MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 13 DECEMBER 2016

at 7.00 pm

Council Chambers
293 Springvale Road,
Glen Waverley
PRESENT: Councillors R Paterson (Mayor), S James (Deputy Mayor), R Davies, J Fergeus, P Klisaris, G Lake, B Little, S McCluskey, L Saloumi, MT Pang Tsoi, T Zographos

APOLOGIES:
Nil

DISCLOSURES OF INTEREST
Nil.

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 NOVEMBER 2016

Moved Cr Klisaris, Seconded Cr Saloumi

That the minutes of the Ordinary Meeting of the Council held on 29 November 2016, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Councillor Lake tabled a petition from residents of Myrtle Street Glen Waverley requesting that Council consider traffic restrictions in the street.

PUBLIC QUESTION TIME

The Mayor advised that 2 questions had been received.
1. CITY DEVELOPMENT

1.1 29 Browns Road, Clayton (Former Clayton Primary School) Application For Development Plan Approval

Moved Cr Lake, Seconded Cr Davies

That Council resolves to approve the submitted Development Plan (David Lock Associates, June 2016) for 29 Browns Road, Clayton subject to the following modifications:

1. Alternate townhouse pairs along the Browns Road frontage modified to provide the recessive/inverted massing break on the outer edge of the townhouses.

2. The main accessway/road reserve widened to a minimum width of 9.81m between Browns Road and the first intersecting street to provide for increased landscaping and footpath width at the main entrance to the development.

3. Vehicle priority established at each of the T-intersections with the main circulating road.

4. Measures to discourage vehicles parking in the dead-end section of laneways.

5. The main vehicle crossover/access point to Browns Road is designed as a driveway crossing.

6. Footpaths within the site having a minimum typical width of 1.4m.

7. The basement access ramp to be a minimum width of 6.0m to facilitate two-way access.

AMENDMENT

Moved Cr Little, Seconded Cr James

That condition 8 be added to the motion:

8. Of the 38 townhouses shown with tandem garage, 30 townhouses are to be increased in width to 6.7 metres and shown with a double garage to the satisfaction of the Responsible Authority.

Councillor Little commented that this development was of medium density which was appropriate to the area; the developers approach was laudable and it wrestled with the aspects of quality which were not appropriate to Monash. The aspects mentioned were
that the 30 townhouses were very small and very narrow with limited natural lighting, the two tandem garages on the ground level were at the front and rear of each other and with the roadway being narrow it will make it very difficult to navigate exiting from the apartments. He requested to make these townhouses 6.7 metres wide which would provide more liveable spaces.

Councillor James commended Councillor Little on this Amendment and urged Council to vote for it, he stated on the current plan, that 4.7 metres is not wide enough and he made a point to say that it’s important to keep the green character of the suburbs within Monash.

Councillor Lake asked for advice from the Director City Development about the practical impact for the plans for the 30 townhouses changing the width from 4.7 metres to 6.7 metres and questioned why they haven’t had a concern around these matters previously.

The Director of City Development responded and said that a dwelling of 4.7 metres width offered a different type of dwelling offer and from a liveability perspective it is not uncommon to have this type of dwelling width.

Councillor Lake said that he would be hesitant to vote for this type of amendment as he wanted to follow the advice of the officer; however he acknowledged that Councillor Little was concerned by this development.

Councillor Zographos thanked Councillor Little for bringing the amendment to Council and in making comment about the high density and the lack of open space, he would support the Amendment.

Councillor Klisaris was of the view that the Council had an obligation to the community to support the amendment on the grounds of delivering an outcome that was more to the community’s expectation.

CARRIED

SUBSTANTIVE MOTION

The Mayor asked for a return to the substantive motion, as amended and asked if there was any further discussion on the motion itself.

Councillor Zographos asked if Council had any jurisdiction regarding the maintenance of the site with reference to the street frontage and the nature strip. The Director City Development responded by stating that local laws applied in maintaining the site and it was also the responsibility of the owners to attend to the property.

Councillor Fergeus noted the positives regarding the development and said that the plan provided more car spaces than were required and also has retained 17 moderate value trees and mentioned that there were the additional planting of 134 trees. The Mayor put the motion, as amended, to the vote and declared the motion carried.
1.2 6-30 Brandon Park Drive, Wheelers Hill Development Plan – Ryman Healthcare Aged Care and Retirement Living

Moved Cr Little, Seconded Cr Lake

That Council resolves to advise the applicant that the submitted Development Plan for 6-30 Brandon Park Drive, Wheelers Hill is satisfactory and it is recommended that it be approved by Council subject to the following modifications to the plan.

1. The provision of six (6) to twenty (23) indented parking spaces along the southern side of Collegium Avenue to the satisfaction of Council and at full cost to the applicant. Any new street tree planting / streetscape works required/ proposed will be at full cost to the applicant.

2. The provision of a signalised pedestrian crossing across Brandon Park Drive. The location and type of crossing will be to the satisfaction of Council and installed at full cost to the applicant.

3. Any subsequent planning permit application for this Development Plan must provide a full assessment against clause 52.17 of the Monash Planning Scheme in relation to any existing trees on site which are earmarked to be removed, and which are identified as being native to Victoria.

4. Planting of at least 6 mature trees (minimum 3 metres in height when planted) to replace those trees rated as having ‘moderate’ retention value which will be removed from ‘tree group 6’ in the Treelogic Arboricultural Assessment 26 April 2013.

5. Building B04 reduced in height to no more than 3-storeys adjacent to the southern boundary (the Monash Special Development School) of the site. To accommodate the reduction in units from B04, the following could occur:

(a) Relocating a portion of the 901.44 square metre “corner reserve” to the eastern end of the “east west park” by shortening the southern wing of the Building B04.
(b) Extending Building B03 to the north by up to 4-storeys while maintaining a 15 metre setback from Collegium Avenue.

These changes are to be to the satisfaction of the Responsible Authority.

6. The east-west pedestrian and bicycle link to be provided as a shared path with a minimum width of 3 metres.

7. An additional 19 car spaces to be provided on site.
8. The Development Plan to be amended to show the future use/development of the land on the corner of Brandon Park Drive and Academy Street (south west corner) and how it integrates with the site and surrounds.

AMENDMENT

Councillor McCluskey moved an amendment, which was seconded by Cr Davies, to amend Conditions 1 and 2 and to add conditions 5 to 8, which were included above.

As this was acceptable to the Crs Little and Lake and to the Council, the amendments were incorporated into the motion and formed part of the motion.

SUBSTANTIVE MOTION

The motion, as amended, became the substantive motion.

The Mayor asked for a return to the substantive motion and asked if there was any further discussion on the motion itself.

Councillor McCluskey mentioned that the majority of residents with whom he had spoken to were in support of the proposed development. The amendment addressed the areas identified by residents, the Monash Special Development School and other Councillors as they all had significant reservations about the height of the development as it overlooks the children’s outdoor space. Reducing the building height was beneficial. He also mentioned that the shared path from Strada Crescent to Brandon Park Drive was a safer option and it was a great outcome for residents noting, that they were happy with the amendment, albeit that the traffic issues remained an issue.

Councillor Davies thanked Councillor McCluskey for his work on it, as he himself, has been involved in this development site process for the last four years. Councillor Davies stated that this was a great project which will add a lot to Brandon Park and the Brandon Park shopping centre. He mentioned that whilst it would add to the community he did acknowledge that traffic is an issue and mentioned that it is up to Council to deliver a traffic management plan. He also confirmed that he is in favour of the reduction in the scope of the Building BO4 together with the request for the developer to put back 19 car spaces he also made comment that he saw an advantage in having a bigger contiguous site regarding the open space issue and therefore he commends the motion.

Councillor James thanked Councillor McCluskey and Councillor Davies for their efforts and he also thanked the residents who were present at the Council meeting.

Councillor Fergeus asked the Director City Development, about the potential impact of clause 5B on any moderate or high value trees on the site. The Director commented that some of the trees will be lost on the section of open space when relocating a portion of the 901.44 square metres, “corner reserve” to the eastern end.
Councillor Lake mentioned, with the exception of Item 8, he felt sufficiently comfortable supporting the amendment, he mentioned Monash’s history with Ryman and he fully supported the Healthcare/Aged Care Retirement living being built and proposed in Monash. He returned to mention Item 8, stating that he understood the reasons for its inclusion, but was wondering if the owner of the site had no future plans for this section of the site then it would not require any further community consultation however if the owner had other intentions he therefore posed the following question to the Director of Development, and that is, whether there were any further plans for this site to be developed. The Director addressed those points and said that it is accurate that any further development plan would lead to an amendment for the site and the Council would need to look at it then and that Officers would need to respond to the condition that it would trigger including the need for further consultation.

Councillor McCluskey asked if there was anything to lead officers to believe that there were any other plans for the southern side of the site. The Director of City Development responded that he could only speculate and to his knowledge at this stage the developer did not plan to do anything and therefore, though difficult to answer, the land would remain vacant. The Director advised that Ryman would need to propose an amended development plan within 30 days and either way the community would need to be consulted. Council would then consider that aspect in terms of the amended development plan and if it chose to support it then it would lead to a separate planning application.

Councillor Zographos referred to the pedestrian crossing and asked at what point in time would it need to be installed and if there is any criteria for this. The Director of City Development responded that if the development plan was approved, the planning permit would include details of the “pro signalisation” which would impose conditions of the appropriate timing for installation of the signalised intersection which would happen generally prior to the use on the land.

CARRIED

1.3 126 High Street Road, Ashwood Construction of Four (4) Double Storey Dwellings With Basement Car Parking

Moved Cr Little, Seconded Cr James

That Council resolves to issue a Refusal to Grant a Planning Permit (TPA/45811) for the construction of four (4) double storey dwellings with basement car parking and alteration of access to a road in a Road Zone, Category 1 at 126 High Street Road, Ashwood 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, Clause 22.05 Tree Conservation Policy and inconsistent with the Monash Housing Strategy 2014 in terms of building bulk and
massing, insufficient landscaping opportunities and integration with the street and surrounds.

2. The proposal does not adequately satisfy the objectives and/or design standards of Clause 55 of the Monash Planning Scheme:
   - Clause 55.02-1 Neighbourhood character
   - Clause 55.02-2 Residential policy
   - Clause 55.02-5 Integration with the street
   - Clause 55.03-5 Energy efficiency
   - Clause 55.03-7 Safety
   - Clause 55.03-8 Landscaping
   - Clause 55.03-9 Access
   - Clause 55.04-1 Side and rear setbacks
   - Clause 55.05-1 Accessibility
   - Clause 55.05-2 Dwelling entry
   - Clause 55.05-4 Private open space
   - Clause 55.06-1 Design Detail

3. The proposed development is not appropriate for the locality in regards to its adverse impact on the streetscape, adjoining properties and general neighbourhood character.

4. The proposal does not comply with Clause 52.06 - Car Parking in regards to vehicle access and design standards for car parking.

5. The proposal is an overdevelopment of the site.

Councillor Little and Councillor Klisaris noted the refusal and mentioned that they were disturbed by the four large dwellings on 800 square metres, and therefore they each commended the motion.

Councillor Davies asked about the C125 amendment, the 200 square metre restrictions on subdivisions, and whether a development like this fits into a C125 restrictions. The Director of Development responded and said that the C125 Amendment in the neighbourhood residential zone had restrictions in terms of two lot subdivisions but it didn’t carry a minimum lot size of 200 square metres within it, he stated that in terms of the performance of this application it is difficult to answer without doing a detailed assessment but he suggested that it would have some issues.

CARRIED

1.4 10 Nexus Court, Mulgrave Additional Sixth Level To An Approved Five Storey Building

Moved Cr Davies, Seconded Cr Klisaris

That Council resolves to Grant an Amended Planning Permit (TPA/45502/A) for the six storey office building over basement carparking, at 10 Nexus Court, Mulgrave 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. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

   The plans must be generally in accordance with the plans submitted with the application, but modified to show:
   a) Provision of raised planters and landscaping elements to terrace areas within the Nexus Court frontage.
   b) The control point (boom gate) section of the ramp should be redesigned to allow for a ramp grade of 1:20 to meet AS2890.1:2004.
   c) A maximum basement ramp grade of 1:10 within 5 metres of the frontage. The entry ramp modified to achieve required height clearances.
   d) Details of loading facilities to service the development.
   e) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing.
   f) Bicycle parking facilities in accordance with requirements of Clause 52.34 (28 employee and 8 visitor bicycle parking spaces).

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 occupation of the approved development a carriageway easement must be created to provide access entitlement to at-grade car parking and loading facilities via the adjoining property at 8 Nexus Court.

5. Prior to the development commencing a Traffic Impact Assessment must be submitted to the Responsible Authority by a suitably qualified Traffic Engineer. The Traffic Impact Assessment must detail existing and predicted traffic impact of development within the Nexus Court precinct on nearby intersections at Nexus Court/Dunlop Road/Springvale Road/Monash Drive. The assessment should be undertaken in consultation with Council and VicRoads.

   The Traffic Impact Assessment should include analysis of the potential necessity for mitigation works in Dunlop Road to improve safety and traffic flow on the surrounding road network. The assessment should have consideration of additional traffic management works including channelisation for right turning vehicles into Nexus Court, works to minimise the impact of the Dunlop Road (East) queue on traffic flows.
in the area including impact on the Springvale Road/Dunlop Road/Monash Drive intersection.

If in the opinion of the Responsible Authority mitigation works are required, any such works must be designed and constructed to the satisfaction of the Responsible Authority. Any required mitigation works must be undertaken at the full cost of the developer and completed prior to occupation of the approved premises.

6. The amenity of the area must not be detrimentally affected by the use or development, through the:
   (a) Transport of materials, goods or commodities to or from the land;
   (b) Appearance of any building, works or materials;
   (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   (d) Presence of vermin.

7. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.

8. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

9. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

10. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

11. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

12. 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 and patio areas.

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

13. 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.

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

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

The nominated point of discharge is the south corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the stormwater pit (Pit No. 16 as shown on Cardno drawing CG130353) in the nature strip 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.

15. The existing junction pits are impacted by the proposed vehicle crossover. The vehicle crossover and junction pits must incorporate a heavy duty cover and frame, designed and constructed to the satisfaction of the City of Monash Engineering Division.

16. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
   a) trench grates (150mm minimum internal width) located within the property; and/or
   b) shaping the driveway so that water is collected in a grated pit on the property; and/or
   c) another Council approved equivalent.

17. Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed to the satisfaction of the Responsible Authority;
(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

(d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;

(e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

18. No less than 3.5 car spaces per 100m² of net leasable office floor area must be provided on the land (including the adjoining multi-deck car park) for the office component of the development and use. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement to the satisfaction of the Responsible Authority.

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

20. The layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme.

21. The accessible parking spaces should generally be designed (other than length of space which should be 4.9 metres) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.

22. Bicycle parking facilities shall be generally in accordance with the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.

23. 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 and use are not started before 2 years from the date of issue.
- The development is not completed before 4 years from the date of issue.

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

NOTES-

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

2. Disabled access and car parking to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
3. **Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.**

4. **Any new drainage 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.**

5. **A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier’s registration number must be included on the certificate.**

6. **Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council pits and these works are to be inspected by Council (tel. 9518 3690).**

7. **An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.**

8. **Any new drainage work within the road reserve requires the approval of the City of Monash’s Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details of the requirements to satisfy this requirement. A refundable security deposit of $2,000 is to be paid prior to the drainage works commencing.**

9. **In the event that Nexus Court is to become a Council asset, all required drainage and road infrastructure must be designed and constructed to the satisfaction of the Responsible Authority. Prior to works commencing plans detailing the design of infrastructure must be submitted to and approved by the Responsible Authority.**

10. **Driveways are to be designed and constructed using appropriate engineering standards.**

**CARRIED**

1.5 **31-33 Malcolm Court, Mount Waverley Construction of Six (6) Double Storey And One (1) Single Storey Dwellings**

   **Moved Cr James, Seconded Cr Paterson**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/45945) for the construction of six (6) double storey and one (1) single storey dwellings, at 31-33 Malcolm Court, Mount 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. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

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

- **g)** the location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council’s “Guide to Electricity Supply Meter Boxes in Monash”

- **h)** the location of gas and water meters

- **i)** the proposed crossing fully constructed to form a double crossing with 29 Malcolm Court

- **j)** provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2 metres long and 2.5 metres deep (within the property) both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road

- **k)** The on-site visitor space clearly marked

- **l)** Removal of the reference to permeable paving for the shared driveway

- **m)** The elevation plans clearly marked in a uniform manner to show all windows with potential for overlooking to be treated with obscure glazing or fixed external screens, in accordance with design standard B22 of Clause 55 of the Monash Planning Scheme

- **n)** A double door (minimum 1.8m) is to be installed on the rear of the garage to allow for drainage maintenance requests

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

3. **No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odours shall be emitted from any receptacle so as to cause offence to persons outside the land.**

4. **Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:**
   - **a)** The method of collection of garbage and recyclables for uses;
   - **b)** Designation of methods of collection including the need to provide for private services or utilisation of council services;
c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

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

e) Litter management.

A copy of this plan must be submitted to Council.

5. The construction works associated with the development hereby permitted must only be carried out during the following hours:

- Monday to Friday (inclusive) – 7:00am to 6pm;
- Saturday – 9am to 1pm;
- Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);

unless otherwise approved in writing by the Responsible Authority.

6. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

7. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

8. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:

- the location of all existing trees and other vegetation to be retained on site
- provision of canopy trees with spreading crowns located throughout the site 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.

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

10. The existing street tree (5m Prunus species) will be removed and replaced by Council at the cost of the developer. Payment of $1,203 is required prior to the commencement of the development. Note- This amount is valid for 6 months from the date of issue of the permit.

11. All new crossings are to be no closer than 1 metre measured at the kerb to the edge of any power pole, drainage or sewerage pit, or other services. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

The proposed shared vehicle crossing is within 1.0 metre to the edge of an existing power pole. Approval from the electrical authority will be required as part of the vehicle crossing application process.

The proposed shared vehicle crossing will require the relocation of an existing water hydrant at the full cost to the developer. Approval from the water authority will be required as part of the vehicle application process.

The proposed Unit 1 vehicle crossing is within 1.0 metre to the edge of an existing Telstra Pit. Approval from Telstra will be required as part of the vehicle application process.

12. 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-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe in the pit outside No. 29 Malcolm Court via a 225 mm pipe and 900 mm x 600 mm junction pit to be constructed to Council Standards. (A new pit is to be constructed if a pit does not exist or is not a standard Council pit).

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

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

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

Please refer to the notes section of this permit for additional details

15. Driveways are to be designed and constructed using appropriate engineering standards.

16. 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 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 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. The drainage contribution applicable at the date of this permit is $17,516. This amount is valid until 30 June 2016. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.

2. The proposed permeable shared driveway will not be supported by Council’s Drainage engineers. All vehicle crossings are to be constructed with concrete.

3. Any new drainage connection into a Council easement drain requires the approval of the Council’s Engineering Division prior to the works commencing. Three printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

A refundable security deposit of $1000 is to be paid prior to the drainage work commencing.
4. **Use of Easement approval is required for the storage shed.**
   Approval should be given subject to:
   - Council and Yarra Valley Water approval being obtained.
   - The use of easement agreement being signed by Council.

5. **Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the kerb and channel /Council's drains / pits / and these works are to be inspected by Council (telephone 9518 3555).**

6. **Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.**

7. **Tree planting should be kept clear of the drainage easement.**

8. **A permit must be obtained from Council for all vehicular crossings.**
   These must be constructed under Council's supervision for which 24 hours notice is required.

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

10. **A public open space contribution may be requested when the development is subdivided.**

11. **Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.**

12. **The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.**

Councillor Tsoi said that he would not support the motion as the development was too high and not in keeping with the Monash Garden policy.

Councillor James asked the Director of City Development for some rationale behind its decision to approve the development. The Director advised that the report was detailed and provided a satisfactory outcome for the decision.

Councillor Zographos added that he was cautious and assumed that there was a good reason to vote against the motion and wanted the decision delayed.
The Mayor said that she had reviewed this item in detail and commented that although it was extremely large, it was her opinion that the site could support this type of development.

Councillor Davies said that he had reservations about this type of development and said that he would not support the motion.

Councillor Saloumi said that she was against this type of development; she said that she saw car parking and visitors’ access as an issue and believed it was an overdevelopment.

Councillor Lake said that he was not persuaded to vote against it and supported the officer recommendations. He urged Council to support the development. He mentioned that the 17 properties which abut these two sites or were immediately opposite the two courts had only six objections and was in accordance with the planning scheme and though it impacts on a court, he still wanted to support it.

CARRIED

DIVISION

A Division was called.

For: Crs Little, Paterson, Klisaris, Fergeus, Lake & McCluskey

Against: Crs Zographos, Saloumi, James, Tsoi & Davies.

1.6 5-9 Kernot Avenue, Mulgrave Construction of Building And Works To School (Mazenod College)

Moved Cr Klisaris,  
Seconded Cr Saloumi

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/46316) for the construction of building and works to the existing Education Centre (Mazenod College) comprising alterations and additions to the existing school Chapel and a double storey extension to the Year 12/Resource Centre; provision of carparking spaces on another site, at 5-9 Kernot Avenue, Mulgrave 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. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

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

a) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5
metres deep (within the property) both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

b) The Murdoch Avenue car park access aisle increased to 6.4 metres in width.

c) The provision of an additional Thirty (30) student bicycle spaces to be provided. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

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 the occupation of premises hereby permitted, a minimum of 26 car spaces must be provided on adjacent land to the satisfaction of the Responsible Authority.

5. Prior to the occupation of any building hereby permitted by the permit, the permit holder must obtain all required approvals and once obtained construct the Freeway Reserve car park

Construction Management Plan

6. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

   a) measures to control noise, dust and water runoff;
   b) prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
   c) the location of where building materials are to be kept during construction;
   d) site security;
   e) maintenance of safe movements of vehicles to and from the site during the construction phase;
   f) on-site parking of vehicles associated with construction of the development;
   g) wash down areas for trucks and vehicles associated with construction activities;
   h) cleaning and maintaining surrounding road surfaces;
   i) a requirement that construction works must only be carried out during the following hours:

      • Monday to Friday (inclusive) – 7.00am to 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.)
7. 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.

8. 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.

9. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

a) constructed to the satisfaction of the Responsible Authority;

b) properly formed to such levels that they can be used in accordance with the plans;

c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;

e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

g) All on site visitor car spaces are to be clearly marked as ‘visitor spaces’.

10. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.
11. **Direct the entire site’s stormwater drainage into the existing property connection** (If the point of connection into Council’s stormwater system is not in good working condition, it is to be re-constructed to Council Standards). Note: If the point of connection cannot be located notify Council’s Engineering Division immediately.

12. **Any new structures or foundations are to be kept off easement E1 (drainage and sewerage easement to the south of proposed chapel extension)**

13. **The property has been referred to Monash Council as an overland flow path. The requirements to protect the property are as follows:**

   a. **The minimum Finished Floor Level for the proposed library, classroom and external works is to be at least 78.92 metres Australian Height Datum (AHD).**

   b. **The existing gap along the south of the proposed new extension (library, classroom and external works) is to be maintained to allow for overland flow to flow through. The Engineering department is to be consulted if this gap is to be reduced.**

**Time Limit**

14. **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 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 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. **Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518 3555).**

2. **A detention system or drainage contribution is not required for this site.**

3. **One printed copy of the plan (A3-A1 size) for the drainage works must be submitted to the Engineering Division prior to the commencement of works (for our records only). The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.**
4. **Use of Easement approval is required for the new parking spaces, steps and chapel staircase over easement E-3, and the chapel extension over easement E-7. Approval should be given subject to:**
   - A minor Use of Easement agreement being signed by Council.
   - Yarra Valley Water approval being obtained.
   - Melbourne Water approval being obtained (if necessary).
   - A construction joint being made over the concrete paving along the easement line.

5. Tree planting should be kept clear of the drainage easement.

6. Our records show that the property is liable to flooding.

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

8. 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.

9. **Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council’s Engineering Department.**

10. **The proposed crossing is to be constructed in accordance with the City of Monash standards to the satisfaction of the Responsible Authority.**

    **CARRIED**

1.7 **140 Ferntree Gully Road, Oakleigh East Extension of Time - Development of Two Double Storey Dwellings To The Rear of The Existing Dwelling Together With Associated Car Parking And Landscaping**

   Moved Cr Klisaris, Seconded Cr McCluskey

   That Council resolves to issue an Extension of time to Planning Permit No. (TPA/36270/A) for the development of two double storey dwellings to the rear of the existing dwelling together with associated car parking and landscaping at 140 Ferntree Gully Road, Oakleigh East pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

   The permit expiry dates extended as follows:

21. **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 8 September 2017.
The development is not completed before 8 September 2019.

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.

Councillor James stated that he was against granting a further extension of time but would vote for it as it was unlikely to be declined if it is taken to VCAT. He stated that it was a waste of council time and resources.

Councillor Zographos and Councillor Davies each said that they would vote against the motion.

The Mayor asked the Director City Development to confirm if Council would defend this if the applicant takes it to VCAT. The Director confirmed that it would.

Councillor Lake cautioned other Councillors to be careful not to urge developments to go ahead at a faster rate than necessary and he stated that there was no basis to refuse the extension of time and that Council should act in accordance with the officer advice.

CARRIED

1.8 Town Planning Schedules

Moved Cr Little, Seconded Cr Fergeus

That the report containing the Town Planning Schedules be noted.

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Synthetic Sportground Program

Moved Cr Klisaris, Seconded Cr Paterson

That Council

1. Note the cost benefits of installing a synthetic sports surface at Gardiners Reserve;

2. Authorise officers to commence the design work for a potential synthetic sports surface at Gardiners Reserve central pitch; and
3. Consider allocating an amount of $2.9M for the installation of a synthetic sports surface at Gardiners Reserve as part of the 2017/18 budget process.

Councillor Klisaris commented that he was very excited about the program as he supported sporting and leisure programs within Monash and therefore he recommended the Synthetic Sports Program. He also congratulated, together with Councillor Tsoi and Paterson, Julie Salomon Director of Community Development and Services and her team.

Councillor Davies raised concerns about this budget process and questioned why the Council was doing this over a creek bed and wished to explore other ground management options. He added that he was not comfortable about the process and as a result was not supportive of the proposal as he believed it to be too rushed.

The Mayor was concerned about the state of the surface of the ground and that it was fantastic to see this project get off the ground. She also welcomed Angelo Sticca, President of the Mount Waverley City Community Club, to the Council meeting, as he was in the public gallery.

CARRIED

DIVISION

A Division was called.

For: Crs Zographos, Klisaris, Fergeus, James, Paterson, McCluskey, Lake, Tsoi & Little.

Against Crs Davies & Saloumi.

2.2 Sports Grounds Fees and Charges

Moved Cr Klisaris, Seconded Cr James

That Council:

1. Notes the proposed methodology for determining sport ground fees and charges based on recouping a percentage of sportsground maintenance costs and applying a sports lighting maintenance levy for consideration in the 2017/18 budget as follows:
   a. a 15% recovery of annual maintenance costs for natural turf playing fields;
   b. junior fees to be set at 50% of senior fees and under 13 year old team fees to be set at 25% of senior fees;
   c. turf cricket wicket users to incur an additional 15% levy;
   d. the introduction of a four (4) tier fees and charges structure for synthetic sports surfaces; and
e. that Council assume responsibility for maintenance of sport lighting with the introduction of a Sport Lighting maintenance levy initially set at $1,200 per annum for all winter sport clubs with sports lighting and summer season clubs where they wish to access sports ground lighting; and

2. Authorises officer to undertake consultation with sports clubs on the proposed fees and charges and receive a further report in the March 2017 meeting cycle.

Councillor Klisaris said that he believed that the Council had an obligation as an authority not to put a noose around sporting groups, citing the evidence based on the Jack Edwards Reserve model and noted that this model struck the right balance and therefore supported the amendment.

Councillor James said that he would vote for the motion as it authorised officers to undertake consultation. However, he was concerned about the cost to clubs and how it would affect them and wanted to see a report back to Council on how the proposal would affect the Junior Clubs in particular.

Councillor McCluskey said that he cautiously supported the proposal and was keen to see a report based on a breakdown of how it affected each and every club in this municipality in the future. However he accepted this proposal.

CARRIED

2.3 Strengthening Oakleigh Project – Oakleigh Community Action Plan 2015-2016

Moved Cr Fergeus, Seconded Cr James

That Council note the progress report for the Strengthening Oakleigh Project.

Councillor Fergeus and Cr James each congratulated the officers involved in this project, including Colin Bostock and also the Oakleigh Community Leadership Group.

CARRIED

2.4 Commonwealth Home Support Program Fee Increase

Moved Cr Fergeus, Seconded Cr McCluskey

That Council:

1. Endorses a model of fee increases consistent with the usual fee increase through the 2017-2018 annual budget process for the core in-home services of the Commonwealth Home Support Program; and
2. Writes to the Federal Minister for Ageing, advocating strongly for fees for community based aged care services to remain as low as possible as the aged care sector transitions over the coming 3 years.

Councillor Saloumi asked for clarification about whether the Federal Member for Chisholm had the portfolio for Health and Aged Care. The Director of Community Development and Services said that she would provide confirmation back to Councillor Saloumi.

CARRIED

3. CORPORATE SERVICES

3.1 Audit & Risk Committee Membership - Independent Chair & Member

Moved Cr Lake, Seconded Cr Little

That the Council:

1. having noted that the first term of independent Chairperson of Council’s Audit & Risk Committee (the Committee), Mr Geoff Harry will conclude in June 2017 and that he has sought to reapply for the position, resolves to reappoint him as independent Chairperson of the Committee for a 3 year period ending 30 June 2020, in accordance with Clause 3.5 of the Audit & Risk Committee Charter (the Charter);
2. having noted that the second and final term (pursuant to Clause 3.6 of the Charter) of independent Committee member, Mr Michael Ulbrick will conclude in June 2017, resolves to commence the recruitment and selection process for appointment of an INDEPENDENT Committee member;
3. resolves that a public expression of interest process be undertaken to appoint the new independent Committee member and that a selection panel be formed in accordance with Clause 3.4 of the Charter, comprising the Chairperson of the Committee and two Councillor representatives;
4. resolves that the two Councillor representatives on the selection panel shall be the current Councillor members of the Committee; and
5. receives a further report in early 2017 from the selection panel regarding a recommendation for appointment of an independent member to the Committee.

CARRIED

4. INFRASTRUCTURE

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Fergeus

That Items 4.1, 4.2 and 4.3 be voted on in block.
4.1 Contract For Electronic Access Systems In Council Buildings

Moved Lake, Seconded Cr McCluskey

That Council:

1. Accepts the tender from Britech Security for Contract No.CF:2016046, for the Provision of electronic access systems in Council Buildings for a period of one year with two, one year extensions based on schedule of rates with estimated contract expenditure of $650,000 GST inclusive for the full three year term.

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 two extension options and an annual price adjustment based on rise and fall in the Consumer Price Index, subject to satisfactory performance.

CARRIED

4.2 Contract For Central Reserve South Pavilion Construction

Moved Cr Lake, Seconded Cr McCluskey

That Council:

1. Accepts the lump sum tender price of $1,788,254 (GST Inclusive), or $1,625,686 (GST Exclusive) from JR & BL Kendall Pty Ltd for Contract No.CF 2017006 for the Construction of the new Central Reserve South Pavilion inclusive of a Provisional sums budget($95K GST Exclusive) for minor landscaping, Master keying, Access swipe card system, Graffiti coating and the Gas Authority connections.

2. Approves a project contingency of $95,000 (GST Exclusive) for any latent conditions, and $86,034 (GST Exclusive) for Project Management fees.

3. Notes the anticipated construction project expenditure (2016/17/18) of $1,806,720 (GST Exclusive) and that the total expected project expenditure for Construction and design services of $1,935,277 (GST Exclusive).

4. Authorises the Chief Executive Officer to execute the contract agreement;

5. Authorises the Chief Executive Officer to approve any contract variations that are contained within the anticipated project expenditure.

CARRIED

4.3 Contract For Larpent Reserve Pavilion Amenities Upgrade
Moved Cr Lake,  Seconded Cr McCluskey

That:

1. **Council accepts the lump sum tender price of $503,212.60 (GST inclusive) submitted by Fercon Property Group Pty Ltd, to undertake the amenities upgrade and pavilion refurbishment works at Larpent Reserve in Glen Waverley.**

2. **Council notes the overall project cost of $532,785 (GST exclusive) which includes a Project Contingency of $45,746 (GST exclusive) for latent conditions and for managing works that are outside the scope of tendered works.**

3. **The Chief Executive Officer be authorised to sign and seal the contract documentation**

CARRIED

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

5.1 **Assembly of Councillors Record**

Moved Cr Fergeus,  Seconded Cr Little

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

Councillor Davies asked if the Councillor induction sessions, held in November, were an Assembly of Councillors. The Executive Manager Corporate Administration and Customer Service advised that the sessions were to do with broader matters, and not matters likely to be considered by Council for a decision, he added that therefore these meetings did not constitute an Assembly of Councillors.

CARRIED

5.2 **Councillor and Mayoral Allowances**

Moved Cr Klisaris,  Seconded Cr Little

**A. That public notice be given in accordance with Sections 74 and 223 of the Local Government Act 1989 that:**

1. **The Councillor and Mayoral allowances for 2016-2020 are proposed to be set as follows:**

   - Councillor allowance: $29,630 per annum
   - Mayoral allowance: $94,641 per annum
2. The following superannuation contribution for 2016-2020 is proposed to be made:

- Councillor: $2,814.85 per annum
- Mayor: $8,990.95 per annum

B. That:
   1. A committee comprising all Councillors be appointed to consider all submissions received, at 7.00 pm, Tuesday 14 February 2017.

   2. Subject to the consideration of any submissions received, in accordance with Sections 74(4) and 223 of the Local Government Act 1989, the Council resolves on the Councillor and Mayoral allowances, and consequently the superannuation contributions, for 2016-2020 at its meeting on 28 February 2017.

C. That a fully-maintained Council vehicle be provided for the Mayor’s use during their term of office as Mayor.

Councillor James stated that the Minister for Local Government had approved an increase to the allowances and wanted to make sure that the increase was included in the current figures presented. He sought clarification on this from the Chief Executive Officer. The Executive Manager of Corporate Administration and Customer Service confirmed that the increase had been taken into consideration with the current figures before Council.

CARRIED

6. COMMITTEE REPORTS

Nil

7. NOTICES OF MOTION

7.1 - Council Representation On Organisations/Committees Mayor

Moved Cr Paterson, Seconded Cr Little

That Council:

2. Disbands the Oakleigh Activity Centre Car Park Steering Committee.

CARRIED
7.2 Discretionary Fund Applications - Mayor

Moved Cr Fergeus, Seconded Cr Klisaris

That Council resolves to approve the following applications for funding from the Discretionary Fund:

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PURPOSE</th>
<th>AMOUNT RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese Association of Monash Inc.</td>
<td>Hire of community facility for weekly meetings in 2017</td>
<td>$1,557.82 excl. GST</td>
</tr>
</tbody>
</table>

CARRIED

7.3 Public Question Time Reform – Cr Fergeus

Moved Cr Fergeus, Seconded Cr James

That Council resolves that:

1. From its first Ordinary Meeting in January 2017 until Council resolves otherwise, it will endeavour to provide an opportunity at each Ordinary Meeting for people who are present in the public gallery to ask questions of Council.

2. Where such an opportunity is provided, the Mayor retains discretion to accept or reject such questions. In exercising that discretion, the Mayor will consider whether a question:
   i) relates to a matter beyond the power of Council;
   ii) is defamatory, malicious, abusive or objectionable in language or substance;
   iii) relates to the personal views or actions of an individual Councillor or officer;
   iv) relates to a matter which would prejudice the Council or any person;
   v) is repetitive of a question already answered at the Meeting or the previous Ordinary Meeting of Council;
   vi) is in the nature of a statement, comment or opinion; or
   vii) relates to any matter which would otherwise be considered by Council in a meeting that is closed to the public under Section 89(2) of the Local Government Act 1989.

3. Where such an opportunity is provided, the Mayor shall:
   i) call on members of the public gallery who have submitted an accepted question to ask their question verbally, if they wish;
   ii) allow a maximum of two questions from any person;
   iii) only allow a second question from any person should time permit;
   iv) allow, at her or his discretion, a questioner to seek clarification on any point/s made in the answer provided;
v) give priority to questions relating to matters on the Meeting agenda and to questions in the order in which they were received;
vi) allow a maximum of three questions on a particular topic, grouping questions together and responding collectively as appropriate;
vii) nominate the appropriate Councillor or Council officer to answer the question or elect to answer it herself/himself;
viii) advise the Meeting where questions have been submitted to the Meeting and rejected;
ix) distribute rejected questions to all Councillors by the end of the next working day;
x) nominate an appropriate time period of no less than 15 minutes.

4. Questions shall be submitted in writing in a form prescribed by Council by 5pm on the day of the Meeting, and may only be asked by a resident or ratepayer of Monash.

5. The text of each question asked and a summary response will be recorded in the minutes of the Meeting.

6. All questions not dealt with due to time constraints shall be responded to within seven working days. If a response cannot be provided in this time, Council Officers will advise the questioner of the expected timeframe for a response to be provided. Where an email address is supplied, this response will be provided via email.

Councillor Fergeus thanked his fellow Councillors for their support and stated that this motion set a good standard for local democracy and the Council would trial this reform for public question time prior to the changes to Local Laws later in 2017. Key changes allowed for clarification from the public gallery by entering into more discussions with the public ensuring that questions were relevant and he hoped that this will allow adequate time for questions. He commended this motion to Council.

AMENDMENT

Moved Cr Little, Seconced Cr Klisaris

That 2 (i) relates to a matter that Council was not the governing body.

Councillor Littles’ amendment related to a change of wording in the original amendment in Part 2 sub part (i) stating the following:

where i) relates to a matter beyond the power of Council; he wished to make a change to the wording on the amendment to state the following (i) relates to a matter that Council was not the governing body.

Councillor Fergeus advised that legal advice had been sought in the construction of the motion and asked if what was being proposed by Councillor Little was contrary to that legal advice.

The Executive Manager Corporate Administration and Customer Service confirmed that Councillor Fergeus’ motion was in keeping with the legal advice given.
On this basis Councillor Fergeus objected to the amendment.

POINT OF ORDER

A Point of Order was called by Councillor Zographos he said that if the mover yields to someone else then the mover can allow that person to speak.

The Mayor asked if Councillor Little was happy for Councillor James to speak, Councillor Little agreed and so Councillor James said the following; that technically Council was allowed to advocate on behalf of someone and that it was within the power of Council to advocate, so therefore something that was not within the power of Council was anything and there was no restriction. He further reiterated that Council could advocate on behalf of anyone, it could advocate for asylum seekers and that was within Council’s power. To alter the motion to say that Council was not the governing body would mean that the council could not talk about Nauru and asylum seekers because it was not the governing body for asylum seekers in Nauru. He stated that it was a slight wording change and that with the above reasoning explained, confirmed his decision as to why he wanted the change.

Councillor McCluskey said that the suggested wording change meant the opposite and he wished to clarify the clause further. He said that the expression “governing authority” meant that the Council could not speak on anything other than what it was the governing authority is for. By considering the amendment put by Councillor Little. Councillor McCluskey said that the change to the wording could adversely restrict the clause even more so than what was intended for.

Councillor James stated that it is relevant based on part 3(i) of the motion.

Councillor McCluskey said that in reference to the above stated by Councillor James, he interpreted the clause to mean that the ultimate power of veto is with the decision of the Mayor and he wanted clarification of this.

Councillor James answered saying that the Mayor must do so within the bounds of what is stated in the clause.

Councillor Zographos said that the Council could overrule a decision of the Mayor.

Councillor Klisaris stated that he supported Cr Fergeus’ motion, given that legal advice had been sought in its preparation.

PROCEDUAL MOTION

Councillor Davies moved a procedural motion that the motion be put to the vote.

The Mayor advised that a procedural motion could only relate to the matter before Council and that the amendment proposed by Cr Little, be dealt with.

Moved Cr Davies, Seconded Cr James
That the amendment now be put to the vote.

LOST

MOTION

Councillor Zographos commented that he supported the motion proposed by Councillor Fergeus and he believes that it will meet community expectations.

CARRIED

A Division was called.

For: Crs Zographos, Klisaris, Fergeus, Saloumi, James, Paterson, Lake, Tsoi, McCluskey, Davies.

Against: Nil

Absent: Cr Little

7.4 Oakleigh Recreation Centre Indoor Stadium and Waverley Gymnastics Facility Redevelopment Project

The motion, as printed in the Council reports lapsed

Moved Cr Lake, Seconded Cr Klisaris

That Council:

1. Welcomes the announcement by the Victorian Minister for Sport, the Hon John Eren, on 1 December 2016 to provide $3 million of funding for Council’s and Waverley Gymnastics’ proposed combined project to redevelop the Oakleigh Recreation Centre;

2. Reiterates its strong support for this combined project over the previously planned separate projects because of the following benefits:
   a. an increase of more than 50% of the available floor space for Waverley Gymnastics Club making it the largest premier gymnastics facility in this state;
   b. an increase of 25% of the available basketball courts at Oakleigh Recreation Centre including the capacity to host netball at the facility;
   c. relief for the Mount Waverley residents living around the existing Waverley Gymnastics facility who currently face car parking and other amenity impacts and who have been concerned about the prospect of further amenity impacts arising from a further development of this site;
   d. a revamped Oakleigh Recreation Centre delivered years ahead of schedule; and
   e. approximately $2.5 million in savings for Council and the local community compared to pursuing the two projects separately.

3. Reiterates its concerns expressed at the 29 November 2016 Council meeting that the Federal Government appears to have changed its position on this project;
4. Notes that the Mayor and Chief Executive Officer met yesterday with the Member for Chisholm, Julia Banks, who advised that she is not prepared at this stage to support the new project;

5. Resolves to write again to Julia Banks reiterating the significant benefits of the combined project over the previously conceived Dorrington Drive project and to urge her to get behind the project and to help obtain the required sign off or to more fully and transparently explain to Council and the community why the Federal Government’s position has changed in relation to this project since the written advice provided to Council on 4 November 2016 by the Department of Infrastructure;

6. Resolves to begin a petition urging all stakeholders to support the project and resolves to:
   a. write to all residents surrounding the Waverley Gymnastics’ Dorrington Drive site in Mount Waverley to invite them to sign the petition and to explain the benefits of the combined project including how it will minimise amenity and car parking impacts on local residents;
   b. write to Waverley Gymnastics and urge it to encourage its members, supporters and community to support the petition;
   c. write to Gymnastics Victoria and urge it to support the petition;
   d. write to all user groups and stakeholders of the Oakleigh Recreation Centre and to Basketball Victoria to let them know about the current status of this project and urge them to encourage their members to sign the petition;
   e. display the petition prominently at the Oakleigh Recreation Centre and Oakleigh Pool along with background information in line with this report and Council’s resolution at the November meeting and actively invite all visitors at these facilities to sign the petition; and
   f. promotes the petition and the benefits of the combined project on Council’s website, in the Monash Bulletin and through any other appropriate avenues.

7. Resolves should the combined project proceed, that the Dorrington Avenue site be maintained in community use and any future use of the site must be less intrusive than the current use of the site so that residential amenity of surrounding residents can be improved. Council further resolves to direct officers to begin consulting with residents in relation to future community-use options for the site.

Councillor Lake stated that all stakeholders involved, the Waverley Gymnastics Club, the basketball and other clubs that operate at the Oakleigh Recreation Centre and the residents, who live around the Dorrington Avenue site where Waverley Gymnastics is currently located, universally agreed that this was a terrific and significant redevelopment.

AMENDMENT

Moved Cr Davies  
Seconded Cr Zographos

That Point 3 be amended by the inclusion of the following, after “3. Reiterates its concerns expressed at the 29 November 2016 Council meeting that the Federal Government appears to have changed its position on this project.”:

...
That considering the savings identified in Point 2e, should Federal Funding not be confirmed by January 31, 2017, Council commits to funding and proceeding with this project with or without Federal funding. Additional funds from Council of up to $2.1m will be obtained from the Development Reserve.

a) Resolves to begin a petition urging Stephen Dimopolous MP, Member for Oakleigh, the Hon John Eren MP, Minister for Sport, and the Hon The Premier Daniel Andrews MP, Member for Mulgrave to support the $3m grant for the project unconditionally of whether the full $2.1m of Funding is provided by the Federal Government, Monash Council, or any other body.

b) write to all residents surrounding the Waverley Gymnastics’ Dorrington Drive site in Mount Waverley to invite them to sign the petition and to explain the benefits of the combined project including how it will minimise amenity and car parking impacts on local residents.

c) write to Gymnastics Victoria and urge it to support the petition,

d) write to Waverley Gymnastics and urge it to encourage its members, supporters, and community to support the petition,

e) write to all user groups and stakeholders of the Oakleigh Recreation Centre and to Basketball Victoria to let them know about the current status of this project and urge them to encourage their members to sign the petition;

f) display the petition prominently at the Oakleigh Recreation Centre and Oakleigh Pool along with background information in line with this report and Council’s resolution at the November meeting and actively invite all visitors at these facilities to sign the petition; and

g) promotes the petition and the benefits of the combined project on Council’s website, in the Monash Bulletin and through any other appropriate avenues.

Councillor Davies said that it was a fabulous project and that he wanted to see it go ahead even if Federal funding failed. He said that we need to lobby the State Government urge that we continue to proceed with petition outlined above. In any case he pointed out that we should still go ahead with the project as there was already $400,000 committed to this project.

Councillor Lake did not support Councillor Davies’ amendment. He urged the Council to wait until the Federal funding issue was resolved, as the Federal Government had pledged, during the election campaign, $2.1 million. He said that before the Council lobbied, it needed to have more faith in the Federal Member for Chisholm Julia Banks as she had confirmed that she was happy to consider it. Councillor Lake urged Council not to spend any more time on this motion.

Councillor Zographos recommended that Council circulate the petition to State Government he said that we do not have the certainty of Federal Government funding, and that it has been referenced by officers that State Government funding was contingent upon Federal funding. Councillor Zographos supported the alternative motion made by Councillor Davies.

Councillor James stated that when Councillor Zographos talked about certainty and making sure that the Waverley Gymnastics and all stakeholders had certainty,
Councillor James reaffirmed that all stakeholders had certainty when Julia Banks pledged this money at the Federal campaign as it was the only election commitment to the people of Chisholm as far as he is aware of. He noted the commitment of $2.1 million makes up 0.0004% percent of the Federal budget and without Chisholm he stated the Government wouldn’t be in Government and the only reason they were in Government is because the people of Chisholm put them there otherwise we would have had a hung Parliament. He made comment that for Federal Government to turn around now to reduce that commitment or remove that commitment based on it being located in Mount Waverley or Oakleigh is totally irrelevant it is within the seat of Chisholm, he continued to say that Julia Banks had promised the money to do it and he doesn’t understand why we were playing politics with such a game as we have people in the gallery who have been fighting for 10-15 years to get this commitment and he suggested that all Julia has to do is to say is that she supports this project, and finally Councillor James stated that Julia Banks can surely show her commitment to her community and there is no reason why she can’t commit to it herself even if the Federal Government does or not.

LOST

DIVISION

A Division was called.

For: Crs Zographos, Tsoi & Davies.

Against: Crs Paterson, McCluskey, Lake, Klisaris, Fergeus, James, & Little.

Abstained Cr Saloumi.

SUBSTANTIVE MOTION

Councillor McCluskey stated that the original motion was not going to get his support however the amended motion does get his vote. He believed the change in the wording incorporated all stakeholders and it made it incumbent upon the stakeholders in this proposed development to come to the table with what they promised. In summary he said that the change in the wording better reflected how the Council and individual Councillors should present Waverley Gymnastics and therefore he commended the amendment.

Councillor Davies stated that he was disappointed that the amendment did not get passed.

Councillor Tsoi said that it was a great project and he supported Councillor Davies’ amendment; he agreed that a petition should be submitted not only to the State level but to the Federal Government level.

Councillor Fergeus agreed with Councillor McCluskey’s and Councillor Tsoi’s suggestion that a petition should go ahead, urging all stakeholders to support the
petition. Councillor Fergeus wanted to confirm that everyone wanted to see the project to go ahead. He wanted to support Councillor Lakes’ motion.

Councillor Zographos thanked Councillor Lake for putting forward the motion. However he supported Councillor Davies’ amendment.

Councillor Paterson thanked Councillor Lake for the motion and the other Councillors for their robust support of Waverley Gymnastics and she also thanked Waverley Gymnastics for their continued advocacy in this space. She also urged Julia Banks to support the project.

CARRIED

DIVISION

A Division was called.

For: Crs Lake, Paterson, Zographos, Fergeus, James, McCluskey, Little, Saloumi, Klisaris, Tsoi.

Against: Nil

Abstained Cr Davies.

8. URGENT BUSINESS

Nil.

9. COUNCILLORS’ REPORTS

Councillor Fergeus reported that he had attended a meeting of the Clayton Leadership Group. He also thanked the volunteers at the Monash Oakleigh Community Support and Information Service for a tour they provided to him, and congratulated the recent graduates of the Opening Doors social inclusion program.

Councillor McCluskey, on behalf of the Mulgrave Ward, acknowledged the Carols by Candlelight organisers; he stated that it was a massive task to organise and he formally congratulated the Director and her staff.

Councillor Little congratulated the Director of Community Development on all three Carols by Candlelight events, Oakleigh, Mount Waverley and Jells Park; he praised them for their fantastic efforts.

Councillor James echoed the thoughts of the other Councillors and congratulated Jenny and her team.
Councillor Saloumi attended the Jells Park Carols and thanked those concerned with the event.

Councillor Davies mentioned that the Carols were successful and he thanked the organisers. He stated that Pinewood Community Chamber of Commerce had an annual fair where Council provided support through a grant and he wished to state that all involved were very happy with the outcome.

Councillor Tsoi congratulated the organisers of Jells Park Carols and Pinewood Community Chamber of Commerce event and the Mount Waverley Carols night.

The Mayor thanked the event staff for their efforts. She also passed on thanks from the Faros Greek Senior Citizens Club to Monash Council for providing the community grant.

10. **PERSONAL EXPLANATIONS**

Nil

11. **MATTERS OF COUNCIL IMPORTANCE**

Nil

12. **CONFIDENTIAL BUSINESS**

Moved Cr James, Seconded Cr McCluskey

_That the Council move into Confidential Business, in accordance with section 89(2) of the Local Government Act 1989, to consider a personnel matter._

CARRIED

At the conclusion of confidential business and the return to open Council the Mayor confirmed that the following resolution had been carried in confidential business;

_That Council after due consideration resolves to give public notice in accordance with section 94(4) of the Local Government Act 1989 that it intends to put a proposed resolution to the next scheduled Council Meeting on 31 January 2017 that current Chief Executive Officer, Dr. Andi Diamond be reappointed for a 5 year term, generally in accordance with the terms of her existing contract, without the position being advertised._
The Mayor declared the meeting closed at 10.00 pm

MAYOR: ..................................................

DATED THIS ............................... DAY OF ............................... 2017
Question from Peter Rodrigues
Clause 2.0 of Schedule 4 DPO4 requires the development to be in accordance with the Brandon Park Structure Plan. This specifies a height limit of 14m for the site. The contradictoryClause 3 permits up to 5 storeys which in proportion should be 17.5m maximum. The BPMAC requires 15% Public Open Space exclusive of heritage reserve. Ryman Building B01 A2-010 show heights of 22.1m and 6 storeys above ground [South Elevation] with far less open space.
Please clarify what protocols were in place to ensure that there is consistency between the BPMAC, DPO and Development Applications.

Response

Thank you for your question Peter. This question relates to the proposed re-development of the former Brandon Park Secondary College site which is being considered at Item 1.2 of tonight’s agenda.

The provisions of the Development Plan Overlay (DPO4) refer to the Brandon Park Major Activity Centre Structure Plan. Clause 3 of DPO4 requires any development on this site is to be generally in accordance with the Structure Plan.

More specifically, and despite the indicative heights in the structure plan, Clause 3 of DPO4 envisages building heights of up to 5 storeys on the former school site. This planning control does not specify building heights in metres. Where the indicative heights in the structure plan were based on residential heights, the nature of the aged care facility proposed means that the height of each storey in metres may be greater than a typical residential or townhouse development.

The proposed buildings in the development plan was shown as having a height of 5 storeys, with access to a plant deck beyond the 5th storey. Under the Planning Scheme, the plant deck is not defined as a storey and therefore the heights identified under the DPO4 are not exceeded.

There are more detailed plans that have been provided in the appendix to the development plan that indicate that the proposed basements may project out of the ground at varying heights due to the sloping nature of the land. These plans indicate that the built form could be closer to 6 storeys at certain locations depending on the slope of the land and how far out of the ground the basement might be at any point.

These plans have not however formed the basis of Council’s assessment of the development plan and provide a level of detail that sits outside what Council is considering at this point. The planning application stage will require more detailed information to be provided to enable a full assessment of the proposal against the provisions of the Planning Scheme. Any
future planning application will be assessed on merit against the approved development plan which currently shows buildings up to 5 storeys in height. If any future application includes a partial sixth storey as indicated in the appendix drawings, the appropriateness of this will need to be considered at that time.

Importantly, both the structure plan and the development plan overlay do not impose mandatory height limits. What has been proposed can be permitted under both the structure plan and the DPO4 controls.

The DPO4 states that the development plans should show provision of 15% open space, including Public Open Space and complemented by the 15 metre wide plantation reserve adjacent to Strada Crescent within the Heritage Overlay, and any areas of the site that are nominated for drainage/wetland purposes. Open space is discussed on pages 9 and 21 of the officer’s report on tonight’s agenda. The officer report confirms that 18% public open space is being provided across the site, including the heritage listed trees which are located adjacent to Strada Crescent. The heritage listed trees account for approximately 3% of the site. Officers are of the view that the amount of public open space to be provided for this proposal complies with the requirements of the Planning Scheme.

Thank you again for your keen interest in this development.

**Question from Des Olin**

Re: Development Plan application for the former Brandon Park Secondary School site at 6-30 Brandon Park Drive, Wheelers Hill.

I have been told of apartments being built on the southern section of the land can the council verify if that is true, or is the council aware of a submission from Ryman?

**Response**

Thank you for your question Des. The southern side of the former Brandon Park Secondary College school site, on the corner of Brandon Park Drive and Academy Drive, is not proposed to be developed as part of Development Plan under consideration at Item 1.2 of tonight’s agenda.

The Development Plan Overlay control that applies to this site contemplates this portion of the site could be developed, however the developer (Ryman Aged Care) have opted not to show this part of the site as being developed as part of their submitted Development Plan. We are not aware of an apartment proposal for this part of the site, and no submission has been made to Council by the owner.

If this part of the site is to be developed in future, then the land owner would need to submit an amended Development Plan to Council showing how they propose to develop this section of the site. This would then be subject to consultation with the community and a separate decision of Council if any such application were made.

Councillor Davies noted that Council will be taking into account the traffic management issues with Council’s new plans going forward.