DECISIONS OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 28 MARCH 2017
at 7.00 pm

Council Chambers
293 Springvale Road,
Glen Waverley
CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 28 FEBRUARY 2017

That the minutes of the Ordinary Meeting of the Council held on 28 February 2017, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PUBLIC QUESTION TIME

PROCEDURAL MOTION

That Item 7.6 be brought forward as the first Item of business.

CARRIED

7.6 Questions From Public At Council Meetings

That Council resolves that:

1. Standing Orders be suspended such that the formalities of Council’s meeting procedures are temporarily disposed of.

2. During the time that standing orders are suspended, the Mayor:

A. 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.

B. 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;

x) nominate an appropriate time period of no less than 15 minutes.

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

D. 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 e-mail.

CARRIED

SUSPENSION OF STANDING ORDERS

‘Standing Orders’ were suspended to provide for the consideration of questions submitted to Council by members of the public.

QUESTIONS TO COUNCIL

The Mayor advised that questions from 3 submitters had been received under the new process for consideration of questions submitted to Council.

One of these questions was dealt with at the meeting. One submitter, who had submitted 2 questions, was not in the Chamber. The Mayor advised that their questions would be answered in writing by the Mayor.

A copy of the question dealt with and a summary of the response from Council, are appended to this document.
RESUMPTION OF STANDING ORDERS

That ‘Standing Orders’ be resumed.

CARRIED

PROCEDURAL MOTION

That item 12.6 on the Council agenda for this meeting, be brought forward and considered in Open Council and the content of that item no longer be considered to be confidential business, in accordance with section 77(2)(c) of the Local Government Act 1989.

LOST

PROCEDURAL MOTION

That items 12.1 and 12.4 on the Council agenda for this meeting, be brought forward and considered in Open Council and the content of those items no longer be considered to be confidential business, in accordance with section 77(2)(c) of the Local Government Act 1989.

LOST

OFFICERS’ REPORTS

1. CITY DEVELOPMENT

1.1 Monash Urban Landscape and Canopy Vegetation Strategy Update

That the report be noted.

CARRIED

1.2 Proposed Sale of land abutting 130 – 138 Kangaroo Road & 3/1 – 3 Hotham Street Hughesdale

That Council:

1. Having considered the submissions received under Section 223 of the Local Government Act proposes to sell the Council land at the rear of 130 – 138 Kangaroo Road & 3/1 – 3 Hotham Street Hughesdale (“the Land”) by private treaty to abutting owners, and authorises the Chief Executive Officer or her delegate to enter into negotiations for the sale of the land, plus the payment of Council’s costs and the signing and sealing of all relevant documents required to effect the sale.
1.3 Proposed Vodafone Lease for part 418-422 Stephensons Road Mount Waverley

That Council resolves to:

1. Commence the statutory procedure under section 190 of the Local Government Act 1989 (“the Act”) by advertising Council’s Notice of Intention to Lease part of 418-422 Stephensons Road Mount Waverley to Vodafone Network Pty Ltd (“Vodafone”) on the following terms and conditions:

   - Rent: $7,200 per annum + GST
   - Rent Reviews: Increased annually by CPI
   - Term: 10 years
   - Further Term: One (1) further term of ten (10) years

2. Provides direct notification to abutting owners and occupiers.

3. Appoint a Committee of Council, comprising the Mount Waverley Ward Councillors to consider submissions received under section 223 of the Act on Tuesday 16 May 2017 @ 7.30pm at the Civic Centre.

4. In the event that no submissions are received, Council enters into a new lease with Vodafone and authorises the Chief Executive Officer or her delegate, on behalf of Council to do all things required to effect the lease.

CARRIED

1.4 Waverley Park Open Space

That Council:

1. Notes the open space and community facilities community benefits package proposed by Mirvac.

2. Adopts in principle the position on the proposed community benefits package as set out in this report.

3. Notes that the in principle position on the community benefits package includes:
   i. A consolidation of the park upgrades,
   ii. The $690,000 of funds for the proposed community facility and the $1...
million proposed for open space improvement be combined to provide a community meeting facility in the new wet land open space area; and

iii. The exclusion of maintenance items from the community benefits package

4. Directs officers to commence consultation with the Waverley Park community on the in principle position on the Mirvac Community Benefits Package as set out in this report.


CARRIED

1.5 6 & 8 Prince Charles St Clayton - construction of seven (7) double storey dwellings and buildings and works within the special building overlay

A. That Council resolves that if it were in a position to make a decision, it would determine to issue a Notice of Refusal to Grant a Planning Permit (TPA/46254) for the construction of seven (7) double storey dwellings and buildings and works within the Special Building Overlay at 6 and 8 Prince Charles Street, Clayton subject to the following grounds:

1. The proposal is inconsistent with the Residential Development Policy at Clauses 21.04 and 22.05 of the Monash Planning Scheme in that it fails to respect the garden setting of the neighbourhood as a result of its minimal private open space and excessive building scale and bulk.

2. The proposal does not adequately satisfy the objectives and design standards of the strategic policies with regard to neighbourhood character, building scale and bulk, private open space, design detail and car parking provision.

3. The proposal is out of character with the existing development in the surrounding area.

4. The proposed development will have a detrimental impact on adjoining residential developments as a result of its overall scale and bulk.

5. The proposed development is considered an overdevelopment of the site.

B. That Council writes to VCAT and the applicant advising of its position.

CARRIED

1.6 2-4 Doynton Pde Mount Waverley - construction of twelve (12) dwellings comprising eleven triple storey and one double storey dwelling and waiver of two visitor car spaces
A. That Council resolve, that if it were in a position to make a decision, it would determine to issue a Notice of Refusal to Grant a Planning Permit (TPA/46363) for the construction of twelve (12) dwellings comprising eleven triple storey and one double storey dwelling and waiver of two visitor car spaces at 2-4 Doynton Parade, Mount Waverley 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, design detail and dwelling 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 55.03-1 Street Setback
   - Clause 55.03-7 Safety
   - Clause 55.03-8 Landscaping
   - Clause 55.04-1 Side and Rear Setbacks
   - Clause 55.04-2 Walls on Boundaries
   - Clause 55.04-6 Overlooking
   - Clause 55.05-2 Dwelling Entry
   - Clause 55.05-4 Private Open Space
   - Clause 55.05-6 Storage
   - Clause 55.06-1 Design Detail

3. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to car parking and vehicle access.

4. The proposal is an overdevelopment of the site

B. That Council write to VCAT, the applicant and all other parties advising of its position.

C. Authorises the Director of City Development (or representative) to consider any amended plans, modify refusal grounds and resolve the matter at any VCAT conducted compulsory conference or hearing on the basis of changes to make the proposal generally compliant with the provisions of the Monash Planning Scheme.

CARRIED
1.7 211-213 High Street Rd Ashwood - construction of a four storey building comprising twelve (12) dwellings and two (2) retail premises, waiver of loading bay requirements and reduction to the car parking requirements of Clause 52.06 of the Monash Planning Scheme

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit (TPA/46556) for the construction of a four storey building comprising twelve (12) dwellings and two (2) retail premises, waiver of loading bay requirements and reduction to the car parking requirements of Clause 52.06 of the Monash Planning Scheme at 211-213 High Street Road, Ashwood subject to the following grounds:


2. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to car parking and vehicle access.

3. The proposal does not provide sufficient internal amenity to dwellings in terms of balcony widths and solar access to balconies and living areas.

4. The proposal fails to provide adequate activity centre and economic development outcomes in relation to the configuration of the retail premises at ground floor.

5. The proposal fails to make sufficient provision for loading and unloading of vehicles.

6. The proposal would affect the future development potential of adjoining properties.

7. The proposal is an overdevelopment of the site.

CARRIED

1.8 100 Wellington Rd Clayton - construction of five (5) three storey dwellings and alteration of access to a road in a Road Zone Category 1

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit (TPA/46294) for the construction of five (5) three storey dwellings and alteration of access to a road in a Road Zone Category 1 at 100 Wellington 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, design detail, sense of address and insufficient landscaping opportunities.
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 55.03-5 Energy Efficiency
- Clause 55.03-7 Safety
- Clause 55.03-8 Landscaping
- Clause 55.04-1 Side and Rear Setbacks
- Clause 55.05-2 Dwelling Entry
- Clause 55.05-4 Private Open Space
- Clause 55.05-5 Solar Access to Open Space
- Clause 55.06-1 Design Detail

3. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to car parking and vehicle access.

4. The proposal would result in poor amenity for future occupants.

5. The proposal is an overdevelopment of the site.

CARRIED

1.9 6-30 Brandon Park Drive Wheelers Hill - the development and use of land for the purposes of a retirement village and residential aged care facility with associated car parking and landscaping including the removal of one native tree

That Council resolves to Grant a Planning Permit (TPA/47002) for the development and use of land for the purposes of a retirement village and residential aged care facility with associated car parking and landscaping including the removal of native vegetation, at 6-30 Brandon Park Drive, Wheelers Hill 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) Screening to prevent overlooking to all habitable room windows located within 9.0 metres of the boundary adjacent to 30-32 Collegium Drive (north-east corner of the site).

- b) The entry/exit driveways of any basement carpark to incorporate a flood proof apex of approximately 300mm above the footpath level and to the satisfaction of City of Monash Engineering Division.

- c) The provision of solar protection measures to north and west facing aspects of the development.
d) **Initiatives and recommendations of the Sustainability Management Plan (SMP) as required by condition 3 of this permit.**

e) **A notation to specify that water resistant materials must be used for the construction of walls below the natural ground level to the satisfaction of City of Monash Engineering Division.**

f) **Details of all fencing along the perimeter of the site. Fencing must provide for a minimum of 50% infill panel transparency and incorporate landscaping elements adjacent to the adjoining public open space reserve to allow for passive surveillance. The maximum height of fencing within the street setback should not exceed 1.5 metres and 1.8 metres adjacent to the public open space reserve.**

g) **Details of all mechanical ventilation (including heating and cooling units) located outside the building or on the rooftop with appropriate screening incorporated into the architectural design of the building. Heating and cooling units must not be located on the balconies, facade of the building or visible from outside the property.**

h) **The location of all services and any required electricity substations, fire services, gas and water meters. The required services must be suitably painted, screened and landscaped to the satisfaction of the Responsible Authority to minimise their visual prominence.**

i) **A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.**

j) **The provision of bicycle parking facilities and associated amenities in accordance with the requirements of Clause 52.34.**

k) **Detail of levels and ramp gradients at basement access points.**

l) **Access widths increased to 6.4m to improve access at the entries.**

m) **Shared and disabled car spaces to accord with AS2870, ie 5.4m length All to the satisfaction of Responsible Authority.**

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

3. **The permitted retirement village apartments shall only be permanently occupied by persons aged 55 years or older unless otherwise approved in writing by the Responsible Authority.**

4. **Prior to the endorsement of plans pursuant to Condition 1 of this permit a Sustainability Management Plan (SMP) must be prepared in accordance with the requirements of Clause 22.13-4 of the Monash Planning Scheme. Recommendations and initiatives of the Sustainability Management Plan (SMP) should be integrated and implemented as part of the approved development to the satisfaction of the Responsible Authority.**
5. Once the development has started, each stage of the approved development must be continued and completed to the satisfaction of the Responsible Authority.

6. Prior to the development commencing a Plan of Subdivision must be lodged with the Responsible Authority that vests the Public Open Space Reserve including row of heritage trees, pedestrian link and open space areas set out in the approved Development Plan with Monash City Council. A separate Title for this land must be issued to Monash City Council prior to the issue of a certificate of occupancy for the approved premises.

7. The amenity of the area must not be detrimentally affected by the use or development, through the:
   a) transport of materials, goods or commodities to or from the land;
   b) appearance of any building, works or materials;
   c) 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;
   e) movement of commercial vehicles within the site.

8. The occupier 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 or any other applicable noise regulations.

   If requested by the Responsible Authority noise testing must be undertaken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to the Responsible Authority.

9. 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.

10. Deliveries to and from the site, including the collection of waste, must only take place between the hours of 7:00am-7:00pm Monday to Saturday unless otherwise consented to in writing by the Responsible Authority.

11. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:
   a) The method of collection of garbage and recyclables for both the aged care and retirement living uses;
   b) Designation of methods of collection including the need to provide for 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;

e) Ongoing onsite litter management.

A copy of this plan must be submitted to and approved by Council. Once approved the plan will be endorsed to form part of this permit.

12. 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.

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

14. 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.

15. 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.

16. The collection of waste shall only take place between the hours of 7:00am-7:00pm, Monday to Friday unless otherwise consented to in writing by the Responsible Authority.

17. Parking areas shall be specifically signed for their intended use, to the satisfaction of the Responsible Authority.

18. Pedestrian crossings within the site are to be appropriately signed and lined marked in accordance with applicable Australian Standards, and to the satisfaction of the Responsible Authority.

19. Before the development permitted is completed and the premises is occupied, 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.
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 as detailed below:**
   a) Access ways to provide at least 2.1m headroom beneath overhead obstructions;
   b) Ramp grades to be designed with a minimum of 2.0 metre grade transitions between different sections of ramp or floor changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change);
   c) Minimum requirements for parking space dimensions to be in accordance with Table 2;
   d) Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.

21. **In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to adjoining fences or landscaped areas.**

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

   No less than 1 car space must be provided on the land for each one and two bedroom dwelling within the retirement village component of the approved development. No less than 2 car spaces must be provided on the land for each three bedroom dwelling within the retirement village component of the approved development. The occupant(s) of these dwellings must be provided with these car spaces as part of any sale/lease agreement.

   The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including a designated allocation of car spaces for staff, residents and visitors.

   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.

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

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

25. **Before the development starts, a site drainage and stormwater plan drawn to scale and dimensioned must be approved by the Responsible Authority.**

   The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.
The nominated point of discharge is the south-west corner of the property where the entire site stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip outside 6-30 Brandon Park Drive (Academy Avenue frontage) to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). If the point of connection cannot be located then notify Council’s Engineering Department immediately.

The drainage scheme for the land must provide for Replacement of the 375mm drain and the two drainage pits with a 450mm drain between the south west corner of the property to 32 Brandon Park which are to be constructed to Council Standards.

26. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.

27. 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 all driveways onto the footpath. Such a system may include either:
   a. a trench grate (300 mm minimum internal width) located within the property; and/or
   b. shaping the driveway so that water is collected in a grated pit on the property; and or
   c. another Council approved equivalent.

28. All redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.

29. A back up diesel type pump in the basement and any electrical components in the basement floor are to be raised to offer protection during times the basement may be flooded to the satisfaction of the Responsible Authority.

30. Any drainage system to a basement must be designed such that stormwater is unable to penetrate the basement.

31. The entry/exit driveways of any basement carpark must incorporate a flood proof apex of approximately 300mm above the footpath level and to the satisfaction of Council.

32. Water resistant materials must be used for the construction of walls below the natural ground level.

33. 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 has been constructed in accordance with the approved plans. The certifier’s registration number must be included on the certificate. A copy of the
certificate must be provided to the Responsible Authority prior to the issue of the certificate of occupancy.

34. 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 from the site;
   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 of surrounding road surfaces;
   i) A Traffic Management Plan prepared by a qualified person is required to be submitted as part of the Construction Management Plan. This should detail the route to and from the site for large vehicles, proposed warning signs and traffic control;
   j) 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.)

35. 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.

36. A landscape plan prepared by a Landscape Architect, 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 landscape plan will be endorsed and will then form part of the permit.

37. Before the issue of a certificate of occupancy of buildings allowed by this permit, landscaping works associated with that stage of the development 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.

38. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.

39. 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.

40. Prior to the commencement of the development any native vegetation offset requirements identified in accordance with Clause 52.17 of the Monash Planning Scheme must be provided to the satisfaction of the Responsible Authority.

41. Prior to the occupation of the building, a Native Vegetation Offset Plan must be prepared in consultation with Department of Environment and Primary Industries and the Responsible Authority to the satisfaction of the Responsible Authority. When the Offset Plans have been endorsed by the Responsible Authority, they will then form part of the permit.

The Native Vegetation Offset Plan must include:
(a) Appropriate offsets to compensate for the loss of native vegetation;
(b) Include details of:
   i. means of calculating the offsets;
   ii. locations where offsets will be provided;
   iii. type of offsets to be provided for each location;
   iv. details of revegetation including the number of trees, shrubs and other plants, species mix and density;
   v. means of interim protection for the offsets;
   vi. methods of permanent protection for the offsets;
vii. details of any existing native vegetation to be retained including the methods of managing and restoring the native vegetation;
viii. person(s) responsible for implementing and monitoring the Native Vegetation Offset Plan;
ix. time frames for implementing the offset plans;
ix. details of any earthworks, drainage and other works; and
xi. a Schedule of Works.

(c) The Plan must include a method to secure the offsets, which may be by:
i. a requirement for the owner to enter into a section 173 agreement in respect of specified land;
ii. a requirement for the owner to enter a binding agreement with a specified person in order to implement aspects of the offset plan;
iii. a requirement for the owner to provide a bond as security for completion of any part of the offset plan.

When approved, Native Vegetation Offset Plan must be implemented within 12 months, unless otherwise specified in the Plan. Maintenance and replanting of vegetation is to be undertaken if necessary until all the requisite numbers of plants are effectively established and have survived for at least 3 years.

42. All unused portions of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.

43. Prior to occupation of the first stage of the development a signalised pedestrian crossing across Brandon Park Drive is to be designed and constructed to the satisfaction of Monash City Council Engineering Department at full cost to the developer. Detailed engineering plans are to be submitted to the Monash City Council Engineering Department for approval prior to commencement of the development. The full cost of the design and construction of the signalised pedestrian crossing shall be met by the owner.

44. 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 the development accept all ongoing costs associated with the operation and maintenance of the proposed new pedestrian signalised crossing on Brandon Park Drive south of Collegium Avenue.
b) The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.

45. Prior to the development commencing detailed engineering plans for civil works along Brandon Park Drive and Collegium Avenue are required to be submitted to Monash City Council Engineering Department for approval. These plans must include the following:
• New and modified vehicle crossovers.
• The provision of indented car parking and any modification to the footpath and nature strip along Collegium Avenue.
• The provision of a shared path through the open space reserve.
• Any civil works and infrastructure within Council land along the site perimeter.

These works are to be designed, constructed and inspected to the satisfaction of the Monash City Council Engineering Department. The full cost of the design and construction is to be met by the permit holder.

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

2. Building permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

3. Engineering permits must be obtained altered vehicle crossings and these works are to be inspected by Council (telephone 9518 3555).

4. 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.

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

6. 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.
7. Any new drainage work within the road reserve requires the approval of the Council’s Engineering Division prior to the works commencing. A refundable security deposit is required to be paid prior to the drainage works commencing and the amount is to be determined once drainage plans have been submitted.

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

9. Detention system requirements below are based on the submitted masterplan. These requirements may change depending on the Town Planning endorsed plans:
   a) Minimum storage = 409.03 cubic metres.
   b) Maximum discharge rate = 367.67 litres per second.
   c) Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.

10. An on site detention system for storm events up to the 1% AEP event is to be retained on site for the basement car park. The detention system for the basement is to be separate from the detention system for the site, which is to be at ground level and discharge by gravity.

11. 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 and after Town Planning plans have been endorsed. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.

12. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

13. No residential parking permits will be issued for the approved development.

CARRIED

1.10 23 Alimar Road, Glen Waverley - Removal Of Three (3) Trees Within A Vegetation Protection Overlay

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit (TPA/47047) for the removal of three (3) trees within a Vegetation Protection Overlay at 23 Alimar Road, Glen Waverley subject to the following grounds:

1. The trees make a significant contribution to the landscape character of the area and its removal is not responsive to the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay).

2. Insufficient justification has been provided for the removal of trees.
3. That Council write to the owner advising of the works to the trees that have been recommended by the arborist, and recommend supervision by arborist.

CARRIED

1.11 13-15 Cabena Cres Chadstone - construction of seven (7) double storey dwellings

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/45953) for the construction of seven (7) double storey dwellings, at 13-15 Cabena Crescent, Chadstone 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. Dwelling 3 the south-eastern bedroom 4 wall to be setback an additional 1 metre to provide a 5m break in the built form between the upper levels of dwellings 3 and 4.

b. Dwelling 5 the finished floor levels to be lowered by 1m to the following:
   i. Basement – 55.2 metres AHD
   ii. Ground Floor – 58.1 metres AHD
   iii. First Floor – 61.1 metres AHD

c. Dwelling 5 delete Bedroom 2, to allow for additional northern solar access and improved amenity for dwelling 7.

d. Dwelling 7 the north-eastern wall of the dwelling dining area to be setback 5.15 metres in accordance with Clause 55.05-5 Standard B29 of the Monash Scheme.

e. Dwelling 7 the secluded open space area to be redesigned to provide a finished level of 55.7 metres AHD adjacent to the kitchen and dining area to a width of 2 metres and a length of 6 metres. The remainder of the secluded open space area to be provided to a minimum finished level of 56.4 metres AHD and accessed via stairs.

f. Dwelling 4 south-eastern wall of bedroom 4 to provide a highlight window to assist in minimising the visual impact of solid walls presented by the upper level to neighbouring properties. The window is to be provided with a minimum sill height of 1.7m.

g. Dwelling 3 north-western wall of the first floor ensuite bathroom to
provide a highlight window to assist in minimising the visual impact of solid walls presented by the upper level to neighbouring properties. The window is to be provided with a minimum sill height of 1.7 metres.

h. Dwelling 3 north-western wall of the first floor bathroom to be finished in an alternate external treatment to the ensuite bathroom, to provide a visual break to the upper floor of Dwelling 3.

I The shared vehicle crossing to be reduced to a maximum width of 3 metres.

J The shared driveway is to be reduced to a width of 3 metres where it meets the vehicle crossing.

K The driveway adjacent to the secluded open space of Dwelling 6 to be modified to provide a radius of 4m.

L Driveways to provide at least 2.1 metres headroom beneath overhead obstructions.

m The shared driveway gradient is to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.

n) Ramp grades (except within 5 metres of the frontage of the dwellings 1-5 shared driveway) to be designed as follows:
   i. Maximum grade of 1 in 4.
   ii. Provision of a minimum 2.0 metres grade transition between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
   iii. Grade change greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off-Street Car Parking AS/NZ 2890.1.

o) Clearance to car parking spaces to be provided in accordance with Diagram 1 of Clause 52.06-8 of the Monash Scheme.

p) The maximum grade (parallel to the angle of parking) of a tandem external car space is to be 1 in 16.

q) A Tree Protection Zone of 2.8 metres to be provided to the naturestrip tree during construction.

r) The proposed crossover to Dwelling 7 to provide a minimum clearance of 2.8 metres from the nature strip tree to be measured from trunk face at ground level. No excavation is permitted within the Tree Protection Zone.

s) 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”.

t) The location of gas and water meters.

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

3. 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:-

   a) The location of all existing trees and other vegetation to be retained on site.

   b) A Tree Protection Zone (TPZ) of 2.8 metres around the naturestrip tree.

   c) A notation that reads ‘No excavation or works to be carried out within the 2.8 metres TPZ.’

   d) The provision of a minimum of one (1) canopy tree with spreading crown within the secluded private open space area of each dwelling, and a minimum of two (2) trees to Dwellings 3 and 4. These trees shall be located with appropriate clearance from boundary fencing and retaining walls, with species selected based upon their ability to be located and to mature, in small open space areas.

   e) The provision of five (5) mature canopy trees with spreading crowns within the front setback. These trees are to be of advanced tree stock and planted in accordance with best practice landscaping standards to the satisfaction of the Responsible Authority.

   f) Advanced plant and tree stocks to be utilised are to be to the satisfaction of the Responsible Authority.

   g) Planting to soften the appearance of hard surface areas such as driveways and other paved areas.

   h) Landscaping adjacent to narrow driveway areas to comprise low maintenance shrubs/ground covers. Lawn is not permitted.

   i) 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

j) the location and details of all fencing.

k) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

l) details of all proposed hard surface materials including pathways, patio or decked areas.

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

4. Before the issue of a certificate of occupancy 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.

5. On-site visitor parking is to be clearly marked.

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

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

8. 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.

9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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

2. **The drainage contribution applicable at the date of this permit is $9970. This amount is valid until 30 June 2017. 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.**

3. **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.**

4. **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.**

5. **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.**

6. **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 (150 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**
7. **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.

8. **The nominated point of connection for the site is the south-east corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to Council pit in nature strip of 19 Cabena Crescent via a 300mm pipe and 900 x 600mm junction pit to be constructed to Council Standards. (A new pit is to be constructed if a pit does not exist, is in poor condition or is not a standard Council pit).**

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

9. **Any new drainage work within the road reserve requires the approval of the Monash City Council 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 $2000 is to be paid prior to the drainage works commencing.**

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

11. **The redundant crossing is to be removed and reinstated with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.**

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

13. **The proposed crossings are to be constructed in accordance with the Monash City Council standards.**

14. **The shared vehicle crossover of Dwellings 1 to 5 will affect an existing water pit. Approval from the water authority is required as part of the vehicle crossing application.**

   **CARRIED**
1.12 9 Oxley Close Glen Waverley - tree removal within the Vegetation Protection Overlay

A. That Council resolves to issue a Notice of Refusal to Grant a Planning Permit (TPA/46921) for the removal of one (1) tree within a Vegetation Protection Overlay at 9 Oxley Close, Glen Waverley subject to the following grounds:

1. The tree makes a significant contribution to the landscape character of the area and its removal is not responsive to the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay).

2. The tree is currently in good health and insufficient justification has been provided for the removal of tree.

B. Council write to the owner and advise of the maintenance recommended by the arborist.

CARRIED

1.13 523 Springvale Rd - Construction of a three storey building containing 17 residential apartments above a basement car park

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/46287) for the construction of a three storey building containing 17 residential apartments above a basement carpark, and to alter access to a road in a Road Zone Category 1, at 523 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. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

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

a) The inclusion of a minimum of two (2), one bedroom dwellings on the first floor. The total dwelling yield not to exceed seventeen (17) dwellings.

b) The finished floor levels to be reduced by 0.5 metres AHD to the following:

i. Ground Floor – 99.31 metres AHD.

i. First Floor – 102.31 metres AHD.

i. Second Floor – 105.31 metres AHD.

c) Balcony areas to be redesigned to:

i. Comprise a ‘square’ configuration which although recessed into the built form, provides for natural sunlight access to living areas and improved dwelling layout.
ii. The Dwelling 9 south facing balcony to be consolidated with the dwelling’s eastern facade balcony and widened to a depth of 2.5 metres.

iii. The Dwelling 10 south facing balcony to be the reorientated to the dwelling’s western facade and situated 9m from the western boundary. The 1.7m screening to be removed.

iv. Dwellings 11 and 12 balconies to be reconfigured to a square configuration with a minimum depth of 2 metres and a minimum width of 2.5 metres, recessed into the western facade of the dwelling.

v. The Dwelling 13 balcony to be reconfigured to a square configuration, setback 5 metres from the Winmalee Drive frontage, with a minimum depth of 2 metres and positioned between Bedrooms 1 and 2.

vi. The Dwelling 14 north facing balcony to be reorientated to the eastern facade with a minimum width of 2.5m and a minimum depth of 2m, recessed into the built form between Bedroom 1 and 2.

vii. The Dwelling 15 balcony to be reorientated to the eastern facade, with a minimum depth of 2 metres and a minimum width of 3 metres. A 1.7m screen to be provided along the southern boundary of the balcony.

viii. The Dwelling 16 balcony to be setback a minimum of 9m from the western boundary recessed within the western facade, with a minimum width of 2.5 metres and a minimum depth of 3 metres and positioned between the Dining Area and Bedroom 1.

d) A low permeable fence of 0.9 metres to be provided along the Springvale Road service road frontage to provide a clear delineation between the public and private realm.

e) The inclusion of Tree Protection Zones for the naturestrip trees along the Springvale Road service road.

f) The inclusion of eaves to provide horizontal screening to private open space areas as follows:

i. A 1 metre eave to the northern facade between the ground and first floor to provide 50% screening to ground floor open space areas.

ii. A 1 metre eave on the ground floor western facade where balconies are provided without screening treatments, to provide 50% screening to ground floor open space areas.

g) All eaves, shading and roof treatments are to be designed to the satisfaction of the Responsible Authority.

h) Windows on the northern and eastern facades are to be provided without treatment, fixing or screens to a maximum sill height of 1.4 metres, with the exception of bathroom windows which are to be provided with highlight windows which complement the fenestration of the facade.

i) The car park to be redesigned to provide:

i. Car spaces to be revisited in accordance with changes to Dwelling Type
modifications i.e. the inclusion of two (2), one bedroom dwellings.

ii. Driveways to provide at least 2.1 metres headroom to all overhead obstructions.

iii. Appropriate clearance between canopy tree planting requirements at ground level and the basement.

iv. Driveway and car parking dimensions to be designed to meet the provisions of Clause 52.06-8 of the Monash Planning Scheme.

j) The internal floor plan of Dwellings 2, 3 and 4 to be revised, to provide access to private open space at ground level, living area configurations/ useability and privacy afforded to bedrooms, to the satisfaction of the Responsible Authority.

k) Dwelling 4 to provide a full sized bathroom with a minimum width of 1.5 metres.

l) The combined laundry and pantry areas of Dwellings 1, 2, 8 and 15 to be revised to the satisfaction of the Responsible Authority.

m) Provide access to the Dwelling 8 laundry area.

n) Increase articulation and relief to the upper levels with increased setbacks as follows:

i. The Bedroom 2 southern wall of Dwelling 9 to be setback 4.5 metres from the southern boundary.

ii. The Bedroom 1 southern wall of Dwelling 9 to be setback 5 metres from the southern boundary.

iii. The Bedroom 1 southern wall of Dwelling 10 to be setback 4.5 metres form the southern boundary.

iv. The Bedroom 1 western wall of Dwelling 10 to be setback 7 metres from the western boundary.

v. The Living Room western walls of Dwelling 11 and 12 to be setback a minimum of 7 metres from the western boundary.

vi. The Bedroom 2 northern wall of Dwelling 13 to be setback a minimum of 5.5 metres from the northern boundary.

vii. The Bedroom 1 northern wall of Dwelling 13 to be setback a minimum of 5 metres from the northern boundary.

viii. The northern wall of the Dwelling 1 first floor to be setback 4 metres from the northern boundary.

ix. The Living Room northern wall of Dwelling 14 to be setback a minimum of 5.5 metres from the northern boundary.

x. The northern wall of Bedroom 1 of Dwelling 14 to be setback 6 metres from the northern boundary.

xi. The southern walls of Dwelling 15 to be setback a minimum of 0.5 metres from the first floor.
xii. The southern walls of Dwelling 16 to be setback a minimum of 1 metre from the first floor.

xiii. The western walls of Dwellings 16 and 17 to be setback a minimum of 1 metre from the first floor, with the exception of the Dwelling 17 Living Room western wall.

o) The double crossover proposed with 90 Winmalee Drive to be separated and provided to match the driveway width of the new development. The vehicle crossing is to be widened on the east side.

p) All new crossings to be no closer than 1 metre measured at the kerb to the edge of the power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.

q) The design, construction material and colour palette to be revised to include one alternate neutral colour (besides grey) and a natural feature material treatment such as wood, to soften the presentation of the facades to the streetscape and adjoining properties.

r) Revision of the eastern facade to reflect townhouse typology architectural elements, to the satisfaction of the Responsible Authority.

s) 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”.

t) The location of gas and water meters.

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

3. 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:-

   a) the location of all existing trees and other vegetation to be retained on site

   b) The provision of a minimum of one (1) canopy tree with spreading crown located within each ground floor open space area of Dwellings 2, 3, 4 and 8.

   c) The provision of a minimum of two (2) canopy trees with spreading crowns located within each ground floor open space area of Dwellings 1 and 5. These trees should be located with appropriate clearance from boundary walls, fencing and easements.

   d) Canopy trees to be positioned along the western and southern boundaries
of the site to provide a future ‘upper canopy’ and screening of the built form from the western and southern adjoining properties.

e) All canopy tree species should be selected based on their ability to be located and to mature in, small open space areas.

f) Canopy tree planting above the basement level car park shall consider appropriate levels/clearance required for the ongoing health and maturity of the tree.

g) The inclusion of Tree Protection Zones for street trees in accordance with horticultural advice from the City of Monash.

h) A notation for works within the Tree Protection Zone to read ‘works within the TPZ to be in accordance with Australian Standard 4970-2009.

i) planting to soften the appearance of hard surface areas such as driveways and other paved areas

j) 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. Planting should incorporate endemic species to the locality.

k) the location and details of all fencing

l) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site

m) 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.

4. 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.

5. On-site visitor car parking spaces are required to be clearly marked.

6. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m), which may include adjacent landscaping areas with a height less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
7. The existing redundant crossing on Springvale Road Service Road is to be removed and reinstated with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

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

9. 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.

10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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

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

3. A drainage contribution will not be accepted in lieu of a detention system.

4. Detention system requirements for the above property are as follows:
   a) Minimum storage = 7.7 cubic metres.
   b) Maximum discharge rate = 9.78 litres per second.
   c) Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Philips multi cell or similar to control outflow.

5. 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.
6. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separate from the detention system for the property, which is to be at ground level and discharged by gravity.

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

8. 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.

9. 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.

10. No residential parking permits will be issued for the approved development.

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

12. 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 Monash City Council prior to works commencing. Please refer to the notes section of this permit for additional details.

13. The nominated point of connection for the site is the south-east corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the 375mm Council drain in the nature strip via a Council approved saddler adaptor to be constructed to Council Standards. (A new pit is to be constructed if a pit does not exist, is in poor condition or is not a standard Council pit). If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

14. Any new drainage work within the road reserve requires the approval of the Monash’s City Council 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 $500 is to be paid prior to the drainage works commencing.

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

CARRIED

1.14 49 Sesame Street Mount Waverley - Construction of Six (6) Dwellings And The Removal of Vegetation Protected Under a Vegetation Protection Overlay

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/46706) for the construction of six (6) dwellings and the removal of vegetation protected under a vegetation protection overlay, at 49 Sesame Street, 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:

a) The sill height of all upper floor windows.

b) Each garage labelled according to corresponding dwelling.

c) All first floor walls between each dwelling to be separated by a minimum distance of 4.5 metres.

d) Dwelling 3 and 4 ground floor northern walls setback a minimum 1.5 metres from rear northern boundary.

e) Dwelling 3 and 4 first floor northern walls setback a minimum 3.5 metres from rear northern boundary.

f) Dwelling 2 first floor east wall setback 3.5 metres from east boundary.

g) Inclusion of articulation to the eastern facade of Dwelling 6.

h) Plans updated to show the Tree Protection Zones of Tree No 3 and the row of Pittosporums in accordance with the Arboricultural Report provided with the application.

i) A corner splay or areas at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long by 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.

j) The onsite visitor parking space clearly marked and, widened to 2.9 metres with the inclusion of 4 metre radii to the accessway.
k) **The reversing/manoeuvring area provided between dwellings 3 and 4 removed and replaced with landscaping.**

l) **The letter and meter box enclosure with a maximum height of 1.2 metres.**

m) **Gas and water meters located so as not to be prominent or obtrusive in the streetscape.**

n) **The clothesline and storage areas of dwellings 2, 3 and 4 moved to the southern side of their private open space.**

o) **Dwelling 5’s clothesline repositioned to the southern side of the POS and the storage area repositioned east to adjoin the rear of the garage of Unit 4.**

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

3. **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:-**

   a) **At least one canopy tree with spreading crowns planted within the front setback of Dwellings 1 and 6; and at least one canopy tree planted within the secluded private open space of each dwelling. The trees must be a minimum height of 2.5 metres at the time of planting and be maintained to Council’s satisfaction.**

   b) **the location of all existing trees and other vegetation on adjoining properties including applicable TPZs.**

   c) **planting to soften the appearance of hard surface areas such as driveways and other paved areas.**

   d) **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.**

   e) **the location and details of all fencing.**

   f) **the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.**

   g) **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.

4. **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);

j) The provision of protective fences to Tree Protection Zones.

5. **No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line or TPZ of any tree during the construction period of the development hereby permitted.**

6. **All work within the dripline or TPZ of any tree shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.**

7. **All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.**

8. **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.**

9. **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 southeast corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip outside 47 Sesame Street via a 900 x 600mm junction pit and 225mm drain, to be constructed to Council Standards.
If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

10. 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:
   • trench grates (150mm minimum internal width) located within the property; and/or
   • shaping the driveway so that water is collected in a grated pit on the property; and/or
   • another Council approved equivalent

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 thereafter maintained to the satisfaction of the Responsible Authority.

12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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

14. The existing vehicle crossings are in poor condition and are to be fully reconstructed to a width of 3.0 metres. The reconstructed crossings are to align with the Unit 1 and Unit 6 driveways accordingly.

15. Corner splays or areas 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) shall be provided to both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

16. The on-site visitor parking space is required to be clearly marked.

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

2. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

3. A drainage contribution will not be accepted in lieu of an onsite detention system.

4. Detention system requirements for the property are as follows:
   - Minimum storage = 16.39 cubic metres
   - Maximum discharge rate = 8.95 litres per second
   - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.

5. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.

6. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting Council’s Valuation Team on 9518 3615 or 9518 3210.

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

8. Any new drainage work within the road reserve requires the approval of the Monash City Council Engineering Department prior to the works commencing. Please refer to the notes section of this permit for additional details. A refundable security deposit of $1000 is to be paid prior to drainage works commencing.

9. Engineering permits must be obtained for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).

10. Approval of each proposed crossing, and a permit for installation or modification of any vehicular crossing is required from Council’s Engineering Department.

11. The proposed crossings are to be constructed in accordance with the City of Monash standards.

   All new crossings must be a minimum of 3.0 metres in width.

   CARRIED
1.15 178 Atherton Road Oakleigh - To Construct Five Double Storey Dwellings With Basement Car Park (Application Made Due To Permit TPA/40206 Issued 2013 Has Lapsed)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/46833) to construct five double storey dwellings with basement car park, at 178 Atherton Road, Oakleigh 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) The width of car park 3 and 6 to be 2.9 metres wide;
(b) The width of car park 7 to be 3.2 metres wide;
(c) A corner splay or areas at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long by 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; and
(d) The width of ramps and gradients altered in accordance with Condition 24;

to the satisfaction of the Responsible Authority.

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

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. No 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.

5. 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; and

(e) Litter management;

A copy of this plan must be submitted to Council for endorsement.

6. The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:
   • Monday to Friday (excluding Public Holidays) – 7:00am to 6pm;
   • Saturday – 9am to 1pm;
   • Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This excludes excavation or the use of heavy machinery); unless otherwise approved in writing by the Responsible Authority.

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

8. Prior to the commencement of the development, a schedule of construction materials, external finishes and colours must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed to form part of the permit.

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

10. 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.

11. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works under this Permit. The plan must show the proposed landscape treatment of the site including:
   (a) the location of all existing trees and other vegetation to be retained on site;
   (b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
   (c) planting to soften the appearance of hard surface areas such as driveways and other paved areas;
   (d) 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;

(e) the location and details of all fencing;

(f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;

(g) details of all proposed hard surface materials including pathways, patio or decked areas;

(h) No canopy tree is to be planted in the southeast or southwest corners of the land;

(i) Tree protection Zones and temporary fences during construction.

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

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

13. All work within the dripline of any tree to be retained in accordance with Condition 11 shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.

14. Before the development starts, a drainage 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.

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

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

17. An unobstructed access path of a minimum width of 1.8 metres is to be provided and maintained along the southern boundary to the existing Council pit to allow for drainage maintenance access.

18. A drainage easement is to be created at the south-western corner of the property (such that the easement extends 1 metre beyond both edges of the existing Council
pit) at the time of subdivision in favour of the Monash City Council to protect Council's drainage assets.

19. Redundant vehicle crossings are to be removed and reinstated with kerb and channel to the satisfaction of the Responsible Authority.

20. 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.

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

22. All new or replacement crossings must be a minimum of 3.0 metres in width and constructed to Monash City Council standards.

23. As set out in Clause 52.06-8 of the Monash Planning Scheme, the ramp grades to be designed as follows:
   i. Maximum grade of 1 in 4.
   ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
   iii. The maximum grade within a parking module measured parallel to the angle of parking is 1 in 20. Measured in any other direction is 1 in 16.

24. Expiry of permit:
   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. Building approval must be obtained prior to the commencement of the above approved works.

2. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

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

4. A drainage contribution of approximately $7,523 may be accepted in lieu of an onsite detention system. This contribution amount is valid until 30 June 2017. 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 amended landscape or drainage plans will alter this amount.

5. Detention system requirements for the above property are as follows:-
   d. Minimum storage = 2.01 cubic metres.
   e. Maximum discharge rate = 12.79 litres per second.
   f. Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.

6. 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 requirements of this permit.

7. An on-site detention system for storm events up to the 1% AEP event is to be retained on site for the basement carpark. The detention system for the basement is to be separate from the detention system for the property, which is to be at ground level and discharge by gravity.

The nominated point of discharge is the south-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the Council pit in the rear easement to be constructed to Council Standards.

LOST

MOTION

That Council resolve to issue a Notice of Refusal to Grant a Planning Permit (TPA/46833) for to construct five attached double storey dwellings with basement car park at 178 Atherton Road, Oakleigh subject to the following grounds:
1. The proposal is not consistent with the residential development and character policy of Clause 22.01 of the Monash Planning Scheme with regard to built form, scale of development, and landscaping.

2. The proposed development does not adequately respect and respond to Amendment C125 to the Monash Planning Scheme.

3. The proposal is considered an overdevelopment.

CARRIED

1.16 263A Springvale Rd Glen Waverley - Amendment of The Existing Approved Four Storey Development By Adding An Additional Level Comprising Two Apartments

That Council resolve to issue a Notice of Decision to Grant an Amended Planning Permit (TPA/43981/B) for the construction of a five storey building containing two levels of restaurant, six dwellings over three levels, basement carpark, waiver of the loading and unloading of vehicles requirement pursuant to Clause 52.07, together with the display of internally illuminated signage at 263A Springvale 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. 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;
3. 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 all uses on-site;
   
   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 and approved by Council.

4. Before the development starts, a drainage plan drawn to scale and dimensioned must be approved by the Responsible Authority.

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

   The nominated point of discharge is the south east corner of the property where the entire site’s stormwater discharge must be collected and free drained via a pipe to the Council pit in the crossover of the laneway south of 265 Springvale Road via a 300mm pipe and a 900 mm x 600 mm junction pit to be constructed to Council Standards.

   The existing drains (ie 150mm and 225mm pipes) adjacent to No. 265 Springvale Road are to be replaced by a 300mm drain from the pit in the crossover of the laneway south of 265 Springvale Road to the pit to be installed adjacent to the south east corner of the property.

5. No more than 130 seats shall be provided within the total area of the restaurant.

6. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

7. In accordance with the Monash Planning Scheme, at least 25% of the mechanical car parking spaces are to accommodate a vehicle
clearance height of at least 1.8 metres.

8. The mechanical parking system is required to provide the following:
   a) At least 7 parking spaces
   b) Independent operation for each parking space
   c) A clear / usable platform width of at least 230cm
   d) Loading weight per platform of at least 2000 kg
   e) A vehicle at least 520cm in length;
   f) Turntable transfer area at least 640cm in length and width;
   g) Operator panel access from within the building

9. All access points to the mechanical parking system require provision of a gate / door which is to be fully automated and linked to the mechanical parking operating system to ensure there is no inadvertent access during the operation of the system.

10. Specification of the mechanical parking system detail design and associated features is required to the satisfaction of the Responsible Authority.

11. The mechanical car parking system is to be maintained in good working order and be permanently available for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.

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

13. 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.

14. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

15. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.

16. Signs must not contain any flashing light.

17. All signs must be located wholly within the boundary of the land.

18. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

19. 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.

20. Before the dwellings are occupied two additional car spaces must be provided, or otherwise to the satisfaction of the Responsible Authority.

NOTES-

1. An onsite detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.

2. Any new drainage work within the road reserve requires the approval of the Monash City Council Engineering Department 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. Sufficient information must be shown on the plans to demonstrate that the drainage works will meet all drainage conditions of the permit.

A refundable security deposit of $3000 is to be paid prior to the drainage works commencing.

CARRIED

1.17 45-49 Portman Street Oakleigh - The Construction of An Apartment Building And Associated Works, Use of The Land For Accommodation (Dwellings), Partial Demolition And Alteration To The Existing Heritage Building, Reduction In The Residential Visitor Car Parking Requirement And Waiver of The Loading Facilities Requirement

A. That Council resolves that if it were in a position to make a decision, it would determine to Refuse the application (TPA/46599) for the the construction of an apartment building and associated works, use of the land for accommodation (dwellings), partial demolition and alteration to the existing heritage building, reduction in the residential visitor car parking requirement and waiver of the loading facilities requirement at 45-49 Portman Street, Oakleigh on the following grounds:
1. **The proposal is inconsistent with Clause 21.15 being the Oakleigh Major Activity Centre Structure Plan.**

2. **The proposal is inconsistent with the objectives and requirements of Design and Development Overlay – Schedule 11.**

3. **The proposed development is excessive in building height, scale and massing having regard to the surrounding context and applicable policy.**

4. **The proposed vehicle access arrangement and car parking design does not meet the provisions of Clause 52.06 and Schedule 2 of the Parking Overlay**

5. **The proposal will result in a poor level of internal amenity for future residents.**

6. **The proposal development has an adverse impact on the amenity of adjoining properties.**

B. **That Council writes to VCAT, the applicant and all other parties advising of its position.**

C. **Authorises the Director of City Development (or representative) to consider any amended plans, modify refusal grounds and resolve the matter at any VCAT conducted compulsory conference or hearing on the basis of changes to make the proposal generally compliant with the provisions of the Monash Planning Scheme.**

CARRIED

1.18 **Town Planning Schedules**

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

CARRIED
2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Metro Access Program Funding Advocacy

That Council:

1. Notes the importance of the Metro Access Officer position to Council and the local community; and

2. Writes to the Honourable Martin Foley, Minister for Housing, Disability and Ageing, to advocate for the continuation of State Government funding for the Building Inclusive Communities Metro Access partnership program beyond 30 June 2017.

CARRIED

3. CORPORATE SERVICES

3.1 Appointment of an Independent Member to the Audit & Risk Committee

That Council:

1. adopts the recommendation of the recruitment panel overseeing the selection of an independent member of Council’s Audit & Risk Committee (A&RC) and appoints Ms Katie Baldwin as an independent member of the A&RC for a period of three years ending 30 June 2020; and

2. notes that all other applicants will be advised of Council’s decision and thanked for their interest in the position.

CARRIED

4. INFRASTRUCTURE

4.1 Shared Pathway Construction and Intersection Works – Hanover Street, Oakleigh

That:

1. Council accepts the amended tender of Earthlink Contractors Pty Ltd to undertake construction of a shared pathway and intersection improvements on the southern approach of the Hanover Street bridge, Oakleigh for the lump sum of $290,033.15 (GST inclusive).

2. The anticipated project expenditure of $338,000 (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.

CARRIED

4.2 Public Toilet – Pinewood Shopping Precinct

Moved Cr , Seconded Cr

That Council:
1. Accepts the lump sum tender price of $402,835 (GST incl.) submitted by Sherwood Constructions Pty Ltd to undertake the replacement of the Public Toilet Building at Pinewood Shopping Precinct (CF2017023, Project 7086 00).

2. Notes the anticipated project expenditure of $441,214 (GST excl.) for the demolition, construction works, documentation, contingency and project management fees.

3. Authorises the Chief Executive Officer to execute the contract agreement.

4. Authorises the Chief Executive Officer to 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

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

CARRIED

6. **COMMITTEE REPORTS**

6.1 2017/18 Monash Community Grants Allocations

*That Council fund a total of $2,563,767.07 for cash and in-kind allocations to the groups and organisations detailed in the attachment subject to the adoption of Council’s 2017/18 budget.*

CARRIED

7. **NOTICES OF MOTION**

7.1 Discretionary Fund Applications

*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>
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<tbody>
<tr>
<td><em>Melbourne Intervarsity Choral Festival</em></td>
<td>Donations towards choral festival</td>
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<tr>
<td><em>Victorian Sikh Association</em></td>
<td>Donation towards community workshop</td>
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<tr>
<td><em>Sri Lank Invites</em></td>
<td>Donation towards community event</td>
<td>$500</td>
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<tr>
<td><em>Friends of Scotchmans Creek and Valley Reserve Inc</em></td>
<td>Costs towards food/refreshments associated with public tree planting event</td>
<td>$400</td>
</tr>
</tbody>
</table>

CARRIED
7.2 2017 National General Assembly

That Council approves the attendance of Deputy Mayor Cr James and Cr Fergeus at the 2017 National General Assembly of the Australian Local Government Association, to be held in Canberra, from 18 to 21 June 2017, inclusive.

CARRIED

7.3 Advocacy - School Focused Youth Service

That Council:

1. Notes the report.

2. Supports the motion to the Municipal Association of Victoria May 2017 State Council requesting a state wide advocacy campaign to seek an extension of funding for the continuation of the School Focused Youth Service. The motion to be submitted is:
   That the MAV seek a commitment from the State Government for the continuation of funding for the School Focused Youth Service in its current form, beyond the current agreement which ends in December 2017; and

3. Endorses officers to work in partnership with the Eastern Melbourne Councils to commence a joint advocacy campaign.

CARRIED

7.4 Motion to the State Council Meeting of MAV

That Council supports the following motion to the Municipal Association of Victoria May 2017 State Council. The motion to be submitted is:

‘That the MAV seek a commitment from the State Government for the continuation of funding for the Building Inclusive Communities Metro Access partnership program beyond the current agreement, in addition to the identified funded programs under the National Disability Insurance Scheme’.

CARRIED

7.5 Motion to the State Council Meeting of the MAV: Rescode & Residential Zones Advocacy Campaign

That Council submits the following motion to the Municipal Association of Victoria (MAV) State Council meeting in May 2017. The motion to be submitted is:

1. That the MAV supports an advocacy campaign calling for:
- a comprehensive review of the application and impact of ResCode development standards, particularly in relation to single dwellings,
- a comprehensive review of the use and development provisions of the residential zones and associated Building Regulations for commercial residential uses such as retirement villages, residential aged care facilities and rooming houses.

CARRIED

7.6 Questions from Public

This item was dealt with earlier in the meeting agenda.

7.7 Membership of the Australian China Business Council (ACBC)

That Council resolves to join the Australian China Business Council (ACBC) and to pursue partnership opportunities with ACBC and the holding of relevant ACBC training/information sessions locally in Monash which are consistent with Council’s existing economic development strategies to expand connections, networks and opportunities for local businesses in Monash.

CARRIED

7.8 Homelessness and Sleeping Rough In Monash

That Council:

1. Supports the motion to the Municipal Association of Victoria May 2017 State Council requesting State Government support in addressing homelessness (and more specifically rough sleeping) in the City of Monash. The motion to be submitted is:
   That the MAV seek a commitment from the State Government for additional funding and services to respond to the increasing demand of community members experiencing homelessness.

2. Writes to the Hon. Martin Foley MP (Minister for Housing, Disability and Ageing) seeking a meeting to inform the Minister of the level of homelessness being experienced in the City of Monash and to advocate for increased funding for improving outcomes for rough sleepers in Monash; and

4. Endorses officer’s on-going advocacy efforts for homeless outreach services to be located in Monash.

CARRIED
7.9 Eastern Transport Coalition – 2017-18 Advocacy Campaign

That Council endorses the Eastern Transport Coalition’s 2017-18 Advocacy Campaign and refers the sums of $13,200 and $6,600 for inclusion in its 2017/18 and 2018/19 operating budgets respectively.

CARRIED

8. URGENT BUSINESS

8.1 Street Tree Strategy

That the matter of the Street Tree Strategy – Implementation and Consultation, be admitted as an item of Urgent Business.

CARRIED

MOTION

That Council endorses the revised implementation and consultation process for the Street Tree Strategy.

CARRIED

9. COUNCILLORS’ REPORTS

10. PERSONAL EXPLANATIONS

Nil

11. MATTERS OF COUNCIL IMPORTANCE

Nil
12. CONFIDENTIAL BUSINESS

That the Council move into Confidential Business, in accordance with section 89(2) of the Local Government Act 1989, to consider contractual matters and proposed developments and that the meeting be closed to members of the public.’

CARRIED

RETURN TO OPEN COUNCIL

The Council returned to Open Council at 10.59 pm

The Mayor declared the meeting closed at 11.00 pm

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

DATED THIS ................................ DAY OF ................................ 2017
PUBLIC QUESTIONS

Question from Georgia & Glen Skelton

At the front of our property 10 The Avenue Oakleigh and that of No 12 there is a 3-metre area of land that is enclosed by a hedge and a fence at number 12. The owners of no 10 and 12 have maintained it as long as anyone can remember. In 1953 the hedge at no 10 was planted replacing the picket fence. This area is currently marked as roadway on the title and the water meters for no 10 is still on this roadway. (No 12 has recently been removed at council expense).

Some time in January 2015 we were advise by council that the driveways of No 10 and No 12 were to be joined and extended to the 3 metre area to create a traffic turn around for the Garbage Trucks. Quite frankly we were horrified but cooperated fully with council and we were assured that once the turn around was constructed that a recommendation would be put to council for the remaining land to be transferred to the owners of no’s 10 and 12 at which stage we could remove the hedge and reinstate the Victorian Pickets.

It is now 12 months since the turnaround has been completed and we are still no further along with this matter. We would like to be treated the same as No 12 and have a fence along the hedge line. Please note that Council paid for the fence alteration, gate purchase and installation and the repositioning of the water meter at No 12 and has offered the same for us at No 10. But has not granted us permission to erect the fence at this stage.

If we put a fence after the hedge line this will leave the 3 metres of roadway to be maintained and beautified. It will alter the streetscape significantly and it would be grossly unfair to expect us to labour and pay for its upkeep.

We understand that the turnaround was installed to create safety in the street however it is totally unfair that by installing it, it has created safety and other issues for us in our own home.

We therefore seek permission to replace the hedge enclosing our property with a picket fence for the following reasons.

1. Protect our grand children and from the traffic using the turnaround.
2. Secure our property with a fence and gate.
3. Define the turn around for the public by means of a gate to protect our driveway from wear and tear.
4. We wish to return the frontage of our property to the heritage state byre instating a Victorian picket fence.
5. End the maintenance of the hedge.
6. Enhance the streetscape.

We wish to be treated equal to our neighbour.

Council response read out by the Mayor

- Council staff advise me that your situation is different to your neighbour’s situation as your neighbour has had a fence in place for many years. If applied for today, Council would not approve this fence in its current location but as it already exists we are not asking for it to be removed.
- We think that there is a way forward on this matter and I have asked Council’s Director City Development to meet with you and for Council to be briefed on the outcome.
- We thank you for your patience.