



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 30 AUGUST 2011**

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 30 AUGUST 2011 AT 7.30 PM.**

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

APOLOGIES:

Crs D McGill OAM and P Klisaris.

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 26 JULY 2011**

Moved Cr Morrissey,

Seconded Cr Drieberg

*That the minutes of the Ordinary Meeting of the Council held on 26 July
2011, 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. COMMUNITY SERVICES

1.1 Community Organisations Loan Guarantee Policy

Moved Cr Morrissey,

Seconded Cr Lo

That Council:

- 1. Adopts the Community Organisations Loan Guarantee Policy.*
- 2. Acts as a guarantor for Waverley Hockey Club for a loan of up to \$300,000 on the condition that the Club signs a Memorandum of Understanding with Council.*
- 3. Amends Council's Active Reserves Capital Works Policy, adopted 22 February 2011, to permit Council to act as a guarantor subject to the conditions in the Community Organisations Loan Guarantee Policy.*

Cr Morrissey said that the proposal was a significant step for the Council to take and showed its trust in and support of community groups in the municipality.

Cr Perri noted that the proposal would create new partnerships between the Council and the community. She added that the Council would applying proper processes when acting as Guarantor.

Cr Lo outlined the issues face by the Waverley Hockey Club and noted that it was one of the most successful clubs in Victoria. He added that the policy would provide the Council with some flexibility in how it manages its capital works program.

CARRIED

1.2 Contract For Clayton Community Centre Theatrette – Technical Support Services

Moved Cr Perri,

Seconded Cr Drieberg

That Council:

- 1. Accepts the tender of Pakart Productions Pty Ltd for Clayton Community Centre Theatrette – Technical Support Services for a three (3) year term for the annual expenditure of \$40,800 inclusive of GST plus an annual CPI increase for the 2nd and 3rd years.*
- 2. Authorises the Chief Executive Officer, at his discretion, to approve the extension options of two (2) x one (1) year options in the contract, subject to satisfactory performance.*
- 3. Authorises the Chief Executive Officer to execute the contract agreement.*

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil

3. CORPORATE PLANNING & FINANCE

3.1 2010/11 Financial, Standard & Performance Statements

Moved Cr Morrissey,

Seconded Cr Baines

That Council authorises Audit Committee members Councillors Male and Drieberg to certify the 2010/2011 Financial, Standard and Performance Statements in their final form, should any changes result from the audit process.

CARRIED

3.2 Compliance With National Competition Policy For 2010-11

Moved Cr Lo,

Seconded Cr Drieberg

That Council:

- 1. Notes this report for meeting National Competition Policy Compliance for 2010-11.*
- 2. Endorses that Brine Street Childcare Centre is no longer considered a significant business activity for Council and that the Centre's financial and market status continues to be monitored on an annual basis.*

CARRIED

4. INFRASTRUCTURE SERVICES

Nil

5. **CITY DEVELOPMENT**

5.1 **Amendment C103 To The Monash Planning Scheme - Glen Waverley Principal Activity Centre - Parking Precinct Plan**

Moved Cr Lake,

Seconded Cr Dimopoulos

That this item be deferred.

CARRIED

5.2 **775 Waverley Road, Glen Waverley – A 3 Storey Apartment Building Comprising 25 Dwellings With Basement Car Parking, Modification of Vehicle Accessway and Removal of Vegetation**

Moved Cr Male,

Seconded Cr Morrissey

*The Council having caused notice of planning application No. 39033 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 planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 775 Waverley Road, Glen Waverley, for the development of a 3 storey apartment building comprising 25 dwellings, with associated basement car parking, modification of vehicle accessway to a Road 1 Zone and the removal of vegetation from the Vegetation Protection Overlay generally in accordance with the plans submitted, on the following grounds:*

- 1. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme including Rescode B1, B7, B12, B13, B14, B15, B17, B22, B26, B28 and B31.*
- 2. The proposal is an overdevelopment of the site.*
- 3. The proposed development is out of character with the existing development in the area in particular with regard to mass, bulk and scale.*
- 4. The proposed development has an adverse impact on the amenity of adjoining properties.*
- 5. The proposed development provides a poor level of internal amenity.*
- 6. The proposal does not provide for an adequate area of private open space for ground floor units.*
- 7. The proposal provides inconvenient pedestrian and disabled access.*

8. *The proposal cannot accommodate safe and efficient waste management practices.*
9. *The proposal will have an adverse impact on trees located on adjoining sites.*

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

CARRIED

5.3 179 Carinish, Road Clayton – A Three Storey Building Comprising 19 Dwellings

Moved Cr Perri,

Seconded Cr Banerji

*The Council having caused notice of planning application No. 35285 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 determines to **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 179 Carinish Road for the purposes of 19 dwellings and associated basement car parking, 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 starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.*

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) *deletion of the third level;*
- b) *a minimum front setback to the second level of 11.5 metres. Any front balconies at this level must be setback beyond 11.5 metres. Any consequential changes to the design, layout or yield in achieving the setback requirement must be to the satisfaction of the Responsible Authority;*
- c) *the location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash";*
- d) *the location of gas and water meters sited and designed to minimise their visual prominence if located within the front setback;*

- e) *a fence extension provided along the full length of the north-western boundary fence of the secluded private open space of Apartment 2 with a minimum height of 1.7 metres above the finished floor level of the apartment and constructed to the satisfaction of the Responsible Authority;*
 - f) *a front fence with a maximum height of 1.2 metres above ground level;*
 - g) *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;*
 - h) *the location and design of letterbox facilities;*
 - i) *overshadowing of the adjoining secluded private open space of No. 177 Carinish Road in accordance with Standard B21 of Clause 55.04-5 of the Monash Planning Scheme (ResCode);*
 - j) *the proposed vehicle crossing increased in width to 5.5 metres;*
 - k) *the final grade transition of the access ramp entering the property between 1:4 and the basement, which is currently marked at 1:8, extended from 1.8 metres long to 2 metres;*
 - l) *visitor space No. 1 at least 2.9 metres wide;*
 - m) *the gradient on or near access driveways a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first four metres into the car park;*
 - n) *sufficient bin storage to meet the waste disposal requirements of the development and which is sealed, graded and drained to sewer.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 4. *Before occupation all buildings and works specified in this permit must be completed 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. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
 - a) *trench grates (150mm 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*

6. *Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.*

Note: A drainage contribution may be accepted in lieu of the installation of the detention system.

7. *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.*
8. *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.*
9. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the private collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:*
- a) The method of collection of garbage and recyclables for uses;*
 - b) Designation of methods of collection including the need to provide for private services or utilisation of council services;*
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - e) Litter management.*

A copy of this plan must be submitted to Council.

10. *The construction works associated with the use/development and/or subdivision hereby permitted 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.

This does not include excavation or the use of heavy machinery);

unless otherwise approved in writing by the Responsible Authority.

11. *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.*

12. *The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of 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 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. *Prior to the commencement of any works that are permitted by this permit, all trees located on adjoining land, including Carinish Road, and adjacent to any works area shall be marked and provided with a protective barricade in accordance with the arborist report prepared by Constructive Arboriculture dated June 2011 and verified by an authorised officer of the Responsible Authority.*
16. *All works within five (5) metres of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
17. *No vehicle shall be parked or any building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.*
18. *The redundant vehicle crossings must be removed and the area reinstated with appropriate kerbing and channelling and then sown with grass to the*

satisfaction of the Responsible Authority.

NOTES:

1. *Any waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewer connection located within the waste storage room.*
2. *Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed.*
3. *Direct the entire site's stormwater drainage to the south-east corner of the property where it must be collected and free drained via a pipe to the Council pit outside No. 179 Carinish Road 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 point of discharge cannot be located then notify Council's Engineering Division immediately.
4. *Any new drainage work within the road reserve requires the approval of 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.*
5. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council's drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).*
6. *A drainage contribution will not be accepted in lieu of a detention system.*
7. *Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
8. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 7.50 cubic metres*
 - *Maximum discharge rate = 8.60 litres per second*
 - *Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*
9. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.*
10. *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*

11. *A Traffic Management Plan is required prior to the issue of Vehicle Crossing Permits.*

12. *No residential parking permits will be issued for any owners or occupiers of the subject site.*

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 before 2 years from the date of issue.*
- *The development is not completed before 4 years from the date of issue.*

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

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

Cr Perri noted the deletion of the third level, an increase in the setback and other amendments to the original application that would ensure that the proposed development was in keeping with the neighbourhood character.

CARRIED

5.4 607-609 Wellington Road Wheelers Hill – Extension of Time - Development of 5 Dwellings and Removal of Vegetation

Moved Cr Drieberg,

Seconded Cr Male

That Council, pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant an extension of time for Planning Permit 28409 in respect of the land known and described as 607-609 Wellington Road Wheelers Hill and issue an extended permit with amended expiry date as follows:

- *The development is not completed before 27 June 2012.*

CARRIED

5.5 5 Coolarn Street, Mount Waverley – Extension of Time – Development of 2 New Townhouses

Moved Cr Morrissey,

Seconded Cr Banerji

That Council, pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant an extension of time for Planning Permit 33482 in respect of the land known and described as 5 Coolarn Street Mount Waverley, for the development of two new townhouses with associated car-parking and landscaping and issue an extended permit with extension dates as follows:

- *The development is not started before 5 July 2012*
- *The development is not completed before 5 July 2014*

Further to the above the applicant be advised that having regard to the time since the permit was issued that any further extension of time is unlikely to be supported.

CARRIED

5.6 124 Power Avenue, Chadstone – Extension of Time – Development of 1 Dwelling Behind Existing Dwelling

Moved Cr Banerji,

Seconded Cr Lo

That Council, pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant an extension of time for Planning Permit 31910B in respect of the land known and described as 124 Power Avenue, Chadstone and issue an extended permit with amended expiry date as follows:

- *The development is not completed before 30 November 2012.*

CARRIED

5.7 Town Planning Schedule

Moved Cr Baines,

Seconded Cr Lo

That the report containing the Town Planning Schedules be noted.

CARRIED

5.8 1 Euston Road Hughesdale – Supply & Installation of Public Toilet Facilities

Moved Cr Perri,

Seconded Cr Dimopoulos

- 1 That Council accepts the tender of W.C. Convenience Management Pty Ltd trading as W.C. Innovations to:*
- i) Supply, install and maintain for one year, one single cubicle automated public toilet within Council's car park, at 1 Euston Road, Hughesdale for the GST inclusive lump sum of \$257,800; and*
 - ii) Maintain the toilet facility for up to a further 5 year period for the GST inclusive sum of \$58,866.50 (adjusted in accordance with CPI).*
- 2 That the total expected project expenditure of \$249,363.64 (GST exclusive) for the supply, installation and 1 year's maintenance of the unit be noted; and*
- 3 That the contract agreement be signed and sealed.*

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

6.1 Assembly of Councillors

Moved Cr Male,

Seconded Cr Morrissey

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government and Planning Legislation Amendment Act 2010.

CARRIED

6.2 Review of Council's Approach To Vegetation Management – Survey Results

Moved Cr Lake,

Seconded Cr Lo

It is recommended that Council:

1. Notes the results of the two public consultation surveys undertaken into:

a) Management of Public Trees (trees in streets and reserves) throughout the City of Monash; and

b) Regulation of large trees (over ten metres high) within those areas of the City of Monash covered by the Vegetation Protection Overlay provisions of the Monash Planning Scheme.

2. Gives notice of Council's intention to decide on future policies for the management of vegetation at its meeting on 27 September 2011.

A number of Councillors made statements regarding this matter. The statements are summarised below.

Cr Lo –

- Acknowledged the survey respondents and thanked the Friends of Damper Creek and the Friends of Gardiners Creek for their input and interest regarding the VPO.
- Reaffirmed the importance of trees in the community, noting that the Council's Environmental Sustainability Roadmap contained targets for vegetation plantings of 100,000 trees, shrubs and groundcovers per year.

Cr Lake –

- Thanked survey respondents and noted that a response rate of 31.5 percent had been achieved – a very high response rate for Council surveys and an indicator of the importance and interest this matter has in the community.
- Council will be making two decisions – one on the VPO and the other on trees on public land.
- 82 percent of respondents wanted changes to the VPO policy.
- He supports changes to the Council's current position on both issues, but not the removal of the VPO, which he supported from the time of its introduction.
- Encouraged the community to continue to express its views on them.

Cr Morrissey supported the statements made by Cr Lake.

Cr Drieberg made the following comments –

- Council would be making history if this Local Law was adopted.
- Victoria, together with New South Wales, is lagging behind other States in prohibiting smoking in outdoor areas.
- Council may need to consider strengthening this Local Law in the future.

Cr Lo made the following comments -

- This is a ground breaking and innovative policy.
- The Council needed to ensure that its communication strategy provide for the multicultural community to be informed of the Local Law.
- Commended Crs Drieberg, Klisaris and Lake for their leadership and efforts in the development of the Local Law.

CARRIED

7.3 Proposed Sale of Former Clarinda Centre, 1213-1217 Centre Road, Clayton

Moved Cr Lake,

Seconded Cr Banerji

The Committee appointed by Council to consider submissions received under Section 223 of the Local Government Act 1989 relating to the sale of the land located at 1213-1217 Centre Road, Oakleigh South as shown on Attachment A of this report and after hearing of the submission, recommends to Council:

A. That Council having considered the submissions received under s. 223 of the Local Government Act 1989 relating to Council's intention to sell the land located at 1213-1217 Centre Road, Oakleigh South ("the Land") authorises the Chief Executive Officer or his delegate on behalf of Council to:

Sell the Land by way of public auction or private treaty with a reserve price to be set by Council;

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

B. That Council:

Returns the plaques from the former Clarinda Centre to the Oakleigh Lions Club i)Elderly People's Homes, Inc.

ii) Enters into discussions with the Oakleigh Lions Club Elderly People's Homes, Inc. ("the Club") regarding its request for the return of its donation towards the extension of the former Clarinda Centre.

Cr Lake made the following comments regarding this matter –

- The Oakleigh Lions Elderly People's Homes Inc. raised reasonable issues in relation to the donation it had made in 1990 to the expansion of the Clarinda Centre.

- Noted that the Oakleigh Lions Elderly People's Homes Inc. had sought the return of the donated money or an agreement with Council to ensure priority housing for residents of its homes in Council's hostel and nursing home care facilities.
- Considered that the proceeds from the sale of the subject site should be allocated to funding aged care accommodation in the municipality.

Cr Perri -

- Spoke in support of the proposal.
- Said that she looked forward to the Council's discussions with the Oakleigh Lions Elderly People's Homes Inc.

CARRIED

8. NOTICES OF MOTION

8.1 Discretionary Fund Applications

Moved Cr Baines,

Seconded Cr Male

That Council resolves to fund the following application received for funding from the 2011/2012 Discretionary Fund:

Women's Health East - \$740.

AMENDMENT

Moved Cr Lake,

Seconded Cr Dimopoulos

That Council resolves to add the following group for funding from the 2011/2012 Discretionary Fund:

Clayton Mandarin Friendship Association: \$2,016.00 for hall hire

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the Substantive Motion

That Council resolves to fund the following application received for funding from the 2011/2012 Discretionary Fund:

Women's Health East - \$740

Clayton Mandarin Friendship Association:-\$2,016.00

CARRIED

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

10.1 Cr Drieberg

Cr Drieberg Informed the Council of a recent meeting between Mulgrave Ward Councillors and residents of Waverley Park Estate concerning the undergrounding of powerlines.

Cr Drieberg advised that the Member for Mulgrave, Daniel Andrews MP, who also attended the meeting, would work with the residents to seek the State Government's assurance that the original planning permit conditions, which require undergrounding of the powerlines, would be enforced.

10.2 Cr Lo

Cr Lo advised the Council of the opening of the new accessible playground at Federal Reserve, which was attended by the Mayor, the Minister Sport and Recreation and himself. The upgrade of the playground and car park cost \$196,000.

10.3 Cr Perri

Cr Perri advised that -

- a) She attended a function held by the Calabrisella Senior Citizens group at Princes Highway Reserve Pavilion. She conveyed the group's appreciation to the Council for its support.
- b) She attended the opening of the greens at the Oakleigh Bowls Club.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Nil

13. CONFIDENTIAL BUSINESS

Moved Cr Drieberg, Seconded Cr Banerji

That as the Confidential Business items concern a matter that may prejudice the Council and a personnel matter, the meeting be closed to the public for consideration of these items, in accordance with Section 89(2) of the Local Government Act 1989.

CARRIED

Accordingly, at 8.30 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.35 pm.

The Mayor declared the meeting closed at 8.36 pm

ACTING MAYOR:

DATED THIS DAY OF 2011