



CITY OF  
**MONASH**

**DECISIONS OF THE ORDINARY MEETING OF  
COUNCIL  
HELD ON 31 JANUARY 2012**

**at 7.30 pm**

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

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**DECISIONS OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON TUESDAY 31 JANUARY 2012 AT 7.30 PM.**

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 13 DECEMBER 2011**

*That the minutes of the Ordinary Meeting of the Council held on 13  
December 2011, be taken as read and confirmed.*

**CARRIED**

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**OFFICERS' REPORTS****1. COMMUNITY SERVICES****1.1 Response To L'Unico Pty Ltd's Application To The Victorian Commission For Gambling Regulation**

*That Council:*

1. *Makes a submission to the Victorian Commission for Gambling Regulation (VCGR) objecting to L'Unico Pty Ltd's application to vary their electronic gaming machines (EGM's) from 28 to 35 at L'Unico's in Clayton Road, Clayton.*
2. *Objects to the application from L'Unico Pty Ltd to vary the number of EGM's from 28 to 35 on the following reasons:*
  - *L'Unico's is situated within a State Government Regional Capped area, which is identified as an area of disadvantage.*
  - *Council has previously identified that Clayton is an area of low socio-economic disadvantage and an increase in EGM's may have a detrimental impact on the well being of the community.*

**CARRIED**

**2. HUMAN RESOURCES & ADMINISTRATION**

Nil

**3. CORPORATE PLANNING & FINANCE****3.1 2011/12 Management Accounts Report – Second Quarter**

*That Council notes the Financial Reports for the period ending 31 December 2011.*

**CARRIED**

**3.2 2011/2012 Capital Works Program Progress Report**

*That Council, in relation to the 2011/2012 Capital Works Program:*

1. *Notes budget, 2010/11 carry forward adjustments and program progress to 31 December 2011;*

2. *Notes the intention to carry forward funding for those 2011/2012 projects not completed and which require carry forward funding into 2012/2013; and*
3. *Approves the commencement of new projects, projects requiring extra funding and other funding transfers as referred to in Schedule A, B1 and B2.*

**CARRIED**

**4. INFRASTRUCTURE SERVICES**

Nil

**5. CITY DEVELOPMENT**

**5.1 Amendment C93 To The Monash Planning Scheme - Oakleigh Major Activity Centre**

- a) *That the Minister for Planning be requested to appoint a Panel to consider amendment C-93 to the Monash Planning Scheme to introduce the Oakleigh Major Activity Centre - Structure Plan to the Monash Planning Scheme by the inclusion of a Strategy at Clause 21.06B, Policy at Clause 22.12, and Schedule 11 to the Design and Development Overlay with other subsequent changes and submissions received, pursuant to Sec.23(1)(b) of the Planning and Environment Act.*
- b) *That all submissions received be referred to the Panel appointed by the Minister for Planning.*

**CARRIED**

**5.2 99 – 121 Carinish Road, Clayton - Development of A 5 Storey Building Containing 7 Offices, 1 Retail Premises and 87 Residential Apartments With Basement Car Parking, Permit For Ground Floor Offices and A Reduction In Car Parking**

*The Council having caused notice of planning application No. TPA/39156 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 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 99 – 121 Carinish Road Clayton, for the development of a five storey building containing 7 offices, 1 retail premises and 87 residential apartments with basement car parking, a use permit for ground floor offices and an associated reduction in car parking generally in accordance with the plans submitted with the application subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

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. 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 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".*
- b) *the location of gas and water meters;*
- c) *A schedule of construction materials, external finishes and colours.*
- d) *Deletion of the louvers to the west facing elevation.*
- e) *Relocation of the rooftop parapet away from the Madeline Road interface with planting in front of this parapet.*
- f) *The bin collection area to be of sufficient proportions to accommodate all bins on the site, as specified by Council's Waste Management Division.*
- g) *Greater provision for purpose designed planter boxes to the ground level courtyard and upper level outdoor garden, capable of containing and sustaining small to medium sized canopy trees with spreading crowns.*
- h) *Relabelling of two office/retail spaces in the basement to residential.*
- i) *A notation on the plans stating all residential spaces, residential visitor spaces, retail spaces and office spaces are to be suitably line marked and allocated to their use by way of signage.*
- j) *A minimum of 94 car spaces for residences, 18 residential visitor spaces, 32 office spaces and 7 retail spaces.*
- k) *Deletion of part of the crossover immediately opposite the substation to Madeline Road.*
- l) *The provision of a corner splay or area extending at least 2.0 metres long x 2.5 metres deep (within the property) x less than 1.2 metres height measured from the edge of the exit lane of the vehicle crossing. A clear sight line extending at least 2.0 metres long x 2.5 metres deep (within the property) is also required on the southern side of the laneway between No. 98 Madeleine Road and the development.*
- m) *Minimum requirements for parking space dimensions unless otherwise stated in this permit are 2.6m x 4.9m with 6.4m aisle width*
- n) *The gradient on and near access driveways to be 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 6 metres into the car park.*
- o) *The ramp grade designed in accordance with Section 2.5.3 of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1 in relation to the following:*

- *Maximum grade of 1 in 4.*
  - *Provision of 2.0 metre grade transitions between the main grade lines for changes in grade in excess of 12.5%.*
  - *Grade changes to be designed and checked in accordance with Appendix C to ensure that vehicles will not scrape or bottom out.*
- p) *Reorientation of spaces C1-C11 to the south-east and lengthened to 5.7m deep measured perpendicular to the northern boundary of the site with a minimum 4.3m wide access aisle.*
- q) *North eastern basement aisle must be a minimum of 6.4m in width.*
- r) *Blind aisles to be extended to 1.0 metre beyond the last parking spaces.*
- s) *A bollard to prevent vehicle access between lifts 1 and 2.*
- t) *Car spaces C1, C5 and the Basement Level spaces adjacent to stairwells, lifts and the western boundary wall to be widened to 2.9m.*
- u) *The Basement circulation roadway along the eastern boundary is required to be a minimum of 5.5m in width.*
- v) *The relocation of columns satisfy the requirements of the design envelope around a parked vehicle as indicated in Figure 5.2 of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1*
- w) *The height between the floor and an overhead obstruction shall be a minimum of 2200mm.*
- x) *Provision for one accessible parking space for the retail /office component within the at-grade parking level, designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*
- y) *The access either end of the bicycle parking area is too narrow and is required to be widened to 1.5m.*
- z) *Reinstatement of the two Carinish Road crossovers to kerb and channel.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *Before occupation all buildings and works specified in this permit 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.*
4. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for the method of collection of garbage and recyclables for uses and;*
- a) *Private collection of waste ;*
  - b) *Appropriate areas of bin storage on site and areas for bin storage on*

*collection days;*

- c) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
- d) Litter management.*

*A copy of this plan must be submitted to Council.*

- 5. 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.*
- 6. 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.*
- 7. 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 include the following:*
  - a) A traffic management plan, including the management of traffic during the excavation and construction periods of the development to and from the site, general traffic management along Carinish and Madeline Roads, and any closing or altered access to the rear laneways including pre-consultation measures with all owners and occupiers of land who have a legal right of access to these laneways;*
  - b) measures to control noise, dust and water runoff;*
  - c) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
  - d) the location of where building materials are to be kept during construction;*
  - e) site security;*
  - f) maintenance of safe movements of vehicles to and from the site during the construction phase;*
  - g) vehicle access across Melbourne Water water mains for the delivery of construction materials and machinery to be at a designated point with the minimum cover being 1.5 metres and flat across the top of Melbourne Water water mains;*
  - h) storage of plant, equipment or materials not to be permitted on the easement;*
  - i) on-site parking of vehicles associated with construction of the development;*
  - j) wash down areas for trucks and vehicles associated with construction activities;*
  - k) cleaning and maintaining surrounding road surfaces;*
  - l) a requirement that construction works must only be carried out during*

*the following hours:*

- *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
- *Saturday – 9.00am to 1.00pm;*
- *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*

8. *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.*

9. *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.*

10. *Prior to the commencement of any works, a plan detailing the landscaping and urban design streetscape treatment of the site and public realm, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority.*

*The plan must include proposed urban design treatment of the site and public areas to Carinish and Madeline Roads which immediately interface with the site.*

*A written submission accompanying the plan must indicate the responsibility for the payment and implementation of these works, to the satisfaction of the Responsible Authority.*

*The plans must show: -*

- *details of all proposed hard surface materials/paving.*
- *Street furniture, including public signage, bins, seats, bicycle facilities, gates, fences and the like.*
- *the location of all existing trees and other vegetation to be retained on site*
- *proposed vegetation including provision of street trees.*
- *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.*

- *disabled access features*
- *the extent of any cut, fill, embankments or retaining walls.*
- *Any other feature deemed appropriate, to the satisfaction of the Responsible Authority.*

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

11. *Prior to the occupation of the buildings, the owner of the land to which this permit relates and the appointed developer of the site must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, this agreement must provide for the following matters: -*

- a) *All urban design works required by the plans endorsed under condition 12 of this planning permit must be completed at full cost to the owner of the site.*
- b) *The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.*

12. *Before the occupation of the buildings allowed by this permit, landscaping and urban design 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.*

13. *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 the south-east corner of the property where it must be collected and free drained via a pipe to the Council pit located in the nature strip of Carinish Road to be constructed to Council Standards. If the point of discharge cannot be located then notify Council's Engineering Division immediately.*

14. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*

15. *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.*

16. *Prior to the commencement of the development, a traffic report must be submitted in relation to the revised plan, which includes the specification of the stacker system and an assessment of the car park layout and how the stacker system will be accommodated.*

17. *The driveway and parking area (apart from parking space dimensions) must*

- be designed in accordance with the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.*
18. *The ramp grade is required to be designed in accordance with Section 2.5.3 of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1*
  19. *Any accessible ramp should be designed in accordance with the Australian Standards for Design for Access and Mobility, AS 1428.*
  20. *Forty (40) bicycle parking spaces are proposed. Bicycle parking shall follow the Australian Standard for Bicycle Parking Facilities, AS 2890.3.*
  21. *A minimum of 30% of the stacker parking spaces are required to cater for larger and heavier vehicles e.g. four wheel drives/SUV's.*
  22. *Standard passenger car stacker modules are required to cater for the following:*
    - a. *Independent operation for each parking space.*
    - b. *A minimum ground level overhead clearance of 1.8 metres.*
    - c. *A car/van up to 175cm height on the upper and basement levels.*
    - d. *A clear/usable platform width of at least 230cm, except where the module is located against a wall or at the end of a row where it is required to be at least 250cm in width to assist with turning manoeuvres.*
    - e. *Minimum pit length of 540cm.*
    - f. *Loading weight per platform of at least 2000kg.*
  23. *SUV/Four wheel drive stacker modules are required to cater for the following:*
    - a. *Independent operation for each parking space.*
    - b. *A car/van/SUV up to 205cm height on the ground level.*
    - c. *A clear/usable platform width of at least 250cm, except where the module is located against a wall or at the end of a row where it is required to be at least 270cm in width to assist with turning manoeuvres.*
    - d. *Minimum pit length of 540cm.*
    - e. *Loading weight per platform of at least 2500kg.*
  24. *All access doors to the system are to be fully automated and linked to the car stacker operating system to ensure that there is no inadvertent access during the operation of the system.*
  25. *Plans for the car stacker detail design and associated features, such as a suitable mechanical ventilation and sprinkler system, are required to the satisfaction of the Responsible Authority.*
  26. *The Owner's Corporation must provide for routine servicing and maintenance of the mechanical stackers to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land.*
  27. *Prior to the commencement of any works, use and development and certification or issue of a Statement of Compliance under the Subdivision Act 1988 for the residential use hereby permitted for the land either:*

- a) *A Certificate or Statement of Environmental Audit must be issued for the land in accordance with Section 53ZB(2) of the Environment Protection (Liveable Neighbourhoods) Act, 2001.*
- b) *An environmental auditor appointed under the Environment Protection (Liveable Neighbourhoods) Act 2001 must make a statement in accordance with S53X and 53Y of the Environment Protection (Liveable Neighbourhoods) Act 2001 that the environmental conditions of the land are suitable for the sensitive (residential) use.*

*A copy (3 copies) of the Certificate or Statement of Environmental Audit together with the complete audit report and audit area plan must be submitted to the Responsible Authority.*

- 28. *Prior to the commencement of development of the land permitted by this permit; issue of a Certificate of Occupancy under the Building Act 1993 and/or Certification or issue of a Statement of Compliance under the Subdivision Act 1988, a letter must be submitted to Council prepared by an Environmental Auditor appointed by the Environment Protection Authority under the Environment Protection Act 1970 or Environment Protection (Liveable Neighbourhoods) Act 2001, to verify that the conditions of the Certificate or Statement of Environmental Audit issued for the land have been satisfied.*
- 29. *A copy of the Certificate or Statement or Certificate of Environmental Audit issued for the land must be provided to each owner under a covering letter that draws attention to any conditions or directions on the Certificate or Statement of Environmental Audit.*
- 30. *Any disposal of soil from the site must be in accordance with the requirements of the Environment Protection Authority and the Environment Protection Act 1970.*
- 31. *The land owner and all its successors in title or transferees must, upon release for private sale of each of the lots created by the subdivision, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, annexed to the Contract of Sale for the sale of land, a copy of the endorsed Development Plans, Planning Permit and Certificate or Statement of Environment Audit for the land.*
- 32. *Once the development and use has started it must be continued and completed to the satisfaction of the Responsible Authority.*

**NOTES-**

- 1. *Building approval must be obtained prior to the commencement of the above approved works.*
- 2. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*

3. *Any new drainage work within a Council easement drain requires the approval of the City of Monash'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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
4. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council pits and these works are to be inspected by Council (telephone 9518 3690).*
5. *An onsite detention system for storm events up to the 1% AEP event to be retained onsite for the basement car park.*
6. *The proposed crossing is to be constructed in accordance with the City of Monash standards.*
7. *A licensed Surveyor or Civic 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.*
8. *A Traffic Management Plan is required prior to the issue of vehicle crossing permits.*
9. *Council will not issue resident parking permits for residents of the building.*

*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.*

**CARRIED**

### **5.3 5A Hartnett Close, Mulgrave – Business Centre Extension and New Building**

*The Council having caused notice of planning application No. TPA/39895 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** under the provisions of*

*the Monash Planning Scheme in respect of the land known and described as 5A Harnett Close, Mulgrave Vic 3170, for the purpose of extension to the existing Monash Enterprise Centre and a new building to the west together with associated car parking generally in accordance with the plans submitted with the application dated 4 November 2011 No TPA/39895 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. 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) *Dimensions of all buildings, setbacks to all boundaries and proposed finished floor levels*
- b) *Title boundaries with dimensions shown*
- c) *Internal layout of all existing and proposed buildings*
- d) *The car parking for an additional 40 spaces*

*The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

2. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
3. *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.*
4. *The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
5. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
6. *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.*
7. *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.*
8. *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 Standard for Access and Mobility AS 1428.1.*

9. *Provision for accessible parking throughout the development is required. This parking should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.*
10. *Any accessible ramp should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
11. *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.*

12. *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.*
13. *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 the south-west corner of the property where the entire site's stormwater must be collected and free drained via a*

*pipe to the southern easement to Council standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.*

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

14. *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 the driveway in Roberts Avenue onto the footpath. Such a system may include either:
 
  - a) *trench grates (150 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.**
  
15. *The driveway and parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1/2004. 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.*

*Melbourne Water Conditions (ref. 118921)*

16. *No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways.*
  
17. *Finished floor levels of the extended building must be no lower than the existing finished floor level or no lower than 58.67 metres to AHD, whichever is greater.*
  
18. *Finished floor levels of the new building must be constructed no lower than 58.67 metres to AHD.*
  
19. *Prior to development, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground floor levels to Australian Height Datum (AHD).*
  
20. *Plans must not be amended without the prior written approval of Melbourne Water.*

**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. *Any new drainage connections onto a Council easement drain / work within the road reserve requires the approval of the City of Monash'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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*

4. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).*
5. *A drainage contribution or detention system is not required.*
6. *Tree planting should be kept clear of the drainage easement.*
7. *'Use of Easement' approval is required for the driveway leading to Roberts Avenue. Approval should be given subject to:*
  - *Council and Yarra Valley Water approval being obtained.*
  - *The registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.*
  - *A construction joint being made along the easement line.*
  - *The payment of a \$3000 refundable security deposit prior to the drainage works commencing.*

*Melbourne Water Notes:*

1. *If further information is required in required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 118921.*
2. *The applicable flood level for this property is 58.37 metres to Australian Height Datum (AHD).*
3. *Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from Melbourne Water's Mile Creek West Branch DS. For a storm event with a 1% chance of occurrence in any one-year the applicable flood level for the parcel 58.37 metres to Australian Height Datum (AHD).*
4. *Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level.*
5. *Melbourne Water requires any new building to be constructed with finished floor levels a minimum of 300mm above the applicable flood level to minimise risks associated with flood damage during a significant storm event.*
6. *Prior to development, amended plans should be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).*

*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 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.*

**CARRIED**

#### **5.4 2029 Dandenong Road, Clayton – Development of A Double Storey Apartment Building**

*The Council having caused notice of planning application No. 39806 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 **issue a Notice of Decision** to grant a planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 2029 Dandenong Road, Clayton for the purpose of the development of a double storey apartment building (9 dwellings) with basement car parking including alteration of access to a road zone generally in accordance with the plans submitted with the application dated 28 September 2011 No. TPA/39806 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) *All finished floor levels and overall building height reduced by a minimum 0.6m;*
- b) *The basement car-park extended and modified as follows:*
  - *Provision of a total 11 onsite car spaces (9 resident and 2 visitor). In the event that car-stacker devices are utilised, full product details and specifications must be provided to the satisfaction of the Responsible Authority;*
  - *All car spaces must be located perpendicular to the accessway;*
  - *All car spaces must be designed to allow vehicles to exit the site in a forwards direction;*
  - *The accessway extended to provide a 1.0m wide blind aisle extension beyond the end car parking space;*

- *The location of basement columns modified to comply with Figure 5.2 of the Australian Standard for Off-Street Car Parking AS/NZS 2890.1;*
  - *The basement accessway ramp increased in width to 5.5m;*
  - *The basement accessway ramp gradient not greater than 1 in 20 for the first 6 metres into the car park;*
  - *Basement accessway ramp gradients in accordance with the Australian Standard for Off-Street Car Parking AS/NZS 2890.1;*
  - *The provision of bicycle parking in accordance with the Australian Standard for Bicycle Parking Facilities AS 2890.3;*
- c) *Dwelling 1, 3, 4 and 5 provided with a secluded private open space area located to the side or rear of each dwelling not less than 35m<sup>2</sup> with a minimum dimension of 5m;*
- d) *Side and rear boundary fencing having a minimum height of 1.8m with 0.6 woven trellis screening extension;*
- e) *Screening provided to the balconies of dwelling 8 and 9 in accordance with Standard B22 of Clause 55 of the Monash Planning Scheme;*
- f) *The following windows nominated as highlight windows having a minimum sill height of 1.7m from finished floor level:*
- *Dwelling 2 east facing bedroom 2;*
  - *Dwelling 4 east facing bedroom 1 and bedroom 2;*
  - *Dwelling 5 north facing living, kitchen and bedroom 2 windows;*
  - *Dwelling 5 east facing bedroom 2 window;*
  - *Dwelling 8 east facing living/kitchen window;*
- g) *The provision of disabled access ramp(s) and/or lift access to ground floor dwellings;*
- h) *Dwelling 9 deleted;*
- i) *The provision of a minimum 4.5m wide separation between the first floor of dwelling 2 and 8 achieved through reducing the width of the balcony of dwelling 2 to 1.6m and extending the dwelling to the south accordingly, extending the northern facade of dwelling 8 by 1.6m to the west and relocating the balcony of dwelling 8 adjacent to the southern facade of the dwelling;*
- j) *The provision of a pitched skillion with eave overhang as the predominant roof form to the first floor of the development;*
- k) *Side and rear setbacks, including permissible encroachments in accordance with Standard B17 of Clause 55;*
- l) *No fencing within the front setback;*
- m) *Details of all mechanical ventilation (including heating and cooling units) located outside the building or on the rooftop with appropriate screening incorporated into the architectural design of the building. Heating and cooling units must not be located on the balconies, facade of the building or be visible from outside the property;*

- n) *The location of any required fire booster services or power sub-stations within the front landscaping setback must be suitable painted, screened and landscaped to the satisfaction of the Responsible Authority;*
- o) *The location of gas meters.*
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. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
5. *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.*
6. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
- e) *The method of collection of garbage and recyclables for uses;*
- f) *Designation of methods of collection by private contractor;*
- g) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
- h) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
- i) *Litter management.*

*A copy of this plan must be submitted to Council.*

7. *The construction works associated with the development 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.*

8. *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 6.00pm;*
    - Saturday – 9.00am to 1.00pm;*
    - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*
- 9. The location of any required fire booster services or power sub-stations within the front landscaping setback must be suitably painted, screened and landscaped to the satisfaction of the Responsible Authority.*
- 10. 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.*
- 11. 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.*
- 12. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.*
- 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 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 (apart from parking space dimensions) should be designed in accordance with the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.*
17. *Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or area extending at least 2.0 metres long x 2.5 metres deep (within the property) x less than 1.2 metres height either side of the vehicle crossing.*
18. *The approved development must provide for a minimum of 2 nominated visitor car parking spaces. In the event that the approved development is subdivided, nominated visitor car parking (2 car parking spaces) must be located within common property.*
19. *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 the south-east corner of the property*

*where the entire site's stormwater must be collected and free drained via a pipe to the 150mm Council drain in the nature strip via a 900mm x 600mm junction pit to be constructed to Council Standards.*

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

20. *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.*
21. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
22. *Driveways are to be designed and constructed using appropriate engineering standards.*
23. *VicRoads condition (ref: 01976/11)  
All disused or redundant vehicle crossings must be removed and the area reinstated (including footpath, kerbing and nature strip) to the satisfaction of the Responsible Authority and at no cost to VicRoads, prior to the commence of the use of the site hereby approved.*

**NOTES-**

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
3. *Any new drainage connections onto a Council easement drain / work within the road reserve requires the approval of the City of Monash'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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
4. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains and these works are to be inspected by Council (telephone 9518 3690).*
5. *Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
6. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.*
7. *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.

8. *Tree planting should be kept clear of the drainage easement.*
9. *A traffic management plan is required prior to issue of any Vehicle Crossing Permit.*
10. *In the event that any parking restrictions are introduced in the surrounding area, this development will not be granted resident parking permits.*

*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.*

**CARRIED**

## **5.5 1816-1832 Dandenong Road, Clayton – Data Centre**

*The Council having caused notice of planning application No. 39859 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** under the provisions of the Monash Planning Scheme in respect of the land known and described as 1816-1832 Dandenong Road, Clayton for the purpose of development and use of the site for the purpose of a data centre generally in accordance with the plans submitted with the application dated 17 October 2011 No. TPA/39859 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) *The provision of a 2.8m high acoustic fence the full length of the western boundary. Full detail and specifications of the fence based on the advice of a suitably qualified Acoustic Engineer must be provided to the satisfaction of the Responsible Authority;*
  - b) *The northern green trellis adjacent to the western facade extended by a further 15m to the south;*
  - c) *The southern green trellis adjacent to the western facade extended by a further 9m to the north;*
  - d) *Full detail and specifications of rooftop acoustic screening measures based on the advice of a suitably qualified Acoustic Engineer must be provided to the satisfaction of the Responsible Authority;*
  - e) *The service road outstands either side of the bend in the southwest corner to be removed to assist vehicle access;*
2. *Prior to endorsement of plans pursuant to condition 1 of this permit, written advice must be provided from the relevant Building Surveyor and Emergency Service Authorities confirming the proposed access and egress arrangement to the lower level service road adjacent to the western boundary is satisfactory to their requirements.*
  3. *Prior to the endorsement of plans pursuant to condition 1 of this permit, the existing 4 Titles comprising the Clayton Telstra complex must be consolidated on a single Title. Any future subdivision of the land will require car parking to be provided in accordance with relevant requirements of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
  4. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
  5. *Once the development and use has started it must be continued and completed to the satisfaction of the Responsible Authority.*
  6. *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.*
  7. *The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
  8. *The use shall comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.*
  9. *Noise attenuation measures as referred to within the submitted Noise Impact Assessment must be provided to the satisfaction of the Responsible Authority.*

10. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
11. *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.*
12. *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.*
13. *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 6.00pm;*
    - *Saturday – 9.00am to 1.00pm;*
    - *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*
14. *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 6.00pm;*
  - *Saturday – 9.00am to 1.00pm;*
  - *Saturday – 1.00pm to 5.00pm (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.*
15. *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.*

16. *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.*

17. *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.*

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 the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the easement to be constructed to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.*

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

19. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*

20. *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.*
21. *Driveways are to be designed and constructed using appropriate engineering standards.*
22. *Before the use and development permitted starts, 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.*
23. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
24. *The loading and unloading of goods from vehicles must only be carried out on the land.*
25. *The driveway and parking area (apart from parking space dimensions) should be designed in accordance with the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.*
26. *All new crossings are to provide a minimum of 1.0 metre clearance from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, drainage or service pit, or other services.*
27. *Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or area extending at least 2.0 metres long x 2.5 metres deep (within the property) x less than 1.2 metres height either side of the vehicle crossing.*
28. *The gradient on and near access driveways shall be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path for at least the first 6 metres into the car park or accessway.*

**NOTES-**

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

*approved works.*

2. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
3. *Any new drainage connections onto a Council easement drain / work within the road reserve requires the approval of the City of Monash'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. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
4. *Engineering permits must be obtained for new or altered vehicle crossings, footpath works within the road reserve and for connections to Council pits and these works are to be inspected by Council (tel. 9518 3690).*
5. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.*
6. *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.*
7. *Tree planting should be kept clear of the drainage easement.*
8. *Vehicles under the control of the operator of the use or the operator's staff must not be parked on the surrounding roads. In the event that any parking restrictions are introduced in the surrounding area, vehicles associated with this development will not be eligible for parking permits.*

*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 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.*

**CARRIED**

**5.6 36 Halliday Street, Mount Waverley – Extension of Time - Construction of Two Dwellings (One Double Storey Dwelling and One Single Storey Dwelling) With Associated Car Parking and Landscaping**

*That Council having considered all the matters required under Section 60 and pursuant to Section 69 of the Planning and Environment Act 1987, decides to **grant the extension of time** for Planning Permit No. 33366 under the provisions of the Monash Planning Scheme in respect of the land known and described 36 Halliday Street, Mount Waverley for the construction of two dwellings (one double storey dwelling and one single storey dwelling) with associated car parking and landscaping and extend the permit dates as follows:*

- *The development is not started before 23 November 2012.*
- *The development is not completed before 23 November 2014.*

**CARRIED**

**5.7 Town Planning Schedule**

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

**CARRIED**

**5.8 Footpath Trading and Access Policy**

*That:*

1. *The consolidated Footpath Trading and Access Policy for the municipality as set out in Attachment '1' be adopted.*
2. *The policy (except for the provisions relating to Glen Waverley & Oakleigh) be implemented effective from 1 July 2012.*
3. *Submitters, trader groups and relevant traders be advised accordingly.*

**CARRIED**

**5.9 Road Discontinuance and Sale Abutting 607-615 Neerim Road and 1A Paddington Road, Hughesdale**

*1. That Council, acting under Clause 3 of Schedule 10 to the Local Government Act 1989 ("the Act") and being of the opinion that the road reservation abutting 607-615 Neerim Road and 1A Paddington Road Hughesdale ("the Road") (as shown on Attachments 1 and 2) is not reasonably required as a road reservation:*

*a) commences the statutory procedure to advertise Council's intention to discontinue and sell the Road abutting 607-615 Neerim Road and 1A Paddington Road Hughesdale;*

*b) appoints a Committee of Council comprising the Oakleigh Ward Councillors to consider submissions received under Section 223 of the Act at a date and time to be determined.*

*2. In the event of there being no submissions received, authorises the Chief Executive Officer or his delegate, on behalf of Council to:*

*a) publish a Notice of Discontinuance in the Victoria Government Gazette vesting the land in Council;*

*b) upon vesting of the land in Council, to enter into negotiations for the sale of the land from the former Road to the abutting land owner; and*

*c) to sell the land from the former Road to the abutting land owner at Council's valuation including the signing and sealing of all relevant documentation required to effect the sale.*

**CARRIED**

### **5.10 Road Reconstruction – Caloola Avenue, Oakleigh**

*That:*

- 1. Council accepts the tender of Parkinson Group (Aust) Pty Ltd to undertake the reconstruction of Caloola Avenue, Oakleigh between Warrigal Road and Drummond Street, for the lump sum of \$376,809.10 (GST inclusive).*
- 2. The anticipated project expenditure of \$371,551.00 (GST exclusive) for the reconstruction and supervision (includes \$27,256.00 for provisional items based on actual quantities) be noted.*
- 3. The Chief Executive Officer be authorised to sign and seal the contract documents.*
- 4. The Chief Executive Offer be authorised to approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED**

### **5.11 Road Reconstruction – Euneva Avenue, Glen Waverley**

*That:*

- 5. Council accepts the tender of Contek Constructions Pty Ltd to undertake the refurbishment of Euneva Avenue, Glen Waverley for the expected contract sum of \$238,398.44 (GST inclusive).*
- 6. The anticipated project expenditure of \$231,725.85 (GST exclusive) for the refurbishment, supervision and landscaping, including tree planting, (includes \$46,221.00 for provisional items based on actual quantities) be noted.*
- 7. The Chief Executive Officer be authorised to sign and seal the contract documents.*
- 8. The Chief Executive Offer be authorised to approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED****5.12 Road Reconstruction – Kanooka Grove, Clayton***That:*

9. *Council accepts the tender of CDN Constructors Pty Ltd to undertake the reconstruction of Kanooka Grove, Clayton between Carinish Road and Fregon Reserve for the lump sum of \$1,385,173.35 (GST inclusive).*
10. *The anticipated project expenditure of \$1,354,248.50 (GST exclusive) for the reconstruction and supervision (includes \$76,110.00 for provisional items based on actual quantities) be noted.*
11. *The Chief Executive Officer be authorised to sign and seal the contract documents.*
12. *The Chief Executive Offer be authorised to approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED****5.13 Tender For Traffic and Parking Services***That:*

1. *Council accepts the tender of Tenix Solutions Pty Ltd, based on the lump sum tendered price of \$1,727,374 (including GST) per annum for the three years, plus schedule of rates items, all subject to indexation based on CPI. The tender covers the provision of Traffic and Parking Services for three years with an option of a further two years at Council's sole and absolute discretion.*
2. *The Chief Executive Officer be authorised to sign and seal the contract documents.*

**CARRIED****6 CHIEF EXECUTIVE OFFICER'S REPORTS****6.1 Assembly of Councillors**

*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 Council Website Quarterly Report**

*That Council notes the Quarterly Website Report and in particular the following features:*

1. *Visits to the site during the period have increased by 1% over the same period a year ago;*
2. *The number of pages accessed during the period has not changed over the same period a year.*

**CARRIED**

**7. COMMITTEE REPORTS**

Nil

**8. NOTICES OF MOTION**

**8.1 Discretionary Fund Applications - Mayor**

*That Council resolves to approve the following application for funding from the Discretionary Fund: Kariatides Oakleigh Greek Women's Group - \$211.20.*

**CARRIED**

**8.2 Monash Cultural Diversity Awards**

*That Council endorse the proposal for the introduction of the Monash Cultural Diversity Awards.*

**CARRIED**

**9. URGENT BUSINESS**

*That the Council admits as Urgent Business, an item relating to a contractual matter and that this matter be considered under the Confidential Business section of the Council agenda, in accordance with Section 89(2) of the Local Government Act 1989.*

**CARRIED**

**10. COUNCILLORS' REPORTS**

**11. PERSONAL EXPLANATIONS**

**12. MATTERS OF COUNCIL IMPORTANCE**

Nil.

**13. CONFIDENTIAL BUSINESS**

*That as the Confidential Business items concern a contractual 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 pm, the Council moved into Confidential Business.

***RETURN TO OPEN COUNCIL***

The Council moved back into Open Council at pm.

The Mayor declared the meeting closed at pm

**MAYOR: .....**

**DATED THIS ..... DAY OF ..... 2012**