



**CITY OF
MONASH**

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 29 MARCH 2016**

at 7.30 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 29 MARCH 2016 AT 7.30 PM.**

PRESENT: Councillors S Perri (Mayor), R Paterson (Deputy Mayor), R Davies, M Drieberg, P Klisaris, G Lake, B Little, J Lo, B Pontikis, T Zographos

APOLOGIES:

Cr K Nolan

DISCLOSURES OF INTEREST

Cr Drieberg: Item 6.3 and Confidential Business Item 12.2.

Cr Little: Item 2.1 and 4.16.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 23 FEBRUARY 2016**

Moved Cr Little,

Seconded Cr Paterson

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

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil

PUBLIC QUESTION TIME

The Mayor advised that 18 questions had been received.

URGENT BUSINESS

Moved Cr Zographos,

Seconded Cr Davies

That the matter relating to the State Government's announcement today regarding voluntary purchase of property on land abutting the proposed skyrail be considered as an Item of Urgent Business.

CARRIED

Moved Cr Zographos,

Seconded Cr Davies

That Council

- 1. Writes to the Minister for Public Transport the Hon. Jacinta Allan MP expressing concern regarding a funding black hole regarding these voluntary purchase offers.*
- 2. Expresses concern regarding the resulting decrease of the market value rate of properties abutting the proposed skyrail*
- 3. Urges the Government to delay works until the community has had an opportunity to make its views known and exhaust any other action.*

Cr Zographos said that construction along the rail corridor was to commence in June and the Government was concerned about the impact on residences along that corridor. The key to this issue was whether the Government was offering genuine compensation for loss by residents. The market value of the properties would be devalued because of the skyrail project. He said that more information was needed from the Minister for Public Transport. He added that the budget for the project may not be sufficient enough to cover the cost of the purchase of the properties of those taking up the Government's offer. Cr Zographos said that he wanted the work to be delayed until the community has had an opportunity to make its views known on the offer and to exhaust any other action available to it. He said that residents were fighting for their families and their homes and the Council was in a position to delay skyrail.

EXTENSION OF TIME TO SPEAK

Moved Cr Perri,

Seconded Cr Davies

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

CARRIED

Cr Zographos continued, saying that he wanted the Council to do something on this matter. If this was an offer of compensation, it was worth consideration. But if was an offer of market value and nothing else, then it was a political act related to the forthcoming Federal election and the Federal seats of Chisholm and Bruce.

Cr Lake said that he supported the item being accepted as Urgent Business, but did not support the motion. He said that the Government's announcement was a positive response to Council's advocacy and addressed issues raised by residents regarding possible compensation. Cr Lake said that the option became available today and it was a good announcement, given the circumstances. He added that the Government should be thanked for responding to the Council's advocacy and the Council should vote down the motion.

Cr Paterson said that the announcement came as a surprise. She added that the Council needed to accept the Government's position regarding funding and noted that the market value would exclude the impact of the elevated rail proposal. Cr Paterson said that she agreed that it was not a compensation offer but a voluntary purchase offer. She added that it was a start, but a better was needed for the residents. Cr Paterson said that the motion should seek the Government's agreement to make a better offer.

Cr Davies said that this was another deception. The Government never identified skyrail as an option and stated that it would provide 12 MCG's worth of open space, which was not true. He said that the deception continued. There were a lot of costs involved in moving house. Cr Davies said that residents had done nothing wrong and the Council needed to advocate on their behalf. HE said that he supported the motion.

In response to a question from Cr Lake, the Director Infrastructure advised that the Government's offer was based on the purchase at the market rate, and for the related costs such as legal, valuation and moving expenses, including stamp duty, to also be met by the Government.

The Director Infrastructure advised he would have to take on notice the question from Cr Davies on , of whether the offer included relocation expenses.

RIGHT OF REPLY

Cr Zographos noted some of Cr Paterson's points. He questioned whether the Government had allocated enough funding to cover the purchases of the houses and that residents had the right to be sceptical. They needed more information than what was contained in the Government's media release. He added that the Level Crossing Removal Authority could not be trusted to provide accurate information.

Cr Zographos said that it was unclear what would happen to the properties that were purchased and those questions needed to be asked now. He said that the Council should support the motion because it was right.

LOST

DIVISION

A Division was called.

For: Crs Davies and Zographos

Against: Crs Drieberg, Klisaris, Lake, Little, Lo, Paterson, Pontikis and Perri

PROCEDURAL MOTION

Moved Cr Zographos,

Seconded Cr Davies

That item 7.6 be brought forward to be dealt with as the next item of business.

LOST

CASTING VOTE

The Mayor, as Chairperson, exercised her casting vote, to vote against the motion.

DIVISION

A Division was called.

For: Crs Davies, Little Pontikis, Klisaris, Zographos

Against: Crs Drieberg, Lake, Lo, Paterson, Perri

RETURN TO PUBLIC QUESTION TIME

The meeting returned to Public Question Time.

PROCEDURAL MOTION

Moved Cr Paterson,

Seconded Cr Lo

That Public Question Time be extended by 10 minutes.

CARRIED

POINT OF ORDER

Cr Zographos called a Point of Order, asking if questions and responses could be read out, when the submitter was not present.

The Mayor advised that the Council had determined to allow this on several occasions, particularly where there had been matters of great community interest or concern.

The remaining questions received were read out and responded to.

PROCEDURAL MOTION

Moved Cr Zographos,

Seconded Cr Davies

That item 7.6 be brought forward to be dealt with as the next item of business.

CARRIED

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That item 4.2 be brought forward to be dealt with as the next item of business, immediately after Item 7.6.

CARRIED

7.6 Monash Skyrail Community Concerns

Moved Cr Zographos,

Seconded Cr Davies

That Council:

1. Notes

- a) *That the Level Crossing Removal Authority has not substantially responded to Council's questions raised in its Notice of Motion passed at the February Council meeting.*
 - b) *The concerns raised by many residents and property owners in Clayton regarding the large concrete wall that will face properties in Carinish and Haughton Roads.*
 - c) *The concerns of Clayton Traders regarding the proposal for Skyrail.*
 - d) *The activity undertaken by concerned Monash residents and property owners to campaign against the Skyrail.*
 - e) *The significant community concerns voiced by over 150 people at the February Council meeting.*
 - f) *That the Level Crossing Removal Authority has not held a second briefing session with Council since it promised to on the 9th of February.*
 - g) *That at least 8000 signatures in total have been submitted in petitions against the Skyrail proposal.*
 - h) *That the State Government has not yet released an environmental impact statement and the noise comparison analysis.*
 - i) *That contrary to what Government states, the gas line situated beneath land where the Skyrail will be built can be moved.*
 - j) *The alternative plan put forward by local engineers that can be viewed at noskyrail.net*
2. *Write to all property owners in Monash within 500 metres of the proposed Skyrail regarding Council's concern of the project and the process thus far.*
 3. *Write to the Glen Eira, Kingston and Greater Dandenong Councils advising of these items and Council's concern of the project and the process thus far.*

Cr Zographos said that the Council had not received answers to all the questions it had asked of the Level Crossing Removal Authority. Residents of Carinish and Haughton Roads, who he had spoken to, had expressed concerns about the proposed noise barrier wall. Clayton traders were also concerned about skyrail and the impact it would have on their businesses. Cr Zographos said that he appreciated the efforts of residents fighting against skyrail. He said that at the last Council meeting, over 150 members of the public gallery were upset with the decision of the Council on skyrail. A second briefing for the Council by the Authority had been promised, but had yet to take place. Cr Zographos said that a number of petitions with a total of 8,000 signatures had been taken up against skyrail, with many of these signatures coming from Monash residents. Cr Zographos said that the noise and environmental impact statements of the proposal had yet to be released.

EXTENSION OF TIME TO SPEAK

Moved Cr Zographos,

Seconded Cr Davies

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

CARRIED

Cr Zographos continued, saying that the Council needed to pursue this. Cr Zographos said that one of the Government's reasons for the proposal related to difficulties with the existing gas supply infrastructure; this was not true.

In response to a request from Cr Lake, the Chief Executive Officer advised the Council that she and senior Council officers had met the Chief Executive Officer of the Level Crossing Removal Authority. She advised that additional technical information had been circulated to the community, with further information to be distributed; a detailed briefing on noise attenuation would be provided; a public consultation session was held in Clayton on 17 March 2016; further information was being distributed to 7,000 residences in the rail corridor; the Council had yet to receive information on the noise modelling and a report would be submitted to the April 2016 meeting of the Council.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That this item be deferred to the April 2016 Council meeting to consider the Level Crossing Removal Authority's response.

CARRIED

DIVISION

For: Crs Drieberg, Klisaris, Lake, Lo, Pontikis, Perri

Against: Crs Davies, Paterson, Zographos

4.2 MPS Amendment C125 - Community Feedback & Outcomes of Independent Review

Moved Cr Little,

Seconded Cr Paterson

That Council:

- 1. Notes the submissions and comments received.***
- 2. Modifies Amendment C125 in accordance with the changes recommended in this report and adopts this as Council's in principle position and an appropriate proposed way forward for the amendment.***
- 3. Notes that the changes proposed to amendment include:***
 - a. Changing site coverage in the General Residential Zone 3 and the Neighbourhood Residential Zone 1 & 4 areas from 40% to 50%,***
 - b. Changing site coverage in the Neighbourhood Residential Zone 3 area from 40% to 45%,***
 - c. Deleting proposed changes to side setbacks across all zones,***
 - d. Deleting the specification of a height for canopy trees***
 - e. Linking the height of canopy trees to the height of the dwelling,***
 - f. Changing the minimum parcel of private open space from 60m² to 50m² in the General Residential Zone 3 & 4, and***
 - g. Retaining the existing 7.6 metre front setback for the Neighbourhood Residential Zone 4 area.***
- 4. Undertakes community consultation on the in principle position by inviting submissions from the community on the in-principle position in a similar manner to the process Council follows in adopting the annual budget (including with the opportunity for public verbal and written submissions).***
- 5. Resolves to convene a special meeting of Council on 3 May 2016 to allow for verbal submissions to be heard.***
- 6. Following consideration of all submissions received, makes a final decision on the Amendment at the Council meeting of 31 May 2016 on the form of the amendment to be submitted for consideration by the Planning Panel in the event Council decides to proceed with the Amendment.***
- 7. Gives notice of the above decisions by:***
 - a. Writing to all submitters to the Amendment***
 - b. Placing notices in the Monash Leader; and***
 - c. Placing a notice or article in the Monash Bulletin.***

Cr Little said that the proposal had undergone extensive consultation. The intention was to maintain the Monash character and protect the low to medium growth areas. The current proposal represented sensible adjustments to the

previous one. He added that high density zones would be retained, while protecting the other zones.

Cr Davies said that Amendment had bipartisan support. The proposal was seeking to cater for high growth, and protect medium or general residential growth and low growth areas. He added that the Council was taking an even-handed approach and he supported the majority of the proposal. Cr Davies noted that this had been a long process, the proposal would not necessarily please everyone, but it was a well balanced and thought out proposal.

Cr Lake said that he had not supported the proposal put to the Council in October 2015 and he was still uncomfortable with elements of the current proposal before Council. He said that it would not be fatal if the proposal was abandoned. Cr Lake noted the considerable work done in response to the community feedback. He added that a number of the changes proposed went a little too far. He had also spoken to residents who supported and opposed the current proposal. Cr Lake said that the combined requirements of the proposed changes would be a burden for property owners, for the future.

Cr Lake said that he proposed a number of amendments which he proposed be dealt with individually, as in discussions with fellow Councillors he noted that some supported some of his amendments and others did not. A printed copy of the proposed amendments was circulated to Councillors.

ADJOURNMENT

Moved Cr Davies

Seconded Cr Zographos

That the meeting adjourn for 10 minutes.

Cr Davies advised the Council that given the proposed amendments to be introduced by Cr Lake, he needed to consider whether he had a potential conflict of interest and required advice.

CARRIED

The meeting was adjourned at 9.20 pm.

RESUMPTION OF MEETING

The meeting resumed at 9.30 pm.

Cr Davies advised the Council that he had sought the adjournment as he resides within the area identified in part 9j) of Cr Lake's proposed amendment. He had considered the matter and sought advice from Council officers on it. He said that he considered that he did not have a conflict of interest as he held an interest in common with other persons, in relation to this matter.

POINT OF ORDER

Cr Zographos stated that there had not been an agreement by the Council or a ruling by the Chairperson for the proposed amendments to be dealt with individually. He said that Cr Lake had engaged in improper conduct and breached the Local Government Act by implying how Councillors would vote on the proposed amendments.

The Mayor advised that the amendments would be dealt with according to the requirements of the Meeting Procedures Local Law. The amendments would be dealt with one at a time.

Cr Davies suggested that it would be more expedient to deal with them separately.

PERSONAL EXPLANATION

Cr Lake, with the Chairperson's consent made a personal explanation, stating that he had not breached the Local Government Act as he had not sought to pre-empt how Councillors would vote on the amendments. He was responding to colleague's requests, to deal with the amendments individually, as some had expressed support for some of the amendments, but not all of them.

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

That Part 3 be amended by the inclusion of '(f) reducing the number of canopy trees required in each schedule to a minimum of 2,'.

Cr Lake said that the requirement would apply to dual and multi occupancy developments. He did not support the removal of the requirement for canopy trees.

In response to a question from Cr Davies the Director City Development advised that the proposed requirements for the various zones were highlighted in the Officer's Report. He advised that NRZ1 and GRZ3 would be unaffected by the proposed amendment.

Cr Davies said that this issue was not a huge problem. The northern part of the municipality was a lot greener than the southern part and the existing neighbourhood character needed to be taken into account. He added that the requirement to plant canopy trees was more a statement of intent and that that the future environment needed to be taken into account.

The Mayor said that planting trees was not a statement of intent.

In response to a question from the Mayor, the Director City Development advised that endorsed landscape plans were required for developments and the expectation was that the trees planted would be maintained.

CARRIED

DIVISION

For: Crs Drieberg, Klisaris, Lake, Lo, Paterson, Pontikis, Perri

Against: Crs Davies, Little and Zographos

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

Add the following: '3i Deleting the proposed changes to the rear setbacks of the General Residential Zone Schedule 3, the General Residential Zone Schedule 4, the Neighbourhood Residential Zone Schedule 1 and the Neighbourhood Residential Zone Schedule 4,'.

Cr Lake said that amendment proposed changes to setbacks in all zones other than those that contained the creek environs. He said that setbacks had been contentious and the proposed requirements were unnecessarily restrictive; they limited what owners could build on their property.

Cr Lo said that it was important to protect particular zones in the Mount Waverley Ward; its garden character needed to be retained. He thanked the Friends groups for the contribution and for their advocacy in seeking to protect the environment around the creeks.

Cr Davies said that he disagreed with the amendment, saying that the creek zones in other parts of the municipality, and the heritage areas had been overlooked. The Dandenong Creek and the heritage areas would not be protected.

In response to a question from the Mayor, regarding the impact of the proposed amendment, if no other changes were made, the Director City Development advised that in most instances open space is provided and the amendment would not create significant changes. He added that people sought open space near living spaces and in a northern aspect.

EXTENSION OF TIME OF MEETING

Moved Cr Perri

Seconded Cr Drieberg

That the meeting be extended by 2 hours.

CARRIED

Cr Drieberg said that she supported the amendment and that many Wheelers Hill residents had expressed support for a change to the requirements in the propel before Council.

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

Add the following words to the end of part 3g 'across all zones, except for NRZ 2 & 3'.

Cr Lake said that a 60 metre setback along the creek corridors was appropriate; the 50 metre setback was still too high, but he was prepared to accept it.

Cr Davies said that again, the Dandenong Creek escarpment was not being protected. It served as a water drainage area and it was important to protect it, and to protect the heritage areas as well.

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

Add the following: '3j Reducing the extent of the Neighbourhood Residential Zone – Schedule 4 by removing the area of land generally bounded by Highbury Road, Springvale Road, Waverley Road, Gallagher's Road, Westlands Road and Camelot Drive, Glen Waverley from the proposed Neighbourhood Residential Zone - Schedule 4 and placing it in the proposed General Residential Zone – Schedule 4,'.

Cr Lake said that the Dandenong Creek escarpment was the biggest Neighbourhood Residential Zone and was too large. He said that it ignored the changes in character of areas within its boundaries. Cr Lake said that the matter did not relate to drainage; it dealt with neighbourhood character.

Cr Davies said that he lived in this zone and the west side of Gallaghers Road was steep and development in the steeper areas needed to have a low level of development. He added that the Dandenong escarpment comprised approximately twelve percent of the municipality and that Neighbourhood Residential Zone 4 had been defined with great thought and the intention of protecting the character of the area.

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

Add the following:

- 3 k Deleting the requirement for a 10% Public Open Space contribution for all land within the Residential Growth Zone Schedule 3, General Residential Zone Schedule 6 or the Commercial 1 Zone in the Clayton Activity Centre.***
- 4. Notes that Council is currently preparing an Open Space Strategy that will review the provision of, and requirements for, public open space for all of Monash.***
- 5. Resolves that all monies collected in the Clayton Growth areas should be expended on acquiring additional public open space or improvements to existing public open space in the Clayton area.***

Cr Lake said that the Council was being arbitrary regarding Clayton, without reference to the remainder of the municipality. He added that a review of open space across the municipality would commence soon and this needed to be taken into consideration.

In response to a question from Cr Pontikis, the Director City Development confirmed that an open space strategy for the entire municipality would commence in the new financial year.

Cr Little said that the second part of the amendment appeared to run against the third part. He asked if the third part of the amendment pre-empted the open space strategy work.

Cr Lake responded that the third part of the amendment was included at the request of the Mayor, that Clayton had the lowest amount of open space in the municipality and that the particular amendment would impact on Clayton and potentially parts of Hughesdale and Oakleigh.

The Mayor spoke in support of the amendment, adding that it was important to identify that the money collected in the Clayton Growth areas should be spent on acquiring additional public open space or making improvements to existing public open space in the Clayton area.

CARRIED

SUBSTANTIVE MOTION

Cr Lo thanked residents and stakeholders for their involvement in and feedback to the consultation process. Monash is a diverse municipality and it was important to protect the character of Mount Waverley Ward. He noted that for a long time Mount Waverley Councillors had advocated for the protection of its environment.

Cr Klisaris thanked Council officers for their considerable work on the proposals and noted that the amendments made to it at this meeting, strengthened Amendment C125. However, he said that he was unable to support Amendment C125, in principle, as he considered it an overreach of government and affected the ability of property owners to maximise the yield on their property.

Cr Davies said that the Council had gone against the work done by Council officers and the significant changes proposed were not what the community wanted. He said that the community was concerned about congestion, density and parking problems. He said that he was concerned about the proposal's impact on property owners and would not support the motion.

The Mayor noted the 18 month long process to reach this point and thanked residents, Planning Officers and Council's Communications staff for their work. She said that this was a difficult issue to address given the diversity of views in the community and the Council was attempting to strike the right balance. The Mayor added that she did not support all parts of the proposal, but most of them. She added that the Council was heading in the right direction, seeking to protect the character of Monash and giving property owners flexibility to develop their properties. The Mayor noted that the final decision on Amendment C125 would be made at the Council's Ordinary Meeting in late May 2016.

RIGHT OF REPLY

Cr Little thanked City Development Division officers and Communications officers for their work on Amendment C125, noting that it sought to protect the character of Monash and recognise the importance of the Council's creek environs. Cr Little said that the proposal represented modest changes, but heading in the right direction and commended the motion.

CARRIED

DIVISION

For: Crs Drieberg, Lake, Little, Lo, Paterson, Pontikis, Perri

Against: Crs Davies, Klisaris, Zographos

OFFICERS' REPORTS

1. COMMUNITY DEVELOPMENT & SERVICES

1.1 Monash Public Health Approach To Gambling Policy Statement 2016 – 2020

Moved Cr Pontikis,

Seconded Cr Lo

That Council:

1. Endorses the release of the draft City of Monash Public Health Approach to Gambling Policy Statement 2016 – 2020 for community consultation from 1 April – 28 April 2016; and

2. Notes the incorporation of the Public Health Approach to Gambling Policy Statement into the Health & Wellbeing Partnership Plan 2013 – 2017 and Access & Equity Framework 2013 – 2017.

Cr Davies said that entertainment was an aspect of gambling and the gambling industry, as a whole, was not wicked, as it was often portrayed as. He said that he did not support the premise that the industry was targeting vulnerable areas as wealthy areas had a high concentration of gambling machines. Cr Davies noted that there was a high level of spending on gambling in poorer areas, but there could be a number of contributing factors and more research on this was needed.

Cr Lo said that he held a different view. He said that vulnerable communities were being deliberately targeted. He added that legislation needed to change to enable the Local Government sector to adequately contest applications by gambling machine operators to increase the number of machines in vulnerable communities. Cr Lo said that 80 percent of problem gambling was linked to gambling machines and \$140 million had been lost to gambling machines in Monash in the last year. Cr Lo said that there were clear links between problem gambling and social problems and commended the motion.

Cr Lake noted the Council's strong history of advocacy regarding gambling machines. In regard to the number of machines in wealthier suburbs, he noted that although there were a high number of machines in Glen Waverley, it was one of the largest suburbs in the metropolitan area. He said that there was clear and deliberate action by gambling machine operators to target vulnerable communities and machines were moved from affluent areas to vulnerable areas such as Clayton, which had 116 machines per 1,000 adults, compared to the Victorian average of 6 machines per 1,000 adults. Cr Lake said that gambling machines were set up to manipulate people psychologically and it was appropriate for the Council to continue to respond to this issue.

The Mayor commended the report, noting that the Council was a strong advocate on this issue and supported the Alliance for Gambling Reform. She added that the

Council's concern was for the vulnerable communities in Monash and the impact that their targeting by gambling machine operators was having on them.

CARRIED

DIVISION

A Division was called.

For: Crs Drieberg, Klisaris, Lake, Little, Lo, Paterson, Pontikis, Perri

Against: Crs Davies, Zographos

PROCEDURAL MOTION

Moved Cr Davies,

Seconded Cr Zographos

That Item 6.3 on the agenda, be dealt with immediately.

LOST

1.2 Council Submission To The Parliamentary Inquiry Into Domestic Violence and Gender Inequality and The Victorian Gender Equality Strategy

Moved Cr Klisaris,

Seconded Cr Paterson

That Council:

1. Endorses the draft submission to the Parliamentary Inquiry into Domestic Violence and Gender Inequality.

2. Notes the draft submission to the Victorian Gender Equality Strategy.

Cr Klisaris said that in 2015 23 females had been killed by males; in 2016, 26 had been killed. He added that this was a scourge in the community but the Federal Government had cut \$90 million in funding research and support services relating to domestic violence. Cr Klisaris said that the Council was a strong advocate on this issue and commended the motion.

Cr Zographos said that he respected Cr Klisaris' comments but would not support the motion. He said that the Royal Commission into Family Violence had yet to conclude its findings and make a recommendation to the State Government. He suggested that the item be deferred to the next meeting of Council. Cr Zographos said that all abuse was unacceptable, regardless of gender. He said that he did not support quotas; they were impractical and he opposed them in principle. He added that gender should not be given weight and that everyone should be treated equally, regardless of gender.

The Mayor said that out of the extensive documents prepared the issue of quotas had been identified as a problem by Cr Zographos. The Mayor said that the issue was broader than that; women between the ages of 15 and 34 were at the biggest risk of injury or death at the hands of a partner. The Mayor added that the Council had a lot to contribute to this debate.

Cr Paterson said that she grew up in a violent family environment and no assistance was available to her mother and family. She added that family violence needed to be addressed directly and she was proud of the Council's actions in advocating strongly on this issue.

in response to a question from Cr Little regarding the issue of safe houses being raised, the Director Community Development and Services advised that the submission was responding directly to the

Cr Davies said that violence in any form was unacceptable, including family violence. Any action to protect families against violence should be supported. Cr Davies said that he did not support the use of quotas and favoured a merit based system or approach. He said that he supported the motion.

in response to a question from the Mayor, the Director Community Development and Services advised that it was essential to break down gender stereotypes and inequality.

Cr Lake said that the submission recommended the exploration of quotas. He said that a quota system warranted further investigation. It worked well in some instances and not that well in others. Cr Lake suggested that a quota for Councillors would not work, but the Council had a role in encouraging greater diversity amongst candidates for Council. Cr Lake said that he supported the motion and added that it was disappointing that a small element of the submission was singled out.

RIGHT OF REPLY

Cr Klisaris pointed out that the Council was making a submission to a Federal Parliamentary Inquiry, not to the Victorian Royal Commission. Cr Klisaris said that the Federal Government had decided to withdraw \$90 million in funding for important research into family violence and for support services for victims of family violence.

POINT OF ORDER

Cr Davies called a Point of Order, stating that Cr Klisaris' comments were not relevant to the matter before the Council.

The Mayor did not uphold the Point of Order.

Cr Klisaris continued, saying that unfortunately the nation was on track to see 100 women lose their lives to violence from a male. He said that this was a tragedy and the drivel spoken by Cr Davies was unwarranted.

POINT OF ORDER

Cr Davies called a Point of Order, stating that Cr Klisaris' comments were disrespectful and unnecessary.

Cr Klisaris advised the Council that he withdrew his comments. Cr Klisaris continued by saying that the reality was that lives were lost and ruined because of violence against women. He added that he supported a quota system; for every male there was a female who could perform the job just as well. He added that a strong economy was underpinned by good social policy.

CARRIED

DIVISION

A Division was called.

For: Crs Davies, Drieberg, Klisaris, Lake, Little, Lo, Paterson, Pontikis, Perri

Against: Cr Zographos

2. CORPORATE SERVICES

2.1 **Fixed and Mobile Call Charges Contract**

NOTE: Cr Little disclosed a conflict of interest as he is employed by the proposed contractor. He left the Chamber at 11.30 pm and returned after discussion and voting on the matter had been concluded.

Moved Cr Paterson,

Seconded Cr Drieberg

That Council:

1. *Approves the contract with Optus (utilising the MAV Procurement contract (TC4322-2013) and the State Government contract for Telecommunications (TPAMS)) for the provision of telecommunications services for a 3 year period;*
2. *Notes that the total estimated operational cost associated with this contract is \$891,000 (incl. GST); and*
3. *Authorises the Chief Executive Officer to execute the contract on Council's behalf.*

CARRIED

3. INFRASTRUCTURE SERVICES

3.1 **Contract For Drainage Improvement Works – Stocks Road, Mount Waverley**

Moved Cr Drieberg,

Seconded Cr Lo

That:

- 1. Council accepts the tender of Comar Constructions Pty Ltd to undertake the drainage improvement works in the Stocks Road area, Mount Waverley, for the lump sum of \$700,535.00 (GST inclusive).*
- 2. The anticipated project expenditure of \$764,350.00 (GST exclusive) for the drainage improvement works (including the contingency, design and works management fees) be noted.*
- 3. The Chief Executive Officer be authorised to sign and seal the contract documents.*

CARRIED

4. CITY DEVELOPMENT

4.1 Planning Applications – Review of Involvement of Applicant/ Objectors

Moved Cr Pontikis,

Seconded Cr Little

It is recommended that:

- 1. Council notes the recommendations of the report.*
- 2. Council notes that any additional process adopted will require additional resources to be considered during Council's budget process.*
- 3. Council notes that any additional process adopted will have an impact on the processing time of applications meaning that a greater number of applications will take in excess of 60 statutory days to determine.*
- 4. Council notes that changes to delegations will need to be considered, prepared and adopted to facilitate any process that is adopted and funded through Council's budget. Any review of delegations should include the consideration of increasing the value of applications that must be reported to Council from \$1.5million to \$3 million.*
- 5. Council, notes that should it adopt any of the recommendations of this report, it will necessitate a review of the objector summary process.*
- 6. Council notes that at the next review of its planning delegations it will review the objector summary process to ensure that it is still of value given the time it adds to the assessment process.*

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- 7. From July 2016, and subject to two additional full time planning officers (\$150,000) being added to the Statutory Planning unit through Council's budget process, commences a process for residential planning applications where there are up to 4 objections and objectors have indicated on the planning objection form that a compromise could be possible, planning officers contact the Permit Applicant and objectors investigating any possible compromise regarding the proposal.***

 - 8. From July 2016 and subject to four additional full time planning officers (\$350,000) being added to the Statutory Planning Unit through Council's budget process, commences a Delegated Planning Panel process for residential planning applications.***

 - 9. Council writes to the Minister for Planning and the Premier requesting that the Government undertake a full and comprehensive review and modernisation of the Planning and Environment Act 1987 to ensure that it meets today's standards and expectations with particular attention given to the advertising and consultation requirements that may be suitable so that the community is given easy, equitable and fair access to the process.***

AMENDMENT

Moved Cr Lake,

Seconded Cr Davies

That Parts 7 and 8 of the motion be deleted.

Cr Lake said that he supported the content of these two parts of the motion, but considered that they needed to be dealt with at another time.

Cr Davies said that he had concerns about the planning process and the point at which Councillors are notified of any issues or objections.

In response to a question from Cr Little, the Director City Development advised that with the removal of parts 7 and 8, the motion was primarily only requesting the Council to note actions taken or proposed to be taken.

Cr Lo said that he did not support the amendment and supported the provision of additional Planning Officers.

Cr Lake made a point of clarification, saying that he agreed with Cr Lo's position. But the amendment was about process, not staffing levels.

In response to a question from Cr Lo, the Director City Development advised that with the deletion of parts 7 and 8 of the recommendation, no changes to staffing levels would be made.

In response to a question from Cr Lake, the Director City Development advised that with the deletion of parts 7 and 8 of the recommendation, the motion would

simply be requesting the Council to note certain proposals; no changes would be made to the current planning processes.

In response to a question from Cr Lake, the Director City Development advised that if Parts 7 and 8 of the motion had been retained, the Council would have needed to allocate resources to support the processes outlined in those parts.

CARRIED

SUBSTANTIVE MOTION

Cr Lake thanked the Director City Development and his staff for their considerable work to date. He added that improvements to the current process could be made and wanted to see objectors and applicants meeting, where this was appropriate. Cr Lake said that it was a highly effective process to provide people to speak on a planning application. He noted that the Council was very effective in processing planning applications.

Cr Davies said that he had concerns about the planning process and the point at which Councillors were notified of objections. He acknowledged the hard work done by Planning Officers but said that the process needed some improvements. He added that he supported the motion if it resulted in improvements.

The motion, as amended, became the Substantive Motion. It was put to the vote and declared carried.

CARRIED

4.3 Amendment C126 To The Monash Planning Scheme – Variation To Restrictive Covenant To Allow For The Construction of A Moveable, Dependent Person’s Unit: 13 Lammas Court Mulgrave

Moved Cr Drieberg,

Seconded Cr Paterson

That Council resolves to:

- 1. Adopt Amendment C126 to the Monash Planning Scheme and submit it to the Minister for Planning for approval.*
- 2. Advise the owners of 13 Lamas Court, Mulgrave, of its decision and the subsequent steps in the process.*

CARRIED

4.4 438-440 Springvale Road, Glen Waverley - Construction of A Three Storey Building Comprising 25 Apartments Above A Basement Car Park, and Alteration of Access To A Road Zone Category 1

Moved Cr Lo,

Seconded Cr Lake

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/43611) for the development of a three storey apartment building with basement car parking including alteration of access to a Road Zone (Category 1), at 438 - 440 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 first floor southern facades and balconies of apartments 15 and 18 to be setback to 3.869 metres in line with the southern facade of apartments 16 and 17. The internal layout of the apartments is to be re-arranged/reduced in size to accommodate the increased setback.*
- b) *The eastern facade of ground and first floor levels to be setback a further 1 metre at each level. The internal layout of the building is to be rearranged/reduced in size to accommodate the increased setbacks.*
- c) *All first and second floor windows and balconies facing east and south to be screened in accordance with standard B22 of 55.04-6 of the Monash Planning Scheme. (if external privacy screens are provided to windows, they must be designed and coloured to blend in with the development and if obscure glass is proposed it must be fixed to a height of 1700mm above finished floor level).*
- d) *Trees proposed to be planted around the perimeter of the site must be of mature height of at least 3 metres when planted. A Notation to this effect must be added to the ground floor plan and the landscape plan required by condition 8 of the permit.*
- e) *The internal layout of apartment 3 amended to improve natural light access to the internal bedroom and study area.*
- f) *The internal layouts of apartments 11, 12, 16 and 17 amended to delete/relocate proposed study areas to improve natural light access and provide a more open study area within the main living areas.*
- g) *Provision of minimum 2.0 metre grade transitions between different sections of ramp or floor for changes in grade in excess of 12.5% (summit grade change). A minimum of 1:5.7 summit grade transition is required between the 1:10 and 1:4 grades to the satisfaction of the Responsible Authority.*
- h) *Clearance to car parking spaces within the basement in accordance with Diagram 1 of Clause 52.06-8 in relation to the placement of a walls and columns.*
- i) *The provision of a second internal security door between the internal mail boxes and apartment entrances.*
- j) *Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping*

areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

- k) *The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*

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

2. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
3. *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 uses;*
 - b) *Designation of methods of collection by 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) *Litter management.*

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

4. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
5. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
6. *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;*

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- d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - f) *on-site parking of vehicles associated with construction of the development;*
 - g) *wash down areas for trucks and vehicles associated with construction activities;*
 - h) *cleaning and maintaining surrounding road surfaces;*
 - i) *a requirement that construction works must only be carried out during the following hours:*
 - *Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - *Saturday – 9.00am to 1.00pm;*
 - *Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*
7. *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. *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) *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;*
- When approved the plan will be endorsed and will then form part of the permit.*
9. *Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*

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10. *All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
 11. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - (a) *constructed to the satisfaction of the Responsible Authority;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

12. *The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*
 - *Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - *Ramp grades (except within 5 metres of the frontage) to be designed as per condition 1g requirements.*
 - *Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - *Any projection of a structure into a car space (excluding storage) to be a minimum height of 2.1m above the space.*
13. *The accessible parking spaces should generally be designed (other than length of space which may encroach into the adjacent access way width by 500mm) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*
14. *On-site visitor parking spaces are required to be clearly marked.*
15. *Car stacker modules are required to cater for the following:*
 - a) *Independent operation for each parking space.*
 - b) *A minimum entry level headroom clearance of 1.8 metres.*
 - c) *A vehicle at least 180cm height on the pit level.*
 - d) *A vehicle at least 150cm height on the upper level.*
 - e) *A clear/usable platform width of at least 230cm.*
 - f) *Minimum pit length of 520cm.*

g) Loading weight per platform of at least 2000kg.

- 16. Plans for the car stacker detail design and associated features are required to the satisfaction of the Responsible Authority.***
- 17. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.***
- 18. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.***
- 19. Storm water discharge is to be detained on-site to the predevelopment level of peak storm water discharge. Approval of any detention system is required from Council prior to works commencing. A drainage contribution will not be accepted in lieu of a detention system.***
- 20. Direct the entire site's stormwater drainage to the north-west of the property where it must be collected and free drained via a pipe to the 375 mm Council drain in the nature strip via a new side entry pit to be constructed to Council Standards. Note:- If the point of discharge cannot be located then notify Council's Engineering Division immediately.***
- 21. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518 3555).***
- 22. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.***

Conditions 23-26 required by Vic Roads (Ref: 12657/15)

- 23. All redundant crossovers to Springvale Road and Ranfurlie Drive must be reinstated to Kerb & Channel to the satisfaction of the Responsible Authority.***
- 24. The new crossover and driveways are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior the occupation of the works hereby approved.***
- 25. Prior to the occupation of the buildings or works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:***
 - i. Formed to such levels and drained so that they can be used in accordance with the plan.***
 - ii. Treated with an all-weather seal or some other durable surface.***

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26. *Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.*
27. *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. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$1000.00 is to be paid prior to the drainage works commencing.*
4. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3555).*
5. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 9.93 cubic metres*
 - *Maximum discharge rate = 12.95 litres per second*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
6. *The detention system for the property, which is to be at ground level and discharged by gravity, is to be separated from the detention system for the basement car park.*

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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. ***An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.***
 9. ***In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.***
 10. ***Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.***
 11. ***The proposed crossing is to be constructed in accordance with the City of Monash standards.***
 12. ***The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.***

Vic Road Notes:

13. ***The proposed development requires the reinstatement of three existing crossovers to kerb & channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.***
14. ***The proposed development requires the construction of a new crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.***

Cr Davies said that the proposal was not supported by local residents; there had been 100 objections to it. There were traffic and other problems with the proposal, including its size, not being sympathetic to the neighbourhood character, the absence of a service lane, etc. He added that it was not a convenient or appropriate location for apartments.

LOST

MOTION

Moved Cr Davies,

Seconded Cr Drieberg

That Council resolves to issue a Refusal to Grant a Planning Permit (TPA/43611) for the development of a three storey apartment building with basement car parking

including alteration of access to a Road Zone (Category 1), at 438 - 440 Springvale Road, Glen Waverley on the following grounds:

- 1. The proposal is not sympathetic to the character of the area in terms of building bulk, its attached form and massing.*
- 2. The proposal provides insufficient setbacks of the building from the boundaries of its adjoining residential properties.*
- 3. The proposal will have a detrimental impact on the amenity and level of privacy afforded to adjoining residential properties by virtue of insufficient screening being provided to the windows and balconies of the proposed apartments, contrary to Clause 55.04-6 of the Monash Planning Scheme.*
- 4. The internal amenity and living needs of future residents is compromised by virtue of the lack of natural light afforded to proposed apartments 3, 11, 12, 16 and 17.*
- 5. Vehicle movements within the site are constrained and do not allow for vehicles to easily turn and exit the site in a forward direction.*
- 6. The proposed design of the basement is poor as the ramp gradient and clearance of car spaces from walls/columns is insufficient and does not provide for an efficient or functional layout of the car park.*
- 7. The proposal does not provide for safe or efficient access to/from the site by virtue of insufficient sight lines having been provided to the site.*
- 8. The proposal is an overdevelopment of the site.*

Cr Klisaris noted that Vic Roads had not commented on the proposal. He commended Cr Davies for his motion, noting the problems that the proposal presented and expressed his support for the motion.

RIGHT OF REPLY

Cr Davies noted the significant traffic problems on Springvale Road and that the Council needed to advocates strongly with Vic Roads for a long term solution to be developed.

CARRIED

- 4.5 498-506 Wellington Road, Mulgrave - Construct A Guardhouse With Covered Access To The Office Block With New Internal Gates To Improve Site Security, Construct A Warehouse Extension Including A Loading Area To Cater For An Increase In Finished Goods Storage Prior To Dispatch**

Moved Cr Driberg,

Seconded Cr Paterson

That Council resolves to Grant a Planning Permit (TPA/44851) for a warehouse extension to the existing building, alterations and additions, car parking and loading bay, at 498-506 Wellington Road, Mulgrave subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.***
- 3. Prior to occupation of the approved development, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
 - constructed to the satisfaction of the Responsible Authority;***
 - properly formed to such levels that they can be used in accordance with the plans;***
 - surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;***
 - drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;***
 - line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
- 4. Parking areas and access lanes must be kept available for these purposes at all times.***
- 5. The loading and unloading of goods from vehicles must only be carried out on the land.***
- 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 each driveway. Such a system may include either:***
 - a) a trench grate (150 mm minimum internal width) located within the property; and/or***
 - b) shaping the driveway so that water is collected in a grated pit on the property; and/or***
 - c) another Council approved equivalent.***
- 7. 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. Please refer to the notes section of this permit for additional details.***
- 8. The nominated point of stormwater connection for the site is to the south corner of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Council pit in the rear easement to Council Standards. (A new pit is to be constructed if a pit does not exist or is not a standard Council pit).***

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

9. *Any new drainage work within the road reserve or connection into a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing. Please refer to the notes section of this permit for additional details. A refundable security deposit of \$500 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 Council drains/pits and these works are to be inspected by Council (telephone 9518 3555).*
11. *Redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.*
12. *No form of public address system may be installed so as to be audible from outside the building / site.*
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 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.*
15. *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.*
16. *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.*
17. *The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.*
18. *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. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
3. *A drainage contribution will not be accepted in lieu of a detention system.*
4. *Detention system requirements for above property are as follows:-*
 - a) *Minimum storage = 458.02 cubic metres*
 - b) *Maximum discharge rate = 271.05 litres per second*
 - c) *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips 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. *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
7. *Tree planting should be kept clear of the drainage easement.*
8. *There currently is a large private stormwater drain located in the rear easement which is used for detention purposes. Since the site already has detention capabilities, either a check needs to be provided to see if the existing system has capacity or the existing system needs upgrading.*

CARRIED

- 4.6 **684 Highbury Road, Glen Waverley - Development of A Residential Building (Aged Care Facility), Removal of A Tree Greater Than 10 Metres In Height In The VPO 1 and Creation/Alteration of A Road In A Road Zone, Category 1**

Moved Cr Driberg,

Seconded Cr Paterson

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/44836) for the development of the land for the purpose of a residential building (aged care facility), removal of a tree greater than 10 metres in height in the VPO 1 and the creation / alteration of a road in a Road Zone, Category 1, at 684 Highbury 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 access point and associated vehicle crossover located to the north-east corner of the site deleted.*
- b) *The existing vehicle access point to the north-west corner modified to provide for two-way vehicle access and designed generally in accordance with the design standards of Clause 52-06-8.*
- c) *The provision of a pedestrian path from Highbury Road to the building entrance.*
- d) *Provision of bicycle parking spaces including associated amenities in accordance with the nursing home rate as required by Clause 52.34.*
- e) *Retention of the existing Corymbia maculate (Spotted Gum) adjacent to the western boundary and the basement layout modified/reconfigured to provide for adequate tree protection zones and provision of car parking.*
- f) *Provision of a decorative architectural screening feature (to prevent overlooking) to south facing first floor dining room windows.*
- g) *Provision of a vertical screen feature along the edge of south-west and south east corner of the southern facade of the dining areas to direct views into central courtyard spaces.*
- h) *The first floor of the development setback a minimum of 7.0 metres from the southern boundary to provide for a recessive upper level form and height graduation.*
- i) *Details of any required retaining walls adjacent to the southern boundary.*
- j) *Screens to prevent overlooking from windows on the western facade of the development.*
- k) *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;*
- a) *The location of all service any required electricity substations, fire*

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- services, gas and water meters, suitable painted, screened and landscaped to the satisfaction of the Responsible Authority to minimize their visual prominence;*
- b) Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- 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 commenced it must be continued and completed to the satisfaction of the Responsible Authority.*
- 4. 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;*
- 5. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
- 6. 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.*
- 7. All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
- 8. 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.*
- 9. No form of public address or alarm system may be installed so as to be audible from outside the site.*

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10. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 11. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
 12. *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 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) *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.
 13. *Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.*
 14. *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.*
 15. *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;*

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- 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).*
16. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- Parking areas and access lanes must be kept available for these purposes at all times.*
17. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
18. *The car parking 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 to the satisfaction of the Responsible Authority.*
19. *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:-*

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- *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 courtyard spaces within 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.*
 - *Landscape treatment of the mounding within the Highbury Road frontage.*

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

20. *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.*
21. *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 and must on request provide evidence to Council of Compliance with the policies.*
22. *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.*
23. *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 west of the property south-east corner of the property where the entire sites stormwater must be collected must be collected and free drained via pipe to the pit in the rear easement to Council Standards.

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

24. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
- a) trench grates (150mm minimum internal width) located within the property; and/or*
 - b) shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) another Council approved equivalent*
25. *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.*
26. *The loading and unloading of goods from vehicles must only be carried out on the land.*
27. *Deliveries to and from the site including the collection of waste must only take place between the hours of 7:00am-6:00pm Monday to Saturday.*
28. *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. *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.*

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3. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*
 4. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
 5. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
 6. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains and these works are to be inspected by Council (tel. 9518 3555).*
 7. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 21.87 cubic metres*
 - *Maximum discharge rate = 26.43 litres per second*
 - *Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*
 8. *Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
 9. *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.*
 10. *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.*
 11. *The accessible parking spaces should generally be designed (other than length of space which may encroach into the adjacent accessway width by 500mm) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent*

shared area shall be a minimum of 2500mm.

12. *In the event that any parking restrictions are introduced in the surrounding area, this development will not be granted parking permits.*

CARRIED

EXTENSION OF TIME OF MEETING

Moved Cr Drieberg,

Seconded Cr Klisaris

That the meeting be extended by 1 hour.

CARRIED

- 4.7 **33-35 Ferntree Gully Road Oakleigh - Development of A Three Storey Apartment Building With Basement Car Parking, Removal of Easement E1 (Drainage & Sewerage) on PS042154, and Alteration (Removal) of Access To A Road Zone Category 1**

Moved Cr Lake,

Seconded Cr Drieberg

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/44719) for the development of a three storey apartment building with basement car parking, and alteration (removal) of access to a Road Zone Category 1, at 33-35 Ferntree Gully 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) *Fencing within the Ferntree Gully Road frontage setback a minimum of 3.0 metres to allow for the provision of a 3.0m wide landscape buffer adjacent to the southern boundary.*
- b) *Fencing within the Leroux Street frontage setback a minimum of 1.5m to allow for the provision of a 1.5m wide landscape buffer adjacent to the eastern boundary.*
- c) *Elevations providing enhanced detail of the provision of eaves/weather protection to upper level windows and balcony doors.*

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- 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.)*
8. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
9. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
10. *A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
- 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.*

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

- 11. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 12. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.*
- 13. 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.*
- 14. All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
- 15. 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.*
- 16. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - a) constructed to the satisfaction of the Responsible Authority;*
 - b) properly formed to such levels that they can be used in accordance with the plans;*
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) line-marked to indicate each car space and all access lanes to the*

satisfaction of the Responsible Authority.

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

17. *The car parking layout and vehicle access to the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
18. *Car stacker modules are required to cater for the following:*
 - a) *Independent operation for each parking space.*
 - b) *A minimum entry level headroom clearance of 1.8 metres.*
 - c) *A vehicle at least 180cm height on the pit level.*
 - d) *A vehicle at least 150cm height on the upper level.*
 - e) *A clear/usable platform width of at least 230cm.*
 - f) *Minimum pit length of 520cm.*
 - g) *Loading weight per platform of at least 2000kg.*
19. *Plans for the car stacker detail design and associated features are required to the satisfaction of the Responsible Authority.*
20. *The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.*
21. *No less than 1 car space must be provided on the land for each one and two bedroom dwelling. No less than 2 car spaces must be provided on the land for each three bedroom dwelling. Any future subdivision of the development must provide allocation of car parking on Title in accordance with this requirement including all visitor car parking located within common property.*
22. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

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

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

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

23. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
- a) trench grates (150mm minimum internal width) located within the property; and/or*
 - b) shaping the driveway so that water is collected in a grated pit on the property: and/or*
 - c) another Council approved equivalent*
24. *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.*

Condition 25 required by Vic Roads (VicRoads ref: 14964/15)

25. *Prior to the occupation of the building, all redundant crossovers on Ferntree Gully Road must be removed and the footpath, nature strip and kerb and channel reinstated to the satisfaction of the Responsible Authority.*
26. *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. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
- 4. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3555).*
- 5. Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
- 6. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
- 7. In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.*
- 8. Prior to commencement of any works on the site a vehicle crossing permit is required from the City of Monash Engineering Department. The proposed crossing is required to be designed and constructed in accordance with the City of Monash standards.*
- 9. Existing redundant vehicle crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of the City of Monash and Vic Roads.*

Cr Pontikis said that the application failed in a number of areas; bulk and scale, traffic problems, etc and should not be supported.

Cr Zographos agreed, noting the concerns of local residents, the traffic problems that would be created by the development and that it represented an overdevelopment of the site.

Cr Klisaris stated that it was essential to consider the future impact on traffic flow that such a development would have, given that each year more vehicles were using metropolitan roads.

The Mayor agreed, noting the overdevelopment and traffic concerns the proposal created.

LOST

MOTION

Moved Cr Pontikis,

Seconded Cr Zographos

That Council resolves to issue a Refusal to Grant a Planning Permit (TPA/44719) for the construction of a three storey apartment building comprising 24 apartments with basement car parking at 33-35 Ferntree Gully Road, Oakleigh.

- 1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.*
- 2. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighbourhood Character, Private Open Space, Overlooking, and Design Detail.*
- 3. The proposal is out of character with the existing development in the area in particular with regard to mass, bulk and scale.*
- 4. Vehicle access to Leroux Street is inappropriate and will increase traffic and congestion in this local street.*
- 5. The proposal does not provide screening to all habitable room windows in accordance with Clause 55.04-6 of the Monash Planning Scheme.*
- 6. The proposal would have a detrimental impact on the amenity of surrounding land.*
- 7. The proposal is an overdevelopment of the site.*

CARRIED

4.8 2 Howard Court Clayton - Development of A Two Storey Apartment Building With Basement Car Parking

Moved Cr Little,

Seconded Cr Davies

That Council resolves to Grant a Planning Permit (TPA/44913) for the development of a two storey apartment building with basement car parking, at 2 Howard Court, Clayton 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 provision of 4.0m wide separation between the northern edge of the lift well and southern facade of apartment 7 and apartment 15 to provide for increased massing separation and greater visibility of the pedestrian entrance to the development, including apartment 7 and apartment 15 reduced in size and internal reconfiguration as required***
- b) The basement access ramp modified to provide a 5.0m wide and 7.0m deep passing area at the entrance.***
- c) The black aluminium cladding element replaced with a more muted material and finish complimentary to the development.***
- d) Increased fenestration to the eastern facade of apartment 7 and apartment 15.***
- e) The provision of a balcony extended around to the eastern facade of apartment 15.***
- f) The depth of snorkel light corridors of ground level apartments no deeper than twice their width (i.e. 2m long x 1m wide or 2.5m long x 1.25m wide) and the adjoining bedroom modified/shifted as required.***
- g) Front fencing enclosing the courtyard of apartment 1 setback a minimum of 7.0 metres from the eastern boundary.***
- h) The provision of no fencing within the street setback forward of apartment 7.***
- i) Landscape buffers and planter boxes provided surrounding front fencing, secluded private open space areas and the pedestrian entrance to the development.***
- j) Full design detail of feature screening.***
- k) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.***
- l) Retaining walls located clear of the easement adjacent to the western boundary.***
- m) Construction of an apex within the basement ramp to reduce flows from the court into the basement.***
- n) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.***

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- o) A notation to specify that all footings including the basement located adjacent to the western boundary easement is to be constructed down to the depth of the new 300mm drain within the easement.*
 - p) Ground level dwelling finished floor levels 83.50 metres to Australian height Datum (AHD).*
 - q) Additional screening to prevent overlooking (as required) as a consequence of increased finished floor levels.*
 - r) Details of steps and landings to secluded private open space areas.*
 - s) Provision of a 1.0 metre wide gap (with no obstructions) along the south-east boundary to allow for overland flow through the property.*
 - t) Internal fencing perpendicular the south-east boundary to be "pool-type" fencing.*
 - u) Internal fencing within the easement adjacent to the western boundary to be removable and ensure that no footings are constructed within the easement.*
 - 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 - 4. Prior to the 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 uses;*
 - b) Designation of methods of collection by 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) Litter management.*

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.
 - 5. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 - 6. 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.*
 - 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. *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;*
 - 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.)*
9. *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) 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;

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

10. *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.*
11. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
12. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

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

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

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

13. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
 - a) *trench grates (150mm minimum internal width) located within the property; and/or*
 - b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *another Council approved equivalent**
14. *Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.*
15. *The existing 150mm western boundary drain is to be replaced with a 300mm drain with junction pits constructed at the north-west and south-west corners to Council standards.*
16. *The redundant vehicle crossing is to be removed and reinstated with kerb and channel to the satisfaction of the Responsible Authority.*

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17. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- (a) constructed to the satisfaction of the Responsible Authority;*
 - (b) properly formed to such levels that they can be used in accordance with the plans;*
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

18. *The car parking layout and vehicle access to the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
19. *No less than 1 car space must be provided on the land for each one and two bedroom dwelling. Any future subdivision of the development must provide allocation of car parking on Title in accordance with this requirement including all visitor car parking located within common property.*
20. *Prior to the commencement of the permitted development, approval must be sought from Council's Horticultural Department for the removal of any street/naturestrip trees.*
21. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
- The development is not started before 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. *In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.*
4. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$3,000 is to be paid prior to the drainage works commencing.*
5. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (tel. 9518 3690).*
6. *Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
7. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 8.8 cubic metres*
 - *Maximum discharge rate = 9.4 litres per second*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
8. *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 property, which is to be at ground level and discharge by gravity, is to be separated from the detention system for the basement car park.*
9. *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.*
10. *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.*
11. *Use of Easement approval is required for fences within the easement.*

Approval should be given subject to:

 - *Council and South East Water approval being obtained.*
 - *Fencing to be removable and no footings to be constructed within the easement.*
 - *The use of easement agreement being signed by Council.*

CARRIED

4.9 125 Atkinson Street Oakleigh - Development of A Three Storey Building Comprising Six Dwellings Including A Reduction In The Visitor Car Parking Requirement

Moved Cr Drieberg,

Seconded Cr Lo

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/44149) for the development of a three storey building comprising six dwellings including a reduction in the visitor car parking requirement, at 125 Atkinson Street, 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) *Obscure glazing to north and south facing habitable room windows replaced with privacy screens.*
 - b) *Louved screens and balcony balustrades on the northern facade replaced with integrated architectural screens designed to complement the development.*
 - c) *The balcony to the south-east corner of the first floor of dwelling 1 deleted.*
 - d) *The eastern facade of the development modified to provide for enhanced architectural detailing, refined materials and finishes selection and increased articulation.*
 - e) *Full details of all materials and finishes.*
 - f) *Integrated landscaping elements incorporated into the development the provision of additional landscaping areas adjacent to the northern and southern boundaries*
 - g) *The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 4. *Prior to the 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 uses;*
 - b) *Designation of methods of collection by private or Council services;*

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- 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 the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

5. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
6. *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.*
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. *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.)*

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9. *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) 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;*

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

10. *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.*
11. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

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

The nominated point of discharge is the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the right of way behind 127 Atkinson Street via a 300mm pipe and a 900mm x 600mm junction pit to be constructed to Council Standards.

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

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

14. *The redundant vehicle crossing is to be removed and reinstated with kerb and channel to the satisfaction of the Responsible Authority.*
15. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- (a) constructed to the satisfaction of the Responsible Authority;*
 - (b) properly formed to such levels that they can be used in accordance with the plans;*
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

16. *The car parking layout and vehicle access to the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.*
17. *No less than 1 car space must be provided on the land for each one and two bedroom dwelling. Any future subdivision of the development must provide allocation of car parking on Title in accordance with this requirement including all visitor car parking located within common property.*
18. *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-

12. *Building approval must be obtained prior to the commencement of the above approved works.*
13. *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.*

14. *In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.*
15. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
16. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (tel. 9518 3690).*
17. *Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
18. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 5.28 cubic metres*
 - *Maximum discharge rate = 7.90 litres per second*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
19. *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 property, which is to be at ground level and discharge by gravity, is to be separated from the detention system for the basement car park.*
20. *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.*
21. *In the event that parking restrictions are introduced in the surrounding area, occupants of the development will not be granted parking permits.*

AMENDMENT

Moved Cr Pontikis,

Seconded Cr Paterson

That Condition1 be amended by the addition of part (h) requiring the provision of one (1) car space.

Cr Pontikis said that adequate visitor parking needed to be provided by developers, particularly in areas such as Oakleigh which had a sever parking shortage.

Cr Lake said he didn't support the amendment. He noted that Council had the practice of waiving such requirements for developments of this size and it needed to be consistent in its position. The impact of the amendment on the development, if carried, was unknown.

Cr Davies said that there had been a lot of debate about parking. The city was getting bigger and developers needed to deliver car parking spaces. Otherwise the ratepayers would be called upon to fund additional parking. He added that he supported the amendment.

Cr Zographos said that Councillors were not planning experts. He noted that Cr Pontikis had been consistent in his position on visitor parking and that a shortage of parking in the area was a problem. He said that he supported the amendment.

In response to a question from Cr Pontikis, the Director City Development advised that under the Monash Planning Scheme, the Council could consider a waiver or dispensation for visitor parking.

The Mayor said that she supported the amendment, noting the existing parking problems in Oakleigh.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the Substantive Motion and was put to the vote. It was declared carried.

CARRIED

4.10 169-175 Huntingdale Road Oakleigh East - Development of A Three Storey Apartment Building With Basement Car Parking Including Alteration of Access To A Road In A Road Zone And Reduction In The Visitor Car Parking Requirement

Moved Cr Pontikis,

Seconded Cr Paterson

That Council resolves that if it were in a position to make a decision, it would determine to refuse the application (No. TPA/44987) for the development of a three storey apartment building with basement car parking including alteration of access to a road in a Road Zone and a reduction in the visitor car parking requirement, a planning permit under the provisions of the Monash Planning Scheme on the land described as 169-175 Huntingdale Road, Oakleigh East, based on the following grounds:

- 8. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.*

9. *The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighborhood Character, Building Height, Landscaping, Overshadowing, Design Detail and Site Services.*
10. *The proposal is out of character with the existing development in the area in particular with regard to street setback, mass, bulk and scale.*
11. *The proposal would have a poor level of internal amenity for future residents.*
12. *The proposal would have a detrimental impact on the amenity of surrounding land.*

And directs that the Applicant, each objector and VCAT be given a copy of the Council's position with regard to the application.

The Mayor advised that Council has become aware of some administrative errors within this report. She added that the Council apologised for any confusion that these errors may have caused.

These were :

1. The property at 167 Huntingdale Road, Oakleigh East should have been included on the Objector map at Attachment 4. The residents are registered as objectors but were unfortunately not shown on the map.
2. The report incorrectly states that the Vegetation Protection Overlay applies to the land.
3. The report incorrectly states that there is one resident car space surplus. As there is a 3 bedroom dwelling proposed, there are no surplus spaces.

The Mayor advised that above errors were not considered material and did not change the assessment and recommendation of this application.

CARRIED

4.11 3A Carinish Road, Oakleigh South - Brothel Containing Six Service Rooms With Associated Car Parking and Hours of Operation Monday To Thursday 11am To 2am, and Friday To Sunday 11am To 5am

Moved Cr Lake,

Seconded Cr Little

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/45302) for the use and development of a building for the purposes of a brothel containing six service rooms (maximum 10 service providers at any one time) with associated car parking at 3A Carinish Road, Oakleigh South 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.*

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- The plans must be generally in accordance with the plans submitted with the application, but modified to show:*
- a) *The garage spaces adjacent to the eastern wall widened to 2.98 metre and the western garage spaces reduced to 2.6 metres in width, clearly dimensioned.*
 - b) *The two garage spaces to north of the proposed garage door increased in length to 6 metres, clearly dimensioned.*
 - c) *The spaces to the south of the garage door at least 4.9 metres in length, clearly dimensioned.*
 - d) *The roller door between the garage car spaces deleted.*
 - e) *Bollards along the west side of the garage car spaces to separate the pedestrian pathway, to Council's satisfaction.*
2. *This permit allows the use of the land only by Denny Phan and only while holding a license under the Sex Work Act 1994. If Denny Phan ceases to use the land, this permit will expire unless written approval is obtained from the Responsible Authority granting approval for use by another specific operator.*
 3. *No more than ten (10) service providers and six (6) service rooms are permitted to be on the premises at any one time.*
 4. *The premises must only be used for the permitted purpose between the hours of 11am to 2am, the following day, Monday to Thursday, and 11am to 5am, the following day, Friday to Sunday.*
 5. *There must, at all times of operation, be a Manager on the site and such Manager must be over the age of 18 years and authorised by the operator of the use to make statements to any authorised Law Officer or authorised Council Officer which may attend the premises in the performance of their duties.*
 6. *The Manager must make all reasonable endeavours to ensure persons attending the site do not cause a nuisance or adversely effect nearby property or persons.*
 7. *No person under the age of 18 years is permitted on the site.*
 8. *The appearance of the site must be kept in a neat and tidy condition at all times to the satisfaction of the Responsible Authority.*
 9. *Exterior lighting must be provided with suitable baffles and located so as to minimise the emission of light outside the site to the satisfaction of the City of Monash the Responsible Authority.*
 10. *Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*

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- (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.

- 11. No less than six (6) car spaces must be provided on the land for the development and use.*
- 12. 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.*
- 13. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

- 14. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
- 15. Driveways are to be designed and constructed using appropriate engineering standards.*
- 16. Direct the entire site's stormwater drainage to the existing property connection.*
- 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 and use are not started before 17 July 2018.*
 - The development is not completed before 17 July 2020.*

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 use or development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the use or development has lawfully started before the permit expires.

NOTES-

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

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2. ***Engineering permits must be obtained for new vehicle crossings and for connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).***
 3. ***Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.***
 4. ***The use and/or development permitted must not commence until a licence is granted under the Sex Work Act 1994.***

In response to a question from Cr Davies, the Director City Development advised that it was not uncommon for the number of service providers to exceed the number of rooms, as it provided for service providers taking breaks, etc.

Cr Pontikis said that property owners in the area were concerned about the proposal and there was concern about its potential impact. He said that there were 9 brothels in the municipality, with a number of them in close proximity to this site.

In response to a question from Cr Lake, the Director City Development advised that the Council could have regard to the number of brothels in the area in its assessment of an application.

In response to a question from Cr Lake, the Director City Development advised that the number of brothels in close proximity to the site had not been a factor in the Council officers' assessment of the application.

Cr Lake asked when was an area considered saturated by the number of brothels. Seven brothels in an area appeared to be high.

The Director City Development advised that suburbs such as Collingwood and Richmond had a similar number of brothels.

In response to a question from the Mayor, the Director City Development said that he could not advise how the number of brothels in Monash compared to those in neighbouring Councils.

Cr Lake said that if the application had been for an alternative use of the site, it would not be before the Council. Brothels were controversial. But the application was for a legal brothel. He said that as the Responsible Authority the Council needed to apply planning law and nothing more. He said that the proliferation of brothels was a concern, but that had not been the view of Council officers or VCAT. He added that he supported the application and noted the low success rate of the Council in VCAT hearings.

Cr Davies said that there had to be a balance between social concern and free enterprise.

In response to a question from Cr Zographos, the Director City Development advised that it was very likely that the applicant would appeal to VCAT if the application was refused. He could not anticipate what the result of the appeal would be and if the matter would then ultimately return to Council.

Cr Paterson said that it was difficult to understand VCAT's position regarding the proliferation of brothels in the area.

The Mayor said that there was no doubt that there was a proliferation of brothels in Monash, with 7 close to the site. She noted that Monash had a high number of legal brothels, compared to other Councils such as Kingston. She said that she would vote against the motion.

LOST

MOTION

Moved Cr Pontikis,

Seconded Cr Paterson

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit (TPA/45302) for the use and development of a building for the purposes of a brothel containing six service rooms (maximum 10 service providers at any one time) with associated car parking at 3A Carinish Road, Oakleigh South on the following grounds:

- 1. The proposal is contrary to State and Local Planning Policies including Clause 17.01 (relating to economic development).*
- 2. The proposal is contrary to Section 74 of the Sex Work Act 1994 which requires brothel(s) not to be located within 200 metres of a place regularly frequented by children. There are businesses and activities in this area which are frequented by children by virtue of the services/products/activities provided.*
- 3. The hours of operation are excessive.*
- 4. The proposal would have a detrimental impact on the amenity of surrounding land having regard to the amenity of the area, the number of existing brothels in the area, and the potential presence of children in the area during day time hours..*
- 5. The proposal would result in an accumulation of brothels in this area.*

Cr Pontikis said that children did come into the area, particularly to several shops nearby and to the Army's Oakleigh Barracks for cadet training.

Cr Lake said that it was misleading to use the proximity of Oakleigh Barracks as a reason to refuse the application. It is separate and away from the site. This would be one of the least compelling reasons to refuse the application.

4.12 22 Burton Avenue, Clayton - Three Storey Apartment Building With Basement Parking Within A Special Building Overlay Area

Moved Cr Paterson,

Seconded Cr Drieberg

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/44769) for the three storey apartment building with basement parking within a special building overlay area, at 22 Burton Avenue, Clayton 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 fence in front of Apartment G01 to have a maximum height of 1.8 metres and to be setback from the front property boundary a minimum of 5.0 metres.*
- b) *An additional deep planting area in front of the front fence of Apartment G01.*
- c) *Increased setbacks to ensure that the overshadowing impact of the development is no greater than that cast by the existing south-western property boundary fence from 10am onwards on 22nd September.*
- d) *The car park entry ramp modified to reflect the flood proof apex requirements contained in Melbourne Water's conditions.*
- e) *Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending to at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- f) *Balconies for Apartments 101, 104 and 108 to have a minimum width of 1.6 metres for at least a total of 8 square metres.*
- g) *Design detail of the services "cupboard" on the Burton Street frontage, including dimensions and colours, showing that the services are incorporated into the overall design of the development.*
- h) *Any changes as a result of the requirements of conditions a) to g)*

above.

2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *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.*
4. *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:-*
 - *an additional deep planting area in front of the front fence of Apartment G01*
 - *the location of all existing trees and other vegetation to be retained on site*
 - *provision of canopy trees with spreading crowns at the front of the site*
 - *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - *the location and details of all fencing*
 - *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - *details of all proposed hard surface materials including pathways, patio or decked areas*

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

5. *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.*
6. *The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*
7. *All 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*

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- 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*
- 8. The nominated point of stormwater connection for the site is to the north-west of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Melbourne Water Drain in the naturestrip to Melbourne Water and Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately*
 - 9. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details. A refundable security deposit of \$500 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 drains and these works are to be inspected by Council (telephone 9518 3555)*
 - 11. Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
 - 12. The proposed crossing is within 1.5 metres of an adjoining crossing and shall be converted to form a double crossing.*
 - 13. All new crossings must be a minimum of 3.0 metres in width.*
 - 14. The proposed vehicle crossing will affect the on street line marked parking bays. The existing line marking in front of the site is to be removed and new marking installed 1m north-east from the north-east splay on the new vehicle crossing. All works are to be done to the satisfaction of Council's Engineering Department at the full cost to the developer.*
 - 15. The development is to provide at least 25 on-site parking spaces. One car space is to be allocated to each dwelling. Four visitor parking spaces are to be provided on site.*
 - 16. On-site visitor parking spaces are required to be clearly marked.*
 - 17. Car spaces 21 and 22 are to be allocated to visitor parking.*

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18. *The layout of the development shall follow the design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*
- *Driveway to be at least 3 metres wide.*
 - *Driveway to have an internal radius of at least 4 metres at changes of direction or intersection.*
 - *Driveway to provide at least 2.1 metres headroom beneath overhead obstructions.*
 - *Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - *Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - (i) *Maximum grade 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).*
 - *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.*
19. *Plans for the car stacker detail design and associated features (including plan and model numbers) are required to the satisfaction of the Responsible Authority.*
20. *Car stacker modules are required to cater for the following:*
- a) *Independent operation for each parking space.*
 - b) *A minimum ground level overhead clearance of 1.8 metres.*
 - c) *A car/van up to 175 cm height on the upper level.*
 - d) *A clear/usable platform width of at least 230cm.*
 - e) *Minimum pit length of 520cm.*
 - f) *Loading weight per platform of at least 2000kg.*
 - g) *A minimum aisle width adjacent to the stacker system of 6.4 metres.*
21. *The stacker system is to provide a “hold-to-run” switch to ensure that the system immediately stops when released. It should also provide an acoustic warning signal which sounds while the system is in operation.*
22. *The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.*
23. *Bicycle parking facilities shall generally follow the design and signage*

requirements set out in Clause 52.34 of the Monash Planning Scheme.

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

A copy of this plan must be submitted to Council.

25. *As the development has an enclosed bin storage arrangement, the following measures are required:*
- a) Appropriate ventilation.*
 - b) Bin washing facility.*
 - c) Suitable capacity to store all bins.*
26. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
27. *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.*
28. *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.*
29. *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:*
- k) measures to control noise, dust and water runoff;*
 - l) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - m) the location of where building materials are to be kept during construction;*

-
- n) *site security;*
- o) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
- p) *on-site parking of vehicles associated with construction of the development;*
- q) *wash down areas for trucks and vehicles associated with construction activities;*
- r) *cleaning and maintaining surrounding road surfaces;*
- s) *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.)*
30. *The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:*
- *Monday to Friday (inclusive) – 7:00am to 6pm;*
 - *Saturday – 9am to 1pm;*
 - *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);*
- unless otherwise approved in writing by the Responsible Authority.*
31. *Tree protection measures, including tree protection fencing and management, are to be implemented in accordance with the Aboricultural Assessment report recommendations prepared by Tree Logic dated 30 October 2015.*
32. *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.*
33. *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.*

Conditions 34-43 required by Melbourne Water (Ref: 261300)

34. *Pollution and sediment laden runoff shall not be discharged directly or*

indirectly into Melbourne Water's drains or waterways.

35. *Finished floor levels of the ground floor must be constructed no lower than 54.81 metres to Australian Height Datum (AHD).*
36. *Finished floor levels to the services area must be constructed no lower than 54.66 metres to AHD.*
37. *The entry/exit driveway of the basement carpark must incorporate a flood proof apex constructed no lower than 54.81 metres to AHD.*
38. *The buildings including the basement and footings, eaves, etc must be set outside any drainage easement or a minimum 1.5 metres laterally clear of the outside edge of the main drain, whichever is greater.*
39. *The services area located on the front boundary must be setback a minimum of 1.5 metres from the Melbourne Water drain or relocated.*
40. *Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building, services area and driveway ramp to the basement.*
41. *Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services team.*
42. *Prior to the issue of an Occupancy Permit, a certifies survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*
43. *Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).*
44. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
45. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
 - *The development is not started before 2 years from the date of issue.*
 - *The development is not completed before 4 years from the date of issue.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a

request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES-

1. *The applicable flood level is 54.51 metres to Australian Height Datum. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 261300.*
2. *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.*
3. *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 retention 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.*
4. *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.*
5. *Tree planting should be kept clear of the drainage easement.*
6. *The proposed crossings are to be constructed in accordance with City of Monash standards.*
7. *The developer is to notify Council to request the existing parking restriction in front of the site to be changed (if required). Any change to parking restrictions will be done by Council at the cost to the developer.*
8. *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.*
9. *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.

- 10. *In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.***

In response to a question from Cr Zographos, the Director City Development advised that there was a setback from the boundary and 20 Burton Avenue had a garage located on the boundary.

Cr Pontikis noted that there were apartments located near the site.

CARRIED

EXTENSION OF TIME OF MEETING

Moved Cr Klisaris,

Seconded Cr Perri

That the meeting be extended by 1 hour.

CARRIED

- 4.13 93 Warrigal Road, Hughesdale - Construction of A Four Storey Building Above A Basement Car Park For Use As An Apartment Building (22 Dwellings) On Land Affected By Design And Development Overlay 11 (DDO11)**

Moved Cr Drieberg,

Seconded Cr Klisaris

That Council resolves to issue a Notice of Decision to Grant a Permit (TPA/44746) for the development and use of a four storey apartment building above a basement car park at 93 Warrigal Road, Hughesdale 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 southern facade of apartments 6 and 12 setback a minimum of 2 metres from the southern boundary and the internal layout of apartments revised accordingly.***
- b) *The stairwell and lift well relocated or setback at least of 1.8 metres from the southern boundary.***

-
- c) The provision of fixed external screens or alternatively, treatment of south facing gallery windows at first, second and third floor levels in accordance with standard B22 of clause 55.04-5.*
 - d) All west facing balconies and building facades to be setback a further 1 metre from the rear title boundary.*
 - e) All west facing balconies to be redesigned and increased in width by at least 500mm and a planter box to extend across the full width of the western edge of each of the balconies. Fixed permanent screening to a height of 1.7 metres must also be installed along the western edge of each balcony.*
 - f) All north facing balconies and at first, second and third floor levels to be screened in accordance with standard B22 of clause 55.04-5.*
 - g) Provision of mailboxes at the Warrigal Road entrance to the development.*
 - h) Apartment 5 redesigned so that bedroom windows, or any other habitable room windows are not located beneath first floor level overhang.*
 - i) The relocation of car space 1 to beyond the end of the 1:8 grade at the base of the basement entry ramp.*
 - j) Carspace 6 increased in width to 3.2 metres. The access way immediately adjacent to carspace 6 and car stacker section 13/14/15/16 may be reduced to 5.8 metres in width.*
 - k) Not less than four (4) visitor car parking spaces to be provided and clearly marked as 'visitor spaces' within the basement.*
 - l) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.*

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

- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 3. 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 uses;*
 - b) Designation of methods of collection by 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) Litter management.*

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

- 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. 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.)*
- 6. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
- 7. 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) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;*

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- 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.

- 8. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 9. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
 - (a) constructed to the satisfaction of the Responsible Authority;*
 - (b) properly formed to such levels that they can be used in accordance with the plans;*
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

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

- 10. Car stacker modules are required to cater for the following:*
 - a. Independent operation for each parking space.*
 - b. A minimum entry level headroom clearance of 1.8 metres.*
 - c. A vehicle at least 150cm height on the upper level.*
 - d. A clear/usable platform width of at least 230cm.*
 - e. Minimum pit length of 520cm.*
 - f. Loading weight per platform of at least 2000kg.*

Plans for the car stacker detail design and associated features are required to the satisfaction of the Responsible Authority.

-
11. *The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.*
 12. *Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
 13. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the Right of Way. Such a system may include either:*
 - a. *A trench grate (150 mm minimum internal width) located within the property; and/or*
 - b. *Shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c. *Another Council approved equivalent.*
 14. *Storm water discharge is to be detained on-site to the predevelopment level of peak storm water discharge. Approval of any detention system is required from Council prior to works commencing. Please refer to the notes section of this permit for additional details.*
 15. *The nominated point of stormwater connection of the site is to the north-west corner of the property where it must be collected and free drained via a pipe to the Council drain in the Right of way located at the rear of the property via a 900 x 600 mm junction pit to be constructed to Council standards. (A new pit is to be constructed if a pit does not exist or is not a standard Council pit). Note:- if the point of discharge cannot be located then notify Council's Engineering Division immediately.*
 16. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
 - *The development is not started before 2 years from the date of issue.*
 - *The development is not completed before 4 years from the date of issue.**In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

NOTES-

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire*

Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

- 3. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$1000.00 is to be paid prior to the drainage works commencing.***
- 4. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3555).***
- 5. Detention system requirements for the property are as follows:***
 - Minimum storage = 7.66 cubic metres***
 - Maximum discharge rate = 6.28 litres per second***
 - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.***
- 6. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge 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 drainage contribution will not be accepted in lieu of detention system.***
- 9. In the event of parking restrictions in this area, owner/occupiers of this development will not be granted parking permits.***

In response to a question from Cr Zographos, the Director City Development advised that the basement was located along the common boundary; the majority of the remainder of the proposed development would be set back.

Cr Zographos said that residents of 95 Warrigal Road were concerned about the closeness of the proposed development to their apartments. He asked if an amendment to the plans could be made regarding setbacks.

The Director City Development advised that any amendment to the side boundary would likely have a significant impact on the development.

In response to a question from Cr Pontikis, the Director City Development advised that the site was within the Oakleigh Major Activity Centre and was subject to the Design Development Overlay controls. He added that objections to the application had been received from occupants of the 2 adjacent apartment buildings

CARRIED

4.14 41 Josephine Avenue, Mount Waverley - Tree Removal

Moved Cr Klisaris,

Seconded Cr Paterson

That Council resolves to issue a Refusal to Grant a Planning Permit (TPA/45025) for the removal of one tree at 41 Josephine Avenue, Mount Waverley subject to the following grounds:

- 1. The tree makes a significant contribution to the landscape character of the area. Its removal would fail to maintain the garden city character of the area.*
- 2. There is inadequate justification for removal of the tree having regard to the objectives or decision guidelines of Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme.*
- 3. The proposed tree removal would not be consistent with the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme.*

CARRIED

4.15 Town Planning Schedules

Moved Cr Pontikis,

Seconded Cr Davies

That the report containing the Town Planning Schedules be noted.

CARRIED

4.16 Lease of Part of Council Owned Land at 5-11 Madeline Street Glen Waverley – Mobile Phone Tower

NOTE: Cr Little disclosed a conflict of interest in this item as he is employed by the proposed lessee and left the meeting at 1.07 am, 30 March 2016. He returned after discussions and the vote on this item had concluded

Moved Cr Pontikis,

Seconded Cr Davies

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 Glen Waverley North Reserve, Glen Waverley to Optus Mobile Pty Ltd (“Optus”) on the following terms and conditions:**

Rent: \$23,000 per annum + GST
Rent Reviews: Increased by 3% annually
Term: 10 years
Further Term: One (1) further terms of ten (10) years

- 2. Appoints a Committee of Council, comprising the Glen Waverley Ward Councillors to consider submissions received under Section 223 of the Act on Tuesday 17 May 2016 @ 7.30pm at the Civic Centre.**
- 3. In the event of there being no submission received, Council enters into a lease with Optus and authorises the Chief Executive Officer or her delegate, on behalf of Council to do all things required to effect the lease.**

CARRIED

4.17 Monash Environmental Strategy

Moved Cr Lo, Seconded Cr Drieberg

That Council:

- 1. Endorses the draft Monash Environmental Sustainability Strategy 2016 – 2026**
- 2. Endorses the draft Monash Environmental Sustainability Strategy Summary 2016 – 2026.**

Cr Lo said that the process commenced in 2009 when he and Crs Lake and Perri introduced the sustainability road map, to reduce the Council’s carbon footprint and reduce its environmental. He said that he was pleased that goals such as increased tree planting, integrated water management and improved building design had been successfully been achieved and the Council was now a leader in the sector regarding addressing the impacts of climate change.

CARRIED

5. CHIEF EXECUTIVE OFFICER’S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Paterson, Seconded Cr Klisaris

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 Environment Advisory Committee 2016 – 2018 Community Nominations

Moved Cr Little,

Seconded Cr Paterson

That Council endorses the appointment of the following twelve (12) community representatives to the Environmental Advisory Committee for a period of two years according to the current Terms of Reference:

Andrew Allan

Kym Boekel

Andrew Armstrong

Leanne Khan

Ayush Gupta

Maureen Pearl

Caroline Bayliss

Melanie Bok

Edward (Ted) Mason

Noel J. Denton

Howard Rose

Rebecca Turnbull

Cr Little remarked on the extraordinary calibre of the nominated Committee members.

CARRIED

6.2 Gender Equity Advisory Committee – Appointment of New Members

Moved Cr Paterson,

Seconded Cr Klisaris

That Council endorses the appointment of the following individuals for a two (2) year period to the Monash Gender Equity Advisory Committee

- *Kate Fitz-Gibbon*
- *Gauri Kapoor*
- *Richard Huysmans*
- *Vanessa Czerniawski*
- *Rachmad Hidayat*
- *Carolyn Poljski*
- *Poonam Mehra*
- *Adam Davey*
- *Sakshi Thakur*
- *Krishma Naidu*
- *Ellena Orologas*
- *Andrea Whitty*
- *Julie Rae*
- *Sunila Shrivastava*

-
- *Puvana Sivakumar*

CARRIED

6.3 Glen Waverley Central Car Park

NOTE: Cr Drieberg disclosed a conflict of interest in this item as one of the shortlisted companies is currently a client of hers. Cr Drieberg left the Chamber at 1.12 am, 30 March 2016 and did not return to the meeting.

Moved Cr Lake,

Seconded Cr Paterson

That Council:

- 1. notes that the submission period of the Expression of Interest (EOI) process in relation to the land known as the Glen Waverley Central Car Park site (GWCCP) has concluded, and that 20 EOIs have been received;*
- 2. notes the responses from the public consultation process on the potential sale and redevelopment of the GWCCP;*
- 3. notes that there is general community support for changing the use of the site from a car park to a higher value use, although there are wide-ranging views on the preferred use of the site, whether part of the site should be sold, the scale of development and the need for a library and community hub on the site;*
- 4. notes that there is general agreement that public open space is desirable on this site although there are differing opinions on the type and size of the open space that may be appropriate with views ranging from some to all of the site being used as open space;*
- 5. accepts that some of the site must be made available for private development if anything is to occur on the site unless Council is willing to consider other funding streams such as significantly increasing rates, borrowing or introducing paid car parking;*
- 6. resolves to proceed to a Request for Proposal (RFP) stage with a shortlisted selection of the EOI respondents;*
- 7. notes that, due to confidentiality obligations, Council will separately determine in confidential business an appropriate short list of EOI respondents which will be invited to participate in the RFP;*
- 8. as part of the RFP process, resolves to consider the addition of surrounding footpaths and possible part closure of Coleman Parade (as identified in the Glen Waverley Activity Centre Structure Plan (Structure Plan) and subject to further consultation and any Statutory processes) to add to and enhance the plaza being allowed for on the site, should Council ultimately decide to proceed with a sale of the land;*
- 9. determines that in response to the community consultation, the limitations on Council's available funding opportunities and a desire to ensure fairness for all Monash residents, the RFP process will emphasise the following aspects in relation to the site:*
 - that a prominent feature of the site must be a public square/plaza adjacent to Kingsway. The plaza must be provided in one area and be visible when looking from the northern and southern parts of Kingsway;*
 - the library/community hub and public plaza must provide exceptional design outcomes and respond to community expectations as expressed through the consultation process.*

This includes, but is not limited to, matters like incorporating green space, trees, water features, indoor and outdoor multi-use areas and electronic screens;

- *that the library/community hub must be at least 6,000 square metres in area and face, interact with, but not impinge on, any area set aside as a public plaza;*
- *that the height of any private development will be assessed on its merits (in particular it will be expected to provide an excellent architectural and urban design response) and its appropriateness within the Activity Centre having regard to the Structure Plan, the height of other developments that have been approved and a consideration of the benefits proposed to be provided to the community and the Activity Centre as part of the public use components of the site; and*

endorses the preparation of the RFP documentation in line with the direction set in this report.

AMENDMENT

Cr Davies advised the Council that he proposed to introduce an amendment to the motion. He distributed a printed copy of his proposed amendment to the Council.

PROCEDURAL MOTION

Moved Cr Lake,

Seconded Cr Klisaris

That the amendment proposed to be moved by Cr Davies not be considered by the Council.

CARRIED

DIVISION

A Division was called.

For: Crs Klisaris, Lake, Little, Lo, Paterson, Pontikis and Perri

Against: Crs Davies and Zographos

Cr Lake requested that the minutes of the meeting record Cr Davies' action in providing a printed copy of his proposed amendment to the journalist in the public gallery of the Council Chamber.

Cr Lake stated that Cr Davies' action was of concern and potentially breached Local Government legislation.

Cr Davies said that there was no community buy in for the concept out forward and more work with the community was needed. Alternative uses for the site needed to be explored and the library could be placed in better locations, such as Bogong Reserve.

CARRIED

DIVISION

A Division was called.

For: Crs Klisaris, Lake, Little, Lo, Paterson, and Perri

Against: Crs Davies, Pontikis and Zographos

7. NOTICES OF MOTION

7.1 Discretionary Fund Applications - Mayor

Moved Cr Perri,

Seconded Cr Klisaris

That the following applications for Discretionary Funding be approved:

| APPLICANT | PURPOSE | AMOUNT RECOMMENDED |
|---|---|------------------------|
| <i>Women's Federation for World Peace Inc</i> | <i>Hall hire charges for community event</i> | <i>\$498 excl. GST</i> |
| <i>Eastern Suburbs Hydrotherapy Inc</i> | <i>Hire charges for venues</i> | <i>\$600</i> |
| <i>Waverley Garden Club – Bonsai Group</i> | <i>Donation for community hall hire charges</i> | <i>\$500</i> |
| <i>Glendal Primary School</i> | <i>Donation towards registration for participation in a competition</i> | <i>\$350</i> |

CARRIED

DIVISION

A Division was called.

For: Crs Davies, Klisaris, Lake, Little, Lo, Paterson, Pontikis and Perri

Against: Cr Zographos

7.2 Out of Home Care

Moved Cr Perri,

Seconded Cr Klisaris

That Council:

-
- 1. Notes the correspondence received from the Office of the Mayor of Moonee Valley City Council regarding the ongoing Protection of the Rights of Victorian Children in Out of Home Care (Attachment 1); and*
 - 2. Writes to the Premier, the Minister for Families, Children and Youth Affairs and the Minister for Housing, Disability, Ageing, Mental Health, Equality and Creative Industries to advocate for their support for ongoing, robust, whole of Government policies which provide improved outcomes for children and young people who experience out of home care.*

The Mayor stated that it was proposed that the Council would join other Councils in a collaborative approach to raise the importance of strong and significant policies to protect the rights of children and young people in out of home care, and to encourage the State Government to maintain their approach to system reform which is found in Out-of-home care: a five year plan.

CARRIED

7.3 WA Scammell Reserve Pavilion Upgrade Project

Moved Cr Perri,

Seconded Cr Klisaris

That Council:

- 1. Notes this Notice of Motion; and*
- 2. Endorse the additional budget allocation of \$500,000 to complete the WA Scammell Reserve Pavilion Upgrade project.*

Cr Zographos said that he supported the motion but was concerned at the budget blackhole. The project had originally been set for funding in the previous financial year and the previous State Government had allocated funding to support the project. The current State Government had not agreed to do so. He said that it was a deliberate mis-estimation of the project on the part of former Cr Dimopoulos.

Cr Lake said that Cr Zographos had a fetish with former Cr Dimopoulos and that this situation was not of his making.

POINT OF ORDER

Cr Zographos called a Point of Order, saying that Cr Lake's comments were inappropriate.

The Mayor called on Cr Lake to confine his comments to the item before the Council.

Cr Lake asked if former Cr Dimopoulos, or any other Councillor had been responsible for the situation, or if Council officers had underestimated the cost of the project.

The Chief Executive Officer said that the project was an amendment to the Budget that former Cr Dimopoulos had put forward. At that time the project had not been costed and the proposal was not based on specific or detailed plans.

The Director Community Development and Services advised that the cost of the project was \$1.8 million, which was based on a Quantity Surveyor's assessment of concept plans. Detailed plans had yet to be finalised.

Cr Davies asked why the motion was before Council given that details of the project were sketchy.

The Mayor said that there was nothing sketchy at all about the proposal. Detailed costs had been developed and the clubs involved could possibly source external funding. The Mayor added that the motion provided for the Council to deliver on its commitment.

Cr Davies asked if the project could be delivered for \$1.8 million.

The Mayor replied that it could and if the clubs were able to source further funding, that would be a bonus.

Cr Davies asked if the Council was likely to be requested for further funding in the future.

The Director Infrastructure advised that Council officers were satisfied that the \$1.8 million would be adequate to deliver the project.

Cr Klisaris commended the Mayor for the motion. He noted that the cost of construction had risen over time, as the cost of building materials increased. He noted that more facilities and features were being put into pavilions now, than previously and that, on average, pavilions were refurbished every 50 years.

Cr Davies said that it was a celebration every time Council built a facility and it was good that the Council was in such a strong financial position. He said that his concern was to obtain a finite costing for the project. He added that 2 years ago, former Cr Dimopoulos had said that the project was a high priority. The project needed to be completed as soon as possible.

Cr Pontikis said that he agreed that the project needed to proceed as quickly as possible.

The Mayor congratulated the sports clubs involved, noting the strong community spirit and involvement.

A Division was called.

For: Crs Davies, Klisaris, Lake, Little, Lo, Paterson, Pontikis, Perri, Zographos

Against: Nil

7.4 Oakleigh Festival Renewal

Moved Cr Perri,

Seconded Cr Klisaris

That Council:

- 1. Notes this Notice of Motion; and***
- 2. Supports the renewal of the Oakleigh Music Festival in a one-day event format in 2017, thereby discontinuing the Sounds of Summer events in 2016/17.***
- 3. Reallocate the operating budget (\$55,000) and staff resources currently allocated to the delivery of the Sounds of Summer series, for the delivery of the Oakleigh Music Festival in 2017.***
- 3. Endorses the allocation of an additional \$7,500 operating budget, in addition to the reallocated \$55,000, bringing the 2016/17 operating budget for Oakleigh Music Festival to a total of \$62,500***
- 4. Convene a stakeholder committee for the purpose of reviewing the Oakleigh Music Festival vision, scope, objectives and timing, to ensure that the festival meets community and stakeholder expectations, and responds to current community needs.***

The Mayor said that she did not think that the Council should turn its back on the festival, which had been running in one form or another for over 100 years. The Mayor said that she supported the Glendi Festival, but not at the expense of the Oakleigh Festival. The Mayor said that she did not want the festival to be lost as it offered great value to the Monash community. The Mayor also highlighted that part of the motion proposing the establishment of a stakeholder committee to review the festival's vision, scope, objectives and timing.

Cr Zographos said that he supported the motion and suggested that the motion stipulate that the festival be held in March each year. He said he noted that Cr Klisaris had seconded the motion on this item, but had previously stated that he supported only 1 festival in Oakleigh.

The Mayor advised that one of the tasks of the proposed committee would be to consider the timing of the festival.

Cr Davies said that the festival had been discussed and Council had decided to discontinue it. He said that Oakleigh and Clayton had 2 major festivals; Mulgrave and Mount Waverley did not. Cr Davies added that the 'pop up festivals' had not been successful and involvement from community groups was needed.

Cr Klisaris said he supported the festival and suggested that the vibrant Indian community in Oakleigh could be invited to participate in the festival.

Cr Lo said that he supported the motion on the proviso that the format of the festival would be reviewed and noted that the majority of the Council's festivals had evolved and innovated over time.

RIGHT OF REPLY

The Mayor stated that the festival would evolve and the review would contribute to that.

CARRIED

EXTENSION OF TIME OF MEETING

Moved Cr Zographos,

Seconded Cr Perri

That the meeting be extended by 30 minutes.

CARRIED

7.5 Recent Engagement With Grade 6 Students At Glen Waverley Primary Schools

Moved Cr Lake,

Seconded Cr Perri

That Council:

1. Notes the following recent engagement between Council and Grade 6 primary school students from Glen Waverley schools:

- a) on 24 February 2016, Grade 6 students from Glen Waverley Primary School (GWPS) visited the Monash Civic Centre to learn more about how government works and in particular, about Monash Council's operations;*
- b) on Thursday, 10 March 2016, Cr Lake was involved in running a session on leadership at a leadership development day with student leaders from Glendal Primary School, Glen Waverley Primary School and Mount View Primary School;*

2 Notes that in response to encouragement to submit ideas following the visit to the Civic Centre by GWPS students on how the local area could be improved, a total of 14 students from GWPS have sent e-mails to Council containing ideas for improving the local area;

3 Expresses its appreciation for the ideas submitted by the GWPS students and congratulates them for their interest in improving their local area;

4 Resolves to award a prize of a \$100 Chadstone Shopping Centre voucher to Dulvin for sending the submission judged by Cr Lake to be the most interesting and constructive suggestion for improving the local area; and

5 Notes the views on leadership nominated by a sample of 25 Monash Council officers and councillors which were prepared to inform the leadership session.

CARRIED

9. COUNCILLORS' REPORTS

9.1 Cr Zographos informed the Council of his attendance at:

1. A event against 'skyrail'
2. A health and Wellbeing event at Oakleigh Bowls Club
3. The Oakleigh Music Festival
4. Greek Independence Day event hosted by the Kalamata Brotherhood

Cr Zographos advised that the Hon. David Davis had distributed an e-mail regarding the Essential Services Commission's release of advice regarding rate capping. He also advised that another event against 'skyrail', in April.

9.2 Cr Davies informed the Council of his attendance at the Holi Festival, together with Cr Klisaris. He said that this was a very successful event, which had attracted several thousand people. The Council had contributed \$5,000 to the event and suggested that it may wish to consider increasing that in the future.

10. PERSONAL EXPLANATIONS

Nil

11. MATTERS OF COUNCIL IMPORTANCE

Nil

12. CONFIDENTIAL BUSINESS

Moved Cr Paterson,

Seconded Cr Lo

That that in accordance with Section 89(2) of the Local Government Act 1989, the Council resolves that the following items be considered Confidential Business given that they concern a contractual matter, and a matter that may prejudice the Council, and that the meeting be closed to members of the public.

CARRIED

The Council moved into Confidential Business at 2.05 pm and resumed Open Council at 2.55 am, 30 March 2016.

The Mayor declared the meeting closed at 2.56 am, 30 March 2016

MAYOR:

DATED THIS DAY OF 2016

PUBLIC QUESTION TIME

Question from Noah McMahon

Pursuant to Section 3D of the Local Government Act 1989, this council should resolve to “act as a representative government by taking into account the diverse needs of the local community in decision making” and “advocate the interests of the local community to other governments.” Will council acknowledge that denying the public the right to stand up and ask questions in relation to the sky rail motion (and amendments) put forward by Cr. Zographos it failed to meet its responsibilities ensuring good government of its municipal district, and that voting on political lines (if it did occur) is unethical?

Council response

Cr Zographos moved a Procedural Motion, which was not carried.

The Council ensured that all questions received within the deadline, under Public Question Time, could be asked and responses were provided to each of them.

This accorded with the provisions of the Council’s Meeting Procedures Local Law No. 1.

Question from Karen Pritchard

At the last council meeting on 23 Feb 16, council resolved to request a thorough and documented explanation from the Level Crossing Removal Authority of the investigation used to determine selection of the elevated rail option at each location. There has been a distinct lack of information coming from the Andrew’s government who are insisting the proposal will go ahead, despite the concerns of residents. Noting the timeframe for the proposal to go ahead, has Council received a response from the LXRA and if so will it be released to residents in Hughesdale and Clayton?

Council response

3 days after the Council meeting Council’s CEO and 3 senior officers met with the CEO of LXRA to personally communicate Council’s resolution and convey the concerns Council has about the project, in particular the amenity impacts being expressed by those who live closest to the rail line.

Letters have also been sent from me, as the Mayor, to the Minister for Public Transport and from Council’s CEO to the CEO of LXRA. On 20 March Council received an email response to Council’s resolution which in part advises that:

- Over the last six weeks, the LXRA has responded to a number of individual questions and requests for information from the community on the engineering and technical reasons for the selection of elevated rail as the proposed design.
- In addition the Authority has provided an overview of:
 - the technical considerations that have shaped the decision to opt for a rail over solution in the “**Why Rail Over?** Fact Sheet”, and
 - the projects approach to noise mitigation in the “**Understanding Rail Noise and Vibration** Fact Sheet”.

The Fact Sheets have been published on the Authority’s website and distributed in Resident Information Packs to 7,000 properties along the project corridor, as well as being available at the information sessions.

- The LXRA is committing to provide a detailed briefing on the noise modelling to the City of Monash, including details of the model when complete. We are expecting further details of noise assessments, including modelling, noise wall heights and other information will be made publicly available when designs are finalised (following assessment of feedback from the current consultation process and the project design review process).

Council has today been advised that there will be a voluntary purchase scheme and a significant fencing and landscaping package available by application of effected residents.

Council continues to seek more detailed information.

Question from Daniel Berry

Does the council believe that a continued response of "wait and see" is justified and best serves both the council and the broader Monash community in regards to the unanswered request (an experience mirrored on a large scale by local residents) by the Monash Council to the LXRA for further information regarding the Skyrail proposal?

Living in an ongoing vacuum of information regarding the Skyrail proposal is having an impact on the mental wellbeing of my family and neighbors.

Council response

Officers met with the LXRA to communicate Council's resolution and convey the concerns Council has about the project, in particular the amenity impacts being expressed by those who live closest to the rail line.

This approach together with follow-up communications was and continues to be about advocating for information and background studies to be made available to the community. Letters have also been sent from the Mayor to the Minister for Public Transport and from Council's CEO to the CEO of LXRA.

On 20 March Council received an email response to Council's resolution which in part advises that the Authority has:

- responded to a number of individual questions and requests for information from the community on the engineering and technical reasons for the selection of elevated rail as the proposed design
- provided Resident Information packs to 7,000 properties along the project corridor, and
- provided a broad range of information in the form of Fact Sheets and visual displays at the community information sessions as well as on the website.

Council is very conscious that more detailed information about such elements as noise levels is critical for community knowledge and the LXRA has committed to providing a detailed briefing on the noise modelling to the City of Monash including details of the model, when complete.

We have been advised that further details of noise assessments, including modelling, noise wall heights and other information will be made publicly available when designs are finalised (following assessment of feedback from the current consultation process and the project design review process).

Council has today been advised that there will be a voluntary purchase scheme and a significant fencing and landscaping package available by application of effected residents.

Council continues to seek more detailed information.

Question from Derek Balogh

To the Mayor:

"Will YOU, and each Councillor, conclusively state your 'Unconditional' support for SkyRail Project, or, stand up for the Residents and Ratepayers of Monash City, and strongly voice your clear 'Opposition' to the whole concept of a grand and expensive dream, to the Victorian State Government Corporation.

If you cannot clearly and unequivocally state here that you are against the SkyRail, then, we ask you to 'Resign & Stand Down', with Cr. Klisaris and Cr. Lake, under 'Conflict of Interest, under S77A to 81 of LGA, tonight, so another Councillor can fight for the people in Monash City."

A copy of this letter has been sent to numerous media, and journalists, and community groups, across the city, as the SkyRail is a most important and serious issue, to 'Every' homeowner and resident that would be affected by this unpopular plan.

Now, we await your reply, that Monash City Council 'Completely Understands' the residents of Monash City - DO NOT WANT THIS WASTE OF TAXPAYERS FUNDS on a Labor Government pipedream???

Council response

Thank you for your question Derek. I think it would be irresponsible for Council to address this serious community matter in the way you have suggested – where you have asked Councillors to either oppose the skyrail or resign. Opposing the skyrail project outright would be an easy option for a Councillor to take. But, in my opinion, it is an irresponsible action because the issue is much more complicated than you are indicating. We have level crossings that are causing major traffic congestion in our community, with the one in Clayton Road delaying ambulances on their way to a hospital. These level crossings need to be removed.

The discussion about how they are removed - and the pros and cons of each option - is a discussion that needs to continue in our community and with the government. More information needs to be provided by the government and the Level Crossing Removal Authority so we can understand more about the potential impacts of different options. Adopting a rigid oppositional position before we know all the facts does not serve our community's interests.

Residents who live close to the railway line have very valid concerns about skyrail. They are the residents we are most concerned about. We are being strong advocates for them, by voicing their concerns with the government and the authority and by pushing for their concerns to be listened to.

Question from Sandra Brunton

Will Council implore Government to conduct Environment Effects Statements, obtain results of any Noise Studies, seek further information from the Government/Rail Authority are any meetings proposed with Government/Rail Authorities? In other words this Question leads to - Is Council standing up for the Ratepayers by being open and transparent and seeking all relevant information to conform with the Regulations?

Council response

To convey the concerns Council has about the project, in particular the amenity impacts being expressed by those who live closest to the rail line, Council at its meeting of 23 February 2016 resolved to (amongst other things):

- Request a thorough and documented explanation from the LXRA of the investigation used to determine selection of the elevated rail option at each location
- Express concern for any impacts on the amenity of residents who live near the proposed elevated rail sections
- Advocate for the State Government to genuinely consider all of the concerns and feedback raised with it during the current community consultation

Council is very conscious that more detailed information about such elements as noise levels is critical for community knowledge and the LXRA has committed to providing a detailed briefing on the noise modelling to the City of Monash including details of the model when complete.

We have been advised that further details of noise assessments, including modelling, noise wall heights and other information will be made publicly available when designs are finalised (following assessment of feedback from the current consultation process and the project design review process).

LXRA has advised that an Environment Effects Statement is not required under current legislation.

Council continues to pursue more information on the noise analysis as well as other matters and will become closely involved with traffic management features and the development of community areas etc.

Question from Marianne Somerville

Recently in your last Newsletter Councillor Paterson wrote “ I was shocked to receive a letter showing plans for 50, 3-storey townhouses on there corner of my “quiet residential street. Further we faced a very uncertain time where the character of our street, and the value of the property we had chosen to invest in, stood to be devalued by overdevelopment.

Well times that by three, include health issues, environment problems, community dangers, Residents are fighting this horrible injustice by the Andrews Government to insist on regardless of community feedback to put a skyrail in people’s backyards.

As our representatives what are you doing about it. What questions have you asked on our behalf? What answers have you received?

Council response

To convey the concerns Council has about the project, in particular the amenity impacts being expressed by those who live close to the rail line, Council, at its meeting of 23 February 2016 resolved to (amongst other things):

- Request a thorough and documented explanation from the LXRA of the investigation used to determine selection of the elevated rail option at each location
- Express concern for any impacts on the amenity of residents who live near the proposed elevated rail sections
- Advocate for the State Government to genuinely consider all of the concerns and feedback raised with it during the current community consultation

Council is very conscious that more detailed information about such elements as noise levels is critical for community knowledge and the LXRA has committed to providing a detailed briefing on the noise modelling to the City of Monash including details of the model when complete.

We have been advised that further details of noise assessments, including modelling, noise wall heights and other information will be made publicly available when designs are finalised (following assessment of feedback from the current consultation process and the project design review process).

Council continues to seek more detailed information.

Question from Heyshan Mendez

Housing Analysis Document for GRZ 4

Side by side plan is not included in above document. Is this mean side by side is not possible under C125? I was told that council made an internal decision not to allow side by side with dual cross overs for properties with less than 20m frontage. How many other internal council decisions that we need to comply with? Can these internal decisions be published?

One parcel of 60m2 requirement of POS cause 18m wide side by side development to have 6.7m rear set back. This is not acceptable. Can Council get rid of 60m2 requirement of one parcel and only have 2m rear setback so that our property can be developed in GRZ4.

Council response

Thank you for your question.

The before and after drawings prepared used 39 recently approved multi-unit development (mainly dual occupancy) developments. Dual occupancy developments were chosen as they are by far the most popular form of redevelopment that occurs in the Municipality.

Whilst there are some examples of the side by side type of developments that are proposed, they are not very common and as such were not represented in the review of applications that formed the "before and after" drawings. Side by side developments bring their own particular challenges including visual bulk, impact to neighbours and higher site coverage.

These types of developments are assessed on their merits and the ability of the design to meet compliance with the Monash Planning Scheme. There are no "internal rules" that prohibit side by side development.

We note your concerns regarding the proposed open space and rear setbacks proposed. These will be considered during consideration of Item 4.2.

Question from Rama Manchikanti

"In Council's response, why haven't you made any reference to Housing Industry Association's submission which stated that C125 needs to be completely 'rewritten' – since these amendments 'neither improve liveability nor sustainability'? Also, why hasn't Council provided detailed breakdown of "support versus opposition to C125" for second consultation, as per the first consultation? From the community forums (in Oakleigh, Glen Waverley) and feedback on online forum, it is evident that C125 has very little support as proposed. Why is Council dismissing majority's wishes and only tinkering around edges in this round (eg., changing POS from 60 m2 to 50 m2)?"

Council response

Thank you for your question.

Officers have reviewed all submissions received and drafted a response to the key issues raised in submissions that have a bearing on the Amendment. The HIA submission was considered as part of preparation of the Council report.

An analysis of submissions has been provided in the Council report and indicates that support or opposition to the amendment in new written submissions is roughly 50/50. The Amendment and the Housing Strategy were prepared in response to community concern about inappropriate development both in its size and location in suburban streets.

Whilst we understand that the changes may mean that not everyone can build what they would want, through Amendment C125, Council is endeavoring to take an approach that balances the garden city character of the suburbs with increased development opportunities in and around activity centres as set out in the Monash Housing Strategy.

Question from Geoff Irvine

In relation to the proposed development at 438-440 Springvale Road, the amount of off-street parking provided is set strictly at the arguably grossly inadequate level specified in Clause 52.06.

On-street parking is not possible along Springvale Road, and, as is plainly evident to residents, the local streets, in particular Ranfurly Drive, are already severely congested with our and visitors' cars and passing traffic, and will not easily cope with any overflow from this exceptionally large development.

If our fears of overflow are realised, and local streets become choked, what steps will Council take to correct the situation?

Council response

Thank you for your question.

The development provides the required number of parking spaces as set out by the State Government at Clause 52.06 of all Planning Schemes in Victoria. These regulations do not enable Council to require parking as part of its decision making.

Council's Traffic Engineers consider that the surrounding road network can manage parking in the street without disruption to the performance and safety of the streets. You may have seen that Council has taken its own initiative having recently constructed roundabouts in the area to increase safety of traffic and pedestrians; discourage non-local traffic; and reduce speed.

In light of the requests received regarding congestion of this street, Council's Officers have been asked to conduct investigations to see if any mitigation such as the introduction of time limits, permit parking or No standing areas might be suitable in Ranfurly Drive. If any option is considered appropriate Council would consult with residents before making any decisions to impose any controls.

Question from Naresha Soysa

It is clear that community overwhelmingly rejected C125 as proposed during first and second consultations. Although the Council did not provide a clear break up of the objections versus support for the second consultation, anyone who reviewed the OurSay online forum will be left in no doubt how little support C125 has in the general community.

As such, why is the council continuing to impose C125 on the entire Monash Community? Why aren't you considering selectively applying it where the support exists e.g., Creek environs?

This is causing continuing grief and exasperation to ratepayers in General Residential Zones.

Council response

Thank you for your questions.

Officers have reviewed all submissions received and comments from the OurSay online forum. The report presented tonight includes a response to the key issues raised in submissions that have a bearing on the Amendment.

An analysis of submissions has been provided in the Council report and indicates that support or opposition to the amendment in new written submissions is roughly 50/50. The Amendment and the Housing Strategy were prepared in response to real community concern about inappropriate development both in its size and location in suburban streets.

The OurSay online forum was one avenue for the community to participate in the discussion about the amendment and provide feedback for Council to consider. There were other submissions sent to Council directly that were not included on the website.

The report presented tonight is the Officers' recommendation to Council. Officers have advised Council what they think should be considered for adoption. Tonight, Councillors will decide on our in-principle position on this Amendment. This may be the same as the recommendation, may differ, or the Amendment could be abandoned all together.

Question from Charith Gunatunga

Due to widespread opposition against C125, I note the council has made a few amendments. However, the biggest changes and ones that impact all residents across Monash haven't been addressed. Mainly the rear set back of 5M, permeability at 30% and site coverage 50%.

What's the basis for the changes that have been made and why haven't the big ticket items been changed as well?

The 5M rear setback, 50M2 POS and 50% site coverage is clearly over the top. If at all the rear setback should be increased to 2M, POS to 40M2 and site coverage left at 60M2.

Council response

Thank you for your question.

The Amendment and the Housing Strategy were prepared in response to community concern about inappropriate development both in its size and location in suburban streets.

Whilst we understand that the changes may mean that not everyone can build what they would want, through Amendment C125, Council is endeavoring to take an approach that balances the garden city character of the suburbs with increased development opportunities in and around activity centres as set out in the Monash Housing Strategy.

The report presented tonight is the Officers' recommendation to Council. Officers have advised Council what they think should be considered for adoption. Tonight, Councillors will decide on our in-principle position on this Amendment. This may be the same as the recommendation, may differ, or the Amendment could be abandoned all together.

Question from Jonathan Cooper

Ref: C125 Amendment (5M Setback)

A 5m Setback from rear boundary is extreme & now given Sky-Rail, you are limiting our ability to at least buffer our home from the new track, you are disadvantaging the home owners (Shed/Screening etc.). With the amendment being announced prior to the Sky-Rail proposal, for home owners in the Hughesdale area, the privacy & increase in Diesel Train noise (climbing hill) will need to be re-assessed & taken into consideration.

Can you please remove this from the amendment or at the very least postpone it until the Sky-Rail Proposal is confirmed and if not built to re-assess the impact on the affected houses?

Council response

Thank you for your question.

Amendment C125 suggests that if development is not on a boundary it should be should be setback at least 5 metres. It is important to clarify that this is not a mandatory requirement. There may be circumstances such as orientation and other site specific situations, such as railway lines, that make it reasonable for a building to be closer to the boundary than 5 metres. The proposed changes allow for this to be proposed and for Council to assess these individual circumstances and where appropriate approve them.

The Planning Scheme currently requires that where a wall is not proposed to be constructed on a rear boundary, it should be setback at least 1 metre. It is now and will remain possible to build on the rear boundary.

Question from Swami Nathan

My question is "Where is the Council strategy for Growth Zones around train stations such as Syndal, Mount Waverley, Jordanville etc.? Why is it being done separately from C125?".

Looks like there is no big picture strategic position, multiple policies to address same issues. Is absurd.

Council response

Thank you for your question.

The Monash Housing Strategy sets out Council strategy for growth in and around activity centres and the protection of the garden city character of the suburbs. Council adopted the new Monash Housing Strategy in October 2014. Amendment C125 comes from the Housing Strategy.

The Housing Strategy provides a clear direction about the type and intensity of future residential development throughout Monash. The Housing Strategy has been developed in accordance with Plan Melbourne and the State Planning Policy Framework.

The Housing Strategy and Amendment C125 build on the current policy and planning requirements of the Monash Planning Scheme.

Given the scale of the strategic work required to implement the Housing Strategy an indicative staged work program was set out at the time of adoption of the Monash Housing Strategy. This program identifies that further planning changes will be made around activity centres and the main road boulevards.

As we have done in Glen Waverley, each of these Activity Centres will need to have Structure Planning undertaken to determine what other changes, including higher density, may be appropriate.

Question from Gopal Tangirala

How has the Council arrived at 60 m² single parcel for POS for GRZ 3 & 4 in the first place? What basis was used to arrive 50 m² now (i.e. why not 45 m², 40 m²)? Why doesn't the Council listen to the community's objections and leave it at the current level of 35 m²?

Council response

Thank you for your question.

The total amount of Private Open Space required does not change and remains at 75m² per dwelling, the amendment proposes that the main open space portion be increased from 35m² to 60m². The main impact of this is on design/layout for a new front dwelling.

In response to concerns about the potential design impact of the larger portion of open space on the front dwelling, it is proposed to reduce this main amount to 50m². It is acknowledged that the proposed area of open space would impact how the front dwelling of a unit development was designed. Reducing this area to 50m² will not significantly affect the ability of new development to contribute to the garden character and ensures that the dimensions of the private open space make it useable for future residents of the dwelling.

As dwellings size has increased, including an increased number of bedrooms, increasing the area of open space from 35m² to 50m² would not have a detrimental impact on useability of the private open

space and will provide a better opportunity of a new development to make a contribution to the garden character of the suburbs.

Question from Rex Kerrison

I am objecting to the development of the 25 units proposed for the address of 438-440 Springvale Road . This development will add significantly to the traffic / congestion on Springvale Road and the surrounding local roads of Ranfurlie Drive and Harris Crescent. I am a resident of Harris Crescent and utilise Ranfurlie Drive regularly to access our residence. The development will have a major impact on the safety of personnel (pedestrians and road users) using the surrounding area.

Ranfurlie drive is a three vehicle wide road. If a vehicle travelling south along Springvale Road turns left into Ranfurlie drive it must use the centre lane of Ranfurlie drive if vehicles are parked on both sides on Ranfurlie Drive. This is no problem except when another car travelling west on Ranfurlie Drive arrives at the Springvale Road intersection at the same time. The driver turning off Springvale Road is met head on by the second car and has nowhere to go. The driver is taken totally by surprise as he has turned the corner blinded by the parked cars on the side of Ranfurlie Drive. His reaction is to brake severely causing a tail end collision from the cars following the driver down Springvale Road.

This scenario is occurring regularly at the present occupation / vehicle density levels. It is only a matter of time before someone is killed or maimed.

This same accident scenario similarly occurs at the intersection of Harris Crescent with Springvale Road.

Could you advise what action council is planning to take to reduce the likelihood of the above scenario causing future injuries / accidents?

Council response

Thank you for your question and your detailed concerns about the potential impacts of increasing traffic and congestion in this area.

Under the road rules, vehicles are prohibited from parking within 10 metres of an intersection. In this case they cannot park within 10 meters of the intersection of Springvale Road and Ranfurlie drive in both directions. This distance allows a vehicle to enter the street, and if it not safe to proceed, there is in normal circumstances, enough space to stop clear of the main road until the other vehicle has moved.

Traffic matters are often reported to Council and Council can conduct investigations, into traffic and parking issues. In light of the issues in regard to the exiting traffic issues in Ranfurlie drive, Officers have been requested to investigate whether any No Standing areas, providing a greater distance of no parking from the intersection, timed parking or permit areas may be appropriate. If any option is considered appropriate Council would consult with residents before making any decisions to impose any controls.

Question from Peter & Christine Banitskas

RE: RE: 438-440 Springvale Road Glen Waverley/ Planning Permit Application TPA/43611

I would like to know what Monash Council and the relevant authorities (Vic Roads) are going to do to:

Q1: Alleviate the increased traffic flows within the local streets and to reduce the number of cars parked in the local streets, which causes considerable congestion and reduced flow of vehicles.

Q2: How are the council Waste Management vehicles and also, if required, any emergency vehicles pass through the local streets if there are multiple vehicles parked on both sides. This reduces the amount of space to navigate through but is also a safety issue as people have a restricted view when

crossing and it is a great risk for the school children as well if vehicles are parked in the side streets due to lack of parking spaces at the development

Council response

Thank you for your questions.

In response to the first question:-

The streets you refer to are local streets and are under the control of Council and with no involvement from VicRoads.

As advised in an earlier response, in light of the issues in regard to the exiting traffic issues in Ranfurlie Drive, Officers have been requested to investigate whether any No standing (providing a greater distance of no parking from the intersection), timed parking or permit areas may be appropriate. If any option is considered appropriate Council would consult with residents before making any decisions to impose any controls.

In response to your second question - the proposed development provides the required number of parking spaces on-site for residents and visitors. The number of parking spaces required is set by the State Government and reflected in our Planning Scheme. Council cannot ask for more car spaces to be provided than the rate set by the State Government.

As part of their investigations in the street, Officers will also look at any waste collection and/or emergency services access issues when they are looking at the issues raised in the street.

Question from Michael Jensen

If VCAT refused to issue a permit for a brothel at this address because Section 74(1)(c) of the Sex Work Act 1994 states that if there is a facility or place within 200m of the subject land that is “regularly frequented by children for recreation or cultural activities” then the Responsible Authority must refuse to grant a permit, how can Council grant a permit when the Defence Department has objected stating that persons under the age of 13 regularly participate in recreational activities in the Australian Army Cadet Scheme, which is within 200m of the subject land?

Council response

Thanks for your question regarding this planning application, which is being considered at Item 4.11 of tonight’s agenda. You are correct that the Sex Work Act requires Council to refuse an application for a brothel where the site of the proposed brothel is – among other things - located within 200 metres of land frequented by children. Section 74(2) of the Sex Work Act clarifies that distance is to be measured according to any route which may reasonably be used in travelling and not to be measured ‘as the crow flies.’ The distance between 3A Carinish Road Oakleigh South and the Department of Defence at 1318 – 1338 North Road, Oakleigh South is about 590 metres.

This distance has been calculated based on a person walking or driving from the Carinish Road site east along Carinish Road, turning into Milgate Street and travelling north along Milgate Street and then turning into North Road and travelling west along North Road to the Department of Defence’s entry point. While the site of the proposed brothel is quite close to the Defence land ‘as the crow flies’, access to the Defence land cannot be obtained from Carinish Road.

Thank you for raising this question for clarification. Council will consider the merits of this application tonight having regard to the Monash Planning Scheme, the Sex Work Act and the previous VCAT decision.

Question from Lynnette Saloumi

Agenda Item 6.3

Hundreds of ratepayers submitted objections to multi-storey developments covering Central Car Park. “Consultations” participants wanted **OPEN SPACE**, NOT LIBRARY/ HIGH-RISE. Yet one Councillor’s

prescriptive library/hub criteria dominated the EOI document. An egoistic election promise is NO excuse to squander OUR greatest asset.

Manipulation of data is indicative of the lengths to which some are prepared to go to dictate what's built on PRIME LAND.

Monash is racing to the bottom in provision of open space and liveability.

Will Council safeguard **this land** from overzealous developers and instead further explore intelligent alternatives to deliver socio-economic & health benefits to OUR community?

Council response

Thank you for your question.

Council will be considering this matter this evening. Council's responsibility is to provide a balanced response to the range of views presented to the community.

A you know, Item 6.3 deals with this matter and provides Council with the Committee's recommendation