



**CITY OF  
MONASH**

**MINUTES OF THE ORDINARY MEETING OF  
COUNCIL  
HELD ON 30 JANUARY 2018**

**at 7.00 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 30 JANUARY 2018 AT 7.00 PM.**

**PRESENT:** Councillors P Klisaris (Mayor), S McCluskey (Deputy Mayor), R Davies, J Fergeus, S James, B Little, R Paterson, L Saloumi, T Zographos

**APOLOGIES:**

Crs Lake and Pang Tsoi.

**DISCLOSURES OF INTEREST**

Cr Fergeus – Item 7.2.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING HELD ON 12 December 2017**

Moved Cr James,

Seconded Cr Klisaris

*That the minutes of the Ordinary Meeting of the Council held on 12 December 2017, be taken as read and confirmed.*

**CARRIED**

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

Cr Zographos tabled a petition from St Vincent de Paul Society – Oakleigh store, regarding parking restrictions in Crewe Road, Hughesdale.

**PUBLIC QUESTION TIME**

The Mayor advised that 2 questions had been received.

---

---

**OFFICERS' REPORTS**

PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Paterson

*That Item 4.4 on the agenda be brought forward as the first item of business.*

**CARRIED**

**4.4 Waste Management Strategy and Hard Waste Service Options**

Moved Cr James,

Seconded Cr Fergeus

*That Council:*

- 1. notes and receives the feedback from the Draft Waste Management Strategy community consultation and the results of the Hard Waste Survey;*
- receives and endorses the final Waste Management Strategy inclusive of Option 1, that being to maintain the annual hard waste collection for all residential properties with an additional user pays at-call hard waste collection available;*
- the at call hard waste collection, at a cost of up to \$150, will commence from 1 July 2018 and authority is delegated to the Chief Executive Officer to approve any contractual variations necessary to the existing hard waste collection contract to accommodate this additional service;*
- refer to the 2018/19 Budget a pensioner discount of 10% to the optional user pays at-call hard waste collection service in line with similar discounts available at the Waste Transfer Station;*
- 2. noting the previous in-principle resolution of Council to implement a separate waste charge, resolves not to proceed with a separate waste charge at this point;*
- 3. advises the Essential Services Commission of its intention not to introduce a separate charge in 2018/19;*
- 4. delegates authority to the Director Infrastructure to make editorial and other minor changes to the Waste Management Strategy as may be required from time to time ;*
- 5. acknowledges and thanks the Environment Advisory Committee and the community for their contribution and participation in the development of the Waste Management Strategy, the Hard Waste Survey, attending community meetings and providing verbal and written submissions to the process; and*

*Communicates the results of the survey and the Council decision to the Monash community.*

Cr James said that the community's feedback had been overwhelming. He said that he noted that the alternative had some positives to it, but the concerns that he had

---

and that embers of the community to whom he spoke had, was not the options, but how they were to be paid for. He commended the motion to Council.

Cr Fergeus thanked Council officers for their work on this matter, which had taken a considerable amount of time. He said that he looked forward to the Council delivering the waste strategy. Cr Fergeus thanked those members of the community who participated in the survey; it was a tremendous show of support for local democracy. He added that 77 percent of survey respondents supported option 1, which he would be supporting, and thanked residents for their support of a pensioner discount, should option 2 be implemented. Cr Fergeus said that he commended the report to the Council.

Cr Saloumi said that like, Cr Fergeus, she had not supported the conduct of the survey, but was impressed with the high level of engagement of the Monash community, with the survey drawing the largest number of responses to any survey conducted by the Council. Cr Saloumi said that she supported option 1 as she was concerned about a cost blow out. She added that residents who she spoke to were not only concerned about a waste charge, but also about seeing constantly rubbish left on streets for on-call collection. Cr Saloumi commended the report and said that she was glad that option 1 had been selected.

Cr Davies said that he had supported the alternative, which was not favoured, but his support was mainly based on having a separate bin charge and waste charge. He added because the proposal was multi-faceted, he was not sure that this was a repudiation of having a separate bin charge. Cr Davies said that he was happy to accept what the community had advised the Council, regarding its preferred option. Cr Davies said that Monash was one of only a few council's that did not have a bin charge and wanted that revisited in the future, but accepted what the community felt was a very important issue.

**CARRIED**

**1. CITY DEVELOPMENT**

**1.1 Amendment C136 to the Monash Planning Scheme – 161-169 & 171 Jells Road, Wheelers Hill**

Moved Cr Davies,

Seconded Cr Paterson

*That Council resolves to adopt Amendment C136 to the Monash Planning Scheme and pursuant to Section 31 of the Planning and Environment Act 1987, submit the Amendment to the Minister for Planning for approval and gazettal.*

**CARRIED**

---

## 1.2 Proposed Planning Scheme Changes for Residential Aged Care Facilities

Moved Cr Paterson,

Seconded Cr Little

*That Council, having considered the changes proposed to the Victoria Planning Provisions for Residential Aged Care Facilities:*

- 1. Notes with concern the proposal to create a special definition and exemptions for Residential Aged Care Facilities in all residential zones in Victoria.*
- 2. Makes a submission to the State Government setting out concerns over the proposed changes as outlined in this report.*
- 3. Authorises the Director City Development to prepare and finalise the submission to the review in accordance with the issues raised in this report.*

Cr Saloumi commended the report and the motion, saying that it was horrific to think that the community could see a residential aged care facility in any street or area, without an extra permit and that more than 80 percent of an aged care site could be developed. Cr Saloumi noted that aged facilities drew a lot of movement, from delivery and emergency vehicles and for such vehicles to be coming in and out of local streets would be horrific. Cr Saloumi said that currently, aged care facilities required planning permits, which would conditions in them, whereas the proposal would give facility operators the ability to locate the facility anywhere. Cr Saloumi added that she was also concerned about an oversupply of aged care facilities.

Cr Little said that this concerned a proposal by the Minister for Planning that would make it easier for developers to build aged care facilities. He added that the justification for the proposal was the need to encourage development of aged care homes. Cr Little questioned whether there was a need for this or whether the aged care industry was seeking a privileged position. He said that his view was that such facilities were popping up all over Monash and that aged care facilities already had a privileged place in the planning scheme and at VCAT, as the Council had recently found out.

PROCEDURAL MOTION

Moved Cr Zographos,

Seconded Cr Paterson

*That Cr Little be granted a further 2 minutes to speak.*

**CARRIED**

Cr Little continued, saying that the proposal would result in existing planning controls for every council being overridden; developers of aged care facilities could, as of right, build on 80 percent of their site, to 4 storeys or higher and would not have to consider a range of amenity and neighbourhood character issues. He said that this would have a detrimental impact on adjacent residents. Cr Little said that the proposal was inappropriate and should be scrapped and was unjustified in an environment where the

---

aged care business already receives significant privileges. Cr Little highlighted that submissions on the proposal could be made by members of the public via the following web site: [www.planning.vic.gov.au/residential-aged-care](http://www.planning.vic.gov.au/residential-aged-care).

Cr Paterson said that she supported the motion, noting that aged care facilities were needed in the community, but in the right location, for the benefit of not only local residents, but also the residents of those facilities. Cr Paterson said that it was important to have aged care facilities next or close to activity centres, to provide aged care residents with easy access to a range of services and facilities that the centres provided. She added that it was important for the Council to provide its view on the proposed planning scheme changes to the State Government.

Cr Davies noted that there was an aged care facility near an activity centre, in Mulgrave Ward and that this worked well. He said that it was not appropriate to put such facilities just anywhere and residents of such facilities needed access to activity centres and councils were best placed to determine the appropriate place for them, not the State Government.

Cr James said that residents' rights to object to a decision should never be taken away, as such a right was a fundamental part of a democracy. He added that residential aged care facilities were needed, with baby boomers now reaching retirement age and areas such as Mount Waverley had a large ageing population. Cr James said that he could possibly accept development of 80 percent of a site, but he had concerns about developments of 4 storeys and higher and would not accept any changes to residents' rights to be advised of and object to a development proposal.

Cr McCluskey said that it was appropriate for the Council to make a submission on the proposal and also encouraged Monash residents to do so. Cr McCluskey added that it was important to have aged care facilities located in appropriate locations and that was generally next to or near to activity centres, which provided a wide range of services.

**CARRIED**

**1.3 The Glen Shopping Centre 227-235 Springvale Road, Glen Waverley – Amendment to Residential Component of The Glen Redevelopment**

Moved Cr Saloumi,

Seconded Cr James

*That Council resolves to issue a Notice of Decision to Amend a Planning Permit (TPA/43692/C) for the Staged alterations and additions to the existing shopping centre ('The Glen'), the development of three residential apartment buildings including use of land for accommodation (dwellings), alteration of access to a Road Zone, Category 1, at The Glen Shopping Centre 227-235 Springvale Road, Glen Waverley subject to the following conditions:*

- 
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 maximum overall facade height of the 'Building A' (excluding parapets and rooftop features) no greater than 64.70 metres above existing street level of O'Sullivan Road (existing street level RL 116.20, maximum facade height RL 180.9).*
- b) *The maximum overall facade height of 'Urban Building' (excluding parapets and rooftop features) no greater than 40.62 metres above existing street level of O'Sullivan Road (existing street level RL 116.28, maximum facade height RL 156.9).*
- c) *The maximum overall facade height of 'Kingsway Axial Building' (excluding parapets and rooftop features) no greater than 43.62 metres above existing street level of O'Sullivan Road (existing street level RL 116.28, maximum facade height RL 159.9).*
- d) *Any required modification to plans as recommended in the required Wind Modelling Assessment.*
- e) *Measures to control sun glare and excessive reflectivity.*
- f) *Refined detail of all materials and finishes to all aspects the development including use of high quality architectural treatments.*
- g) *Provision of 3 (or more) bedroom apartments equating to no less than 10% of the overall dwelling makeup.*
- h) *Activation of the podium facade at level 3, 3.5 and 4 at the street interface adjacent to O'Sullivan Road, the proposed pedestrian square.*
- i) *Architectural feature/decorative treatment to the undercroft of cantilevered sections of the Urban Building surrounding the outdoor square.*
- j) *The provision of screening and landscaping elements surrounding loading areas along the western boundary.*
- k) *The provision of bike facilities in accordance with the requirements of Clause 52.34. Bike facilities should be located at convenient locations within the site including adjacent to the outdoor square and pedestrian entrances.*
- l) *Prominent residential entrances at street level to each apartment tower. The entrances should provide for a strong sense of address to each apartment building and transition space.*
- m) *Visitor drop-off/pick up parking bays on O'Sullivan Road and Snedden Drive in close proximity of entrances to the apartment buildings.*

- 
- n) *The provision of a substantial rooftop communal open space area on level 5 above the podium and residential car parking areas below. The space should provide for a range of recreation spaces and may include garden areas, vegetable plots, BBQ areas, resident function space, tennis courts, swimming pool, gym and recreation lawn spaces.*
  - o) *Apartment layouts designed to ensure no habitable rooms are dependent on borrowed light for solar amenity.*
  - p) *Hallways within the apartment buildings typically no less than 1.6 metres wide.*
  - q) *Lift lobby areas typically no less than 2.1 metres wide.*
  - r) *Natural light and ventilation to shared access spaces and main hallways on all residential levels.*
  - s) *Residential storage space of 6m<sup>3</sup> to all dwellings.*
  - t) *Balcony space of 8m<sup>2</sup> to each apartment having a minimum dimension of 1.6m.*
  - u) *Details of all rooftop plant and any associated screening to ensure plant is not visible from outside the property.*
  - v) *Provision of a prominent pedestrian entrance to the retail centre immediately adjacent to the east-west pedestrian crosswalk on Springvale Road.*
  - w) *Provision of a pedestrian canopy/pedestrian weather protection (where practical) from the new east-west pedestrian signals on Snedden Drive (adjacent the spiral vehicle ramp) along the western, southern and eastern edge of the development to the east-west pedestrian crossing on Springvale Road.*
  - x) *A pedestrian sight line splay (minimum 2.5 x 2.5m) at Ground Level on the north-west corner of the footpath intersection of O'Sullivan Road (north side) with Springvale Road.*
  - y) *Provision of "Keep Clear" line marking across the Level 1 entrance to Department Store/Residential Loading facility.*
  - z) *Provision of a 2m width (typically) footpath along the eastern side of Snedden Drive.*
  - aa) *The combined footpath and naturestrip on Springvale Road typically 4 metres in width including the provision of a footpath along the entire length of the Springvale Road frontage. The footpath should be a minimum width of 1.5 metres.*
  - bb) *The combined footpath and naturestrip on the Snedden Drive development frontage between O'Sullivan Road and The Glen Shopping Centre Level 1 access/Snedden Drive intersection typically 4m in width.*
  - cc) *The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*
  - dd) *The inclusion of environmentally sustainable design measures into the design response consistent with the Council adopted Glen Waverley Structure Plan and Environmentally Sustainable Design Policy.*
  - ee) *Mitigation works surrounding the site in accordance with the requirements of Vic Roads and Public Transport Victoria.*
  - ff) *All tandem car parking spaces within the residential basement carpark to be not less than 2.6 metres in width.*
  - gg) *Reconfiguration of the residential basement carpark to relocate parallel car spaces to improve accessibility to the satisfaction of Council.*
  - hh) *All standard 2.4 metre wide car spaces within the residential basement carpark reduced to 4.9 metres in length and adjacent access aisle width increased accordingly.*



- 
- ii) *An allocation of bicycle storage facilities within the residential basement at the base of each apartment building lift core to the satisfaction of Council.*
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. *Prior to endorsement of plans pursuant to condition 1 of the permit, a Wind Modelling Assessment must be undertaken by a suitably qualified person to assess the wind impact of the development at street level. Any recommendations or required modifications to the development must be implemented to the satisfaction of Responsible Authority.*
5. *Prior to the commencement of the development, a plan detailing the urban design streetscape treatment of the public real must be submitted to and approved by the Responsible Authority.*

*The plan must show the proposed urban design treatment of public areas within the subject land site and surrounding public realm area to ensure the integration of the site with these areas and consistency in the urban design treatment.*

*The plan must be developed in consultation and to the satisfaction of City of Monash Planning, Urban Design and Engineering Divisions.*

*The plans must show: -*

- *Detail of all proposed hard surface materials/paving.*
- *The inclusion of water sensitive urban design features.*
- *Street furniture, including public signage, bins, seats, bicycle facilities, gates, fences and the like.*
- *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 the submission will be endorsed and form part of the permit.*

6. *Prior to the completion of any stage of the development 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.*
7. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
8. *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;*
9. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
10. *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.*
11. *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.*
12. *Prior to the commencement of works of each stage of the development, 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:*
- a) *The method of collection of garbage and recyclables for uses;*
  - b) *Designation of methods of collection utilizing private 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; and*
  - e) *Litter management.*
- The plan must be prepared and implemented to the satisfaction of the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of this permit.*
13. *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.*
14. *Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed.*
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 layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
  - 17. No less than 1 car space must be provided on the land for each one and two bedroom dwelling. No less than 2 car spaces must be provided on the land for each three bedroom dwelling. Any future subdivision of the approved development must provide allocation of 1 car space per dwelling on Title to the satisfaction of the Responsible Authority.*
  - 18. Outdoor lighting including the car parking areas must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
  - 19. The loading and unloading of goods from vehicles must only be carried out on the land.*
  - 20. Prior to the development commencing the owner of the land to which this permit relates 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, the agreement must provide for the following matters:*
    - a) The owner and management of shopping centre agree that all ongoing costs associated with the operation and maintenance of the proposed new signals at The Glen Shopping Centre Level 1 access/Snedden Drive intersection.*
    - b) The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.*
  - 21. Prior to completion of works associated with the retail development, a new dedicated right turn lane on the east approach of Railway Parade North/Kingsway signalised intersection which includes widening of the south side of Railway Parade North must be constructed. The required works must be completed to the satisfaction of the Responsible Authority at full cost to the developer. Detailed engineering plans are required to be submitted to the Responsible Authority for approval prior to commencement of the development.*
  - 22. Prior to completion of works associated with the retail development, the existing zebra crossing in O'Sullivan Road is required to be relocated to the satisfaction of the Responsible Authority. The required works must be completed to the satisfaction of the Responsible Authority at full cost to the developer. Detailed engineering plans are required to be submitted to the Responsible Authority for approval prior to commencement of the development.*
  - 23. Prior to works forming part of the applicable stage commencing (southern end basement construction), detailed engineering plans of O'Sullivan Road are required to be submitted to Council for approval prior to commencement of works. These are required to include the following:*
    - Shared pedestrian/vehicle zone at the western end of O'Sullivan Road between Kingsway and the right-of-way to the rear of 2-4 Kingsway.*

- 
- *Modification to the layout of O'Sullivan Road developed in consultation and as required by City of Monash Engineering Department.*
  - *Civil works and infrastructure associated with urban design requirements required by this permit.*

*24. Where the proposed Snedden Drive roadwork's, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required. Prior to completion of the development, the developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "Road", which is to be vested in favour of Council.*

*The required registration of the Plan of Subdivision must take place within 3 months of completion of works associated with the related part of the approved development. Upon issue of Title, original "Road" Titles must be provided to Council.*

*25. Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.*

*The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for staff of retail and office use of the car park within rooftop car parking areas at peak times. The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.*

*Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.*

*26. Prior to occupation of residential development forming part of this permit a Sustainable Transport Strategy Plan must be submitted to and approved by the Responsible Authority.*

*The Sustainable Transport Strategy Plan must provide for inclusion of a flexi car scheme associated with the development and other "green travel" initiatives to be made available to residents and visitors associated with the development. Where practical the Sustainable Transport Strategy Plan should include synergies with the retail and offices uses also undertaken on the land.*

*Once approved the Sustainable Transport Strategy Plan will be endorsed to form part of this permit. The endorsed Sustainable Transport Strategy Plan must be implemented to the satisfaction of the Responsible Authority.*

*27. 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 north-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit*

---

*via the internal drainage system, 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.*

- 28.** *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 (300mm 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.*
- 29.** *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.*
- 30.** *Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be cleared detailed on endorsed plans forming part of this permit.*
- 31.** *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).*
- 32.** *The owner and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the*

---

*State Environment Protection Policies No. N1 and must on request provide evidence to Council of Compliance with the policies.*

- 33. *Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.***

*At the immediate request of the Responsible Authority noise testing must be taken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to the Responsible Authority.*

**Vic Roads conditions (ref: 12758/15)**

- 34. *Before the development starts, Traffic Management Plan to the satisfaction of VicRoads and the Responsible Authority must be approved. The Traffic Management Plan must be based on microsimulation modelling, of the area bounded by High Street Road, Snedden Drive, Coleman Parade and Springvale Road, undertaken to the satisfaction of VicRoads and must propose:***

**a. *Roadworks to be undertaken to mitigate the impact of the use of the development proposed. Roadworks must include:***

- i.) *An extension of the left-turn lane on the southern approach to Springvale Road/High Street or alternative works to the satisfaction of VicRoads,***
- ii.) *An extension of the right-turn lane on the northern approach to Springvale Road/High Street Road,***
- iii.) *A double right-turn lane on the western approach Springvale Road/High Street Road,***
- iv.) *A double right-turn lane and double left-turn lane on Snedden Drive at High Street Road/Snedden Drive,***
- v.) *An extension of the right-turn lane on the western approach to High Street Road/Snedden Drive,***
- vi.) *A new signalised intersection along Snedden Drive, and***
- vii.) *Any other works that VicRoads and the Responsible Authority consider necessary having considered the outputs of the microsimulation modelling.***

**b. *A schedule indicating:***

- i.) *the timing of each component of the impact mitigation works with respect to staging of the development or commencement of uses on the subject land.***
- ii.) *the timing of the access works , including the signalised access points on Springvale Road and Snedden Drive, with respect to the staging of the development or commencement of uses on the subject land.***

- 35. *Before any stage of the development starts or before any stage of the development is used (as the case may be), the corresponding access and impact mitigation works, as identified in the Schedule to the Traffic Management Plan, must be completed to the satisfaction of and at no cost to VicRoads and the Responsible Authority.***

- 36. *Where the proposed roadworks, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required, at no cost to VicRoads or the Responsible Authority. Prior to the commencement of the permitted use (unless otherwise agreed in writing by VicRoads), the developer must engage a licensed***

---

*surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.*

- 37. Where the proposed roadworks, including footpath and nature strip, lie within the subject land the permit holder must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the Planning and Environment Act 1987, to provide for the permit holder to reimburse all costs incurred by VicRoads and the responsible authority associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to RDZ1 pursuant to the provisions of the Planning and Environment Act 1987.*
- 38. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*
- 39. A traffic impact assessment of the post-development impact of the retail development and corresponding access and mitigating works must be submitted to VicRoads and the Responsible Authority, within 15 months of completion of works.*

*Public Transport Victoria conditions (ref: DOPT2015/0075)*

- 40. The existing bus stop and associated infrastructure on Snedden Drive must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*
- 41. Prior to the commencement of works, a construction management plans must be submitted to and approved by Public Transport Victoria and the Responsible Authority. The plan must be prepared by a suitably qualified person and must identify potential disruptions to bus operations during construction and contain suitable mitigation measures to the satisfaction of Public Transport Victoria. The permit holder must take all reasonable steps to ensure that disruption to bus operation is kept to a minimum during the construction of the development.*
- 42. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
  - The development is not started before 4 years from the date of issue.*
  - The development is not completed before 6 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 six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

*NOTES:-*

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *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.*
5. *Any new drainage connections onto a Council easement drain and 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.*
6. *Use of Easement approval is required. Approval should be given subject to the registration of a Section 173 Agreement on title between the owners and Council, protecting Council's future drainage maintenance rights.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and civil works within the road reserve and these works are to be inspected by Council (tel. 9518 3690).*
8. *Occupants of this development (including tenants and residents) will not be eligible for parking permits.*

In response to a question from Cr Saloumi regarding the 14 storey height of the proposed development in a C120 area, and the size of the balconies, the Director City Development advised the Council that the overall height of a development was the main consideration, and this was determined, in part, by ceiling heights and the level of the ground, with the height envelope set in metres. In relation to the size of the balconies, applications for other developments had been refused, partly because the size of the proposed balconies did not meet the then State Government planning requirements. He advised that these requirements had changed over time.

**CARRIED**

**1.4 10 Bosco Street, Chadstone – 2 Storey Extension to the Existing School**

Moved Cr Davies,

Seconded Cr Klisaris

*That Council resolves to Grant a Planning Permit (TPA/48220) for a two storey extension and modification to the existing building associated with Salesian College (Education Centre), at 10 Bosco Street, Chadstone 3148 subject to the following conditions:*

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



- 
2. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
  3. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
    - e) *transport of materials, goods or commodities to or from the land;*
    - f) *appearance of any building, works or materials;*
    - g) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
    - h) *presence of vermin;*
  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. *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.*
  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 address the following issues:*
    - j) *measures to control noise, dust and water runoff;*
    - k) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
    - l) *the location of where building materials are to be kept during construction;*
    - m) *site security;*
    - n) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
    - o) *on-site parking of vehicles associated with construction of the development;*
    - p) *wash down areas for trucks and vehicles associated with construction activities;*
    - q) *cleaning and maintaining surrounding road surfaces;*
    - r) *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. *All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*

9. *No 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.*
10. *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.*
11. *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.*
12. *Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:*
- a) *Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.*
  - b) *Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
  - c) *Document the means by which the appropriate target or performance is to be achieved.*
  - d) *Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
  - e) *Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
  - f) *Any relevant requirements of endorsed plans forming part of this permit.*

---

*All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.*

*13. Prior to the occupation any of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.*

*14. 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.*

*15. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*

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

*17. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the City of Monash Engineering Division.*

*The plan 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 stormwater connection for the site is to the western boundary of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Council pit in the easement along western boundary of the property 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.*

*18. 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.*

**NOTES:-**

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
3. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).*
4. *One printed copy 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. *No buildings are allowed over easement. All the walls and their foundations shall be away from easement boundary.*

**CARRIED**

**1.5 618-668 High Street Road, Glen Waverley – Construction of a New Building Comprising Classrooms, Library, Administration, School Chapel & Theatre at Wesley College**

Moved Cr McCluskey,

Seconded Cr Little

*That Council resolves to Grant a Planning Permit (TPA/48098) for the buildings and works associated with the construction of a new building comprising classrooms, library, administration, school chapel, theatre, outdoor landscaped spaces and rainwater tanks in association with the existing education centre (Wesley College), at 618-668 High Street Road, Glen Waverley subject to the following conditions:*

1. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
2. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
3. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
  - i) *transport of materials, goods or commodities to or from the land;*
  - j) *appearance of any building, works or materials;*
  - k) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - l) *presence of vermin;*

- 
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. *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.*
  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 address the following issues:*
    - s) *measures to control noise, dust and water runoff;*
    - t) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
    - u) *the location of where building materials are to be kept during construction;*
    - v) *site security;*
    - w) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
    - x) *on-site parking of vehicles associated with construction of the development;*
    - y) *wash down areas for trucks and vehicles associated with construction activities;*
    - z) *cleaning and maintaining surrounding road surfaces;*
    - aa) *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. *All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
  9. *No 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.*
  10. *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.*

11. *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.*
12. *Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:*
  - a) *Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.*
  - b) *Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
  - c) *Document the means by which the appropriate target or performance is to be achieved.*
  - d) *Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*
  - e) *Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
  - f) *Any relevant requirements of endorsed plans forming part of this permit.*

*All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.*
13. *Prior to the occupation any of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must*

---

*be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.*

*14. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*

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

*16. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the City of Monash Engineering Division.*

*The plan must show a drainage scheme providing for the collection of stormwater within the site and for the existing internal drainage network.*

*17. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath.*

*18. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge.*

*19. 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.*

**NOTES:-**

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- 3. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).*
- 4. One printed copy 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.*

**CARRIED**

**1.6 179 Carinish Road, Clayton – Construction of a Three Storey Apartment Building Comprising 26 Dwellings and Basement Car Park and Waiver of Visitor Parking**

Moved Cr Fergeus,

Seconded Cr James

*That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/47018) for the construction of a three storey apartment building comprising 26 dwellings and basement car park and waiver of the visitor parking requirements of Clause 52.06 of the Monash Planning Scheme at 179 Carinish Road, Clayton subject to the following grounds:*

- 1. The proposal does not meet the objectives of Clause 15 Built Environment and Heritage, Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 22.05 Tree Conservation Policy in terms of building bulk and massing, insufficient landscaping opportunities and site integration with the street.*
- 2. The proposal does not meet the following objectives of Clause 55 of the Monash Planning Scheme:*
  - Clause 55.02-1 Neighbourhood Character*
  - Clause 55.02-5 Integration with the Street*
  - Clause 55.03-8 Landscaping*
  - Clause 55.04-1 Side and Rear Setbacks*
  - Clause 55.05-4 Private Open Space*
  - Clause 55.05-5 Solar Access to Open Space*
  - Clause 55.06-1 Design Detail*
  - Clause 55.06-2 Front Fences*
  - Clause 55.06-4 Site Services*
- 3. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to car parking.*
- 4. The proposal is an overdevelopment of the site.*

Cr Saloumi said that the site was opposite a rail line where elevated rail was being installed, near to the Monash Medical Centre and the Clayton shopping centre. She added that the area could accommodate greater density

The Director City Development advised that there were concerns with the physical aspects of the proposal, particularly the bulk of the proposed building.

Cr Fergeus said that he agreed with Cr Saloumi to a degree, but that the proposed development did not meet the requirements of local planning policies.



---

Cr James stated that he agreed with Cr Saloumi regarding density in the area, but the proposal failed to meeting planning policies and was not an appropriate proposal. He added that quality housing was needed.

Cr Davies said that if the bulk and scale of the proposed development was the only issue, that could be addressed, but there were a number of other concerns with the proposal that lead to a refusal and there was a need for an improvement of the amenity of the area.

**CARRIED**

**1.7 445-467 Blackburn Road, Mount Waverley – Construction of a 10 Storey Building Comprising Hotel, Retirement Village, Child Care Centre, Medical Centre and Food and Drink Premises**

Moved Cr Little,

Seconded Cr James

- A. *That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/47337) for the construction of a multi-level building (up to 10 storeys in height) for multiple dwellings and accommodation; use of land for a residential hotel, retirement village, child care centre, medical centre, convenience shop and food and drink premises; reduction in the car parking requirement of Clause 52.06; reduction in the loading and unloading requirements of Clause 52.07; reduction in the bicycle facilities requirements of Clause 52.34 at 445-467 Blackburn Road, Mount Waverley subject to the following grounds:***
- 1. *The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.***
  - 2. *The proposal is not consistent with the objectives, strategies and urban design principles of Clause 15.01 of the Monash Planning Scheme.***
  - 3. *The proposal is out of character with the existing development in the surrounding area.***
  - 4. *The proposed scale and form of the development is excessive and unjustified.***
  - 5. *The proposal would have a poor level of internal amenity for future residents.***
  - 6. *The proposal would have a detrimental impact on the amenity of surrounding land.***
  - 7. *The proposal is considered an overdevelopment of the land.***
  - 8. *The application does not provide for sufficient car parking.***
  - 9. *The application does not provide for sufficient bicycle facilities.***
  - 10. *The proposed land use is inadequately justified and inappropriate having regard to the proper and orderly planning of the area.***
  - 11. *The proposal does not satisfy the requirements of Vic Roads.***

---

Cr Little said that this was an extraordinary proposal for a residential area; it did not fit in with planning requirements and a refusal of the application was the correct decision for the Council to take.

Cr Davies said that he supported the motion; the proposal represented an over-development of the site and there were difficulties in accessing the site from Blackburn Road. He added that he considered that a 10 storey development was too high.

**CARRIED**

**1.8 2263-2267 Dandenong Road, Mulgrave – Construction of a 3-4 Storey Residential Apartment Building and 2-3 Storey Townhouses Comprising 93 Dwellings/Apartments**

Moved Cr Fergeus,

Seconded Cr Klisaris

*That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/47349) for the construction of a multi level residential development (up to 4 storeys) comprising 93 dwellings/apartments; reduction in onsite visitor parking; alteration of access to a Road Zone Category 1 (removal of crossover to Dandenong Road) at 2263-2267 Dandenong Road, Mulgrave subject to the following grounds:*

- 1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.*
- 2. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighbourhood Character, Building Height, Landscaping, Overlooking and front setback.*
- 3. The proposal is out of character with the existing development in the area in particular with regard to street setback, mass, bulk and scale.*
- 4. The proposal would have a detrimental impact on the amenity of adjoining residential properties in relation to visual bulk and overlooking.*
- 5. The proposal does not satisfy the car parking requirements of clause 52.06 of the Monash Planning Scheme.*

**CARRIED**

**1.9 3 Katandra Court, Mount Waverley – Removal of Two (2) Trees**

Moved Cr Paterson,

Seconded Cr Fergeus

*A. That Council resolves to Grant a Planning Permit (TPA/48209) for removal of two trees at 3 Katandra Court, Mount Waverley subject to the following conditions:*

- 1. Prior to the removal of the Corymbia citriodora (Lemon Scented Gum) an amended plan must be submitted to the Responsible Authority showing/specifying retention of Tree 2, the Liquidambar styraciflua.*
- 2. Only the Lemon Scented Gum is permitted to be removed.*

- 
3. *Prior to the removal of the *Corymbia citriodora* (Lemon Scented Gum) a landscape plan or similar, 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. The plan must show replacement canopy planting comprising at least one tree with spreading crown. The tree must have a height at maturity of 6 metres minimum and advanced planting must be specified. When approved the plan will be endorsed and will then form part of the permit.*
  4. *The replacement tree must be planted within three months of the removal of the Lemon Scented Gum. The Responsible Authority must be advised in writing when the replacement tree has been planted to enable the site to be inspected.*
  5. *The Responsible Authority must be notified in writing within 14 days of the removal of the *Corymbia citriodora*.*
  6. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the subject tree is not removed within two years of the date of this permit. In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards.*

**B. That Council write to the owner advising that:**

1. *Any construction in the vicinity of the *Liquidambar styraciflua* at the front of the site must be based on arboricultural advice. Construction must be root sensitive using screw piles supporting footing system with above-grade edge beams and with no site cut/fill, no excavation and with no retaining wall(s).*

**CARRIED**

**1.10 Town Planning Schedules**

Moved Cr Saloumi,

Seconded Cr Fergeus

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

Cr Saloumi said that planning amendments C103 and C133 which related to parking overlay schemes for Glen Waverley and Oakleigh Activity Centres had been refused by the Minister for Planning. She said that the amendment was relied upon for the proposed development of a 1,200 space car park in Montclair Avenue, with 400 of those spaces funded from such a scheme. Cr Saloumi said that the proposal was now in jeopardy. She added that the scheme was originally expected to bring in \$22,000 per car parking space but it was likely that \$11,000 per space would be generated.

POINT OF ORDER

Cr James called a Point of Order, saying that Cr Saloumi's statements were irrelevant to the item.

---

The Mayor stated that as Cr Saloumi was speaking about a matter that was in the Schedules, he would not uphold the Point of Order and invited Cr Saloumi to continue.

Cr Saloumi said that she wanted to bring this matter to the Council's and ratepayers' attention as the proposed car park had been the subject of a big announcement towards the end of 2016.

**CARRIED**

#### **1.11 Proposed Road Discontinuance and Sale to 10 & 12 The Avenue, Oakleigh**

Moved Cr Davies,

Seconded Cr Little

*That Council:*

- 1) Notes that the sections of road as shown hatched on the plan in Attachment 1 at the front of the properties at 10 and 12 The Avenue Oakleigh, was historically set aside to construct a cul de sac, and is no longer required as part of The Avenue or for any other municipal purpose.*
- 2) Notes that the sections of road have always been occupied and maintained by the owners of 10 and 12 The Avenue Oakleigh as part of their front yards, and that the property owners have paid rates on the Land.*
- 3) Notes that these sections of the road are now an anomaly that should be discontinued and incorporated with the property owner's land at 10 and 12 The Avenue Oakleigh, respectively.*
- 4) Acting under Clause 3 of Schedule 10 to the Local Government Act 1989 ("the Act") and being of the opinion that parts of the road as shown in Attachment 1 abutting the subject properties at 10 and 12 The Avenue Oakleigh, being Lots 1 and 2 ("Land") on Title Plan 958343M ("Title Plan") is not reasonably required as road, resolves:
  - a) to commence the statutory procedures under Sections 189, 207A and 223 of the Act, to discontinue the road abutting the front of the properties at 10 and 12 The Avenue Oakleigh, by giving public notice of the proposed discontinuance in the Monash Leader newspaper stating that Council proposes to discontinue and sell the Land (as shown in the survey plan in attachment 1) to the abutting owners of 10 and 12 The Avenue Oakleigh respectively; and*
  - b) to appoint a Committee of Council, comprising the Oakleigh Ward Councillors to consider submissions received under Section 223 of the Act at a time and date to be fixed.**
- 5) Resolves that should no submissions be received in accordance with Section 223 of the Act, that:
  - a) The Land is not reasonably required for public use as a road, is discontinued and is to be sold to the respective adjoining owners;*
  - b) The Chief Executive Officer or her delegate be authorised to:
    - i. to publish the Notices of Discontinuance in the Victoria Government Gazette vesting the Land in Council.***

- 
- 
- ii. *upon the vesting of the Land in Council, to enter into negotiations for the sale of the Land from the road to the occupying abutting landowners; and*
- c) to sell Lots 1 and 2 on the Title Plan to the owners of 10 and 12 The Avenue Oakleigh respectively for nominal consideration of \$1 (inclusive of GST) plus payment of associated costs and execute all relevant documentation required to effect the road discontinuance and sale.

**CARRIED**

**2. COMMUNITY DEVELOPMENT AND SERVICES**

Nil

**CARRIED**

**3. CORPORATE SERVICES**

Nil

**4. INFRASTRUCTURE**

**4.1 Civic Centre Air Handling Unit (AHU) Upgrade**

Moved Cr Paterson,

Seconded Cr James

*That Council:*

- 1. Accepts the lump sum tender price of \$686,873 (GST inclusive), or \$624,430 (GST exclusive) from Inter-Chillers Pty Ltd for Contract No. CF 2018007 for the upgrade of the air handling units at the Civic Centre.*
- 2. Approves a project contingency of \$30,688 (GST exclusive) for the upgrade to assist with any latent conditions and that design fees of \$10,000 (GST exclusive) and project management fees of \$19,882 (GST exclusive) be noted.*
- 3. Notes the anticipated project expenditure of \$685,000 (GST exclusive) for the construction works, documentation and supervision.*
- 4. Authorises the Chief Executive Officer to approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED**

**4.2 Tender for Segmental Paving, Brickwork, Retaining Walls & Minor Works**

Moved Cr Paterson,

Seconded Cr Fergeus

*That Council:*

- 1. Awards Contract 2018005 to Van Hooydonk Pty Ltd for the provision of Segmental Paving, Brickwork, Retaining Walls & Minor Works for a period of one (1) year with three (3), two (2) year extension options for the schedule of rates submitted with their tender (estimated annual expenditure \$850,000 GST incl.).*
- 2. Authorises the Chief Executive Officer to execute the contract agreement.*
- 3. Authorises the Chief Executive Officer at her discretion to approve each of the extension options subject to satisfactory performance.*

**CARRIED**

**4.3 Reserve Signage – Supply and Installation 2017/18**

Moved Cr Paterson,

Seconded Cr Fergeus

*That*

- 1. Council accepts the tender from Consolidated Signage Pty Ltd to undertake the next stage of Reserve Signage - Supply and Installation works throughout the City of Monash for the lump sum of \$529,447 (GST incl.).*
- 2. Notes the anticipated project expenditure of \$557,000 (GST excl.) inclusive of contract lump sum, contingency, provisional items and project management fees.*
- 3. The Chief Executive Officer be authorised to execute the contract documents and approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED**

**4.5 Shared Pathway Construction and Intersection Works Hanover Street, Oakleigh**

Moved Cr Fergeus,

Seconded Cr James

*That:*

- 1. Council accepts the tender of Allgood Contracting Pty Ltd to undertake the construction of the shared pathway along the western side of the Hanover Street Bridge and intersection improvements at the northern and southern approach roundabouts to the bridge, for the adjusted lump sum of \$906,723.40 (GST inclusive).*
- 2. The anticipated project expenditure of \$960,000 (GST exclusive) for the works (including the contingency, design, provisional items and works management fees) be noted.*
- 3. The Chief Executive Officer be authorised to execute the contract documents and approve any contract variations that are contained within the anticipated project expenditure.*

Cr James noted that this project had to be re-tendered as the first contractor appointed by Council had not been able to undertake the work. He noted that the Council had obtained funding from VicRoads to improve pedestrian access in the area.

**CARRIED**

#### **4.6 Request for CEO Delegation for Environmental Upgrade Agreements**

Moved Cr Fergeus,

Seconded Cr James

*That Council in accordance with the section 181H of the Local Government Act 1989, resolves to delegate to the Chief Executive (or anyone acting in the role of the Chief Executive from time to time) the power to:*

- 1. Enter into an Environmental Upgrade Agreement on behalf of the Council.*
- 2. Declare and levy an Environmental Upgrade Agreement charge.*

Cr Fergeus said that he was pleased to see this scheme proceeding, noting that it involved an agreement between a property owner, a bank and a council to facilitate a building upgrade to improve energy efficiency. EUA's allowed for the tenants and building owners of commercial and industrial property to collaborate on energy, water and waste projects that reduced environment impact operating costs.

**CARRIED**

#### **4.7 Supply of Granite Paving – Atherton Road, Oakleigh**

Moved Cr James,

Seconded Cr Fergeus

*That Council*

- 1. Accepts the revised lump sum tender price of \$511,852.69 (GST inclusive) submitted by Glory Marble and Granite for the supply and delivery of Granite Pavers for Atherton Road, Oakleigh.*
- 2. Notes the anticipated project expenditure of \$515,000.00 (GST exclusive) for the supply and delivery of Granite Pavers for Atherton Road, Oakleigh (including contingency and works management fees).*
- 3. The Chief Executive Officer be authorised to execute the contract documents and approve any contract variations that are contained within the anticipated project expenditure.*

**CARRIED**

---

---

**5. CHIEF EXECUTIVE OFFICER'S REPORTS**

**5.1 Assembly of Councillors Record**

Moved Cr Klisaris,

Seconded Cr Paterson

*That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.*

Cr Davies said that he had comments on the Monash Community Safety Innovation Board. He said that he had voted against establishing the committee; he thought that it was politicised and didn't think that it had measurable outcomes. HE said that he had 3 specific issues. He said that he wasn't happy with the committee's objective, which was to tackle the underlying causes of the community's perception of community safety. Cr Davies said that his view was that this was political spin rather than addressing the underlying issues. He noted that this was an election year and for this to be politicised was poor. Cr Davies said that the councillor representatives on the committee all came from Labor Party factions. HE said that he saw this as poor governance.

POINT OF ORDER

Cr Paterson called a Point of Order, saying that Cr Davies' remarks about all councillors on the committee being members of Labor Party factions was defamatory.

The Mayor said that he had heard that comment and asked Cr Davies to refrain from using that kind of language and asked him to retract those words, and if he did not, would ask him to terminate his contribution to the item.

The Mayor upheld the Point of Order and

POINT OF ORDER

Cr James called a Point of Order, saying that Cr Davies' comments were irrelevant to the item.

The Mayor upheld the Point of Order, asking Cr Davies to withdraw his remarks.

Cr Davies denied making the remarks described by the Mayor.

POINT OF ORDER

Cr James raised a Point of Order, saying that this was irrelevant to the matter before Council as the matter concerned the receipt of the records of assemblies of councillors, not the business that these assemblies had dealt with.



The Mayor upheld the Point of Order and asked Cr Davies to conclude his contribution.

Cr Davies said that he would refer specifically to the assembly of councillor record which said that the committee was discussing Budget, timelines and Victorian State Government State Election 2018. He said that the committee was working towards a political timeline as opposed to Council's

#### POINT OF ORDER

Cr Paterson raised a Point of Order.

The Mayor said that he knew what the Point Of Order was about and told Cr Davies had been warned about the content of his contribution and that he would no longer be heard on this item.

Cr Paterson clarified that Cr Davies had not retracted his statement regarding Labor Party members, as the Mayor had requested him to do.

The Mayor asked Cr Davies to withdraw his statement about the committee members.

Cr Davies denied that he had referred to them as Labor Party hacks, saying that he had said that they came from a Labor Party faction.

In response to the Mayor's request to withdraw his statement, Cr Davies said that he believed that what he said was correct, but was happy to change the words to refer to 'one faction of Council'.

Cr Zographos said that he didn't think that it was irrelevant to mention the matters discussed at an assembly of councillors. He said that the Council could accept the report or vote it down.

#### POINT OF ORDER

Cr James raised a Point of Order, saying that Cr Zographos' comments were irrelevant to the matter before Council. The item related to a record of what had taken place at assemblies of councillors.

The Mayor upheld the Point of Order and asked Cr Zographos to address the item before Council and refrain from personal reflections.

Cr Zographos sought the Mayor's advice on what he could speak about.

The Mayor advised that the item related to records of assemblies of councillors; that is all that it related to. He said that the Council was noting attendances and the matters that had been discussed. The Mayor said that it was not a running commentary on what councillors thought or what they perceived was happening.

Cr Zographos said that he comment on the fact that there was a meeting held on 27 November 2017, where the November 2018 State election was discussed.

**CARRIED**

**5.2 Quotation for the Lease and Maintenance Agreement for Three Multifunctional Devices for the Ibis Building**

Moved Cr James,

Seconded Cr Little

*That Council:*

- 1. Accepts the quotation from Fuji Xerox for Contract No. 2018063, for the lease, maintenance agreement, consumables and estimated copy charges of three (3) multifunctional devices for a period of 60 months and a lump sum and schedule of rates estimate totalling \$450,788.58 including GST (60 month Lump Sum Lease total \$109,568.58 including GST and 60 month estimated copy charges \$341,220.00 including GST).*
- 2. Authorises the Chief Executive Officer to execute the 60 month lease and maintenance agreement contract agreement.*

**CARRIED**

**6. NOTICES OF MOTION**

**6.1 Discretionary Fund Applications**

Moved Cr Klisaris,

Seconded Cr Fergeus

*That Council resolves to approve the following application for funding from the Councillors Discretionary Expenditure Fund:*

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Hindi Niketan Inc.</i>	<i>Hire charge of community facility for VCE Hindi Awards</i>	<i>\$478 excl. GST</i>

**CARRIED**

**6.2 Council Representation on Organisations/Committees**

Moved Cr Paterson,

Seconded Cr James

*That Council*

- 1. Appoints the Council representatives to the various organisations and committees for 2018.*

- 
- 2. Resolves to re-name the Monash Community Safety Innovation Board the Monash Community Safety Special Advisory Committee.**
  - 3. Resolves to dissolve the Glen Waverley Activity Centre Steering Committee.**
  - 4. Adds the Mayor as a substitute representative to the Oakleigh Activity Centre Advisory Committee.**

AMENDMENT

Moved Cr Klisaris,

Seconded Cr Little

**5. That the Terms of Reference for the Community Grants Program Evaluation Panel be amended to:**

- a) remove reference to the number of councillors to be appointed to the Panel; and**
- b) establish the quorum of the Panel as 50 percent of the number of councillors appointed to it, at any time.**

As this amendment was acceptable to the mover and seconder of the motion, and to the Council, it became part of the substantive motion.

The Mayor explained the reason for his amendment, saying that, in principle, he supported an odd number of members, to avoid the possibility of a tied vote.

Cr Davies said that the Panel had existed for some time and he had served on it previously and it had had 6 members for a number of years, without any issue. He added that there was no need to change that.

AMENDMENT

Moved Cr Zographos,

Seconded Cr Fergeus

**That part 6 be added to the motion, as follows: 6. That the schedule of appointments to committees, on page 2 of the Notice of Motion be amended by the inclusion of Cr Davies' name to the members of the Community Grants Program Panel.**

Cr Zographos said that Cr Davies wanted to serve on the Panel and had so previously, and this was a straightforward amendment.

Cr Saloumi said that she was confused as there had never been 6 councillors attending the Panel meetings, in 2017. She added that it was fair to provide Cr Davies with the opportunity to participate on the Panel.

Cr Davies said that he believed that he could make a contribution to the Panel and had interaction with a wide range of community groups through his work with the Pinewood Community Bank. He added that he could add value to the Panel and had served on it previously. Cr Davies also stated that he did not consider that he would have a conflict of interest.

---

Cr James said that he would not support any further amendments, as, in his view, the Mayor should bear the responsibility of making appointments to the committees.

Cr McCluskey said that he supported the Mayor having the role of making appointments to the committees.

**LOST**

**DIVISION**

A division was called

For: Crs Davies, Zographos, Saloumi, Fergeus

Against: Crs Little, Paterson, McCluskey, Klisaris, James

**SUBSTANTIVE MOTION**

Cr Saloumi said that she favoured dissolving the Glen Waverley Activity Centre Steering Committee as its only focus had been the development of the Central Car Park. She noted that the proposed development of the Montclair Avenue car park was jeopardised by the Minister for Planning's refusal to approve the planning amendment and that perhaps the Council could consider establishing a committee, in the future, with a wider stakeholder group.

Cr Zographos said that the Council decided who was to be appointed to committees and external bodies and councillors had not been given that opportunity in this instance, receiving the list from the Mayor at the end of the last councillors' briefing meeting. He said that it was appropriate for the Council to amend the list of proposed appointments. Cr Zographos said that was against the appointment of Cr Lake to the MAV, as he had been Council's delegate to that body for too long and did not follow the direction of councillors in representing the Council's views at the MAV. Cr Zographos added that he had enjoyed being involved on the committees that he had been part of in 2017 and looked forward to the year ahead.

Cr Davies said that he was disappointed that he had not been appointed to the Community Grants Program Panel and was surprised that there was a proposal to dissolve the Glen Waverley Activity Centre Steering Committee, as that committee was needed and he would be happy to serve as a member of any such committee in the future.

**CARRIED**

**6.3 Monash Crime and Offence Statistic Update**

Moved Cr Davies,

Seconded Cr Saloumi

---

*That Council notes the below statistics recently reported by the Victorian Crime Statistics Agency and other data.*

Cr Davies said that crime in Monash had increased by 22 percent over the last 4 years and growing faster than in surrounding municipalities which are similar to Monash. He added that they were the cities that many of the councillors (on the Monash Community Safety Advisory Committee) lived in. Cr Davies said that the message being given was not to reduce the issue of crime but reduce the perception that there was a problem, which was a poor message. He said that the motion was stating the facts regarding crime and the focus could not be on just the last 12 months; it had to be on the trend. Cr Davies said that some people wanted to promote the message that crime had gone down in the last 12 months, but it was up by 22 percent over the last 4 years. He said that the facts needed to be put out there and discussed and hoped that the committee recognised that there was a crime problem and would address those issues. Cr Davies said that he did not agree with Council officers that the focus should be on a positive message; he had his own position, ideas and advocacy that he wanted to raise. He said that the real figures needed to put out there and the committee appointed to address the issues should do so and noted the committee's objectives.

Cr Saloumi noted that a family member's vehicle had recently been broken into, with belongings stolen, with the response by police being delayed. She added that it appeared that such crimes were being committed by individuals from outside of Monash, targeting affluent areas in the municipality and that there was a crime problem in Monash.

Cr James said that the motion was 30 years too late, noting that when he was young, his family home had been broken into and it took the police 4 hours to respond. Cr James noted that the table of statistics that Cr Davies had used only identified 3 neighbouring councils, but Monash had 7 neighbouring councils and the ones left off the list had higher crime rates than Monash. Cr James said that Cr Davies wanted the Council to encourage the State Government to make operational decisions related to policing matters.

**RIGHT OF REPLY**

Cr Davies said that he had listed those councils relevant to where the committee members lived. He added that the committee needed to advocate for police resources in Monash and not promote spin. Cr Davies said that crime was a serious issue in Monash and needed to be addressed.

**LOST**

**DIVISION**

For: Crs Davies, Zographos and Saloumi

Against: Crs Little, Fergeus, Paterson, McCluskey, Klisaris

---

Cr James was absent from the Chamber at the time of the Division

#### 6.4 oBikes in Monash

Moved Cr Zographos,

Seconded Cr Davies

*That Council resolves that:*

- 1. Any oBikes left on any public or council land in Monash be removed immediately by council bylaws officers.*
- 2. An accompanying cost will be provided to council before oBikes Asia Pty Ltd can redeem the bikes.*

Cr Zographos sought the Council's consent to add the following words to the end of part 1 of his motion: "where the bikes obstruct the use of Council land."

This amendment was agreed to by the Council.

Cr Zographos explained that his intent was to ensure that his motion aligned with the provisions of Council's Local Law No.3 - Community Amenity and focus on those bikes that created a problem. He added that this was a business model that could create problems or obstructions, which, although not a great issue for this Council, now, could be so, in the future and that the Council needed to be cognizant of that. Cr Zographos also noted that other operators were also entering the market.

#### PROCEDURAL MOTION

Moved Cr James,

Seconded Cr Fergeus

*That Cr Zographos be granted an extension of time to speak, of 1 minute.*

**CARRIED**

Cr Zographos continued, saying that the company that operated the business was the owner of the bikes and should be responsible for them.

The Director City Development advised that Council officers would take action where a bike was causing an obstruction.

Cr James said that he agreed with charging the bike owners for releasing impounded bikes and this matter was an issue that had been discussed at the Metropolitan Transport Forum. He added that the Minister for Planning had said that councils needed to legislate on this, but it was a State issue and the Minister for Planning needed to provide guidance and advice on how to handle the matter as the problem would become worse and a solution was needed.

Cr Saloumi said that a Monash university study had shown that a bike share system was not working in Australia and that there was a cost for removing abandoned

bikes. Cr Saloumi also noted that it has been suggested that this data collection rather than bike sharing, with people's data collected from bike users. Cr Saloumi noted that the removal of bikes that caused a problem created costs for councils. She added that the bike share system was not being used the way that it was meant to be.

Cr Little said that based upon the officers' advice that the desired outcome sought by the Motion cannot be achieved as it is beyond Council's powers to impound a bike solely on the basis of who owns and operates the bike, the motion should not be carried.

Cr Fergeus thanked Cr Zographos for amending his motion as it went some way to addressing what Cr Little just raised. However, he would not support the motion, partly because the Council had received advice that an obstacle could be removed from Council land. He noted that issues with bike share schemes would continue and that a better approach would be to reach out to the share scheme operators on how to better manage the issue across Monash.

Cr Paterson said that Council officers were already acting to remove obstructions on Council land, impounding them and charging owners for their release. She added that there was no value to amending Local Law No.3 to address the issue.

Cr Davies said that these bikes were like hard rubbish and it was important for community amenity that this issue was addressed.

#### RIGHT OF REPLY

Cr Zographos said that he would be agreeable to the Council reaching out to the owners of oBikes and that the problem was a Council issue because it was occurring on Council land. He added that part 2 of his motion referred to a fee being applied to have impounded bikes released back to the owners.

**LOST**

#### DIVISION

A Division was called.

For: Crs Davies, Zographos and Saloumi

Against: Crs Little, Fergeus, Paterson, McCluskey, Klisaris, James

### **6.5 Provision of Green Open Space in the Glen Waverley Principal Activity Centre (GWPAC)**

Moved Cr Saloumi,

Seconded Cr Davies

*Council directs Council Officers to:*

- 1. Forecast the future change in the GWPAC by 2034 and determine what is required to meet the open space needs of that change.*

- 
- 2. Identify the land that will be allocated/retained or purchased in order to fully satisfy the needs identified by that analysis.*
  - 3. Agree in principle to submit the resultant open space plan for GWPAC to the Office of the Victorian Government Architect for a peer review.*
  - 4. Considers these outcomes within the context of the Monash Open Space Strategy*

Cr Saloumi said that she supported a green space audit for Glen Waverley and her motion concerned the Structure Plan for the Glen Waverley Principle Activity Centre and the open space consultancy that was used for Amendment CI125 in 2013, when they both suggested reviewing the continuing change of the area and address what was needed for future growth. Cr Saloumi said that since the Structure Plan and Master Plan, 8 million people were expected to live in Melbourne. She said that other cities were determining whether they needed extra open space for an increasing population. Cr Saloumi said that the Council was saying that its priorities were a liveable and sustainable city, inviting open and urban spaces, inclusive communities. She said that she wanted that replicated in determining the needs relating to liveability in Glen Waverley. Cr Saloumi referred to a study done in Russell Street Melbourne, which showed that on a 27 degree day, the radiant heat from the footpath was over 80 degrees. She added that such conditions created problems and affected the quality of living and that she did not want Melbourne to end up like Hong Kong or Shanghai, where residents were using face masks, regularly. Cr Saloumi noted that the construction of Bryant Park in New York had contributed to an increase in the value of properties located around it. Cr Saloumi added that population forecasts and right amount of open space needed to be determined, and to have this reviewed by the Victorian Government Architect, for a peer review. He urged councillors to support the motion.

Cr Little thanked Cr Saloumi for bringing this matter to the Council's attention and said that there was a legitimate point that had been made about the rising population, with growth taking place at a higher rate than envisaged 10 years ago. Cr Little added that he was comfortable that the Council had processes in place that were addressing the open space issue. He said that the Glen Waverley Activity Centre Master Plan and Structure Plan addressed the issue of open space and the Draft Monash Open Space Strategy, which was currently being reviewed and it had a lot of strong points about the addition of open space in Monash. Cr Little said that it was not appropriate to engage in the additional point of work that the motion was asking for.

Cr James said that Cr Saloumi's passion on this topic was unrivalled. He said that he agreed that an open space strategy was needed, but one that addressed the needs of the whole municipality rather than just one part of it, which is what was currently being done with the Draft Open Space Strategy and the Strategy had been the subject of public consultation in 2017 and was currently being reviewed. Cr James said that the motion was premature and the Council needed to wait for the results of the review. He noted that the Strategy incorporated the Glen Waverley Principle Activity Centre.

Cr Paterson said that there were a number of councillors who were passionate about having open space in the municipality. She noted that councillors in the



---

previous Council, worked hard to ensure that there was an open space strategy and a vegetation strategy funded in the Budget, and the Council had worked hard on Amendment C125 and seeking to ensure that vegetation was protected. Cr Paterson noted that a number of councillors had been working on these issues for a very long time. Cr Paterson said that a person may be elected to Council and seek to have certain objectives realised quickly. She said that she learned that it could take time and patience to see things come to fruition, and noted some of her experiences. Cr Paterson said that Cr Saloumi wanted to see her issues on Glen Waverley addressed quickly and that was fantastic, but the Council had things in train already through the open space strategy and the Council needed to wait for the outcome of the review of the strategy. Cr Paterson noted that it had taken a number of years to get to the point of the strategy being put out to public consultation and then being reviewed. Cr Paterson said that commencing a new strategy specifically for Glen Waverley would take the Council several years to get to the point that the open space strategy was at now. Cr Paterson said that in the interests of saving time and money the Council needed to concentrate on the current open space strategy as the whole of Monash deserved open space, not just Glen Waverley.

Cr Davies said that the Council had developed the Strategy and Structure Plan for Glen Waverley and a library development project in the Central Car Park, which it appeared would not go ahead, and so new plans were needed. He said that the car parking was going to be problematic, so that had to be re-thought and the community was overwhelmingly not supportive of development of that site. Cr Davies said that there was not broad-based support on Council, of a project that would take tens of millions of dollars worth of assets and cost the Council money. Cr Davies said that Cr Saloumi was seeking a re-think of the open space strategy in Glen Waverley. He said that the Council needed to do something similar to Stonnington, ie take a car park, turn it into open space and have beneath ground car parking. Cr Davies said that the ideas of 10 years ago for the development of the activity centre were no longer applicable and didn't have community support and now was a good time to start re-thinking about this.

Cr Fergeus said that he found it a difficult Notice of Motion to come to terms with. He said that he was the CEO of a not for profit organisation that promotes the therapeutic benefits of horticulture, open space, etc. But, he said, he was not convinced that this was the right mechanism. He added that there were other decisions on the activity centre that would impact on this work and the timing was critical. Cr Fergeus said that if money was to be spent outside of the Budget, it needed to be spent wisely and with the most impact. He said that he didn't think that now was the right time for the outcome that Cr Saloumi wanted, to be achieved. Cr Fergeus said that the Open Space Strategy looked at the future needs of the whole of the Monash community. He said that when he looked at Monash as a whole, this was not the area where he thought that the Council should be spending its money. Residents in Clayton had 6 square metres of open space per person compared to 33 square metres for Glen Waverley residents, at present. Cr Fergeus said that those were current figures and understood Cr Saloumi's concerns about the increasing

---

population in Glen Waverley. Cr Fergeus said that he would support Cr Saloumi, at the right time.

Cr McCluskey congratulated Cr Saloumi on her work on this matter and expressed support for the increase of green open space, generally. He said that he supported Cr Fergeus' comments, noting the work currently being done on the Open Space Strategy, which had a city-wide focus, not just focussing on Glen Waverley. Cr McCluskey said that while he would not support the motion, that position should not be taken to mean that he supported, or was against development in the activity centre and in relation to Central Car Park. Cr McCluskey said that there was a process to be followed and it was folly to try to implement something in the face of work that was already being done. He added that a clearer picture of what was needed would emerge once that work was finalised, which would be very soon and the proposed action put forward by Cr Saloumi could prove to be counter-productive to the work being done and delay it. Cr McCluskey said that him not supporting Cr Saloumi's motion did not mean that he supported any other proposal or plan, at this stage.

#### RIGHT OF REPLY

Cr Saloumi said that it would be rather ignorant not to want to know how many people would be in Glen Waverley Activity Centre. She said that the Open Space Strategy was minimal, it had one sentence on page 52, clause 113, that green open space should be considered in the activity centre. Cr Saloumi said that she was not seeking to stop any open space strategy for the remainder of the municipality; it was purely that this area was left out, and no one else was so passionate, because this was her ward and the area that she knew. Cr Saloumi said that the consultants should have included this area in the Open Space Strategy. She added that her motion was before Council because it was being proposed to sell 41-47 Montclare Avenue, which was a car park, and if sold, end up as towers. Cr Saloumi said that the Council had been provided information about the provision of open space in Montclare Avenue, but that was not going to happen because of the proposed development of a car park and the sale of 41-47 Montclare Avenue.. Cr Saloumi said that unless Council wanted to purchase land, at great cost, she suggested Council spent \$30,000 now, which was a small amount, given that \$640,000 had been spent on looking at the development of the Central Car Park for a library and high rise that no one wanted.

**LOST**

## **7. COMMITTEE REPORTS**

### **7.1 Minutes of Audit & Risk Committee**

Moved Cr Klisaris,

Seconded Cr Paterson

*That Council:*

- 
- 1. Accepts the unconfirmed minutes of the 5 December 2017 Audit & Risk Committee (the Committee); and*
  - 2. Notes that the minutes will be signed by the Chair of the Committee at the next Committee meeting, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.*

Cr Saloumi said that the Audit-General wanted the Council to consider the future needs of the population and noted that there was a self-assessment report for planning for population growth. She said that there was also a report on the Council Plan, which mentioned a liveable and sustainable city, inviting open and urban spaces, an inclusive community and responsive services, which she said was interesting as the Council had ignored the Glen Waverley community's request for open space. Cr Saloumi said that she noted that the Council was now looking at business cases for projects, which was never the case for the Central Car Park

**CARRIED**

## **7.2 Monash Young Persons Reference Group**

Cr Fergeus disclosed an indirect interest by close association in this item, as his foster sister was nominated to be a member of the Monash Young Persons Reference Group. He left the Chamber prior to Council commencing consideration of this item and returned after the Council had completed its vote on it.

Moved Cr James,

Seconded Cr McCluskey

*That Council:*

- 1. Notes the resignation of Mr Shlok Thakur, Ms Sarah Lim, Ms Sharon Zhang, Melissa Liberatore and Ms Aanchal Arora as members from the Monash Young Persons Reference Group and acknowledges their contributions to the City of Monash.*
- 2. Endorses the appointment of Ms Rosie Tu, Ms Natalia Kelly-Gerreyn, Mr Martin Li and Mr Darren Zhang to the Monash Young Persons Reference Group.*
- 3. Notes the achievements of the MYPRG for 2017.*

Cr McCluskey congratulated the outgoing Reference Group members and congratulated those nominated to join the Group. He noted the high level of commitment by Group and that it included great leaders and future leaders. Cr McCluskey said that he looked forward to working with the Reference Group again.

**CARRIED**

## **8. URGENT BUSINESS**

PROCEDURAL MOTION

---

Moved Cr Klisaris,

Seconded Cr Paterson

*That Council considers my request for the acceptance of a legal matter as an Item of Urgent Business, as part of the Confidential Business section of the agenda for the 30 January 2018 Council meeting.*

**CARRIED**

**9. CONFIDENTIAL BUSINESS**

Moved Cr McCluskey,

Seconded Cr Paterson

*That Council, having reviewed and considered the certificate in relation to the matter listed for confidential business, and being satisfied that it is appropriate and necessary to consider this matter at a closed meeting, resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificate.*

**CARRIED**

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 10.15 pm.

**10. PERSONAL EXPLANATIONS**

Nil

**11. COUNCILLORS' REPORTS**

- 11.1 Cr Zographos said that he was present at the January 2017 Council meeting where he moved a motion, which was seconded by Cr Fergeus, to approve the live streaming of Council meetings and at the November 2017 Council meeting where Council's new meeting procedures local law was adopted; and which had been used for the first time at the January 2018 meeting.
- 11.2 Cr Saloumi informed the Council of her attendance at the Australia Day Flag Raising and Citizenship Ceremony, at the Civic Centre.
- 11.3 Cr James noted the improvements made to the 2018 Australia Day Flag Raising and Citizenship Ceremony, at the Civic Centre, compared to the 2017 event. He also advised the Council of his attendance at the Friends of the Children event.

The Mayor declared the meeting closed at 10.20 pm

**MAYOR:** .....

**DATED THIS ..... DAY OF ..... 2018**