



CITY OF  
**MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL**

**HELD ON 24 JUNE 2008**

**at 7.30 pm**

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

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**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON TUESDAY 24 JUNE 2008 AT 7.30 PM.**

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

**APOLOGIES:**

Cr Kottek

**DISCLOSURES OF INTEREST**

Cr Lake – Item 4.2.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 3 JUNE 2008**

Moved Cr Morrissey,

Seconded Cr Dimopoulos

<p><i>That the minutes of the Ordinary Meeting of the Council held on 3 June 2008, be taken as read and confirmed.</i></p>
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**CARRIED**

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

Nil

**PUBLIC QUESTION TIME**

The Mayor advised that no questions had been received.

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**OFFICERS' REPORTS**

**1. CUSTOMER SERVICES**

**1.1 Recreation Services Strategic Plan 2006 - 2010 – Year 2 Action Plan Summary Report**

Moved Cr Dimopoulos,

Seconded Cr Baines

*That Council:*

- 1. Notes the progress of items as outlined in the summary of the Recreation Services Strategic Plan 2006 - 2010 – Year 2 Action Plan.*
- 2. Endorses the Year 3 Action Plan.*

**CARRIED**

**1.2 Oakleigh Recreation Centre - Contract For Supply of Gym Equipment**

Moved Cr Banerji,

Seconded Cr McGill

*That Council:*

- 1. Award part one of Contract No. 2008175, the provision of cardio equipment on a 48-month operational lease to The Fitness Generation Pty Ltd for the amount of \$4288.23 per month (GST inc).*
- 2. Award part two of Contract No. 2008175, the provision of resistance equipment on an 18-month operational lease to The Fitness Generation for the amount of \$1,100 per month (GST inc).*

**CARRIED**

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**2. HUMAN RESOURCES & ADMINISTRATION**

**2.1 Contract For The Provision of Electoral Services –2008 Council General Election**

Moved Cr Morrissey,

Seconded Cr Manzie

*That the Council -*

- 1. Accepts the tender submitted by the Victorian Electoral Commission for the provision of electoral services for the City of Monash 2008 general election to be held by full postal voting, and the conduct of the failure to vote process, for the sum of \$437,776.90 (GST inclusive).*
- 2. Signs and seals contract documents for the provision of electoral services for the City of Monash 2008 general election.*

**CARRIED**

**2.2 Public Liability, Products Liability and Professional Indemnity Insurance Services**

Moved Cr McGill,

Seconded Cr Brown

*That Council renews its membership of the mutual liability insurance scheme with Civic Mutual Plus for the period 30 June 2008 to 30 June 2009 for the sum of \$327,505.20 (GST inclusive).*

**CARRIED**

**2.3 Industrial Special Risks Insurance Renewal**

Moved Cr Manzie,

Seconded Cr Shiell

*That Council places its industrial special risks (assets) insurance with the Jardine Mutual Asset protection plan (JMAPP) scheme for the period 30 June 2008 to 30 June 2009 at a proposed cost of \$370,200 (GST inclusive).*

**CARRIED**

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**3. CORPORATE PLANNING & FINANCE**

**3.1 Council Plan Incorporating the Strategic Resource Plan**

Moved Cr Brown,

Seconded Cr Manzie

*That the '2006 – 2010 (2008 Update) Council Plan' incorporating the Strategic Resource Plan be adopted.*

**CARRIED**

**3.2 Adoption of 2008/2009 Budget**

Moved Cr Morrissey,

Seconded Cr Dimopoulos

*That Council, having prepared and given public notice of the proposed budget for 2008/09 in accordance with Section 129 of the Local Government Act 1989, resolves:*

- 1. That the 2008/2009 budget be adopted in accordance with Section 130 of the Local Government Act 1989;*
- 2. To increase the Grants & Contribution budget to reflect the increase in income for Victorian Grants Commission and Department of Education and Early Childhood Pre-School funding; and*
- 3. To give public notice of its decision to adopt the 2008/2009 budget in accordance with Section 130 (2) of the Local Government Act 1989.*

Cr Morrissey commended the budget, noting that it was fiscally responsible and that only one submission had been received on it.

Cr Manzie said that the Council was very financially astute in preparing its budget, in being able to cope with the financial pressures that it experiences.

The Mayor noted the substantial investment in capital works that have taken place over the life of this Council and emphasised that every dollar generated by rates was invested in services and improvements for the benefit of the community.

The Mayor noted the exceptional facilities that the Council has been able to provide to residents over the years, including MARC and the new Clayton Community Centre.

**CARRIED**

### 3.3 Declaration of Rates and Charges – 2008/2009

Moved Cr Lake,

Seconded Cr Manzie

*In respect of the 2008/09 financial and rating years and in accordance with Section 158 of the Local Government Act 1989, Council declares: -*

1. *That the estimated amount it intends to raise by general rates to be levied is \$67,168,785. Council does not intend to have a municipal charge or a service rate or charge.*
2. *That the general rates will be raised by the application of a uniform rate of **0.2668% (or 0.2668 cents in the dollar)** of the site value of rateable property.*
3. *The rate specified is to be separately levied in respect of each portion of rateable land for which Council has a separate valuation (unless Council has determined a fee in lieu of rates).*

4. *That, in accordance with the Cultural and Recreational Lands Act 1963, the amount to be paid in respect of recreation lands as defined under that Act are as follows:*

Golf Clubs

<i>Metropolitan</i>	<i>\$69,411</i>	
<i>Huntingdale</i>	<i>\$52,058</i>	
<i>Riversdale</i>	<i>\$53,079</i>	<i><u>\$174,548</u></i>

Tennis Clubs

<i>Glen Iris</i>	<i>\$1,327</i>	<i><u>\$1,327</u></i>
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Other Clubs

<i>Mulgrave Country Club</i>	<i>\$6,635</i>	
<i>Victorian Homing Pigeon Assoc.</i>	<i>\$ 206</i>	
<i>Oakleigh Caulfield Angling Club</i>	<i>\$ 58</i>	
<i>Hawthorn Football Club</i>	<i>\$3,538</i>	<i><u>\$10,437</u></i>

*\$186,312*

5. *and resolves:*

*5.1 That in accordance with Section 167 of the Local Government Act 1989, the rates and charges must be paid:*

- a) in a lump sum on or before 16th February 2009 or*
- b) by 4 instalments on or before:-*

*30 September 2008*

*1 December 2008*

*2 March 2009 and*

*1 June 2009*

- c) by 10 instalments (direct debit only) on:-*

*1 September 2008*

*1 October 2008*

*1 November 2008*

*1 December 2008*

*1 January 2009*

*1 February 2009*

*1 March 2009*

*1 April 2009*

*1 May 2009*

*1 June 2009*

5.2 *Interest will be applied in accordance with Section 172 of the Local Government Act 1989. The rate of the interest which is payable on the rates and charges which have not been paid by the dates specified is set as per Section 2 of The Penalty Interest Rates Act 1983.*

5.3 *For overdue non-instalment payers, Council resolves to allow an additional 21 days from the 16 February in which to pay any overdue rates, before the application of the interest referred to in 5.2 above.*

Cr Dimopoulos noted that of the \$120 million in total revenue, the Council would raise only half of that through rates.

**CARRIED**

### **3.4 2008 Municipal Valuation**

Moved Cr Morrissey,

Seconded Cr Banerji

1. *That pursuant to the provisions of Section 13DH of the Valuation of Land Act 1960, Council notes the return of and adopts the 2008 General Valuation.*
2. *Council records that the Contract Valuer for the City of Monash has completed a Statutory Declaration dated 13 May 2008, pursuant to the requirements of Section 13DH of the Valuation of Land Act 1960.*

Cr Shiell noted that some households would experience a slight decrease in their rates as the value of their properties had not experienced a significant increase.

Cr Manzie expressed his support for a review of the rating system, proposing that in the future the Council use the Capital Improved Value method.

**CARRIED**

### **3.5 Department of Planning and Community Development Satisfaction Survey Results**

Moved Cr Morrissey,

Seconded Cr Brown

*That Council notes the results of the Monash City Council Annual Community Satisfaction Survey for 2008 conducted by the Victorian State Government.*

Both Cr Morrissey and the Mayor highlighted the increased in community satisfaction.

The Director Corporate Planning and Finance took on notice, a question from Cr Dimopoulos, as to whether or not the survey had catered for survey participants who may be from a CALD background.

Cr Shiell thanked those 350 people who had participated in the survey.

**CARRIED**

## **4. INFRASTRUCTURE SERVICES**

### **4.1 Contract For Provision of Cleaning Services – Council’s Residential Aged Care Centres**

Moved Cr Banerji,

Seconded Cr McGill

- 1. That the tender from Selvaratnam Testamentary Trust & D Selvaratnam & S Selvaratnam trading as Midnight Express, for the lump sum amount of \$598,628 p.a. including GST, be accepted for Contract No 2008186, Provision of Cleaning Services for Residential Aged Care Centres. (Estimated annual expenditure is \$618,600).*
- 2. The contract be awarded on the basis of an initial term of one year with options for two extensions for periods of two years each, subject to CPI All Group Melbourne Rise and Fall.*
- 3. The option to extend the contract for the two, two-year extensions be exercised by the Chief Executive Officer, subject to satisfactory performance.*
- 4. The appropriate contract documents be signed and sealed.*

**CARRIED**

## 4.2 Contract For Manual Fire Fighting Equipment Maintenance

NOTE: Cr Lake disclosed a conflict of interest as he has a continuing association with one of the tenderers. Cr Lake left the Council Chamber at 7.57 pm, prior to the Council considering this item and returned at 7.59, after discussion and voting on the item had concluded.

Moved Cr Manzie,

Seconded Cr Dimopoulos

1. *That the tender from Fire Protection Services Pty Ltd for Contract No. CF2008113, Manual Fire Fighting Equipment Maintenance for the submitted schedule of rates be accepted (estimated contract value, \$49,138 per annum, GST inclusive).*
2. *The contract be awarded on the basis of an initial term of one year with optional extensions of two years and three year each, Subject to CPI All Groups Melbourne Rise and Fall.*
3. *The option to extend the contract for the two and three extensions be exercised by the Chief Executive Officer, subject to satisfactory performance*
4. *The appropriate contract documentation be signed and sealed.*

**CARRIED**

## 5. CITY DEVELOPMENT

### 5.1 A Guide To Cultural Heritage Management Plans In Monash

Moved Cr Banerji,

Seconded Cr Brown

*That Council adopt the 'Guide to Cultural Heritage Management Plans in Monash', June 2008 document.*

**CARRIED**

**5.2 62-94 Jacksons Road, Mulgrave – Works Associated With A Utility Installation**

Moved Cr Shiell,

Seconded Cr Baines

*The Council having caused notice of planning application No. 36157 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 62-94 Jacksons Road, Mulgrave, for the purpose of works associated with a utility installation, generally in accordance with the plans submitted with the application dated March 2008 subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

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

*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 is 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**

**5.3 675-685 Warrigal Road, Chadstone – Development of A Building For The Purpose of Restricted Retail, Alteration To The Access To Warrigal Road & Advertising Signage**

Moved Cr Brown,

Seconded Cr Morrissey

*The Council having caused notice of planning application No. 35844 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 675-685 Warrigal Road, Chadstone, for development of a building to be used for the purpose of a restricted retail premises, alteration to an access point to a Road 1 Category Road and to erect and display advertising signage 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) Modified vehicle access arrangements to the site in accordance with the revised plan of scheme 2A, as agreed to by VicRoads.*
- b) The Collins Street egress point splayed in order restrict egress to left out only, and eliminate any illicit right turn into this access point.*
- c) Deletion of all advertising signs from the Collins Street façade;*
- d) The north-east vehicle egress onto Collins Street with details of boom gates or other alternative device to restrict access.*
- e) Alteration to the eastern façade to improve the visual presentation of the building;*
- f) Retention of the group of four mature Lemon Scented Gums near the Warrigal Road frontage located towards the south of the site and all trees proposed to be retained on site to be clearly notated on the layout plan;*
- g) Any new crossing in Collins Street is to have a minimum of 1 metre clearance from any services in the nature strip;*
- h) Location of gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback area;*
- i) Elevation details of the Quad Suction /Booster Assembly Cabinet and measures to minimise its visual prominence;*

- j) *Provision of Bicycle facilities in accordance with Clause 52.34 of the Monash Planning Scheme;*
  - k) *A schedule of building colours and materials. The reflectivity of the building must be not greater than 15%.*
2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
  3. *The north-east access on to Collins Street must be restricted to exit only, during the hours of 4pm-6pm Monday to Friday only and details of an appropriately controlled system must be submitted to Council for approval.*
  4. *No electrical or gas utility installations may be located within the front landscape setback of any road.*
  5. *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;*
  6. *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
    - a) *measures to control noise, dust and water runoff;*
    - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
    - c) *the location of where building materials are to be kept during construction;*
    - d) *site security;*
    - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
    - f) *on-site parking of vehicles associated with construction of the development;*
    - g) *wash down areas for trucks and vehicles associated with construction activities;*
    - h) *cleaning and maintaining surrounding road surfaces;*
    - i) *a requirement that construction works must only be carried out during the following hours:*
      - *Monday to Friday (inclusive) – 7.00am to 6pm;*

- *Saturday – 9.00am to 1pm;*
  - *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*
7. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
- *Monday to Friday (inclusive) – 7:00am to 6pm;*
  - *Saturday – 9am to 1pm;*
  - *Saturday – 1pm to 5pm (only activities associated with the erection of buildings);*
- unless otherwise approved in writing by the Responsible Authority.
8. *All trees 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 in accordance with the details of the Arborist Report by Gailbrath & Associates dated 10 December 2007. The fence is to be a 1.8 metre high chain and mesh protective fence 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 authorised officer of the City of Monash to the satisfaction of the City of Monash.*
9. *In accordance with Arborist advice by Gailbrath & Associates dated 27 May 2008, an in order to ensure the retention of tree 21, the arborist in consultation with the builder are to determine the depth and route of the proposed drive along the first 6m from Warrigal Road. The arborist is to neatly sever any roots which have been removed to achieve the necessary construction specifications, before the excavator rips out such roots. As soon as possible after the severance, irrigation of the trees , according to the consulting arborists directions must occur. The trees will have to be regularly irrigated throughout the late spring, summer and early autumn of construction.*
10. *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 of Amenity Trees AS 4373 1996, Australian Standards.*
11. *All excavations potentially affecting trees to be retained must be supervised by an Arborist who must ensure that the works are done in a manner that minimises any damage to those trees.*
12. *Written confirmation by the supervising Arborist that the works have been carried out in a satisfactory manner must be provided to the Responsible*

*Authority within one month of project completion.*

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 the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*

15. *Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be :*

- a) *constructed to the satisfaction of the Responsible Authority;*
- b) *properly formed to such levels that they can be used in accordance with the plans;*
- c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
- d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
- e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- f) *Parking areas and access lanes must be kept available for these purposes at all times.*

16. *A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and*

- maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.*
17. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
  18. *The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of the City of Monash.*
  19. *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 system may 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.*
  20. *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.*
  21. *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. Direct the entire sites stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to the Council pit in Collins Street to be constructed to Council Standards. Note: If the point of discharge cannot be located then notify Council's Engineering Division immediately.*
  22. *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 the provisions of Clause 52.06-3 of the Monash Planning Scheme.*
  23. *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.*
  24. *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.*
  25. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

26. *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.*
27. *The loading and unloading of goods from vehicles must only be carried out on the land. The use hereby permitted must at all times be conducted in a manner that ensures that the residential amenity of nearby residential properties is not detrimentally affected.*
28. *The collection of rubbish from the premises on the site must only be conducted between the hours of 7.00am and 6pm Mondays to Fridays (inclusive).*
29. *No form of public address system may be installed so as to be audible from outside the building/site.*
30. *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.*
31. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
32. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
33. *The location and design of signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
34. *Signs must not contain any flashing light.*
35. *All signs must be located wholly within the boundary of the land.*
36. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
37. *Signs must not be illuminated by external lights without the written consent of the Responsible Authority.*
38. *Signs must not distract drivers due to colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.*

*Insert the 10 conditions as required by VicRoads (Date of letter 12 May 2008)*

**NOTES:**

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

2. *A drainage contribution will not be accepted in lieu of a detention system.*
  3. *Stormwater detention requirements may be obtained from the Council prior to the design of any stormwater detention system.*
  4. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council pits and these works are to be inspected by Council (telephone 9518 3690).*
  5. *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, each objector and VicRoads be given a notice of the Council's decision to grant the permit.*

**CARRIED**

**5.4 1662-1664 Dandenong Road, Oakleigh East – Buildings And Works To Facilitate The Change of Use To A Veterinary Clinic**

Moved Cr McGill,

Seconded Cr Dimopoulos

*The Council having caused notice of planning application No. 36057 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 1662-1664 Dandenong Road, Oakleigh East, for the purpose of buildings and works to facilitate the change of use to a veterinary clinic, together with associated uses, modification to car parking, landscaping and advertising signage 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. *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 proposed site works on an overall site layout plan;*
  - b) all existing McDonalds signage marked to be removed;*
  - c) the revised car park layout clearly detailed;*
  - d) details of all fencing (internal and along property boundaries);*
  - e) additional landscaping between car park spaces 4 and 6, along the western boundary of the site;*
  - f) the provision of waste storage facilities on the southern side of the building only and away from the south-west corner of the property; and,*
  - g) additional landscaping at the south-west corner of the site.*
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 location and details of signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

*VicRoads Conditions Reference 0337135*

4. *The signs must not be animated and no flashing or intermittent lights may be displayed.*
5. *The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of VicRoads.*
6. *All signs must be wholly located within the subject property. That is, no part of the sign may encroach into the declared road reserve.*
7. *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) The emission of noise, artificial light, smell, and*
  - d) Presence of vermin.*
8. *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, patio or decked areas*

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

*Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*

10. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*

11. *The loading and unloading of goods from vehicles must only be carried out on the land.*

12. *No more than 5 practitioners shall practice from the land at any one time.*

13. *All on-site stormwater is to be collected from hard surfaces areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:*

- a) *A trench grate (175 mm 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.*

14. *Stormwater discharge is to be retained on site to the predevelopment level of peak stormwater discharge. Approval of any retention system is required by the City of Monash prior to works commencing.*

15. *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 the south-west corner of the property where it must be collected and free drained via a pipe to Melbourne Water main drain located between the Council reserve and western boundary of the property to Melbourne Water and Council standards. Note:- if the point of discharge cannot be located then notify Council's Engineering Division immediately. The existing point of discharge may be used if found to be working satisfactory and structurally sound. A drainage report and CCTV of the existing drain connection and drain*

*is to be provided to Council.*

16. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
17. *The occupier of the premises must ensure that any noise emanation from the premises must not exceed the standards of the State Environmental Protection Policies No. N1 and N2 and must on request provide evidence to Council of compliance with the policies.*
18. *Before occupation all buildings and works specified in this permit, including landscaping and fencing, must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.*
19. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
20. *Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.*
21. *Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must detail:*
  - a) *that the bin storage area located on the southern side of the building is sufficient to cater for the amount of waste that will be produced;*
  - b) *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;*
  - c) *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;*
  - d) *who will be responsible for collecting the refuse and recycling materials and the method of collection; and how littering will be managed.*
22. *Deliveries and waste collection are only to be carried out between the hours of 7.30am to 6pm, Monday to Friday.*
23. *Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
  - a) *constructed to the satisfaction of the Responsible Authority;*
  - b) *properly formed to such levels that they can be used in accordance with the plans;*
  - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*

- d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
- e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

*Parking areas and access lanes must be kept available for these purposes at all times.*

24. *No less than 35 car spaces must be provided on the land for the development including 1 space clearly marked for the disabled.*

25. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*

- *Monday to Friday (inclusive) – 7am to 6pm;*
- *Saturday – 9am to 1pm;*
- *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);*

*Unless otherwise approved in writing by the responsible authority.*

26. *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.*

27. *The dog wash facility may only be used for patients of the veterinary clinic.*

**NOTES:-**

1. *Building approval may be required prior to the commencement of the above approved works.*
2. *Any new drainage works within the road reserve, easements, Council reserve or connections into a drain or pit 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 commencing of works.*
3. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the kerb and channel and these works are to be inspected by Council (telephone 9518 3410).*
4. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*

**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 McGill noted that a number of concerns about the proposal had been raised by residents, but some of these had been based upon a misunderstanding of how the proposed development would operate.

Cr Dimopoulos noted that Condition 12 in the Officers' Report provided for up to 10 veterinary practitioners to operate from the facility.

Cr McGill emphasised that the plans showed the facility's capacity to cater for only 5 practitioners.

With the agreement of the mover, Cr Dimopoulos proposed that Condition 12 in the Officers' Report be amended to provide for up to 5 practitioners to operate from the facility.

**CARRIED**

## **5.5 Town Planning Schedules**

Moved Cr Brown,

Seconded Cr McGill

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

**CARRIED**

## **5.6 Municipal Public Health Plan 2007 – 2010: Review of Year 1**

Moved Cr Morrissey,

Seconded Cr Dimopoulos

*Council notes that the annual review of the Municipal Public Health Plan (MPHP) 2007 -2010 has been conducted in accordance with the Health Act 1958.*

Cr Morrissey, commended the Plan and highlighted the achievements made in the last 12 months.

**CARRIED**

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**5.7 Economic Development Strategy Implementation Program**

Moved Cr Manzie

Seconded Cr Baines

*That Council notes the progress of actions as outlined in the attached summary of the "City of Monash Economic Development Strategy 2008-2012 – 1st Year Implementation Program."*

Cr Manzie noted that the business sector in Monash was involved in innovative activities and using cutting edge technology. The sector's activities contribute to the economic development of the municipality.

Cr McGill commended the efforts of the Council staff from the Economic Development Unit.

**CARRIED**

**5.8 Clayton Hall Alterations & Equitable Access Works**

Moved Cr McGill,

Seconded Cr Dimopoulos

*That Council*

*1. Accepts the lump sum price of \$210,010.90, inclusive of GST, submitted by Everline Connection Pty Ltd to undertake entry alterations and equitable access improvements works to Clayton Hall and*

*2. Signs and seals the contract.*

The Mayor commended the project, noting the great contribution the facility had made to the local community over many decades.

**CARRIED**

**6 CHIEF EXECUTIVE OFFICER'S REPORTS**

Nil

**7. COMMITTEE REPORTS**

Nil

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**8. NOTICES OF MOTION**

Nil.

**9. URGENT BUSINESS**

Nil.

**10. COUNCILLORS' REPORTS**

Nil.

**11. PERSONAL EXPLANATIONS**

Nil.

**12. MATTERS OF COUNCIL IMPORTANCE**

Nil.

**13. CONFIDENTIAL BUSINESS**

Moved Cr Manzie

Seconded Cr Brown

*That as the Confidential Business items concern matters that may prejudice the Council or a persona and contractual matters, 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 8.21 pm, the Council moved into Confidential Business.

***RETURN TO OPEN COUNCIL***

The Council moved back into Open Council at 8.26 pm.

The Mayor declared the meeting closed at 8.28 pm

**MAYOR:** .....

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