

Seconded Cr Dimopoulos

*Council having caused notice of planning application No. 37500 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 14-18 Irwin Street, Clayton, for the development of three storey residential buildings containing 101 bedrooms (within 45 units) for the purpose of student accommodation with basement car parking on the following grounds:*

1. *The proposed development is out of character with the existing development within the streetscape, in particular having regard to excessive mass, bulk and scale.*
2. *The proposed development does not pay due regard to the Garden City policies within the Monash Planning Scheme particularly given the reduction in front setback and loss of existing vegetation on the site.*
3. *The proposed development will have an adverse impact on the amenity of nearby properties, in particular with regard to inappropriate visual impact.*
4. *The proposed number of on site car parking spaces is inadequate.*
5. *The proposed development is considered to be an overdevelopment of the site.*

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

Cr Lo stated that he was please to see the Council's Student Housing Guide being put into use with this application. He noted that the Council was very aware of the need for student accommodation in the municipality and was working hard to ensure that such accommodation was suitable to the neighbourhood character.

The Mayor noted that the Applicant had not expressed an interest in pre-application discussions with Council officers, regarding the application.

CARRIED

5.4 Town Planning Schedule

Moved Cr Klisaris,

Seconded Cr McGill

That the report containing the Town Planning Schedules be noted.

CARRIED

5.5 Animal Control Services – Contract Extension

Moved Cr Morrissey,

Seconded Cr McGill

That Council exercises the option to extend, for a two-year period, its Contract with the RSPCA for the provision of Animal Management Services, effective from 1 February 2010, on the terms as originally tendered under Contract 2006106.

CARRIED

5.6 Proposed Alterations to East Oakleigh MCH and Children's Centre

Moved Cr McGill

Seconded Cr Perri

That:

- 1. Council accepts the lump sum price of \$491,896.25, inclusive of GST, submitted by Ducon Maintenance to undertake the alterations and additions to the East Oakleigh Maternal and Child Health and Children's Centre; and*
- 2. Authorises the CEO to sign and seal the contract documents.*

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

7. COMMITTEE REPORTS

7.1 Monash Gallery of Art Committee of Management 2009-2012 Strategic Plan

Moved Cr Banerji,

Seconded Cr Dimopoulos

That Council endorses the Monash Gallery of Art Strategic Plan for 2009 - 2012 presented by the Monash Gallery of Art (MGA) Committee of Management.

CARRIED

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

Moved Cr Dimopoulos,

Seconded Cr McGill

The Committee appointed by Council on 4 August 2009, to consider written and verbal submissions received under s. 223 of the Local Government Act 1989 relating to the sale of part of the land located in Schoolhall Street and abutting 39 Golf Links Avenue Oakleigh (being the land comprised in Certificate of Title Volume 5038 Folio 575 indicated in Attachments 1 and 2 of this report ("the Land")) recommends to Council:

"Council having considered the written and verbal submissions received under s. 223 of the Local Government Act 1989 relating to Council's intention to sell part of the land located in Schoolhall Street and abutting 39 Golf Links Avenue Oakleigh (being part of the land comprised in Certificate of Title Volume 5038 Folio 575 ("the Land")) to the abutting owner at 39 Golf Links Avenue Oakleigh, considers the Land as surplus to Council needs and not reasonably required for public use and authorises the Chief Executive Officer or his delegate on behalf of Council to:

1. Sell the Land by way of a public sale process subject to the following terms and conditions:

(a) An application under Section 35(8) of the Subdivision Act 1988, be lodged with Council's Planning Department for the subdivision of the land shown hatched on Attachment 2;

(b) Upon certification of the Plan of Subdivision an Application to Register the Plan of Subdivision be lodged with the Registrar of Titles for registration with the title to the land to issue in the name of Council;

(c) The Land be sold with a reserve price to be set by Council with the balance of land retained with a Road status in the name of Council; and

2. Sign and seal all documentation relevant to the registration of the Plan and sale of the Land.

That the Traffic Engineers investigate the traffic issues raised in the submissions and report back to Council by the end of May 2010.

Several Councillors spoke on this item. A summary of their comments appears below:

Cr Dimopoulos -

- ❑ Noted that there was some community opposition to the proposed sale, including a petition with 28 signatures, which was tabled at the beginning of the meeting.
- ❑ Noted that there are concerns about possible traffic issues around Golf Links Avenue and Schoolhall Street if there is development on the site.
- ❑ Considers that the land should be sold as it is a narrow strip of land that could not be used by anyone other than the owner of the adjacent land.
- ❑ The proceeds of the sale of the land will contribute to the development of other Council facilities.

Cr McGill -

- ❑ Agreed with Cr Dimopoulos' comments
- ❑ Second time that the matter has come before the Council
- ❑ The land is too narrow to be of any use to anyone other than the adjoining owner.

Cr Lake

- ❑ There is no difference in Council's consideration of this matter to the first time it came before the Council.
- ❑ On the first occasion, Cr McGill initially supported the proposed sale but then changed her position as a result of political considerations

The Mayor noted that the Council's usual process would be to sell such land to the adjoining owner at the valuation determined by a Valuer appointed by the Council. He asked why a different process was being proposed for this matter.

In response, Cr Dimopoulos stated that the Committee had taken into consideration the opposition to the proposal and considered that a public sale would provide for transparency in the process.

CARRIED

8. NOTICES OF MOTION

8.1 MAV Annual Conference & State Council Meeting

Moved Cr Lo,

Seconded Cr Klisaris

That Council notes the report of Councillor Lo who attended the MAV Annual Conference and State Council meeting in Melbourne, between 29 and 30 October 2009.

Cr Lo acknowledged the quality of the motions submitted at the Conference and noted that the Council's motions had received a high level of support. He added that the Local Government Sector was strongly tackling issues such as affordable housing.

CARRIED

8.2 Councillors' Code of Conduct

Moved Cr Klisaris,

Seconded Cr Baines

That Council adopts the draft Councillors' Code of Conduct as detailed in Attachment 1 to this Notice of Motion.

The Mayor noted that recent amendments to the Local Government Act 1989 required a Council to review its Councillors' Code of Conduct within 12 months of a general election. He added that the Council had deliberated very carefully in formulating the Code of Conduct.

CARRIED

8.3 Discretionary Fund Applications

Moved Cr Klisaris,

Seconded Cr Baines

That Council refuse the application for a financial donation towards the conduct of a festival.

CARRIED

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

10.1 Cr Male

- a) advised that he is participating in "Movember" to raise the awareness of men's health.
- b) will provide a written report to the next meeting of the Council on his participation in the recent ALGA roads and transport congress.
- c) reported on the success of the Glen Waverley Food Wine and Music Festival, held on Sunday 15 November 2009.

10.2 Cr Perri

Advised the Council that she hosted a delegation from the Southern Italian city of Castrolibero. The delegation comprised the Mayor, several Councillors and the parish priest. Members of the Italian community in Monash who were from Castrolibero were also invited to meet the delegation.

11. PERSONAL EXPLANATIONS

11.1 Cr McGill

Cr McGill sought to make a Personal Explanation on two matters.

The Mayor clarified the nature and purpose of Personal Explanations under the provisions of the Council's Meeting Procedures Local Law No.1.

a) Cr McGill referred comments made by Councillor Lake under Item 1.1 on the Council's agenda, about her connection to the Liberal Party. She said that she is not a member of the Liberal Party and the inference made was that she is affected in her role as Councillor by her connection to that party.

B) Cr McGill referred to the comments made by Cr Lake under Item 7.2 on the Council's agenda. She stated that Cr Lake's comments about her initially supporting the proposed sale of the land and then changing her position were false and misleading. She said that the comments had impugned her character

11.2 Cr Lake

Cr Lake stated that Cr McGill had been a Member of Parliament, representing the Liberal Party, from 1992 to 1999 and that she was the only person in the Council Chamber that he was aware of, who had sat in the State Parliament as a member of a political party.

12. MATTERS OF COUNCIL IMPORTANCE

Nil.

13. CONFIDENTIAL BUSINESS

Nil.

The Mayor declared the meeting closed at 8.35 pm

MAYOR:

DATED THIS DAY OF 2009